

	COUNCIL POLICY	POLICY NUMBER
	Tenancy Management Policy – Community Housing Program	C025
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	22 August 2012	August 2012

1. DESCRIPTION OF POLICY

This policy outlines the procedure for Tenancy Management for the Tasman Council Community Housing Program.

2. AIM

The aim of this policy is to clarify the process for the management of housing tenancies by the Tasman Council Community Housing Program.

3. POLICY STATEMENT

3.1 Ownership and management

The Tasman Council has the overall ownership and responsibility for the Community Housing Program. Tasman Council are responsible for tenant selection, however, day-to-day management of leases and condition reports are outsourced to a Real Estate company with expertise in rental property management.

3.2 Access to housing and eligibility

Tasman Council selects tenants using a fair assessment process that considers individual housing needs consistent with the aims of the organisation and is guided by the National Community Housing Standards Manual.

The Tasman Council Community Housing Program aims to provide housing for aged persons, people with disabilities and on low incomes in the Tasman area, and who are in immediate and severe housing need.

Tasman Council will maintain a filing system for applications, with due regard for the applicant's privacy and confidentiality.

3.3 Continuing eligibility

Tasman Council will recognise the changing needs of tenants in relation to the property they occupy and will endeavour to meet their needs in the most appropriate way.

Tenants will be required to provide current proof of income documents when requested.

Tenants of the Community Housing Program may apply for a transfer to another property and be considered when there is a vacancy in a suitable sized property.

3.4 Organisational Viability

To ensure long term organisational viability, all properties will be tenanted as close to full occupancy levels as possible.

	COUNCIL POLICY	POLICY NUMBER
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3.5 Allocations

Tasman Council will assess each application on a needs basis according to the selection criteria, the property composition, bedroom entitlement, property location, and with reference to target groups and balance of households. The information contained in the application form, and referral information if available, will be used for assessment.

When a vacancy occurs:

- It will be advertised in the Gazette newspaper and on local public noticeboards;
- Existing long-term tenants will be eligible to transfer to the vacant unit;
- Applicants will be notified of vacancies and invited to express their interest by completing an application form;
- A tenancy will be offered to the applicant who has the greatest need according to the selection criteria; and
- In the event of two or more applicants being judged equally in need, preference will go to the applicant who has waited the longest.

3.6 Establishing and Maintaining Tenancies

Tasman Council will work with tenants to establish and maintain successful tenancies.

Tasman Council will provide comprehensive written and verbal information in an accessible form to assist tenants to establish and maintain tenancies.

Tasman Council will maintain close contact with the contracted real estate rental property manager to ensure needs of both the tenant and the Council are met.

Adult persons in joint tenancies are both encouraged to sign the Residential Tenancy Agreement.

Tasman Council will facilitate regular meetings of tenants to discuss and resolve problems and to consult on decisions affecting tenants.

3.7 Condition Reports

Condition reports are explained and provided to the tenant prior to occupancy by the contracted real estate rental property manager. Incoming and outgoing condition reports are undertaken with interim 6-12 monthly condition reports.

3.8 Bonds

Payment of a bond is generally not required.

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3.10 Rent Management

Tenants may be eligible for rent assistance.

After taking rent assistance into account, the net effect should result in a rent that is similar to the public housing equivalent.

The maximum rent charged will not exceed similar private rental market rent levels.
The maximum rent charged will not exceed 30% of net household income.

Rental payment choices are provided.

Rent is to be paid in advance on or before the due date on either a weekly or fortnightly basis.

Rent setting principles to be followed are:

- Fairness to tenants;
- Fairness between tenants;
- Fairness to the organisation;
- Fairness between public housing consumers; and
- Fairness to the public.

All rents received will be receipted promptly and dated as proof of payment.

The tenant record is kept up to date and confidential.

Tenant's rent records are monitored by the Tasman Council.

If a tenant is in arrears, an attempt will be made to contact the tenant to discuss payment and/or a payment plan and:

- If the rent is seven days in arrears, notice is given as per the Residential Tenancy Act 1997;
- If the arrears are not resolved through the Notice to Remedy, a Notice to Vacate is issued as per the *Residential Tenancy Act 1997*;
- The tenant and/or the workers may call upon Tasman Council complaints policy for resolution and appropriate outcomes, (i.e. rent is paid and the tenant maintains their housing).

Tenants are encouraged to discuss confidentially any rent payment difficulties.

If the tenant is unable to pay rent at the set amount or is unable to comply with an agreement to pay rent in arrears, a written request to negotiate a new agreement may be made to the Tasman Council. Genuine financial problems will be confidentially and carefully evaluated and a new arrangement entered into.

	COUNCIL POLICY	POLICY NUMBER
	Tenancy Management Policy – Community Housing Program	C025
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3.11 Ending Tenancies

Tasman Council will manage the ending of tenancies in a way that accords with the law and minimises the impact on the organisation and tenants.

Eviction processes follow due legal rights according to the *Residential Tenancy Act 1997*. When necessary, these will be managed and issued by the contracted real estate rental property manager.

Tenants are informed of their rights and access to advocates.

All processes leading up to eviction are documented and kept in a confidential file.

Tenants are not evicted without just cause.

When eviction proceedings are necessary, the Tasman Council will continue attempts to prevent this outcome by:

- Conducting personal interviews;
- Negotiating agreements;
- Providing referrals to support agencies;
- Providing referrals to tenancy advocacy; and
- Providing information regarding housing options.

Tasman Council staff will treat tenants fairly and with respect during any eviction process.

4. Procedures

4.1 Access to housing and eligibility

For eligibility to be determined, clients must complete the appropriate housing unit application forms

- The Tasman Council Community Housing information package has details of basic eligibility and application details.
- The Tasman Council will further promote its services via community networks and notice boards, Tasman Council website and the Gazette.
- Eligible applicants shall be in receipt of an age, service or disability pension.
- Applicants are provided with housing application forms on request. Assistance is available to complete application upon request.
- Applicants are provided with a copy of the completed form if requested.

	COUNCIL POLICY	POLICY NUMBER
	Tenancy Management Policy – Community Housing Program	C025
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- A waiting list is maintained and regularly updated by contacting applicants in writing. If there is no response within a month of writing, the applicant is removed from the waiting list and is not considered in the allocations selection process.
- Tenants whose needs have changed and who request to move to a different property for specified reasons, will be considered for transfer where possible.

4.2 Pets

Generally pets are not permitted, however, a written application from the tenant, specifying the type and number of pet/s and where they will be kept, may be considered.

4.3 Allocations

Providing the eligibility criteria are met, the following information will be taken into account when selecting and prioritising an application for housing in the Tasman Council Community Housing Program:

- The applicant will have ties to the Tasman Municipality (e.g. current resident/family);
- The applicant has medical or disability factors that impinge upon their continued use of current accommodation;
- The applicant’s present accommodation is extremely untenable;
- The applicant’s present accommodation costs are in excess of an acceptable level of net income; and
- Proven ability to sustain a tenancy.

Although each priority stands alone, preference will be given to an applicant with multiple priorities.

The outcomes of the application assessment will be documented on the individual’s application form.

Allocations will be conducted as quickly as possible to minimise vacancy periods.

Successful applicants are offered tenancy, if possible, by telephone or by letter if they are unable to be contacted by telephone.

Successful applicants are given an opportunity to:

- Ask questions regarding the property, lease or conditions;
- Visit the property; and
- Refuse the offer.

Applicants who refuse or do not respond to offers will be removed from the eligible list and will be required to re-apply for future vacancies.

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4.4 Tenant Responsibilities

Tenant responsibilities are outlined verbally and in a plain English leaflet provided with the Residential Tenancies Agreement.

When establishing a tenancy, all tenants are given a Residential Tenancies booklet and have explained to them all the relevant material, including:

- *Residential Tenancy Act 1997* – lease;
- Rent payments-calculation, payment options, processes and advice regarding application for rent assistance;
- Procedures in the event of disputes;
- Length and type of the lease;
- The Tasman Council Housing Program aims and expectations;
- Circumstances which may lead to a Notice to Remedy, Notice to Leave, or eviction, and their responsibilities and rights;
- Additional conditions related to their tenancy (if any).

4.5 Landlord responsibilities

The Landlord responsibilities are to:

- Provide the premises in a clean state at the start of the tenancy;
- Provide the premises in a reasonable state of repair at the start of the tenancy;
- Maintain the premises having regard to their age, character and prospective life, subject to the tenants' obligations;
- Pay all rates, taxes and charges imposed for the premises;
- Allow tenants to have quiet enjoyment of the premises and not interfere with tenants' reasonable peace, comfort and privacy, unless allowed by tenants, or allowed by the law;
- Provide a copy of the lease and condition report to tenants;
- Notify tenants in writing of changes to the rent;
- Maintain the garden around the premises and keep it neat and tidy;
- Ensure that all smoke detectors are fitted with charged batteries at all times and arrange for batteries to be regularly checked and replaced as necessary.

4.6 Condition Reports

The completed and signed copy of the condition report is provided to the tenant.

Outstanding repairs are documented.

4.7 Rent Setting

At the time of entering into a tenancy agreement, the rent payable shall be based upon the market rental, net household income and eligibility for rent assistance.

	COUNCIL POLICY	POLICY NUMBER
	Tenancy Management Policy – Community Housing Program	C025
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Proof of income is required. This requires presentation of original wage or salary slip, letter from an employer verifying income, or pension, or benefit proof of income document with departmental stamp.

Income is considered to be the net income of the tenant(s).

Income includes: wages and salaries, pensions or benefits, maintenance and self-employed income.

Income excludes: family tax package, nursing care, handicapped child, foster parents, pensioner zone allowances, pharmaceutical or special mobility allowances.

4.8 Rent Payments

Rent is paid to the Tasman Council at 1713 Main Rd Nubeena during office open hours:

- By cheque, cash, money order; or
- By direct deposit arrangement; or
- By electronic transfer into the Tasman Council account/s; or
- By other means agreed.

4.9 Rent Reviews

Rent reviews are undertaken every twelve months. If income has increased, notice in writing will be given regarding a rent adjustment as per the *Residential Tenancy Act 1997*.

If income has decreased, tenants must notify the Tasman Council in writing, providing proof, and rent will be adjusted immediately.

4.10 Rent Arrears

Tenants, whose rent arrears occur other than from loss of income, shall be encouraged to seek financial counselling.

An agreement to pay rent arrears can be made between the Tasman Council and the tenant to cover the payment of arrears by instalment. Any agreement made will be in writing, signed by both parties, and kept on the tenant's confidential file.

If a rent arrears payment plan is in force, the Tasman Council may decide not to pursue rent arrears through the Small Claims Court.

Both the *Residential Tenancy Act 1997* provisions for rent arrears and the rent arrears payment process may be pursued at the same time.

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	COUNCIL POLICY	POLICY NUMBER
	Tenancy Management Policy – Community Housing Program	C025
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When a tenant advises they are leaving, the rent owing, hand-back of keys and final date is negotiated between the tenant and the Tasman Council in conjunction with contracted real estate rental property manager.

Using the condition report, a joint inspection is conducted when practicable.

If possible, the tenant will be contacted to inform that their property will be stored following the provisions of the *Residential Tenancy Act 1997*.

An inventory of the property will be taken before the storing the property.

If the items are not claimed within the storage period, the goods will be disposed of or sold. Any monies will be used to pay storage costs and/or any other monies owed by the tenant, including any rental arrears.

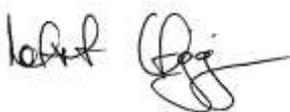
5. Outcome Standards

Community Housing Program Guidelines
Residential Tenancy Act 1997
 National Community Housing Standards Manual

Developed: September 2011

Reviewed: March 2011 & 28th March 2012.

Reviewed and adopted by resolution number 16/03.2012/C of Tasman Council dated 28 March 2012 and to be reviewed again within 12 months (March 2013).



Robert Higgins
GENERAL MANAGER