



# ACHL Hardship Policy (Version 1.0)

## Table of contents

1.	INTRODUCTION .....	1
2.	AIM .....	1
3.	PRINCIPLES OF ACHL HARDSHIP POLICY .....	1
3.1.	Hardship.....	1
3.2.	Tenancies at risk .....	2
3.3.	Assistance for tenants in temporary alternative residences.....	2
3.4.	Assistance for tenants incarcerated for short periods .....	2
3.5.	Assistance for impacts of community crisis/ emergency .....	2
3.6.	Customer Feedback and Appeal of Decisions .....	2
4.	RELATED LEGISLATION, INDUSTRY FRAMEWORKS AND STANDARDS, ACHL POLICY AND PROCEDURES .....	3
4.1.	Standards.....	3
4.2.	Legislation.....	3
4.3.	Residential Tenancy Acts .....	3
4.4.	Codes, frameworks and agreements.....	3
4.5.	ACHL related policies and processes .....	3

## 1. Introduction

Aboriginal Community Housing Limited (ACHL) has developed a Hardship Policy to assist customers through periods where their circumstances may change and/or who have additional costs associated with their health, disability, remote locations and/or other circumstances that have impact on their cost of living and capacity to sustain their tenancy and/or meet their obligations to ACHL.

## 2. Aim

This policy aims to support customers of ACHL who are having difficulty meeting their obligations to ACHL and/or sustaining their tenancy, due to changing life circumstances.

## 3. Principles of ACHL Hardship Policy

### 3.1. Hardship

Hardship is where unforeseen events occur that fundamentally place a customer's tenancy at risk due to the excessive burden involved. Whilst ACHL understands the contractual arrangement entered into with a tenant, ACHL will negotiate arrangements to reasonably allow for the consequences of the event, such as the creation of payment plans and/or arrears management plans. Customers experiencing hardship are encouraged to discuss this with their Housing Officer to identify how ACHL can respond.

### **3.2. Tenancies at risk**

The pricing of ACHL rents is a core element of its mission to end housing poverty by ensuring housing supplied is affordable. ACHL understands that life circumstances can change and have significant effects on a customer's ability to sustain their housing. In such cases ACHL staff will enact the ACHL Sustaining Tenancies Policy to support the customer with their obligations and/or tenancy.

### **3.3. Assistance for tenants in temporary alternative residences**

ACHL is aware that from time-to-time customers are required to spend time away from their primary place of residence for health and/or other reasons. ACHL will always comply with program and or contractual obligations in regard to the reduction of rents in specific circumstances.

Outside of its contractual and/or program obligations, ACHL will assist customers who are admitted to supported accommodation facilities for a period of 4 weeks or more where they are required to pay a service fee to the accommodation provider that is equivalent to their regular rental charge, by reducing their rent to a nominal amount of \$20 per week for the duration of their residence in the supported accommodation facility.

Customers will be required to submit a formal letter from the supported accommodation provider specifying the amount of service fee, the length of stay and the dates of residence to their ACHL Housing Officer.

### **3.4. Assistance for tenants incarcerated for short periods**

ACHL is aware that from time-to-time it may have customers who become incarcerated for short periods. ACHL will always comply with program and or contractual obligations regarding the reduction of rents in specific circumstances.

Outside of its contractual and/or program obligations, ACHL will assist customers who are incarcerated for a period of 3 months or less where they are not likely to be reincarcerated in the 3 months following the sentence can apply to have their rent reduced to a nominal amount. If approved, ACHL will reduce their rent to a nominal amount of \$20 per week for the duration of their 3 month or less period of incarceration.

Customers will be required to submit formal documentation confirming the length of the sentence and anticipated dates they will be absent from the property to their ACHL Housing Officer.

### **3.5. Assistance for impacts of community crisis/ emergency**

ACHL is committed to assisting its customers to sustain their tenancies during times of emergency and/or crisis, such as but not limited to, bushfires, floods, and pandemics. ACHL is aware that such situations may affect its customers' ability to meet their financial obligations in relation to the payment of their rent and/or other payable tenancy charges.

ACHL will consider its capacity to assist customers during such times and may introduce practices that assist customers to sustain their tenancies during difficult times, such as postponing or cancelling rent reviews and/or putting a moratorium on rent increases for a certain period of time.

Customers will be notified in writing by ACHL of any decisions it may make during such situations and encourages its customers to speak with their ACHL Housing Officer if they are affected by such an event.

### **3.6. Customer Feedback and Appeal of Decisions**

ACHL welcomes its customers to query any decisions it makes and/or ask questions about our work practices. If a customer wishes to provide feedback to ACHL and/or believes a decision made by ACHL is incorrect, they can lodge customer feedback and/or an appeal using the ACHL Customer Feedback Policy or the ACHL Appeals Policy.

## 4. Related legislation, industry frameworks and standards, ACHL policy and procedures

### 4.1. Standards

National Community Housing Standards - Standard 1.2; Establishing and Maintaining Tenancies; Section 3 – Tenants Rights and Participation
Department of Human Services Standards - Section 1 – Empowerment

### 4.2. Legislation

Aboriginal Land Rights Act 1983 No. 42 (NSW)
Housing Assistance Act 1996 (COM)
Housing Act. 1983 (VIC)
Housing Act 2003 (QLD)
Queensland Human Rights Act 2019

### 4.3. Residential Tenancy Acts

Residential Tenancies Act. 1997 (VIC)
Residential Tenancies Act 2010 (NSW)
Residential Tenancies Act 1987 (WA)
Residential Tenancy Act 1997 (TAS)
Residential Tenancies Act 1995 (SA)
Residential Tenancies and Rooming Accommodation Act 2008 (QLD)

### 4.4. Codes, frameworks and agreements

The National Affordable Housing Agreement
OOH, Homelessness Assistance Program Guidelines and Conditions Funding 2006-2009 (VIC)
Consumer Charter for Community Managed Housing and Homelessness Services
Western Australian Community Housing Regulatory Framework - Performance Outcome 1 – Tenant and housing services
National Regulatory Code
Victorian Regulatory Framework
The Human Rights and Responsibilities Charter Act 2006 (VIC)

### 4.5. ACHL related policies and processes

ACHL Housing and Homelessness Policies and Procedures
ACHL Customer Promise
ACHL Tenancy Manual

Aboriginal Community Housing Ltd owns the copyright to this material. No part of this document may be reproduced or reused for any commercial purposes whatsoever, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of Aboriginal Community Housing Limited, except in the case of brief quotations and certain other non-commercial uses". For permission requests, submit request addressed "Attention: Public Relations Department Aboriginal Community Housing Ltd, [info@achl.org.au](mailto:info@achl.org.au).