

Sustaining Tenancies Policy (Version 1.1)

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1. Introduction

Aboriginal Community Housing Limited (ACHL) is committed to working with tenants to achieve successful, sustainable tenancies. ACHL recognises the complexities associated in maintaining tenancies for tenants experiencing high levels of disadvantage or with complex needs. ACHL takes a tenant focused approach to all its procedures and work practices within its housing and homelessness services and/or provisions.

2. Aim

ACHL aims to work proactively to build positive and functional relationships with tenants through high quality practice in order to help tenants successfully sustain their own tenancies. ACHL is committed to maximising housing stability for tenants, as a fundamental requirement to enable people to build their lives and communities. ACHL will ensure that all its housing management policies, procedures and work practices are directed to sustaining tenancies. ACHL aims to avoid evictions and exits into homelessness at all times. The principles of this policy are to be implemented at all times by all staff managing tenancies on behalf of ACHL.

3. Principles of ACHL Sustaining Tenancies Policy

3.1 Clear communication

All tenants will be given clear information about their tenancies regarding their rights, responsibilities, rent and any associated costs, status of their tenancy, maintenance reporting, dispute resolution options and legislative requirements under the various State Residential Tenancies Acts.

3.2 Eligibility and allocations

Working within program guidelines and legislative requirements, ACHL will use allocation strategies to facilitate sustainable tenancies. During application, eligibility assessment and allocation processes, ACHL will work proactively with customers to identify any barriers to sustaining tenancies, and will take customers' needs, preferences and tenancy skills into account in making allocations. Where applicable, ACHL will also take into account the needs and preferences of other household members.

At the establishment of a new tenancy, ACHL will work proactively with tenants to ensure that they understand their rights and responsibilities, the features of their property, how rent is calculated, how to contact ACHL and what they can expect of ACHL during their tenancy. ACHL will maintain engagement with new tenants throughout the tenancy establishment phase to help them settle into their property and community and where required engage with support providers.

3.3 Affordability

ACHL will always endeavour to avoid practices that disadvantage tenants. ACHL will maintain affordable rents and use fair and transparent processes when handling arrears or rent adjustments within the requirements of the relevant Residential Tenancies Acts and contractually stipulated rental rates. ACHL makes every attempt to develop and manage housing which is affordable.

ACHL sets rents as per the ACHL Rent Setting Policy and program-based requirements for its portfolios, including Commonwealth Rent Assistance paid to the Tenant by Centrelink should they be eligible.

ACHL will work with tenants to identify any supports that may be required to prevent debt and other financial difficulties, to ensure that housing remains affordable.

3.4 Rent arrears and tenant debt

ACHL will work very closely with tenants during the first three months of tenancies to build a relationship and trust and further establish regular rent and tenancy related payment practices. This will continue for any tenants who have been identified as experiencing financial difficulties or tending to fall into arrears. ACHL understands that non-payment of rent is one of the primary issues that can place pressure on the sustainability of the tenancy.

ACHL will work closely with tenants and/or their supports to ensure continuity of payment in changes circumstances, for example, in cases where there is hospitalisation, residential respite or treatment stays and/or short-term imprisonment, rent can still be collected and paid by electronic methods, including CentrePay or Direct Debit.

ACHL manages all tenant debt with discretion in accordance with operating procedures, and is committed to ensuring clients are empowered to access support and develop strategies and payment agreements that increase their financial confidence. ACHL will communicate with tenants quickly to take action on minor arrears as it recognises that prevention strategies are more effective than reacting to issues once they develop.

3.5 Tenant engagement

ACHL values its relationships with its customers and understands the importance of early intervention with vulnerable customers and those most at risk of not being able to sustain their tenancy. ACHL will tailor its engagement with its tenants to meet their needs and ensure the method is appropriate for the environment and circumstance.

ACHL housing officers are mentored to ensure that each incident of a failing tenancy is assessed based on its own circumstances and a suitable strategy is developed to work with the customer using a capacity building approach. This would take into account various challenges the customer may have including financial, health, mental health, living skills, responsiveness to contact, age/frailty, youth, incidences of domestic and family violence. This assessment will directly inform the methods and types of engagement used to correct a failing tenancy and support the client into sustainability.

3.6 Support coordination

ACHL employ a Tenant and Family Support Plan within the first three (3) months of every tenancy to engage required supports to ensure the needs of the family are met and sustained. ACHL will work with tenants to identify proactively any additional tenancy skills they require in order to maintain their own tenancies. ACHL will also engage with tenants to identify any other supports, resources or opportunities which would help overcome any barriers to successful tenancies. Acknowledging the importance of separating housing management from provision of support, ACHL will coordinate support for tenants where appropriate, including via referral to support partners.

ACHL works closely with tenants and, if required, relevant support providers to assist tenants to maintain their tenancies. This may include resolving neighbour disputes, identifying where tenants may need assistance with household tasks, daily occupations and/or yard work, putting arrears management and debt management plans in place as an alternative to eviction, linking people to support services through agreements and protocols developed with agencies and applying the ACHL Hardship Policy.

3.7 Disputes

ACHL will promptly respond to any disputes that arise in relation to tenancy issues. This includes neighbourhood issues, tenant to tenant issues or issues that affect a tenant based on decisions made by ACHL. ACHL ensures it provides clear and accurate information to tenants and prospective tenants, however, from time to time, a tenant or prospective tenant may feel adversely affected by a decision. If this situation arises, tenants or prospective tenants are encouraged to raise their concerns with their local ACHL office and in case it is needed, utilise ACHL's Client Feedback and Complaint System, to ensure ACHL has considered their concerns and to ensure that their rent is fair, and financially sustainable and their tenancy is managed in a fair and equitable manner.

Refer to the ACHL Complaints and Appeals Policies and the Complaints and Appeals procedures for further information.

3.8 Changing needs of tenants

ACHL acknowledges that tenants' and household members' needs and priorities change over time. ACHL will endeavour to meet tenants' changing needs within program guidelines, legislative requirements and available funding. ACHL will work closely with tenants whose circumstances change suddenly for example as a result of ill health, domestic and family violence, bereavement or other life event, to coordinate additional supports as required.

Requests from tenants to modify their property or transfer to another property as a result of changing needs will be managed fairly and flexibly, taking into account the under/over utilisation of properties, safety issues regarding location and/or family breakdown and any required property modifications.

3.9 Ending tenancies

ACHL views evictions as a last resort option and will only initiate and proceed with the eviction of a tenant when all other means of engagement and issue rectification options to assist the tenant with sustaining their tenancy, have failed. In all evictions ACHL housing workers will make available an external Aboriginal and/or Torres Strait Islander tenancy advocate to represent the tenant at the Tribunal.

At all stages of the eviction process, ACHL will make it clear to tenants the actions they can take to restore their tenancy. ACHL will be fair and reasonable in seeking performance orders and will be flexible and responsive in adjusting performance orders to maximise the tenant's capacity to comply and maintain their tenancy. ACHL will always consider the human rights of its tenants throughout this process.

ACHL will comply with all legislative requirements and processes prescribed under state residential tenancies acts and contract requirements, as well as within the guidelines of the ACHL customer promise, ACHL national policies and procedures, related legislation, industry frameworks and standards. Where possible, ACHL will assist exiting tenants to secure alternative housing for example, by providing tenancy references and minimising barriers to rehousing.

3.10 Use of "No Reason" evictions

ACHL is a national provider of social and affordable housing and operates strictly under the tenancy legislation and regulations in each of its jurisdictions. Termination of a tenancy without a breach of agreement is a provision in many state residential tenancy legislations across the country.

ACHL employs the mechanisms of the legislation and its operating contracts to manage all properties and tenancies within its portfolios. Where ACHL is required to handback a property under leasehold or other contractual arrangements and/or in extraordinary circumstances where tenancy sustainability actions have substantially failed and rectification options have been exhausted, ACHL may need to end a tenancy under these provisions. Where appropriate and possible, ACHL will make all attempts to rehouse a tenant and/or connect them with suitable alternative accommodation.

Any eviction proceedings seeking initiation under a "no reason" provision must be recommended by the Housing Services Manager and approved by the State Manager before being undertaken.

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
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Department of Human Services Standards: Section 1 - Empowerment

4.2 Legislation

Housing Assistance Act 1996 (COM)

Housing Act. 1983 (VIC)

Housing Act 2003 (QLD)

Queensland Human Rights Act 2019

Related legislation, industry frameworks and standards, ACHL policy and procedures (cont.)

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

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