

FORMER TENANCY POLICY

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Table of Contents

1	Purpose and Objective.....	2
2	Scope.....	2
3	References	2
3.1	Legislation	2
3.2	Policies	2
4	Definitions	2
5	Responsibilities	4
5.1	Executive	4
5.2	Management	5
5.3	Employees, Volunteers and other Stakeholders	5
6	Policy	5
7	Appeals and Review of Decisions	6
8	Document Control.....	6
8.1	Document History	6

1 Purpose and Objective

The purpose of this document is to provide clear guidance around how Housing Plus assesses and categorises a former tenancy, where the former tenant has reapplied to the Housing Pathways waitlist.

2 Scope

- a. This policy applies to all Housing Plus' and its subsidiaries Employees, Management and Other Stakeholders including Volunteers.
- b. This policy describes the organisation's objectives and policies regarding categorisation of former tenancies.

3 References

3.1 Legislation

- Housing Act 2001
- Residential Tenancies Act 2010
- Anti-Discrimination Act 1977
- Disability Discrimination Act 1992

3.2 Policies

- NSW Community Housing Access Policy
- Homes NSW Matching and Offering a Property to a Client Policy
- Homes NSW Antisocial Behaviour Management Policy
- Housing Plus Customer Feedback, Appeals and Complaints Policy
- Housing Plus Allocations Policy
- Housing Plus Eligibility Policy
- Housing Plus Ending a Tenancy Policy
- Housing Plus Sustaining Tenancies Policy

4 Definitions

Term: Company

Definition: Housing Plus, ABN 83 147 459 461, and all of its related and associated entities

Term: Employee

Definition: An individual who is directly engaged and paid by the Company as an Employee

Term: Manager

Definition: An Employee who has direct reports (includes Executive, Senior Management and Team Leaders). In situations involving volunteers, 'Manager' refers to the Volunteer Supervisor

Term: Executive

Definition: A member of the Executive team

Term: Volunteer or Other Stakeholders

Definition: Collectively refers to any individual(s) who is not an Employee but who carries out work (whether paid or unpaid) for the Company, including (but not limited to) work as a volunteer, contractor, secondee, consultant or subcontractor, labour hire company, an apprentice or trainee, and a student gaining work experience.

Term: Work Environment

Definition: Includes but is not limited to:

- During and outside normal working hours.
- All functions, events and places which are work related (e.g. Including working from home under the flexible work policy, work lunches, conferences, Christmas parties and client functions).
- During the recruitment process, any environment which has sufficient connection to employment; decisions about promotions and other career opportunities, or in the termination of employment.
- In the course of providing goods and services.

Term: Applicant

Definition: A person seeking social housing assistance. This may be a new tenant or a person seeking transfer of their tenancy.

Term: Affordable housing

Definition: Housing available to very low to moderate income households which is priced so that these households are also able to meet other basic living costs such as food, clothing, transport, energy, medical care and education.

Term: Social housing

Definition: Properties made available to customers on low to moderate incomes and managed by Community Housing Providers or Department of Communities and Justice. Rent subsidies are available to customers to reduce their weekly rent payments.

Term: Tenancy agreement

Definition: The *Residential Tenancies Act 2010* (NSW) ("RTA 2010") defines a residential tenancy agreement as 'an agreement under which a person grants to another person for value a right of occupation of residential premises for the purpose of use as a residence' (section 13(1)).

Term: Housing Pathways

Definition: The process established by the NSW Government to manage allocation of social housing.

Term: NSW Housing Register

Definition: The name of the NSW waiting list for social housing, which is part of Housing Pathways.

Term: Extreme breach

Definition: An extreme breach of the Residential Tenancy Agreement includes:

- Severe illegal antisocial behaviour such as
 - Committing injury towards a neighbour or visitor which constitutes grievous bodily harm.
 - Physical assault or acts of violence against other tenants, neighbours or social housing staff or their contractors where there is no grievous bodily harm.
 - The use of the premises for the manufacture, sale, cultivation or supply of any prohibited drug.
 - The use of the premises for storing unlicensed firearms.
- Serious antisocial behaviour which resulted in a direct application for termination at the NSW Civil and Administrative Tribunal under Section 92 of the Residential Tenancies Act 2010 for threats, abuse, intimidation or harassment by the tenant, or a member of their household, toward social housing staff or their contractors.
- The tenant or a member of their household was convicted of arson or deliberate damage of a social housing property, making it uninhabitable.
- The tenant, or a member of the household, is found guilty of social housing rent subsidy fraud in the criminal courts.

5 Responsibilities

5.1 Executive

- a. Ensure adequate resources are provided to implement and support this policy.
- b. Manage the implementation of and adherence to this policy.
- c. Model appropriate standards of behaviour.

5.2 Management

- a. Ensure that all Employees and Other Stakeholders are aware this policy and understand their obligations.
- b. Ensure effective implementation of and adherence to this policy.
- c. Model appropriate standards of behaviour.

5.3 Employees, Volunteers and other Stakeholders

- a. Understand and comply with this policy.
- b. Model appropriate standards of behaviour.

6 Policy

Following the end of a social housing tenancy including NSW Civil and Administrative Tribunal (NCAT) hearings, Housing Plus will assess and categorise the tenancy within **six (6) months** of the end of the tenancy, in accordance with the Housing Plus Former Tenancy Policy. The tenant will be notified by letter posted to their last known address, and/or email address, of their former tenancy category and any conditions they must meet before they are eligible for the Housing Pathways waitlist in the future.

The process of categorisation will ensure that the Housing Plus policy for managing any relevant tenancy issue has been followed and all reasonable steps were taken by Housing Plus to assist the tenant to sustain their tenancy.

This process does not apply to affordable housing or transitional housing tenancies.

Table 1: Former Tenancy Categories

Category	Meaning
Satisfactory	The tenant vacated: <ul style="list-style-type: none"> - owing less than \$800 in rent, water usage and repairs.
Less than satisfactory	The tenant vacated: <ul style="list-style-type: none"> - Owing \$800-\$1999 in rent, water usage or repairs; or - Owing more than \$1000 in end of tenancy costs such as cleaning, yard maintenance and rubbish removal; or - Had three (3) or more breaches of the Residential Tenancy Agreement in the last twelve (12) months of their tenancy; or - Abandoned the property.
Unsatisfactory	The tenant vacated: <ul style="list-style-type: none"> - Owing more than \$1999 in rent, water usage and/or repairs; or - Due to termination of Tenancy at the NSW Civil and Administrative Tribunal; or

	<ul style="list-style-type: none"> - Had previously been categorised as <i>Less than Satisfactory</i> on more than one occasion; or - Had four (4) or more breaches of the Residential Tenancy Agreement in the last twelve (12) months of their tenancy and were terminated based on the breaches.
Ineligible	<p>The tenant vacated:</p> <ul style="list-style-type: none"> - Owing more than \$10,000 in rent, water usage, and/or repairs; and the Director of Customer Service, and the Chief Executive Officer, are satisfied that: <ul style="list-style-type: none"> o The tenancy was terminated at the NSW Civil and Administrative Tribunal due to an extreme breach of the Residential Tenancy Agreement; or o Tenant was charged and found guilty of illegal activity in a Housing Plus property including arson and/or drug dealing or manufacture; or o Tenant has made repeated or severe threats of violence towards staff; or o Tenant has perpetrated violence against staff member/s of Housing Plus including stalking and harassment.

7 Appeals and Review of Decisions

Decisions made under this policy can be reviewed or appealed. For more information, refer to the *Customer Feedback, Complaints and Appeals Policy*.

8 Document Control

8.1 Document History

Action	Responsible Person	Date
Created draft	Chelsea Preen	November 2024
Reviewed by	Therese Short Lena Jenson Chris Maybin Liz Stamatelos	December 2024 February 2025
Approved by	Justin Cantelo	February 2025