

H13 Sustaining Tenancies Policy

1. Purpose

The purpose of this policy is to provide clear guidance on how YWCA National Housing and YWCA Housing (YWCA) strives to sustain all tenancies through its commitment to working with renters/tenants and recognition of the complexities associated in maintaining a successful and sustainable tenancy for people experiencing high levels of disadvantage and/or with complex needs.

2. Scope

This policy applies to all YWCA staff, contractors and volunteers involved in tenancy and property management (Employees).

The policy applies to both residential rental agreements and rooming house agreements. Unless stated otherwise, references to “renters/tenants” include rooming house residents and references to “tenancies” include rooming house residencies.

3. Policy Aim

YWCA aims to proactively build positive and functional relationships with renters/tenants through high quality practice and will ensure that all its housing management policies, procedures and work practices are directed to sustaining tenancies and creating housing stability in the lives of its renters/tenants. YWCA aims to avoid evictions and exits into homelessness at all times.

4. Definitions

Community Crisis/Emergency	An event being experienced by a whole community that has caused significant detrimental impacts on the community’s ability to function as normal such as bushfires, flood or pandemic.
Hardship	A situation being experienced by a renter/tenant that is out of their personal control and impacting their capacity to meet their financial obligations to YWCA.
Renter/tenant debt	Any monies owed to YWCA related to a tenancy that are unpaid and do not have an active and engaged payment plan in place.
Renter/tenant	A person who is a signatory to the lease/rental agreement with YWCA for the home they live in and includes rooming house residents.

5. Policy Statement

YWCA is committed to sustaining tenancies and creating stable and appropriate housing solutions for its clients. YWCA understands that many renters/tenants experience challenges in maintaining their tenancy and

will always take a client focus approach to tenancy management to ensure people have access to the support needed to sustain and enjoy their tenancy.

6. Communication

YWCA ensures that all renters/tenants are provided, at the start of and throughout their tenancy, with clear and concise information regarding their rights, responsibilities, rents and service charges (if applicable), maintenance and repairs, feedback, complaints and appeal options and any legal requirements under their applicable State Residential Tenancy Act.

YWCA ensures that regular and consistent communication occurs with its renters/tenants to ensure they are well informed and address any issues as they initially arise.

Employees deal with many disadvantaged and vulnerable renters who require support, and staff are proactive in identifying if a tenancy may be at risk due to unmet support needs.

If an applicant to YWCA would need a high level of support to sustain their tenancy, a formal agreement with a support agency may be requested before allocation is approved.

If agreed, YWCA refers the renter to the appropriate support service(s) and, where necessary and practicable, supports the renter to access any referrals provided.

7. Rent arrears and tenant debt

YWCA will work with renters/tenants at the start of their tenancies to assist in the establishment of regular rent and tenancy related payment practices and ensure they understand how and where rent payments can be made. Tenants will also be provided with information to what they should do if they fall behind in rent payment. YWCA understands that non-payment of rent is one of the primary issues that places a tenancy at risk.

YWCA will work closely with renters/tenants and/or their supports to ensure continuity of payment in changing circumstances, for example, in cases where there is hospitalisation, residential respite and/or short-term imprisonment, rent can still be collected and paid by electronic methods, including Centrepay. Tenants/Renters have access to YWCA's Hardship & Temporary Absence policy.

YWCA manages all renter/tenant debt with discretion in accordance with operating procedures and will maintain early contact with renter/tenants when rental arrears and/or other debt has been identified and negotiate achievable payment plans. YWCA recognises that prevention strategies are key and acting early supports clients to sustain their tenancy. All payment plans can be verbal, in writing, and in some cases will be formalised by the relevant Civil Administrative Tribunal/Magistrates Court.

If a person with an outstanding renter debt from a previous YWCA tenancy applies for housing, they must pay the debt in full before they can be allocated housing. The same policy applies to existing YWCA renters/tenants with outstanding renter debt who are seeking an internal transfer or mutual housing swap. If the debt is a result of family violence the renter/tenant does not need to pay the debt in full, supporting evidence such as a letter from a support worker may be requested. The National Team Leader may approve allocation of housing

in exceptional circumstances if the applicant has entered into a repayment agreement for their outstanding renter debt

YWCA maintains records of outstanding monies owed by renters/tenants, such as rental arrears, damage, and other tenancy related costs. A debt is recorded on the renter/tenant file if there are rent arrears or other debts when the tenancy ends and the bond, if paid, does not cover the outstanding monies owed. In the case of bankruptcy, any debts incurred prior to the date a renter/tenant is declared bankrupt are not recoverable, but debts accrued after that date must be paid.

The renter/tenant or applicant with an outstanding renter debt must provide documentation confirming they have been declared bankrupt, such as:

- notification from the Receiver's Office;
- legal notice to creditors;
- legal statement of affairs;
- certificate of discharge.

8. Renter/Tenant Engagement and Support

YWCA works with renters/tenants to proactively identify any additional tenancy skills they require in order to maintain their tenancies and will also engage with to identify any other supports, resources or opportunities which would help overcome any barriers to successful tenancies. YWCA will assess each tenancy based on its own circumstances and ensure a suitable strategy is developed for the renter/tenant using a capacity building approach, which includes assessment of the various challenges they may have such as 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.

YWCA works closely with renters/tenants and, if required, relevant support providers to assist them 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, arrears and debt management plans as an alternative to eviction, linking people to support and applying the YWCA Hardship Policy where appropriate.

9. Changing Needs

YWCA acknowledges that renters/tenants and their households needs change over time. YWCA will endeavour to meet those changing needs within program guidelines, legislative requirements and available funding. YWCA will work closely with those 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 renters/tenants to modify their property or transfer to another property because of changing needs will be managed fairly and flexibly, within YWCA policy and contractual environments. YWCA will discuss the options and requirements with the renter/tenant and consider safety issues regarding location and/or family breakdown, any required property modifications to meet the customer's needs, including disability modifications and overall housing and asset strategies.

Renters whose income exceeds eligibility criteria

Where income of renters under the YWCA owned social housing program exceeds eligibility criteria during their tenancy, they will be allowed to remain in their YWCA accommodation, but rent may change to reflect

the Affordable Housing rate (refer to rent setting policy). However if their income remains above the Affordable Housing limits for a period of 12 months they will be encouraged to make the transition to private rental.

10. Community Crisis/Emergency

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

YWCA will consider its capacity to assist during such times and may introduce temporary practices during difficult times, such as postponing or cancelling rent reviews and/or putting a moratorium on rent increases for a certain period of time. Any decisions made by YWCA during such times will be notified in writing and encourages renters/tenants to speak with YWCA if they are affected by such an event.

11. Ending Tenancies

YWCA views evictions as a last resort and will only initiate proceeding with the eviction of a renter/tenant when all avenues to resolve a tenancy breach are exhausted; or when a serious breach of the Tenancy Agreement has occurred that is identified under the RTA as warranting an immediate notice to vacate.

Ending a tenancy is a legal process and all actions, administrative tasks and associated record keeping will be thorough and will be undertaken in accordance with the legislative requirements of the applicable State Residential Tenancies Act. With all evictions, YWCA will facilitate natural justice for renters/tenants and make available information regarding decisions, decision reviews, privacy and an external tenancy advocate to represent the renter/tenant at a Tribunal/Court Hearing.

At all stages of the eviction process, YWCA will make clear the actions that can be taken to restore the tenancy and will provide opportunities for rectification, to meet with YWCA to discuss the matter, to reply to any allegation and details of the YWCA Feedback, Complaints and Appeals policy and process. YWCA will be fair and reasonable in seeking performance/compliance orders and will be flexible and responsive in adjusting any orders to maximise the renter/tenant's capacity to comply and maintain their tenancy. YWCA will always ensure renters/tenants have been offered referral to support services and consider the human rights of its renters/tenants throughout this process.

Where an acceptable agreement or performance/compliance order has been reached with a renter/tenant to resolve any tenancy issues, YWCA will seek to maintain the tenancy. However, YWCA will move towards ending the tenancy in cases where:

- There are repeated substantial breaches of the tenancy agreement; or
- Violence to other people or excessive damage to property has occurred.

YWCA 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 YWCA Customer Service Charter, YWCA policies and procedures, related legislation, industry frameworks and standards. Where possible, YWCA will assist exiting tenants to secure alternative housing and will work with other agencies to prevent eviction into homelessness and minimise barriers to rehousing.

Affordable Housing

In circumstances where the households income increases and remains above the limit for Affordable Housing, the renters may remain for up to 1 year. After this time, the renters will be encouraged to make the transition to private rental.

13. Feedback and Appeal of decisions

YWCA has an effective and appropriate response in place to deal with complaints and ensures that accurate information and records of investigations are maintained. YWCA will ensure that privacy principles are followed at all times and tenant confidentiality is maintained throughout the incident management process.

YWCA welcomes anyone to query any decisions we make and/or ask questions about our work practices. If a customer wishes to provide feedback to YWCA and/or believes a decision made by us is incorrect, they can register their feedback and/or lodge an appeal using the YWCA Feedback and Appeals Policy.

Document Control Data	
Policy Framework	
Responsible Body	Chief Executive Officer
Accountable Officer	General Manager, Community Housing
Application	All employees of YWCA
Supersedes	All previous local policies
Associated documents	YWCA Housing Policies and Procedures YWCA Feedback and Appeals Policy and Procedures YWCA Privacy Policies and Procedures YWCA Customer Service Charter
Legislation, Frameworks, Standards, Codes and Agreements	Housing Assistance Act 1996 (COM) Housing Act 1983 (VIC) Housing Act 2003 (QLD) Housing Regulations 2015 (QLD) Housing Act 1982 (NT) Residential Tenancies Act 1997 (VIC) Residential tenancies & Rooming Accommodation Act 2008 (QLD) Residential Tenancies Act 1999 (NT) National Affordable Housing Agreement Victorian Charter of Human Rights and Responsibilities Act 2006 Queensland Human Rights Act 2019 National Community Housing Standards Department of Human Services Standards (VIC) Consumer Charter for Community Managed Housing and Homelessness Services (VIC) National Community Housing Regulatory Code Victorian Community Housing Regulatory Code State based agreements between YWCA and statutory bodies

Approval and Amendment History			
Review period – 2 years			
Approval Date	Version	Amendments	Next Review
June 2022	1.0	Superseded Rent Management, Sustaining Tenancies, and Rent Arrears	June 2024