

Sustaining Tenancies Policy

Introduction

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

Aim

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

Principles of VHA Sustaining Tenancies Policy

CLEAR COMMUNICATION

All clients 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.

ELIGIBILITY AND ALLOCATIONS

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

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

AFFORDABILITY

VHA will always endeavour to avoid practices that disadvantage clients. VHA will maintain rents that are affordable 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. VHA makes every attempt to develop and manage housing which is affordable, suitable and of quality to support and enhance liveability in our properties for our clients.

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

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

RENT ARREARS AND CLIENT DEBT

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

VHA will work closely with clients and/or their supports to ensure continuity of payment in changing 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.

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

ASSISTANCE FOR IMPACTS OF COMMUNITY CRISIS/EMERGENCY

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

VHA will consider its capacity to assist clients during such times and may introduce practices that assist clients 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.

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

CLIENT ENGAGEMENT

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

VHA 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 client using a capacity building approach. This would take into account various challenges the client 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.

SUPPORT COORDINATION

VHA will work with clients to identify proactively, any additional tenancy skills they require in order to maintain their own tenancies. VHA will also engage with clients 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, VHA will coordinate support for clients where appropriate, including via referral to support partners.

VHA works closely with clients and, if required, relevant support providers to assist clients to maintain their tenancies. This may include resolving neighbour disputes, identifying where clients 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 VHA Hardship Policy.

DISPUTES

VHA will promptly respond to any disputes that arise in relation to tenancy issues. This includes issues that affect a client based on decisions made by VHA, including neighbourhood issues and client to client issues. VHA ensures it provides clear and accurate information to clients and prospective clients, however, from time to time, a client or prospective client may feel adversely affected by a decision. If this situation arises, clients or prospective clients are encouraged to raise their concerns with their local VHA office and in case it is needed, utilise VHA's Client Feedback System, to ensure VHA 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 VHA Client Feedback and Appeals Policies and the Client Feedback and Appeals procedures for further information.

CHANGING NEEDS OF CLIENTS

VHA acknowledges that clients' and household members' needs and priorities change over time. VHA will endeavour to meet clients' changing needs within program guidelines, legislative requirements and available funding. VHA will work closely with clients 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 clients to modify their property or transfer to another property because of changing needs will be managed fairly and flexibly. VHA will consider safety issues regarding location and/or family breakdown, any required property modifications to meet the client's needs, including disability modifications (refer to VHA Disability Modifications Policy), and overall housing and asset strategies.

ENDING TENANCIES

VHA views evictions as a last resort option and will only initiate proceeding with the eviction of a client when all other means of engagement and issue rectification options to assist the client with sustaining their tenancy, have failed. With all evictions, VHA will make available information regarding an external tenancy advocate to represent the client at a Tribunal/Court Hearing.

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

VHA 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 VHA client promise, VHA national policies and procedures, related legislation, industry frameworks and standards. Where possible, VHA will assist exiting clients to secure alternative housing for example, by providing tenancy references and minimising barriers to rehousing.

USE OF "NO REASON" EVICTIONS

VHA 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.

VHA employs the mechanisms of the legislation and its operating contracts to manage all properties and tenancies within its portfolios. Where VHA 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, VHA may need to end a tenancy under these provisions. Where appropriate and possible, VHA will make all attempts to rehouse a client and/or connect them with suitable alternative accommodation.

Any eviction proceedings seeking initiation under a "no reason" provision must be recommended by the General Manager and approved by the Chief Executive Officer before being undertaken.

Related legislation

STANDARDS

National Community Housing Standards: Standard 1.2; Establishing and Maintaining Tenancies; Section 3 Tenant Rights and Participation

Department of Human Services Standards: Section 1 Empowerment

LEGISLATION

Housing Assistance Act 1996 (COM)

Housing Act. 1983 (VIC)

Housing Act 2003 (QLD)

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)

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)

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VHA RELATED POLICIES AND PROCESSES

VHA Client Promise