

# Starting a Tenancy

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## 1 Purpose and Applicability

This policy explains what a new tenant must be aware of when they start a tenancy with Women's Housing Company (WHC), and covers:

- Confirmation of income
- Paying a rental bond
- Rent and other non-rent costs
- The property condition report

The policy sets out the requirements of tenants and the obligations of WHC. WHC will apply procedural fairness in relation to its implementation of this policy and will meet all relevant legislative requirements. For clients facing significant hardship as a result of any of WHC's policies, staff will seek to respond reasonably and with compassion.

This policy applies to all transitional, social and affordable housing programs managed by WHC, but not to crisis accommodation.

This document satisfies the requirements of:

- The NSW Residential Tenancies Act 2010
- National Regulatory Code for Community Housing
- NSW Community Housing Rent Policy
- NSW Community Housing Access Policy
- NSW Affordable Housing Guidelines

## 2 References

### 2.1 External or Statutory Requirements

This policy complies with the following legislative and program requirements:

- The NSW Residential Tenancies Act 2010
- NSW Community Housing Access Policy (FACS)
- Housing Pathways (FACS)
- National Rental Affordability Scheme Guidelines (DSS)
- NSW Affordable Housing Guidelines (FACS)

## 2.2 Internal Requirements, Procedures and Forms

This policy makes reference to the following internal documents which are available from the WHC website:

- Keeping a Tenancy
- Ending a Tenancy
- The Rental Property
- Repairs and Maintenance
- Complaints and Appeals
- Bond Payment Information form

## 2.3 Definitions

The following terms are used in this document, with specific meaning:

- a) “must” or “shall” or “will” designates a mandatory requirement or action
- b) “may” is an acceptable action or requirement but not mandatory
- c) “Housing Pathways” is the system for applying for social housing in NSW. Applicants fill out a single application form for assistance from either FACS or participating community housing providers such as Women’s Housing Company. Housing Pathways also maintains a single register of eligible applicants for social housing in NSW.
- d) “social housing” is subsidised rental accommodation for people on very low or low incomes who meet the eligibility requirements. Eligibility requirements for all social housing tenants are as set out in Housing Pathways.
- e) “affordable housing” is subsidised rental accommodation for very low, low or moderate income tenants and in NSW is managed in accordance with the NSW Affordable Housing Guidelines.
- f) “transitional housing” is short-term accommodation linked to support for people who are homeless or at risk of homelessness.
- g) “tenancy agreement” or “lease” is the written agreement between WHC and the tenant with all terms and conditions of the tenancy.
- h) “periodic agreement” or “continuous lease” means a tenancy agreement where there is no fixed date of termination.
- i) “rebated rent” is the term in WHC rent statements that describes the rent that is payable by the tenant. In this document “rent” is used to mean “rebated rent”.

## 3 Requirements

### 3.1 General

A tenant will start rent payments on the start date of the tenancy agreement. This is also the day that the tenant receives the keys to the property.

Each tenant is assigned a Housing Manager who is the tenant's main point of contact in WHC for all tenancy issues. Prior to a tenant signing a tenancy agreement, their Housing Manager will explain all aspects of the lease including:

- Bond payable
- Rent payable
- Non rent charges
- Lease term and tenure
- Frequency of income and rent reviews
- Conditions and applicability of the rent subsidy
- Other conditions relating to the tenancy and to the applicable housing program.

The new tenant will be provided with an information pack which details all of the tenancy requirements and conditions. Also see WHC's Keeping a Tenancy, and Ending a Tenancy, policies.

### **3.2 Confirming Income Eligibility**

If the new tenant has not already provided documentation about their income, they must provide it prior to a tenancy agreement being signed. Confirmation of income is required to determine what rent is payable. The Housing Manager will advise the tenant in writing what information is required immediately.

By accepting an offer of housing from WHC, an applicant accepts that regular income reviews will be necessary throughout the length of their tenancy. If the tenant does not provide this information at the point of rent review they will cease to be eligible for a rent subsidy and could be charged full market rent, or WHC could seek a termination of the tenancy agreement.

See also WHC's Eligibility, Applications and Offers policy for a list of the documents needed to prove income eligibility.

### **3.3 Bond**

All new tenants must pay 4 weeks of their rebated rent as bond at the start of their lease. In recognition of hardship that this may pose to many tenants, this bond can be paid in 3 instalments over the first month of tenancy, i.e.

- 1<sup>st</sup> instalment – due on lease start date - 2 weeks rent
- 2<sup>nd</sup> instalment – due one week after lease start date – 1 week rent
- 3<sup>rd</sup> instalment – due two weeks after lease start date – 1 week rent

This is agreed to by the tenant on the Bond Payment Information form. Bonds are paid to WHC who then sends them to the Office of Fair Trading (OFT) in the tenant's name. The OFT then sends the tenant a receipt to acknowledge the lodgement of the bond.

Tenants in difficult financial circumstances can apply to WHC for an alternate bond payment plan.

### **3.4 Rent**

Rent is always due two weeks in advance, with the first fortnightly rent due on the start date of the tenancy agreement.

For social and transitional housing tenants, rent is generally set at 25% of income. WHC also collects 100% of the Commonwealth Rent Assistance (CRA) that the tenant receives from the Australian Government. Rents for social and transitional housing properties are calculated based on the NSW Community Housing Rent Policy.

For affordable housing tenants, rent varies depending upon the program, but generally, tenants pay no more than 30% of income, or 80% of market rent, whichever is the lesser amount. WHC will also collect any CRA received by the tenant. Rents for affordable housing are generally calculated based on the NSW Affordable Housing Guidelines.

WHC will explain which parts of a tenant's income are included in the calculation of rent. See the Keeping a Tenancy policy for details on the methods of rent payment and rent statements.

### **3.5 Non Rent Costs**

As well as rent, tenants are required to pay for water usage, electricity and gas charges. Water will be billed to the tenant by WHC as billing from the water authority comes directly to WHC as the landlord. Refer to WHC's Keeping a Tenancy policy for details on how water charges are passed on to tenants.

Electricity and gas accounts are generally held directly by the tenant with the energy supplier. The Tenant Information Pack explains how a tenant can set up accounts with suppliers. There are some properties where electricity and gas are not separately metered and where this exists, WHC may choose to include an energy usage charge as part of the conditions of the tenancy agreement.

### **3.6 Property Condition Report**

When the key is handed to the tenant, WHC will provide them with a property condition report that has been completed by the WHC Housing Manager. The tenant must also then complete the report, retain a copy and return a copy to WHC within 7 days of the start date of their tenancy agreement. Minimum property condition standards are explained in WHC's The Rental Property policy.

For more information about faults and repairs in the property, tenants should refer to WHC's Repairs and Maintenance policy.

## **4 Complaints and Appeals**

### **4.1 Complaints**

Applicants and tenants that have received a service from WHC can lodge a complaint about that service if they do not think that WHC has followed its own policies or met its published standards. WHC staff can assist applicants and tenants to make a complaint about the service and stakeholders and community organisations can also lodge complaints.

WHC will manage all complaints in a fair and transparent way to ensure that the organisation's service delivery is responsive to concerns raised by tenants.

All complainants will receive a written response from WHC about the outcome of the investigation of their complaint within 21 working days. For further information see the Complaints and Appeals policy.

## 4.2 Appeals

If an applicant or tenant does not agree with a decision made by WHC, or thinks that the decision is unfair, then they can lodge an appeal against that decision. The basis of an appeal may include any of the following reasons:

- Inadequate consideration was given to their individual circumstances
- The decision involved an inadequate interpretation of WHC policy
- The decision was made contrary to the WHC policy
- The procedure used to reach the decision was not fair and correct

All appeals should be made to WHC in writing. WHC will then review the decision and will inform the applicant or tenant in writing about the outcome of the review within 21 days of receiving the appeal.

If the applicant or tenant does not agree with the outcome of WHC's review they can then lodge a second tier appeal to the Housing Appeals Committee (HAC). HAC can consider appeals about decisions made by WHC in relation to its own services or policies.

For more detailed information about how WHC manages appeals, see *the Complaints and Appeals policy*.

## 5 Privacy and Confidentiality Statement

The Women's Housing Company will ensure that all applicant and tenant information is kept confidential and will not release any personal information to a third party without the prior written consent or approval of the tenant or applicant, or unless where WHC is lawfully authorized or required to do so.

WHC will ensure that any personal and sensitive information is not collected, used, stored or disclosed other than for the proper purpose of its service. From time to time, de-identified demographic information may be released to third parties for statistical purposes only.