



SEARMS ABORIGINAL CORPORATION

TENANCY & PROPERTY MANAGEMENT

Policy & Procedures Manual

Reviewed September 2018

Replacing 2016 version

NOTE:

1. *Pagination formatting is out of order.*
2. *Amended to reflect new organisation structure positions only that came into effect 1 July 2018 (eg CEO, Operations Manager, Finance Manager)*

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INTRODUCTION

SEARMS Aboriginal Corporation is a registered¹ Aboriginal Community Housing Provider ('ACHP') that provides social and affordable housing and tenancy management services to the Aboriginal communities in the south eastern region of NSW.

We do this as owners and managers of our own housing portfolio and on behalf of the Aboriginal Housing Office (AHO), and other Indigenous Community Housing Organisations 'ICHOs' (including local area land councils).

Our current property management portfolio consists of **over 240 properties** in townships and communities from **Nowra down the coast to Wallaga Lake**, and across to **Queanbeyan, Yass, Young and Goulburn**.

Our services include:

- Tenancy management – local, social and affordable tenancies
- Asset management
- Housing policy recommendations where applicable – including rent setting and arrears management options for owner organisations

The following outlines the housing programs that are offered by SEARMS

Social Housing (non-Housing Pathways) – applies to SEARMS own properties and to direct management agreements with Owner ICHO's. Applicants must meet the eligibility criteria to be considered for social housing properties. Applications are sourced from the Owner ICHO housing register with SEARMS assessing and setting rents using NSW Social Housing criteria.

Caution: Exceptions - Where the ICHO has entered into a Backlog Capital Works program with the AHO which stipulates housing management, including rent setting and eligibility, be in accordance with AHO Build & Grow Rent policy.

Social Housing (Housing Pathways): applies to AHO managed properties only. Applicants are to apply through Housing Pathways and must meet the FACS social housing eligibility criteria. Applications and NSW housing register is managed by FACS and allocations are made through Housing Pathways. Rent is calculated using the AHO Build and Grow Rent Policy.

Affordable Housing: applies to all properties owned and managed by SEARMS. Applicants must be on low to moderate incomes who meet the affordable housing income eligibility limits provided in the NSW Affordable Housing Ministerial Guidelines. Applications, ICHO housing register and allocations are approved by SEARMS Board or participating ICHO Board and rent is calculated at no more than 74.9% of market rent AND 35% of total household income.

Employment Related Accommodation (ERA) - AHO

ERA is designed to assist families on low incomes and young singles to access affordable housing in a location that allows them access to education or employment. Although flexible, tenure is restricted to twelve months when it is employment related and for the duration of studies where eligibility is determined for educational purposes.

¹ Under AHO PARS as at August 2018, transition to NRSCH commencing 1 September 2018.

Accommodation can be shared or for an individual family. Shared houses are furnished with individually locking bedrooms, and a SEARMS utility subsidy is provided. Family accommodation is unfurnished and a no utility subsidy is provided. Family tenant must arrange own electricity or gas account.

SEARMS undertakes to work with ERA tenants to find alternative accommodation as the lease period nears its end and they are ineligible to continue on as an ERA tenant.

HOUSING AND TENANCY MANAGEMENT MANUAL

The Housing and Tenancy Management Policy and Procedures Manual ('Manual') provides the framework and guidelines for SEARMS to provide culturally appropriate housing that is both adequate to meet the needs of the community and cost-effective to the all tenants.

The main aim of the manual is to ensure SEARMS:

- (1) Embeds a strong policy foundation and implements good practice measures to ensure fairness and transparency of the management of housing services for its tenants;
- (2) Delivers culturally appropriate and cost-effective housing and tenancy management;
- (3) Maintains its housing stock to a high standard through good asset management practices and financial planning for future generations;
- (4) Meets the policy and statutory requirements outlined by the Aboriginal Housing Office (AHO); and
- (5) Maintains and meets the AHO and NRSCH compliance requirements

MONITORING, EVALUATION AND REVIEW

SEARMS CEO will be responsible for monitoring all areas of housing and tenancy management and annually review policies and contractual arrangements to maintain compliance with all legislative requirements. It is the responsibility of the SEARMS CEO to monitor and update the individual policies in this document to measure the effectiveness and efficiency of its housing operations and improve practice and focus on positive outcomes for Aboriginal people.

SEARMS Operations Manager will be responsible for ensuring quality and effectiveness of good housing and tenancy management practice and service through the review of the operations and procedures. .

SEARMS Staff are responsible for understanding and conducting their duties in accordance with SEARMS policies and procedures and legislative requirements.

This content of this manual will be reviewed in the timeframe stated and updated where and when any significant new information, legislative or organisational change warrants amendments.

Kim Sinclair
Chief Executive Officer
4 September 2018

(Amended to reflect new organisation structure positions only that came into effect 1 July 2018 eg General Manager – CEO, Operations Manager, Finance Manager)



Section 1. Housing Programs

Contents

- 1.1 Confirmation of Aboriginality Policy
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- 1.3 Social Housing Access and Eligibility Policy
- 1.4 Affordable Housing Access and Eligibility Policy
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- 1.7 Privacy and Confidentiality



1.1 Confirmation of Aboriginality Policy

Version Number: 02 2018

Approved by: SEARMS CEO

Approval date: 6 August 2018

Review date: Every 2 years

1. Purpose

SEARMS operates as an Aboriginal housing and management service provider managing housing that is designated for Aboriginal people and is therefore required to ensure that access to this housing is to person's with confirmed Aboriginality only.

This policy sets out the process of confirming a person's Aboriginality for the purpose of applying for, and accessing Aboriginal housing owned and/or managed by SEARMS.

2. Policy

It is SEARMS policy that it DOES NOT PROVIDE Confirmation of Aboriginality as an Organisation.

SEARMS evidence requirements for Confirmation of Aboriginality is based on *The Aboriginal Housing Act 1998 (NSW)*.

The Aboriginal Housing Act 1998 (NSW) defines an Aboriginal person, as a person who:

- Is a member of the Aboriginal race of Australia,
- Identifies as an Aboriginal person, and
- Is accepted by the Aboriginal community as an Aboriginal person

3. General Principles

SEARMS will adhere to the following principles to guide the confirmation of Aboriginality processes:

- I. Clearly explain the requirements for a Confirmation of Aboriginality to support their eligibility to access Aboriginal housing
- II. Obtain appropriate evidence from any applicant to confirm their Aboriginality, which can include a letter from a Local Aboriginal Land Council ('LALC'), from a registered Aboriginal organisation or a Statutory Declaration
- III. Ensure applicants and tenants understand their rights and process to appeal any decision in relation to housing and confirmation of Aboriginality
- IV. Ensure that applicants and tenant's confidential information and records are secure and protected from unauthorised access or use and
- V. Ensure that all standards are met according to AHO policies, the SEARMS Policies and SEARMS Privacy policy.

4. Responsibility

Housing Officers	Receive and respond to enquiries regarding the completion of confirmation of Aboriginality forms
Operations Manager	Manage the security of applicant and tenant files Review process annually and ensure effective reporting to the CEO
CEO	To review every two years to ensure Policy remains best practice and meets legislative requirements

5. References

Legislation	Aboriginal Housing Act 1998 (NSW)
	Aboriginal Land Rights Act 1983 (NSW)
	Residential Tenancies Act 2010 (NSW)
	Privacy and Personal Information Protection Act 1998 (NSW)
	Corporations (Aboriginal and Torres Strait Islander) Act 2001
Related policies	AHO Confirmation of Aboriginality Policy
	Appeals Policy
	AHO Housing Services Guidelines and Policy Framework
	Privacy and Confidentiality Policy

Confirmation of Aboriginality Procedural Guidelines

Version Number:	02 2018
Reviewed by:	Operations Manager
Endorsed by:	CEO
Endorsed date:	6 August 2018
Review date:	Every 2 years

1. Obtaining Evidence

Evidence for confirming Aboriginality can be provided in any of the following ways:

Complete the Confirmation of Aboriginality Aboriginal/Torres Strait Islander form

A template of a Confirmation of Aboriginality form can be obtained from the SEARMS.

Applicants are recommended to complete this form and submit it with their application. *(see Appendix (1) Confirmation of Aboriginality Aboriginal/Torres Strait Islander form)*

I. Provide a letter from a Local Aboriginal Land Council (LALC)

A person seeking housing assistance is required to provide a letter of confirmation from their LALC. This letter must be on the LALC letterhead and stamped with the Common Seal and signed by either the LALC Chairperson or Chief Executive Officer (CEO) confirming acceptance as a member of the LALC.

This letter is considered sufficient evidence.

II. Provide a letter from a registered Aboriginal Organisation

A person seeking housing assistance is required to provide a letter of confirmation from a registered Aboriginal community organisation that is:

- An Aboriginal association incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, or
- An incorporated Aboriginal community organisation where all members of the organisation are Aboriginal, Torres Strait Islander or both.

The letter must also;

- Display the organisations letterhead
- State the applicant is of Aboriginal descent, identifies as an Aboriginal person, and is accepted by the Aboriginal community as an Aboriginal person.
- State that the person's Aboriginality has been confirmed and resolved as a duly constituted meeting of the organisation's governing body
- Be stamped with the Common Seal and signed in accordance with the rules of the organisation.

III. Statutory Declaration

If neither of the first two confirmation options are possible, a Statutory Declaration can be used. A Statutory Declaration must only be used in circumstances where an individual is unable to provide evidence from a LALC or Aboriginal corporation and must explain why a letter from the first two options were not obtained.

Evidence must also be provided to assist in the determination of Aboriginality and this includes, but not limited to;

- Details of the applicant's Aboriginal family (ie family names and where from and/or what steps are being taken to find further family details/history)
- A statement that the applicant identifies as an Aboriginal person
- Letters of support from Aboriginal community members, Aboriginal organisations or government agencies that the applicant is known to.

SEARMS must request additional information or seek further clarification regarding information provided in the statutory declaration.

2. Right of Appeal

All applicants will be advised of their right to appeal any decision made concerning their application.

Refer to Appeals Policy.

3. Conflicts of Interest

Any SEARMS employee or Board member involved in the confirmation of Aboriginality assessment must register any personal or other relationship with the applicant being considered.

The SEARMS employee or Board member must withdraw from any involvement in the allocation of housing to that tenant or applicant and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A **Declaration of Interest Form** must be completed and signed by the employee and Board member and placed on file.

4. Confidentiality and Privacy

Refer to SEARMS Privacy and Confidentiality Policy.

Applicants and tenants will be notified that information about persons included in the application can be exchanged with the AHO. This is likely to occur in instances where consent has been provided to another social housing provider and for the purposes of assessing their application.

CONFIRMATION OF ABORIGINALITY FORM TEMPLATE**EXAMPLE of EVIDENCE REQUIREMENTS TO BE PROVIDED IN A LETTER TO CONFIRM ABORIGINALITY AND/OR TORRES STRAIT ISLANDER DESCENT**

(To be on letterhead of confirming organisation with address and contact details)

SURNAME: _____ GIVEN NAME(S): _____

ADDRESS: _____

DATE OF BIRTH: ____/____/____

I declare that I'm an Aboriginal and/or Torres strait islander* person and I'm;

Recognised as such by the community where i currently live in _____ and where I have lived for ____ years;

Recognised as such by the community where i formerly lived _____ for ____ years;

Recognised as such by the community which is my traditional area or area where my family has lived for years.

(* Put a line through what is not applicable)

- ☐ I consent to SEARMS maintaining an electronic copy of my application on file.

APPLICANT'S SIGNATURE: _____ DATE: _____

It is hereby confirmed that the above-named applicant has provided sufficient evidence to indicate aboriginality.

DATE OF MEETING: _____

COMMON SEAL RESOLUTION NUMBER:

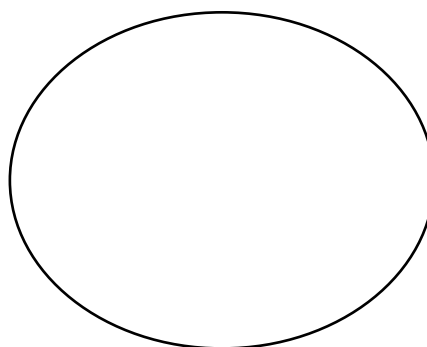
SIGNATURE: _____

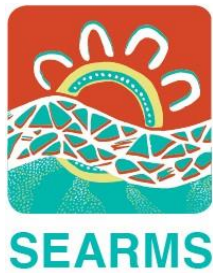
(Director)

SIGNATURE: _____

(Director)

DATE APPROVED: _____





1.2 Proof of Identity Policy

Version Number:	02 2018
Approved by:	CEO
Approval date:	6 August 2018
Review date:	Every two years

1. Purpose

To ensure SEARMS maintains Applicant and/or Tenant confidentiality with appropriate identity checks and obtains appropriate consents to share information with approved person/s.

To ensure SEARMS maintains compliance with appropriate data and privacy legislation.

2. Policy

Applicants and tenants will be required to provide proof of identity to establish their identity at various times. This includes:

2.1 Applicants

All applicants over the age of 18 years old applying for any Aboriginal housing must satisfy this proof of identity requirement.

2.2 Successful applicants

Successful applicants will be asked to produce their identity at the signing of a Residential Tenancy Agreement with SEARMS. This would generally be using the document proof of identity check.

2.3 Tenants and household members (listed occupants)

Tenants and household members may from time to time be asked to establish their identity for reasons such as holding Tenant Consent:

- To access spare keys to their dwelling
- To access information on their tenant file
- To make changes to an application for housing or a transfer

3. General Principles

SEARMS will adhere to the following principles in relation to establishing and use of identity evidence of an applicant or tenant:

- I. Treat the information that is provided by applicants, tenants and household members in a confidential manner according to the SEARMS Privacy Policy
- II. Keep copies of the applicant and tenant file of all proof of identity documents secure

- III. Not provide, without written consent, any applicant or tenant proof of identity documentation to any other external service provider or support agency without the knowledge and approval of the applicant or tenant.

4. Responsibility

Housing Officer	Effectively carry out Proof of Identity Checks as required.
Operations Manager	Monitor consistent application of the policy Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
CEO	Review every two years, or as required if legislation changes

5. References

Legislation	Residential Tenancy Act 2010
	Privacy and Personal Information Protection Act 1998 (NSW)
Related policy	Privacy and Confidentiality Policy

Proof of Identity Checks Procedural Guidelines

Version Number:	02 2018
Reviewed by:	Operations Manager
Endorsed by:	CEO
Endorsed date:	6 August 2018
Review date:	Every 2 years

1. Proof of Identity Check

Applicants, tenants and household members may be required to establish their identity at various times during the tenancy with SEARMS.

1.1 Acceptable documents

Applicants, tenants and household members (over the age of 18 years) will need to provide **any TWO documents** from the below list:

- Birth certificate
- Drivers licence
- Proof of Age card
- Medicare card
- A savings bank book or current bank statement that is regularly used
- Centrelink Income Statement
- Health insurance documents
- Evidence of credit accounts or hire purchase agreements
- Identification by a person acceptable to social housing providers, for example, a representative of Community Services, health service,
- Marriage certificate
- Current passport
- Department of Corrective Services Release Card

If an applicant, tenant or household member has a disability, or is under the care of the Office of the Public Guardian or any other guardianship they will be required to provide a written consent for a representative to act on their behalf.



1.2 Social Housing Access and Eligibility Policy

Version Number:	02 2018
Approved by:	Operations Manager
Approval date:	6 August 2018
Review date:	Every 2 years

1. Purpose

The purpose of this policy is to provide information on SEARMS criteria and requirements for access and eligibility to Social Housing programs to properties owned by SEARMS, managed on behalf of the Aboriginal Housing Office and other Indigenous Community Housing Organisations (ICHO's).

2. Policy

SEARMS social housing access and eligibility policy for ALL portfolios is aligned with AHO and NSW Social Housing policy.

As SEARMS owns and manages housing on behalf of Indigenous Community Housing Providers (ICHOs) and the AHO it provides two types of applications and assessment processes for housing.

Applications for housing that is owned and managed on behalf of participating ICHO's (including SEARMS) will be placed onto the SEARMS Housing Register and assessed and approved by SEARMS. **Those membership ICHO's are to provide an updated Board endorsed housing waiting list for SEARMS to source applications from.** Only ICHO members are eligible for ICHO owned housing.

Applications for AHO properties will be completed via Housing Pathways and accessed via a request to FACS for a shortlist of eligible applicants for SEARMS to assess.

Applicants who are not eligible for social housing may be referred to the [Affordable Housing Access and Eligibility](#) policy.

3. General Principles

SEARMS will adhere to the following principles to guide social housing access and eligibility processes:

- I. Ensure application forms and assistance is provided to all clients for both non-Housing Pathways and Housing Pathways processes.
- II. Ensure equitable access to the social housing program is provided to applicants who are eligible
- III. Clearly explain all client entitlements, assessment outcomes and housing options

- IV. Provide an open and transparent application process
- V. Ensure applicants and tenants understand their right and process to appeal any decision
- VI. Treat all information received from applicants and tenants is confidential and records are kept secure and protected.
- VII. Ensure all relevant policies and forms are widely accessible to applicants and tenants
- VIII. Ensure that all standards are met according to AHO policies, SEARMS policies
- IX. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officers	Receive and respond to enquiries regarding access to and eligibility for housing products and services Effectively assess eligibility and priority of applications for housing
Operations Manager	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required Review process annually to ensure effective and report to the Board
CEO	Evaluate and review annually

5. References

Legislation	Residential Tenancies Act 2010
	AHO Housing Access Policy
	AHO Housing Eligibility Policy
	Social Housing Eligibility Products and Allocations Policy Supplement (Housing Pathways)
Related policy	Complaints and Appeals Policy AHO Housing Services Guidelines and Policy Framework
	Affordable Housing Policy
	Child Protection Policy

1.4 Social Housing Access and Eligibility Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Endorsed by: CEO

Endorsed date: 6 August 2018

Review date: Every 2 years

1. SEARMS and ICHO Applications and Eligibility (Non-Housing Pathways)

1.1 Applications

- II. For housing provided by SEARMS and participating ICHO's, applicants are required to complete SEARMS application form and submitted to the office by in person, mail, fax or email. *ICHO applicants are sourced from ICHO housing waiting list only.*
- III. SEARMS will ensure it manages applications in a fair, efficient and transparent way.
- IV. SEARMS staff will assist applicants to complete application forms if required. If an applicant has literacy difficulties, staff will assist to complete the forms.
- V. Supporting documentation will be required to verify information an applicant has provided in their application.
- VI. If more information (eg supporting documentation) is needed to assess the application the applicant will be notified in writing of the information required.
- VII. A copy of the application form will be provided to the applicant upon request.
- VIII. SEARMS staff will inform the applicant of alternative options to meet any immediate housing needs, or of more suitable options available to support their needs.

The applicant must provide the following information with the application form;

- Proof of identity (licence, passport, birth certificate)
- Proof of income (current payslips, last group certificate or Centrelink income and asset statement)
- Current rent receipt (if renting a property at the time of application); and
- Where applicable – references from work and previous places of residence

NOTE: Applicants who DO NOT supply income statements and all relevant information requested will be removed from the SEARMS Housing List.

If an applicant does not meet the social housing eligibility requirements, then SEARMS will assess the application against the affordable housing eligibility. Refer to the [Affordable Housing Access and Eligibility Policy](#)

The Housing Officer will be required to send an acknowledgement of the application to the applicant in writing within seven days of receipt. Refer to Appendix 1: Application Acknowledgement Letter.

The applicant will be informed in writing within seven days of a decision by the Housing Officer.

All housing application details are to be kept on an individual applicant file. This information will be transferred onto a tenant file when the applicant is allocated a property.

If an application is declined, that applicant's details will be kept on file for seven years. Applicants have the right to appeal the decision regarding their application.

1.2 Eligibility

To be considered eligible applicants must meet the following criteria.

- a. Aboriginal or Torres Strait Islander Confirmation
- b. Current housing status
- c. Income eligibility criteria
- d. Age requirements

a) Aboriginal or Torres Strait Islander Confirmation

It is a requirement that the applicant complete the AHO Confirmation Form as part of the Housing Application. Refer to the Confirmation of Aboriginality Policy

b) Current Housing Status

Applicants who are current tenants of another social housing provider² and are adequately housed in permanent accommodation are ineligible to apply for housing. The ineligibility applies to the spouse and partners and their dependants (children or minors in their custody) of applicants/tenants deemed adequately housed.

Family members who are deemed independent of the tenant must be at least 16 years of age, are a second family in residence, and require independent housing are eligible to lodge their own applications for housing. Reasons for requiring assistance must be included.

Applicants who believe that their accommodation is inadequate or inappropriate may be considered if they can demonstrate that all reasonable steps to alleviate the problems have been exhausted. For example, if the applicant is in a FACS Housing Services AHO or other social housing organisation dwelling, evidence must be provided that they have applied, and have been approved, for rehousing and that no suitable housing is available.

Applicants must provide a letter from FACS Housing Services or another social housing provider which explains how many offers of accommodation have been made to the applicant, if any, and the reason for the applicant's rejection of any offers. The reasons might include cultural, family responsibilities, kinship ties or medical grounds.

As a rule, applicants or household members who own or are buying their own home are ineligible for housing. However, if the applicant is not able to live in their current accommodation for reasons such as family breakdown, and the monetary value of the dwelling cannot be obtained as a direct result, the applicant may be considered for housing.

² Social housing providers include FACS Housing Services, Local Aboriginal Land Council, Aboriginal Community Housing Providers, Mainstream/ non-Aboriginal Community Housing Providers

Applicants who are found to have been housed previously and left with a 'debt' or 'arrears' of any sort with SEARMS or another social housing provider, will remain ineligible to be housed until the debts/arrears to the social housing provider is completely repaid or a repayment arrangement entered into.

1.3 Housing Register

SEARMS will maintain a register of applicants to be housed in its own properties. ICHOs maintain their own housing register/waiting list. The Housing Register should include all applicant details in date order as listed below:

- The date of the application
- Household complement
- Confirmation of Aboriginality
- The dates of birth of applicants and all household members;
- Age and sex of all household members;
- Bedroom category;
- Any special needs or cultural requirement which directly affects the design of the house – e.g. modifications as a result of special needs;
- Any medical conditions - these should include what kind of medical condition,
- Location requirements;
- Proof of total gross weekly household income (such as current payslips, group certificates or Centrelink income, asset statements must be provided. If no Centrelink payments are received then a letter from Centrelink must state nil payments);
- Rental history to be provided for all applicants (if applicable)
- Current housing circumstances. (A current rent receipt needs to be provided.)

1.4 Housing Register Review

The housing register will be prioritised in date order and include the following information:

- Date of application;
- Name of applicant and household members;
- Date of birth, age and sex of applicant and household members
- Confirmation of Aboriginality
- Bedroom category
- Location requirements (if available)
- Combined gross weekly total household income
- Rental history to be provided (if applicable)
- Current housing circumstances
- Board approval date

The register must not change in order but new applicants will be added to the end of the list.

The register may be updated or reduced in situations when applicants:

- Are no longer requiring housing assistance;

- Have been adequately housed;
- Have requested (in writing) to be removed; and/or
- Have passed away (children of the deceased applicant have the option to take the place of their parent on the housing register)

The applicant will be forwarded an application form every six (6) months to the last provided address. If no updated application is received within 21 days of the date of the letter the applicant will be deemed as no longer requiring housing and removed from the register.

The Housing Register will be regularly viewed for currency.

2. AHO Properties Applications and Eligibility (Housing Pathways)

2.1 Applications

Applicants for Aboriginal housing owned by the AHO are to apply through Housing Pathways. Applications will be assessed by FACS Housing NSW client service staff. If an applicant is assessed as eligible they will be listed on the NSW Housing Register. SEARMS requests a shortlist via NSW Housing Pathways for assessment.

Applications will be assessed on:

- Housing circumstances
- Income Eligibility
- Previous Debts
- Supporting documentation provided
- Age requirements

Applicants are responsible for keeping their information up to date informing NSW Housing Pathways on any changes in circumstances.

The Applicant will be able to see further changes to their application using the NSW Social Housing website or by calling 1800 422 322. To track an application online using the NSW Social Housing website. <https://forms1.facs.nsw.gov.au/register/AHA/#>

If an applicant does not meet the social housing eligibility requirements, then SEARMS will assess the application against the affordable housing eligibility. Refer to the Affordable Housing Eligibility Policy

2.2 Eligibility

To be eligible for social housing, applicants must meet all the following criteria:

- Be a resident in New South Wales (NSW)
- Establish their identity
- Have a household income within the income eligibility limits
- Not own any assets or property which could reasonably be expected to resolve their housing need
- Be able to sustain a successful tenancy, with or without support

- If applicable, make repayments of any former debts to a social housing provider;
- In general, be at least 18 years of age.

2.3 Residence in New South Wales (NSW)

Clients applying for social housing must live or work in NSW. However, SEARMS may waive the NSW residency rule in certain circumstances based on proof of the applicants need to live in NSW. These include:

- The client lives outside a border town but accesses medical, education, or commercial facilities in NSW
- The client needs to move to NSW for specialist medical treatment that is not available in the State they are currently living in
- The client needs to move to NSW to escape domestic violence, serious harassment or threats of violence
- The constitution of SEARMS allows for the eligibility of people living outside of NSW

2.4 Establishing identity

Clients must establish their identity by providing two forms of acceptable identification. They must also provide proof of identity for each person on their application who is 18 years or over.

A list of acceptable forms of identification can be found on SEARMS website

2.5 Applicants who are under 18 years of age

Generally, an applicant must be at least 18 years of age before considering them for social housing. However, SEARMS will consider applicants under 18 if:

- They meet all the general eligibility criteria for social housing; and
- They have an income; and
- Social housing is the best way to meet their accommodation needs; and
- SEARMS is satisfied they are able to meet tenancy obligations.

The preferred model for housing clients under 18 years of age will be in a formal supported housing partnership with support service providers.

Where a child is not eligible for social housing, SEARMS will make a referral to FACS for alternative accommodation and support services for the child.

In situations where SEARMS has reasonable grounds to suspect that a child or young person is at risk of harm, they will act in accordance with the CHILDREN AND YOUNG PEOPLE AT RISK POLICY.

2.6 Applicants in prison

Applicants in prison are able to apply for social housing and must meet the normal eligibility criteria.

2.7 Income eligibility

2.7.1 Household income

Household income means the total gross (before tax) income received by each person on the application who is aged 18 years and over (or received by the client and/or their partner if either is under 18 years of age).

This includes, for example:

- Wages.
- Pensions or benefits.
- Most government allowances.
- Interest on investments.
- Child support and maintenance payments.

2.7.2 Income Eligibility Limits

The social housing income eligibility limits are a range of income thresholds that specify the maximum income (before tax) that a household can earn and stay eligible for social housing.

To be eligible for social housing, the gross household income must be equal to or below the limit.

Household types are based on the number of adults and children in a household. SEARMS does not consider relationships within a household when determining household type. Refer to Table B for gross weekly income

Table B: Household member types and current weekly income allowance*

Household members (regardless of relationships)	Gross weekly income
Single adult	\$610
Each additional adult	Add \$230 to the income limit
First child	Add \$300
Each additional child	Add \$100

** Check NSW FACS website for latest income rates, changes 6 monthly!!!*

2.7.3 Assessment

To determine whether a household meets the income eligibility for social housing, SEARMS will:

- Assess income eligibility according to the applicant's household size, type and gross assessable household income (*as outlined in Table B: Household Income Allowance*)

2.7.4 Disability allowances

Clients or household members who have expenses due to a disability, medical condition or permanent injury may be entitled to a disability allowance or exceptional disability allowance.

2.7.5 Exception to the income eligibility rule

An exception to the income eligibility rule occurs when a client who requires a live-in carer meets all the eligibility criteria for social housing, but the inclusion of the income of the carer results in the application exceeding the income eligibility limit for social housing. If SEARMS approves their application, the client will be entitled to an extra bedroom for the live-in carer.

If the carer is receiving a Carer's Pension or Carer's Allowance, no further proof of being a carer is required.

If the client accepts an offer of housing, the carer cannot sign the tenancy agreement and will have no tenancy rights. This means that the carer will be required to leave the property if the client stops living in the property for any reason. The carer's income will be included in the assessment of the household's gross income for rent subsidy purposes.

2.7.6 Assessing income and assets

SEARMS will use the gross assessable income of the household when calculating income eligibility for social housing.

When applying for social housing a client must provide proof of all assessable income received by all household members aged 18 years and over. Proof of income must be original documents or can be through the Income Confirmation Scheme for Centrelink income.

2.7.7 Assessable Income

Assessable incomes are incomes that social housing providers include when calculating income eligibility for social housing. Incomes that SEARMS usually consider as assessable include payments received for general living expenses, for example:

- Most pensions, benefits and allowances paid by Centrelink and the Department of Veterans' Affairs. (These income types are also known as statutory income).
- Wages, salaries and some work allowances such as overtime, bonuses, shift allowances and penalty rates. (These income types are also known as non-statutory income).
- Other income such as regular superannuation, compensation, interest from savings and maintenance. (These income types are also known as non-statutory income).

Where an adult person in a household receives an income for a child (for example, Family Tax Benefits or child support payments), this is considered assessable income for the adult person, not the child.

If, a tenant advises they are not receiving any income, statutory or non-statutory, a basic Newstart income will be deemed and assessed as receiving the standard rate of Newstart Allowance. SEARMS will assess the applicant's income at the Newstart rate.

2.7.8 Non-assessable income

Non-assessable incomes are incomes that social housing providers do not include when calculating income eligibility for social housing. Incomes that providers usually consider as non-assessable include payments received for a specific purpose, such as allowances received to assist with a particular life circumstance or disability.

2.7.9 Income for self-employed applicants

SEARMS calculate the income for self-employed clients by looking at their gross income less legitimate business expenses. SEARMS classes legitimate business expenses as any expense essential for producing an income. Some items may be allowable as tax deductions, but SEARMS may not consider them legitimate business expenses.

If, when the income is calculated, it results in the income being below the standard rate of Newstart Allowance, then SEARMS will assess the applicant's income at the Newstart rate.

2.7.10 Applicants who own or part own property or real estate

If the applicant or their partner owns or has a share in a property that could provide a viable alternative to social housing, they are not eligible for social housing if they are able to:

- Live in the property, or
- Sell their equity in the property.

2.8 Former social housing tenants

SEARMS classifies former social housing tenants in the same manner as FACS (Housing NSW).

To be eligible for a tenancy reinstatement, former social housing tenants must:

- Not have breached their tenancy agreement, and
- Have a current nil or credit balance on all linked accounts (rent, water, repairs and former tenancies), and
- Have a satisfactory payment performance in respect of those accounts for the 12 months prior to the eligibility assessment for a tenancy statement.

Former tenants who were evicted (or left under threat of eviction) after their tenancy was terminated under Section 143 or 148 will be eligible for a tenancy statement provided they do not have other breaches outlined in the other categories listed in this policy.

2.8.1 Satisfactory former social housing tenants

This category applies to former social housing tenants who did not breach their former tenancy agreement. It also applies to former tenants who moved out of social housing owing the provider less than \$500 in rent, repairs, water usage or other charges.

Former satisfactory tenants will be eligible for a statement of satisfactory tenancy once they have fully repaid any outstanding debts to the provider, and if they also have a satisfactory payment performance for the 12 months prior to their assessment for a statement.

2.8.2 Less than satisfactory former social housing tenants or occupants

Less than satisfactory former social housing tenants include those who:

- Left the property of their own accord (without being evicted or being under threat of eviction or under a current Notice of Termination), or

- Left the property through termination action under Section 143 and 148 of the Residential Tenancies Act 2010 (or Section 63B and 63F of the Residential Tenancies Act 1987), and
- Moved out owing the provider more than \$500 in rent, repairs, water usage or other charges, or
- Abandoned the property, or
- Left the property in an unsatisfactory condition, or
- Had substantiated complaints of serious nuisance and annoyance during their tenancy.

Substantiated nuisance and annoyance is defined as:

- An order obtained from the NSW Civil and Administrative Tribunal that a tenant had breached their tenancy agreement on nuisance and annoyance grounds, or
- Written verification from the Police under the Memorandum of Understanding that the tenant had breached their tenancy agreement, for example, disturbing the peace while on the residential premises

When serious nuisance and annoyance occurs, the General Manager must determine if the offending behaviour is due to an intellectual or psychiatric disability which could be addressed by the provision of adequate support from the appropriate support agency.

If there were substantiated complaints of serious nuisance and annoyance by an additional occupant, they will be categorised as a less than satisfactory former social housing occupant.

2.8.3 Unsatisfactory former social housing tenants

Unsatisfactory former tenants include former tenants who:

- Were evicted from their previous tenancy due to a breach of the tenancy agreement, or
- Had their tenancy terminated in accordance with a NSW Civil and Administrative Tribunal order and were signed to a new tenancy agreement, or
- Vacated before an Order of Possession to evict them was enforced, or
- Vacated before an Order of Possession was obtained and had substantiated complaints of nuisance and annoyance
- Are “repeat” less than satisfactory tenants
- Had substantiated complaints of nuisance and annoyance and were evicted, or
- Had substantiated complaints of nuisance and annoyance (as defined above) and vacated before an Order of Possession to evict them was enforced.

Former tenants who were evicted or vacated under threat of eviction based on terminations under Section 143 (not eligible to reside in social housing) and Section 148 (the tenant rejected an offer of alternative social housing), or previously under the Residential Tenancies Act 1987 (Section 63B or 63F), will not have this eviction action included in the former tenant category assessment.

2.8.4 Ineligible former social housing tenants

Former tenants who are ineligible for social housing include those who were evicted for extreme breaches of their tenancy agreement, who vacated before an Order of Possession for an extreme breach could be enforced, or who vacated before an Order of Possession was obtained for an extreme breach that has been substantiated by written verification from the police under the Memorandum of Understanding.

Extreme breaches may include:

- Illegal activities carried out by the tenant or a member of their household on the social housing premises. Conducting an unauthorised business is an illegal use of the premises however it is not an illegal activity unless the business itself is unlawful.
- The tenant or a member of their household was convicted of arson or deliberate damage of a social housing property.
- Physical attacks or serious verbal threats directed at neighbours or social housing staff made by the tenant or a member of their household.

2.9 Ability to sustain a successful tenancy

To be eligible for social housing with SEARMS, the client must be able to sustain a successful tenancy. This means that they must be able to meet the obligations of their tenancy, with or without support. When determining whether social housing is the most appropriate housing option for an applicant, SEARMS will consider whether the applicant is able to:

- Pay their rent, and
- Look after their property, and
- Not create a nuisance and annoyance to their neighbours, and
- Live independently with, or without support, and
- Live in the property on an ongoing basis.

Where the client needs support to maintain a tenancy, they must show that they have access to appropriate support services. SEARMS will make appropriate referrals to other agencies in situations where the client has not accessed available support services.

If there are concerns about a client's ability to live independently, SEARMS will request permission from the applicant to obtain:

- A living skills assessment from an external support agency, or
- An independent living skills report from their support worker.

Where a client requires ongoing support from agencies in order to sustain a tenancy, the preferred model for housing the client will be in a formal supported housing partnership with the agencies.

2.10 Clients with urgent or complex housing needs

Clients may have urgent or complex needs which they are unable to resolve themselves. SEARMS will make every reasonable endeavour to interview all clients with indicators of complex or urgent needs and may consider them for a referral for emergency temporary accommodation or with priority assistance.

2.10.1 Priority housing assistance

Priority housing aims to meet the urgent housing needs of applicants who require long-term housing assistance. To be eligible for priority housing, applicants must meet all three of the following criteria:

- Eligible for social housing, and
- In urgent need of housing, and
- Unable to resolve that need themselves in the private rental market.

To be eligible for priority housing, an applicant must meet the general eligibility criteria for social housing, as outlined above.

An applicant may demonstrate that they have an urgent housing need if they are experiencing one or more of the following:

- Unstable housing circumstances, and/or
- At risk factors, and/or
- Existing accommodation is inappropriate for their basic housing requirements

2.10.2 Evidence requirements for priority housing

An applicant must provide evidence to support their application.

2.11 Locational Needs

Due to the demand for housing and limited supply options, where applicants and/or tenants who may need priority assistance, SEARMS will contact other Aboriginal and Community housing providers for assistance. The applicant and/or tenant will need to register on the Housing Register.

2.12 Applications from non-Aboriginal people

Generally, an applicant for housing with SEARMS must be an Aboriginal person. However, there may be circumstances where the parent or guardian is not an Aboriginal person but is the primary caregiver of Aboriginal children.

In these circumstances as long as the household meets all other eligibility criteria, the Board will make the approval to admit the client to the SEARMS Housing Register and NSW Housing Register and make an offer of accommodation when their turn is reached.

2.13 Change of Circumstances

If a tenant has any changes in their household circumstances, they must advise SEARMS within 28 days of the change occurring. A Housing Officer will re-assess the application to ensure the

household is still eligible, and, if so, whether the urgency or complexity of their circumstances has changed.

3 Right to Appeal

All applicants and tenants will be advised of their right to appeal any decision made concerning their application.

If an applicant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. This review will be undertaken by the SEARMS Board. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days and after the matter has been reviewed by the Board, the applicant will be notified of the result in writing within a further seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website www.searms.com.au

SEARMS staff will advise that further appeals can proceed to the independent Housing Appeals Committee (HAC). Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794.

For more information on appeals refer to the Appeals Policy

4 Conflict of interest

Any SEARMS employee or Board member involved in the application assessment or housing allocations processes must disclose and register any personal or other relationship with a tenant or applicant being considered for housing assessment or allocation.

The SEARMS employee or Board member must withdraw from any involvement in the allocation of housing to that tenant or applicant and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

5 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.

Date

APPLICATION ACKNOWLEDGEMENT LETTER

(To be placed on company letter head)

APPLICANT NAME
APPLICANT ADDRESS

To APPLICANT,

We have received your application with SEARMS (on date).

We acknowledge your need for housing and you will be placed on a database until a house is available to best suit your needs.

At this point in time we have no properties available to cater to your requirements.

Please keep us updated if your circumstances and contact details change or if you no longer require housing assistance. You can do this by contacting the SEARMS team on (number)

Thanks

STAFF MEMBER
POSITION
DATE



1.4 Affordable Housing Access and Eligibility Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 6 September 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide information on SEARMS approach to managing affordable housing within its portfolio.

This policy applies to SEARMS owned stock as well as AHO managed properties that have been identified as affordable housing.

2. Policy

SEARMS is committed to supporting its tenants by providing a range of housing solutions when their financial circumstances change, without having to relocate. SEARMS values its long term tenants and believes that housing security is important to supporting education, employment and health and wellbeing.

It is the aim of the SEARMS to provide affordable housing to the following groups:

- Social housing applicants and tenants, including those existing social housing, seeking another choice of housing which may be more suited to their needs; or
- Households in stress whose housing need cannot be met within the private market; or
- Households with the potential to transition into home ownership

Affordable housing is open to a broader range of household incomes than social housing, so households can earn higher levels of income and still be eligible. Households do not have to be eligible for social housing to apply for affordable housing, though social housing households may also be eligible for affordable housing.

3. General Principles

SEARMS will adhere to the following principles to guide affordable housing access and eligibility processes:

- I. Ensure application forms and assistance is provided to all applicants
- II. Ensure equitable access to the affordable housing program is provided to applicants who are eligible
- III. Clearly explain all applicants' entitlements, assessment outcomes and housing options
- IV. Provide an open and transparent application process
- V. Ensure applicants and tenants understand their right and process to appeal any decision
- VI. Treat all information received from applicants and tenants is confidential and records are kept secure and protected.

- VII. Ensure all relevant policies and forms are widely accessible to applicants and tenants
- VIII. Ensure that all standards are met according to AHO policies, SEARMS policies
- IX. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Receive and respond to enquiries regarding access to and eligibility for housing
Housing Officer	Effectively assess eligibility and priority of applications for housing
Housing Officer	to provide appropriate tenancy management services
Operations Manager	To monitor the demand and allocation of affordable housing and provide reports to the Board
CEO	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

5. References

Legislation	Residential Tenancies Act 2010
	AHO Housing Access Policy
	AHO Housing Eligibility Policy
	NSW Affordable Housing Ministerial Guidelines 2017-18
Related policy	Complaints and Appeals Policy
	Affordable Housing Policy
	Child Protection Policy
	AHO Housing Services Guidelines and Policy Framework

Affordable Housing Access and Eligibility Procedural Guidelines

Version Number: 2 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 6 September 2018

Review date: Every 2 years

1. Procedure

1.1 Applications

Applications can be obtained at the SEARMS office or website. All information that is requested must be attached to the application when submitted for assessment. *See attached Affordable Housing Application.*

Affordable housing applications can be accepted from people who are also listed on the SEARMS Housing Register, participating ICHO Housing Register or NSW Housing Register.

If applicants require assistance with completing an application for SEARMS Housing Officers can assist either via phone or in person at the (name of org) office by appointment.

Applicants are able to update their information by contacting SEARMS by phone, in person at their office or website.

Applications can be submitted to by mail, in person or via the website. Applications will be assessed by the Housing Officers to ensure that all appropriate documentation is attached.

The Housing Officer will then assess the application and notify in writing within seven days to inform the applicant that the application has been submitted or alternately notify them of any further information required.

This will then be the date that the application will then be active.

The application and supporting documents will then be put on the Housing Register.

1.2 Eligibility

For applicants to be eligible for affordable housing the following must be provided:

- Confirmation of Aboriginality
- Proof of identity
- Be a resident in NSW
- Previous rental references
- Be at least 18 years of age
- Have a household income within the income eligibility limits; and
- Not own any assets or property which could reasonably be expected to resolve their housing need; and

- Be able to sustain a successful tenancy, with or without support
- If applicable, make repayments of any former debts to a previous housing provider

Please refer to the SEARMS website for proof of identity that is excepted.

1.3 Income Eligibility

As per the NSW Affordable Housing Guidelines the following tables are to be used to determine income eligibility of individuals and households. These limits vary according to household size, with the maximum limit increasing with each additional person in a household.

1.3.1 Calculating household income bands by household size

To determine the income band by household size, the following steps should be applied

Step 1: Add up the number of adults (18 years or over) in the household

Step 2: Add up the number of children (under 18 years) in the household

Step 3: For each adult and child add up the income allowance using the figures in Table A.

Table A: Household Income Bands by Household Size

Household members	Gross annual household income		
	Very low	Low	Moderate
Single adult	\$22,400	\$35,800	\$53,700
Each additional adult	Add \$11,200 to the income limit	Add \$17,900 to the income limit	Add \$26,900 to the income limit
Each additional child	Add \$6,700	Add \$10,700	Add \$16,100

Table B: Household Income Bands by Household Size

Household Type	Very Low	Low	Moderate
Single	\$22,400	\$35,800	\$53,700
Single +1	\$29,100	\$46,500	\$69,800
Single +2	\$35,800	\$57,200	\$85,900
Single +3	\$45,500	\$67,900	\$102,000
Single +4	\$49,200	\$78,600	\$118,100
Couple	\$33,600	\$53,700	\$80,600
Couple +1	\$40,300	\$64,400	\$96,700
Couple +2	\$47,000	\$75,100	\$112,800
Couple +3	\$53,700	\$85,800	\$128,900
Couple +4	\$60,400	\$96,500	\$145,000

The income based in this table has come from the NSW Affordable housing ministerial Guidelines and may be updated as the income needs change.

1.4 Ongoing Eligibility

Affordable housing tenants must continue to meet the eligibility criteria for affordable housing, which is reviewed on an annual basis.

2. Housing need

Applicants must be in housing need and unable to resolve this need in the medium to long term without assistance. Factors demonstrating need may include currently living in unaffordable and/or unsuitable housing or needing to relocate for employment or family reasons.

3. Assets

If the applicant or their partner owns or has a share in a property that could provide a viable alternative for suitable housing, they are not eligible for affordable housing if they are able to:

- Live in the property, or
- Sell their equity in the property.

Applicants will only be eligible for Affordable housing if there is a significant reason that they are unable to live in their owned property these are but not limited to:

- Relationship breakdowns where the applicant is unable to live in the property; or
- Unable to sell their equity to find alternate accommodation due to court proceedings

4. Ability to Sustain a Tenancy

To be eligible for affordable housing applicants must be able to sustain a successful tenancy. This means that they must be able to meet the obligations of their tenancy, with or without support.

When determining whether affordable housing is the most appropriate housing option for an applicant, SEARMS will consider whether the applicant is able to:

- Pay their rent, and
- Look after their property, and
- Not create a nuisance and annoyance to their neighbours, and Live independently with, or without support, and
- Live in the property on an ongoing basis.

Where the applicant needs support to maintain a tenancy, they must show that they have access to appropriate support services. SEARMS will make appropriate referrals to other agencies in situations where the client has not accessed available support services. If there are concerns about a applicants ability to live independently, SEARMS will request permission from the applicant to obtain:

- A living skills assessment from an external support agency, or
- An independent living skills report from their support worker;

Where an applicant and/or tenant requires ongoing support from agencies in order to sustain a tenancy, the preferred model for housing the client will be in a formal supported housing partnership with the agencies.

5. Housing Register

SEARMS will maintain a register of applicants to be housed, who are eligible for affordable Housing. The register should include all applicant details in date order as listed below:

- The date of the application;
- Household complement/members;
- The dates of birth of applicants and all household members;
- Age and sex of all household members;
- Bedroom category;
- Any special needs or cultural requirement which directly affects the design of the house – e.g. modifications as a result of special needs;
- Any medical conditions - these should include what kind of medical condition, and whether it is long or short term;
- Location requirements;
- Combined gross income eligibility assessment
- Rental history to be provided for all applicants (if applicable)
- Current housing circumstances including the owner of their current residence and the reason for their housing need. (A current rent receipt needs to be provided.)

7.9 Housing Register Review

The register will be prioritised in date order and include the following information:

- Date of application;
- Name of applicant and household members;
- Date of birth, age and sex of applicant and household members
- Bedroom category
- Location requirements (if available)
- Combined gross weekly total household income
- Rental history to be provided (if applicable)
- Current housing circumstances
- Board Approval date

The register must not change in order, but new applicants will be added to the end of the list.

The register may be reduced in situations when applicants:

- Are no longer requiring housing assistance;
- Have been adequately housed;
- Have requested (in writing) to be removed; and/or
- Have passed away (children of the deceased applicant have the option to take the place of their parent on the housing register)

The applicant will be forwarded an application form every six months to the last provided address. If no updated application is received **within 21 days** of the date of the letter the applicant will be deemed as no longer requiring housing and removed from the register.

The Housing Register will be reviewed every six (6) months by the Board and approved at a Board meeting. The changes to the Housing Register must be endorsed at a legally constituted meeting.

6. Confidentiality

All applicants and tenant's information will remain confidential and information and records will be kept secure and protected from unauthorised access or use. The General Manager will be responsible for managing the security of all applicants and tenant's files and any requests must be made through the Housing Officer.

SEARMS will not release any confidential or sensitive information to a third party without the prior written consent or approval of the affected person or agency that owns the information

7. Right to Appeal

All applicants and tenants will be advised of their right to appeal any decision made concerning their application.

If an applicant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. This review will be undertaken by the SEARMS Board. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

8. Conflict of interest

Any SEARMS employee or Board member involved in the application assessment or housing allocations processes must register any personal or other relationship with a tenant or applicant being considered for housing assessment or allocation.

The SEARMS employee or Board member must withdraw from any involvement in the allocation of housing to that tenant or applicant and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

9. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.



1.5 Social and Affordable Housing Allocations Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 6 September 2018

Review date: Every 2 years

1. Purpose

This policy covers applicants to social housing and affordable housing properties that are owned by SEARMS, participating ICHO and AHO managed properties.

2. Policy

SEARMS aims to promote a successful and sustainable tenancy when matching applicants to properties. The means matching an applicant to a property that:

- Provides sufficient bedrooms for the household composition
- Meets any special needs (where practical and if available)
- Assists the applicant to access support services they may need
- Encourages a sustainable tenancy
- Makes best use of the available housing stock

Applicants eligible for social housing can be listed on the NSW Housing Register, the SEARMS Housing Register or participating ICHO Housing Register.

Applicants eligible for affordable housing can be listed on the SEARMS Housing Register or participating ICHO Housing Register.

Applicants approved for the following forms of housing assistance are housed ahead of other applicants on the housing register:

- Tenancy reinstatement
- Priority transfer
- Relocation transfer

3. General Principles

SEARMS will adhere to the following principles to ensure that it maintains a transparent allocation process that is fair, just and equitable:

- I. Establish a minimum 2 person panel to independently assess applications against the Housing Allocation Matrix with a third to review and make final resolution.
- II. Ensure the process for allocating to an AHO managed property under Housing Pathways is followed correctly
- III. Provide an open and transparent allocation process

- IV. Ensure properties are matched to applicants as best as possible
- V. Ensure all allocation decisions are documented
- VI. Allocate properties as quickly as possible to minimise the length of time a property is left vacant
- VII. Ensure there a transparent and fair processes to mitigate conflicts of interest in the allocation of properties
- VIII. Ensure applicants and tenants understand their right and process to appeal any decision
- IX. Treat all information received from applicants and tenants is confidential and records are kept secure and protected.
- X. Ensure all relevant policies and forms are widely accessible to applicants and tenants
- XI. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- XII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Effectively manage the allocation of vacant properties in a timely manner
Housing Manager	Monitor consistent and fair policy application in the allocation of properties
Operations Manager	Provide report to the Board on allocation of properties including void and vacancy rates
CEO	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
Board	To monitor vacancy and void timeframes and review policy annually

The Board will report the findings and recommendations within its annual report.

5. References

Legislation	Residential Tenancies Act 2010
	AHO Housing Access Policy
	NSW Affordable Housing Ministerial Guidelines 2017-18
Related policy	AHO Draft procedure for non Housing Pathways – contacting applicants on the Register
	Complaints and Appeals Policy

	Affordable Housing Policy
	Child Protection Policy
	AHO Housing Services Guidelines and Policy Framework

Social and Affordable Housing Allocations Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 6 September 2018

Review date: Every 2 years

1. Procedure

1.1 Housing Allocation Matrix

Completed by minimum 2 people independently. Then given to a 3rd to review and make final scoring for successful applicant.

Housing Matrix has scores for matching applicants to dwellings that are appropriate to their needs.

SEARMS will carefully consider the applicants individually on their needs to the type of particular dwellings in matching the housing needs for a successful allocation. These include properties:

- That are suitable for older people
- That have been built or modified to meet the needs of people with a disability
- On the ground floor or with appropriate levels of access suitable to needs

SEARMS will allocate dwellings that are appropriate to the household size. This means that households will not be allocated dwellings where more than one (1) extra or spare bedroom is unoccupied. In circumstances where there is unavailability of suitable/ required properties available, the applicant may be allocated a larger dwelling. This exception would require documentation to support such claims.

1.2 Bedroom Entitlements for Household Composition

To determine bedroom entitlements SEARMS will apply the following criteria;

Household Size	Bedroom Entitlement
Singles	1 – 2 rooms
Couples	1 – 2 rooms
1 or 2 Adult with 1 – 2 children	2 rooms
1 or 2 Adults with 3 – 4 children	3 rooms
1 or 2 Adults with 5 or more children	3 or more rooms
Two or more single adults	One bedroom per adult
Extended families	1 bedroom per single adult or couple and 1 2 children per bedroom

1.3 Accommodating Children and Additional Bedroom Requirements

SEARMS will consider the age and sex of any children in the household when it works out a household's bedroom entitlement. The following principles will be applied by SEARMS when considering additional bedroom requirements

Situation		SEARMS Response
Over 18 years	Children over 18 years old	Considered to be an adult when calculating the minimum bedroom entitlement
Shared bedrooms	Children expected to share a bedroom	Same sex children up to 18 years old to share a bedroom Male and female children to share a bedroom until one of the children reach 10 years old
Children can share a bedroom	Applicant has demonstrated a need for same sex children under 10 years old to have separate bedrooms	SEARMS will allocate an additional bedroom. <i>Examples of situations where an extra bedroom could be appropriate include where there is a large age gap between the children or behavioural factors</i>
Shared custody	Applicants with shared custody of children	The child/children are considered to be part of the household if the applicant has substantiated shared custody of children for 3 days per week or more. Normal bedroom entitlements apply
Access/Carer needs	Applicants who need to accommodate access or carers visits	Access or carer visits are not considered to be part of the household if they visit for less than 3 days per week. The applicant must demonstrate a need for an extra bedroom to accommodate access/carers visits

1.4 Income Eligibility

Check whether income meets eligibility criteria, is the tenancy sustainable if offered.

1.5 Support letters

From family, community, support workers, professional workers. To demonstrate if applicant has key links to area of vacant house.

2. Right to Appeal

All applicants and tenants will be advised of their right to appeal any decision made concerning their application.

If an applicant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. This review will be undertaken by the SEARMS Board. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

Applicants can appeal the following decisions under this policy:

- Housing suitability
- Bedroom entitlements
- Modifications or special features of dwelling
- Locational need (if applicable)

All appeals applications will be initially assessed by the General Manager

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3. Conflict of interest

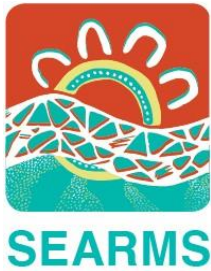
Any SEARMS employee or Board member involved in the application assessment or housing allocations processes must disclose and register any personal or other relationship with a tenant or applicant being considered for housing assessment or allocation.

The SEARMS employee or Board member must withdraw from any involvement in the allocation of housing to that tenant or applicant and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

4. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.



1.6 Offers of Housing Policy

Version Number: 02 2018

Approved by: SEARMS Board

Approval date: 6 September 2018

Review date: Every 2 years

1. Purpose

This policy ensures that a fair system is in place when allocating properties and that SEARMS can house tenants in the shortest possible time so that properties are not left vacant.

This policy applies to offers of housing made to fill properties under the following programs:

- Social Housing – SEARMS owned and participating ICHO properties
- Social Housing – AHO managed properties (Housing Pathways)
- Affordable Housing

2. Policy

SEARMS will provide two reasonable offers of housing to an applicant., See Relocation and Transfer Policy for more information on offers for Transfers and Relocations.

Applicants may be removed from the housing register if they fail to accept reasonable offers, in line with SEARMS policies and Housing Pathways policies.

An offer is reasonable if it will meet the applicant's known housing requirements and needs based on the merits of the information provided by the applicant.

3. General Principles

SEARMS will adhere to the following principles to ensure that it maintains a transparent offer of housing process that is fair, just and equitable:

- I. Ensure applicants meet all eligibility criteria before an offer of housing is made
- II. Ensure the property is appropriate to the applicant's needs and any special access needs such as suitability for older people or people with disabilities
- III. Ensure all offers of housing and rejections are documented
- IV. Ensure there a transparent and fair processes to mitigate conflicts of interest
- V. Ensure applicants and tenants understand their right and process to appeal any decision
- VI. Treat all information received from applicants and tenants as confidential and records are secure.
- VII. Ensure all relevant policies and forms are widely accessible to applicants and tenants
- VIII. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- IX. Ensure there are sufficient systems for monitoring compliance with the AHO policies, associated housing organisations policies and relevant legislation

4. Responsibility

Housing Officer	Effectively manage the offer process
Housing Manager	Monitor and ensure good practice in offering properties to applicants
Operations Manager	Provide report to the Board
CEO	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

5. References

Legislation	Residential Tenancies Act 2010
	AHO Housing Access Policy
Related policy	AHO Housing Services Guidelines and Policy Framework

Offers of Housing Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 6 September 2018

Review date: Every 2 years

1. Procedure

1.1 Offer Process

The offer process begins once an applicant has been selected as a possible match for an available property and all formal offers will be made to the applicant in writing.

For AHO managed properties, if making an offer of housing to an applicant from the short list, explain conditions of offer. SEARMS must use part 2 in the *Information for clients when contacted by non-Housing Pathways providers* as a guide

For internal reporting requirements, details regarding offers made for a particular property are recorded on the Allocation Offer Record Form.

According to section 26 of the Residential Tenancies Act 2010, SEARMS must disclose to the tenant;

- If the premises have been subject to flood or bushfire in the last five years
- If the premises pose significant health or safety risks that are not apparent
- If the premises have been the scene of a serious violent crime within the past five years

1.2 Following an offer

After an offer has been made, SEARMS expects that the applicant will inspect the property. Within two working days of receiving details of the offer the applicant is expected to inform SEARMS whether or not they will accept the offer. SEARMS can extend this timeframe for a short time if the applicant requests and has a sufficient reason for making the request.

If a response is not received within 7 days of the offer, the applicant is deemed to have refused the offer, unless suitable reasons are provided.

1.2.1 Outstanding Repairs/Refurbishment

In cases where a property is undergoing refurbishment, renovation or other planned maintenance, SEARMS will inform the applicant in writing about the work that is to be carried out and the expected standard or condition of the property when the work is finished.

1.3 Offer accepted

If the applicant accepts the offer, SEARMS will explain what needs to happen before the applicant can move in.

For AHO managed properties, if an applicant from the short-list accepts the offer and is housed by SEARMS, notify the Housing Pathways provider in writing using the *Notice of applicant housed* form so they can update HOMES accordingly and remove the applicant from the NSW Housing Register.

SEARMS will ask the applicant to sign a tenancy agreement within 2 days of accepting the offer. SEARMS can extend this timeframe if the applicant requests it and has sufficient reasons for making the request.

Refer to the policy on [Sign Ups](#) for more information about the process for signing a tenancy agreement.

1.4 Offer rejected or withdrawn

7.4.1 SEARMS owned properties

If the applicant does not accept the offer, the Board will decide whether the applicant's response is

- A rejection of a reasonable offer which means the offer would count as one of the applicant's two offers; or
- A valid refusal of an unreasonable offer ie is unsuitable due to disability or health reasons, which must be supported by specialist medical documentation. In this case offer should be withdrawn.

7.4.2 Participating ICHO properties

SEARMS will notify the provider of the applicant's rejection of the offer and request for a decision to be made by the Board on whether the applicant's response is appropriate.

SEARMS will notify the applicant in writing immediately of the process requiring further advice from the participating ICHO Board on its decision to accept the applicant's response for rejection.

7.4.3 Properties managed on behalf of the AHO

If an applicant does not accept the offer, this must be recorded and placed on file. This rejection does not impact on this applicant's position on the NSW Housing Register or on their entitlements so there is no need to notify the Housing Pathways provider.

Applicants who refuse an offer will need to put the reason in writing. They will be taken off the list, unless the property is unsuitable due to disability or health reasons. This must be supported by specialist medical documentation.

If an applicant has a previous debt for non-payment of rent or damages they may not be considered for future housing or maybe required to enter into special conditions under the Residential Tenancy Agreement .

1.5 Removing an applicant from the Housing Register

If an applicant refuses two reasonable offers for housing under SEARMS, they will be removed off the SEARMS housing register.

SEARMS will be informed by the participating ICHO whether to remove an applicant if they have refused two reasonable offers for housing.

For applicants on the NSW Housing Register, SEARMS will make arrangements with its partnered Housing Pathways provider to close an applicant's application on the NSW Housing Register.

1.6 Response to Offer – Assessment Criteria

The table below gives examples of offer situations that SEARMS will regard as accepted, rejected or withdrawn.

Table 1: Response to Offer

Response to offer	Criteria
Accepted	The applicant has accepted the property offered by SEARMS and agreed to sign a residential tenancy agreement
Rejected	The applicant has decided not to accept the property offered by SEARMS. SEARMS has decided that the offer made to the client was reasonable.
Withdrawn	The applicant decided not to accept the property that was offered. SEARMS has decided that the applicant's decision is valid because the property did not meet their needs based on information provided by the applicant and has supported documentation (eg. from specialist)
Withdrawn offer due to urgent needs (Management/Board Change)	SEARMS offered the property but now needs it to house an applicant with more urgent needs.
Change of applicant details resulting in withdrawal of offer	SEARMS matched the applicant to the property but did not provide the details to the applicant because the applicant's needs or circumstances had changed.
Informal Offer	SEARMS matched the applicant to the property but did not formally offer the property to the applicant.

Late response, missed offer	The applicant did not respond to attempts to contact them in order to make an offer but later provided a reasonable explanation for their lack of contact.
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1.7 Refusing Reasonable Offers

SEARMS will ensure that the property is appropriate to the applicant's needs as identified on their application form at the time of review by the Board.

An offer is considered reasonable based on the grounds of

- The number of bedrooms the household requires
- The area requested (if available)
- Any property features identified as needs, such as level access, stairs/steps.

When a tenant is relocating for management purposes, only one reasonable offer may be made.

Applicants should provide evidence to support their claim if they believe an offer was unreasonable.

SEARMS will consider the evidence provided by the applicant before a decision is made.

2. Right to Appeal

All applicants will be advised of their right to appeal any decision made concerning their application.

If an applicant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. This review will be undertaken by the SEARMS Board. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

Applicants can appeal the following decisions under this policy:

Housing Entitlement

- Number of bedrooms
- Modification or special features of dwelling
- Locational need (if applicable)

Minors

- Eligibility of a minor to be granted a tenancy

Offer of property

- Whether an offer is considered reasonable
- Acceptability of reason for not accepting an offer
- Removal from Housing Registers for not accepting two offers

All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3. Conflict of interest

Any SEARMS employee or Board member involved in the application assessment or housing allocations processes must register any personal or other relationship with a tenant or applicant being considered for housing assessment or allocation.

The SEARMS employee or Board member must withdraw from any involvement in the allocation of housing to that tenant or applicant and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

4. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Attachment (#)**Letter of Offer**

(on org letter head)

Applicant Name

Applicant Address

RE: Offer of Tenancy for (address)**I NAME OF APPLICANT**

- ☐ Accept the offer of tenancy of **ADDRESS OF PROPERTY**
- ☐ Decline the offer of tenancy of **ADDRESS OF PROPERTY**
- ☐ I wish to remain on the waiting list until a suitable house is available.

You must include a reason if you decline the offer

Signed _____ Witnessed _____

Date: _____

Attachment (#)

Attachment (#)

ICHO Offer Of Housing

Potential tenant name

Address for letter to be sent

RE: Offer of Housing

Dear tenant,

This letter is to confirm that your name appears next suitable applicant of the Housing waiting list for **Organisation**. On behalf of **Organisation** and in accordance with their policies, I would like to offer you tenancy of

Address of offered property.

The weekly rental on the premises would be in accordance with the **Build and Grow rent policy or organisation policy** which is currently **\$Amount per week**. Before signing a lease, you will need to pay a bond of 4? weeks rent being **\$Amount**.

Should you accept this offer you will need to contact this office within 7 days.

Should you require any additional information please do not hesitate to contact (housing officer) on (contact details)

Yours truly,

Your Name

Housing Officer

Attachment (#)

Withdrawal of Letter Offer Template

Date

Applicant
address

RE: Withdrawal of Letter of Offer

Dear Applicant,

This letter is to inform you that your Letter of Offer from **Organisation** for the property **Address** has been withdrawn.

As we have not received an answer to your Letter of Offer within (time period). As per the SEARMS Offer of Housing Policy, your offer has been withdrawn.

If you have any queries in regards to this feel free to contact (position) on (contact numbers)

Regards

Your Name
Position title

Attachment (#)

ALLOCATION OFFER RECORD

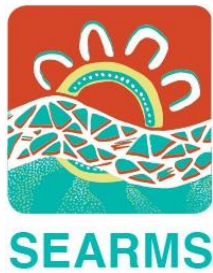
PROPERTY ADDRESS:

Property Agreement: (eg - name of org owned, participating ICHO name, AHO managed property, other)	Property Details: (eg - type, size, number of bedrooms)
Date previous tenancy terminated:	Date vacant/acquired:

Offered to	Date of Offer	No# of household composition	Date of acceptance/ refusal	Reason for allocation or refusal	Reasonable offer Yes/No

Notes (eg: explanation if not offered to next applicant on list, include a copy of the housing register and housing allocation matrix)

Approved by (position):	Date:
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1.7 Privacy and Confidentiality Policy

Version Number: 02 2018

Approved by: SEARMS Board

Approval date: 6 September 2018

Review date: Every 2 years

1. Purpose

This policy outlines the circumstances in which SEARMS obtains personal information, how we use and disclose that information and how we manage requests to access and/or change that information

2. Policy

This Privacy Policy details how SEARMS manages and protects personal information in accordance with the *Privacy Act 1988 (Cth)* (Privacy Act) and the 13 Australian Privacy Principles (APPs) as well as the requirements of the *Health Records and Information Privacy Act 2002 (NSW)*.

3. Collection of personal information

Personal information is information or an opinion about an individual from which they can be reasonably identified. Depending on the circumstances, we may collect personal information from the individual in their capacity as an applicant for tenancy or other services, tenant, member of a tenant or tenancy applicant's household, contractor, volunteer, stakeholder, job applicant, visitors and others that come into contact with SEARMS.

In the course of providing services, we may collect and hold:

- **Personal Information** including names, addresses, and other contact details, date of birth, next of kin details, financial information, photographic information and attendance records.
- **Sensitive Information** (particularly in relation to providing appropriate housing services and our work health and safety obligations) including relevant religious beliefs, government identifiers, nationality, country of birth, languages spoken at home, family court orders and criminal records.
- **Health Information** (particularly in relation to providing appropriate housing services and complying with our work health and safety obligations) including medical records, disabilities, individual health care plans and counselling reports.

The collection of personal information depends on the circumstances in which SEARMS is collecting the information. If it is reasonable and practical to do so, we collect personal information directly from the individual.

3.1 Solicited Information

SEARMS has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. an application form or Housing Forms). However, given the nature of our operations, we also receive personal information by email, letters, notes, via our website, over the telephone, in face-to-face meetings and through financial transactions. This also may occur through surveillance activities such as the use of CCTV security cameras or email monitoring.

We may also collect personal information from other people (e.g. a third party service provider, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

3.2 Unsolicited Information

SEARMS may be provided with personal information without having sought it through our normal means of collection. This is “unsolicited information” and is often collected by:

- Misdirected postal mail – letters, notes and documents.
- Misdirected electronic mail – emails, electronic messages
- Employment applications sent to us that are not in response to an advertised vacancy
- Additional information provided to us which was not requested

Unsolicited information obtained by SEARMS will only be held, used and/or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means, we will destroy, permanently delete or de-identify the personal information as appropriate. Complaints about individuals are considered to be unsolicited information.

3.3 Collection and use of sensitive information

SEARMS only collects sensitive information if it is:

- Reasonably necessary for one or more of these functions or activities, and we have the individual’s consent
- Necessary to lessen or prevent a serious threat to life, health or safety
- Another permitted general situation
- Another permitted health situation

We may share sensitive information to other entities in our organisation structure, but only if necessary for us to provide our products or services or with the consent of the person.

4. Use of personal information

SEARMS only uses personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for related secondary purpose that would be reasonably expected by you, or for an activity or purpose to which you have consented.

Our primary uses of personal information include but are not limited to:

- Providing housing, homelessness and related services
- Satisfying our legal obligations including our duty of care to clients (including tenants), workers and child protection obligations
- Keeping tenants informed as to community housing matters through correspondence, newsletters and magazines
- Marketing, promotional and fundraising activities
- Supporting community-based causes and activities, charities and other causes in connection with SEARMS functions and activities
- Helping us to improve our day to day operations including training our staff
- Systems development - developing new programs and services, undertaking planning, research and statistical analysis using de-identified information wherever practicable
- Administration including for insurance purposes
- The employment of staff and the engagement of volunteers

We only use or disclose sensitive information for a secondary purpose if you would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

5. Storage and security of personal information

SEARMS stores personal information in a variety of formats including, but not limited to:

- Databases
- Hard copy files
- Personal devices, including laptop computers
- Third party storage providers such as cloud storage facilities
- Paper based files
- SEARMS takes all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.
- These steps include, but are not limited to:
- Restricting access and user privilege of information by staff depending on their role and responsibilities
- Ensuring staff do not share personal passwords
- Ensuring hard copy files are stored in lockable filing cabinets in lockable rooms. Staff access is on a need to know basis

- Ensuring access points to SEARMS premises are secured at all times
- Implementing physical security measures around the premises to prevent break-ins
- Ensuring our IT and cyber security systems, policies and procedures are implemented and up to date
- Ensuring staff comply with internal policies and procedures when handling information

Undertaking due diligence with respect to third party providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the APPs or a similar privacy regime. Third party service providers may be required to sign confidentiality and privacy undertakings where practicable

The destruction, deletion or de-identification of personal information we hold that is no longer needed, or required to be retained by any other laws

Our public website may contain links to other third party websites outside of SEARMS. SEARMS is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

6. Responding to data breaches

SEARMS will take appropriate, prompt action if we have reasonable grounds to believe that a data breach may have, or is suspected to have occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal action and notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

7. Disclosure of personal information

Personal information is used for the purpose for which it was given to SEARMS, or for purposes which are directly related to one or more of our functions or activities.

Applicants and tenants will be notified that information about persons include in the application can be exchanged with the AHO. This is likely to occur in instances where consent has been provided to another social housing provider and for the purposes of assessing their application.

Personal information may be disclosed to government agencies, our service providers, agents, contractors, business partners, related entities and other recipients from time to time, if the individual:

- Has given consent; or
- Would reasonably expect the personal information to be disclosed in that manner. SEARMS may disclose personal information without consent or in a manner which an individual would reasonably expect if:
 - We are required to do so by law
 - The disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
 - Another permitted general situation applies
 - Disclosure is reasonably necessary for a law enforcement related activity
 - Another permitted health situation exists

7.1 Overseas disclosure

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services, for example when storing information with a cloud service provider which stores data outside of Australia.

We will, however, take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- We have the individual's consent (which may be implied)
- We have satisfied ourselves that the overseas recipient is compliant with the APPs, or a similar privacy regime
- We form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
- We are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

8. Job applicants

As part of SEARMS recruitment processes for employees, contractors and volunteers, we may collect and hold:

- **Personal Information** including names, addresses and other contact details, date of birth, financial information, citizenship, employment references, regulatory accreditation, media, directorships, property ownership and driver's licence information.
- **Sensitive Information** including government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.
- **Health Information** (particularly in relation to prospective staff) including medical records, disabilities, immunisation records and psychological reports.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

It is noted that employee records are not covered by the APPs where they relate to current or former employment relations between SEARMS and the employee.

9. How we use cookies and web tools

SEARMS may collect information based on how individuals use our website. We use “cookies” and other data collection methods to collect information on website activity, such as the number of visitors, the number of pages viewed and the internet advertisements which bring visitors to our website. This information is collected to analyse and improve our website and marketing campaigns, and to record statistics on web traffic. We do not use this information to personally identify individuals.

10. Our marketing and your personal information

We use personal information that we hold about you to identify services, promotions or events that may be of interest to you.

You can contact us at anytime if you no longer wish to receive marketing materials from us.

10.1 The quality of personal information

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up-to-date, including at the time of using or disclosing the information.

If SEARMS becomes aware that the Personal Information is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

Please contact us if any of the details you have provided change. You should also contact us if you believe that the information we have about you is not accurate, complete or up to date.

10.2 Access to and correction of personal information

You may submit a request to us to access the personal information we hold, or request that we change the personal information. Upon receiving such a request, we will take steps to verify your identity before granting access or correcting the information.

If we reject the request, you will be notified accordingly. Where appropriate, we will provide the reasons for our decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change, and we will attach this to their record.

11. Privacy complaints and contacting us

You can make a complaint about how SEARMS manages personal information, including a breach of APPs or the Health Privacy Principles, by notifying us as soon as possible by:

- emailing: on: admin@searms.com.au
- Writing to: SEARMS, 19 Old Princess Highway Batemans Bay NSW 2536
- Calling: 1800 138 425

We will respond to the complaint within a reasonable time (usually no longer than 28 days) and we may seek further information in order to provide a full and complete response.

Further information is available on SEARMS website: www.searms.com.au

If you are not satisfied with our response, you may refer the complaint to the OAIC by:

- Emailing: enquiries@oaic.gov.au
- Calling: 1300 363 992
- Writing to the Office of the Australian Information Commissioner (OAIC) at: GPO Box 5218 Sydney NSW 2001

A referral to OAIC should be the last resort once all other avenues of resolution have been exhausted.

12. Responsibility

All staff at SEARMS are responsible for ensuring the privacy and confidentiality of personal and sensitive information provided by applicants, tenants, job applicants, staff, volunteers, visitors and contractors, and others who come into contact with us.

13. Definitions

Personal information – Information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not

14. References

Legislation	Privacy Act 1988(Cth) (Privacy Act)
	Health Records and Information Privacy Act 2002 NSW
Related policy	13 Australian Privacy Principles (APP)
	Complaints and Appeals Policy
	Residential Tenancies Act 2010

Section 2. Tenancy Management

Contents

- 2.1 Sign up of Tenants Policy
- 2.2 Rent Setting and Review Policy
- 2.3 Water Usage Charges Policy
- 2.4 Rental Arrears Management Policy
- 2.5 Additional Occupants Policy
- 2.6 Absences from Property Policy
- 2.7 Abandoned Properties Policy
- 2.8 Tenancy Transfer Policy
- 2.9 Tenancy Reinstatement Policy
- 2.10 Relocating Tenants Policy
- 2.11 Mutual Exchange Policy
- 2.12 Succession of Tenancy Policy
- 2.13 Ending Tenancies Policy
- 2.14 Final Accounts Policy



2.1 Sign Up of Tenants Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 13 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide a clear framework for establishing new tenancies and administering the sign-up process for tenants.

This policy applies to housing owned and managed by SEARMS, ICHOs and AHO.

2. Policy

SEARMS will work with tenants to establish and maintain successful tenancies.

All SEARMS tenancy agreements will be in accordance with the Residential Tenancies Act 2010. At the commencement of the tenancy SEARMS will clearly outline the rights and responsibilities of the tenant and SEARMS as a landlord or managing provider.

The tenancy agreement will include additional SECTIONS as applicable regarding the program they are receiving their rental rebate under, ongoing eligibility requirements, prior debt requirements and pet requirements (as applicable)

All tenants will receive a sign up folder which will include:

- A copy of the SEARMS Housing Guidelines Letter
- A copy of the signed Residential Tenancy Agreement
- Two completed copies of the properties Condition Report
- A copy of the SEARMS Tenancy Handbook
- A copy of the SEARMS Tenant Newsletter

The tenant will also be given:

- A full set of keys to the property
- Information about all charges, including rent, water and other tenant charges
- Access information to the Housing and Tenancy Management Policy Manual

Tenants will be offered a range of options for payment of rent, bond and other charges.

SEARMS will charge a bond equal to four weeks rent of the property. Tenants will be given the opportunity to pay the bond instalments using a number of options. Bonds paid in instalments will be lodged in instalments on a regular basis, and at least every three months.

3. Responsibility

Housing Officer	Administer and conduct the sign up of new tenants within policy and procedures
Operations Manager	Ensure legal requirements are met and ensure good practice is followed in the sign up of new tenants
CEO	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

4. References

Legislation	Residential Tenancies Act 2010
	AHO
Related policy	AHO Housing Services Guidelines and Policy Framework
Related docs	Additional SECTIONS to Tenancy Agreement

Sign up of Tenants Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 13 August 2018

Review date: Every 2 years

1. Procedures

1.1 Sign Up

All tenants will be asked for their Proof of Identity before they sign a Residential Tenancy Agreement with SEARMS. See [Proof of Identity Policy](#)

Tenants will sign a standard form Residential Tenancy Agreement which complies with the Residential Tenancies Act 2010 AND the additional SECTIONS as applicable.

The Housing Officer will explain the agreement to ensure that each tenant is fully aware of the conditions of their tenancy and their security of tenure, their rights and obligations as a tenant before they are asked to sign.

Particular care will be taken with the following groups:

i. Under 18 years old (minor)

the Housing Officer must be sure that the young person is given a full explanation of their rights and responsibilities under the Residential Tenancies Act 2010. A legal guardian, legal representative or appointed advocate must attend the sign up and witness any tenancy agreement.

i.i Vulnerable tenants under a support arrangement

A designated support worker or advocate must attend the sign up and witness any tenancy agreement.

New tenants will generally be required to sign a Residential Tenancy Agreement for a new tenancy within 48 hours of the offer being made to them.

At the time of tenancy sign-up, the housing officer will provide a SEARMS Tenant Kit which will include:

- A copy of the SEARMS Housing Guidelines Letter
- A copy of the signed Residential Tenancy Agreement
- Two completed copies of the properties Condition Report
- A copy of the SEARMS Tenancy Handbook
- A copy of the SEARMS Tenant Newsletter

In addition to the Residential Tenancy Agreement the new tenant will be asked to complete and sign:

- A Rental Bond Lodgment form
- A bond agreement to pay their bond instalments
- A Centrepay deduction form
- A photocopy of all keys given for the property
- Consent to exchange any information with support partners

All new tenants who are eligible to receive Commonwealth Rent Assistance ('CRA') will be advised to contact Centrelink as soon as possible with information of their new address and rent

1. Property Condition Reports

The Housing Officer will prepare a Property Condition Report as required by the Residential Tenancies Act 2010. The property is inspected, and the water meter read when the property is ready for occupation and before the agreement is signed.

Repairs identified by the Housing Officer at the start of the tenancy inspection will be attended to. This work will be recorded on the Property Condition Report and managed in accordance to the Asset Management Policy

New tenants are informed that they should return their completed and signed Property Condition Report with seven days.

When the tenant returns the completed and signed Property Condition Report it will be reviewed for further maintenance or repair works. All works should be recorded on the Property Condition Report and the tenant advised.

A completed copy of the signed report is provided to the tenant. And place a copy on the tenant file.

2. Bonds

SEARMS charges a bond equal to four weeks payable rent of the property.

SEARMS provides tenants with the opportunity to pay the bond in instalments to ensure that now tenant is placed into financial hardship.

All tenants will be required to pay bond instalments of (\$xxx) per week. Bond instalment amounts less than (\$xx) per week can be negotiated depending on income and financial circumstances. Housing Officers must obtain approval for reduced bond instalments from the General Manager.

Tenants will be required to pay a first instalment at time of sign-up.

Bonds will be lodged with the Rental Bond Board. Any bonds paid instalments will be lodged with the Rental Bond Board.

3. Payments

At the commencement of the tenancy the process for paying rent, bond and other charges will be explained to the new tenant. For more information see Rent Arrears Management

All tenants must pay rent and bond two weeks in advance at the time of signing the residential tenancy agreement with SEARMS.

SEARMS does not provide any financial assistance with the payment of bonds. The tenant will be provided support service details of where financial support maybe obtain.

Payment Method	Requirement
Deposit into SEARMS bank account through the rent deposit book	Tenant to be provided with a rent deposit book with a unique number
Automatic deduction from Centrelink benefit	Tenants to be provided with information on Centrepay and forms completed
Direct debit from tenants bank account	Tenant to be provided with (name of orgs) bank details and their unique number
Internet banking	Tenant to be provided with (name of orgs) bank details and their unique number

When paying by these methods, tenants will not be issued with a receipt. Instead, tenants will receive a quarterly rental statement showing: SEARMS does not accept cash payments in the office.

- The date of payments
- The amount paid
- The relevant rental period covered by the payment; and
- Details of any arrears

Connection of Utilities

The connection of all utilities will be the responsibility of the new tenant. This includes telephone, electricity, gas and other related services. SEARMS does not provide any financial assistance to new for these services.

4. Tenant records

On completion of all documents have been signed and provided back by the tenant, the Housing Officer will create a tenant file and include:

- Completed tenancy application and all supporting documents
- Signed residential tenancy agreement
- Signed photocopy of keys provided to tenant
- Signed Property Condition Report

The Housing Officer must also document any contact with the tenants on the tenant file during the course of the tenancy.

All tenant files will be locked in a secure location with limited access. Any tenant who requires access to their file can contact the Housing Officer to make an appointment.

5. Complaints and Appeals

All tenants will be advised of their right to make a complaint regarding the procedures followed regarding their sign up of a new tenancy.

If a tenant believes that SEARMS has provided incorrect information or not provided sufficient access to support services they should ask for a formal review. An initial review will be undertaken by the General Manager. If further appeal is requested the SEARMS Board will review the decision. To do this, the applicant needs to complete a Complaints Form stating why they are not satisfied with the provision of service.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

6. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Attachment (#)**SEARMS Housing Guidelines Letter**

Welcome to your SEARMS house. We are committed to providing the best possible housing and tenancy management services to our tenants. To enable us to do this we do request that you adhere to the conditions of your Residential Tenancy Agreement and your responsibilities as a tenant.

We, as the landlord will also ensure that we abide by the roles and responsibilities that are set out in the Residential Tenancies Act 2010 and maintain good practices by following our housing and tenancy management policies and procedures.

The following outlines some of the key aspects of your residential tenancy agreement, your responsibilities as a tenant and also our responsibilities as a landlord. If you have any questions regarding the below please feel free to contact us at the SEARMS office and speak to our housing staff.

Tenant's Responsibilities**1. Rent Payments**

Tenants must adhere to the rental payment as per the Residential Tenancy Agreement and maintain rent to be two (2) weeks in advance at all times

If you have a problem with paying rent, then let us know **as soon as possible**, in writing or verbally.

Rent that is in two weeks arrears is a breach of the residential tenancy agreement. Tenants who fail to pay the arrears or make payment arrangements will be subject to NCAT proceedings.

2. Use of Premises

Do not to use the residential premises, or cause or permit the premises to be used, for any illegal purpose.

3. Care of Property

Tenants should keep the residential premises reasonably clean and tidy. This includes the property grounds where applicable.

It is up to the tenant to ensure that there is no intentionally or negligently cause or permit any damage to the residential premises. This also includes any other household members or visitors that may stay at the property.

4. Disturbance

Tenants and their visitors should show respect to their neighbours and surrounding community. Tenants should not interfere, or cause or permit interference, with the reasonable peace, comfort or privacy of neighbours.

5. Property and Asset Inspections

Routine property inspections will be carried out at least 3 times per year throughout your tenancy. These inspections are to ensure the property is being maintained and provides you an opportunity to raise any repairs or maintenance works.

You will be given sufficient written notification of when a property inspection will be carried out and tenants are expected to co-operate with SEARMS Housing staff to conduct these inspections. If tenants do not co-operate and provide access, under the Residential Tenancy Act 2010, SEARMS can access the property as required.

Asset inspections are conducted annually and will be undertaken at the same time as a property inspection.

6. Urgent Repairs and General Maintenance

When you notice any repairs or maintenance needs, please notify your housing officer as soon as possible either at the office, by phone or email. For any urgent repairs please refer to the Emergency Contact List for contractors contact details.

Tenants must allow authorised trades people to enter the home at reasonable times to carry out repairs.

If there has been tenant damage, accidental damage by a visitor please notify SEARMS as soon as possible as we may be able to help you with the repair. Where damage has been caused due to break in or domestic violence, the tenant must make a police report and provide the incident number to SEARMS.

7. Modifications or alterations

Tenants must seek approval by the SEARMS General Manager for any modifications, alternations or additions to the property.

8. Water Usage

Tenants must pay water usage if appropriate water efficiency measures have been installed to the property.

SEARMS will issue tenants with a copy of the invoice every quarter for Water Usage charges.

Failure to pay water usage will be included into any rental arrears amounts owed and maybe subject to NCAT proceedings

9. Termination

If you plan to leave your property, please give us as much notice as possible. Outstanding accounts incurred by tenants (e.g. rental arrears, property damages, removal of furniture and rubbish) **MUST** be paid in full before vacating the leased premises

If you stop paying rent you must realise that we will take quick action to ask you to leave.

If you break your Residential Tenancy Agreement because of disturbance or damage etc., you may be asked to leave, and it may even be decided that you would not be considered for any other SEARMS house.

10. Subletting

Tenants should not cause or permit more people to reside in the residential premises than is permitted by the residential tenancy agreement

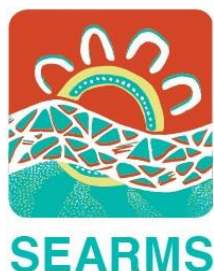
If you wish to bring more people into the property than originally agreed, you must first obtain approval from your Housing Officer.

If additional occupants are being housed and SEARMS has not been notified, this is a breach of the residential tenancy agreement and will be subject to NCAT proceedings.

SEARMS Responsibilities to the tenant

Please remember if you have any problems, let us know as soon as possible so that we can consider them and help where it is possible for us to assist.

(Logo)



2.2 Rent Setting and Review Policy

Version Number: 02 2018**Approved by: CEO****Approval date: 18 August 2018****Review date: Every 2 years**

1. Purpose

The purpose of this policy is to provide a clear framework for the setting of all rents to ensure SEARMS collects sufficient income to cover tenancy management, asset management, property expenses and other relevant cost.

This policy sets out how SEARMS will undertake regular assessment and review of tenants to ensure they meet the eligibility for social and affordable rents housed in Organisation's properties, participating ICHO properties and AHO managed properties.

2. Policy

Under this policy:

- All rents will be set in accordance to comply with any contractual arrangements between SEARMS and other parties
- Rents for any social housing or affordable housing properties will be calculated using one of the following methods:
 - AHO Build and Grow Rent Policy
 - NSW Community Housing Rent Policy
 - Cost Recovery Rent Policy (if applicable)
 - Affordable Housing Policy
- The tenant pays rent to SEARMS
- Where a tenant is eligible for Commonwealth Rent Assistance, SEARMS will take this into consideration when rents are calculated
- Rent will not exceed market rent of the property

SEARMS will undertake rent reviews of all social housing properties every six months to ensure that tenants are paying the correct rent. Affordable housing will be reviewed every 12 months. Refer to [Affordable Housing Rent Setting Policy](#)

Rents for Organisations' properties, including participating ICHO properties and AHO managed properties, will be set in line with budgetary requirements and not increased by more than \$10 every 6 months. This is to ensure tenants are not placed into financial stress or hardship.

Tenants who fail to supply details to confirm household income by the due date (or within 30 days after the 1st August each year) will be considered not eligible and will be required to pay market rent.

Tenants will be provided with written notice, as outlined in the Residential Tenancy Act 2010 for any rental increases.

It is the tenant's responsibility to advise SEARMS of any change in their income and/or family circumstances within 14 days of the effect of change.

Rental fraud occurs when a tenant fails to notify SEARMS of a change or deliberately makes a false or misleading statement about household composition or income. SEARMS will adjust and backdate, if necessary, the rent when it becomes aware that a tenant is receiving subsidised rent when they are not entitled to.

3. General Principles

SEARMS will adhere to the following principles to ensure:

- I. Good practice in achieving full rent collection and a clear and concise default practice that ensures non-payments of rent are consistently and effectively identified, followed up and resolved
- II. Tenants are adequately informed of the rent review and details of any rental changes during their tenancies
- III. Tenants understand their rights and responsibilities to paying rent and notifying of any changes
- IV. Tenants have knowledge of where they can obtain (name of orgs) policies and procedures in relation to rental management
- V. Details of support services are provided for tenants to help them sustain their tenancies
- VI. Ensure tenants understand their right and process to appeal any decision
- VII. Treat all information received from tenants as confidential and records are kept secure and protected.
- VIII. Ensure that all standards with regards to rent setting and reviewing are met according to AHO policies, SEARMS policies and other legislative requirements
- IX. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Assess eligibility and calculate rents within policy and procedures Review rents on a six monthly schedule or when tenants circumstances change.
Operations Manager	Monitor consistent application of the policy, ensuring all tenants are reviewed no less than once every six months
CEO	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required Monitor policy approach in particular to participating ICHO providers and AHO properties.

5. References

Legislation	Residential Tenancy Act 2010
	Residential Tenancies Agreement
Related policy	AHO Build and Grow Rent Policy
	AHO Eligibility Policy
	NSW Affordable Housing Ministerial Guidelines
	NSW Community Housing Rent Policy
	AHO Housing Services Guidelines and Policy Framework

Rent Setting and Review Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 18 august 2018

Review date: Every 2 years

7. Procedures

7.1 AHO Build and Grow Rent Setting

The household rent is determined by family type. The weekly household rents are aligned to the upper threshold rent assistance amounts published by Centrelink. Tenants will pay household rent which is determined by family type (see below).

Household rent – calculations by family type

Family Type	Weekly Household Rent*
Single	For current rates see website
Single 1 – 2 children	
Single 3+ children	
Couple	
Couple 1 – 2 children	
Couple 3+ children	

*Valid from September to March

** The maximum amount of CRA paid to tenants by household type

The capture of Commonwealth Rent Assistance, is not included in the weekly household rent. SEARMS cannot include the estimated weekly CRA as part of the rent calculation. Tenants are encouraged to utilise the CRA payment to assist in paying the rent.

Rent assessments will be carried out at the commencement of a tenancy and then at least once every six months thereafter via an Income Review

7.2 NSW Community Housing Rent Policy

SEARMS may consider the NSW Community Housing Rent model for setting rent for social housing properties which are owned, managed on behalf of a participating ICHO or AHO managed property.

Rent under this model is calculated at 25% of total income and if a tenant is eligible for Commonwealth Rent Assistance (CRA) rent will be assessed at 100% capture of total weekly CRA.

Rent must be calculated utilising the Social Housing Rent calculator which is provided by the CHIA NSW.

Rent assessments will be carried out at the commencement of a tenancy and then at least once every six months thereafter via an Income Review

7.3 Cost Recovery Rent Setting

Where properties are not under any contractual arrangement with the AHO, SEARMS can be instructed or apply the cost recovery rent model to these properties.

Rents should be set to ensure eligible tenants for CRA are able to obtain the maximum amount and as a rule should be above the household rents as set out in the AHO Build and Grow Rent Policy.

The calculation of rent is based on the following:

- Annual land rates
- Annual water rates
- Annual building insurance
- Day to day repairs and maintenance (0.5% total replacement value)
- Cyclical/planned maintenance (1% total replacement value)
- Annual inspection costs (including property, asset, pest and smoke alarms)
- Management fee/internal costs

Example

Based on a dwelling with a replacement value of \$285,000 the cost of rent for the property would be \$158.00

Annual Land Rates	\$1,300
Annual Building Insurance	\$ 750
Day to Day Repairs and Maintenance	\$1,425
Cyclical Maintenance	\$4,275
Management Fee	\$ 450
Subtotal	\$8,200 divided by 52 weeks = \$157.69

All rents will be revised every six months to ensure remains within this guideline and cover any increase in costs associated and inflation.

7.4 Affordable Housing Rent Setting

Affordable housing rents will be calculated at 25% of total household income.

Where tenants have been assessed as Affordable Housing eligible, tenants will be required to provide proof of income for all household members

Rents will not exceed more than 75% of market rent. SEARMS will regularly review the ATO set benchmarks for market rents to ensure it is compliant.

7.5 Property or Market Rent Calculation

Property or market rent is the maximum rent payable for each property. To establish property or market rent, SEARMS will use the local market rent data relevant to the type and location of the property. This information is published quarterly in the Rent and Sales Report on the FACS website.

7.6 Commonwealth Rent Assistance (“CRA”) for eligible tenants

SEARMS recommends and will provide assistance to any tenant who is eligible for CRA to apply to Centrelink.

The table below details the weekly household rent, estimates the amount of CRA and then shows the amount a tenant would be paying out of their own pocket.

Family Type	Weekly Household Rent*	Estimated weekly CRA*	Estimated out of pocket amount*
Single	\$141.67	\$63.80	\$77.87
Single 1 – 2 children	\$174.23	\$74.76	\$99.47
Single 3+ children	\$187.21	\$84.49	\$102.72
Couple	\$172.10	\$60.00	\$112.10
Couple 1 – 2 children	\$210.00	\$74.76	\$135.24
Couple 3+ children	\$222.98	\$84.49	\$138.48

**Check website for current rates*

7.7 Rental payments

Tenants will be offered a range of options for payment of rent. These options include

- Direct debit
- Centrepay (automatic deduction through Centrelink)

When paying by these methods, tenants will not be issued with a receipt. Instead, tenants will receive a quarterly rental statement showing:

- The date of payments
- The amount paid
- The relevant period covered by the payment; and
- Details of any arrears and arrangements

Monitoring and reporting of rent payments and arrears will be undertaken every month by the General Manager and reported to the Board.

7.8 Rent assessment and proof of income

Information about household income is collected from new tenants via the Application Form or from existing tenants via a Rent and Income Review, both which ask the tenant to identify members of their household and the gross income for each person where applicable.

Each tenant is responsible for collecting the income details of household members and providing these details to SEARMS so that their rent can be assessed.

Documents must not be more than one month old on the date they are submitted, with the exception of Tax Returns which must not be more than 12 months old.

If amounts on Centrelink documentation vary from standards payments, or if there appears to be an error, SEARMS will seek further information from the tenant prior to assessment.

Proof of income must be original and can be:

Source of Income	Relevant supporting documentation
Centrelink	Current itemised Centrelink Income Statement unless consent has been given us SEARMS to get this information directly from Centrelink
Veterans' Affairs	Current itemised statement from the Department of Veterans' Affairs
Salary/Wages	Current pay slips for a 6 month period
Self Employed	Current profit/loss statement completed by an accountant or a copy of the latest taxation return
Superannuation	Current letter/statement from the Super fund confirming the amount received
Maintenance	Current itemised Centrelink Income statement
Other income	Letter providing details about the amount and source of income

7.9 Rent and Income Reviews

SEARMS conducts a general Rent and income Review of all tenants at a minimum of every six months.

Tenants will be notified in writing, outlining

- Why the review is needed
- How rent is set and reviewed
- What will happen if the tenant fails to provide documentation

During a rent review tenants will be clearly informed of the information and supporting documentation they must provide to verify their household income.

7.10 Change in Household Circumstances and Income

If a tenant's household circumstances and income change during the year they are required to inform SEARMS within 14 days and supply the details and supporting documentation.

Changes may include:

- New household member (baby, partner, family member)
- New job (for tenant or any household member)
- Household member leaving

7.11 Income from Wages and Salaries

The required verification will be stated in the rent review documentation

Tenants and household members who are full or part-time employees will need to supply pays slips showing gross wage (ie before tax) covering at least the last three months.

Tenants and household members who are casual employees will need to supply pay slips for the past 12 weeks or a letter from your employer confirming total gross income over the past 12 weeks.

7.12 Self Employed

Tenants who are self-employed will need to supply proof of their income which independently verifies the level of income stated.

The income of self-employed people is calculated on a current profit and loss statement completed by an accountant or the most recent tax return.

7.13 No Income

Where a household member who is older than 18 years old is not in receipt of any income, SEARMS, will for the purposes of a rent assessment, assess on the basis that the household member is in receipt of the standard Centrelink rate of pension or benefit.

7.14 Notification to Tenants

Tenants will be notified in writing of any changes in their assessed rent and such notification will include a copy of their rental assessment.

Where the assessed rent results in an increase in the rent payable by the tenant, SEARMS will ensure that action taken to increase a tenants' rent does not conflict with the relevant provision of the Residential Tenancies Act 2010.

Tenants will receive:

- A copy of the calculation of rent
- A letter stating the new amount to rent and the date from which this will be effective, and date payments will increase.

7.15 Effective dates of rent review assessments

Rent and Income review	Action	Effective Date
Tenant supplies required documentation in response to Rent and Income Review	Increase in rent	The effective date for an application of an increase in rent will be the date as advised in the initial notification by SEARMS in the Rent Review letter.
	Decrease in rent	The effective date for an application of a decrease in rent will be the same date SEARMS was notified in writing of the change of the tenant's household income and all of the required information was provided by the tenant
Tenant does not return Rent and Income Review documentation by due date	Increase to market rent	The effective date for an application of market rent will be date as advised in the initial notification by SEARMS in the Rent Review letter

Outside Rent and Income Review – Tenant informs of Change in Circumstance		
Tenant supplies new household income details or as requested due to change in circumstances	Increase in rent	The effective date for an application of an increase in rent will be 28 days from the date of the increase in assessable income
	Decrease in rent	The effective date for an application of a decrease in rent will be the same date SEARMS was notified in writing of the change in tenant's household income.
Exceptional circumstances – income or circumstances changed and tenant failed to notify – due to hardship		
Tenant provides documents that supports the change in circumstances		Upon review of evidence and in determination in eligibility, the effective date of a decrease will be the date the change occurred.

Where SEARMS considers that there are exceptional circumstances of the change in household income and the subsequent notification by the tenant request backdating of rent to the date the household income changed can be considered and approved by the General Manager.

7.16 Failure to Supply Details by the Due Date

Tenants who fail to supply details of and verification of household income by the due date will no longer be eligible for social housing rent and will be required to pay Market Rent.

The tenant will receive a reminder notice , in writing, one week after the due date, giving an additional week to provide documentation.

If the tenant fails to respond to the reminder notice, a final warning letter, in writing, and the warning will advise:

- The rent will increase to market rent effective as advised in the initial notification by SEARMS in the Rent Review letter.
- Market rent will continue to be charge until proof of income and the required details have been provided.
- Any non-payment of rent, inclusive of the market rent increase, will be considered as rental arrears, and may be subject to termination process.

Where tenants can provided sufficient evidence of extenuating circumstance that prohibited them from supplying the required information in the required time, requests to waive the cancellation of social housing rents and market rental can be considered and approved by the General Manager.

7.17 Checking Assessments

To ensure tenants are not placed into financial hardship, SEARMS will check assessments increases to be no more than \$15 per week.

Where a rent changes by \$15 per week and where the household income includes wage calculations the assessment will be checked by Housing Manager) to ensure calculations have been accurately and consistently applied.

If it is identified that the calculations are correct and the tenant does not meet the social housing eligibility, the SEARMS will review the rent against the Affordable Housing eligibility and calculate rents.

7.18 Cancellation of Social Housing Rents

If SEARMS determines that a tenant is no longer eligible for social housing rental, the tenant can seek assistance from the

- Aboriginal Tenancies and Advisory Services; or
- Housing and Appeals Commission; or
- Apply to the NSW Civil and Administrative Tribunal ('NCAT') for an order declaring that the rent payable under the agreement is excessive.

Tenants can obtain fact sheets from SEARMS for further information or visit the website (xxxxxx)

7.19 Documentation and Record Keeping

All documentation concerning rental assessment and rent reviews will be retained on a tenant's personal file.

The required documentation for each change in rental assessment will be:

- Completed and signed (name of form) form detailing all household members and their incomes
- Written proof of all household incomes
- A copy of the rental assessment
- A copy of the letter notifying of the rent review and details
- Any reminder letters/final notices

8. Complaints and Appeals

If a tenant believes we have made a wrong decision, they should ask for a formal review of the decision.

To do this the tenant needs to complete a Complaints form or an Appeals Form stating why they disagree with the decision. A Complaints and Appeals brochure and an Appeal Form are available from SEARMS and can also be downloaded from our website (address)

All complaint and appeals applications will be initially assessed by the Operations Manager.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days of the meeting.

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process SEARMS will provide additional support service contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

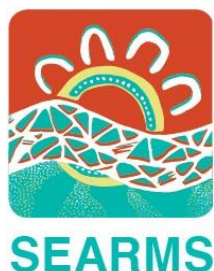
The tenant can proceed to make an appeal to the independent Housing Appeals Committee (HAC). Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

9. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

(Logo)



2.3 Water Usage Charges Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 20 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide maximum flexibility to SEARMS to manage its housing in a way that achieves long term financial sustainability.

This policy will apply to all tenancies managed under a social housing tenancy agreement, including affordable housing and any other tenancy agreement, excluding crisis accommodation.

2. Policy

SEARMS will adhere to the conditions as set out in the Water Usage Charging Ministerial Guidelines for Aboriginal Community Housing Providers and the Residential Tenancies Act 2010 section 139.

Tenants can only be charged water where the account is generated from a recognized water authority and SEARMS is responsible for the payment of the water account.

SEARMS can only pass on water charges to its tenants if it has installed water efficiency measures. These include:

- all internal cold-water taps, and single mixer taps for kitchen sinks or bathroom hand basins on the premises have a maximum flow rate of 9 litres per minute;
- all showerheads have a maximum flow rate of 9 litres per minute;
- there are no leaking taps at the commencement of the lease agreement or when the water efficiency measures are installed, whichever is the later.

Water charges can only be calculated on the following:

- the actual water usage for separate metered dwellings, or
- a method to be developed by the provider to apportion the costs in shared meter properties.

SEARMS will charge tenants for water usage in a manner which is fair and consistent.

3. General Principles

SEARMS will adhere to the following principles to ensure:

- i. Tenants are adequately informed of the water usage charges, including itemised charges on rental ledgers and how it applies to their rent
- ii. Tenants have knowledge of where they can obtain SEARMS policies and procedures in relation to water usage charges

- iii. Details of support services are provided for tenants to help them sustain their tenancies
- iv. Ensure tenants understand their right and process to appeal any decision
- v. Treat all information received from tenants as confidential and records are kept secure and protected.
- vi. Ensure there are sufficient systems for monitoring compliance with the AHO policies, SEARMS policies and relevant legislation

4. Responsibility

Housing Officer	Monitor and review
Operations Manager	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

5. References

Legislation	Residential Tenancy Act 2010
	Residential Tenancies Agreement
Related policy	AHO Housing Services Guidelines and Policy Framework
	Water Usage Charging Ministerial Guidelines

Water Usage Charges Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 20 August 2018

Review date: Every 2 years

1. Procedures

1.1 Methods of charging water usage

The method applied to a particular property for water charging will be dependent on the presence or absence of a separate water meter for that property.

1.1.1 Properties with a separate water meter

Tenants will be charged for water usage (consumption ONLY) as per the invoice received from the Water Authority. Water charges will be billed within sixty (60) days of SEARMS receiving an invoice from the respective Water Authority.

Where an individual water meter is present and an individual account is NOT generated by the Water Authority, SEARMS will calculate the water usage based on the individual meter reading and current market rates as per the local Water Authority will be applied.

1.1.2 Properties with a shared water meter

Where an individual water meter is present, and an individual account is NOT generated by the Water Authority, SEARMS will calculate the water usage based on the individual meter reading and current market rates as per the local Water Authority will be applied.

*'Water Authority Tax invoice **minus** deduction for common area (as specified below) **divided by** the number of people living in each unit and proportioned accordingly.'*

1.2 Tenants moving properties or exiting properties

If a tenant is transferring to another property or exiting properties they will be charged for water usage up to the end of the Fixed Term Residential Tenancy Agreement OR confirmed vacating date.

1.3 Payment of water usage charges

Tenants can pay their water usage in a lump sum payment or by negotiated instalment amounts. Any payments for water must be specified as water payments in payment reference description, in conjunction with advising Housing Officer.

All water usage charges fall due within 60 days of issuing the water usage account.

SEARMS may take action through the NSW Civil and Administrative Tribunal (NCAT) to recover any unpaid water usage charges.

1.4 Financial Hardship

SEARMS will assist tenants who are experiencing financial hardship on a case by case basis.

SEARMS cannot absorb any portion of the water usage charges used by tenants. NB: Mention concealed leak process?? **

2 Complaints and Appeals Is this across the whole document?

If a tenant believes we have made a wrong decision, they should ask for a formal review of the decision.

To do this the tenant needs to complete a Complaints form or an Appeals Form stating why they disagree with the decision. A Complaints and Appeals brochure and an Appeal Form are available from SEARMS and can also be downloaded from our website (address)

All complaint and appeals applications will be initially assessed by the Manager of the Area.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the CEO for review and investigation.

After the matter has been reviewed by the CEO, the applicant will be notified of the result in writing within seven days of the meeting.

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process SEARMS will provide additional support service contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

The tenant can proceed to make an appeal to the independent Housing Appeals Committee (HAC). Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

9 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Appendix

Water Arrears Letter Template

Notice to Tenant of Water Arrears (Overdue)

Dear (Tenant(s) name)

<<TODAYSDATE>>

<<CLIENT DEAR>>
<<CLIENT BUSINESSNAME>>
<<CLIENT ADDRESS LINE1>>
<<CLIENT ADDRESS LINE2>>
<<CLIENT ADDRESS LINE3>>
<<CLIENT ADDRESS LINE4>>

Dear <<CLIENT DEAR INFORMAL>>

RE: Notification of Water Arrears
Property: <<BU NAME>>

According to our records on <<TODAYSDATE>> you are currently \$<<TOTAL OWING>> in water arrears. This is a breach of your Residential Tenancy Agreement and the SEARMS Rent Management and Arrears Policy.

Failure to address your water arrears by paying in full immediately or

- making a satisfactory arrangement (within the current rental period) to pay in instalments or
- making an instalment arrangement, then breaking it, will result in commencing steps or application to the NSW Civil and Administrative Tribunal (NCAT) to resolve the matter by:
 - applying for a Specific Performance Order or
 - applying for an order of Termination to terminate your tenancy

If you are experiencing financial difficulties meeting your rental obligation please contact SEARMS immediately to discuss your circumstances. Alternatively you may wish to seek information and support regarding your Tenancy through Murra Mia Tenant Advice Service on Toll Free 1800 672 185 or Phone (02) 4472 9363.

Please ignore this letter if you made contact with your housing officer or your water account have been paid in full as of <<TODAYSDATE>>.

Yours sincerely,

<<MA FULLNAME>>
<<MA POSITION>>
<<MA EMAIL>>



2.4 Rental Arrears Management Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 6 September 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide a clear framework for the management of rent and non-rent arrears. SEARMS aims to sustain tenancies and will endeavour to ensure that tenants are encouraged to stay up to date with their rent and water charges.

2. Policy

Rent is required to be paid one weeks in advance and four weeks bond, rent and other charges to be paid on time in accordance with the Residential Tenancy Agreement. Appropriate rent and non-rent payments enable SEARMS to maintain financial viability to continue to deliver quality housing services.

SEARMS will ensure that its rental arrears management practices and procedures are in accordance with the Residential Tenancies Act 2010.

SEARMS recognises that tenants may be faced with financial difficulties during their tenancy. To ensure long term financial viability of SEARMS, it is important that financial and operational measures are put in place to provide early intervention to enable tenants to continue paying rent prior to action being taken at NCAT.

SEARMS will be pro-active in monitoring and managing both rent and non-rent arrears. If a tenant is facing financial difficulty SEARMS will seek to negotiate a repayment arrangement and can assist with the tenant to seek financial counselling or other referrals if required.

SEARMS will take care to maintain confidentiality and protect the privacy of tenants when handling arrears.

3. General Principles

SEARMS will adhere to the following principles to ensure:

- I. Have clear guidelines for dealing with rent and non-rent arrears and ensure they are applied consistently, reliably and fairly.
- II. Tenants are adequately informed of the rent and non-rent charges.
- III. Tenants have knowledge of where they can obtain SEARMS policies and procedures in relation to water usage charges
- IV. Details of support services are provided for tenants to help them sustain their tenancies
- V. Ensure tenants understand their right and process to appeal any decision
- VI. Ensure all relevant policies and forms are widely accessible to tenants

- VII. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VIII. Ensure there are sufficient systems for monitoring compliance with the relevant policies, and relevant legislation

4. Responsibility

Housing Officer	Effectively manage arrears within policy and procedures. Higher level arrears repayment arrangements to be approved by OM and CEO
Operations Manager	Monitor effective arrears management and report to the CEO Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
CEO	To monitor and review policy annually

5. References

Legislation	Residential Tenancy Act 2010
	Residential Tenancies Agreement
Related policy	AHO Housing Services Guidelines and Policy Framework
	Residential Tenancy Agreement

Rent Arrears Management Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 6 September 2018

Review date: Every 2 years

6. Procedures

Arrears procedures are to be applied consistently and fairly. Early action is crucial in keeping arrears under control. The following practices are to be applied:

Early intervention

SEARMS will maintain regular contact with tenants and regularly monitor rent accounts.

Appropriate responses

The accuracy of rent records should be checked before action is taken.

Where possible every attempt will be made by SEARMS to sustain the tenancy. If all intervention, support, arrears recovery has failed SEARMS may then proceed to take action through the NCAT.

Focus on repayment and future arrears prevention not eviction

Where the tenant is in arrears, evictions should be minimised where other solutions can be found to the breach. This avoids the creation of unrecoverable 'bad' debts, additional costs from unpaid rent on vacant property and cleaning costs when a tenant moves out.

Arrears Payment Agreements

SEARMS will always advise in writing the terms of any arrears repayment agreement that is made with a tenant.

A copy of this agreement will be put on the tenants file

Arrears payment agreements must be:

- Consistently applied for all tenants
- The repayment schedule should be clearly set out to advise what is required of the tenant and the steps SEARMS will take if they do not keep to the agreement.
- Negotiate the repayment schedule with the tenant, to make sure realistic expectations and that they are able to keep to it and sustain their tenancy.
- If SEARMS and tenant cannot reach a mutually agreed repayment amount, then matter can be referred to NCAT for decision.

- The arrears payment agreement should be recorded both in the tenant file and electronically, as part of the record of action taken to resolve the arrears and any follow up letters or record of conversations (phone, email etc)

Any agreement must be monitored and enforced and if the tenant breaks the agreement, then the necessary action must be taken.

All terminated tenancies will be reported to the Board on a monthly basis by the GM.

Bad debt recovery

A 'bad debt' is money owed to SEARMS within the last six (6) years. The Board will attempt to recover all bad debts through the following process:

- Seek an arrangement with the former tenant
- Tribunal Order
- Local Court – Sheriff

The Housing Officer will do the following to determine what debt is owed, if any, when vacating the property;

- Carry out a pre-vacate if possible, and final property inspection to check the condition of the property.
- Read the water meter and reconcile the last water usage account from the Shire Council and add any unpaid usage to the tenants account
- Raise any necessary repair orders and add to tenants account if the repairs are not considered to be 'normal wear and tear'
- Reconcile the account, using the date the tenant left, to cease recurring charges and make sure there are no amounts outstanding for repairs etc
- Issue a letter to the tenant requesting payment of the debt. If tenant's whereabouts are not known, send a registered letter to family members address. The letter should be sent to the last known address of the tenant as he/she may have left a forwarding address for their mail with Australia Post.
- Account to be put in dispute when the tenant vacates the property

Former tenants with bad debts may be considered for future housing if a payment arrangement is put in place to repay outstanding debt.

Table 1: Rent Arrears Management Procedure

Rent Arrears & Timing	Action	Documentation & Letters
More than 7 days in arrears or First missed payment of rent	Phone tenant to advise of arrears. If you are unable to contact the tenant by phone send <i>Letter 1 – First Reminder</i> advising of arrears and asking for contact. If the tenant is unable to clear the arrears in one payment, agree to a repayment plan to bring the account two weeks in advance as per the Residential Tenancy Agreement. The payment plan should be recorded on the tenant file and system.	Phone, Text Letter 1 – First Reminder
More than 14 days in arrears	<p>Issue Second and Final Reminder. Continue contacts and reminders as per above. Should tenant make contact and repayment agreement reached, send Acknowledgment of Agreement letter confirming negotiated repayment plan.</p> <p>For tenants who have high level arrears and are paying regularly on a negotiated Repayment Plan, apply to NCAT for Specific Performance Order (SPO). This is to ensure a formal arrangement is made and tenant understands the necessity to pay and consequences of breaking this arrangement. This will require communication with tenant to explain reasons and consequences.</p>	<p>Letter 2 - Second and Final Reminder, continuation of contacts, Acknowledgement of Agreement if appropriate.</p> <p>Issue SPO only if appropriate</p>
More than 21 days in arrears	<p>Termination Notice</p> <p>The Termination Notice and accompanying letter states:</p> <ul style="list-style-type: none"> • number of days in arrears • amount of arrears • the date by which the arrears must be paid • a statement that the tenant is not required to vacate the residential premises if they pay all the rent owing or enter into, and fully comply with, a repayment plan agreed with SEARMS 	<p>Termination Notice</p> <p>By Post Termination Notices maybe sent by ordinary post. When calculating the date for vacant possession for the Termination Notice Housing Officers need to add an additional four working days for postage (excluding weekends or public holidays). It's worth adding a couple of extra days to cover yourself.</p>

	<ul style="list-style-type: none"> • a final warning that failure to pay will result in action being taken to terminate the tenancy <p>The tenant must contact the Housing Officer within 7 days of the Termination Notice being issued to negotiate a payment plan.</p> <p>Tenants should be encouraged to make up the missed payments and clear the arrears in full. If a payment plan is negotiated, the payment plan must be confirmed in writing and if possible signed by the tenant. The payment plan and instructions should be recorded both on the tenant file and electronically. The payment plan and first payment must be made by the expiry of the Termination Notice (ie within 14 days of the service date of the Termination Notice).</p> <p>Housing Officers will monitor payment plans on a weekly basis. Where tenants fail to keep to the payment plan SEARMS will apply to the NCAT to terminate the tenancy. SEARMS should use this time to continue to try to engage the tenant and to negotiate a payment agreement. SEARMS has 30 days after the expiry of the termination notice to apply to the NCAT for an Order to Terminate the Tenancy or to seek a Specific Performance Order.</p>	<p>By Hand: Termination Notices may be served by</p> <ul style="list-style-type: none"> • delivering it to the tenant personally at the person's residential or business address, or delivering it personally to a person apparently of or above the age of 16 years at the tenant's residential or business address, or • delivering it in an envelope addressed to the tenant and leaving it in a mailbox at the tenant's residential or business address • Take a dated photograph of letter in letterbox or on door and attach to files. • Contact letters for repayment arrangements • Do not leave NOT's under car windscreen wipers or left where they can be stolen or removed. • Issue SPO only if appropriate.
Fourteen to Twenty-eight days in arrears	If there is no response to the Termination Notice within 7 days of posting, attempt to contact tenant by phone and advise tenant to arrange a repayment arrangement and send letter to contact urgently	Housing Officers should have attempted to make contact with the tenant regarding the arrears on at least 3 occasions by phone and

<ul style="list-style-type: none"> • No response to Termination Notice 	<p>Housing Officers will monitor payment plans on a weekly basis. Where tenants fail to keep to the payment plan SEARMS will apply to the NCAT to terminate the tenancy. SEARMS has 30 days after the expiry of the termination notice to apply to the NCAT for an Order to Terminate the Tenancy or to seek a Specific Performance Order.</p>	<p>letter i.e. Letter 1, Termination Notice, phone calls)</p>
<p>At expiry of Termination Notice.</p> <ul style="list-style-type: none"> • Payment plan not negotiated and/or not being adhered to • 28 days or more in arrears 	<p>SEARMS has 30 days after the expiry of the termination notice to apply to the NCAT for an Order to Terminate the Tenancy or to seek a Specific Performance Order.</p> <p>If a tenant does not make a payment plan or does not keep to the agreed amount in the payment plan by the expiry of the Termination Notice the Housing Officer is required to apply to the NCAT for an order to terminate the tenancy. If the 30 days after a Termination Notice has been issued, has expired and the tenant has not kept to the agreed amount in the payment plan a further Termination Notice should be sent and an application to the NCAT made immediately. It is extremely important to monitor the expiry of the NOT.</p> <p>If the rent arrears reach 8 weeks, clearly tenants have frequently failed to pay rent owing set out in the Residential Tenancy Agreement. Therefore, even if a payment plan is reached at this stage (unless the arrears are reduced considerably according to the payment plan) Housing Officers are still required to apply to the NCAT for an order to terminate the tenancy. The application should be made on the grounds of non-payment of rent and on the additional ground that the tenant has frequently failed to pay rent owing for the residential premises. Section 89 (5). This should enable SEARMS to downgrade the application to a request for an SPO at the hearing if the tenant keeps to a payment plan. In this case SEARMS should also be able to request the right to have the matter relisted should the tenant not comply with the orders.</p>	<p>Application to NSW Civil and Administrative Tribunal –(NCAT)</p> <p>Apply for hearing at NCAT online at www.ncat.nsw.gov.au</p> <p>The tenant should be sent Letter 4 – Notice of Application to Tribunal informing them of our application to the Tribunal</p> <p>Plans to seek an Order to Terminate a Tenancy at the Tribunal Hearing should be approved by the Housing Manager using the Attachment 1 Form – <i>Management Approval for Order to Terminate</i></p> <p>The Housing Manager is to report on all the approved Orders to Terminate and made at the NCAT to the General Manager.</p>

	<p>If the tenant has not made any contact, continue to try to get contact by phone and/or sending urgent contact letters to try to make an agreement. At least five (5) separate attempts to contact including a visit to the property should be made before asking for an Order to Terminate a Tenancy at the Tribunal. (ie Letter 1, Termination Notice, Letter 4, phone call, property visit).</p> <p>Any payment arrangements made for tenants in high arrears ie. > \$1000 it is recommended that Housing Manager or GM approval for repayment amount is sought. This is to alleviate repayments taking many years for debts to resolve.</p> <p>If a payment plan is agreed and fully complied with between the time of the application to the NCAT and the hearing date the payment plan will be formalised at the NCAT with a Specific Performance Order. Housing Officers should always request permission to relist the matter however unless the application was made using S89(5) then the NCAT is unlikely to grant this. A relist enables the Housing Officer to request another hearing within the relist period if the tenant does not keep to the Specific Performance Order.</p> <p>Housing Officers must put a reminder of the relist expiry date in tenant notes and their calendar. If the tenant is still in arrears when the relist period expires a new Notice of Termination must be served and application to NCAT made.</p> <p>Arrears cleared</p> <p>If the tenant clears the arrears before the hearing date then the breach of tenancy has been rectified and no further action can be taken. In this case a fax must be</p>	<p>After NCAT Hearing Letter 5 – Notice of NCAT Orders should be sent advising the details of the SPO or Order to Terminate</p>
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	<p>sent to the NCAT informing them that SEARMS is withdrawing the application to terminate the tenancy.</p> <p>If tenant continuously falls into arrears then catches up, an order may be sought from the NCAT to pay rent on time. Also an NOT or SPO may be amended at NCAT to do this.</p>	
Breach of Specific Performance Order First missed Payment	<p>If a tenant does not keep to the agreed payments in the Specific Performance Order – either misses a payment or does not pay the full amount – (and there is valid relist) a warning letter will be sent informing them that if the payment is not made up an Order for Termination of the Tenancy will be applied for. (ie the matter will be relisted). Housing Officers should make every effort to contact the tenant, by phone and letter, to discuss the situation.</p> <p>If a tenant does not keep to the agreed payments in the Specific Performance Order – either misses a payment or does not pay the full amount - (and either a relist was not granted with the SPO or the relist period has expired) and the tenant is still more than 14 days in arrears, a Termination Notice should be sent and procedures followed as above.</p>	<p>Letter 6 – Notice of Breach of SPO (Warning letter)</p> <p>OR</p> <p>Letter 2 - New Termination Notice</p>
Breach of Specific Performance Order. Two or more missed payments	<p>If a tenant does not comply with a Specific Performance Order and a payment is missed the Housing Officer must apply for an Order to Terminate the tenancy. Housing Officers should make every effort to contact the tenant, by phone and letter, to discuss the situation.</p> <p>Relist the matter</p>	<p>Relist hearing to apply for an Order for Termination and Possession. Requests for a relist hearing should be done using the standard form and emailed to the NCAT.</p> <p>The tenant should be sent an amended Letter 4 – Notice of Application to Tribunal</p>

	<p>If an application to terminate the tenancy is made within the relist period then a request for a relist can be made to the NCAT.: Notice to Renew Proceedings application form available on the NCATwebsite.</p> <p>Relist Expired After the relist period has expired a new Termination Notice must be issued and new application to the Tribunal made to terminate a tenancy. An application to the Tribunal can be made immediately the Termination Notice is served and this should be made using s89(5)</p> <p>Arrears cleared If the tenant clears the arrears before the hearing date then the breach of tenancy has been rectified and no further action can be taken. In this case advice by email must be sent to the NCAT informing them that SEARMS is withdrawing the application to terminate the tenancy</p>	<p>informing them of our relist application to the Tribunal</p> <p>Plans to seek an Order to Terminate a Tenancy at the Tribunal Hearing should be approved by the Housing Manager using the Form – Management Approval for Order to Terminate</p> <p>The Housing Manager is to report on all the Orders to Terminate approved and made at the NCAT to the GM</p>
NCAT Orders - Termination of Tenancy and Possession of Property	<p>After the NCAT has made an order to terminate the tenancy, the tenant becomes an occupant and pays a daily occupation fee whilst they remain in the property.</p> <p>In exceptional circumstances the decision to evict maybe reviewed and should be approved by the GM.</p> <p>If a decision not to evict is made after the tenancy has been terminated by the NCAT the existing tenancy must be terminated and a new tenancy created. A new tenancy agreement will be required.</p> <p>Under Section 89(3) of the Residential Tenancies Act 2010 "A termination of the residential tenancy agreement solely on the ground of non-payment of rent, and</p>	<p>Letter 5 – Notice of NCAT Orders should be sent confirming the Order to Terminate (and normally hand delivered to the property if the tenant was not present at the hearing)</p> <p>In exceptional circumstances the decision to evict maybe reviewed. This decision should be approved by the GM using the Form – Review Decision to Evict.</p>

	<p>any warrant for possession issued as a result of an order for possession, cease to have effect if the tenant pays all the rent owing or enters into, and fully complies with, a repayment plan agreed with the landlord and the tenant has not vacated the residential premises."</p> <p>Therefore under S89(4) If a tenant repays all the rent owing or enters into, and fully complies with, a repayment plan agreed with SEARMS, SEARMS must notify:</p> <p>(a) the Tribunal, that we have applied to the Tribunal for a termination order on the ground of non-payment of rent and the application has not been finally dealt with, or</p> <p>(b) the Sheriff, if a termination order has been made and a warrant for possession of the residential premises has been issued but has not been enforced by the Sheriff.</p> <p>In this case the tenant will not be required to sign a new tenancy agreement</p>	<p>Inform Tribunal Inform Sheriff (where relevant)</p>
<p>Application and Execution of Warrant for Possession</p>	<p>If a tenant does not vacate on the date specified on the Order of Termination an application for a Warrant for Possession will be made to the NCAT. This should be emailed to the Tribunal using the standard form: Request for Warrant for possession of premises available on the NCAT website.</p> <p>On receipt of the Warrant the Housing Officer should pay the fee to Sheriff. (go to www.lawlink.nsw.gov.au to find the local Office of the Sheriff) to arrange an appointment to evict the tenant and take possession of the property. Housing Officers should inform the tenants of this appointment by hand delivered letter. Housing Officers also need to arrange for a locksmith to also attend to change locks.</p>	<p>Application for Warrant Applications for a warrant should be done using the standard form and can be emailed to the NCAT.</p> <p>Arrange an appointment with Sheriff and then deliver a letter to the property to notify of the time and date of eviction. Letter 7 – Confirmation of Warrant Execution</p>

	NOTE: If the tenant pays all the rent owing or enters into, and fully complies with, a repayment plan agreed with SEARMS at any time before the Warrant is enforced by the Sheriff the termination order and warrant for possession cease to have effect (see above)	Inform Tribunal (where relevant) Inform Sheriff (where relevant)
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ALL TERMINATED TENANCIES WILL BE REPORTED TO THE BOARD AS PART OF SEARMS'S QUALITY ASSURANCE PROGRAM

Table 2: Non-Rent Arrears Management Procedure - For Water Usage Accounts and other tenant charges

Stage and Responsibility	Action	Documentation and Letters
Issuing of Debit Notes (section)	The Housing Officer should enter and send out debit notes for water usage on receipt of water accounts from billing authority.	Debit Notes for water usage are sent out by the Finance and Corporate Services Debit Notes should be paid within 21 days of receipt.
Debit Notes not cleared within 21 days Housing Officers send reminder letters and negotiate payments with tenants	<p><i>Water Usage – First Reminder or Repairs & Maintenance – First Reminder</i> is sent advising of arrears and asking them to contact their Housing Officer. Tenants should be encouraged to pay their bills in full. If the tenant is unable to clear the arrears in one payment, agree a payment plan.</p> <p>Water Usage: Repayment agreements for Water Usage accounts will be based on a 13 week period to ensure payment is fully received before the next quarterly water usage accounts are received. Where tenants have accrued several water usage accounts SEARMS sets a minimum arrears payment of two (2) additional days rent per week or four (4) days per fortnight or alternatively tenants can agree to clear the arrears within 26 weeks. Tenants should be</p>	<p>Water Usage – First Reminder or Repairs & Maintenance – First Reminder letter is sent to all tenants with non rent bills remaining unpaid for more than 21 days.</p> <p>This should be done at least quarterly and should be scheduled to occur about four weeks after the majority of water bills are sent.</p>

	<p>advised the payment plan only covers current arrears and future bills should be paid in full within 21 days or a new agreement must be negotiated.</p> <p>Other Non-rent: Repayment agreements for other outstanding non-rent accounts will be negotiated individually with the tenant depending on the amount and taking into consideration other tenant household costs. Housing Officer should generally apply the principle that minimum repayments are set at a minimum of an additional 2 days rent per week or 4 days per fortnight. The payment plan should be recorded on the tenant file and payment instructions.</p> <p>NB: Where tenants have other current debts to SEARMS ie Rent Arrears or Bond Repayments they should not be asked to pay more than an additional 4 days rent per week or 8 days per fortnight in total arrears repayments (ie of bond, rent arrears, bills)</p>	
<p>Debit Notes not cleared within 13 weeks.</p> <p><i>Housing Managers to monitor non rent arrears week</i></p>	<p><i>Water Usage – Second Reminder or Repairs and Maintenance – Second reminder</i> is sent advising of arrears and asking them to contact their Housing Officer. This letter advises tenants that if the arrears are not addressed they will be served with a Termination Notice for breach of their tenancy.</p> <p>Tenants should be encouraged to pay the bills in full. If the tenant is unable to clear the arrears in one payment, agree a payment plan as above.</p> <p>If a payment plan is negotiated, the payment plan must be confirmed in writing and if possible signed by the tenant. The payment plan should be recorded on the tenant file and payment instructions. The payment plan and first payment must be made within 7 days of the reminder letter.</p>	<p>Water Usage – Second Reminder or Repairs and Maintenance – Second Reminder letter is sent to all tenants whose bills remain unpaid for more than 13 weeks and who have not commenced a payment plan. Housing Officers will review their outstanding debit note list weekly and take appropriate action.</p> <p>(NB: It is not essential to have sent Second Reminder letters before serving Termination Notice).</p>

<p>2 or more debit notes outstanding or arrears of more than \$200 and no payment plan in place (or not being adhered to)</p> <p><i>Client Service</i></p>	<p>Termination Notice should be sent when there are 2 or more debit notes outstanding or there are arrears of more than \$200 and there is no payment plan in place (or it is not being adhered to).</p> <p>The Termination Notice and accompanying letter states:</p> <ul style="list-style-type: none"> • amount of arrears • the date by which the arrears must be paid • an offer for the tenant to contact SEARMS to discuss the arrears and negotiate a payment plan • a final warning that failure to pay will result in action being taken to terminate the tenancy <p>The tenant must contact the Housing Officer within 7 days of the Termination Notice being issued to negotiate a payment plan.</p> <p>Tenants should be encouraged to pay their bills in full. If the tenant is unable to clear the arrears in one payment, agree a payment plan as above. If a payment plan is negotiated, the payment plan must be confirmed in writing and if possible signed by the tenant. The payment plan should be recorded on the tenant file and payment instructions. The payment plan and first payment must be made by the expiry of the Termination Notice.</p> <p>Client Services Officers will monitor payment plans on a weekly basis. Where tenants fail to keep to the payment plan SEARMS will apply to the NCAT to terminate the tenancy. This can be downgraded to a Specific Performance Order at the hearing at the discretion of the Housing Services Manager.</p>	<p>Letter 2 or Letter 8 – Termination Notice</p> <p>By Post</p> <p>Termination Notices maybe sent by ordinary post. When calculating the date for vacant possession for the Termination Notice Housing Officers need to add an additional four working days for postage (excluding weekends or public holidays) plus the 14 days (including weekends). It's worth adding a couple of extra days to cover yourself.</p> <p>By Hand</p> <p>Termination Notices maybe served by:</p> <ul style="list-style-type: none"> • delivering it to the tenant personally at the person's residential or business address, or delivering it personally to a person apparently of or above the age of 16 years at the tenant's residential or business address, or • delivering it in an envelope addressed to the tenant and leaving it in a mailbox at the tenant's residential or business address <p>By Fax</p>
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		Termination notices may also be sent by facsimile transmission to the facsimile number of the tenant
<p>No response to Termination Notice</p> <p>Client Services</p>	<p>If there is no response to the Termination Notice within 7 days of posting attempt to contact tenant by phone and <i>send Letter 3 - Final Reminder Letter</i> which again advises:</p> <ul style="list-style-type: none"> • amount of arrears • the date by which the arrears must be paid • an offer for the tenant to contact SEARMS to discuss the arrears and negotiate a payment plan • a final warning that failure to pay will result in action being taken to terminate the tenancy <p>The tenant must contact the Housing Officer within five (5) days of the Final Reminder letter being issued to negotiate a payment plan. If a payment plan is negotiated, the payment plan must be confirmed in writing and if possible signed by the tenant. The payment plan should be recorded on the tenants file and payment instructions. The payment plan and first payment must be made by the expiry of the Termination Notice.</p> <p>Housing Officers will monitor payment plans on a weekly basis. Where tenants fail to keep to the payment plan SEARMS will apply to the NCAT to terminate the tenancy. This can be downgraded to a Specific Performance Order at the hearing at the discretion of the Housing Manager</p>	<p>Letter 3 - Final Reminder</p> <p>(NB: It is not essential to have sent Letter 3 before applying to the NCAT, but Housing Officers should have attempted to make contact with the tenant regarding the arrears on at least 3 occasions by phone and letter i.e. First Reminder, Termination Notice, phone calls)</p>
At expiry of Termination Notice and	SEARMS has 30 days after the expiry of the termination notice to apply to the NCAT for an Order to Terminate the Tenancy or a Specific Performance Order	Application to NSW Civil and Administrative Tribunal-NCAT

<p>payment plan not negotiated and/or being adhered to.</p> <p>Non rent accounts outstanding for more than 13 weeks</p>	<p>If a tenant does not make a payment plan or does not keep to the agreed amount in the payment plan by the expiry of the Termination Notice the Housing Officer is required to apply to the NCAT to terminate the tenancy.</p> <p>If the non-rent account bills exceed \$500, despite a payment plan being made Housing Officers are still required to apply to the NCAT for a Specific Performance Order to formalise the payment plan.</p> <p>If the tenant has not made any contact, continue to try to get contact by phone and/or sending urgent contact letters to try to make an agreement. At least five (5) separate attempts to contact including a visit to the property should be made before asking for an Order to Terminate a Tenancy at the Tribunal. (e.g. First Reminder, Termination Notice, Letter 5, phone call, property visit).</p> <p>If a payment plan is agreed between the time of the application to the NCAT and the hearing date the payment plan will be formalised at the NCAT with a Specific Performance Order. The Housing Officer should always ask for permission to relist the matter within six months. This enables the Housing Officer to request another hearing within the relist period if the tenant does not keep to the Specific Performance Order.</p> <p>Housing Officers must put a reminder of the relist expiry date in client notes and their calendar. If the tenant is still in arrears when the relist period expires a new Notice of Termination must be served and application to NCAT made</p>	<p>Apply for hearing at NCAT online at www.ncat.nsw.gov.au</p> <p>The tenant should be sent Letter 6 – Notice of Application to Tribunal informing them of our application to the Tribunal</p> <p>Plans to seek an Order to Terminate a Tenancy at the Tribunal Hearing should be approved by the Housing Manager using the Attachment 2 Form – <i>Management Approval for Order to Terminate</i></p> <p>The Housing Services Manager is to report on all the Orders to Terminate approved and made at the NCAT to the Chief Executive Officer.</p> <p>Letter 5 – Notice of NCAT Orders should be sent advising the details of the SPO or Order to Terminate</p>
<p>Breach of Specific Performance Order First missed Payment</p>	<p>If a tenant does not keep to the agreed payments in the Specific Performance Order – either misses a payment or does not pay the full amount – a warning letter will be sent informing them that if the payment is not made up an Order for Termination of the Tenancy will be applied for. (The matter will be relisted).</p> <p>The outstanding debt must be made up by their next payment.</p>	<p>Letter 6 – Notice to Breach of SPO (Warning Letter)</p>

<p>Breach of Specific Performance Order. Two or more missed payments.</p>	<p>If a tenant does not comply with a Specific Performance Order the Housing Officer must apply for an Order to Terminate the tenancy.</p> <p>Relist the matter If an application to terminate the tenancy is made within the relist period then a request for a relist can be made to the NCAT by fax</p> <p>Relist Expired After the relist period has expired a new Termination Notice must be issued and new application to the Tribunal made to terminate a tenancy.</p> <p>Arrears cleared If the tenant clears the arrears before the hearing date then the breach of tenancy has been rectified and no further action can be taken. In this case a fax must be sent to the NCAT informing them that SEARMS is withdrawing the application to terminate the tenancy.</p>	<p>Relist hearing to apply for an Order for Termination and Possession. Requests for a relist hearing should be done by letter and faxed to the NCAT. The tenant should be sent an amended Letter 4 – Notice of Application to Tribunal informing them of the relist application to the Tribunal</p> <p>Plans to seek an Order to Terminate a Tenancy at the Tribunal Hearing should be approved by the Housing Manager using the Form – <i>Management Approval for Order to Terminate</i></p> <p>The Housing Manager is to report on all the Orders to Terminate approved and made at the NCAT to the Chief Executive Officer.</p>
<p>NCAT Orders - Termination of Tenancy and Possession of Property</p>	<p>After the NCAT has made an order to terminate the tenancy, the tenant becomes an occupant and pays a daily occupation fee whilst they remain in the property.</p> <p>In exceptional circumstances the decision to evict maybe reviewed. This decision should be approved by the GM</p> <p>If a decision not to evict is made after the tenancy has been terminated by the NCAT the existing tenancy must be terminated and a new tenancy created. The tenant will need to sign a new tenancy agreement.</p>	<p>Letter 5 – Notice of NCAT Orders should be sent confirming the Order to Terminate (and normally hand delivered to the property if the tenant was not present at the hearing)</p> <p>In exceptional circumstances the decision to evict maybe reviewed. This decision should be approved by the Chief Executive Officer using the Form – <i>Review Decision to Evict</i>.</p>

Application and Execution of Warrant for Possession	<p>If a tenant does not vacate on the date specified on the Order of Termination an application for a Warrant for Possession will be made to the NCAT. This should be faxed to the Tribunal.</p> <p>On receipt of the Warrant the Housing Officer needs to request a cheque from the Finance Officer. The cheque needs to be taken with the Warrant to the local Office of the Sheriff (go to www.lawlink.nsw.gov.au to find the local Office of the Sheriff) to arrange an appointment to evict the tenant and take possession of the property. Housing Officers should inform the tenants of this appointment by hand delivered letter. Housing Officers also need to arrange for a locksmith to meet them and the Sheriff at the property to change the locks.</p>	Application for Warrant <p>Applications for a warrant should be done by letter and faxed to the NCAT.</p> <p>Arrange an appointment with Sheriff and then deliver a letter to the property to notify of the time and date of eviction Letter 7 – Confirmation of Warrant Execution</p>
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Table 3 - Arrears Repayment Agreements & Procedure

Type of Payment	Arrears Situation	Minimum Repayment Agreement
Rent Tenants should pay their rent in advance as per the Residential Tenancy Agreement.	Rent Arrears Refer to Table 1: Rent Arrears Management Procedure for actions and which letters to send and when	The rent arrears repayment amount should be a minimum of an additional 3 days rent per week or 6 days per fortnight. If tenants are not paying off a bond or paying off other bills they should be encouraged to pay a little more.
Water Usage Accounts Bills should be paid within 21 days of receipt. Water bills are every 13 weeks	Overdue Water Accounts If tenant is paying their water usage account in instalments they should be in credit and should clear the water usage account within 21 days of the account being raised. If this is not the case the tenant is in arrears	Follow the same principles and procedures for managing rent arrears when addressing water usage arrears.
	Water Usage - Repayment Agreements	Remember when making agreements for payments of water usage accounts that the agreement should be either: <ul style="list-style-type: none"> • <u>For the current arrears only</u> – Make an agreement for water usage arrears only and inform the tenant that future water usage accounts will need to be settled in full within 21 days of receipt. • <u>For current arrears AND to pay future bills in instalments</u> – Make an agreement for the current arrears AND also an agreement for payment of future bills in instalments
		If the tenant is currently paying their Water Usage Account in instalments they should arrange to pay per week/fortnight to settle an account within 21 days of receipt. They will need to continue to pay this in addition to any arrears repayment agreement.

		<p>Review the current arrears amount ie. the total outstanding for more than 21 days.</p> <p>If the tenant does not have any rent arrears or other bills then either:</p> <ul style="list-style-type: none"> • divide the water usage arrears by the number of weeks/fortnights before the next bill is due or; • it is also reasonable to apply the additional 2 days rent per week policy to come up with a repayment amount for water usage
		<p>If the tenant is also paying rent arrears at an additional 3 days rent per week then either:</p> <ul style="list-style-type: none"> • divide the water usage arrears by the number of weeks before the next bill is due or; • ask the tenant to pay the equivalent of an additional days rent per week as a repayment amount for water usage

Attachments

Attachment 1: Form - Management Approval to Apply for an Order to Terminate a Tenancy

Attachment 2: Form – Management Approval – Review of Decision to Evict

Attachment 1

Management Approval To Apply for an Order to Terminate a Tenancy

Tenant Name: include file reference code ie SLNGA005		Telephone:
Tenancy Street Address:		
Suburb:	Landlord: Owner Org?	
Start Date of Current Tenancy:	Length of Tenancy:	No of previous tenancies:

Current Housing Members

Name	DOB	Age	Relationship to head tenant
Is the tenant under 18 or particularly vulnerable?			Yes/No
Please provide details (including details of any support services involved)			

Current Arrears Situation j(attach a rent statement covering period of arrears)

Type of Arrears	Amount of Arrears	No weeks arrears/No bills
Rent Arrears	\$	
Outstanding Water Usage	\$	
Outstanding Other Non-Rent/tenant charges	\$	
Bond paid/refund?	\$	
Total Arrears	\$	

Rent Change History Increases/Reviews?

Dates	Rent Charged	Variations
	\$	\$
	\$	\$
	\$	\$

Tenants Financial Situation and Cause of Arrears

(attach copy of tenant budget sheet if relevant)

Main source of income		Total household income	\$
Reason for arrears:			

Rent Arrears Management

Provide details of arrears management and actions taken to resolve arrears. Include details of phone calls, letters, office interviews, repayment agreements, property visits, referral to specialist, referral to debt counselling service, of NOT, NCAT application, NCAT hearing and orders

(Please attach copy of tenant file notes and add an extra sheet if necessary)

Date	Days/Weeks Arrears	Amount of Arrears	Action

Housing Officer Notes and Recommendations:**Signature:****Date:****Housing Manager Approval and Notes:****Signature:****Date:****General Manager Endorsement and Notes****Signature:****Date:**

Tenant Name: File code		DOB:
Tenancy Street Address:		
Suburb:	Landlord: owner org	
Length of Tenancy	Housing program:	

Current Household Members

Name	DOB	Age	Relationship to head tenant

Current Arrears Situation

Type of Arrears	Amount of Arrears	No weeks arrears/No bills
Rent Arrears	\$	
Outstanding Water Usage	\$	
Outstanding Other Non-Rent	\$	
Bond paid/refund?	\$	
Tenants actions since NCAT orders made: eg payments made, support plans in place		
Housing Officer Notes and Recommendations:		
Housing Officer:		Date:
Operations Manager Notes and Recommendations:		
Housing Officer:		Date:



2.5 Additional Occupants Policy

Version Number:

Approved by: SEARMS Board

Approval date:

Review date:

1. Purpose

The purpose of this policy is to identify the circumstances under which tenants may have additional occupants living with them during their course of the tenancy.

This policy applies to all properties owned and managed by SEARMS.

2. Policy

SEARMS respects the right of its tenants to have visitors stay with them at their property. SEARMS aims to provide a safe and peaceful housing environment for its tenants and near-by communities.

Tenants are responsible for ensuring that:

- Members of their household and visitors to their property meet the standard of behaviour required by SEARMS under the Residential Tenancy Agreement
- They receive approval from SEARMS before new people join the household or visitors stay more than 28 days.
- That the income of all people living in the household (including visitors who are staying more than 28 days) is declared to SEARMS

2.1 Additional Occupants

An additional occupant is a person living in a SEARMS property who is not a member of the household at the application or sign up of the new tenancy.

SEARMS recognises and understands that tenants may not be able to do this due to cultural or personal circumstances. SEARMS will provide a tenant the opportunity to notify of visitors or additional occupants. If they do not the additional person has exceeded the period allowed for visitors, that person will be considered to be an unauthorised occupant.

SEARMS will consider all requests for additional occupants if:

- It does not cause severe overcrowding
- The additional occupant does not have a poor record of tenancy with SEARMS and
- SEARMS is reasonably satisfied that nuisance will not occur by allowing the person as an additional occupant.

If approved, the new person will be an approved person of the tenant's household. Rent will be recalculated based on the new household income.

2.2 Unauthorised Occupants

An unauthorised occupant is a person living in a SEARMS property who has overstayed the period allowed for visitors and has not been approved to join the household. If tenants have unauthorised occupants living with them they are in breach of their Residential Tenancy Agreement.

Unauthorised occupants are not eligible for succession of tenancy.

2.3 Visitors

A visitor is a person temporarily hosted by the tenant or tenant's household for a period up to 28 days. If a tenant wants their visitor to stay for longer the tenant must apply for the visitor to be approved as an additional occupant.

If SEARMS is notified by the tenant of the visitor and provides adequate reasons as to why they may require staying longer than 28 days, consideration will be given to not requiring the visitor to be added as an additional occupant.

SEARMS in certain circumstances, may apply restrictions on visitors due to previous tenancy issues or other matters that may have an impact on the current tenancy and neighbours.

3. General Principles

SEARMS will adhere to the following principles to ensure all tenancies are in accordance to Residential Tenancy Agreements;

- I. Ensure tenants understand the Residential Tenancy Agreement and their rights and responsibilities and the rights of the landlord in relation to additional occupants
- II. Ensure tenancy management practices are being followed to ensure all household members are recorded on the Residential Tenancy Agreement
- III. Ensure household incomes and rent are correct
- IV. Ensure tenants have knowledge of where they can obtain (name of orgs) policies and procedures in relation to additional tenancies and other tenancy management matters
- V. Provide details of support services for tenants to help them sustain their tenancies
- VI. Treat all information received from applicants and tenants as confidential and records are kept secure and protected.
- VII. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VIII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Effectively apply tenancy management practices in the management of additional occupants
Operations Manager	Monitor and approve requests for additional occupants and provide a report to the Board on additional occupants Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
CEO	Approve requests for additional occupants

5. References

Legislation	Residential Tenancies Act 2010
Related policy	Succession of Tenancy
	Rent and Income Reviews
	AHO Housing Services Guidelines and Policy Framework

Additional Occupants Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 6 September 2018

Review date: Every 2 years

1. Procedures

1.1 Applying for additional occupancy

The person applying to be an additional occupant must complete the form: *See Attachment (#) Application for an Additional Occupant*. The form can be submitted at the office or by email.

Both the tenant and the person applying to be an additional occupant must be explained that:

- The Housing Officer will reassess the income eligibility. Please refer to Social Housing Access and Eligibility Policy or Affordable Housing Access and Eligibility Policy
- If overcrowding occurs, the tenant must accept this situation. Refer to Social and Affordable Housing Allocations Policy.
- If the tenant's account is in arrears, SEARMS may defer the application for an additional occupant until the account is up to date.
- If the additional occupant owes any money to SEARMS from a previous tenancy they must make arrangements to pay this debt before the application will be approved. The additional occupant's debt will be kept separate from the tenant's account.
- If the additional occupant currently has a tenancy with SEARMS, then this tenancy must be finalised before the application can continue and assessed for unsatisfactory tenancy and therefore ineligible.

Notify the applicant in writing to acknowledgement of receiving the application within five days.

The Housing Officer will record the application and provide to the General Manager for approval.

The General Manager will review and approve within five days. The Housing Officer will notify the applicant in writing of the outcome of the application within three days.

If an application for additional occupancy is declined and the applicant is already living with the tenant SEARMS will in writing instruct the tenant to request the unauthorised person to leave. If the unauthorised person does not leave within two weeks, SEARMS will notify the tenant in writing they are in breach of their Residential Tenancy Agreement and proceed with terminating the tenancy.

1.2 Unauthorised Occupants

Tenants are obliged to advise SEARMS of any changes in their household make up. If a tenant has additional occupants living in a property without the approval of SEARMS, they are breaching their Residential Tenancy Agreement.

If SEARMS receives information that there is an unauthorised occupant living at a property, the Housing Officer will make contact with the tenant and arrange an onsite visit to discuss the matter and confirm all members of the household are recorded and accurate.

If SEARMS identifies there are unauthorised occupants living at the property, the Housing Officer will request the tenant to submit an application for additional occupants to be made. If the tenant declines or refuses, the tenant is to be advised that they will be notified in writing of their breach to the Residential Tenancy Agreement.

If a tenant has an unauthorised occupant that tenant requests for SEARMS to remove, the tenant must be advised that SEARMS can not intervene in such a matter and must contact the police.

1.3 Restrictions on visitors

SEARMS may apply a restriction on visitors to an individual tenancy if there is evidence that:

- Previous visitors to the tenancy have not met the standard of behaviour required by SEARMS under the Residential Tenancy Agreement
- The tenant or members of the household are not meeting the standard of behaviour required under the Residential Tenancy Agreement
- New people have joined the household (including visitors who are staying more than 28 days) and the tenant has not asked for approval from SEARMS
- The income of all people living in the household (including visitors who are staying more than 28 days) has not been declared to SEARMS.

If a restriction on visitors is applied to a tenancy, the Housing Manager will notify the tenant in writing advising:

- That the restriction has been applied
- The reasons why the restriction has been applied
- When the restriction will be reviewed and
- That while the restriction applies, the tenant must obtain approval from SEARMS before allowing any visitors to the property to stay more than 3 consecutive days.

SEARMS will not approve a request for a visitor to stay more than 3 consecutive days if it considers that the visitor will pose a threat to the sustainability of the tenancy or the peace and comfort of the neighbourhood.

SEARMS will advise the tenant in writing of its decision to give or deny approval for the visitor to continue their stay.

1.3.1 Evidence for applying a restriction on visitors

When deciding whether or not to apply a restriction on visitors, the General Manager will consider the merits of all information relevant to the management of the tenancy(s) that it has access to including:

- Orders made by the NCAT
- Police reports
- Witness incident reports

- Apprehend Violence Orders (AVO)
- Records collected or created by SEARMS such as files notes, letters or reports provided by other people or organisations, forms and photographs.

1.4 Squatters

A squatter lives in a vacant property where no Residential Tenancy Agreement exists with SEARMS.

There is no relationship of landlord and tenant between SEARMS and a squatter, so the NCAT has no jurisdiction in matters involving squatters. The police and the courts handle squatters.

SEARMS will contact the local Aboriginal Tenancy Advisory Service and other housing providers for assistance in possibly housing the squatter in adequate and alternative housing. If possible and there is housing available SEARMS may offer the squatter to complete an application for housing to determine if they are eligible.

If the matter cannot be resolved SEARMS will contact the local police to remove the squatter(s) from the property and then secure the property to prevent further entry. If the police do not remove the squatter(s) SEARMS may commence action in the Courts.

2 Right to Appeal

Tenants will be advised of their right to appeal any decision made concerning their tenancy and absence from the property.

If a tenant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

Tenants can appeal the following decisions under this policy:

- Refusal to allow additional occupants
- Rent and income review
- Termination of tenancy

All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may

access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3 Conflict of interest

Any SEARMS employee or Board member involved in the approval of absence from a property by a tenant must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

10 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Attachment 4 **Application for an Additional Occupant**

This form is to be completed by a tenant to apply to SEARMS for additional occupants to join their household. The questions that we need evidence for are marked on the form. Information about the type of evidence we need is in the Evidence Requirements Information Sheet. For information or assistance with this form, please contact us on (ph number) or call into SEARMS office. Please mark relevant boxes with ☒ If you need more room to answer any questions, please include details on a separate page and attach it to this form.

Tenant Information

Last name or family name:	Given name(s):
Tenancy Address: File reference	Contact Number:

Additional occupant information

This section is to be completed by the Tenant. Please include the details of each new additional occupant to be housed with you. Attach proof of identity for each additional occupant in your household. You will also need to attach proof of citizenship, residency or visa category, property ownership, income and assets for each additional person 18 years old or over. See the Evidence Requirements Information Sheet for more information.

Full Name (include: title, first, middle and family names)	Title (Mr. Mrs., Miss, Ms.)	Sex M/F	Date of Birth	Relationship to you	Date when moving into property

Additional occupant's current housing situation

Do any additional occupants live at your property now? Yes No

Please provide the following details

Name of Additional Occupant	Living with you now What date did they move in?	Not living with you now What is the current address?

Additional occupant's housing history

Do any additional occupants have a current application for housing? Yes No

Name of Additional Occupant	T-file number or Client reference number	Wishes to remain on the NSW Housing register? (Y/N) <small>If no, the additional occupant should provide a written request to remove them from the register</small>

Are any of the additional occupants a current or former tenant, of SEARMS, a Social/Community Housing Provider or Housing NSW? Yes No

Disability/ongoing medical condition

Do you or anyone on this application have a disability or ongoing medical condition? Attach proof of disability or medical condition Yes No

Name of the person with the disability or medical condition	Disability or medical condition

Support arrangements

Do you or a person on this application receive ongoing support from an organisation, a program or a person/individual? Yes No

Name of person receiving support	Name of organisation or program providing support (if relevant)	Name of support worker or person/ individual	Contact phone number

Tenant's permission and declaration

I give my permission for the additional occupant listed in this application to be housed with me, if SEARMS approves the application.

I understand that this application does not in any way make the additional occupants eligible for separate accommodation in their own right.

I state that the information contained herein is true and correct in every way, and I understand that fines or imprisonment or both can be imposed under the Housing Act 2001 for making a false statement or false representation.

Tenant's name (please print)	Tenant's signature:	Date:
Tenant's name (please print):	Tenant's signature:	Date:

Notice and Consent

Under the Housing Act 2001, the Privacy and Personal Information and Protection Act 1998, and the Health Records and Information Privacy Act 2002, you must be told why your personal information (including health information) is being collected, how it will be used and whether it will be given or exchanged with another party. Under the Housing Act 2001 a fine of up to \$2,200 and/or three months imprisonment applies for making a false statement or representation. Anyone who wilfully makes any false statements that result in them obtaining accommodation or financial benefit of any kind may be refused further assistance or prosecuted. Notice

Your personal information and any relevant health information provided on this form will be used for the purpose of processing this application.

Consent

Each additional occupant on the application aged 18 years or over must provide their written permission for their personal information to be collected by the tenant.

I give my permission for my personal information in this form to be collected by the tenant.

Additional Occupant name (please print):	Signature:	Date:

Office Use Only**Application received**

Name: _____

Position: _____

Date: _____

Application approval

Name: _____

Position: _____

Date: _____

Approved: Yes No



2.6 Absence from Property Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide a framework for managing absences from any property owned or managed by SEARMS.

2. Policy

In accordance to the Residential Tenancy Agreement, tenants are required to occupy the premises at all times. SEARMS recognizes and understands that tenants may need to be away from their property for cultural, personal and professional reasons.

SEARMS will consider the following reasons for absences up to three months:

- Caring for sick or frail family members;
- Sorry business;
- Hospitalization, institutional care, nursing home care or rehabilitation;
- Escaping domestic violence, harassment or threats of violence;
- Holidays;
- Employment, education and training.

To ensure tenancies are not compromised, the tenant who is responsible for meeting the tenancy obligations should notify SEARMS of any absences that will be more than six weeks to make necessary arrangements. Where absences of up to three months are required, provided there is a valid reason for going away and confirmed arrangements have been made for payment of rent, water and care of the property, these will be considered on a case by case basis.

SEARMS CEO may approve absences longer than six weeks if they are satisfied that:

- The rent will be paid, or has been paid in advance for the duration of the absences
- The water usage charges will be paid or has been paid in advance
- There is a good reason for the tenant to be away
- All other conditions associated to the Residential Tenancy Agreement are met
- A return date is provided
- A person who can act on the tenant's behalf is appointed and these contact details are provided

In the instance of repeated absences relating to holidays, incarceration and employment/training SEARMS will not be approved. Where absences of more than twelve (12) months in total over a five-year period SEARMS will not approve the request.

3. Responsibility

Housing Officer	Effectively manage absence from SEARMS properties
Housing Officer	Ensure all absence requests are documented and provided to the General Manger for review and approval
Operations Manager	Monitor the application of this policy for absences of properties and approve requests
	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

4. References

Legislation	Residential Tenancies Act 2010
Related policy	AHO Housing Services Guidelines and Policy Framework

Absences from Property Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 22 August 2018

Review date: Every 2 years

1 Procedures

1.1 Application

If a tenant will be away from their property for more than six weeks, even if other members of the household remain they must advise SEARMS in writing.

The absence must be approved by General Manager)

Consideration will be given to the approval of the absences if the General Manager is satisfied that:

- Arrangements have been made to pay the rent and water usage charges while the tenant is away, either pre-paid in advance or by maintaining weekly/fortnightly direct debit.
- The property will be adequately cared for while the tenant is away. The tenant will be responsible for any costs to repair vandalism or damage of other household members or visitors while they are away.
- There is a valid reason for going away. Tenants will need to provide evidence to support their application.
- The tenant must also tell SEARMS the dates of their absences.
- A person has been appointed to act on the tenant's behalf while they are away and the contact details have been provided to SEARMS

1.2 Acceptable Absences

Acceptable reasons for absences of up to three months include:

- Caring for sick or frail family members;
- Sorry business;
- Hospitalisation, institutional care, nursing home care or rehabilitation;
- Escaping domestic violence, harassment or threats of violence;
- Holidays;
- Employment, education and training.

1.3 Repeat Absences

Repeat absences relating to holidays, incarceration, or employment/training cannot be approved. Absences of no more than 12 months in total over a five year period can be approved.

1.4 Maintaining tenancy obligations while the tenant is away

An absence is approved where the tenant has a valid reason for going away and when arrangements have been made for the payment of rent, water and care of the property.

The tenant is responsible for meeting their obligations under the Residential Tenancy Agreement. Any breaches of the agreement while the tenant is away may result in SEARMS taking NCAT action, including termination of tenancy or affect future consideration to offer a further tenancy, if the tenant is on a fixed term Residential Tenancy Agreement on the expiry of the fixed term lease.

1.4.1. Examples of Breaches resulting in NCAT action include:

- Not living in the property (that is, being absent for extended periods without approval)
- Sub-letting the property without approval of SEARMS
- Not paying rent in full and on time
- Not paying the water usage charges in full and on time
- Permitting a member of the household, a visitor, authorized person, or a pet to cause a nuisance or interfere with the reasonable peace, comfort or privacy of neighbours
- Permitting a member of the household, a visitor or authorized person to cause damage to the property
- Not keeping the premises reasonably clean
- Not informing SEARMS of any changes in household income, assets or the number of people living in the property; and
- Using the property for illegal purposes.

1.5 Rent

In some cases, the minimum rent policy can apply. It may apply when the tenant is:

- In a nursing home, or
- In a rehabilitation centre, or
- In respite care, or
- In a refuge or safe house as a result of leaving a domestic violence situation, or
- Is incarcerated for a period of up to three months.

1.6 Incarceration

If a tenant is to be incarcerated, they can apply to retain their tenancy for up to three months. SEARMS General Manager will consider each case on its merits.

If approval is given to maintain the tenancy, the tenants rent will be reduced to \$10.00 per week up to a maximum period of three months.

If the tenant has reoffended after an initial period of being incarcerated, SEARMS will seek to terminate the tenancy.

If the reason for incarceration is related to a breach of the tenancy (ie illegal use of property, AVO breach, domestic violence) SEARMS will commence action to terminate the tenancy.

If the tenant has not been released from incarceration at the end of the three months consideration will be given to transferring the tenancy to another household member living in the tenancy and who meets the eligibility requirements, if there are no breaches of the residential tenancy agreement or it does not create under-occupancy of the property. Please refer to [Recognition of Tenancy Policy](#).

1.7 Domestic Violence

If a tenant has left their property due to domestic violence and requires staying in paid accommodation such as motels or hotels the minimum rent policy may still apply if they are able to demonstrate that they have been charged a fee.

If the absence is more than three months, SEARMS will explore other housing options with the tenant such as transfer, alternative accommodation or ending the tenancy. SEARMS will take all appropriate steps to ensure, where the current tenancy may not be the most appropriate option, that tenants do not become homeless or be placed into a situation that may increase the risk of returning to, or experiencing further domestic violence.

Where tenants are escaping domestic violence, SEARMS will make contact with other Aboriginal and Community housing providers to assist the tenant being assessed for a priority transfer

For further information please refer to Tenancies affected by Domestic Violence Policy

1.8 Appointing an Authorised Person

The tenant must appoint a person authorised to act on their behalf while they are away. The authorised person must be 18 years and over and could be another household member, a family member or friend. Supported tenants may nominate their support provider as their authorised person in their absence.

The authorised person will be required to inspect the property regularly and maintain it to the standard as required by the residential tenancy agreement.

If the authorised person is not currently a member of the household and wants to live in the property while the tenant is away, they must apply to be an additional occupant. See Additional Occupants Policy.

If approved, the authorised person will have to pay rent. Rent will be assessed on the basis of the original household complement plus the income of the additional occupant.

1.9 Extended Absences

The tenant may apply for approval to extend the absence beyond the initial three months where there are unusual circumstances on a case by case basis.

Requests should be forwarded to the SEARMS. Extended absences will be reviewed and approved by the SEARMS General Manager within seven days of receipt of the request.

The tenant will be notified in writing of the outcome and any conditions required to maintain the tenancy.

If a tenant does not return to their property after an approved absence the tenancy should either be:

- Transferred to another household member. The household member must meet the eligibility criteria, there are no breaches of tenancy and the tenancy does not create under-occupancy.
- Action taken to end the tenancy where breaches of the lease exist.

1.10 Unapproved Absences

If a tenant has stayed away from their property for more than six weeks without approval, the Housing Officer will make reasonable efforts to contact the tenant to clarify the situation.

If the tenant can not be contacted after four weeks, the Housing Officer will start the NCAT process to terminate the tenancy.

Right to Appeal

Tenants will be advised of their right to appeal any decision made concerning their tenancy and absence from the property.

If a tenant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

Tenants can appeal the following decisions under this policy:

- Permission to be absent from the property up to three months
- Termination of tenancy

All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

2 Conflict of interest

Any SEARMS employee or Board member involved in the approval of absence from a property by a tenant must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

8 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



2.7 Abandoned Properties Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide clear direction on the management of abandoned properties and ensure that all actions taken by SEARMS adhere to the Residential Tenancies Act 2010

2. Policy

SEARMS is committed to ensuring all properties owned and managed are tenanted at all times and minimise the vacancies of properties and will act within the rights and obligations as a landlord in accordance to the Residential Tenancies Act 2010. Properties that are left vacant for long periods of time (more than 28 days) pose a vandalism and financial risk to SEARMS.

The following indicators will be considered by SEARMS that a property has been abandoned:

- No activity in the rent account including non-payment of rent for a period of 6 weeks
- No response to any correspondence or communication made by SEARMS including letters, telephone calls or home visits
- A tenant not living at the premises, or residing at a separate property where connected to SEARMS or otherwise
- Neighbours notifying of tenant not living there or passing
- On inspection by SEARMS the premises appear to be abandoned ie house empty of furniture, overgrown grounds, uncollected mail

SEARMS staff will make every effort to liaise with the tenant, tenant's family, authorised person or others known to SEARMS to arrange for the collection of goods before acting.

If a tenant leaves goods in the premises after moving out, either through abandonment or at the end of the tenancy, SEARMS will apply their rights as a landlord under the Residential Tenancy Act 2010 Sections 126 to 135.

In the circumstances following the death of a tenant who was the sole occupant of a property, SEARMS will make every effort to liaise with the tenant's family, authorised person or others known to SEARMS to arrange for the collection of goods.

3. General Principles

SEARMS will adhere to the following principles to ensure it minimises the impacts of abandoned properties:

- I. Ensure tenancy management practices are being followed to minimise abandonment of properties

- II. Ensure properties are not left vacant for more than 28 days, or does not exceed 2%
- III. Ensure that all AHO managed properties are tenanted within 14 days of becoming vacant
- IV. Ensure documentation and records of events are being recorded and filed on the tenants file.
- V. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VI. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Effectively monitor tenancies to identify possible abandonment of properties
Housing Officer	Provide reports to General Manager on abandonment of properties
General Manager	Monitor the implementation of this policy and all notifications of properties abandoned and provide a report to the Board
General Manager	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
Board	To monitor and review policy annually

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	Absence from Property Policy
	AHO Housing Services Guidelines and Policy Framework

Abandoned Properties Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

1.1 Tenant abandonment

Tenants on a continuous Residential Tenancy Agreement who decide to leave their property must give SEARMS 21 days' notice. If a tenant is on a fixed term Residential Tenancy Agreement, the 14 days' notice must be provided.

If a tenant leaves a property without notifying SEARMS, then the property may be considered abandoned and SEARMS will take action to end the tenancy.

If a Housing Officer or other staff member suspects a tenant has left their property without notifying SEARMS, the Housing officer will inspect the property immediately and make enquiries to find out if the property has been abandoned.

The Housing Officer will investigate into the following:

- Rent account – when was the last payment and how long was that
- Tenant file – no response to correspondence or communication made, including letters, telephone calls or home visits
- Contact other household members – determine if tenant not living at the premises, or residing at a separate property
- Neighbours notifying of tenant not living there or passing
- Onsite inspection - premises appear to be abandoned ie house empty of furniture, overgrown grounds, uncollected mail

If the Housing Officer is reasonably sure that the property has been abandoned, a report must be submitted to the General Manager to authorise NCAT action to proceed.

The Housing Officer will make an application to NCAT will be made to take possession of the property.

If there are any doubts that a property has been abandoned SEARMS will apply to the NCAT under Section 106 of the Residential Tenancies Act 2010 to request that NCAT make an order declaring that the tenant abandoned the properties on a specified date.

The tenant is taken to have abandoned the property on the specified date the Housing Officer finalises the investigation and inspection of the property.

Where a property is vacant, SEARMS may take immediate possession of a property that has been abandoned by the tenant if there are no remaining occupants.

The tenant will be liable for rent to the specified date. All outstanding debt including rent, water usage charges, costs for tenant damage will be placed onto the tenant file.

If the property appears to have been abandoned but there is sufficient evidence to support that the tenancy is active, for example rent been paid, the tenant may have a reasonable explanation to being absent from the property and has not notified SEARMS. The Housing Officer will then make attempts to resolve with the tenant. Please refer to [Absence from Property Policy](#)

1.2 Uncollected Goods

If a tenant leaves goods in a property after moving out, either through abandonment or at the end of a tenancy, SEARMS will take action in accordance with the Residential Tenancies Act 2010 Section 126 to 135.

Rubbish and perishable items will be disposed of immediately. Ordinary goods can be disposed of after 14 days' notice. Personal documents such as birth certificates, licences, bank statements and photos must be kept for 90 days. These should be stored in a secure environment.

SEARMS will apply to the NCAT for an order declaring that the tenant abandoned the residential property on date the final inspection was carried out by the Housing Officer. NCAT should also be advised what goods remain in the property to seek an order regarding the disposal.

On application the NCAT may also make one of the following orders:

- An order authorising the removal or other disposal of goods
- An order directing the notice of any action or proposed action in relation to goods be given to the former tenant, an authorised person or any other person.
- An order authorising the sale of goods
- An order as to the manner of sale of goods
- An order as to the payment of the proceeds of sale of goods
- Any ancillary order that the Tribunal, in the circumstances, thinks appropriate

1.2.1 Notice to tenant

If the uncollected goods are stored, the Housing Officer will within 7 days of placing the goods in storage:

- Send the tenant, household member, authorised person or other persons a written notice that the goods are in storage; and
- Publish the notice in local media

The notice will contain the following:

- SEARMS address and contact details
- The tenants name
- The address of the property where goods were from
- A description of goods
- A statement that on or after a specified date the goods will be sold by public auction or given to charity unless first claimable.

SEARMS must deal with goods in accordance with an order of the Tribunal and not in accordance with any other provisions of the Act relating to disposal as follows.

1.3 Goods left in Vacant Possession property

If goods remain in the property after two working days after the tenant has moved out, the Housing Officer and a witness (where possible) will inspect the property and make a detailed list of the goods left in the property and the condition of those goods. They will take photographs of the goods, particularly if they are of high value.

The Housing Officer will give the former tenant notice that the goods will be disposed of after 14 days (in the case of goods other than personal documents) or 90 days (in the case of personal documents) after the day on which the notice is given unless they are first claimed.

Notice will be given in any of the following ways:

- In writing; or
- By post to the former tenant or the former tenant's authorised person at the last forwarding address known by SEARMS; or
- Orally in person, by telephone or email of the former tenant; or
- If SEARMS doesn't know the whereabouts of the former tenant and is unable to give notice to the tenant for a period of more than two days, notice may be given by posting a notice in prominent position on the property.

1.3.1 Perishable Goods

SEARMS will remove or otherwise dispose of goods that it reasonably believes are perishable goods as soon as vacant possession of the property is given or the residential property are abandoned.

SEARMS may remove goods from the property and store them in a safe place pending disposal or collection of the goods in accordance to the NCAT orders

If an item is perceived to be on hire, the company who owns it will be notified and arrangements made to collect it.

1.3.2 Disposal of non-perishable goods (other than personal documents)

SEARMS will dispose of goods (other than personal documents) if the former tenant or other person entitled to possession of the goods fails to collect or make arrangements to collect the goods within 14 days of a disposal notice being given, or within such further period as may be agreed by the General Manager.

SEARMS will dispose of any such goods by selling them (in any other lawful manner). Under no circumstances will any goods be given or sold to an employee or Board member of SEARMS, their relatives, friends or others.

The Housing Officer will make a record and place on the tenant file, of all the non-perishable goods disposed of and if the goods are sold will, if requested to do so by the former tenant or other person entitled to possession of the goods, pay the sale proceeds to the former tenant or other person.

If there are any outstanding debits, SEARMS may deduct from the proceeds an occupation fee calculated in accordance with Section 132 of the Residential Tenancy Act 2010 and the reasonable cost of the sale.

1.3.3 Disposal of personal documents

SEARMS will dispose of goods that are personal documents if the former tenant or other person entitled to possession of the documents fails to collect or make arrangements to collect the documents within 90 days of a disposal notice being given, or within such further period as may be agreed with the General Manager.

SEARMS will endeavour to dispose of personal documents by returning them to the authority which issued them or if it is not reasonably practicable, will ensure they are disposed of through other suitable means that protect the former tenant's privacy, as directed by the General Manager.

1.3.4 Claiming uncollected goods

A person who is entitled to possession of goods may claim the goods at any time before they are disposed of.

The General Manager must approve the delivery of goods to a person who claims them if it is satisfied that the person is entitled to the goods. The General Manager will request for supporting evidence and documentation before goods are released.

SEARMS will not require a person who claims goods to pay any amount to obtain them, other than an occupation fee.

1.4 Occupation fee

SEARMS may require a former tenant or person who claims goods to pay an occupation fee for each day the goods are left at the property or stored, if the quantity of goods left on the property by a former tenant or occupant is sufficient to prevent SEARMS renting the property.

The occupation fee payable will not exceed an amount that is equal to the rent that would have been payable under the Residential Tenancy Agreement for each day the goods are left at the property or stored, and must not exceed, in total, the amount of rent for 14 days.

2. Right to Appeal

An abandoned property is treated as a termination of a tenancy.

If a tenant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

Tenants can appeal the following decisions under this policy:

- Termination of tenancy

All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

9 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



2.8 Tenancy Transfer Policy

Version Number:

Approved by: SEARMS Board

Approval date:

Review date:

1. Purpose

The purpose of this policy is to provide information on how SEARMS manages the changing needs of tenants.

SEARMS tenants can apply for a transfer if a change in their circumstances makes their existing property or location no longer suitable.

SEARMS will assess the application against the transfer criteria to establish if a transfer is required.

2. Policy

There are a number of reasons why a tenant may wish to transfer to another property. There are also reasons why SEARMS may need a tenant to relocate if the property is under or over occupied.

SEARMS will approve transfer requests where the tenant is able to demonstrate a need for alternative housing. Need will be assessed according to standard assessment criteria defining priority and non-priority status. To be eligible for a transfer the tenant must:

- Have lived in the property for more than 12 months, unless it meets the priority status
- Have no rent arrears
- Have no NCAT orders or serious complaints about them
- Meet required eligibility criteria; and
- Be subject to a satisfactory pre-transfer inspection

Priority need may be determined in the presence of the following factors:

- An 'at risk' situation
- A medical condition or disability
- Extreme and ongoing harassment
- Changes in employment
- Compassionate reasons
- Severe overcrowding
- Family breakdown/estrangement

Non-priority need will be based on the following criteria:

- Moderate overcrowding (insufficient bedrooms)
- Under Occupancy – (excess bedrooms) where the tenant has requested to transfer

- Medical condition (where the tenant can manage in their existing accommodation but would benefit from the provision of alternative housing)

Generally, to be approved for a transfer the tenant must be eligible for social housing, that is, they must continue to meet the current or previous income eligibility limits for social housing in addition to other eligibility criteria.

3. General Principles

When dealing with request for a transfer SEARMS will:

- Explain the information and documentation needed to support a tenant's transfer application
- Explain options and provide clear and consistent communication through the transfer assessment process
- Assist tenants in identifying a location which meets their needs
- Process the application in a timely manner
- Treat tenants sensitively and maintain confidentiality
- Allocate housing that meets their needs
- Attempt to offer the same type of lease as existing
- Give reasons why their transfer was not approved and advise on appeals process

4. Responsibility

Housing Officer	Effectively assess eligibility and priority of transfer applications
Housing Manager	Administer decisions and prepare a report for the General Manager
Operations Manager	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
CEO	Monitor and report to the Board

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework
	Mutual Exchange Policy
	Relocation Policy

Tenancy Transfer Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 22 august 2018

Review date: Every 2 years

1. Procedures

1.1 Transfer Application

When a tenant applies to be transferred they must complete the appropriate housing application forms, along with the required evidence and documentation to support their request.

Assessment of a transfer application

When tenants apply for a transfer they are required to set out the reasons why they required a transfer. Transfer applications if approved as either priority or non-priority.

To be approved for a transfer a tenant must be eligible for social housing and meet the transfer assessment criteria. However, there may be exceptional circumstances, in which case any decision to approve an application for transfer from a tenant who does not meet the eligibility criteria will be made on a case by case basis according to the circumstances of the situation.

To be eligible for a transfer the tenant must:

- Have lived in the property for more than 12 months, unless it meets the priority status
- Have no rent arrears
- Have no NCAT orders or serious complaints about them
- Meet required eligibility criteria; and
- Be subject to a satisfactory pre-transfer inspection

Tenants may be assessed as eligible for a transfer on a priority basis if their dwelling becomes unsuitable for one of the following reasons:

- An 'at risk' situation
- A medical condition or disability
- Extreme and ongoing harassment
- Changes in employment
- Compassionate reasons
- Severe overcrowding
- Family breakdown/estrangement

The description and evidence required to substantiate these reasons is detailed in Table 1.

Tenants may be assessed as eligible for a non-priority transfer based on the following criteria:

- Moderate overcrowding (insufficient bedrooms)
- Under Occupancy – (excess bedrooms) where the tenant has requested to transfer

- Medical condition (where the tenant can manage in their existing accommodation but would benefit from the provision of alternative housing)

The description and evidence required to substantiate these reasons is detailed in Table 2.

Table 1: Priority Situations and Evidence required.

Priority Reason	Criteria	Evidence
At Risk	<p>The personal safety and/or mental health of a tenant or a household member is at risk. These situations include but are not limited to:</p> <ul style="list-style-type: none"> • domestic violence • sexual assault • child abuse or neglect • threatening behaviour <p>Tenants need to show that:</p> <ul style="list-style-type: none"> • the risk is serious and ongoing • the 'risk' means they cannot remain in the current dwelling and/or location beyond a medium length of time • the property and/or location significantly increases the risk and reduces their safety • apart from transferring, there are no practical steps that can be taken by the tenant's household to lower or remove the risk • being relocated will help or resolve the situation and remove or significantly decrease the risk. 	<p>SEARMS will expect the tenant to provide current supporting documentation, substantiating the risk they are exposed to, and this could include:</p> <ul style="list-style-type: none"> • current Police reports • a current Apprehended Violence Order (AVO) • current reports or letters from the Department of Community Services • current reports or letters from a social worker • current reports or letters from a community support agency, such as a Refuge, Community Centre or Neighbourhood Centre worker • current reports or an assessment from a medical practitioner or health professional (including a mental health case manager) • current reports or letters from a School Principal or School Counsellor
Medical condition and/or disability	<p>In relation to the medical condition and/or disability of a tenant or household member, tenants will need to show that:</p>	<p>SEARMS will expect the tenant to substantiate the medical condition and/or disability, and could include reports from:</p> <ul style="list-style-type: none"> • a general practitioner or specialist doctor

	<ul style="list-style-type: none"> the medical condition and/or disability is permanent or likely to be permanent the current property and/or location no longer meets their housing need relevant household members no longer have the capacity to access necessary medical and/or therapeutic services from their current property for such reasons as the: <ul style="list-style-type: none"> restricted mobility of relevant household members restricted capacity of those members to use transport frequency of their necessary visits to medical and/or therapeutic services the necessary medical and therapeutic services will be available from potential alternative locations they do not have the capacity to remain in the property or location beyond a medium length of time a relocation will assist in the management of the medical condition and/or disability 	<ul style="list-style-type: none"> a health worker such as a community nurse, occupational therapist or physiotherapist a psychiatrist or mental health case manager support organisations such as, Property Care Service, Property Nursing Service, Aged Assessment Team, Community Centre or Neighbourhood Centre
Extreme and Ongoing Harassment	<p>Harassment refers to a wide range of offensive behaviour. It refers to unacceptable behaviours that are threatening or disturbing. Harassment includes:</p> <ul style="list-style-type: none"> verbal abuse threats intimidating behaviour vilification 	<p>The tenant will need to substantiate their claim of harassment by providing documentation such as:</p> <ul style="list-style-type: none"> current Police reports current reports or letters from the Community Justice Centre (CJC)

	<ul style="list-style-type: none"> property damage <p>Tenants will need to show that:</p> <ul style="list-style-type: none"> the harassment is serious and ongoing they have attempted to resolve the harassment themselves, with any necessary assistance and support their current property and/or location significantly increases the risk of harassment the harassment means they cannot remain in their current dwelling and/or location beyond a medium length of time relocation will help to resolve the situation and remove or significantly decrease the harassment 	<ul style="list-style-type: none"> current reports or letters from a community support agency, such as a Refuge, Community Centre or Neighbourhood Centre worker current reports or letters from a Mediation service Letters or reports from a general practitioner, specialist doctor, mental health case worker or health services worker SEARMS's Serious Incident Diary Letters or reports from neighbours substantiating the harassment a record that the incidents are ongoing evidence that the incidents are escalating in seriousness
Employment	<p>A tenant can apply for a priority transfer due to the tenant or their partner gaining employment or changes to the tenant's or partners current employment. A tenant must show that the:</p> <ul style="list-style-type: none"> tenant or their partner are currently unemployed and have been offered a job in or near the area to which they need to move, or tenant or their partner are not in full time employment and are required by their employer to move in order to keep their job job is in a location that is impractical for them to travel to, from their existing location 	<p>The tenant will need to establish the need to move for employment reasons by providing documentation such as:</p> <p>Letter of offer of employment from employer</p> <ul style="list-style-type: none"> Letter confirming location of employment Letter confirming permanent employment Letter confirming number of hours to be worked Letter confirming change of employment location from employer Letter from employer confirming loss of employment if unable to relocate/change location.

	<ul style="list-style-type: none"> • Employment is long term and is at least 3 days work per week. In some circumstances, such as where there are medical factors or care of dependents, the minimum number of working days may be reduced to two. 	
Compassionate grounds	<p>There are a number of compassionate grounds SEARMS will consider, these include:</p> <ul style="list-style-type: none"> • Being closer to a family member who needs their care • Being closer to support networks which are not covered by the medical, disability or other factors described above, such as, counselling services for refugees, child abuse services, family support services, rehabilitation services, Property and Community Care Services, cultural services or educational services (specialised schools). <p>Tenant's will be asked to:</p> <ul style="list-style-type: none"> • show why they need to move, • provide information about the family member needing care, • provide information about the services the tenant or the family member requires 	<p>The tenant will need to prove their need for a transfer for providing current documentation such as:</p> <ul style="list-style-type: none"> • medical assessment or report/ letter from a doctor or specialist confirming family members medical condition and/or disability • report or letter from a service providing care or support to the family member • report or letter from a specialist educational service • report or letter from a cultural support service • report or letter from a family support service • report or letter from a rehabilitation service • Report or letter from a counselling service
Overcrowding - Severe	<p>Severe overcrowding may arise as the result of:</p> <ul style="list-style-type: none"> • a family reunion • award of custody of children 	<p>The tenant will need to prove that severe overcrowding exists and the reasons for it by providing current documentation such as:</p>

	<ul style="list-style-type: none"> • marriage • birth of a child or children • Severe overcrowding includes: • an adult or couple sharing a bedroom with a person aged over three years • or more children sharing a bedroom • or more unrelated adults sharing a bedroom. <p>Severe overcrowding can also occur if children currently sharing a bedroom now need their own bedroom because of a specific need such as:</p> <ul style="list-style-type: none"> • a disability or special medical need • severe behavioural problems • children of different genders sharing a room and one reaches puberty <p>Tenants will be required to prove that the severe overcrowding is the result of one of the above reasons and explain why the current dwelling is unsuitable.</p>	<ul style="list-style-type: none"> • age of all household members • gender of all household members • marriage certificate • legal documents confirming family re-union • legal documents confirming placement of children • legal documents confirming custody of children • Centrelink family payment income statement • Court Orders • immigration papers • medical assessment or report/ letter from doctor or specialist confirming disability or special medical needs • letter or reports from support agencies confirming severe behavioural problems • reports or letters from Department of Community Services • Letter or reports from health professionals, including mental health case managers.
Family Breakdown/Separation	<p>If there is a serious breakdown in a family relationship, SEARMS will consider providing separate accommodation for the member who has left the property. A serious breakdown in household relationships is:</p> <ul style="list-style-type: none"> • separation or divorce between a tenant and spouse or defacto partner 	<p>The tenant will need to confirm the family breakdown by providing supporting documents such as:</p> <ul style="list-style-type: none"> • evidence of a legal separation • letters or reports from a social worker, community worker, Neighbourhood Centre • letters or reports from Department of Community Services • income Statement from Centrelink

	<ul style="list-style-type: none"> • irreconcilable problems between a parent and child or children (including adult child or children) <p>In the case of divorce or separation the spouse or partner who has moved out will need to prove that:</p> <ul style="list-style-type: none"> • the spouse was a member of the household, or • the de-facto partner was a member of the household on a continuous basis for 2 or more years, and • the spouse or partner was on (name of orgs) records as having lived in the property, and • the spouse or partner is eligible for public housing, and • the spouse or partners apply for a transfer within six months of moving out of the property <p>In the case of a family breakdown the family member will need to prove that:</p> <ul style="list-style-type: none"> • they are a permanent member of the household • they are listed on (name of orgs) records as living in the property (e.g., approved additional occupant, household member records) • they have declared their income to SEARMS and it is recorded in their rental history 	<ul style="list-style-type: none"> • Family Payment confirmation from Centrelink • letters or reports from a general medical practitioner or specialist doctor • Evidence of new residential address (e.g., driver's license, mobile phone bill, Centrelink income statement)
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Table 2: Non-Priority Situations and Evidence required

Non-priority Reason	Criteria	Evidence
Overcrowding – Moderate	<p>Moderate overcrowding is when there is an increase in the size of the household which results in the household having fewer bedrooms than they would otherwise be entitled to, but the overcrowding is not as severe as described above. Examples of moderate overcrowding are:</p> <ul style="list-style-type: none"> • three children sharing a bedroom • an adult or couple sharing a bedroom with a child under 3 years of age • two unrelated adults sharing a bedroom 	<p>The tenant will need to substantiate the moderate overcrowding by producing documents indicating the:</p> <p>Number of household members</p> <ul style="list-style-type: none"> • age of household member • gender of household members • size of the bedrooms • size of the living areas.
Under occupancy	<p>Under occupying a property is when a tenant has more bedrooms than they require. It is usually the result of household members moving out of the property. When a tenant applies for a transfer because of under occupancy, SEARMS will:</p> <ul style="list-style-type: none"> • consider the impact on the tenant • review the benefits and costs to SEARMS of transferring the tenant, including the demand for the current dwelling • consider the tenant’s requirements for the new dwelling and how these can best be met <p>Relocations relating to under occupancy can be initiated by SEARMS</p>	<p>The tenant will need to substitute the under-occupancy by producing documents indicating the:</p> <ul style="list-style-type: none"> • number of household members • number of bedrooms in property

<p>Medical Condition and/ or Disability (where the tenant can manage in their existing accommodation but would benefit from the provision of alternate housing)</p>	<p>In relation to the medical condition and/or disability of a tenant or household member, tenants will need to show that: the</p> <ul style="list-style-type: none"> • medical condition and/or disability is permanent or likely to be permanent • the current property and/or location no longer meets their housing need • relevant household members have limited capacity to access necessary medical and/or therapeutic services from their current property for such reasons as the: <ul style="list-style-type: none"> ○ restricted mobility of relevant household members ○ restricted capacity of those members to use transport ○ frequency of their necessary visits to medical and/or therapeutic services • the necessary medical and therapeutic services will be available from potential alternative locations • a relocation will assist in the management of the medical condition and/or disability • they do have the capacity to remain in the property or location beyond a medium length of time 	<p>SEARMS will expect the tenant to substantiate the medical condition and/or disability, and could include reports from:</p> <ul style="list-style-type: none"> • a general practitioner or specialist doctor • a health worker such as a community nurse, occupational therapist or physiotherapist • a psychiatrist or mental health case manager • support organisations such as, Property Care Service, Property Nursing Service, Aged Assessment Team, Community Centre or Neighbourhood Centre
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1.2 Assessment decision-making

All applications will be assessed by a team of two appropriate SEARMS staff to determine eligibility and assessment.

If an assessment decision remains unclear or contentious the application will be referred to the Housing Manager and/or General Manager for final assessment decision

The Housing Manager will monitor the consistent application of the ranking criteria.

Assessments of applications will occur within 28 days of being lodged. All applicants will be informed in writing of the ranking decision and given access to the review and appeals system.

All applicants will be placed on the housing register according to their ranking level and date of application with SEARMS.

1.3 Number of Offers

Tenants who have been approved for a transfer will be eligible to receive two offers of accommodation. If the tenant refuses two reasonable offers, their name will be removed from the housing register in line with that Organisation's policies.

1.4 Responding to Priority Transfer Needs

To assist in meeting priority transfer needs SEARMS will consider a range of housing strategies, within its capacity. These may include:

- A suitable SEARMS allocation
- Renting a property from the private rental market
- Modifying an existing property to make it suitable for a person with a disability. (This may be subject to the availability of funds to undertake necessary modifications)
- Taking action to solve the problems where the tenant currently lives. This may include sorting out a neighbourhood dispute; facilitating support or practical help; taking action to evict a violent partner.
- Considering whether the tenant's needs may be met by another social housing provider.

The most appropriate option for the tenant will be selected and progress in implementing this plan will be regularly reviewed.

1.5 Additional Transfer Requests

Where a tenant is requesting another transfer allocation less than 12 months since first being transferred, the application will be referred to the Housing Manager for final decision.

1.6 Reviewing and Updating Transfer Applications

To ensure that approved transfers reflect a tenant's current housing situation and to allow a re-assessment of the urgency of tenant's need for a transfer, all approved priority transfers will be reviewed on a 6 monthly basis or when new information for a transfer applicant prompts a review. Non-priority transfers will be reviewed annually. As a result of these reviews, the relative priority of a transfer may change to reflect any changes in the level of urgency in a tenant's situation. If a

tenant no longer meets the eligibility requirements for a transfer, then their transfer application will be withdrawn and they will be informed in writing.

1.7 Moving to New Premises

Upon acceptance of an offer and signing a new Residential Tenancy Agreement, the tenant will be charged appropriate rent on the property as well as the vacating property whilst they move premises. This will apply for a period of up to 4 days or 7 days in exceptional circumstances.

If the tenant has not vacated the old property and returned the keys after this period, market rent will be charged on the vacating property until the keys have been returned.

Housing Manager has the discretion to determine approval for exceptional circumstances and will report this to the General Manager

7 Right to Appeal

Tenants will be advised of their right to appeal any decision made concerning their tenancy and request for a transfer.

All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

8 Conflict of interest

Any SEARMS employee or Board member involved in the approval of the request to transfer by a tenant must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

10 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



2.9 Tenancy Reinstatement Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every

1. Purpose

The purpose of this policy is to outline the grounds for which former tenants may be approved for reinstatement to the SEARMS Housing Register and how applications will be treated from former tenants who have a debt from a former tenancy with SEARMS or other social housing provider

2. Policy

Under this policy, SEARMS will provide clear guidelines that outline what is required for former tenants seeking reinstatement.

Tenancy reinstatement can apply to former tenants who vacated their property because:

- They were under duress;
- They had to move into a residential care facility (including a psychiatric hospital, rehabilitation centre, hostel, nursing home) either voluntarily or under a court order;
- They were placed into a custodial facility; or
- Care needs of the tenant, a member of their household or a family member

To be eligible for tenancy reinstatement, former tenants must prove that:

They meet the eligibility criteria for social housing;

- They meet the criteria for priority transfer;
- They vacated under duress, vacated to a residential care or correctional facility, or vacated because of care needs; and
- They made an application to their housing provider within six months of vacating the former property; or
- In the case of custodial sentences not longer than three years, they can also apply within six months of their release from custody.

Former tenants with custodial sentences longer than three years will need to re-apply for housing as they are not eligible for tenancy re-instatement. SEARMS define duress as having to vacate the property due to a critical incident and, under the circumstances, the decision to vacate was reasonable.

For example:

- Escaping domestic violence.
- Escaping harassment

- Removing themselves or a household member from being at risk
- Admittance to a supported care facility might include a refuge, rehabilitation centre, hospital, or respite centre
- Serious medical/disability incident related to the tenant or a household member, or relative.

When assessing the decision to vacate the property, SEARMS will consider the following as applicable to particular situations:

- Was it a reasonable decision for the tenant to vacate without notice;
- Did the tenant consider options other than vacating;
- Whether the tenant previously contacted their housing provider about their situation, and
- Did the housing provider ask the tenant to relinquish their tenancy because they were going into residential care or into a correctional facility;
- Could the decision to vacate have been delayed

3. General Principles

SEARMS will adhere to the following principles:

- I. Ensure tenancy management practices are being followed to minimise abandonment of properties
- II. Ensure properties are not left vacant for more than 28 days
- III. Ensure documentation and records of events are being recorded and filed on the tenants file.
- IV. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- V. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Provide reports to Operations Manager
Operations Manager	Monitor the implementation of this policy
	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework

Tenancy Reinstatement Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

1.1 Evidence requirements for tenancy reinstatement

Former tenant's applying for Tenancy Reinstatement must provide evidence in the form of documentation to substantiate reasons for vacating, for example vacating under duress, moving to residential care, being taken to a custodial facility, or harassment.

1.2 Debts from a former tenancy with SEARMS

Tenants who have a debt from a former tenancy with SEARMS are eligible for tenancy reinstatement to the Housing Register in accordance with the policy outlined above.

Where a tenant has a debt to SEARMS and a tenancy reinstatement application has been approved, the tenant will be advised that their application will be suspended. The following guidelines apply in relation to managing suspended applications due to tenant debts:

- The debt must be acknowledged by the tenant
- The debt must be repaid in full or alternatively the tenant must enter into a formal repayment agreement with SEARMS.

A suspended application will be made 'live' in the Housing Register once the above conditions have been met. Tenants who are suspended in the Housing Register due to a former debt will be advised of avenues for financial assistance, including from local charities and other brokerage schemes.

1.3 Tenants from another housing provider

Applications from tenants who resided with another housing provider will be taken by SEARMS and referred through the Housing Register to that housing provider for assessment.

2. Right to Appeal

Tenants will be advised of their right to appeal any decision made concerning their request for tenancy re-instatement.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

3. Conflict of interest

Any SEARMS employee or Board member involved in the approval of the application for tenancy reinstatement must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

10 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



2.10 Relocating Tenants Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

SEARMS has developed this policy so that it can manage its tenancies and property portfolio effectively to maximise the benefit social housing can provide to people in housing need.

From time to time the SEARMS may require a tenant to move to another property managed by SEARMS.

When relocating a tenant for management purposes in this way, SEARMS will take all reasonable steps to ensure that the tenant is offered alternative housing that meets their housing requirements and thereby helps to create a sustainable tenancy.

2. Policy

As a social housing landlord, SEARMS has the right to ask any tenant to relocate to another suitable property, identified by SEARMS that meets their housing needs. This is called relocating tenants for management purposes.

When relocating a tenant for management purposes, SEARMS aims to offer alternative housing that:

- meets the client's known housing and locational needs, and
- allows continued access to services, and
- supports the creation of a successful and sustainable tenancy in the new location.

SEARMS will only require a tenant to relocate for valid reasons related to the management of a tenancy or SEARMS's property portfolio. If necessary, SEARMS will enforce this right by taking termination action through the NSW Civil and Administrative Tribunal - NCAT

Reasons for Relocation

SEARMS may seek to relocate a tenant for reasons relating to management of its property portfolio or for tenancy management purposes. Examples of situations where this policy can be applied include:

Portfolio Management

- SEARMS intends to:
 - sell a property or group of properties
 - demolish a property or group of properties
 - redevelop the land the property is on to provide more appropriate housing

- The property has been designated for occupation by a particular client group, such as older people, and the tenant/tenant's household does not belong to this client group.
- The property is not owned by SEARMS and the lease with the private landlord has expired.

Tenancy Management

- Under-occupancy - the property is too large for the tenant's household, for example, due to changing circumstances such as children leaving home.
- Overcrowding – too many people are living at the property
- The property has features, such as modifications for people with a disability that are no longer needed by the people living in the property.
- SEARMS intends to carry out substantial upgrading work on the property and the property needs to be vacant so that this work can happen.
- Management of neighbour disputes or social disharmony that involves or affects the tenant (this is not usually utilised unless absolutely necessary).
- The property or its location is unsuitable for the tenant and their capacity to sustain a SEARMS managed tenancy is threatened.

Additional information about the application of this policy

This policy applies to any tenant asked by SEARMS to relocate for management purposes including a tenant who:

- has been approved for a transfer;
- is seeking a mutual exchange

Notwithstanding this policy and its requirements for relocating tenants for management purposes, SEARMS reserves its right at all times to issue a Notice of Termination of a Residential Tenancy Agreement if there have been breaches of the Residential Tenancy Agreement. This proviso applies to ensure SEARMS can comply with its legislative obligations as well as its contractual obligations under the Residential Tenancy Agreement.

This may apply where SEARMS receives a Notice of Termination from a private landlord on a leasehold property due to breach of lease (sometimes this is a 90 day "no grounds" Notice of Termination). If SEARMS believes that the notice is served due to breach of tenancy it may choose to issue a Notice of Termination instead of offering a transfer.

On a case by case situation, the Manager Housing Services can determine whether relocation costs can occur.

3. General Principles

SEARMS will adhere to the following principles:

- I. Ensure tenants are clear on the process of how the relocation will happen
- II. Assist with determining if there are any financial assistance available to the tenant for the relocation
- III. Tenant understands the policy in relation to the number of offers process

- IV. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- V. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officer	Effectively manage the policy
Operations Manager	Monitor consistent and fair policy application
CEO	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework
	Tenant Transfer Policy
	Matching Clients and Properties Policy
	Sign Up of Tenants Policy

Relocating Tenants Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 22 August 2018

Review date: Every 2 years

6. Procedures

SEARMS will take the steps set out in Table 1 below when the need to relocate a tenant for management purposes has been determined.

Table 1: Relocation Process

Action	Explanation
Tell the tenant about the relocation	<p>SEARMS will inform the tenant about the relocation in person and provide follow up information in writing.</p> <p>If the relocation is for either tenancy or portfolio management reasons, this will happen as soon as reasonably practical after the decision to relocate the tenant is made.</p> <p>The information provided to the tenant at this point will include the contact details for the SEARMS officer who will be the tenant's first point of contact for any issues relating to the relocation process</p>
Interview the tenant to find out their housing and relocation needs	<p>The purpose of this interview is to gather information about the tenant's situation so that SEARMS can:</p> <ul style="list-style-type: none"> • make an appropriate offer of alternative housing • offer the tenant appropriate assistance during the relocation process <p>The tenant is expected to co-operate with SEARMS by making themselves available for this interview. SEARMS will proceed without completing this step if the tenant does not make themselves available after reasonable notice.</p>
Give the tenant an individual relocation statement	<p>The relocation statement sets out in writing:</p> <ul style="list-style-type: none"> • The tenant's housing and relocation entitlements. These entitlements will be based on SEARMS's assessment of information provided by tenant during the interview process. • the location that the tenant will be transferred to • The number of reasonable offers of alternative housing that the tenant can expect from SEARMS. • SEARMS's intention to exercise its right to take action at the NCAT to terminate the tenancy if the tenant refuses all reasonable transfer offers. • The steps that the tenant can take to seek a review of any decision taken by SEARMS to terminate their tenancy on the basis that its offers of transfer have been rejected. • Provide details of an independent advice agency, tenant's advice service or the Housing Appeal Committee
Confirm that SEARMS's information about the tenant's housing needs is up to date	SEARMS will contact the tenant to confirm that its information about the tenant's housing needs is up date shortly before making any offer of alternative housing.

	It is the tenant's responsibility to respond in a timely manner, and if they do not respond, SEARMS will proceed on the basis of the information that it has previously collected.
Offer alternative housing to the tenant	SEARMS will follow the approach set out in the <u>Offers of Housing Policy</u> to identify alternative properties that meet the needs of the tenant and their household.
Record the tenant's response to the offer	<p>With one exception, SEARMS will follow the approach set out in the Offering a Property to a Client policy to:</p> <ul style="list-style-type: none"> • record the tenant's response to the offer • if the tenant rejects the offer, decide whether or not the tenant's rejection of the offer was reasonable <p>The exception is that if the tenant rejects the offer, SEARMS will give the tenant 7 days if they are being relocated for portfolio management reasons or 14 days if they are being relocated for tenancy management reasons, to give written reasons why the offer was rejected (not 28 days as stated in the Offering a Property to a Client policy).</p> <p>SEARMS can extend this timeframe for a short time if the client requests it and has good reasons for making the request. See the Assessment Criteria section below for more information.</p>
Offer accepted Make final arrangements for signing the new tenancy and relocation	<p>SEARMS will liaise with the tenant about:</p> <ul style="list-style-type: none"> • the date that their new tenancy will start • the arrangements for signing their new tenancy agreement • arrangements for moving <p>SEARMS will follow the approach set out in the <u>Sign-up of Tenants policy</u> when signing the tenant up to their new tenancy.</p>
Reasonable offer not accepted If appropriate, second reasonable offer made	SEARMS will not carry out this step if the tenant has been informed that they will receive only one reasonable offer.

3.1 Transfer location

In line with the Offers of Housing Policy, relocating tenants are able to nominate the location that they would like to be transferred. SEARMS will approve this location unless there are compelling policy or operational reasons to decline the tenant's nomination. For example, SEARMS may restrict relocations to certain locations:

- in order to minimise the risk of serious anti-social behaviour; or
- because it has limited properties in the location; or
- because the relocating tenant's housing needs cannot be met in the location within a reasonable period of time; or
- because the relocating tenant's support needs cannot be met in the location within a reasonable period of time

In addition, SEARMS will restrict relocations to certain locations if there is a compelling external reason to do so, for example:

- a legal restriction on the tenant or a member of their household living in a particular location, or
- A person, agency or entity external to SEARMS has made an assessment that a specific transfer location would be inappropriate in specific circumstances and SEARMS has accepted that assessment.

3.2 Placement on the Housing register

Tenants are listed on the Transfer List while waiting for an offer of alternative housing.

3.3 Number of offers

In most SEARMS will make two reasonable offers of alternative housing to a relocating tenant.

In the case of Under Occupancy SEARMS will make three reasonable offers. See the Assessment Criteria section of this policy for more information. See the Offers of Housing Policy for more information about SEARMS's approach to making offers of housing.

3.4 If all reasonable offers of alternative housing are rejected

In this situation SEARMS will undertake a final check to confirm that the offer(s) made to the tenant have taken into account all of their known housing needs and were consistent with the entitlements set out in the tenant's individual relocation statement.

Once this has been confirmed SEARMS will issue 90 days "no grounds" Notice of Termination and take action to terminate the tenancy.

SEARMS's decision is open to appeal and review by the Housing Appeals Committee during the 90 day termination notice. The appeal process is outlined below.

Table 2: Review Procedure where a 90 day "no grounds" Notice of Termination is issued

Action	Procedures
Tenant Appeal against Notice of Termination	A tenant can appeal to SEARMS to review the decision as to why the existing tenancy agreement should not be terminated. The appeal can be made in writing or orally. A tenant has 14 days after the notice is given to apply to SEARMS for a review.
Review by SEARMS	SEARMS will review the decision and provide opportunity for the tenant to make representations. SEARMS will ensure that the tenant is allowed to adequately communicate or articulate their views. The Chief Executive Officer will review the decision. The review will be completed within seven (7) days of the receipt of the Appeals Form or oral submission. If SEARMS decides that the termination should proceed it will then refer the decision to Housing Appeals Committee to provide a "useful oversight function".
Referral to the Housing Appeals Committee	The Housing Appeals Committee can make a non-binding recommendation to SEARMS. The consideration by the Housing Appeals Committee will be available as an automatic separate, independent function. The Housing Appeals Committee shall consider the following: <ul style="list-style-type: none"> • the consideration of the Reviewer (General Manager); • any representations made by the tenant; • the particulars of reasons provided by the initial decision-maker The Housing Appeals Committee shall be required to issue its recommendation with respect to a reference to it within seven (7) days after receipt of the matter from SEARMS.
Decision of SEARMS	SEARMS will give consideration to any recommendation from the Housing Appeals Committee. SEARMS shall within a period of five (5) days upon receipt of recommendation from the Housing Appeals Committee, make the decision. After the review, SEARMS may: <ul style="list-style-type: none"> • proceed with the termination of the existing agreement; or • advise the tenant that the landlord has decided not to proceed with termination of the existing agreement; or, make a new offer of alternative premises that differ from those the subject of the review SEARMS shall notify the tenant of the decision in writing.
Right to second review if new offer made	If there is a further review arising from a new offer of alternative premises, the second review shall be conducted in a similar manner and with similar procedural requirements as to the first review.

3.5 Assistance with the relocation process

SEARMS will provide practical assistance where it is assessed as appropriate and necessary for helping the tenant and their household to relocate. SEARMS will assess each tenant's situation on a case by case basis.

SEARMS will also work with the tenant to identify any support services that they may require in the new area, make appropriate referrals to those agencies and encourage the tenant to follow up on the referrals.

3.6 Relocation from a property that is to be redeveloped

In a situation where SEARMS relocates a tenant from a property that is going to be redeveloped to provide community housing, the tenant can express interest in returning to live at the site after the property redevelopment has been completed. Doing this means being relocated while the redevelopment project is undertaken and then a second relocation to return to the site after it is redeveloped.

SEARMS will consider requests from tenants to return after the property redevelopment has been completed on a case by case basis. SEARMS will take the tenant's housing needs into account when making its decision.

4 Right to Appeal

Tenants will be advised of their right to appeal if they believe that a wrong decision has been made.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

5 Conflict of interest

Any SEARMS employee or Board member involved in the approval of the application for tenancy reinstatement must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

10 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Table 3: Assessment Criteria

Decision	Criteria
Approval of the tenant's nominated transfer location	<ul style="list-style-type: none"> SEARMS considers that there is a reasonable prospect of the tenant's housing and/or support needs being met in the location; and If there is a history of serious anti-social behaviour associated with the tenant or tenancy, SEARMS considers there is a minimal risk of anti-social behaviour occurring in the new location; and There is no compelling external reason why the tenant's choice of location should not be approved.
Decision the tenant is to receive one reasonable offer of alternative housing	<p>The need to achieve SEARMS's broader strategic or operational outcomes outweighs SEARMS's desire to make two reasonable offers of alternative housing to the tenant. Broader operational outcomes can include:</p> <ul style="list-style-type: none"> SEARMS has a compelling financial or operational need to achieve the relocation within a specific timeframe and this timeframe is not reasonably achievable if the tenant is entitled to two reasonable offers of alternative housing; or seeking to end a situation of anti-social behaviour or disruption of the neighbourhood associated with a particular tenant or tenancy; or a documented history of the tenant failing to respond to communications from Housing NSW within a reasonable period of time; or a compelling external reason
An offer of alternative housing made to a relocating tenant is reasonable	<p>An offer is reasonable if it will meet the client's known housing and locational needs.</p> <p>See the 'Assessment Criteria' in Offers of Housing Policy for more information about reasonable offers of housing.</p>
Extension of time to give written reasons why an offer of alternative housing was rejected	<p>SEARMS can extend this timeframe if:</p> <ul style="list-style-type: none"> The tenant needs to obtain additional written documentation to support their decision to reject the offer, and/or Health or disability circumstances
Decision to issue a Notice of Termination	<p>SEARMS is satisfied that:</p> <ul style="list-style-type: none"> the tenant's housing needs have been fully and correctly assessed, and the offer(s) of alternative housing that have been made to the tenant were reasonable in accordance with Offers of Housing Policy.
Assistance with the relocation process (other than reimbursement for or moving of improvements)	<p>If the tenant is being relocated for portfolio management purposes</p> <p>SEARMS is satisfied that the expense is:</p>

	<ul style="list-style-type: none"> • reasonable, and • incurred as a result of SEARMS requiring the tenant to relocate to another property
Eligible to request to return to a property after redevelopment	<ul style="list-style-type: none"> • the tenant is being relocated so that their property can be redeveloped; and • after redevelopment, properties on the site will be used to provide social housing
Approval to return to a property after redevelopment	<p>If the properties on the site will be managed by SEARMS after redevelopment:</p> <p>The housing needs of the tenant and their household match the property characteristics of a property to be built at the site including:</p> <ul style="list-style-type: none"> • number of bedrooms • specific features of the property such as modifications or ground floor access that must be required by the household if relevant, the tenant or a member of their household belongs to the client group to be housed at the site; and • there is no compelling operational or external reason why approval to return should not be granted



2.11 Mutual Exchange Policy **POLICY**

PLACEHOLDER ONLY

Version Number:

Approved by: NOT ACTIVE

Approval date:

Review date:

1. Purpose

The Mutual Exchange policy provides a way for tenants residing in properties that are related to specific programs to move to a location they prefer or get to more suitable accommodation by exchanging with another SEARMS tenant.

2. Policy

The Mutual Exchange program helps tenants already housed in SEARMS Aboriginal Housing Office, Budawang and SEARMS properties find other tenants who might want to exchange their SEARMS dwellings.

SEARMS provides a matching service to help tenants in these properties find and contact other tenants living in homes that are suitable to mutually exchange. An exchange may involve more than two tenants. The time taken to find a match depends on the availability of tenants in the desired location who want to exchange.

When a match is found between two (or more) tenants, letters containing the other tenant's contact details are sent to each of them. They arrange to view each other's dwelling and decide whether or not they want to exchange. Tenants cannot move until SEARMS has approved the exchange.

Mutual Exchanges will only be approved if:

- both rental accounts are up to date
- both water usage accounts are up to date
- the number of bedrooms is appropriate to the size of the household
- any damage to the current dwelling is fixed before moving
- the tenant's income level does not exceed the income eligibility limits for public housing (this condition may be waived if the exchange is related to a medical condition or disability that means the current housing is unsuitable)
- there are no substantiated nuisance and annoyance complaints against the tenant

Tenants cannot offer financial or other incentives to encourage other tenants to exchange. If we become aware that incentives of any form are involved, we will not approve the exchange.

Some properties may not be approved for Mutual Exchange, for example:

- properties that are proposed for sale or redevelopment

- homes that have been modified for occupants with a disability
- properties belonging to a specific supported housing program

Tenants can reject an offer to exchange without incurring a penalty.

Tenants who are approved for a transfer can also register in the Mutual Exchange program.

3. General Principles

When dealing with request for a mutual exchange SEARMS will:

- I. Provide clear and concise information on the eligibility criteria
- II. Explain the necessary evidence requirements
- III. Treat tenants sensitively and maintain confidentiality
- IV. Give careful consideration to all information provided by the tenant when determining the urgency of their need to move
- V. Allocate housing that meets their needs

4. Responsibility

Housing Officer	Effectively implement the policy
Housing Manager	Monitor consistent and fair policy application
General Manager	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
	Monitor and report to the Board
Board	To monitor and review policy annually

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework
	Relocation Policy

Mutual Exchange Procedural Guidelines **inactive**

Version Number:

Reviewed by: (Senior Mgt – ie GM, CEO)

Approved by:

Endorsed by: (Board may wish to endorse)

Endorsed date:

Review date:

6. Procedures

6.1 Registering for Mutual Exchange

Tenants register for Mutual Exchange by completing a registration form. They specify the location and the type of dwelling they would like.

SEARMS:

- checks that the dwelling requested is appropriate for the household size, and then
- sends a letter confirming registration

The tenant's details are entered into SEARMS's database indicating that the tenant would like a mutual exchange. When a match is found, SEARMS will notify each tenant and send them a letter containing the name and phone number of the other tenant. The tenants then make their own arrangements to view each other's dwellings.

If the tenants agree to exchange they must notify SEARMS. Tenants are under no obligation to accept an exchange and can reject an alternative property without penalty.

Tenants will be told in writing whether their application for Mutual Exchange has been approved or rejected. If it has been rejected, the tenant will be told why.

Tenants may advertise exchanges in newspapers but must not offer any financial or other incentive.

6.2 Limitations on Exchanges

Mutual exchanges will generally not be approved if:

- one of the properties is part of a proposed redevelopment site or likely to be sold
- a property would be under-occupied by more than one bedroom, or severely overcrowded
- extensive modifications have been made to a dwelling to meet the needs of the tenant, or
- the exchange would result in a tenant losing an advantage gained by previous transfer

6.3 Finalising an Exchange

Mutual Exchanges must be approved by SEARMS before the tenants move. If they move before approval is given they may have to return to their previous dwellings. Moving without approval is a breach of the Tenancy Agreement.

SEARMS will carry out an inspection of both properties and check the following for each tenant before approving the Mutual Exchange:

- both rental accounts are up to date
- both water usage accounts and other non-rent accounts are up to date
- the number of bedrooms is appropriate to the size of the household
- any damage to the current dwelling is fixed before moving
- the tenant's income level does not exceed the income eligibility limits for public housing (this condition may be waived if the exchange is related to a medical condition or disability that means the current housing is unsuitable)
- there are no substantiated nuisance and annoyance complaints against the tenant

The tenants must sign a new Tenancy Agreement for the new home. They sign at the same time in the same SEARMS Office. Tenants are responsible for arranging keys and for paying their own removal costs. If a tenant is on the transfer register they will be taken off the shortlist once a Mutual Exchange is finalised.

When agreeing to an exchange tenants need to be aware that market rents differ

6.4 Mutual Exchange with a tenant of another Housing Association

SEARMS may consider a mutual exchange between a SEARMS tenant and a tenant of another housing association. The exchange is subject to the written approval of both housing associations.

A SEARMS tenant wishing to arrange an exchange with a tenant of another housing association must apply in writing to SEARMS stating clearly the name, address and landlord (housing association) of the tenant with whom they wish to exchange.

On receipt of the request SEARMS will initiate the mutual exchange process with the proposed housing association.

SEARMS will write to the other housing association referring to the proposed exchange and give the following information:

- the date the request was received
- the name and address of SEARMS's tenant and the other landlord's tenant
- the type and size of the SEARMS property
- household composition of the SEARMS tenant
- household income and current subsidised rent of the SEARMS tenant
- rental history
- details of a recent property inspection
- any breaches of conditions of tenancy
- whether or not there is a NCAT order currently in place
- any support agency involvement or support needs

SEARMS will require the same information on the tenant with whom the exchange is proposed from the other housing association. This will enable both housing associations make a decision on the proposed exchange.

SEARMS cannot approve an external exchange unless the other housing association agrees.

7. Right to Appeal

Tenants will be advised of their right to appeal if they believe that a wrong decision has been made in relation to a mutual exchange request.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

8. Conflict of interest

Any SEARMS employee or Board member involved in the approval of the application for tenancy reinstatement must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

10 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Mutual Exchange Form

2.12 Recognition of Tenancy Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The succession of tenancy policy outlines the circumstances when we will permit household members to succeed to a tenancy.

SEARMS's housing is a scarce resource in high demand, so we must ensure that it is made available to those in need. The succession of tenancy policy is not intended to remove people from their home, particularly if they have a long-term association with the dwelling.

2. Policy

Recognition of tenancy occurs only when the tenant (lease holder) passes away.

SEARMS may agree to recognise an Occupant of a SEARMS property to create a new lease if that Occupant has been on the official Occupant Summary for the past 2 years..

The tenant is the person who is named on the Residential Tenancy Agreement, and in whose name the tenancy is held.

Recognition of tenancy ensures that if a person is a registered household member with a history of satisfactory occupation, and can demonstrate an ongoing need for assistance, then their circumstances and eligibility will be considered in an application for succession of tenancy.

It should be noted that all applications will be considered related to their particular circumstances. Particular consideration will be given to minors experiencing hardship and domestic violence victims.

Rights of access to community housing through recognition of tenancy are balanced against the needs of clients on the Housing Register. Recognition will only be approved in cases where the tenant dies or is unable to remain in the premises for reasons of ill-health, disability or imprisonment. The household member applying for recognition will have to demonstrate an ongoing need for assistance and have a history of satisfactory occupation. Tenants who vacate their tenancy by choice and have the means to provide for the housing of other household members are expected to do so.

If the tenant leaves due to a breakdown in the household relationship, a household members future housing need will be considered under the Family Breakdown section of the Transfers Policy. See also the policy on Transfers.

The legal rights of a person to succeed a tenancy are laid out in section 75 of the Residential Tenancies Act 2010. S75(1) "On the death of a co-tenant leaving one or more other co-tenants under a residential tenancy agreement, the remaining co tenants may continue the tenancy or give the landlord a termination notice that has a termination date not earlier than 21 days after the day

on which the notice is given." S75(2) "If a tenancy is continued under this section, the remaining co tenants are taken to be the only tenants under the residential tenancy agreement on and from the death of the deceased tenant."

Decisions about applications for recognition will be in writing. I

If a household member meets the criteria and is approved for recognition, then they will be offered a tenancy with SEARMS. However, the dwelling where the household member has been living may not be suitable. For example, it may be too large for the current household complement, or it may be modified and required for a client with specific needs. In these circumstances, the household member granted recognition will be offered another suitable dwelling and, if available, in a similar location. Agreement to this will need to be obtained in writing before the granting of final approval for recognition.

3. General Principles

When dealing with request for Recognition SEARMS will:

- VI. Provide clear and concise information on the eligibility criteria
- VII. Explain the necessary evidence requirements
- VIII. Treat tenants sensitively and maintain confidentiality
- IX. Give careful consideration to all information provided by the tenant when determining the urgency of their need to move
- X. HO to forward recommendation to HM for approval
- XI. Allocate housing that meets their needs

4. Responsibility

Housing Officer	Effectively implement the policy and forward recommendation to HM for approval.
Housing Manager	Monitor consistent and fair policy application and approval of recommendation.
General Manager	Ensure that policies and procedures are being adhered to by staff and provide necessary training where required Monitor and report to the Board
Board	To monitor and review policy annually

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework

	Relocation Policy
	Offers of Housing Policy
	Tenancy Transfer Policy
	Absence from Property Policy

Recognition of Tenancy Procedural Guidelines

Version Number: 02 2018

Reviewed by :Operations Manager

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

6. Procedures

6.1 When can an application for recognition be considered?

An application for recognition will only be considered when the tenant

- dies; or
- is unable to remain in the property for reasons beyond their control, such as hospitalisation, moving to a nursing property or rehabilitation facility; or
- is sentenced to prison

6.2 When to apply for recognition?

Applicants should allow SEARMS sufficient time to consider an application for recognition. If the tenant is aware they will be leaving, applicants should apply for recognition as soon as possible, and preferably at least four weeks before the tenant leaves. SEARMS will not consider applications that are lodged more than ten weeks after the tenant has died or left.

6.3 Who may apply for recognition?

The eligibility criteria for applicants for recognition will differ depending on their relationship with the tenant. However, the following criteria must be met, regardless of the type of relationship.

Applicants must be an approved additional occupant of the household. This applies if they were part of the household at the commencement of the tenancy, then vacated and later returned, or if they joined the tenancy after it commenced and have lived there as an additional household member.

If the household is receiving a rental subsidy when the applicant applies for recognition, SEARMS will check that they are included on existing and previous applications for rental subsidies. If the applicant has not been a declared household member, or included on applications for rental subsidies, then we will consider them to be an unauthorised additional occupant and the application for recognition will be declined.

If applying for recognition the applicant must have had a satisfactory history of occupation within the tenancy for a period of:

- two years prior to the request for recognition, or
- the whole of the tenancy if it is less than two years old

If the applicant has not had a satisfactory history of occupation, recognition may only be approved where SEARMS is satisfied that the applicant will be able to sustain a tenancy.

Applicants will have a satisfactory occupation if:

- they have not caused nuisance and annoyance
- they have not caused damage to the property or neighbouring properties.

The application for recognition will not be approved if:

- whilst an occupant of any SEARMS property, applicants have committed acts of violence, for example, physical attacks or serious verbal threats directed at neighbours or SEARMS staff
- whilst an occupant of any SEARMS property, applicants have been involved in illegal activities in that property
- applicants have been convicted of arson or deliberate damage to any SEARMS property
- applicants are an unsatisfactory or ineligible former tenant

A Recognition of Tenancy Request Form will be provided to the resident to complete and then returned to the property officer as soon as possible.

The following rules apply:

The tenant passes away and...

Situation

Recognition to...

Residing Aboriginal spouse	Recognition to spouse
Residing non-Aboriginal spouse, no children residing	Decision for Board – based on community acceptance of non- Aboriginal spouse
Residing non-Aboriginal spouse, Aboriginal children residing	Recognition to be negotiated between Board, and family
Aboriginal children only residing	Recognition to be negotiated between Board, and guardian of children

The tenant leaves due to family breakdown and...

Residing Aboriginal spouse	Recognition to spouse
Residing non-Aboriginal spouse, no children residing	Board to apply to tribunal for vacant possession (90 days' notice to vacate)
Residing non-Aboriginal spouse, Aboriginal kids residing	Recognition to be negotiated between Board, and family

All other circumstances not dealt with in this policy will be negotiated and determined by the Board.

6.4 What if the tenant is going to prison?

If the applicant is a member of a household where the tenant has been sentenced or imprisoned for more than three months, then they may apply to succeed the tenancy. Tenants who have been

sentenced or imprisoned for longer than three months must relinquish their tenancy if there are no other household members (this does not apply to tenants who are serving their sentence through home detention).

If the tenancy is not relinquished and no one applies for recognition, then after three months we will commence action to terminate the tenancy.

6.5 What if the tenant is moving to a nursing property or other form of institutionalised care?

If the tenant moves to institutionalised care (such as a nursing home) for more than three months, then another household member may apply for recognition. Otherwise the tenant must relinquish the tenancy.

If neither action is pursued, we will take action to obtain vacant possession of the premises. See [Absence from Property policy](#)

6.6 Recognition to a spouse

If the applicant is the tenant's spouse (ie. married), they will be granted recognition if they:

- demonstrate you are married to the tenant, and
- are an approved member of the household, and
- are currently residing in the dwelling, and
- are declared on the rental subsidy, if the household is in receipt of a subsidy

Applicants are entitled to recognition even if they have temporarily moved away for reasons related to the illness of the tenant, care of an ill person or their own ill health. Applicants must provide evidence that the temporary absence was due to these reasons. Applicants are not required to meet the social housing income eligibility limits or asset eligibility criteria for social housing.

6.7 Recognition to a de facto partner

If we accept that the applicant is the de facto partner of the tenant, they will have the same right to recognition as a spouse – see Recognition to a spouse.

Where an applicant for recognition claims to be the de facto partner of the tenant, we must verify that the relationship is de facto. We base our verification on the NSW Property (Relationships) Act 1984. This Act gives important rights to de facto partners when settling private property and other assets.

The Act defines a de facto relationship as a relationship between two adult persons, of the same or opposite sex, who:

- live together as a couple; and
- are not married to one another or related by family.

The Act gives additional property rights to adults who have been in a de facto relationship for two or more years.

To verify applicants' relationships, we will consider such information as Centrelink income statements, our record of when the applicant joined the tenancy and the Housing Officers knowledge of the history of the tenancy.

When it is difficult to determine the nature of a relationship, an appropriate officer may ask the applicant for an interview. If the applicant has provided the information we have asked for and there has been a reasonable amount of inquiry, yet staff are still in doubt as to the de-facto status of the relationship, the benefit of the decision will go to the client.

If we do not accept that a de facto relationship exists, then the applicant may apply for recognition on the basis of being a household member other than the spouse or de facto partner.

6.8 Recognition to household members other than the spouse or de facto partner

If the applicant is a household member other than the spouse or de facto partner they are eligible for recognition if:

- they meet the eligibility criteria for public housing; and
- they are currently residing in the dwelling as an approved member of the household; and
- they have been a member of the household for a continuous period for at least the previous two years, or three quarters of the tenancy if the tenancy is less than two years old at the time of the tenant's departure; and
- they appear on the rental subsidy if the tenant is in receipt of a rental subsidy; and
- they are not an unsatisfactory or ineligible former tenant

While two years is the standard minimum length of time that an applicant must have belonged to the household (or three-quarters of a shorter-term tenancy), there may be occasions when we will accept a shorter period of time.

If the applicant is a minor aged 16 or 17 years, they may be granted recognition if they can demonstrate that they are able to care for themselves and can meet the terms of the Tenancy Agreement.

If the applicant is a carer, recognition will not be granted if they have maintained their own accommodation, separate to that of the tenant's dwelling, regardless of whether it is in the public or private rental market.

6.9 Recognition to the legal guardian or custodian of minors

We will grant recognition if the applicant agrees in writing to live in the dwelling and continue to provide care for the children.

If the applicant does not meet the eligibility criteria for SEARMS housing, we may grant recognition if:

- the applicant has been formally granted custody/guardianship of the children; and
- it is in the best interests of the children; and

- the applicant can demonstrate that no alternative accommodation is available that is suitable for the care of the children.

In such circumstances it may be necessary for us to liaise with the New South Wales Department of Community Services to ensure that this is the best option for the children involved.

If the applicant has applied for custody of children, we may grant recognition on condition that the applicant agrees in writing that, if the custody application is not successful, the tenancy will be relinquished.

6.10 Vacating Without Notice/Abandonment

If a tenant vacates without notice, then any remaining household members will be assessed according to the family breakdown guidelines of the Transfers Policy. See Transfers Policy

6.11 Recognition to unauthorised additional occupants

Recognition will not be granted to applicants who:

- are an unauthorised additional occupant; or
- are not listed on the rental subsidy and the tenant is in receipt of a rental subsidy

6.12 Unsuccessful applications for recognition of tenancy

If applicants for recognition are not eligible for recognition to the tenancy, they can apply to SEARMS. See Offers of Housing Policy

6.13 NSW Civil and Administrative Tribunal (NCAT)

If the tenant has left the property and we decide to regain possession of the dwelling because recognition is declined, and the remaining household members have not vacated, we will obtain an order for possession from the NSW Civil and Administrative Tribunal (NCAT). Any application we make to the NCAT will clearly state our reasons for seeking to terminate the tenancy and obtain vacant possession. The principles of natural justice and procedural fairness will guide our actions in these cases.

7. Right to Appeal

Tenants will be advised of their right to appeal if they believe that a wrong decision has been made in relation to a request for recognition of tenancy.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the [Appeals Policy](#)

8. Conflict of interest

Any SEARMS employee or Board member involved in the approval of the application for tenancy reinstatement must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the approval process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

10 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Recognition of Tenancy Request Form

RECOGNITION OF TENANCY REQUEST FORM

THIS FORM IS CONFIDENTIAL. THE INFORMATION YOU SUPPLY WILL ONLY BE USED FOR THE PURPOSE OF BEING HOUSED WITH SEARMS IN ACCORDANCE WITH THE PRIVACY LEGISLATION REQUIREMENTS.

APPLICANT

Name of Tenant

Name:					
Number and Name of Street: _____ file reference					
Suburb: _____			Post Code: _____		
Home No:		Mobile No:		Work No:	
Emergency Contact Person's Information					
Name:				Phone No:	

Please list the people in order who you are nominating for recognition

Name:					
Number and Name of Street: _____					
Suburb: _____			Post Code: _____		
DOB		Relationship to you		Income (per fortnight) \$	
Home No:		Mobile No:		Work No:	

Name:					
Number and Name of Street: _____					
Suburb: _____			Post Code: _____		
DOB		Relationship to you		Income (per fortnight) \$	
Home No:		Mobile No:		Work No:	

Name: _____					
Number and Name of Street: _____					
Suburb: _____			Post Code: _____		
DOB		Relationship to you		Income (per fortnight) \$	
Home No:		Mobile No:		Work No:	

Name: _____					
Number and Name of Street: _____					
Suburb: _____			Post Code: _____		
DOB		Relationship to you		Income (per fortnight) \$	
Home No:		Mobile No:		Work No:	

All other circumstances not dealt with in this policy will be negotiated and determined by the Board.

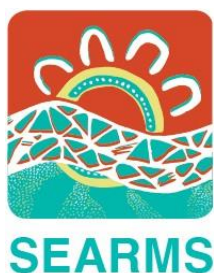
Once you have completed this form, please mail or fax to:

Address Details Po Box 225 Batemans Bay NSW 2536

Fax:

OFFICE USE ONLY	
Date Received: ____/____/____	
Staff Name: _____	
Signature: _____	
Preliminary Decision: ENDORSED/DECLINED	Date: ____/____/____
Approved at Board meeting	Date: ____/____/____
Motion: _____	

Moved: By: _____ Seconded: _____	



2.13 Ending Tenancies Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to outline the end of tenancy process and ensure it occurs in ways that adhere to legislation and accord with good practice.

2. Policy

SEARMS will manage the ending of tenancies in a way that accords with the law and minimises the impact on SEARMS and its tenants.

When a tenant decides to leave they should notify SEARMS within the required timeframes of the Residential Tenancies Act 2010.

Where SEARMS requires a tenant to leave because the Tenancy Agreement has been breached, or it is the end of a fixed term, notice will be given as set out in the Residential Tenancies Act 2010.

SEARMS will only issue notices of termination under Section 85 of the Residential Tenancies Act 2010 when:

- SEARMS has received written approval for a notice to termination from a participating ICHO or AHO under Section 85, and this needs to be issued to the tenant.
- in some exceptional circumstances approved by the General Manager
- for management reasons, where no other alternative exists

SEARMS may issue the tenant with a notice of termination if the tenant seriously or persistently breaches a term of their Tenancy Agreement. Tenants are entitled to be given:

- notice in writing
- notice in the required time period, as stated in the Residential Tenancies Act 2010
- the reasons for ending the agreement
- a reasonable opportunity to be present at the final property inspection

Where an Apprehended Violence Order has been issued, SEARMS may take the following action:

- Where a final AVO has been issued against a co-tenant, with an exclusion order in place, the tenancy of the subject of the AVO will be terminated. The termination of the tenancy will not affect any household member impacted by Domestic Violence. [See Domestic Violence Policy](#)

SEARMS and the tenant must carry out a final inspection of the premises when, or as soon as possible after, the tenancy has ended. Both the tenant and SEARMS should complete the original

property condition report. Tenants will be given a reasonable opportunity to be present during property inspections.

If the tenant does not take the opportunity to attend the inspection SEARMS will complete the report in the tenant's absence.

The tenant must leave the property clean and tidy and in the same condition it was in at the beginning of the tenancy, apart from fair wear and tear. SEARMS will inspect the property after the tenant has left. The tenant must pay for any work needed to restore the property to the condition in which it was let, apart from fair wear and tear. This includes the cost of cleaning and repairing damage.

Tenants are responsible for returning all the keys given to them at the start of the tenancy

Just cause and due process in ending tenancies

SEARMS will ensure security of tenure and the maintenance of tenancies whenever possible. SEARMS will ensure that natural justice principles will apply in any end of tenancy situation. This means that our tenants will have access to:

- information;
- reasons for decisions;
- internal and external review of decisions; and
- privacy

Any form of legal action against a tenant for a breach of agreement will only occur as a last resort and where the breach has been fully determined. SEARMS will always endeavour to resolve any breaches and disputes without the use of legal options.

3. General Principles

SEARMS will adhere to the following principles to ensure all tenancies are terminated lawfully and respectfully by:

- I. Allowing tenants to stay in a property as long as they comply with their Residential Tenancy Agreement
- II. Ensuring that adequate and appropriate practices are taken when a tenant terminates their tenancy
- III. Ensuring that joint property inspections are undertaken before the tenant leaves
- IV. Providing the tenant adequate opportunities to do any cleaning or repairs before leaving
- V. Obtaining signed agreement for any tenant damage and payment of repairs by tenant
- VI. Ensuring signed repayment agreements are in place for any outstanding debits
- VII. Providing tenants with reasonable timeframes to vacate the premises
- VIII. Following correct procedures where eviction processes are required
- IX. Follow procedures of the NSW Residential Tenancies Act 2010 to recover possessions of property and deal with abandoned goods

- X. Ensure documentation and records of events are being recorded and filed on the tenants file.
- XI. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- XII. Ensure there are sufficient systems for monitoring compliance with the various Organisation's and AHO policies.

4. Responsibility

Housing Officer	Effectively implement the Recognition Policy
Operations	Monitor the implementation of this policy and provide a report to the Board Ensure that policies and procedures are being adhered to by staff and provide necessary training where required
Board	To monitor and review policy annually

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework

Ending Tenancies Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

1.1 Tenancy ended by tenant

If a tenant wants to leave their property in accordance with their Residential Tenancy Agreement they should give:

- 14 days written notice if on a fixed term tenancy agreement; or
- 21 days written notice if on a continuous tenancy agreement.

When one tenant in a joint tenancy ends their tenancy, the tenancy is terminated and appropriate arrangements (a new tenancy or a transfer) will be made with the remaining tenant if they wish to remain in and are still eligible for our housing.

When a tenant with a sole tenancy wishes to enter a joint tenancy with a member of their household and the second person is eligible for housing, the current tenancy will be terminated, and a new tenancy started.

When SEARMS receives a notice of intention to vacate:

- they will be sent standard reminder letter listing things that need to be done at the end of their tenancy to ensure the return of their bond
- arrangements will be made for a joint property inspection and key collection on the final day
- outgoing condition report will be completed at inspection
- any rent owing will be computed prior to termination, tenant advised and given chance to pay before moving

1.2 Death of a Tenant

On the death of a sole tenant SEARMS will make every effort to liaise with the legal representative of the tenant or known immediate family to arrange for the collection of goods and for vacant possession of the property.

On the death of a sole tenant under a residential tenancy agreement, either SEARMS or the legal personal representative of the tenant may give a termination notice to the other person.

The termination notice may specify a termination date that is before the end of any fixed term of the residential tenancy agreement if it is a fixed term agreement.

The Tribunal may, on application by SEARMS or the legal personal representative of the deceased tenant, make a termination order if it is satisfied that a termination notice was given in accordance

with Section 108 of the Residential Tenancies Act 2010 and that vacant possession of the residential premises has not been given as required by the notice.

The legal personal representative of a deceased tenant who is given a termination notice by the landlord may give vacant possession of the residential premises at any time before the termination date specified in the termination notice.

The estate of the deceased tenant is not liable to pay any rent for any period after the legal personal representative gives vacant possession of the residential premises and before the termination date.

On the death of a co-tenant leaving one or more other co-tenants under a residential tenancy agreement, the remaining co-tenants may continue the tenancy or give the landlord a termination notice that has a termination date not earlier than 21 days after the day on which the notice is given. Please refer to Recognition of Tenancy

Under section S75(2) of the Residential Tenancies Act 2010 "If a tenancy is continued under this section, the remaining co-tenants are taken to be the only tenants under the residential tenancy agreement on and from the death of the deceased tenant."

1.3 When SEARMS wants the tenant to leave the property

Where a tenant has breached a term of the tenancy agreement they will be advised in writing and given every opportunity and all possible assistance in rectifying the problem.

Where there is a serious breach and the tenant does not rectify the problem, it may be necessary to proceed with action for termination of the agreement and possession of the premise.

In this situation:

- due legal process as laid down under the Residential Tenancies Act 2010 will be followed
- the tenant will be advised in writing at each step and invited to discuss the situation with their Client Services Officer
- the tenant will be referred to Tenancy Advice services or other advocates as appropriate
- the tenant will be advised to attend any Tribunal Hearings to attempt conciliation
- attempts to resolve the situation by other means will continue until the NCAT ruling is made
- Once the NCAT has made its decision no further negotiations will be entered into except in cases where a Notice of Termination or Warrant of Possession has been issued for non - payment of rent. In this case negotiations will be entered into up until the Sheriff has enforced the orders
- the tenant will be treated respectfully and with consideration at all steps
- all aspects of the process will be documented in the tenant file
- the tenant will be given advice on other housing options and referred to appropriate support agencies

An order terminating a tenancy when a tenant is willing to make an agreement will only be sought in the case of repeated unresolved breaches by the tenant or where violence to other people or extreme damage to property is an expected outcome of continuing the tenancy.

1.4 Specific Performance Orders

In all cases where we appear at the NCAT as landlord, our objective is to maintain the tenancy.

Wherever possible SEARMS will apply to the NCAT for a Specific Performance Order (SPO) rather than an Order for Possession.

An SPO is an order by the Tribunal for the tenant/s to abide by the Conditions of the Residential Tenancy Agreement. For example: to pay rent arrears by a certain date and for the tenant to continue to pay rent on time. Failure to abide by a SPO will mean that SEARMS will relist the matter with the Tribunal and ask for an Order for Possession.

1.5 Warrant for Possession

If a tenant has not moved out by date of notice, SEARMS will apply to the NCAT for a Warrant of Possession. At this point the Sheriff's Office will enforce the warrant. See Rent Arrears Policy and Dealing with Neighbour Disputes for more information on NCAT.

1.6 Procedures for ending a tenancy

When a tenancy ends (for whatever reason), SEARMS will ensure that:

- all legal requirements under the Residential Tenancy Act are met; and
- all necessary administrative, tenancy and property management tasks are undertaken

When the tenant leaves the property, they must:

- lock the property, and
- give all copies of keys to any locks on the property to SEARMS.

1.7 When is Rent paid to?

If a tenant moves out on or after the notice period, rent is charged up to the date the keys are returned. If the tenant fails to return the keys on a prearranged date and keys are returned later during that week the rent will be charged to that date.

If a tenant moves out within the notice period rent is charged up to the date of the notice period.

If a tenant moves out without giving any notice, the tenant is liable for rent for the additional days between finding the property abandoned, and the number of days' notice that should have been given. This will either be 21 days for a continuous tenancy, or 14 days for a fixed term lease.

If the tenant has been evicted or if the property becomes uninhabitable, rent is charged up to the end of the last day the tenant had possession of the property.

When a tenant vacates a property, they will be required to pay any water charges outstanding on their water usage account as at the termination date of the tenancy. Once a tenant has left a property, no further water charges or adjustments will be placed on their water usage account.

1.8 Outgoing Inspection

At the end of the tenancy SEARMS will conduct a property inspection.

The tenant will be told when this is happening so that they can attend the inspection if they wish.

SEARMS will give the tenant the opportunity to do any cleaning, minor repairs, garden maintenance etc. for which they will otherwise be charged.

Any damage beyond fair wear and tear will be documented. If the damage is severe, photographs will be taken.

The tenant must pay the costs to repair any damage beyond fair wear and tear.

We will then finalise the client's accounts. See the policy on Final Accounts

1.9 Abandoned Goods

In inventory (and photos if possible) will be taken of all abandoned goods. Perishable items and worthless goods will be disposed of. Procedure for disposal or storage of other items will be as laid down in the Residential Tenancies Act 2010. Also refer to the policy on Abandoned Properties

2. Right to Appeal

Tenants will be advised of their right to appeal any decision made concerning the ending of their tenancy.

If a tenant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3. Conflict of interest

Any SEARMS employee or Board member involved in the termination of a tenancy must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

4 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



2.14 Final Accounts Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide guidance on the management of accounts at the end of a tenancy.

2. Policy

When a tenant vacates, all charges and payments relating to the property will be calculated. This will include rent, water usage charges, and other charges.

Final accounts are amounts left in a tenant's accounts after they have moved out of a SEARMS property or re-signed to another SEARMS tenancy.

All amounts owed must be paid to SEARMS Community Housing. If a tenant leaves their property owing SEARMS money and makes no repayments, we may restrict the services we make available to them in the future.

Debts for former tenants who do not have a current tenancy may be referred to a Mercantile Agent to pursue if payment is not received.

Credit amounts left after the transfer of balances between rent and sundry accounts should be paid to the tenant. The tenant may ask to have the money transferred to their new accounts if they are continuing as a client of SEARMS.

3. General Principles

SEARMS will adhere to the following principles to ensure it minimises the impacts of abandoned properties:

- I. Ensure tenancy management practices are being followed to minimise abandonment of properties
- II. Ensure properties are not left vacant for more than 28 days
- III. Ensure documentation and records of events are being recorded and filed on the tenants file.
- IV. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- V. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Finance Administration Officer	Effectively administer tenants final accounts and prepare bad debt reports
Finance and Corporate Services Manager	Monitor bad debts
Housing Officer	Ensure tenant file closed
Operations Manager	Monitor and report to the CEO as required.

ousing operations and improve practice and focus on positive outcomes for Aboriginal people.

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	AHO Housing Services Guidelines and Policy Framework

Final Accounts Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations manager

Approved by: CEO

Endorsed date: 22 August 2018

Review date: Every 2 years

6. Procedures

When tenants vacate there may be a debit or credit remaining in their accounts. This is known as a Final Account.

6.1 Bond

The tenant will generally have paid a bond which is lodged with the Rental Bond Board.

If the account is in credit at the end of the tenancy the bond will be released to the tenant in full.

If the account is in debit at the end of the tenancy the bond (part or whole) will be claimed to offset the amount in debit.

6.2 Finalising Accounts

Within 21 days of a tenant moving out, SEARMS will send a letter to the tenant showing the details of their final accounts for their tenancy. If there is a credit balance in one account and a debit balance in another, SEARMS will seek the tenant's permission to transfer the credit balance to pay off a debit in the other account. If an account is still in credit after the transfer of balances, then this amount will be refunded.

If there is a debit balance and a bond is lodged on the property SEARMS will send a completed bond form to the ex-tenant requesting them to check the account and sign and return the bond form so that the outstanding funds can be claimed. If the bond form is not signed and returned within 14 days (or SEARMS is unable to locate the tenant) SEARMS will make a claim on the bond for the debit amount without signed consent.

If a tenant dies, any amounts in credit will be paid to their estate. Any amounts owing to SEARMS after the account has been finalised (and the bond claimed) will be waived.

6.3 Refunding Credit Amounts

If an account is in credit SEARMS will refund this amount to the tenant.

Credit amounts on one account can be used to pay debit amounts on other accounts only with the tenant's permission. If the tenant is moving to another SEARMS property, they may agree to have a credit balance transferred to their new account.

6.4 If the Account is in Debit

If a tenant leaves their property owing SEARMS money, we may restrict the services we make available to them in the future.

If the debt is \$50 or over and the person is not a current tenant, the debt will be may be referred to a Mercantile Agent to pursue the money if payment is not received.

SEARMS may also proceed with legal action to secure payment.

If the tenant dies any amount owing will be waived.

6.5 The Effects of having a Final Account in Debit

If the tenant is continuing as a SEARMS client, any outstanding debts, such as former tenancy debts, in a Final Account will be linked to the new tenancy.

Outstanding debts from former tenancies form part of new tenancy agreements and failure to repay or continue repaying former debts can jeopardise a new tenancy.

Under Section 140 of the Residential Tenancies Act 2010 tenants must enter into arrangements with SEARMS, in accordance with any reasonable request of SEARMS, for the payment of any former tenancy debt, and must comply with those arrangements (including any such arrangement entered into during the term of a prior social housing tenancy agreement) and with any variations to those arrangements that may be agreed to by SEARMS and the tenant.

Former tenants who owe money to SEARMS will not be considered for assistance. However, they may at any time make arrangements to repay the debt and make regular payments, until the debt is cleared.

6.6 Joint Tenancies

If joint tenancy account is in credit, the amount will be divided equally amongst all the former tenants. One of the tenants may provide written authority to pay their share of the refund to another of the tenants.

If a joint tenancy account is in debit, all the tenants are liable for the debt. If one of the former tenants reappplies for assistance they will have to make arrangements to repay all money owing.

7. Right to Appeal

It is possible that a dispute may arise between the tenant and the SEARMS about whether or not the tenant is liable for the charge or the amount which has been charged to the tenant.

If the tenant has an enquiry about a repairs or damage charge, they should contact SEARMS to discuss the matter. If the tenant believes that they are not liable for the change, or disputes the amount of the charge, they may make application to the NCAT.

If a tenant believes that SEARMS has made an unfair or unreasonable decision, they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

9 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



Section 3. Tenancy Support and Participation

Contents

- 3.1 Tenant Rights Policy
- 3.2 Good Neighbour
- 3.3 Child Protection Policy
- 3.4 Tenancies affected by Domestic Violence Policy
- 3.5 Pets and Companion Animals Policy
- 3.6 Advocacy and Referral Policy
- 3.7 Tenant Participation Policy
- 3.8 Community Engagement Policy
- 3.9 Complaints Policy
- 3.10 Appeals Policy



3.1 Tenant Rights Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

This policy guides how SEARMS will inform tenants of their rights and actively uphold those rights.

2. Policy

SEARMS will uphold the rights of tenants in any dealings with the organisation.

SEARMS will ensure its tenants have the right to:

- fair and non-discriminatory treatment;
- be treated with respect;
- access safe and secure housing;
- be consulted on housing needs and preferences;
- confidentiality of personal information;
- be consulted on changes to the way tenancy is managed;
- complain and appeal decisions;
- use advocates;
- participate in the organisation and to contribute to decision making;
- access their own information on file.

3. General Principles

SEARMS will adhere to the following principles to ensure it informs tenants of their rights and uphold these rights as landlords;

- I. Ensure housing and tenancy management practices are being followed by staff
- II. Ensure documentation and records of events are being recorded and filed on the tenants file.
- III. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- IV. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

All staff

Ensure tenant rights are met culturally, fairly and transparently.

Operations Manager Ensure staff are adhering to this policy and all other relevant legislation

CEO Ensure staff are adhering to this policy and all other relevant legislation

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	Privacy Policy
	Complaints Policy
	Appeals Policy
	AHO Housing Services Guidelines and Policy Framework

Tenant Rights Procedural Guidelines

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

Access to information

Tenants and applicants of SEARMS will have access to any file or written record made about them.

Tenants and applicants may request access to their file or written records with reasonable notice.

When providing an applicant or tenant with access to their records, care will be taken to protect the privacy and confidentiality of others.

Support for tenant rights

SEARMS will ensure all its policies and procedures are consistent with the Statement of Tenant Rights.

Promotion of tenant rights

SEARMS will provide tenants with information about advocacy services and other organisations that actively assist tenants through its relevant publications, at the sign-up and at other appropriate times.

2. Right to Appeal

If a tenant believes that SEARMS has made an unfair or unreasonable decision, they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may

access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy and placed on file.

3 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



3.2 Good Neighbour Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The Good Neighbour Policy aims to achieve:

- harmonious living environments for SEARMS tenants and their neighbours
- a high quality of life for SEARMS tenants
- appropriate and adequate access to support services and/or advocates for tenants with special needs
- stable communities with residents involved in their neighbourhood
- greater integration of SEARMS housing into the general community
- improved management of large estates in partnership with relevant external agencies; and
- improved landlord management practices

2. Policy

SEARMS Community Housing supports the development and maintenance of harmonious communities and works with tenants to encourage peaceful communities.

SEARMS is committed to a fair and discrimination free living environment for all tenants and will not tolerate harassment or discrimination towards any tenant or tenant group. This includes verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural or personal differences.

Early intervention practices and referral to support services where appropriate can minimise the escalation of disputes between neighbours. However, sometimes complaints have escalated substantially before SEARMS is notified.

SEARMS cannot resolve every neighbourhood disagreement however we can act if a breach of the Tenancy Agreement is able to be substantiated.

If a tenant has breached the Residential Tenancy Agreement, we may take action against that person's tenancy. The action we take will depend on the seriousness of the breach and be in accordance with the Residential Tenancies Act 2010.

In some cases, tenants may have a Visitor Restriction placed on their tenancy to restrict the length of time guests can stay at the premises. Visitor Restrictions can be placed on an individual tenancy or a group of tenancies in an area. See the policy on Additional or Unauthorised Occupants.

SEARMS may take eviction action at the NSW Civil and Administrative Tribunal (NCAT) if other alternatives are not available or the antisocial behaviour is serious and/or persistent.

SEARMS will be aware of issues of privacy and confidentiality for people making complaints or being asked to substantiate alleged breaches. This is particularly important in cases where there is any violence or fear of violence, or where their evidence may be required in the NCAT.

3. General Principles

SEARMS will adhere to the following principles to ensure it assists tenants to maintain harmonious communities through sustaining :

- V. Ensure housing and tenancy management practices are being followed by staff
- VI. Ensure documentation and records of events are being recorded and filed on the tenants file.
- VII. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VIII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officers	Effectively manage reports and complaints of harassment and neighbour disputes.
Operations Manager	Monitor the effective management of neighbourhood complaints Prepare consolidated report to CEO.
CEO	Monitor incidences of harassment and nuisance and annoyance and report major neighbourhood disputes to the Board.

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
Related policy	Privacy and Confidentiality Policy
	Complaints Policy
	Appeals Policy
	AHO Housing Services Guidelines and Policy Framework

Good Neighbour Procedural Guidelines

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

1.1 Tenant's Rights and Responsibilities

Tenants have a right to the peaceful enjoyment of their property and an obligation to abide by the conditions of their Tenancy Agreement. They also have a right to complain about individuals who deny them this right. SEARMS has an obligation to act on receipt of all complaints that constitute a breach of the Tenancy Agreement.

Tenants are responsible for their own conduct as well as for the behaviour of other occupants and visitors to their property. By signing the Residential Tenancy Agreement the tenant agrees to abide by the terms of the agreement and to meet all of their tenancy obligations which include:

- not to cause or permit a nuisance
- not to interfere, or cause or permit interference with, the reasonable peace, comfort or privacy of any neighbour
- not to use the residential premises or cause or permit the premises to be used for any illegal purpose
- not intentionally or negligently cause or permit any damage to the residential premises

1.2 SEARMS's Response to Complaints

Generally, SEARMS follows the procedure detailed below subject to the factual circumstances of particular cases where more immediate action may be warranted.

When a complaint is received relating to an alleged breach of the Tenancy Agreement, the housing staff will:

- provide the person making the complaint information about their rights and SEARMS's ability to respond to alleged breaches of the Tenancy Agreement, bearing in mind legislative requirements relating to privacy, and providing fact sheets where possible
- acknowledge and document the complaint
- investigate the complaint and seek substantiation through external agencies (where appropriate) such as requesting confirmation of illegal activity using the provision of a Record of Understanding
- interview the person being complained about to substantiate the complaint and provide information about their rights and obligations
- refer tenants to specialist staff or external support agencies to seek assistance to address problems which may be affecting their behaviour
- provide information to tenants about advice and advocacy services; and

- keep business records of the complaint and action taken, including the interview and substantiation process
- advise tenants to maintain a diary of events to present to SEARMS to verify unwanted behaviour

If needed, SEARMS will use translation/interpreter services to make sure language barriers do not interfere with the resolution of a problem.

If SEARMS is able to substantiate that the complaint is a breach of the Tenancy Agreement, the person causing the problem will be given an opportunity to change their behaviour unless the breach is serious or extreme.

If a tenant's behaviour seriously or persistently breaches the Tenancy Agreement SEARMS will take appropriate subsequent action against the tenancy, which could include:

- issuing a Notice of Termination
- lodging an application to the NSW Civil and Administration Tribunal for a hearing seeking:
 - a Specific Performance Order, to make sure the tenant abides by the Tenancy Agreement, or
 - an Order of Termination and Possession, to terminate the tenancy and recover possession of the premises, or
 - Immediate Termination and Possession, requesting an urgent hearing to immediately terminate the tenancy and recover possession of the premises.

SEARMS can make an application to the NCAT, for an Order for Possession of a premises, to take effect immediately, without giving the tenant a termination notice in the following circumstances:

- if the tenant or other occupant has intentionally or recklessly caused or permitted serious damage to the residential premises or any neighbouring property
- if the tenant or other occupant has intentionally or recklessly caused or permitted injury to any SEARMS employee or contractor
- if the tenant or other occupant has intentionally or recklessly caused or permitted the use of the residential premises or any property adjoining or adjacent to the premises for the purposes of the manufacture, sale, cultivation or supply of any prohibited drug within the meaning of the Drug Misuse and Trafficking Act 1985
- if the tenant or other occupant has intentionally or recklessly caused or permitted the use of the residential premises for any other unlawful purpose and that the use is sufficient to justify the termination
- if the tenant or other occupant has seriously or persistently threatened or abused a SEARMS employee or contractor or caused or permitted any such threats, abuse or conduct
- if the tenant or other occupant has intentionally engaged, or intentionally caused or permitted another person to engage, in conduct in relation to any such person that would be reasonably likely to cause the person to be intimidated or harassed (whether or not any abusive language or threat has been directed towards the person).

The NCAT will make the final decision on the outcome of the proposed action, based on the evidence provided.

Complainants may be required to appear as witnesses to provide evidence at Consumer Trader and Tenancy Tribunal hearings. Without evidence it can be difficult to substantiate a breach of the Tenancy Agreement. Based on the evidence provided, the NCAT determines what orders are granted. SEARMS is required by law to comply with orders made at the NCAT as are all landlords and tenants. Where evidence is not sufficient the case may be dismissed.

SEARMS may seek immediate termination of a tenancy against a violent person. Victims of violence may need the option to relocate, either temporarily or permanently. SEARMS's first priority is to ensure that tenants do not remain in an 'at risk' situation. See the policy on Transfers.

1.3 SEARMS's management of complaints

Mediation

SEARMS encourages tenants to initially resolve problems with other tenants themselves or, with the assistance of mediation services. Tenants will be referred to Community Justice Centres for assistance when appropriate and the parties agree to attend. Mediation services provide an opportunity for the parties to discuss their concerns with an independent mediator present to attempt to reach an agreement.

Investigation

SEARMS will investigate complaints against tenants where there is an alleged breach of the Tenancy Agreement. If the complaints are substantiated, tenants will be given the opportunity to change the antisocial behaviour. In serious cases eviction action may be taken immediately.

In some circumstances the situation may have already escalated by the time the complaint is lodged or the tenants may have attempted to resolve a minor issue themselves, without success.

SEARMS will act quickly whenever a complaint relating to a breach of the tenancy agreement is made. Complaints will be investigated and if the complaint involves violence SEARMS will investigate the incident as a matter of urgency, ensuring the victim is not in an 'at risk' situation.

1.4 Asking the complainant to document their complaint

Tenants are encouraged to document complaints, as this assists SEARMS to investigate and where necessary take action against the tenancy. SEARMS will keep the identity of the person making the complaint confidential unless they give permission in writing to disclose their identity.

Complainants will be advised that matters are more often resolved if they are willing to give evidence. If there is any risk to the complainant, then the matter will be dealt with confidentially and alternate sources of evidence will be sought.

1.5 Requesting information from other agencies

Information may be requested from the NSW Police to substantiate a breach of the Tenancy Agreement. This information can be used as evidence at the NSW Civil and Administrative Tribunal (NCAT).

SEARMS will work in partnership with government and non-government agencies such as NSW Health, Department of Community Services and other agencies to seek assistance for tenants who may have underlying issues affecting their behaviour.

Referrals to supporting agencies both government and non-government may also be required to assist tenants in sustaining successful tenancies.

Should SEARMS receive information that a child is at risk of harm or if there is any doubt regarding a child's safety, SEARMS as a mandatory reporter has an obligation to notify Department of Community Services.

It is not SEARMS's role to carry out criminal investigations, however, SEARMS will liaise with NSW Police in cases involving alleged criminal activity. Housing service staff may need to assist the Police in a criminal investigation.

SEARMS will not intervene or investigate allegations of actions that are not breaches of the Tenancy Agreement. However, it may be appropriate for SEARMS to respond to such allegations in a manner that does not target individual tenants, for example, a letter to all residents of a building or estate to encourage compliance.

SEARMS may consider repeated complaints that are unreasonable or without basis as a form of harassment. SEARMS regards these types of complaints as putting the complainant's tenancy at risk by causing a nuisance to their neighbours.

2. Right to Appeal

If a tenant believes that SEARMS has made an unfair or unreasonable decision, they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

informed consent of the person affected is obtained or access is lawfully authorised or required.

3 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Attachment 1:**Guide to handling minor breaches of nuisance and annoyance.**

(Source: Federation of NSW Good Practice Guides)

- Contact your tenant in the most appropriate way for the circumstances of the allegation and your tenant's special needs. This may be by phone, letter, arranged visit or unannounced visit (but you cannot demand to be admitted to the property unless you are acting within your access rights as a landlord - check the law). You may choose to take a second person with you (if there are any worker safety issues) or to suggest to your tenant that they have an advocate or support person present (particularly if they have any special communication needs).
- Explain to your tenant as straightforwardly as you can in what way you think they may be breaching their tenancy agreement. Be aware of privacy and confidentiality issues in revealing details reported to you by others.
- If your tenant agrees that they have done the things alleged come to an agreement about the best way to put things right. This may include things like an apology to the person who complained, stopping immediately whatever has caused the problem, paying for anything that has been damaged, going to the Community Justice Centre for help talking through a dispute with a neighbour. There may be housing management action you need to take as the landlord to help prevent the problem happening again - for instance, repairing fencing, marking out parking areas, planting screening trees, transfer someone, facilitating support for a tenant, organising a social activity for tenants to get to know one another.
- If your tenant does not agree or has complaints or contributing problems of their own listen to their side of the story. Be clear that a breach of the agreement is not overlooked because someone else has caused a problem too, but that it is taken into account in trying to find a solution. Be sensitive to personal or other problems the tenant has, especially if domestic violence or racial or other harassment is contributing to the problem. Discuss options for sorting the problem out, including meeting with the other person to talk it through (alone, with you, or with someone else to mediate).
- Be clear about who is responsible for dealing with each of these problems or issues. Try to reach agreement from each person about what they are responsible for and what they will do about it. Inform each person (without breaching confidentiality) what you will do, what the tenant will do and what other people involved will do. You may need to take other housing management action in addition to assisting your tenant stop breaching their agreement, for instance transfer any or all of the households involved, undertaking work on common areas or fencing that is causing disputes, setting up a specific tenant's group.
- Follow up anything still unresolved that has been said to you by either the person who reported the problem or your tenant. Keep both parties informed and monitor the situation regularly until you are satisfied that no further problems are occurring.
- If the matter is not resolved review your actions to make sure there is nothing you have overlooked. Consider issuing a Notice to Terminate if a tenant's behaviour is still the primary cause of the problem.



3.3 Child Protection Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to outline how SEARMS responds to suspected or actual risk of harm, abuse and neglect to children and young people. SEARMS is committed to providing a service that is in accordance with the Children and Young Persons Care and Protection Act (1988).

2. Policy

SEARMS is committed to principles of early identification of risk, early intervention and a collaborative agency approach to the wellbeing of children and young people as set out under the NSW Government Keep Them Safe Guidelines.

This policy covers Mandatory Reporting and Exchange of Information.

Mandatory reporter role

SEARMS staff are not authorised to investigate suspected cases of neglect, abuse and risk of harm or actual harm for children and young people. SEARMS staff are required to do the following:

Under the Children and Young Persons (Care and Protection) Act 1998, SEARMS employees are classified as mandatory reporters. SEARMS is known as a prescribed body under the act. This means that if during the course of their work they have a reasonable suspicion that a child (aged 0-15) is at risk of significant harm from abuse or neglect, they are legally obliged to report these concerns to the Department of Family and Community Services. This includes the children of a tenant, their guests and also housing applicants.

While it is not mandatory to report reasonable suspicions that a young person (aged 16-17 years) or unborn children is at risk of significant harm from abuse or neglect SEARMS Housing staff will use professional judgement in deciding whether concerns about the safety, welfare or wellbeing of an unborn child or a young person warrant a report to NSW Family and Community Services.

Exchange of Information when a child or young person may be at risk

Chapter 16A of the Children, Young Person Care and Protection Act (1988) allows agencies prescribed under the act to exchange information about children and young people. Community Housing providers are “prescribed bodies” under the act. This means SEARMS staff can exchange information without consent if a child or young person is considered to be at risk.

The information must be exchanged lawfully. Staff must check with their direct supervisor and gain approval before exchanging information. Information may be exchanged between organisations for the following reasons:

- to make a decision, assessment or plan for a child or young person
- to initiate or conduct an investigation (such as NSW Police)
- to provide a service related to safety, welfare or wellbeing
- to manage risks to children or young people as an employer

Tenancy Support and Referrals for Children, Young People and their families

When risk of harm concerns do not meet the statutory reporting threshold for notification to the Family and Community Services, SEARMS will still work collaboratively to support children, young people and their families.

SEARMS will actively encourage children, young people and their families to engage with other services such as Brighter Futures in order to create a safe and supportive home environment and reduce the risk of harm, abuse and neglect occurring.

If a family chooses not to engage with support services SEARMS will remind families of the services available and monitor ongoing concerns through our housing services, contact with the family.

SEARMS will consider the safety, welfare and wellbeing of children and young people when making housing management decisions such as management transfers, arrears management and any action taken at the NCAT.

3. General principles

SEARMS will adhere to the following principles in regard to Child protection including mandatory reporting and exchange of information.

SEARMS will ensure that:

- I. signs of abuse and neglect and risk of harm are recognised
- II. Any suspected case of significant harm, neglect and abuse are reported to the NSW Department of Family and Community Services through the Child Protection Helpline
- III. Where appropriate, information is shared with the relevant agencies in order to prevent abuse and neglect taking into account privacy principles and need to know basis;
- IV. Collaborate with relevant Government departments and non-government organisations, where necessary, to ensure the safety, welfare and wellbeing of all children and young person's residing in SEARMS properties, and
- V. ensure SEARMS staff are properly trained and resourced to implement this policy

4. Responsibility

All staff and contractors	Report any instances where children may be at risk, or suspected to be at risk of harm, abuse or neglect and to report to their direct supervisor
Operations Manager	Document, assess and collect information in any instances where a child may be at risk of harm, abuse or neglect

Monitor notification process, and approve notification of children at risk of harm or suspected to be at risk of harm, neglect and abuse to Family and Community Services

CEO/HR

Ensure that all staff have completed a Criminal Records Background Check (CRBC) and where required, hold a current Working with Children Check (WWC)

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Child and Young Persons (Care and Protection) Act 1998
	Privacy and Personal Information Act 1988
	Health Records and Information Act 2002
Related policy	Domestic Violence Policy
	Privacy Policy
	NSW Mandatory Reporter Guide
	AHO Housing Services Guidelines and Policy Framework

Child Protection Procedural Guidelines

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

6. Procedures

6.1 Mandatory Reporting

Steps required when assessing and making a notification to Family and Community Services.

- Housing Officer/other staff member to report to their direct supervisor the issue in which they believe a child or young person may be at risk of harm, abuse or neglect.
- Direct Supervisor/Housing Manager to assess the information received and decide on level of risk and course of action to be taken
- assess the risk to the child and young person as per the NSW Mandatory Reporter Guide
- gain approval from Housing Manager to make the report to Family and Community Services Child Protection Helpline as per the Mandatory Reporter Guide
- Housing Manager to advise outcome of report/referral to General Manager for follow up and monitoring

6.2 Exchange of Information

This procedure covers the steps required exchanging information in relation to a child or children at risk under Chapter 16a of the Children and Young Persons Care and Protection Act (1988)

- receive request for exchange of information or initiate request of exchange for information
- report to direct supervisor circumstances of request or request initiation
- receive approve or decline from direct supervisor regarding request
- exchange information with other party as per chapter 16a
- all exchanges of information regarding risk to a child or young person must be reported to Housing Managers
- Housing Managers report to General Manager for follow up and monitoring

8. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.



3.4 Tenancies affected by Domestic Violence Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide guidance on managing Domestic Violence situations in current tenancies.

2. Policy

Domestic violence is unlawful and unacceptable. SEARMS recognises that domestic violence is an issue for the landlord in all cases, whether the victim or the perpetrator is a tenant, joint tenant, household member or visitor.

SEARMS will take appropriate action that balances the wishes of the victim with the rights of the landlord to protect the property and the safety and wellbeing of other household members and neighbours.

SEARMS's action will follow two basic steps:

1. Ensure the safety of victims of domestic violence - efforts will be made to make sure the victim is informed of their rights and options. These include: information and referral about legal advice and emergency housing options, priority transfer, action to secure a new tenancy for the victim and/or end the tenancy for the perpetrator.
2. Act in the best interests of the victim - this may be staying in the current property (by exclusion of the perpetrator and gaining sole tenancy rights to that property) or by transfer (whether or not they have outstanding rent arrears or damages)

SEARMS will ensure that the specific needs of the client are dealt with in a sensitive manner.

Information provided by clients to SEARMS will be kept confidential. SEARMS will only disclose information where it is required by law or if the client gives permission for information to be disclosed.

SEARMS complies with the Residential Tenancies Act 2010 and mandatory reporting requirements when dealing with domestic violence situations.

3. General principles

SEARMS will adhere to the following principles to ensure tenancies affected by Domestic Violence are supported by SEARMS and appropriate action is taken by ensuring:

- IX. Ensure housing and tenancy management practices are being followed by staff
- X. Ensure documentation and records of events are being recorded and filed on the tenants file.
- XI. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- XII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation
- XIII. That confidentiality of record keeping is maintained to a high level
- XIV. That all actions are managed expediently to reduce impacts on victims
- XV. ensure SEARMS staff are properly trained and resourced to implement this policy

4. Responsibility

Housing Officers	Use this policy as a guide to managing tenancies affected by Domestic Violence
Operations Manager	Provide advice and assistance in dealing with Domestic Violence
CEO	To monitor and review annually

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Privacy and Personal Information Act 1988
Related policy	Privacy Policy
	AHO Housing Services Guidelines and Policy Framework

Tenancies affected by Domestic Violence Procedural Guidelines

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

1.1 Applied actions

SEARMS can take a variety of actions in response to domestic violence:

- a) Offer support and referral to the victims: offer the victim assistance with practical, legal and emotional support and advice (eg. information about how to apply for an AVO; referral to DV Line, Court Assistance Scheme or another support agency; involve Family and Community Services in cases relating to children)
- b) Seek tenant compliance with tenancy agreement: issue a Notice to Terminate or require a tenancy compliance agreement be signed - if others are responsible, it may be that threat of eviction will assist the tenant take action themselves to stop the violence happening, or that discussion of the tenant responsibilities will make their options clearer
- c) Seek eviction of the tenant: evict the tenant for breach of their tenancy, whether they, or a member of their household or a visitor, have perpetrated the violence - it may be appropriate to seek an Immediate Possession Order or to carry through the legal action after issuing a Notice to Terminate
- d) Offer a new tenancy to the victims: sign a new tenancy agreement with the tenant, if their co-tenant has been evicted; transfer the tenant to alternative housing, whatever the status of their previous tenancy; give other household members recognition rights, to remain in the property (or be transferred to another) after evicting the tenant; consider homeless victims for priority housing
- e) Locks maybe changed: It is a reasonable excuse for SEARMS or a tenant or co tenant or additional occupant to change the locks of a property without the consent of the tenant, if the tenant or co-tenant or additional occupant has been prohibited from having access to the residential premises by an AVO.

1.3 Apprehended Violence Orders

AVOs are granted by the local magistrate with the purpose of stopping further violence, by restraining the perpetrator's behaviour and/or excluding him/her from going near the victim (which may be their shared home). Having an AVO will be important evidence if Possession or a Performance Order is being sought at the Tribunal. The tenant may need to provide reasons for not applying for an AVO and other forms of evidence of the violence should be considered by the Tribunal. If eviction of the perpetrator is not being sought, in accordance with the wishes of the victim, you could reinforce the AVO by seeking a Performance Order.

1.4 Change of Tenant after Final AVO (Section 79 of the Residential Tenancies Act 2010)

On the making of a final AVO that prohibits a co-tenant or a tenant from having access to the residential premises, the tenancy of that co-tenant or tenant under the residential tenancy agreement is terminated. Such a termination does not affect the tenancy of any co-tenant not subject to the order.

The Tribunal may, on application by a remaining occupant or co-tenant, make an order recognising the remaining occupant as a tenant under the residential tenancy agreement, if the tenant, or a co-tenant or a former tenant or co-tenant is prohibited by a final AVO from having access to the residential premises.

The Tribunal may not make an order under this section in respect of a social housing tenancy agreement unless the remaining occupant meets any applicable eligibility requirements of the social housing provider for tenancy of the premises.

Under Section 100 of the Residential Tenancies Act 2010, a tenant may give a termination notice for a fixed term agreement on the grounds that a co-tenant or occupant or former co-tenant or occupant is prohibited by a final AVO from having access to the residential premises.

If the perpetrator is a tenant and is evicted in his absence but later tries to re-enter the premises, the police can be called by the new tenant or the landlord to remove him/her. An AVO could also be sought or amended.

1.5 Termination of Agreement or Co-tenancies by Tribunal (Section 102 of the Residential Tenancies Act 2010)

Section 102 allows a victim of domestic violence to apply to the Tribunal for an order ending the tenancy of a co-tenant who has perpetrated the violence where they do not have a final AVO that prohibits access of another co-tenant but have alternative evidence that they have been experiencing domestic violence.

The Tribunal may, on application by a co-tenant, make any of the following orders:

1. an order terminating the tenancy of the co-tenant or another co-tenant under the residential tenancy agreement from a date specified in the order,
2. an order terminating the residential tenancy agreement,
3. any necessary ancillary orders relating to the residential tenancy agreement or liabilities under that agreement

The Tribunal may make an order under this section if it is of the opinion that it is appropriate to do so in the special circumstances of the case.

The Tribunal must give the landlord notice of an application under this section. The landlord has a right to be heard in the proceedings.

1.6 Serious damage or injury by tenant or other occupant (Section 90 of the Residential Tenancies Act 2010)

An Immediate Possession Order will be sought (under Section 90) if anyone or any property is in immediate danger or serious harm.

Under Section 90 the Tribunal may make a termination order if it is satisfied that the tenant, or any person who although not a tenant is occupying or jointly occupying the residential premises, has intentionally or recklessly caused or permitted:

- serious damage to the residential premises or any neighbouring property (including any property available for use by the tenant in common with others), or
- injury to the landlord, the landlord's agent, an employee or contractor of the landlord or the landlord's agent, or an occupier or person on neighbouring property or premises used in common with the tenant

The termination order may specify that the order for possession takes effect immediately.

SEARMS may make an application under this section without giving the tenant a termination notice.

The Tribunal may make a termination order under this section that takes effect before the end of the fixed term if the residential tenancy agreement is a fixed term agreement.

SEARMS may vary the application to a Specific Performance Order if this is in the best interests of the landlord (i.e. there is limited risk to the property or of further tenancy breaches) and meets the wishes of the victim (and SEARMS is satisfied that this will not compromise its rights as landlord).

1.7 Ending the tenant victim's tenancy

Tenants who are victims of Domestic Violence and currently in a fixed term tenancy will be allowed to give immediate notice without penalty.

A tenant who is the victim of DV will be transferred or have a new tenancy signed if that is the most appropriate response, even if he/she is in breach of her tenancy in other ways, including rent arrears, and a money order will be sought at the Tribunal at the end of his/her tenancy. Tenants will be advised about seeking compensation from the Victims Compensation Board for damage costs resulting from DV.

1.8 Priority Transfer

A tenant may apply for a priority transfer because of domestic violence.

SEARMS will endeavour to allocate a safe property where the tenant will not easily be found by the perpetrator. This means the tenant will not generally be allocated a property in the area where the perpetrator (or their family) lives. However, SEARMS staff should consider the locational preferences/needs of clients in these circumstances.

SEARMS has a limited stock of dwellings and there are difficulties in relocating tenants' numerous times. Therefore, a tenant who has recently been transferred for reasons of domestic violence and who requests another transfer because of domestic violence may be requested to demonstrate that they are using appropriate support services prior to the request being approved. This is to assist both the tenant and SEARMS to make appropriate decisions about housing options.

Where the tenancy is in the name of the perpetrator, and the victim does not wish to relocate because of a need to remain close to established networks and services etc., the perpetrator may be offered alternative housing accommodation elsewhere.

Tenants seeking a Priority Transfer on the basis of domestic violence are required to provide evidence to support their application. Evidence provided does not have to contain explicit details but is required to outline the nature of the domestic violence in order to support the tenant's need for housing assistance.

Refer to Tenancy Transfer Policy for details of acceptable documentary evidence.

Documentary evidence will be sought in a sensitive manner having regard to the fact that people are often reluctant to seek help outside their informal support networks.

Documentary evidence must support a request for housing assistance based on the need to escape domestic violence.

If a tenant is unable to provide supporting documentation and particularly in circumstances where there are concerns about the tenant's immediate safety a Housing Manager may interview the client to assess their circumstances.

Alternatively, substantiation may be provided either verbally or in writing by reputable third parties who might include relatives, friends, neighbours and local clergy.

1.9 Tenant Safety

Housing staff must respect the right of a tenant to pursue or not pursue incidents of domestic violence with the Police. However, if there is a serious risk to the tenant indicated by for example the client stating that the perpetrator is armed and is threatening to use the weapon staff have a duty to report the matter to the Police regardless of a client's wishes. The tenant should be informed of this decision.

Under the Children and Young Person's (Care and Protection) Act 1998 SEARMS is legally bound to report any concerns regarding a child (under 16) or a young person (16-18 years) who is suspected of being at risk of serious physical or psychological harm due to domestic violence.

In cases where children and young people are part of the household and are considered to be at serious risk, it is mandatory that the matter also be reported to Family and Community Services.

For more information see the Child Protection Policy

1.10 Staff safety

Housing staff should always be mindful of their own safety when visiting households with a history of domestic violence.

Housing staff should notify their direct supervisor of any tenant visit needs. Manager should consider the need to send additional staff as support or other alternatives.

II. Right to Appeal

Tenants will be advised of their right to appeal any decision made. Tenants can appeal the following decisions under this policy:

- Priority Transfer

If a tenant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. The applicant needs to complete an Appeals Form stating why they disagree with the decision. All appeals applications will be initially assessed by the General Manager.

The applicant will be sent an acknowledgment letter within seven days advising when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days. The Complaints and Appeals policy and Form are available from SEARMS office and can also be downloaded from our website www.searms.com.au

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services.

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.go.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients. For more information on appeals refer to the 7.9 SEARMS Appeals Policy

III. Conflict of interest

Any SEARMS employee or Board member who may have any immediate or extended relationship with either the tenant or the perpetrator must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.



3.5 Pets and Companion Animals Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide information on the keeping of pets in SEARMS managed properties.

2. Policy

As a tenant of SEARMS you are allowed to have pets if:

- The property is suitable for the animal
- All cats and dogs approved as pets in SEARMS properties must be micro chipped and registered on the NSW Companion Animals Register with the local council. Further details on this requirement can be found at: <http://www.petregistry.nsw.gov.au>
- The animal complies with Council requirements. Some local councils limit the number of animals you may keep and may not permit the keeping of some animals such as poultry or livestock.
- You comply with the Companion Animals Act (refer to policy detail below). This means that you are responsible for ensuring that your animal does not harm or threaten any other person or animal or cause a nuisance. If you are a dog owner, you must ensure that you contain your dog on your property.
- The pets do not interfere with the reasonable peace, comfort and privacy of neighbours
- It is not prescribed on your lease as being prohibited

You are not allowed to have a dog if it is:

- a restricted dog as defined by the Companion Animals Act
- declared a dangerous dog, by a local council or local court, under the Companion Animals Act

If your animal causes a nuisance or annoyance to neighbours, we may require you to remove your pet.

If you are a tenant in a property not owned by the SEARMS you may not be permitted to have a pet. SEARMS will need to obtain approval from the relevant landlord regarding having pets.

3. General principles

SEARMS will adhere to the following principles

- Ensure tenants understand the Residential Tenancy Agreement and their rights and responsibilities and the rights of the landlord before signing

- Ensure tenants have knowledge of where they can obtain <http://www.searms.com.au> policies and procedures in relation to tenancy management

4. Responsibility

Housing Officer	Effectively implement the Pets Policy
Operations Manager	Monitor consistent and fair policy application

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Companions Animals Act 1998
Related policy	AHO Housing Services Guidelines and Policy Framework
	Companion Animals Regulations NSW 2008

Pets and Companion Animals Procedural Guidelines

Version Number: 02 2018

Approved by: CEO

Approval date: 22 August 2018

Review date: Every 2 years

1. Procedures

1.1 Request to House a Pet or Companion Animal

If a tenant wants to keep a pet on their premises they must first request permission in writing. SEARMS will provide a decision to this request in writing.

When we receive a request to keep a pet on the premises SEARMS will consider:

- the amount of open space available on the property
- the requirements of the local council
- the size and type of animal and its suitability to the property
- the likelihood of damage to the property by the pets, and
- the likelihood of interference with neighbours, even if the neighbours have not yet made a complaint

If any pet you have interferes with the reasonable peace, comfort and privacy of your neighbours, we may ask you to remove it. We may also ask you to remove your pets if we consider the type or number of animals is not suitable for the premises.

If we or the landowner determine that your pet is not be kept on the premises because it is not suitable for the property, it is interfering with your neighbours or it is a restricted or dangerous dog we will write to you requesting you to remove it. You must remove the pet within 48 hours of receiving this request. Failure to remove the pet is a breach of the Tenancy Agreement and we may take action in the NSW Civil and Administrative Tribunal (NCAT)

We will call on the resources of organisations like the Local Council, the RSPCA and the Cat Protection Society to implement this policy as required.

1.2 Suitable Properties

SEARMS will consider each request to keep a pet on individual merits.

1.3 Companion Animals Act

Under the Companion Animals Act, pet owners have a number of obligations and responsibilities towards other members of the community as well as their pet.

The Act defines companion animals as:

- Cats
- Dogs (including dogs which are not strictly "companions" such as working dogs on rural properties and trained assistance animals such as seeing eye or hearing dogs),

- Or any other animal that is prescribed by the regulations.

The Act defines restricted dogs as:

- Pit bull terriers,
- American pit bull terriers,
- Japanese tosas,
- Argentinian fighting dogs (dogo Argentino),
- Brazilian fighting dogs (filo Brasileiro), and
- may include other dogs such as guard dogs used by security personnel

The Act defines dangerous dogs as those that have been declared dangerous by a local council or local court. These include dogs that attack without provocation or kill a person or animal or repeatedly threaten to attack or chase a person or animal.

The Act stipulates that:

- Dogs must be kept under effective control and not allowed to roam.
- Cats and dogs must be micro chipped and registered if they are born or change owners after 1 July 1999.

1.4 Residential Tenancy Agreement

Your Tenancy Agreement also defines obligations that you must meet, which has either been agreed at the beginning of your tenancy for you to have a pet on the premises or ensuring your pets do not impact on your neighbours' peace and comfort.

2 Right to Appeal

If a tenant believes that SEARMS has made an unfair or unreasonable decision, they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

Tenants can appeal the following decisions under this policy:

- Refusal to keep a pet

If you are requested to remove your pet/s, this will be done in accordance with the clauses of the Tenancy Agreement. If you disagree with the decision, SEARMS may pursue its request through the NSW Civil and Administrative Tribunal (NCAT) for a determination. If this occurs, you are recommended to attend any Tribunal Hearings where you will have the opportunity to present your position and situation. The NCAT is an independent decision-making body that resolves disputes between tenants and landlords.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

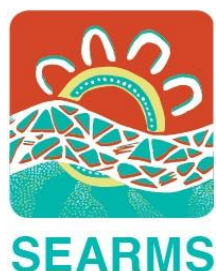
SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



3.6 Advocacy and Referral Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 6 September 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide information on how SEARMS establishes and maintains practical and effective links with service providers within the community to secure active information and support for its clients.

2. Policy

SEARMS will maintain up to date records and contact details for support agencies and community and government organisations that may be useful to tenants, applicants and clients.

Information regarding support agencies that we work with along with the services that SEARMS provides will be available at all offices and all staff will be required to have a good working knowledge of relevant support services in the area.

SEARMS will promote to applicants, tenants, clients and all other relevant persons the services that SEARMS as an organisation can provide. However, we understand the need for a holistic approach to successful tenancy management and will work with and promote the services of a wide variety of community and government organisations.

3. General Principles

SEARMS will follow these principles:

- I. To develop positive working relationships with community organisations and government service agencies
- II. To ensure staff maintain a working knowledge of services available to tenants, applicants and the organisation
- III. To promote the services of SEARMS
- IV. To develop support agreements with community and service agencies to provide housing for their clients
- V. To ensure employees of SEARMS understand the referral process
- VI. To promote SEARMS as a housing provider of choice
- VII. To respond appropriately to the needs of all applicants, tenants and clients of the organisation
- VIII. To work with other social housing providers to promote the industry
- IX. To help develop and promote sustainable communities
- X. To understand the different needs of community housing tenants and to respond appropriately to these needs

4. Responsibility

All staff to promote and support opportunities to better work with the community

Operations Manager To ensure this policy is implement and adhered to by staff

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Companions Animals Act 1998
Related policy	AHO Housing Services Guidelines and Policy Framework

Advocacy and Referral Procedural Guidelines

Version Number: 02 2019

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 6 September 2019

Review date: Every 2 years

1. Procedures

1.1 Resource Bank

SEARMS will maintain a comprehensive resource bank, listing relevant accommodation, community service and departmental resources for its applicants and tenants. The resource bank will include contact details and referral requirements for the following types of services:

- Aboriginal community and support services
- emergency and medium-term accommodation;
- housing information and support;
- counselling/support agencies;
- local councils;
- community health centres, legal centres, neighbourhood centres;
- migrant information services;
- relevant government agencies

The resource bank will enable SEARMS staff to assist applicants and tenants with referral information.

The bank will be kept up to date on an on-going basis as information becomes available.

1.2 Links with local government and community services

SEARMS will maintain close links with a range of local services, particularly accommodation and support providers, to enhance service delivery and community service coordination.

Working closely within the local community will ensure that SEARMS:

- provides and receives appropriate referrals;
- maintains a high profile within the community to increase access for people who require social housing and support;
- remains relevant and responsive to community needs.

Links with the local community include (but are not limited to):

- participation on management committee's of relevant organisations;
- participation on working parties, local forums and interagencies;
- attendance to conferences and meetings on relevant local issues; informal meetings to discuss tenancy and support issues;

- partnerships on specific housing projects;
- participation in case conferences regarding integrated service delivery for complex need clients/ tenants

1.3 Partnerships with support agencies

SEARMS is committed to developing partnerships with key support agencies as a means of sustaining tenancies.

Where a tenant would benefit from support from another agency in order to remain housed and agrees to receive this support, SEARMS will assist them to gain this support.

Alternately SEARMS may be approached by a support agency to enter into a housing and support partnership for a particular target group. SEARMS will, where possible, facilitate this partnership.

Where SEARMS enters into an agreement with a support agency SEARMS will ensure a SEARMS 'Service Level Agreement' or other appropriate agreement has been accepted and signed by both agencies.

The 'Service Level Agreement' covers the following areas:

- roles and responsibilities;
- time period;
- property/s;
- confidentiality;
- vacancies;
- dispute resolution procedures;
- insurances.

SEARMS will participate in Integrated Case Coordination Panels to ensure client needs are met where cross collaboration by agencies is required.

1.4 Referral to other organisations

Where it is appropriate, SEARMS will refer applicants and tenants to other suitable support agencies, housing organisations and community organisations.

Staff may offer to refer tenants where it is known that SEARMS will not be able to meet their immediate needs for housing or support or where tenants may require help in managing their tenancy. Staff may refer tenants and applicants to:

- Alternate housing organisations
- Tenancy and legal advisory services
- Government departments
- Refuges and Specialist Homelessness Services
- Rehabilitation facilities
- Support agencies
- Financial and Budgeting services
- Community centres

- Medical and mental health facilities

Where it is thought that a tenant or applicant may benefit from being referred to another support agency, service provider or housing association, staff may do the following:

- Arrange an interview with the client to gain further information on the clients needs
- Provide clients with information and contact details for services that are appropriate to their needs
- Discuss with the client the referral process and get consent prior to contacting other agencies
- Contact the relevant support agency or housing organisation to discuss suitability of client referral and arrange necessary details

A Contact List of these organisations is available for tenants and provided at the time of their sign up. A list of contacts is also available on the SEARMS website.

SEARMS actively participates in regular meetings and workshops with these support services to improve the coordination of services delivered to the community.

If a tenant requires a referral to one or more of these services, the Housing Officer will make the initial contact on behalf of the tenant. Referrals to these organisations will not be undertaken without the consent of the tenant.

The General Manager will monitor on a 6 monthly basis the adequacy of the support arrangements and report back to the Board.

Tenants will provide a review of the adequacy of the support arrangements through the Tenant Evaluation Survey. This will be undertaken annually and reviewed by the Board. The results will be provided within the annual report.

The Board will on an annual basis, review feedback from tenant surveys and review all working partnerships with its support service organisations to ensure they are providing a benefit to the SEARMS in sustaining its tenancies and document this within the Strategic Plan.

8 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



3.7 Tenant Participation Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 6 September 2019

Review date: Every 2 years

1. Purpose

This policy sets out the commitment of SEARMS to Tenant Engagement as an essential aspect of its tenancy management service.

2. Policy

This policy demonstrates how SEARMS and tenants will work in partnership together to shape and deliver a high-quality tenancy management service and contribute to initiatives that promote the benefits of Aboriginal community housing and support the local community.

It also sets out ways in which SEARMS will enable and encourage tenants to be actively involved and demonstrate that tenants are part of the continuous service review and improvement process.

The Tenant Engagement Policy is intended to achieve three objectives:

1. Promote Aboriginal community housing
2. Contribute to the local community
3. Engage with the local community on housing related issues

Promoting Aboriginal community housing

SEARMS contributes to activities that promote Aboriginal community housing by:

- Telling community members about community housing
- Being involved in local area planning for housing
- Giving information to other organisations about our services
- Taking part in local community housing forums or networks
- Attending relevant conferences and seminars

Contributing to the local community

SEARMS contributes to the local community by taking part in local activities on community issues.

This includes:

- Having good working relationships with other agencies likely to be important to tenants and applicants (e.g. government departments, local community organisations such as Aboriginal Medical Services, Legal Services, Aboriginal Tenancy Advice and Advocacy Services, Department of Fair Trading)
- Being involved in local area planning on housing matters
- Having an up-to-date referral and resource list, and making this information available to tenants and applicants

- Actively assisting tenants to gain support from other agencies when the need arises
- Establishing and maintaining links with mainstream housing providers to address housing needs and providing information to other relevant agencies about its services
- Working with other agencies and community members to improve coordination of services delivered in the community
- Ensuring that members and staff work collaboratively with other community organisations, groups and individuals on specific or special projects

Engaging with the local community

SEARMS engages with the local community on housing related issues by building and establishing relationships with tenants, applicants and community members/leaders. To ensure effective engagement with Aboriginal communities, SEARMS will:

- Use direct contact where possible through face-to-face meetings or by telephone
- Treat tenants, applicants and community members and leaders fairly and with respect
- Encourage input from its members, tenants and other community members whenever it makes significant decisions about issues or policies
- Provide information to community members on a regular basis
- Ensure that meetings are open to the community and structured to allow people to participate

Feedback processes

To ensure tenants and applicants are treated fairly and are given opportunities to express their views on the organisation or community housing issues, feedback is encouraged. Feedback is used to improve service delivery, identify changes to be made and re-examine aspects of policy and procedure. To ensure that tenants and applicants are aware of their rights, SEARMS will:

- Give tenants and applicants information on their rights and responsibilities in a format that is easy to understand.
- Have policies that are consistent with the organisation's constitution and applicants' rights and responsibilities.
- Have clear mechanisms and structures by which tenants and active applicants have the opportunity to provide input into the organisation and encourage them to participate in decision-making activities.
- Inform and seek the opinion and ideas of tenants and active applicants when considering important changes.
- Ensure people get enough information and time to make consultations useful.
- Ensure staff know the support options available and have working relationships with key individuals in other appropriate organisations in their local community.

3. General principles

SEARMS will adhere to the following principles:

- I. Give tenants real opportunities to participate in activities, get information and have their say
- II. Encourage tenants to become involved in community events, block meetings, outings and social gatherings
- III. Help tenants to get the skills and resources they need to improve their lives and their communities
- IV. Make sure that all tenants can participate by providing access to interpreters and disability access.
- V. Respect tenants' rights not to participate or engage in activities or events

4. Responsibility

Housing Officer	Liaise with tenants to advise of events and encourage participation
	Notify tenants
Operations Manager	Monitor the effectiveness and implementation of this policy

5. References

Legislation	Residential Tenancies Act 2010
Related policy	National Registration System for Community Housing Requirements
	AHO Housing Services Guidelines and Policy Framework

Tenant Participation Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations manager

Approved by: CEO

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Procedures

1.1 Commitment to tenant participation

SEARMS will describe how tenants can become involved in SEARMS and the management of their housing at the commencement of each tenancy and through its various publications.

SEARMS will ensure that appropriate staff are available to attend meetings with representative tenant groups.

SEARMS will produce a newsletter every three months. It will include information about SEARMS's services and performance.

1.2 Tenant Forums

SEARMS will conduct every quarter informal tenant (workshop, BBQ, meeting) as a means of providing information to tenants about new initiatives, policy and programs, maintenance updates and enable tenants to discuss any issues or concerns they may have about their housing needs or provide feedback to assist SEARMS in improving its housing service delivery.

Information obtained from these workshops will be provided to the Board for review and actioned every 6 months. This information can influence policy reviews, contractor reviews, asset planning reviews and other service delivery needs.

1.3 Feedback from tenants

Feedback from tenants about the services provided may be obtained in the following ways:

- informal feedback on an individual level in response to the service being received and of the policies of the organisation eg. phone call /visit after repairs and maintenance service;
- formal feedback through regular tenant satisfaction surveys, evaluations, tenant engagement and advisory meetings and other specific tenant issue meetings.

1.4 Tenant Evaluation Surveys

SEARMS will conduct a survey every 2 years of its tenants. The survey can be either completed (online, paper, face to face, anonymous). The results of the survey will be published in the annual report. The Board will also be responsible for reviewing the results and taking any necessary action in reviewing relevant policies or contractors.

1.5 Consultation with tenants

Tenants will be consulted over major operational changes by:

- inviting input into formal consultations or advisory committees;
- attendance at specific tenant issue meetings;
- involvement in tenant committees
- Survey's – telephone, home interviews, email
- Relevant associations or stakeholders

1.6 Participation in decision-making

SEARMS will ensure that tenants have a number of opportunities in which to participate in decision-making within the organisation. These include, but are not limited to:

- becoming a member of the Tenant Engagement Advisory Members (TEAM)
- becoming a member on the Board of Management;
- attending specific Tenant Issue meetings;
- attending tenant information meetings.

1.7 Local Tenant Groups

Local Tenant Groups (LTG) aim to get tenants involved at a local level. Meetings are set up in local areas and based around place making activities, tenancy management and social events.

The LTG will be linked to the Board. The group can invite the Board Chairperson, other employees and local community to any of their meetings. Local tenant groups can meet as many times as they want and are guided by their Terms of Reference.

1.8 Informing tenants

SEARMS will ensure tenants are well informed and have the opportunity to participate in decisions concerning the management of SEARMS and of its tenancies.

Tenants are kept well informed of the operations of SEARMS by:

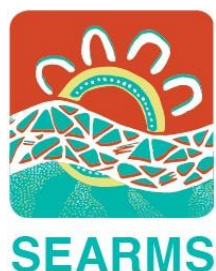
- regular tenant newsletter
- Website
- Brochures and fact sheets
- Social media and SMS message
- publicly available policies

Information

As a means to keep tenants up to date housing and tenancy management issues the SEARMS will send a newsletter/flyer every quarter.

2 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



3.8 Community Engagement Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Purpose

The purpose of this policy is to provide information on how SEARMS will actively promote and develop social and affordable housing and the interests of tenants in the broader community.

2. Policy

SEARMS will work with community and local government organisations to help establish secure, sustainable tenancies within the community. We will stay informed of community and social housing developments and will provide input into proposed changes and developments where possible and will contribute to the growth of the community by playing an active role in community development.

The SEARMS proactively participates in organised events at local, regional and state levels to not only promote the benefits but build the profile and image of the organisation to both the Aboriginal and wider community and businesses.

Tenants will be kept informed of community issues and events and we will encourage and support tenants to get involved with their communities and their housing organisation.

3. General Principles

- That SEARMS holds regular opportunities to engage with stakeholders, owner orgs and tenants.
- That SEARMS supports and encourages Resident/Tenant Advisory Groups and supports these group led initiatives that promote social inclusion and participation where resources allow.

4. Responsibility

Operations Manager	Resident/Tenant led engagement/outreach planning
CEO	Key stakeholder, industry engagement
Board	Sector advocacy

5. References

Legislation	Residential Tenancies Act 2010
Related policy	National Registration System for Community Housing Requirements
	Appeals Policy
	AHO Housing Services Guidelines and Policy Framework

Community Engagement Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Procedures

Contribution to the development of social and affordable housing

SEARMS will contribute to the development of social and affordable housing within the community at every opportunity. Examples may include:

- participation in working parties and steering committees on social and affordable housing issues;
- participating in local housing and homelessness forums;
- attendance at housing conferences;
- developing partnerships with organisations that provide support to special needs groups;
- joint ventures with other agencies to develop social and affordable housing projects, community development initiatives, research and policy development;
- contributing to the development of policies in the sector and
- maintaining up to date knowledge of social and affordable housing developments and issues through membership of peak housing groups (eg. CHIA NSW; Shelter NSW; National Community Housing Forum; Homelessness NSW, etc) and subscription to relevant journals and newsletters;
- participating in local area planning through regional forums and local council planning processes to improve integration and delivery of services.
- Information about participation and/or attendance at forums and meetings will be reported to the Board on a regular basis.

Tenant participation in wider issues

SEARMS will support opportunities for tenants to become involved in the development of the social and affordable housing industry including advertising opportunities in its newsletter and tenant groups and providing financial assistance and training to tenants where relevant to ensure their active and full participation etc .

Contact with the media

SEARMS will ensure that any contact with the media reflects the policy and philosophy of the organisation and does not undermine or otherwise misrepresent the service.

The General Manager and Chair of the Board are the designated contacts for all media liaison.

All media requests or promotion should be referred initially to the General Manager for approval.

Where the media request or promotion is potentially controversial the General Manager will refer the issue to the Board for approval.

All media contacts will be reported to the Board.

Providing Housing Information, Advice and Referral

Not all people that apply to SEARMS will be either eligible or suitable for the housing programs or services that we have and those that are suitable will be advised of the potential long waiting periods for housing.

Where these situations occur, staff will provide information, advice and referral to interested applicants on:

- Other suitable community housing organisations in the area
- Affordable housing programs and providers
- Specialist Homelessness Services options
- Short- and medium-term accommodation options
- How to apply for housing with other organisations
- Support agencies that may be suitable

Promotion of Community and Affordable Housing

SEARMS will promote the organisation and the community housing sector by:

- Working with local community organisations and support services to ensure they are aware of and understand the services SEARMS provides
- Hosting local Elders/leader forums
- Partner with mainstream providers to host events ie Reconciliation week, NAIDOC week etc
- Attending meetings with mainstream providers to share knowledge and information
- Attending community housing and homelessness conferences, workshops and training session
- Getting involved in local, state and national housing issue
- Distributing quarterly newsletters to tenants, with access by relevant community and support agencies
- Promotion of community housing on the SEARMS website

These events are documented within the strategic plan and reported on a quarterly basis and are listed below.

Community Involvement

SEARMS will aim to promote community involvement amongst the organisation, employees and tenants by

- Subscribing to local, state and national publications

- Inviting local community and government organisations to annual general meetings or events hosted by SEARMS
- Seeking feedback back from support agencies that we work with on a regular basis through surveys and regular meetings
- Attending community events to raise awareness about the organisation and the need for affordable housing
- Advertising community organisations, events and services in the quarterly newsletter and on the SEARMS website
- Attending community forums and workshops relating to housing and relevant social issues
- Establishing tenant groups
- Providing training and facilities for tenants interested in establishing tenant and community groups

Community engagement and social inclusion

SEARMS is committed to Community engagement and social inclusion and will work with its tenants and the communities in which they live to improve social, environmental and economic outcomes. SEARMS ensures these principles are met in the day to day of core business in the following ways:

- SEARMS will work in collaboration with government (FACS, Police, Health, local government etc) and non-government agencies to develop and implement plans and strategies in communities of identified disadvantage and need.
- SEARMS staff will participate in activities that engage tenants and community members such as; festivals, interagency meetings, gatherings, training and workshops.
- SEARMS staff at all times encourage tenants and applicants to participate in programs that provide opportunity and/ or pathways to improved outcomes pertaining to social inclusion, health related events, employment programs and events within and outside their community.
- SEARMS has a dedicated staff resource that will build engagement within and outside the organisation.
- The Tenant Engagement and Advisory Team T.E.A.M participates on all levels in relation to improving inclusion and engagement, participating in planning, advice, support and guidance to both staff and tenants and communities.
- The annual tenant survey provides SEARMS with feedback as to the delivery of its services and importantly what can be improved. This information is recorded, and continuous improvement strategies are implemented through consultation, business planning and T.E.A.M consultation

2 Privacy and Confidentiality

- Refer to 1.7 SEARMS Privacy and Confidentiality Policy



3.9 Complaints Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 2 Sept 2018

Review date: Every 2 years

1. Purpose

The Complaints policy outlines how SEARMS will handle dissatisfaction with our service.

Its purpose is to:

- give applicants and tenants the right to complain
- make it easy for applicants and tenants to exercise that right
- help SEARMS review what is and isn't working well within our organisation

2. Policy

A complaint is an expression of dissatisfaction with the quality or type of service received. A complaint can be lodged by an applicant or a tenant if they are dissatisfied with any aspect of service provision from SEARMS.

The Complaints policy outlines how SEARMS will effectively:

- register, investigate, resolve and record complaints
- ensure applicant and tenant rights, and
- enable applicant and tenant views to influence how we deliver our housing services

What can a client complain about?

SEARMS can accept a complaint about the following issues (but not limited to):

Quality of service provided by any staff member of SEARMS

- Any type of alleged discrimination including racial, ethnic, gender based or sexual preference
- Contractor behaviour such as failing to clean up following repairs/maintenance undertaken
- Claims of maladministration such as loss of documents or misuse of important information

This policy does not include:

Tenant complaints about another tenant (or someone else outside the organisation)

- Complaints about our organisation or our tenants by people who are not service users (e.g. neighbours, funding body, real estate agents). These are assessed individually and dealt with in terms of the relevant housing management, organisational or staff management policy.

SEARMS welcomes complaints as they are seen as an important transparency mechanism for future planning and continued service improvement strategies. Complaints are also useful in highlighting

potential staff and contractor training needs and are therefore seen as an effective measure in improving the organisation.

What the complainant can expect from the process

- Applicants and tenants are fully informed of their rights and responsibilities, and have realistic expectations of what the service can provide;
- Any request for information about the service, or any concern or objection about rules, practices or tenancy conditions expressed by clients will be responded to promptly and appropriately with the intention of firstly clarifying rules, rights, responsibilities or services provided
- Applicants and tenants can make complaints without fear of recrimination.
- SEARMS informs applicants and tenants about our complaints policy through pamphlets, newsletters and verbally
- Complaints are handled in the context of a broader client relations policy which aims to ensure good working relationships with clients, thus minimising the potential for unresolved problems:
- Applicants and tenants can involve their own advocate or support person at any point in the complaint's procedure
- Client's satisfaction with the service will be canvassed regularly and their ideas for improvements sought
- Our procedure states who are responsible for dealing and processing complaints, how long it takes and how it is recorded.

3. Responsibility

Housing Officers	To manage informal complaints
Operations Manager	To investigate, provide information and draft written response to the CEO
Finance manager	To maintain the complaints register and provide quarterly report to Chief Executive Officer.
CEO	To respond to formal complaints and report to the Board.

References

Legislation	Residential Tenancies Act 2010
Related policy	National Registration System for Community Housing Requirements
	Appeals Policy
	AHO Housing Services Guidelines and Policy Framework

Complaints Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations manager

Approved by: CEO

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Procedures

A complaint is an expression of dissatisfaction with the quality or type of service received. A complaint can be lodged by an applicant or a tenant if they are dissatisfied with any aspect of service provision from SEARMS.

When a complaint is received, the Housing Officer will:

- register, investigate, resolve and record their complaints
- ensure their right to be heard and not be penalised for raising a complaint
- enable their views to influence how we deliver our housing services

Confidentiality

Tenant confidentiality will be respected and only those directly involved with the process will be told details. Staff who are the subject of the complaint will be advised of the complaint.

Time frame

Written complaints will be acknowledged in writing within 7 days. The investigation and resolution process will take no longer than 28 days, unless the person complaining agrees.

Complaints Register and monitoring

The Housing Manager will be responsible for maintaining the Complaints Register and monitoring progress in resolving the Complaint. Any correspondence regarding the complaint will be kept with the tenant/or applicant file. A copy will be kept in the complaints file. The person concerned can see their file on request.

The General Manager and Board will monitor progress with resolving complaints through the reporting to the Board meeting and take action when there are broader implications for policy and practice. Ministerial representations will be reported to the General Manager and/ or Board at the earliest possible convenience.

Complaints are dealt with through a two-level process:

Level 1 – Informal Complaint

Level 2 – Formal Complaint

- Stage 1 General Manager or their delegate (Asset Services Manager or Housing Services Manager)
- Stage 2 SEARMS Board of Directors

Level 1: Informal Complaint - Verbal

SEARMS will try to resolve the complaint informally wherever possible. Many complaints are caused by misunderstandings and can be easily resolved. To this end we will:

- ask the complainant to explain the problem and what they would like to be done;
- direct the complainant to the appropriate Asset or Client Service Officer to deal with their problem;

The Housing Officer is to:

- Inform the complainant of SEARMS's Complaints Policy
- Determine whether the matter is
 - A complaint
 - An appeal (see Appeals Policy)
 - A dispute under the Residential Tenancies Act (see relevant policy)

The (position) should advise the complainant about SEARMS's policy in that area.

If the complainant is dissatisfied with the response the (position) is to inform the complainant that they can make a formal complaint in writing or through the Complaints Form

Level 2: Formal Complaints – Written

Formal complaints must be lodged in writing addressed to the General Manager

Complainants will be given a copy of SEARMS's Complaints form. SEARMS will answer any question they may have about the process and will advise them where they can get help.

Stage 1

All written complaints will be considered by the General Manager. If the complaint is about a senior member of staff, it is to be referred to the General Manager. Complaints about the General Manager will be directed to the Board.

The Housing Manager will determine whether the matter is a complaint or an appeal or a breach of the Residential Tenancies Act.

Matters relating to a breach of the Residential Tenancies Act will be referred directly to either the Housing Services Manager or the Asset Manager.

The (position) will:

- Record the complaint
- Acknowledge the receipt of the complaint in writing within 7 days of receiving the complaint.

The General Manager or their delegate will:

- Investigate and determine what action SEARMS will take.
- Advise the complainant, in writing within 28 days of what action SEARMS has or will take

Stage 2

If the person making the complaint is not satisfied with the outcome, they can refer the complaint to the Board of Management.

The SEARMS Board will appoint one member to review the complaint and make a recommendation to the Board. They will:

- Record the complaint
- Acknowledge the receipt of the complaint in writing within 7 days of receiving the complaint (General Manager)
- Investigate determine what action SEARMS will take
- Advise the complainant, in writing within 28 days of what action SEARMS has or will take

External Assistance

There are other options to lodge complaints in relation to tenancy management related issues with SEARMS, these include:

- Aboriginal Tenancy Advocacy Service
- The Aboriginal Housing Office, Sydney
- NSW Civil and Administrative Tribunal (NCAT)
- Tenancy Ombudsman, NSW

All clients are encouraged and invited to first attempt to have their issues of complaint resolved by SEARMS before accessing the external process.

2. Conflict of interest

Any SEARMS employee or Board member who may directly or indirectly be involved in this complaint must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

3. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



3.10 Appeals Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 2 September 2018

Review date: Every 2 years

1. Purpose

The Appeals policy sets out which SEARMS decisions are appealable and outlines how SEARMS will handle a request for a decision to be reviewed.

Its purpose is to:

- give applicants and tenants the right to appeal
- make it easy for applicants and tenants to exercise that right
- help SEARMS review what is and isn't working well within our organisation

2. Policy

An appeal is a request to have a decision reviewed by a higher level or tribunal. An appeal can be lodged by a tenant or applicant if they are unhappy with a decision made by SEARMS that affects their entitlement to a housing product or service

The Appeals policy outlines how SEARMS will effectively:

- register, investigate, resolve and record appeals
- ensure applicant and tenant rights, and
- enable applicant and tenant views to influence how we deliver our housing services

The sorts of decisions that can be appealed are:

Applicants

- eligibility for housing; including proof of Aboriginality;
- housing allocation assessment;
- offers of property

Tenants

- rent subsidy assessment;
- application for rehousing;
- absence from a dwelling;
- water usage or other tenant charges (where not covered by NCAT decision)

Applicants and tenants can appeal because they believe the decision SEARMS made:

- Was inconsistent with SEARMS's Policies and Procedures
- Did not consider all the relevant information before making the decision
- Was influenced by information irrelevant to the matter under consideration
- Did not deal with the client fairly, taking account of the particular circumstances

SEARMS welcomes appeals as they are seen as an important transparency mechanism for future planning and continued service improvement strategies.

3. General Principles

SEARMS will ensure where it makes a decision about an entitlement or a service that it will include information on the right to appeal in its verbal and written communication with applicants and tenants.

What the appellant can expect from the process

- Applicants and tenants are fully informed of their rights and responsibilities, and have realistic expectations of what the service can provide;
- Any request for information about the service, or any concern or objection about rules, practices or tenancy conditions expressed by clients will be responded to promptly and appropriately with the intention of firstly clarifying rules, rights, responsibilities or services provided
- Applicants and tenants can appeal decisions without fear of recrimination.
- SEARMS informs applicants and tenants about our appeals policy through pamphlets, newsletters and verbally
- Applicants and tenants can involve their own advocate or support person at any point in the appeals procedure.

Our procedure states who is responsible for dealing and processing appeals, how long it takes and how it is recorded

If an applicant believes that SEARMS has made an unfair or unreasonable decision they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed internally by the Operations Manager , then if applicant is still dissatisfied then the matter should be reviewed by the CEO. If matter remains outstanding the matter should be escalated to the Board for review.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

You can also approach Murra Mia Aboriginal Tenancy and Advocacy Services and the Housing Appeals Commission (HAC) for advice and support.

If the person appealing is dissatisfied with the outcome of SEARMS Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC) at www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

4. Conflicts of Interest

Any SEARMS employee or Board member involved in decision being reviewed will be withdrawn from the review process and declare a conflict of interest.

A **Declaration of Interest Form** must be completed and signed by the employee and Board member and placed on file.

5. Confidentiality and Privacy

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.

Applicants and tenants will be notified that information about persons included in the application can be exchanged with the AHO. This is likely to occur in instances where consent has been provided to another social housing provider and for the purposes of assessing their application.

6. Responsibility

Housing Officer	to review the decision and make recommendation to the Operations Manager
Finance Manager	to maintain the appeals register, provide quarterly report to CEO
Operations Manager	to make final decision on all internal appeals and report to the CEO
CEO	to approve decision and report to the Board

7. References

Legislation	Residential Tenancies Act 2010 Privacy Act 1988
Related policy	National Registration System for Community Housing Requirements
	Complaints Policy

Appeals Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 2 Sept 2018

Review date: Every 2 years

1. Procedures

An appeal is a request to have a decision reviewed by a higher level or tribunal. An appeal can be lodged by a tenant or applicant if they are unhappy with a decision made by SEARMS that affects their entitlement to a housing product or service.

There are two levels of appeal available to SEARMS clients.

Level 1 - Internal Appeal

Applicants and tenants have the right to request that SEARMS reviews decisions with which they disagree or believe unfair. SEARMS will review the merits of the decision within the policy of the organisation and taking account of procedural fairness and the circumstances of each case.

Level 2 - External Appeal

Our appeals procedure includes recourse to an independent "external level" to ensure the basic social justice principle of a fair and independent hearing. The external appeals process is managed through the Housing Appeals Committee (HAC). Applicants and tenants can appeal to the HAC only after they have used SEARMS's internal appeal process.

Appealable Decisions

Applicants and tenants can appeal about the following SEARMS decisions.

Applicants	Appealable Decision
Waiting List	Eligibly for waiting list
	Date or backdating of eligibility
Housing Entitlements	Size of dwelling
	Locational need
	Modification or special needs for dwelling
Minors	Eligibility of minor to be granted a tenancy
Offer of Property	Whether offer is considered reasonable
	Removal from waiting list for refusing offer
Recognition of Tenancy	Eligibility to be granted recognition
	Housing entitlement if granted recognition

Tenants	Appealable Decision
Transfers	Eligibility for transfer
	Eligibility for priority transfer
	Housing entitlement if eligible (see above)
	Whether offer is considered reasonable
	Relocation for tenant management purposes
Rent Assessment	Calculations, changes, cancellation and date of commencement of new assessment
Absence from dwelling	Permission to be absent and rent changed
Modification of property	Need for modification for disability/medical reasons
Additional occupants	Approval of additional occupants

What are not Appealable decisions

- Housing Provider policies
- Matters which are the responsibility of other tribunals e.g. NCAT
- Complaints about a way a service is delivered – see Complaints Policy
- Decisions not directly related to the applicant, tenant or household

Applicants and tenants can appeal because they believe the decision SEARMS made:

- Was inconsistent with SEARMS's Policies and Procedures
- Did not consider all the relevant information before making the decision
- Was influenced by information irrelevant to the matter under consideration
- Did not deal with the client fairly, taking account of the particular circumstances

If the applicant or tenant is simply not sure of the decision or wants a clarification of why the decision was made, they may in the first instance request an explanation from the original decision maker. If they remain unhappy with the reasons given, they may then proceed to lodging an internal appeal.

Appeals Register and monitoring

The Housing Manager will be responsible for maintaining the Appeals Register and monitoring progress in reviewing the decision. Any correspondence regarding the appeal will be kept with the tenant/or applicant file. A copy will be kept in the appeals file. The person concerned can see their file on request.

Level 1: Internal Appeal

If the appellant is dissatisfied with the original decision made by SEARMS they have the right to request that the decision is reviewed by the Senior Management Team (General Manager and Managers). The General Manager will review any appeals about a decision made by the Housing Officers, Asset Manager, Housing Manager or Finance and Corporate Services Manager.

The appellant will be given a copy of SEARMS's of How to Make a Complaint and Appeal Factsheet. The appeal should be lodged in writing, using a SEARMS Appeal form, or by writing a letter. If the appellant has difficulty with the English language, they may access the TIS services on 13 14 50 and request an appeal verbally by contacting SEARMS.

The Corporate Services Officer will:

- Register the Appeal
- Acknowledge the receipt of the appeal in writing within 7 days of receiving the appellants written appeal

The Senior Management Team will:

- Offer the appellant an interview to ensure the principles of natural justice.
- Following the interview, the staff member will consider whether a different decision is warranted and will make a recommendation which is escalated to SEARMS's General Manager.

The General Manager is responsible for the final decision on all internal appeals.

- The appellant will be notified in writing of the outcome of their appeal within 28 days.

Level 2: External Appeal (Housing Appeals Committee)

If the appellant is dissatisfied with the outcome of the Internal Appeal process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

Any recommendations received from the HAC will be forwarded to the Chief Executive Officer who will then present the case to the Board for the final decision. The Chief Executive Officer will then advise the HAC of their final decision as per the HAC protocol.

Time frames and limits

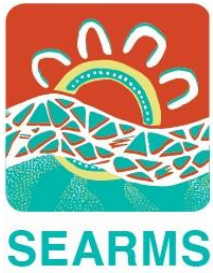
An appeal can be lodged by a client within a three months' timeframe of any decision made. There are exceptions, and these will be assessed individually via Management discretion based on the merits and circumstances of the case.

An outcome of an internal appeal can be expected within 28 days of the date of lodgement. This timeframe may increase due to unforeseen circumstances and the clients request to delay the process in some instances.

2. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Section 4. Asset Management



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- 4.2 Modifications Policy
- 4.3 Condition and Asset Inspections Policy
- 4.4 Managing Tenant Damage Policy
- 3.5 Contractor Engagement Policy



4.1 Asset Maintenance Policy

Version Number: 02 2018

Approved by: CEO

Approval date: 2 Sept 2018

Review date: Every 2 years

1. Purpose

To deliver a reliable and good asset maintenance service to provide a safe environment for tenants, maintain the value of its housing portfolio and ensuring SEARMS remains a viable and sustainable organisation.

2. Policy

SEARMS recognises that housing infrastructure will deteriorate over time. Maintenance is the work that is carried out to prevent prolong this deterioration and to retain the property in a specific condition. Without maintenance, properties will become progressively unsafe and unreliable and backlog works will begin to accrue causing unnecessary financial repercussions.

SEARMS aims to maintain all properties in a reasonable state of repair having regard to the age of the property, its prospective life cycle and availability of funds. The Residential Tenancies Act prescribes that residential premises are maintained in a reasonable state of repair, having regard to the age of, rent payable for, and prospective life of the premises [S63 (1)]

When undertaking maintenance, SEARMS will take steps to ensure the health, safety and wellbeing of tenants, staff and contractors. To achieve this SEARMS will maintain a record in our tenant and property database of identified risks eg. asbestos.

In addition, the SEARMS has responsibilities to ensure it always exercises appropriate decisions to ensure its asset management practices are secure and sound and based on solid business principles. SEARMS will ensure, as part of its budgeting process, that sufficient funds are available to allow for the achievement of agreed responsive maintenance works, and that there is fair and equitable expenditure across the property portfolio. This will also include sound financial planning and management processes and a planned approach to cyclical maintenance.

Maintenance can be either Planned or Responsive.

Planned – is work that can be anticipated in advance and can be scheduled to be carried out when it's needed. Example include:

- Painting
- Carpet Replacement
- Replacement of gutters and downpipes
- Replacement of stove

- Fencing replacement
- Bathroom or kitchen refurbishment or replacement
- Inspecting smoke alarms and pest inspections

SEARMS will ensure it has a well-developed Asset Management Plan that will be reviewed annually. The Asset Management Plan will enable SEARMS to budget for future maintenance to obtain best value for money and provide sufficient notice for tenants and contractors.

Responsive repairs can be divided into three categories. See to provide list of repairs categories and definitions

Urgent response maintenance – of these are items considered as life threatening. They include:

- sewerage blockage
- roof leak, gas leak
- electrical fault
- flooding or flood damage
- fire damage
- failure or breakdown of essential services on the premises for hot water, cooking, heating, cooling or laundering, failure or breakdown of gas, electricity or water supply to the premises (unless this is caused by interruption to supply by the authority) and
- any other fault or damage which causes the premises to be unsafe or insecure

Emergency maintenance - occurs when the urgent response must take place immediately. Tenants are able to seek assistance from qualified tradespeople to make the property safe without waiting for a quote. For example:

- Where elderly tenants or tenants with disabilities with broken handrails or wheel chair ramps require emergency response;
- If security is a problem, such as broken or vandalised locks or window fastenings are broken.
- If safety is a problem, such as a faulty power point or exposed wires

Routine maintenance – consists of repairs that are generally outside the previous two categories and do not seriously affect the wellbeing of a tenant but are considered as a necessity to the general wellbeing of the tenant and the upkeep of the property.

In these instances, SEARMS will budget and allocate sufficient funds to carry out these responsive maintenance requirements.

For any property that is under a contractual arrangement for management, SEARMS will do its best to negotiate with the owner of the property to manage all necessary works. If the repair is emergency or urgent and we consider the delay from the landlord to be inappropriate we may undertake the work and claim compensation from the landlord as per the Residential Tenancies Act, if not stipulated within the contractual agreement. For Board and Kim to make decision

3. General principles

SEARMS will follow these principles in maintaining property conditions.

- I. To provide a maintenance service that is efficient, effective, reliable and timely
- II. To provide tenants with homes that are clean, safe and habitable.
- III. To adequately budget for planned and responsive maintenance
- IV. Ensure appropriate systems are in place to prioritise maintenance works
- V. Ensure tenants understand their rights and responsibilities in relation to maintenance, how and when it will be done.
- VI. Ensure all relevant policies and forms are widely accessible to tenants
- VII. Ensure that all standards are met according to the RTA, AHO policies where appropriate, SEARMS policies and other legislative requirements
- VIII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, client organisation policies and relevant legislation

4. Responsibility

Housing Officers	Identify maintenance items via requests from tenants, Client Organisations and tenancy inspections.
Asset Officer	Review and approve applications for maintenance works. Raising works orders, Monitor and manage consistent application of policy for Responsive / Planned Maintenance. Manage the asset budget
Operations Manager	Monitor and review maintenance budget and report to CEO/Board

References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Aboriginal Housing Act 1998
	NSW Housing Act
	Aboriginal Land Rights Act 1983
	AHO Management Agreements
	Participating ICHO Management Agreements
	National Registration System for Community Housing Registration and Compliance

Related policy	AHO Housing Services Guidelines
	Building Codes of Australia

Asset Maintenance Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 2 Sept 2018

Review date: Every 2 years

1. Procedures

1.1 Maintenance Categories

The following table outlines the target response timeframes for work to be undertaken. A copy of this table will be given to tenants in the Tenancy Handbook pack.

Maintenance Categories	Definition	Example	Target Response Time
Urgent Repairs (R1)	Life threatening to the immediate wellbeing and safety of the tenant	<ul style="list-style-type: none"> • Dangerous electrical fault • Serious storm or fire damage • A burst water service • Flooding • Gas leak 	Immediately (within 24 hours)
Urgent Repairs (R2)	Non life threatening – Any fault or damage that poses an immediate health or safety risk to the tenant	<ul style="list-style-type: none"> • A failure or breakdown of gas, electricity or water supply • A failure or breakdown of essential services for hotwater, cooking, heating or laundering • Blocked or broken toilet system • Broken glass • Serious roof leak 	Immediately (within 24 hours)
Emergency Repairs (R3)	Non-life threatening – Any fault or damage that poses a health or safety risk to the tenant or possible damage to property Such as for elderly, disabled or tenants with children	<ul style="list-style-type: none"> • Broken handrails • Broken windows or locks • Leaking wet areas • Continuous running of water in toilet or other wet areas 	Immediate (within 24 – 48 hours)
Non-urgent Repairs (R4)	When damage does not pose an immediate health or safety risk to the tenant	Broken lights Leaking tap	Within 14 days

Routine Repairs (R5)	When repairs or damage that does not prevent the regular use of the property	Broken sash cord Internal doors that won't close Damaged fly screens Minor damage Broken internal door handles	Within 28 days
Planned (P1)	Repairs or upgrades as per Asset Maintenance Schedule		Annually
Modifications (M1)	When tenants need change due to illness or disability	Handrails Renovations Ramps	Case by Case basis

1.2 Notification of works and access to property

If possible, for any urgent repairs the tenant is to contact the Housing Officer and/or Asset Manager immediately.

In the event where a tenant is unable to contact the Housing Officer and/or Asset Manager the tenant must contact the appropriate contractor, on the Contractor List and organise works up to the value of \$1,000.

The tenant is required to provide the supplied invoice from the contractor and provide to the SEARMS within 2 working days. If a tenant is required to cover any charges an invoice must be received and provided to the Asset Manager within 2 working days. Reimbursement will be paid to the tenant through direct debit within 14 days.

For any responsive or scheduled maintenance works, SEARMS will provide the tenant with a minimum of seven days written notice.

Tenants are required to provide necessary access to the properties to enable any maintenance works to be carried out. If the tenants do not cooperate with the SEARMS may take further action through NCAT.

1.3 Undertaking Maintenance Works

The tenant will contact the Housing Officer and/or Asset Manager and provide details of the maintenance work required. The Housing Officer and/or Asset Manager will record this information on a Maintenance Request Form. *See Maintenance Request Form.*

The Asset Manager will determine if the request for works is urgent, emergency urgent, responsive or planned using the table.

The Asset Manager will contact the relevant tradesperson and coordinate the works and liaise with the tenant to schedule

1.4 Prioritising work

All urgent repairs will receive first priority over any other maintenance request to ensure the safety of the tenants.

All other responsive and planned maintenance will be undertaken in accordance to the Asset Maintenance Schedule.

All modification requests will be managed under the Modifications Policy.

1.5 Maintenance ordering and expenditure

All maintenance work orders will be issued by SEARMS in writing and will include:

- specific nature of required works;
- premises access arrangements;
- date for completion of works;
- name of tenant to acknowledge completion of works;
- authorising signature Asset Manager

All maintenance work orders issued by SEARMS will be authorised in accordance with the approved Schedule of Delegations and each must be signed by the Asset Manager

2. Right to Appeal

If a tenant believes that SEARMS has made an unfair or unreasonable decision, they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3. Conflict of interest

Any SEARMS employee or Board member involved in approving maintenance requests or must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

4. Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Appendix**SAMPLE MAINTENANCE REQUEST FORM**

Name: _____					
Address: _____					
Suburb: _____					
Home No:	_____	Mobile No:	_____	Work No:	_____
Date: ____/____/____					
Property ID: (in the case of managed properties)					

Please select which category applies:

- | | |
|-----------------------|--------------------------|
| 1. Urgent (R1) | <input type="checkbox"/> |
| 2. Urgent (R2) | <input type="checkbox"/> |
| 3. Emergency (R3) | <input type="checkbox"/> |
| 4. Non-urgent (R4) | <input type="checkbox"/> |
| 5. Routine (R5) | <input type="checkbox"/> |
| 6. Planned (P1) | <input type="checkbox"/> |
| 7. Modifications (M1) | <input type="checkbox"/> |

Description of repair(s)

Completed by: _____ Date: _____

Asset Manager Approval: _____ Date: _____



4.2 Modifications Policy

Version Number: 02 2018

Approved by: SEARMS Board

Approval date:

Review date:

1. Purpose

The purpose of this policy is to provide a framework for managing requests from tenants to carry out modifications to properties to meet a tenants' changing needs.

2. Policy

SEARMS understands that tenant's property needs can change due to reasons of ill-health or disability. Where possible and reasonable, SEARMS will support a request for a tenant's existing property to meet changed needs or circumstances brought about by ill-health or disability.

Modifications can improve quality of life and may give the tenant the option of staying in their current property rather than moving elsewhere i.e. moving into a nursing home or transferring to another property.

Applicants, tenants or household members with an identified need are usually tenants or household members who:

- are elderly
- have a disability or medical issue

Minor modifications are non-structural changes such as:

- Adding grip rails
- Installing a hand-held shower set, and
- Changing to lever style taps.

Major modifications are structural changes such as:

- Widening door ways
- Providing ramp access, and
- Modifying kitchen, bathroom and laundry

All requests for property modifications will be based on an independent assessment from an Occupational Therapist.

Modifications will be managed in a planned way and within available resources.

If it is not economically viable for the property to be modified, tenants may be transferred to another dwelling. See the policy on Transfers.

3. General principles

SEARMS will adhere to the following principles

- IX. To assist tenants to remain in their current property where possible.
- X. Encourage tenants with a disability to advise of their current and changing needs and to their Aged Care or NDIS provider
- XI. To support their Support Provider to obtain funding to meet the requirements of applicants with disabilities/special needs.
- XII. To modify properties to suit people with disabilities/special needs if it is economically viable to do so, with the permission of the property owners if managed.
- XIII. Encourage and facilitate SEARMS tenants to access external funding including Aged Care and NDIS packages.
- XIV. Ensure tenants understand their rights and process to appeal any decision
- XV. Ensure all relevant policies and forms are widely accessible to tenants
- XVI. Ensure that all standards are met according to relevant policies and other legislation.
- XVII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officers	Refer modification requests to Asset Officer
Asset Officer	Manage approved/funded applications for minor modifications
	Monitor and manage consistent application of the policy
	Manage the asset budget
Operations Manager	Monitor and review major modifications and report to Board

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Housing Act
	Disability and Discrimination Act
Related policy	

Modifications Procedural Guidelines

Version Number: 02 0218

Reviewed by: Operations Manager

Approved by: CEO

Endorsed date: 2 September 2018

Review date: Every 2 years

1. Procedures

1.1 Reviewing modification request

Modifications will be in response to a tenant's need.

Tenants MUST use their Aged Care or NDIS provider to obtain funds for any medication request.

An Occupational Therapist will need to visit the tenant's property and to provide a report. Where SEARMS considers the modifications are not major a medical certificate or written recommendation from a doctor or other health care professional may be sufficient.

We will review the therapist's recommendations report, certificate or written recommendation forward all requests to the owner organisation for information/consideration.

However tenant and support providers should be made aware that it is up to them to access modification funds/capital.

1.2 Minor Works

Minor modifications involve non-structural changes. For example:

- adding grip rails
- installing a hand-held shower set, and
- changing to lever style taps.

If only minor modifications are required, requests will be reviewed and approved by the Asset Manager.

All works will be co-ordinated and monitored by the Asset Officer

1.3 Major Works

Major modifications involve structural changes, for example:

- widening door ways
- providing ramp access, and
- modifying the kitchen, bathroom or laundry

If major modifications are needed, an OT is required.

If modifications to the property are funded by support providers/tenant package, SEARMS can organize for the work to be done. Factors that will be considered will be:

- long term value of the property
- costs of alternative approaches
- cost/benefit of relocating the tenant
- competing priorities for funds.

We will make sure the modifications are to OT report and building codes by using qualified trades.

If the modifications are not economically viable SEARMS will make all attempts to access external funding through partners such as Healthy Homes. If external funding is not available, SEARMS will make all attempts to transfer the tenant to another property that has the required features or is suitable for modification.

If no suitable housing is available through the SEARMS housing portfolio, a request will be made to other community housing providers within the region through Housing Pathways to transfer the tenant to a more suitable property.

1.4 Future use of modified asset

Once a dwelling has been modified, it is normally only made available to future tenants with disabilities. If the person with a disability moves out, we may relocate the other occupants. This makes the modified dwelling available to another person with a similar disability. See the policy on Relocating Tenants for Management Purposes for more information.

1.5 Asset Management

Any modifications made to SEARMS properties or managed properties will be recorded in the Asset Management Plan and Asset Maintenance Schedule by the Operations manager.

Modification details will be placed on the tenant's file for record by the Housing Officer

1.6 Relocating Tenants for Management Purposes

Tenants who are relocated for management purposes will have their needs and property requirements assessed before they move. Tenants who believe that they require a dwelling that is modified due to a disability or medical condition will need to demonstrate and substantiate their need (such as through an Occupational Therapist's report). SEARMS will try to match them to a suitably modified property or undertake the necessary modifications. For more information see the policy Relocating Tenants Policy.

2. Right to Appeal

As decisions are made on whether tenant and/or support providers can access capital funds to carry out required works, there is no right to appeal.

3. Conflict of interest

Any SEARMS employee or Board member involved in approving requests for modifications must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

4 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



4.3 Condition and Asset Inspections

Version Number:

Approved by: SEARMS Board

Approval date:

Review date:

1. Purpose

This policy outlines the types and frequency of inspections undertaken by SEARMS

2. Policy

SEARMS recognises that if houses are continued to meet tenant needs and be safe, and to be in good condition and keep their value, then it must apply good asset management practices.

This can only be achieved through regular inspections of all properties managed by SEARMS to ensure that they are being maintained to an appropriate standard.

Property Inspections must be conducted on each property at least twice a year. These inspections enable SEARMS to assess the conditions of the property and to determine if any repairs are required.

Asset Inspections must be conducted on each property annually. These focus on the condition of housing items listed for planned maintenance and include the structural condition. SEARMS will record all attributes of the property and provide these details to the property owner to ensure asset management is a holistic approach.

The use of inspections also ensures that SEARMS complies with its responsibilities as a landlord under the Residential Tenancies Act 2010 and also its contractual arrangements with AHO and the National Regulatory System for Community Housing (NRSCH).

3. General principles

SEARMS will adhere to the following principles

- I. Ensure regular property and asset inspections are carried out to maintain property standards
- II. Ensure sufficient funds are allocated for long term upgrades
- III. Ensure staff are trained in conducting inspections
- IV. Ensure tenants understand their rights and process to appeal any decision
- V. Ensure all relevant policies and forms are widely accessible to tenants
- VI. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officers	Ability to carry out property inspections
Asset Officer	Ensure staff are able to carry out property audits
Operations Manager	Monitor and manage consistent application of the policy
	Manage the asset budget
	Ensure all staff are adequately trained

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Housing Act
Related policy	Asset Management Plan
	Asset Maintenance Schedule

Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Procedures

Property inspections

The Housing Officer will conduct property inspections at the beginning and ending of every tenancy.

Property inspections are required to ensure the tenant is maintaining the property in good order and neat and tidy. Regular property inspections will be undertaken during a tenancy every 6 months.

Tenants will be provided with seven (7) days written notice of Property inspections.

Asset maintenance inspections

Asset management inspections will be conducted once a year to update the Asset Management Schedule.

The Asset Manager will conduct asset maintenance inspections on an annual basis to update the Asset Maintenance Schedule and conduct necessary health and safety checks such as the checking of smoke alarms and pest inspections.

Asset maintenance inspections are necessary to minimize stock deterioration and retain a house in, or restore it to, an agreed condition. And protects the property in ensuring it continues to service for the intended life span.

Tenants will be provided with seven (7) days written notice of Asset Maintenance inspections.

Contractor Inspections

SEARMS will also conduct regular inspections of work performed by contractors to ensure that work is being performed to a satisfactory standard. This may include inspecting work performed or calling tenants to discuss the work performed and service provided.

2 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



4.4 Managing Tenant Damage Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Purpose

The intent of this policy is to identify tenants' liability for damage to a property

2. Policy

SEARMS will ensure that tenants are provided at all times with properties that are in good condition and maintain that condition throughout the life of the tenancy. Tenants are expected to take good care of their properties and to take responsibility for property damage other than that caused by fair wear and tear or the criminal activity of a third party.

Tenant damage is not just intentional damage – it also includes damage caused by accident or through carelessness. SEARMS may charge tenants for repairing damage to a property or undertaking services that the tenant is responsible for.

Damage to premises that is the tenant's responsibility includes:

- Damage that is intentional
- Failure to take care to prevent damage (neglect)
- Failure to keep the property in a reasonable clean condition
- Failure to restore the property to the condition at the start of the tenancy
- Intentional damage or neglect leading to damage caused by any household member, pets or visitors who enters the property with or without the tenant's permission.

Tenant damage is also a financial risk to SEARMS in relation to its organisational budgeting, which may impact its ability remain viable and sustainable, to meet the AHO and NRSCH compliance requirements and other legislative requirements.

Under the Residential Tenancies Act 2010 the SEARMS is responsible for:

- Keeping the property in a reasonable state of repair

The tenant is responsible for:

- The cost of repairs to rectify intentional damage or neglect that is caused by the tenant or a member of the tenant's household or a visitor who enters the premises with the tenant's permission
- Leaving the property in the same condition at the end of the tenancy as it was at the commencement of the tenancy except for fair wear and tear

Tenants can expect SEARMS to:

- Abide by the terms and conditions of the Residential Tenancy Agreement and requirements of the Residential Tenancy Act
- Collect and record information about the type and extent of damage to premises and the circumstances under which the damage may have occurred
- To provide the tenant with written notice when it's considered the tenant is responsible for tenant charges and is claiming reimbursement
- Review the decision to charge a tenant if they dispute liability, in which we will then either:
 - Cancel or amend the tenant charges and advise the tenant in writing; or
 - Take cost recovery action before NSW Civil and Administrative Tribunal (NCAT)
- Carry out a final inspection in the tenant's presence (where possible) when the tenant has vacated the premises and to complete an end of tenancy condition report and to hand the keys back
- Not charge tenants for damage that occurs after the tenant provides vacant possession of the premises

SEARMS expects tenants to:

- Abide by the terms and conditions of the Residential Tenancy Agreement and requirements of the Residential Tenancy Act
- Report to the NSW Police any damage that has resulted from criminal activity, such as break and enter, vandalism or domestic violence

3. General principles

SEARMS will adhere to the following principles:

- I. Charge tenants in accordance with tenant's responsibilities as per the Residential Tenancies Act 2010
- II. Only charge a tenant if they have accepted liability or there is sufficient evidence of the tenant's responsibility for the costs
- III. Ensure tenants understand their rights and process to accept or dispute and liability and appeal any decision
- IV. Ensure all relevant policies and forms are widely accessible to tenants
- V. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VI. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Housing Officers	Effectively manage
Operations Manager	Monitor and manage consistent application of the policy
CEO	Monitor and review and report to Board

5. References

Legislation	Residential Tenancies Act 2010
	NSW Civil and Administrative Tribunal (NCAT)
	Housing Act
Related policy	Abandon Premises Policy

Managing Tenant Damage Procedural Guidelines

Version Number: 02 2018

Reviewed by: Operations Manager

Approved by: CEO

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Procedures

1.1 Types of tenant damage

Tenant damages may include, but are not limited to, the following types of repairs;

- Broken windows
- Punctured internal cabinet doors and walls
- Burns or other damage to carpets that cannot be considered fair wear and tear
- Broken and damaged clotheslines and hoists
- Broken locks
- Damaged door and security screens
- Damage to toilets and basins
- Sewer chokes caused by items flushed down the toilet, such as sanitary pads, nappies or toys
- Costs for end of tenancy repairs and services such as cleaning and rubbish removal
- Organising one off property cleans (e.g. skip bins or a cleaner).

1.2 Determining responsibility

Damage to the premises that is the tenant's responsibility includes:

- Damage that is intentional
- Failure to take care to prevent damage (neglect)
- Failure to keep the premises in a reasonably clean condition
- Failure to restore the premises to the condition at the start of the tenancy, after allowing for fair wear and tear
- Intentional damage, or neglect leading to damage, that is caused by any member of the household, pets or any visitor who enters the premises with the tenant's permission.

To determine who is responsible for the cost of repairing damage to the property SEARMS will:

- Take into account the type of damage and any information concerning liability the tenant provides when reporting the damage
- Inspect the property, document and photograph the damage where possible
- Discuss the items of damage with the tenant and record information the tenant or a third party gives SEARMS about the possible cause of the damage

- Take into account the condition of the premises at the beginning of the tenancy, as stated in the condition report and any evidence of work undertaken on the property at the start or during the tenancy
- Take into account damage due to fair wear and tear
- Take into account damage due to an emergency situation where there was a good cause to believe that the tenant's safety, health or well-being was at risk
- Consider whether ill health or inability to maintain the premises has contributed to the damage. In these circumstances the tenant is required to provide evidence.
- Consider whether the damage is a result of a criminal activity such as:
 - Domestic violence
 - Other criminal activity such as break and enter or vandalism

In the circumstances of criminal activity, the tenant will not be charged if:

- The tenant provides sufficient evidence that the damage was caused by criminal activity and that they have reported the matter to the NSW police. Evidence may include witness/victim statement, police report, or a police event number and statutory declaration outlining how the damage was caused; and
- The damage is reported to SEARMS and evidence is provided within 14 days of the damage occurring **Note:** A Police event number on its own will not be accepted as sufficient evidence of criminal activity.

Whether or not repairs are a result of tenant damage, the Housing Officer and/or Asset Manager will organise an inspection of the property, unless the tenant has already arranged for a tradesperson to inspect the damage and SEARMS is provided with a tradespersons report.

The Housing Officer and/or Asset Manager will co-ordinate a tradesperson to provide a quote to repair works.

1.3 Repayment agreements

SEARMS will develop and apply fair and consistent business rules in relation to repayment agreements for tenant charges (refer to debt recovery payment plan). These will ensure:

- Tenants' financial situation is taken into account
- Recovery of outstanding tenant charges occurs in a reasonable time period.

Tenants will be requested to enter into a repayment plan for any damage caused by themselves, other household members, visitors or pets.

Tenants who do not comply with the repayment plan will cause SEARMS to take action through the NCAT.

1.4 Repeat or serious incidents of tenant damage

Where SEARMS has sufficient evidence of repeat or serious incidents of damage that the tenant is responsible for, SEARMS may take action before NCAT to obtain a specific performance order for damage repayments.

Evidence that can be considered are:

- Housing officer file notes of tenant visits
- Job request forms
- Asset maintenance reports

In some circumstances, SEARMS may take action to end the tenancy where the damage is significant and ongoing.

2. Right to Appeal

If a tenant believes that SEARMS has made an unfair or unreasonable decision, they should ask for a formal review. To do this, the applicant needs to complete an Appeals Form stating why they disagree with the decision.

All appeals applications will be initially assessed by the General Manager/CEO .

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days. The Complaints and Appeals policy and Appeal Form are available from SEARMS office and can also be downloaded from our website (website address)

SEARMS will also provide additional support services contacts for the (name) Aboriginal Advocacy Tenancy Services and Housing Appeals Commission (HAC).

If the person appealing is dissatisfied with the outcome of the Internal Appeal Process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). SEARMS housing staff will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

For more information on appeals refer to the Appeals Policy

3. Conflict of interest

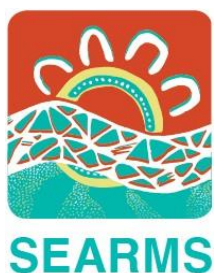
Any SEARMS employee or Board member involved in managing tenant damage must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

4 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy



4.5 Contractor Engagement Policy

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 6 Sept 2018

Review date: Every 2 years

1. Purpose

This policy outlines how SEARMS will manage contractors, including contracting works, how they will work cultural with tenants and the selection of contractors.

2. Policy

The purpose of this policy is to set guidelines to ensure that:

- The selection of licensed contractors is undertaken in a fair and equitable manner.
- Conflicts of interest or pecuniary interest are minimised through clear and transparent procurement processes.
- A list of preferred contractors who will provide consistent and quality service to tenants and their families is maintained and reviewed annually.
- Compliance is maintained with the legal requirements of the Residential Tenancies Act 2010 and other relevant laws, regulations and codes.
- Contractors are working within the appropriate standards and quality of work as per the NSW FACS AHO Standards, Building Code of Australia and other relevant standards and legislation.
- Competitive quotations from contractors for responsive and planned maintenance are obtained to maximise value for money.
- Appropriate systems for ordering and approving responsive and planned maintenance are in place.
- Tenants are given the opportunity to provide feedback on the satisfactory of works carried out.
- There is a system for regularly reviewing contractors on their reliability and the quality and costing of works.

3. General principles

SEARMS will adhere to the following principles:

- I. Select contractors which meet SEARMS housing requirements, with preferences to either Aboriginal contractors or contractors who employ or provide apprenticeships to Aboriginal people
- II. Ensure a transparent and accountable contractor procurement and management practice
- III. Ensure timely and quality delivery of services to our tenants

- IV. Have a clear and transparent system for documenting work required and provide clear written instructions to contractors
- V. Have a framework for assessing and monitoring the performance of contractors including the ability for tenants to make complaints
- VI. Ensure all relevant policies and forms are widely accessible to tenants
- VII. Ensure that all standards are met according to AHO policies, SEARMS policies and other legislative requirements
- VIII. Ensure there are sufficient systems for monitoring compliance with the AHO policies, (name of orgs) policies and relevant legislation

4. Responsibility

Asset Officer	Monitor and review contractors quotes and works
Operations Manager	Monitor and manage consistent application of the policy
	Manage the asset budget
CEO	Monitor and review asset budget and contractors and report to Board

5. References

Legislation	Residential Tenancies Act 2010
	AHO
Related policy	Code of Conduct Contractors
	Asset Management Policy
	Asset Management Plan and Maintenance Schedule
	Delegations Policy and Register

Contractor Engagement Procedural Guidelines

Version Number: 02 2018

Approved by: Operations Manager

Approval date: 6 Sept 2018

Review date: Every 2 years

6. Procedures

6.1 Recruiting Contractors

To ensure SEARMS can meet its needs for maintenance, a pool of contractors is selected based on their repair quality, prices and dealings with tenants and recruited to complete work on an 'as needed' basis.

Where possible, SEARMS will provide employment opportunities to Aboriginal contractors or contractors that employ or provide apprenticeships to Aboriginal people, if they bid for work.

6.2 Contractor Code of Conduct

All contractors, subcontractors and their employees must comply with the Contractor Code of Conduct. The SEARMS Code of Conduct outlines the expectations of the contractors whilst providing a service to our tenants.

A copy of the Code of Conduct will be provided to contractor's as part of the recruitment package and contractors must ensure that it's employees, its subcontractors and the employees of the subcontractors are familiar with the contents of this Code and observe its requirements at all times whilst working in and upon properties managed by SEARMS.

6.3 Selection of Contractors

SEARMS will develop a Contractors Register of approved and preferred tradespeople for a range of services through a selection criteria process.

Depending on the nature of the works required, SEARMS may call for Expressions of Interest from local contractors to be considered for the Contractors Register. The Board will be responsible for approving, reviewing and monitoring the Contractors register.

Contractors must meet the following selection criteria to be considered:

- Is a local Aboriginal business or mainstream business that provides employment or apprenticeships to Aboriginal people;
- Holds a valid licence with the NSW Fair Trading;
- Be competitively priced;
- Be equipped to complete required works; and
- Be reliable (references should be checked wherever possible prior to using tradespeople)

It will be the responsibility of the CEO to confirm the validity of the tradespersons licence. This can be done at <https://www.onegov.nsw.gov.au/LicenceCheck/> or call 13 32 20 to do a free licence check.

The Contractors Register will include the following details:

- Name of the business
- Address of the business
- ABN/ACN number
- Contact person and number of the business
- The licence number and expiry date
- Licenced work details i.e. specialised – electrical, plumbing, general
- Confirmation of details of any insurances held, including workers compensation and public liability insurance
- Date when approved to the register

The Contractors Register will be reviewed by the Board annually based on survey feedback from tenants and other financial factors.

6.4 Choosing a tradesperson

Under the NSW Fair Trading licencing, only a builder or tradesperson who is properly trained and has the relevant experience to do the work may be licensed. Any person who carries out residential building work over \$5,000 in labour and materials without an appropriate licence is breaking the law and could be prosecuted.

Specialist tradespeople who carry out any of the following must be licensed regardless of the cost of the work:

- electrical wiring
- plumbing, draining and gas fitting work
- air conditioning and refrigeration work (except plug-in appliances).

Any potential builder or tradesperson will be asked to provide a copy of their licence as part of the selection criteria. Licensing protects the organisation in:

- dealing with a legitimate business
- ensuring the tradesperson has the right qualifications for the job
- enjoying better consumer protection
- protecting the organisation from unqualified and unlicensed 'handyman' businesses.

By law, all builders and tradespeople must display their licence number on any advertisement for their services.

6.5 Job Requests

The Housing Officer and/or Asset Manager will develop a simple job request and should be in line with the Asset Maintenance Schedule and Asset Management Plan. It can also provide an

opportunity to obtain feedback from the tenant to ensure the requested work was undertaken correctly.

The job request should:

- Identify the property where the work is to be completed
- A contact number and name of the tenant or who will be onsite for access
- Be as specific as possible to the work that needs to be completed
- List the brand names and models of all fittings, tiles, appliances, etc.
- Include everything that has been requested by the tenant or what needs to be done
- Attach design plans, if any
- Indicate if you want the tradesperson to take responsibility for cleaning the site. A good builder or tradesperson will always clean the site but it can be done internally to save money.

6.6 Quotations/Tendering

Where works are estimated to be less than \$1,000, the Asset Manager should obtain a verbal quotation with a written quote to confirm. It will be up to the discretion of the Asset Manager to engage a tradesperson to undertake necessary works.

Where works are estimated to be of greater value than \$1,000 the Asset Manager will be required to obtain three (3) written quotes and provide to the Board for approval. The benefit of receiving at least three written quotes is to:

- Ensure each quote can be compared equally
- Provide each contractor with the same information.

Written quotations should include:

- All work to be done
- All materials to be used; and
- Reflect the necessary specifications and materials are in accordance to AHO Standards

Confidentiality and privacy principles will be observed during the selection process. This includes:

- Non-disclosure to any tenderer of the identity of any other party involved in the tender process.
- No information will be provided to the tenderers of the nature of any other tenders received for the work, particularly the amount tendered.

When preparing the tender documents, the following should be included:

- conditions of tendering
- the content and submission of tenders and the conduct of the tender process;
- general conditions of contract;
- special conditions of contract;
- specifications of the requirements;

- tender forms and schedules.

The Asset Manager should prepare a tender evaluation plan which includes how tenders will be evaluated, the role, composition and functions of the evaluation team and the governance of the evaluation process.

The Asset Manager must confirm the availability of funds and obtain formal approval to release tender documents.

When preparing contracts, it is recommended using the Form of Contract prepared by the Department of Fair Trading for residential building work. There are 3 contract types

- Minor Works Contract - for maintenance and alterations up to \$12,000;
- Renovations Contract - for maintenance and alterations over \$12,000 and up to \$25,000
- Home Building contract - for major alterations and additions which cost more than \$25,000.

Under the contract, the Owner (Principal) must be nominated.

The contractor's insurance should cover, as a minimum:

- Public liability insurance (not less than \$5 million for any single occurrence);
- Employer's liability and workers compensation insurance;
- Home Warranty Insurance for any residential building work where the value of the work is over \$12,000.

The General Manager/Property Manager will manage all tender processes and provide a report with a recommendation to the Board.

6.7 Changing Requirements of Quotations

Changing requirements before the quote is finalised is OK as long as the changes are provided to each person preparing a quote, so they can adjust the final price.

Changing requirements after the contract is signed may cause difficulties and should be fully discussed with the contractor.

6.8 Checking and paying for work

All work of greater value than \$1,000 will be checked by the Asset Manager prior to payment.

Wherever possible, all other work (ie of less value than \$1,000) should be checked by the Asset Manager. Where this is not possible, the tenant will be contacted to ensure that the work has been completed and it appears satisfactory.

Major works will be checked by a suitably qualified building consultant.

All work to vacant properties, regardless of the value of the work, must be checked by the Asset Manager.

Where smaller maintenance works are not being regularly checked and where payment has been made, the Asset Manager will undertake random inspections of 10% of all such paid works each quarter. Such checks will reflect the varied works and tradespeople used during that period.

Contractors should ensure that invoices include the following:

- Work order (WO) number
- Address of the work completed
- Date the job was completed
- Breakdown of material and labour charges
- Detailed description/report about the job and any follow up that is required
- Tenant's signature on the Word Order, or a notation in the signature panel why the tenant's signature is not provided (eg refused to sign, not home)
- Any warranty information should be included on the invoice

Payment of approved works will occur within 14 days of the receipt of invoice.

6.9 Variations to contracts

Variations at any stage to your specifications, unforeseen problems, changes by council, or other causes may affect the final price of the works. For example, there may be rock beneath the surface which needs to be removed. To do this, the builder may need to hire someone to use a jackhammer to break up the rock.

All variations to the contract must be in writing and signed by both parties.

Contract essentials

By law, the chosen builder or tradesperson must provide a written contract if;

- the contract price is over \$5,000 (including GST), or
- the contract price is not known, is for the provision of labour and materials by the contractor the reasonable market cost of which is more than \$5,000 (including GST).
- Jobs worth between \$5,000 and \$20,000 require a 'small job' contract with minimum basic information, while building jobs worth more than \$20,000 must be covered by more extensive written contracts.

6.10 Small jobs contracts

Under the NSW Fair Trading, any residential building work worth between \$5,000 and \$20,000 must be covered by a 'small jobs' contract. The written contract must be dated and signed by, or on behalf of each party. It may specify that work be paid for at regular intervals.

It must contain:

- the parties' names, including the name of the holder of the contractor licence as shown on the contractor licence
- the number of the contractor licence
- a description of the work
- any plans or specifications for the work
- the contract price if known.

- a 'quality of construction' clause that states the work will comply with
 - i) the Building Code of Australia, to the extent required under the Environmental Planning and Assessment Act 1979
 - ii) all other relevant codes, standards and specifications that the work is required to comply with under any law
 - iii) the conditions of any relevant development consent or complying development certificate.
- a clause that states that the contract may limit the liability of the contractor for failure to comply with the above work compliance clause if the failure relates solely to:
 - i) a design or specification prepared by or on behalf of the home owner (but not the contractor) or
 - ii) a design or specification required by the home owner if the contractor has advised the home owner in writing that they go against the 'work compliance clause'.

6.11 Records

For each contractor, SEARMS will maintain records of:

- a complete and signed copy of the prescribed registration and review form (including details as required under section Confirmation of Details above)
- signed agreement and acceptance of the prescribed protocols;
- all payments made to contractors and the details of the works involved;
- copies of all relevant insurances, particularly in relation to expiry dates of such;
- any reviews conducted of contractors work.

6.12 Maintenance Orders

All maintenance work orders will be issued by SEARMS in writing and will include:

- specific nature of required works;
- premises access arrangements;
- date for completion of works;
- authorising signature of relevant staff member.

6.13 Variations to orders

Tradespeople cannot vary the orders given by SEARMS without the approval of the Asset Manager. Any such approval must be noted and authorised on SEARMS copy of the relevant work order.

6.14 Outstanding & overdue orders

SEARMS will regularly review all maintenance work that has not been completed by the due date. Where such is confirmed, the Asset Manager will contact the tradesperson and ascertain the reasons for non-completion and, where necessary, will negotiate an extension of time with the contractor.

6.15 Review

The continued use of tradespeople will be based on an ongoing review of their performance which will consist of an assessment of their capacity to continue to meet the required criteria outlined above.

Feedback from tenants should be sought during any process of reviewing the performance of tradespeople.

SEARMS does not give any tradesperson exclusive right to all work in any one category of maintenance and, whilst will regularly use a tradesperson where they continue to meet the above performance criteria, will from time-to-time use alternative tradespeople.

7. Conflict of interest

Any SEARMS employee or Board member involved in managing tenant damage must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

9 Privacy and Confidentiality

Refer to 1.7 SEARMS Privacy and Confidentiality Policy

Attachment**WORK ORDER REQUEST**

Date: _____

Purchase Order No: _____

Name of Contractor

Name: _____			
Mobile No: _____	_____	Work No: _____	_____

Tenant Details

Name: _____					
Address: _____					
Suburb: _____				Post Code: _____	
Home No: _____	_____	Mobile No: _____	_____	Work No: _____	_____

General description of repair(s)

Work completed

Yes ☐No ☐

Date Completed: ____/____/____

Tenants Signature on completion of repairs: _____

OFFICE USE ONLY Include section for tenant charge yes or no to make sure it gets returned to Housing Officer to charge to account.

Date Received: _____ Staff Name: _____ Signature: _____

Preliminary Decision: Approved/ not Approved

Date: ____/____/____

Comments: _____