

# South Eastern Aboriginal Regional Management Services (SEARMS) Aboriginal Corporation

## Policy Document

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| Location                 | General Manager                                      |
| Policy                   | Rent Management and Arrears Policy                   |
| Version                  | Version 0.2  |
| Issue Date               | 04 November 2016                                     |
| PARS Performance Outcome | 7.1 & 7.2 Efficient and Competitive Management Costs |

### 1. OBJECTIVE

- 1.1. This policy applies to all SEARMS tenancies and provides guidance in relation to rent management and arrears.

### 2. BACKGROUND AND SCOPE

- 2.1. SEARMS promotes and respects the human rights and fundamental freedoms of all persons with a disability and provides a service to tenants in line with the principles of the NSW Disability Inclusion Act 2014, United Nations Convention on the Rights of Persons with Disabilities (CRPD).
- 2.2. SEARMS supports and encourages a person-centred and culturally sensitive approach to service delivery.

2.3. SEARMS promotes and respects the rights and freedoms of Aboriginal and Torres Strait Islander peoples.

2.4. SEARMS manages rent in order to:

- Ensure that tenants comply with their responsibility to pay rent under the terms of their Residential Tenancy Agreement.
- Sustain tenancies and communities and to manage tenancies in a way that maintains a balance between our social and business objectives.

### 3. DEFINITIONS

#### Appeal

Occurs when a service user asks for a decision made by SEARMS to be formally reviewed.

### 4. POLICY DETAIL

#### Rent collection

4.1. Tenants have a legal obligation to pay rent and charges as they become due. If tenants do not make payments, their accounts will fall into arrears. This can result in a breach of their tenancy agreement. SEARMS will manage rents in a way which helps tenants to comply with their responsibilities and not breach their agreement.

4.2. Tenants can pay their rent weekly or fortnightly but at all times it should be paid on time.

4.3. At any time Tenants can obtain support and advice from tenancy advice services.

#### Payment methods

4.4. In accordance with the Residential Tenancies Act 2010 (NSW)), SEARMS will provide at least one free method for tenants to make rent payments.

#### Rent receipting and Rent Statements

4.5. SEARMS is not required to send a receipt for every payment received.

4.6. Rent statements are sent to tenants 4 times a year. A tenant can request an updated rent statement at any time. If a tenant requests a rent statement, SEARMS will provide the statement within 7 days of the request.

4.7. SEARMS will work to identify, investigate and resolve any rent arrears breach and prevent future arrears. To achieve this, SEARMS will:

- maintain weekly check of all rental accounts
- pay particular attention to the accounts of tenants who are deemed at risk of non-payment or who have fallen into arrears in the past

- communicate regularly with tenants to identify financial difficulties and connect tenants with supporting agencies/bodies if required
- be sensitive to the circumstances of each tenant, while reinforcing responsibilities
- maintain confidentiality and privacy at all times
- take appropriate action when rent is in arrears

### **Arrears**

4.8. Arrears can mean rent or rebated rent which is not paid, or rebated rent cancelled because income details are not provided. SEARMS classifies arrears as either minor or actionable.

### **Minor Arrears**

4.9. This means in arrears for less than two weeks. SEARMS will discuss the problem at the earliest possible opportunity and communicate with the tenant in writing to advise them of the arrears and what they need to do to resolve it. To ensure tenant wellbeing, SEARMS may involve a support person or advocacy body in assisting the tenant where appropriate.

### **Actionable Arrears**

4.10. This is where arrears continue, despite earlier attempts to resolve the problem, and a Notice to Terminate the tenancy may be considered. In more serious situations, SEARMS will consider applying to the NSW Civil and Administrative Tribunal (NCAT) or the equivalent for an Order to end the tenancy.

### **Arrears and Debt Collectors**

4.11. SEARMS tenants will always be treated fairly and given adequate time to repay a rent or non-rent debt. A Debt Collector may be used, but only after all other avenues have been exhausted and only for debts in excess of \$2000.00.

4.12. Any decisions or actions made by SEARMS in respect of this policy may be appealed by tenants using our Appeals Policy.

## **5. Related Other Policies**

This policy should be read in conjunction with the following organisational policies:

- Appeals Policy
- Complaints Policy

- Housing and Tenancy Management Policy

## 6. Review

This policy will be reviewed on, at least, a yearly basis.

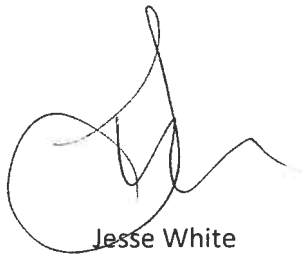
## 7. Policy Review

This Policy will be reviewed *04/11/2017*

## 8. Policy Adoption

This policy was adopted *04/11/2016*

Issuing Authority



Jesse White

General Manger



Tom Slockee

Co-Chairperson

SEARMS Common Seal

