

Allocation and Commencement of a Tenancy

Policy

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1. Purpose

To outline the method by which Social Housing providers enter into social housing leases with clients on the wait list, the requirements for commencement, and the support provided to clients to maintain their tenancy and prevent an exit into homelessness.

2. Scope

The policy applies to eligible applicants on the social housing wait list, who are being considered for social housing.

3. Policy Detail

When matching a social housing premises to an applicant, the social housing landlord must balance the housing needs of the applicant with the type of premises available.

The social housing application process, and social housing wait list is managed by the CEO (Housing). The wait list can be accessed by CEO (Housing) and Community Housing Providers (CHPs) allowing them to access suitable applicants for their vacant social housing premises.

Prior to an offer of housing being made, the social housing provider must contact the applicant to verify:

- continuing need for social housing;
- eligibility;
- entitlement; and
- specific social, medical and physical requirements.

The above information is required to match the housing needs of a household to available premises. The social housing provider will aim to match existing characteristics and amenities of vacant premises to the requirements of household occupants, minimising the need for modifications to the premises.

4. Order of Allocation

4.1. Urban tenancies

Allocations are generally made in this order:

- accelerated applicants, when the application has extenuating circumstances;
- priority wait list applicants;
- medical or social transfers;
- entitlement transfers – when the premises have more or fewer bedrooms than the tenant or occupier needs;
- general wait list.

Applicants on the general wait list are allocated in the order in which they apply.

Applicants who are at the top of the wait list and tenancy ready may not necessarily be offered the next available premises if the vacant property does not meet the needs of the household. Where the location,

number of bedrooms or specific modifications do not meet the household needs, the applicant will remain at the top of the list until a suitable premises is available to offer.

4.2. Remote tenancies

Remote communities and Community Living Area premises are allocated according to need, and with the advice of the relevant Housing Reference Group (HRG). The following needs are taken into account:

- domestic Family and Sexual Violence reduction strategies;
- frail, aged and disability;
- homelessness;
- households with specific medical or physical needs;
- local employment;
- overcrowding; and
- other criteria appropriate to individual communities in consultation with the relevant HRG.

5. Urban Allocations

5.1. Confirmation of eligibility for applicants in urban centres

Before an offer of housing can be made, applicants in urban centres must attend a pre-tenancy interview with the relevant social housing provider. At interview, the social housing provider will:

- reassess the applicant's eligibility; and
- consider the tenancy history involving the applicant, either as a tenant or a recognised occupier.
- An applicant may request to defer the application for a period of 6 months. The social housing provider will consider requests for deferral on a case by case basis.

5.2. Previous tenancy history

An applicant considered for urban social housing must provide two current and verifiable tenancy references from a person or organisation with knowledge of the applicant's previous tenancy history.

Discretion may be exercised by the relevant social housing provider to exempt an applicant from this requirement when:

- the social housing provider is satisfied that the applicant has the necessary skills, or the supports they require, to satisfactorily maintain a social housing tenancy; or
- the household can evidence completion of a life skills or community support program to gain the required tenancy skills; or
- there is an ongoing commitment to supporting the applicant and household to maintain their tenancy by a recognised advocacy or community support provider, with an active case management plan in place prior to allocation; or
- the social housing provider reasonably believes that the applicant is unlikely to engage in antisocial behaviour as defined in Section 28A of the *Housing Act 1982*, and unlikely to create a nuisance or engage in illegal conduct as defined in Division 2, Section 54 of the *Residential Tenancies Act 1999*.

5.3. Offers of Social Housing in Urban areas

Successful applicants for urban social housing premises:

- will receive an offer of a social housing premises that meets their assessed housing need;
- will be provided with an opportunity to inspect the premises on offer;
- have 2 business days after inspecting the premises on offer to inform the social housing provider of their acceptance or otherwise;
- may request deferral of an offer for up to 6 months by providing a sufficient reason, where they are unable to commence a tenancy at the time.

An applicant will have their application for social housing cancelled if they are unable to provide a sufficient reason for declining the offer. When an application is cancelled, no credit for wait time will be provided to the applicant if they reapply for social housing in the future.

If a priority applicant declines an offer without a sufficient reason, their priority application will be cancelled, and automatically placed on the general wait list, which may extend the applicant's wait time for social housing.

6. Urban Tenancy Agreement

The following applies to public housing tenancies only.

All new urban public tenants will be offered a 6 month fixed term probationary tenancy agreement with the CEO (Housing). If they successfully complete the probationary period, their tenancy will convert to a periodic tenancy.

Please refer to the Tenancy Agreements for Public Housing policy for more information.

6.1. Commencement

In urban areas, tenants are required to commence their tenancy within five business days of accepting an offer of accommodation. In remote locations, timings may vary due to travel requirements of social housing staff and other logistics.

Rent is charged weekly on a Monday. At commencement, tenants paid fortnightly are required to maintain their rent at least one week in advance. It is highly encouraged that tenants pay one week's rent, plus any additional days required to align regular rent payments with their pay cycle.

Tenants will not be given keys to the premises until a tenancy agreement has been signed, arrangements for the security deposit (bond) are in place for urban tenancies and required rent in advance has been received.

At the commencement of the tenancy, a Property Condition Report (PCR) is completed in accordance with requirements of the *Residential Tenancies Act 1999*.

If there is reasonable belief that the tenant or recognised occupier may engage in antisocial behaviour, the CEO (Housing) may require the tenant to enter into an Acceptable Behaviour Agreement (ABA) as well as encourage the tenant to engage with appropriate support services.

In coming to a reasonable belief on whether an ABA is warranted, the CEO (Housing) will give consideration to:

- the applicant's history as a tenant or recognised occupier of a social housing premises;
- other matters the CEO (Housing) considers relevant, including the inability of the tenant to provide acceptable references.

If a tenant fails or refuses to enter into an ABA, or seriously or repeatedly breaches the terms of the ABA, the CEO (Housing) may seek to terminate the tenancy under section 99A of the *Residential Tenancies Act 1999*.

Please refer to the Acceptable Behaviour Agreement policy for further information.

7. Security Deposit (Bond)

A security deposit (bond) is money paid by a tenant to their landlord at the start of a tenancy. It is held in trust, in accordance with requirements of the *Residential Tenancies Act 1999*. At the end of a tenancy the bond can be retained to cover costs to the landlord such as damage to the premises and unpaid rent. If there are no relevant issues at the end of a tenancy the landlord must return the security deposit in full to the tenant.

For social housing bond is payable by tenants in urban centres who enter into a tenancy agreement with a social housing provider. The amount of bond payable is determined by the age of the tenant:

- age pensioners are required to pay 4 weeks rebated rent; and
- non-age pensioners are required to pay 2 weeks full rent plus 2 weeks rebated rent.

Tenants who have difficulty paying the full bond at commencement of their tenancy may discuss payment options with their landlord. If approved by the social housing provider, the tenant may be able to pay the bond over an agreed period of time through an Agreement to Pay (ATP), provided this does not result in the household being placed in rental stress. For CEO (Housing) tenants, please refer to the Debt Management policy and Security Deposit policy for further information. For tenants of other social housing providers, please refer to the relevant policies of your social housing provider.

8. Decision-Making (delegation and discretion)

The CEO (Housing) may Delegate a power or function under the *Housing Act 1982* or other Acts.

Delegated officers make decisions in line with the CEO (Housing)'s Housing Delegations and Financial Management Delegations.

A discretionary decision may be made outside the general application of policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in line with the delegations and legislative obligations.

Please refer to the Discretionary Decision Making policy for more information.

9. Complaints and/or Appeals

If a client is not satisfied with either a decision or action of the CEO (Housing), they can access the CEO (Housing)'s complaints and/or appeals processes.

Please refer to the Complaints and Appeals policies for more information.

The CEO (Housing)'s Complaints and Appeals policies relate to CEO (Housing) actions and decisions.

Complaints relating to either a decision or action of other social housing providers, will be referred directly to the relevant social housing provider and managed in line with the specific providers policies. The Department is not responsible for registering or investigating a complaint regarding decisions or actions of other social housing providers.

10. Review of the Policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

11. References

11.1. Legislation

Housing Act 1982

Residential Tenancies Act 1999

11.2. Policies

Acceptable Behaviour Agreement policy

Appeals policy

Complaints policy

Debt Management policy

Designated Complexes policy

Discretionary decision making policy

Eligibility for Social Housing policy

Entitlement policy

Housing Reference Groups policy

Income and Assets policy

Priority Housing policy

Security Deposit policy

Tenancy Agreements for Public Housing policy.

Wait Lists policy