

# Community Housing Tenancy Management Policy

For funded housing providers

Effective Date: 11 September 2020

# Table of Contents

<b>1 Purpose</b> .....	<b>3</b>
<b>2 Policy statement</b> .....	<b>3</b>
<b>2.1 Policy Objectives</b>	<b>3</b>
<b>3 Policy Components</b> .....	<b>4</b>
<b>3.1 Policy Outcomes</b>	<b>4</b>
<b>3.2 Stabilising a tenant’s housing circumstances</b>	<b>4</b>
<b>3.3 Active tenancy management</b>	<b>5</b>
<b>3.4 Reviewing tenancies</b>	<b>5</b>
3.4.1 Reviewing ongoing eligibility	5
3.4.2 Reviewing ongoing housing need	6
3.4.3 Reviewing match to property	6
<b>3.5 Fair absences from your home</b>	<b>7</b>
<b>3.6 Fair expectations of behaviour</b>	<b>8</b>
<b>3.7 Referrals to support services</b>	<b>10</b>
<b>4 Reporting requirements</b> .....	<b>10</b>
<b>Attachment 1: Contacts</b>	<b>11</b>
<b>Attachment 2: Definitions</b>	<b>12</b>
<b>Attachment 3: References</b>	<b>14</b>

## 1 Purpose

Implementation of this policy is a requirement of the Social Housing Program Specifications, and applies to community housing providers whose funding agreement with the department incorporates the Social Housing Program Specifications, or otherwise provides for the application of this policy to the agreement.

Community Housing Tenancy Management includes all the processes, systems and activities required of housing managers to identify and select tenants, respond to tenant needs and deal with tenancy-related matters. This involves a responsive and person-centred approach including actively managing tenancies to promote pathways out of community housing.

## 2 Policy statement

The Community Housing Tenancy Management Policy details the requirements for community housing providers ('the provider') to manage community housing tenancies within Queensland's funded community housing system.

The policy outlines the outcomes the department requires providers to deliver when funded to provide community housing services. The provider must implement this Tenancy Management Policy, including all policy components, as a condition of its funding agreement with the department.

Providers must use proactive, supportive and appropriate tenancy management practices that assist tenants to achieve successful housing outcomes.

Community housing is provided only to tenants who continue to be eligible to receive this assistance.

When implementing this Community Housing Tenancy Management policy, the provider must make decisions fairly and transparently, using principles compatible with human rights, as described in the *Human Rights Act 2019*.

### 2.1 Policy Objectives

Tenants have increased capacity to meet tenant responsibilities, independently manage and sustain a tenancy.

Tenants are well informed about their tenancy responsibilities and the consequences of breaching their tenancy agreement.

Disruptive behaviour is addressed promptly and appropriately, to give tenants the opportunity to rectify the situation early and to address issues before they escalate.

Tenants in need of support are referred to appropriate services.

Tenants who are no longer eligible for community housing are assisted to transition to the private market.

Tenants with a barrier/s to accessing the private market are assisted to build their capacity to access and sustain private housing.

Tenants who do not have the capacity to transition to the private market continue to receive the form of housing assistance that best meets their needs at that time.

## 3 Policy Components

### 3.1 Policy Outcomes

The provider must deliver the following outcomes:

- 100 per cent of ineligible tenants are exited from community housing within four (4) months of being assessed as ineligible under the Ongoing Eligibility Criteria, unless mitigating circumstances<sup>1</sup> apply
- 100 per cent of tenants receive assistance that increases their capacity to independently manage and sustain a tenancy
- 100 per cent of neighbourhood disputes and other tenancy-related problems are prevented or addressed early, before they escalate
- 100 per cent of instances of disruptive behaviour are addressed with clear and consistent action
- 100 per cent of tenants in need of support are referred to appropriate services
- 100 per cent of tenants able to access and sustain housing in the private market are identified and receive assistance to do so
- 100 per cent of tenants receive an annual review to determine whether their current housing meets their assessed level of housing need and bedroom entitlement.

The provider must give due regard to the following principles when delivering the required outcomes of this policy:

- fair and equitable treatment of tenants
- respect for persons and property
- respect for the community in which community housing is situated.

### 3.2 Stabilising a tenant's housing circumstances

Community housing is intended to provide safe, secure and stable accommodation for the most vulnerable people in our community for the duration of that need. The provider's tenancy management practices must ensure that tenants are assisted to stabilise their housing circumstances. This includes:

- assisting tenants to understand their rights and responsibilities under tenancy agreements

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<sup>1</sup> For example, a household member has a disability and no suitably modified properties are available in the private market.

- linking tenants to appropriate support services as required
- providing new tenants with information about the provider, the service and opportunities for tenant participation.

The provider must ensure all new tenants are informed about their obligations under the tenancy agreement, including information about the consequences of breaching the agreement.

### 3.3 Active tenancy management

The provider must ensure that its tenancy management practices prevent or address early neighbourhood disputes and other tenancy-related issues or breaches.

Transitional housing providers must implement Tenancy Planning and Review practices: that is, regularly reviewing tenants' needs and housing pathway, and using a plan to secure longer-term housing, preferably in the private market.

### 3.4 Reviewing tenancies

The provider must undertake a regular and comprehensive review of tenant circumstances to ensure that community housing is still the most appropriate housing solution for the tenant, and to assess the appropriateness of their current community housing property. This includes reviewing:

- ongoing eligibility for community housing under the *Social Housing Eligibility Criteria*
- need for community housing
- the community housing property in which they reside to determine if it matches their need.

#### 3.4.1 Reviewing ongoing eligibility

The *Social Housing Eligibility Criteria* establish the requirements for the provider to assess intake eligibility (when deciding whether to make an offer of social housing) and to review the ongoing eligibility of existing households.

The provider must:

- assess the eligibility of each existing household at least on an annual basis, by applying the *Social Housing Eligibility Criteria*
- assist ineligible households to exit community housing within four (4) months of identifying the household is no longer eligible for community housing.

The provider in its sole discretion may consider mitigating circumstances and additional factors in assessing whether an ineligible household may need to remain in community housing for longer than four (4) months. The ultimate aim is to secure a good customer outcome and stable housing circumstances.

### 3.4.2 Reviewing ongoing housing need

To ensure that community housing is available for those in the greatest need, the provider must review each household's ongoing need for community housing on an annual basis, against the following criteria, and with appropriate consideration for the provisions of the *Human Rights Act 2019*.

**Barriers to access:** are there substantiated reasons why the household cannot access the private market? Consider:

- a. Household attributes, such as household size and structure.
- b. Previous tenancy history, including registration on a tenancy database (TICA).
- c. Any other attributes that have contributed to the household being unable to access a private tenancy.

**Housing supply:** are there private properties available that will meet the household's needs in terms of location, number of bedrooms and any disability access requirements? Consider:

- a. Physical amenity requirements: are there properties that have the design features or size needed by the household, at an affordable rate, in the private market?
- b. Availability: are there properties available in the local private market that meet the needs of households and are affordable?
- c. Location: if the household needs to live in a particular area because of employment, training or education, medical or disability, or support needs, are there properties in that location available at an affordable rate?

**Medical condition or disability:** will the household have difficulty accessing or sustaining private housing because of a medical condition or disability?

**Sustainability:** does the household's housing tenancy history show they may experience significant difficulty sustaining private housing?

If a household does not have any of the above barriers, or has significantly reduced their barriers, this may indicate a lower level of assessed need for community housing, and a potential capacity to progress to the private rental market or home ownership. In these cases the provider must encourage the household to work towards these private housing options. The provider may refer the household to the department for access to private housing assistance where appropriate.

The provider in its sole discretion may consider mitigating circumstances and additional factors in assessing whether a household has an ongoing need for community housing.

### 3.4.3 Reviewing match to property

Where a household continues to meet eligibility and has an ongoing need for community housing, the provider should assess at least annually whether the community housing property continues to match the household's needs, and achieves best use of the provider's funded portfolio. Providers need to take into consideration factors including:

- Bedroom entitlement (whether the household is under-occupying or overcrowded)
- Physical amenity requirements (e.g. whether disability modifications are required or if the property has disability modifications, are they required by any members of the household)
- Locational need (whether the property continues to meet the locational needs of the household).

If any of the above factors indicate that a tenant is not appropriately housed, the provider must refer to the transfer requirements set out in the Allocations Policy for Funded Social Housing Providers.

### 3.5 Fair absences from your home

Providers recognise that tenants have the right to be away from their homes for reasonable purposes and for fair periods. In managing tenant absences, providers balance the needs of tenants with the needs of applicants awaiting assistance and ensure the use of community housing assets is maximised.

Providers attempt to obtain alternative contact details for tenants when they are away from their homes for any length of time, but will require these details for absences of more than eight (8) weeks and/or if the property will be left vacant. This ensures providers are able to contact tenants in emergencies and to prevent damage to vacant properties that may otherwise result in debts to the tenants.

Community Housing Providers have sole discretion in determining whether or not a tenant is occupying their community housing dwelling appropriately by considering the policy intent for supportive tenancy management practices, ongoing eligibility and property management policies, and with appropriate consideration to the provisions of the *Human Rights Act 2019*.

Decisions must be well documented, in writing, and outcomes are to be explained to the tenant.

Providers have processes in place to manage tenant absences that ensure:

- tenants have the freedom to be away from their homes up to eight (8) weeks at a time, or in total in any 12-month period, without requiring approval
- tenants apply for provider approval for absences more than eight (8) weeks up to a maximum of five months, at a time, or in total in a 12-month period
- tenants are encouraged to notify their provider and provide alternative contact details for absences of any significant length up to eight (8) weeks and are required to provide those details when they apply for absences in excess of eight (8) weeks
- providers are advised of new household members who join the household in the tenant's absence so that, for example, rent can be adjusted.

Providers have discretion for assessing, monitoring and responding to tenant absences, taking into account what is fair and reasonable based on individual circumstances in line with the following assessment criteria:

- for improved health and wellbeing (such as for treatment, hospitalisation or rehabilitation), or to meet care responsibilities
- to allow tenants to improve their circumstances through work/training/study
- in recognition and support of cultural needs
- for travel related to a significant life event, circumstance or emergencies

- where there is domestic or family violence or child safety issues
- to contribute to outcomes that reduce reoffending and homelessness for tenants who are incarcerated with a release date in the near future.

When a tenant is absent from their property for unreasonable periods (more than five (5) months at a time or in total in any 12-month period), the provider will re-assess the tenant's need for ongoing subsidised community housing assistance.

### 3.6 Fair expectations of behaviour

Housing providers must manage tenancies in accordance with the *Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA)* and the *Housing Act 2003*.

Like tenants in the private rental market, community housing tenants are required to meet their tenancy obligations referred to in the *Residential Tenancies and Rooming Accommodation Act 2008*, including "... not cause a nuisance by the use of the premises, interfere with the reasonable peace, comfort or privacy of a neighbour of the tenant, or other tenants". Providers must make their decisions with appropriate consideration to the provisions of the *Human Rights Act 2019*.

Community housing providers/tenancy managers will assist tenants to meet these obligations by:

- giving tenants clear explanations of their rights and responsibilities while living in community housing, and providing them with support to understand how to meet these
- using a supportive tenancy management approach, including early intervention to prevent behavioural problems escalating
- assisting tenants to access appropriate support services to help them meet their tenancy obligations
- being clear about the consequences of unacceptable, disruptive, dangerous and/or illegal (criminal) behaviours; including formal warnings, issuing of Breach Notices and the processes for ending a tenancy.

Providers/tenancy managers will ensure a high level of awareness and understanding of government and non-government services available to support community housing tenants in their region and initiate and maintain collaborative agreements with agencies to address unacceptable and/or disruptive tenant behaviour as soon as they are aware it is occurring.

Providers have discretion for investigating, monitoring and responding to incidents of alleged unacceptable and/or disruptive tenant behaviour, ensuring that policies and processes for managing these behaviours include:

- communicating clearly with tenants about their tenancy obligations at the commencement of, and during, their community housing tenancy
- engaging early with tenants identified as 'at risk' of failing to meet their tenancy obligations due to behaviour-related issues
- partnering with other agencies to help tenants have a successful tenancy



- using culturally-appropriate language and behaviour when engaging with tenants
- encouraging tenants who are having difficulty managing their own behaviour or the behaviour of other household members or visitors, to contact their provider/tenancy manager for support and assistance
- responding to complaints of unacceptable and/or disruptive behaviour in a timely manner, and ensuring those complaints are substantiated through a fair and thorough investigation process which includes:
  - applying the principles of natural justice and considering the provisions of the *Human Rights Act 2019*
  - providing the tenant/s a right of reply
  - gathering evidence from multiple sources
  - evaluating all available information
  - providing advice about the outcome of any investigation to the tenant/s involved
  - referring the tenant/s to appropriate supports
  - monitoring and following up as appropriate.
- using discretion to not issue a breach notice where the investigation reveals a mitigating circumstance such as need for support, including but not limited to a mental health condition or intellectual disability which has contributed to the disruptive behaviour and where support is being accessed/accepted
- exploring alternative tenancy management solutions as appropriate including, in limited cases, a transfer to another community housing property
- taking action at the first substantiated incident of unacceptable and/or disruptive behaviour to help the tenant stop the behaviour recurring, including:
  - explaining to the tenant/s the consequences of any further incidents of similar behaviour (a warning)
  - engaging with tenant/s' informal or formal supports
  - assisting the tenant/s to access new types of support where suitable.
- using Tenancy Management Plans and/or Acceptable Behaviour Agreements to clearly define the obligations and responsibilities of the tenant, any applicable support service and the housing provider/tenancy manager in managing the disruptive behaviour
- taking immediate action to end a tenancy in cases where a tenant has intentionally or recklessly caused serious damage to the premises, or where behaviour is dangerous
- taking immediate action, including referring the matter to the Queensland Police Service, where the provider has a reasonable belief that illegal activity has occurred, such as for example, operation of a clandestine drug laboratory

- taking action to end a tenancy where a tenant chooses to continue to behave inappropriately, despite offers of support and/or behaviour-related breaches of tenancy conditions have occurred frequently or repeatedly over a period of time
- ensuring information about support services and alternative housing services (including crisis support and private housing assistance products and services) are provided to tenants exiting community housing due to behaviour-related tenancy breaches
- considering imposing additional obligations on tenants who re-enter community housing after exiting due to behaviour-related evictions from their tenancy agreement
- ensuring all decisions related to managing tenant behaviour are well documented and outcomes, including avenues for appeal, are explained to the tenant.

### 3.7 Referrals to support services

The provider must build and strengthen referral relationships with local support services and refer tenants to support services when appropriate and possible, with consideration for local support provider availability.

## 4 Reporting requirements

The department will monitor the provider's compliance with this policy and the delivery of outcomes under the funding agreement.

The provider must supply reporting to the department on the outcomes delivered in accordance with this policy, as specified in the provider's funding agreement and (where applicable) the Social Housing Program Specifications.

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## Attachment 1: Contacts

Region and contact details	email
Brisbane Region – 3007 4386	HHS BR ORD HHSBRORD@hpw.qld.gov.au
South/West Region – 3437 6044	HS-South-West-Region@hpw.qld.gov.au HHSSWRORD@hpw.qld.gov.au
Central Queensland/North Coast Region – 4848 7060	HHS CQNCR ORD HHS-SD-CQNCR-ORD@hpw.qld.gov.au
North Queensland Region – 4724 8578	HHS NR ORD HHS-NR-ORD@hpw.qld.gov.au
Aboriginal and Torres Strait Islander Housing Unit – Cairns – 4036	HHSATSIHUDeliveryProperty-Staff2@hpw.qld.gov.au HHSATSIHUDeliveryTenancy-Staff@hpw.qld.gov.au HHSATSIHUBPAS-Staff@hpw.qldgov.au

## Attachment 2: Definitions

<b>Term</b>	<b>Description</b>
<b>Act</b>	The <i>Housing Act 2003</i> .
<b>Applicant</b>	Any person seeking a housing service from the Community Housing Provider.
<b>Assessable Income</b>	All general income, including pensions, benefits and allowances, wages and work allowances, and other income sources as nominated by the department from time to time.  See the Community Housing Rent Policy for more detail.
<b>Bedroom Entitlement</b>	The number of bedrooms in the property as matched to the household's needs and number of people in the household.
<b>Community Housing</b>	Is a social housing service that is not public housing.
<b>Community Housing Provider</b>	An entity providing, or required to provide housing services using funds provided by the Department.
<b>Community Housing Service</b>	A social housing service that is not public housing as defined under the <i>Housing Act 2003</i> .
<b>Crisis Accommodation</b>	Refers to housing services funded under the Crisis Accommodation Program.
<b>Customer</b>	A person who:  (i) Is receiving relevant goods or services from the funded provider, including a tenant of the provider; or  (ii) Has applied to the funded provider to receive relevant goods and services.
<b>Disruptive Behaviour</b>	Means behaviour which may or is likely to disturb the peace, comfort or privacy of other tenants, neighbours or members of the surrounding community. This may include harassment, illegal activities and other inappropriate behaviour and includes actions that cause intentional or reckless damage to property or place the property at risk of damage.
<b>Funding Agreement</b>	means:  - an agreement entered into for providing funding to the provider as defined under the <i>Housing Act 2003</i> .
<b>Household</b>	All persons named on the application for housing assistance, or identified in the residential tenancy agreement, regardless of age or relationship.

<b>Term</b>	<b>Description</b>
<b>Housing Register</b>	The department's register of Eligible Applicants awaiting social housing assistance.
<b>Overcrowding</b>	Overcrowding occurs when the dwelling is too small for the size and composition of the household living in it. In Australia, a dwelling requiring at least 1 additional bedroom is designated as overcrowded.
<b>Private housing</b>	Private housing generally refers to housing that is available in the private housing sector, or the non-social housing sector. It can be owner-occupied dwellings or rented privately and covers a range of housing types, including houses, apartments and caravan parks.
<b>Property</b>	The property or premises described in the funding agreement, or, where the context permits, property or premises in relation to which the Provider receives funding to deliver a crisis accommodation and/or community housing service, and includes funded property.
<b>Published</b>	Published on the department's website and made available at the department's offices.
<b>Registered Community Housing Provider</b>	A community housing provider currently registered under the National Regulatory System for Community Housing (NRSCH) for the purpose of delivering Community Housing.
<b>Regulation</b>	The <i>Housing Regulation 2003</i> .
<b>Social Housing Service</b>	means: <ul style="list-style-type: none"> <li>- the provision of housing to an individual for residential use, other than crisis accommodation</li> <li>- as defined under the <i>Housing Act 2003</i>.</li> </ul>
<b>Spouse</b>	Person in an interpersonal relationship and/or cohabiting with a tenant, applicant or resident, including husband, wife, partner or de-facto of any gender.
<b>Tenant</b>	A person named as a tenant under a residential tenancy agreement with the provider for a residential premises that is a funded property.
<b>Under-Occupancy</b>	Where a household resides in a property which has two or more bedrooms than the household requires or is entitled to.

## Attachment 3: References

The requirements set out in this document are based on, and are consistent with, relevant Government legislation, regulations, directives, information standards and/or policies at the time of publication.

Examples are:

### Legislation and regulations

- [Human Rights Act 2019](#)
- [Housing Act 2003](#)
- [Housing Regulation 2015](#)
- [Public Records Act 2002](#)
- [Residential Tenancies and Rooming Accommodation Act 2008](#)

Department of Housing and Public Works documents

- [Queensland Housing Strategy 2017–2027](#)
- [Social Housing Eligibility Criteria](#)
- [Allocations Policy for Funded Social Housing Providers](#)
- [Social Housing Program Specification](#)