

Social Housing Tenancy Management Policy

For funded social housing providers

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1 Policy

This Social Housing Tenancy Management Policy details the requirements for community housing providers (‘the provider’) to manage social housing tenancies within Queensland’s funded social housing system.

This policy is administered by Housing Services, Department of Housing and Public Works (the department) and is available on the department’s website at www.hpw.qld.gov.au.

This 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.

1.1 Scope

Implementation of this policy is a requirement of the Social Housing Program Specifications, and applies to those 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.

Social 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 client-focused approach including actively managing tenancies to promote pathways out of social housing.

1.2 Intent

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

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

1.3 Outcomes

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

Tenants in need of support are referred to appropriate services.

Tenants who are no longer eligible for social 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.

2 Policy outcomes

The provider must deliver the following outcomes:

- 100% of ineligible tenants are exited from community housing within 4 months of being assessed as ineligible under the Ongoing Eligibility Criteria, unless mitigating circumstances¹ apply
- 100% of tenants receive assistance that increases their capacity to independently manage and sustain a tenancy
- 100% of neighbourhood disputes and other tenancy-related problems are prevented or addressed early, before they escalate
- 100% of instances of disruptive behaviour are addressed with clear and consistent action
- 100% of tenants in need of support are referred to appropriate services
- 100% of tenants able to access and sustain housing in the private market are identified and receive assistance to do so
- 100% of tenants receive an annual review to determine whether their current housing meets their level of 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 social housing is situated.

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

3 Policy components

3.1 Stabilising a tenant's housing circumstances

Social 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
- 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.

3.2 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.

3.3 Reviewing tenancies

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

1. ongoing eligibility for social housing under the Social Housing Eligibility Criteria
2. need for social housing
3. the social housing property in which they reside to determine if it matches their need.

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:

1. assess the eligibility of each existing household at least on an annual basis, by applying the *Social Housing Eligibility Criteria*, and

2. assist ineligible households to exit social housing within 4 months of identifying the household is no longer eligible for social 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 social housing for longer than 4 months. The ultimate aim is to secure a good client outcome and stable housing circumstances.

Reviewing ongoing housing need

To ensure that social housing is available for those in the greatest need, the provider must review each household's ongoing need for social housing on an annual basis, against the following four criteria:

1. **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.
2. **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?
3. **Medical condition or disability:** will the household have difficulty accessing or sustaining private housing because of a medical condition or disability?
4. **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, this would indicate a low need for social housing and a 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 social housing.

Reviewing match to property

Where a household continues to meet eligibility and has an ongoing need for social housing, the provider should at least annually assess whether the social 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.

3.4 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 social 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 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.

Providers have sole discretion in determining whether or not a tenant is occupying their social housing dwelling appropriately by considering the policy intent for supportive tenancy management, ongoing eligibility and property management policies.

Decisions are well documented and outcomes are 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 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 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 weeks and are required to provide those details when they apply for absences in excess of eight 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
- for escaping domestic or family violence or there are 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 months at a time or in total in any 12 month period), the provider will re-assess the tenant's need for ongoing subsidised social housing assistance.

3.5 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, social housing tenants are required to meet their tenancy obligations including not interfering with the peace, comfort or privacy of other tenants and neighbours.

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

- giving tenants clear explanations of their rights and responsibilities while living in social 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 social 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:

- clearly communicating with tenants about their tenancy obligations at the commencement of, and during, their social housing tenancy
- engaging early with tenants identified as 'at risk' of failing to meet their tenancy obligations due to behaviour-related issues
- working in partnership 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:
 - providing the tenant/s a right of reply (principle of natural justice)
 - 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 social 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 social housing due to behaviour-related tenancy breaches
- considering imposing additional obligations on tenants who re-enter social 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.

3.6 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, given local support provider availability.

4 Monitoring and reporting

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.

5 Policy links

- Allocations Policy for Funded Social Housing Providers
- Social Housing Eligibility Criteria.

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