

Commencing a Social Housing Tenancy Policy

Purpose

The purpose of this policy is to clarify how Housing Trust will commence new Social Housing tenancies.

Policy

The primary purpose of this policy is to ensure that both Housing Trust and tenants comply with the legal obligations under the Residential Tenancies Act 2010.

In addition to ensuring compliance with legal requirements, Housing Trust will commence new tenancies in a manner that:

- Seeks to promote positive and sustainable relationships with tenants
- Ensures that tenants are informed of their rights and responsibilities under the Residential Tenancies Act 2010 as well as how to access Housing Trust policies on the Housing Trust website
- Ensures the administration of new tenancies is completed in an efficient and legal manner outlined in this policy
- Adheres with all relevant Department of Communities and Justice (DCJ) [previously FACS] Community Housing Policies

Signing a Tenancy Agreement

Once an applicant has accepted an offer of housing (refer to *Housing Trust's Eligibility for Social Housing Policy and Allocations Policy*), Housing Trust will establish a tenant sign-up meeting.

At the sign-up meeting, Housing Trust will establish a written Residential Tenancy Agreement in accordance with the Residential Tenancies Act 2010. At the time of signing the Tenancy Agreement, the applicant will become a tenant.

For general Social Housing tenancies, a lease is signed in the name of the applicant, or applicants, where a joint Housing Pathways application is approved. All other people listed on the application will be included as household occupants.

The Residential Tenancy Agreement sets out the terms and conditions of the tenancy and includes a property condition report. Housing Trust will use its best endeavours to ensure that new tenants understand their rights and responsibilities. To achieve this, Housing Trust will encourage and welcome the involvement of support workers, family/friends, and/or interpreters to help facilitate this understanding.

Property Condition Report

The Property Condition Report documents the condition of the property at the time a new tenant signs their agreement.

Housing Trust requires new tenants to review the ingoing condition report and return it with any comments within seven (7) days of signing the agreement. This is especially important if the tenant disagrees with Housing Trust's assessment of the property condition. If the Property Condition Report is not returned to Housing Trust, Housing Trust will use their original report when the tenancy is ended. This could affect any bond that may or may not then be refunded to the tenant

Security of Tenure

General Social Housing is provided on the basis of continuous tenure. Housing Trust does not guarantee security of tenure in a specific property. There may be a range of reasons why Housing Trust needs to end a Residential Tenancy Agreement. Where this occurs, Housing Trust will relocate tenants in accordance with *Housing Trust's Housing Transfer Policy*. Where a Residential Tenancies Agreement is terminated due to a breach of agreement, tenants will not be re-housed.

Transitional Housing

Where the tenant is signing an agreement for transitional housing, Housing Trust will ensure that a tenant is aware that their tenancy is for a fixed term, is temporary and offered in partnership with a support service. Tenants in transitional housing are required to engage with the nominated support service to determine an exit plan that aligns with the term of the Transitional Tenancy Agreement. The Housing Pathways application of tenants in transitional housing remain live on the NSW Housing Register due to the temporary nature of the tenancy.

Rent

Rent documented within the Residential Tenancy Agreement is the market rent for the property. Tenants who receive a Rental Subsidy based on an assessment of their income will be charged in accordance with *Housing Trust's Review of Rent Subsidies – Social Housing Policy*.

Bond

Bond is calculated as four (4) weeks of the market rent for the property.

Housing Trust does not require new Social Housing tenants to pay their bond in full at the commencement of a tenancy. However, all new tenants are required to enter into a payment arrangement of no less than \$20.00 per week if they are not able to pay their bond upfront.

Charges for Water

Tenants are responsible for the payment of water usage charges in relation to their property. Water usage is calculated and charged in accordance with *Housing Trust's Water Charges Policy*.

Situations where Housing Trust will not sign a Tenancy Agreement

Consistent with Housing NSW practice, Housing Trust will not sign a Residential Tenancy Agreement with a person who is under 18 years of age without the consent of a legal guardian, support person or worker, or unless a solicitor or a representative of the NSW Trustee and Guardian has explained the Tenancy Agreement to the client.

Reference or Related Documents

Internal

Policy

1. Eligibility for Social Housing Policy
2. Allocations Policy
3. Housing Transfer Policy
4. Review of Rent Subsidies – Social Housing
5. Water Charges Policy

External

1. Residential Tenancies Act 2010
2. Residential Tenancy Agreement
3. Department of Communities and Justice (DCJ) [previously FACS] Community Housing Policies

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy – Start of Tenancy	20.09.2016	Approved for release by GM:C&C
V 2.0	Review and update of policy Renamed Policy: Commencing a Social Housing Tenancy Policy Reviewed and endorsed by Tenant Advisory Group (TAG) on 14.08.2019 and Executive Leadership Team (ELT).	20.08.2019	Approved for release by Amanda Winks Chief Housing Officer