

## Property Services Policy

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**KEY POLICY AREA:** PROPERTY MANAGEMENT

**POLICY:** PROPERTY SERVICES

**APPROVED DATE:** 30<sup>th</sup> OCTOBER 2013

**MODIFIED DATE:**

### LEGISLATION

HOUSING ASSISTANCE ACT 1996 (COM)

HOUSING ACT 1983 (VIC)

RESIDENTIAL TENANCIES ACT 1997 (VIC)

### STANDARDS, PROTOCOLS AND POLICY LINKAGE

2009 NATIONAL AFFORDABLE HOUSING AGREEMENT

NATIONAL COMMUNITY HOUSING STANDARDS

QUALITY ASSURANCE POLICY

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### POLICY

Wayss Property Services (hereafter referred to as Property Services) manages a portfolio of properties with tenure that is transitional and longer term. All the properties are targeted towards people who are experiencing homelessness and who require a period of supported stable housing whilst they seek long term housing and address any issues that may impact on the stability of future housing options. Property Services acts as the 'social landlord' for these properties.

The purpose of Wayss Property Services, as a social landlord, is to deliver effective, responsive and professional tenancy management in collaboration with the Nominated Support Program and the tenant.

The objectives of Property Services are to:

- Provide access to housing stock to those experiencing homelessness via nominated Support Agencies;
- Achieve positive housing outcomes with tenants of transitional housing;
- Collaborate and communicate with support programs in order to improve the tenant's overall wellbeing and end their experience of homelessness;
- Empower tenants to learn how to exercise their rights and responsibilities under the Residential Tenancies Act (RTA), and succeed in sustaining a tenancy;
- Maintain housing stock to an appropriate standard; and
- Review and evaluate Property Services with all stakeholders.

### LEGISLATIVE REQUIREMENTS

Wayss Property Services will comply with the Residential Tenancies Act 1997. Under the Residential Tenancies Act 1997 Property Services is required to follow the procedures listed below when establishing and maintaining a tenancy:

- Tenancy Agreements – Part 2 Division 1
- Condition Reports – Part 2 Division 2 – Section 36
- Tenant Rights and Responsibilities - Transitional Housing - Part 2 Division 5

### TENANT RIGHTS

In the context of Property Services policies and procedures, a 'Tenant' refers to a person who is formally residing in Property Services housing. 'Client' refers to a person who is receiving case management support via a Support Agency and maybe referred to Property Services.

Property Services aims to build positive and functional relationships with tenants through high quality practice in order to achieve successful tenancies. Property Services will endeavour to offer tenants security of tenure through fair practices, clear communication, transparent allocation of properties and rent affordability. All tenants will be given clear information about their tenancies regarding their rights, responsibilities, rent and any associated costs,

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maintenance reporting, dispute resolution options and legislative requirements under the Residential Tenancies Act.

Tenants have a right to expect that upon entering a Tenancy Agreement with Property Services:

- they will be informed of all the legal requirements and other pertinent information about renting the property;
- they will be given an outline of the responsibilities and rights Property Services has as the landlord of the property;
- their rights and responsibilities as a tenant will be clearly explained;
- they will be treated with respect and dignity; and
- they have the right to question any decision made about their housing and to forward a complaint to Waysss.

### GENERAL PRINCIPLES OF ESTABLISHING AND MAINTAINING TENANCIES

- To work within and promote the vision and mission of Waysss: provide clients with services that uphold their rights, promotes choice, equality, dignity and respect in a manner that is non-discriminatory, fair and honest;
- To ensure tenants are fully aware of all their rights and responsibilities as tenants of Waysss;
- To abide by all relevant legislation including the Victorian Residential Tenancy Act 1997;
- To provide support and assistance to all tenants to ensure successful and sustainable tenancies;
- To work collaboratively with all stakeholders to build the capacity of the tenant;
- To create a safe and secure platform for tenants and family to access supports and services that will increase their health, wellbeing, resilience and social and economic participation;
- To provide mechanisms for tenants to appeal against decisions made by Waysss regarding their tenancy.

### RESPONSIBILITY

Property Services will be responsible for the following tenancy and property management tasks:

- To assess and allocate property stock and monitor vacancies;
- To provide accommodation that is safe, clean and fully functioning;
- To manage the tenancy including sign up, 6 monthly inspections and tenancy review meetings, rent collection, maintenance of stock, neighbourhood issues and any Residential Tenancies Tribunal action; and
- To respond to breaches of tenancy conditions including neighbourhood complaints.

The Nominated Support Agency will be responsible for the following support tasks:

- To assess and refer client(s) to the nominated property vacancy;
- Provide ongoing support and case management throughout the life of the tenancy; and
- To work with the tenant to develop an exit plan.

The Case Worker and Property Services worker are responsible for proactively communicating with each other in regard to all issues that may arise involving the tenant and their tenancy. Tenants have the responsibility to inform Property Services and their case worker of any changes in their circumstances which would affect their tenancy. Support Agencies and the Property Services Manager are responsible for monitoring support, tenancy management and exit planning.

### PARTNERSHIP WITH SUPPORT AGENCIES

Property Services will enter into individual protocol agreements with Support Agencies in order to work in partnership towards optimising positive outcomes for the tenant and to establish fair and equitable access. Principally, the agreement outlines a mutually agreed approach to providing a housing and support service system to people who are experiencing or at risk of

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becoming homeless. Property Services will tailor the *Protocol Agreement* with each Nominated Support at commencement of the partnership and review annually, or as required, thereafter.

### ALLOCATION OF PROPERTIES

All Property Services housing is targeted to people experiencing homelessness who are on low incomes. Eligibility to receive housing from Property Services will be based on a variety of entry criteria of Support Agencies that have nomination access to the properties via individual protocol agreements.

The existence of rent arrears or poor tenancy histories in previous housing including public, THM or private rental housing should not be a barrier to access Property Services accommodation. A client will not be refused an offer of housing if they have previously been a tenant and have vacated with rental arrears. Only extreme damage to a property or violence in a neighbourhood will result in refusal in access to accommodation offered by Property Services. All clients are entitled to decline an offer of housing through all Wayss programs. This will not preclude clients accessing housing at a later date.

### ESTABLISHING AND MAINTAINING THE TENANCY

Property Services provides housing to people on low incomes and will therefore charge rent that is affordable and calculated based on income as per Office of Housing (OoH) policy in accordance with the provisions of the Residential Tenancies Act 1997.

In order to achieve positive housing outcomes Property Services will facilitate the Sign Up and 6 monthly Inspections and Tenancy Review Meetings. These meetings are an opportunity for all parties to come together and discuss any issues in a collaborative manner. Property Services is committed to maintaining the housing stock to an appropriate standard and will respond to maintenance requests as soon as possible.

### CHANGING NEEDS OF TENANTS

Property Services aims to respond to the changing accommodation needs of tenants and to deal with requests for change in a fair and flexible manner. Property Services has a limited property resource and will consider requests for transfer in the context of limited stock and vacancy opportunity.

### NEIGHBOURHOOD ISSUES

Property Services will uphold the neighbours' and tenants' right to quiet enjoyment of their properties. Property Services' properties are a limited resource and all possible means to maintain sustainable relationships with neighbours and the surrounding community need to be undertaken by all stakeholders.

### BREACHES

A breach of tenancy or duty occurs when a tenant does not adhere to one or more of the terms and conditions stipulated in the Residential Tenancy Agreement. Property Services aim is to ensure that alleged breaches of duty by tenants are actioned appropriately.

### ENDING THE TENANCY

A planned exit is one where the tenant gives notice of moving from their accommodation and this exit is planned for with adequate notice to both Property Services and the Support Agency.

Involuntary Exits, or evictions are to be the last possible option and exhaustive and demonstrable attempts must have been made in all cases towards a tenant focused outcome that aims to end the experience of homelessness.

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A property is considered abandoned when the tenant moves out of the property without notifying the housing provider, and with no intention to return. Property Services aims to identify abandoned properties and goods left in the properties in a timely manner and initiate actions to regain possession of that property or room in order to enable other tenants to be housed.

### **DISPUTE RESOLUTION**

Property Services will promptly respond to any disputes that arise in relation to tenancy issues. This includes neighbourhood issues, tenant to tenant issues or issues that affect a tenant based on decisions made by Property Services. Refer to the *Wayss Complaints Policy and Complaints Procedures* for further information.

### **EVALUATION AND REVIEW**

This policy will be reviewed and amended when required in line with changes to the Residential Tenancies Act. It will also be reviewed as part of a formal evaluation process and as issues are raised. It will be monitored through data collected from tenant complaints, tenant feedback surveys and staff feedback.