

144 Managing Rent and Other Arrears

1. Policy

Tenants have a responsibility to pay their rent in advance. Link Housing will:-

- Inform them of the amount of rent and other charges they need to pay
- Remind them of their obligations when they are late in paying their rent or other charges
- Work with the tenant to avoid arrears
- Signpost tenants to other services that may be able to assist if they are having difficulty managing their finances.

2. Definition of rent in advance

A tenant must pay the rent on or before the day set out in the tenancy agreement.

Link Housing will not require a tenant to pay more than 2 weeks in advance nor to pay rent before the end of the previous period for which rent has been paid.

3. Process

Housing Management staff will conduct a tenancy and non-rent arrears assessment on a weekly basis.

Tenants, who are found to be in arrears in their rent, will be advised in the following manner:-

- Tenants who are found to have a minor reoccurring shortfall in rent payments are to be sent a shortfall letter.
- Tenants who are less than one week in arrears will be sent an initial letter notifying of arrears.
- Tenants who do not respond to the first reminder and who are found to be between 1 week and two weeks in arrears will be sent a Notice to Remedy letter.
- Housing Managers will attempt to personally contact tenants who fail to respond to the Notice to Remedy.
- Tenants who fail to respond to letter the Notice to Remedy, who are more than 2 weeks in arrears and have not negotiated a Repayment Agreement may be sent a Termination Notice. Termination Notices are to be approved by the Team Leader Housing.
- Tenants who do not respond to the Termination Notice and/or who do not vacate the property in accordance with the Termination Notice will be required to attend a NSW Civil and Administrative Tribunal (NCAT) hearing. Housing Managers will initially request a Specific Performance Order (SPO) for repayment of the arrears.
- If tenants fail to comply with the SPO, Housing Managers will request a further hearing with the NCAT to end the tenancy.

Note: Tenants must continue to remain more than 2 weeks in arrears and to have failed to negotiate an outcome for this action to be taken.

Tenants who are found to be in arrears in their non-rent debt, such as water usage charges, will be advised in the following manner:-

- Tenants who have a non-rent debt exceeding three weeks (21 days) must be issued with a Non Rent Debt reminder letter.
- Housing Managers are to negotiate an affordable repayment agreement for non-rent debts.
- Tenants who do not respond to the non-rent debt reminder letter can be sent a termination notice
- Where appropriate tenants are encouraged to make a small additional payment each fortnight toward potential water bills and other charges to lessen the impact when the debts occur.

In all cases, Link Housing will check that it has:

- Reviewed the accuracy of Link records;
- Kept a written record of everything that happens, from the moment the arrears are identified and make sure these records include dates of agreed repayments, when and how much was actually paid;
- Kept the tenant informed in writing about what is happening and what they can or should do; and
- Have been sensitive and responsive to individual needs and circumstances that may have an impact on why the arrears happened and how they can best be sorted out. For example, take into account domestic violence, mental health, stress, age, inexperience, ill health, language and literacy ability, intellectual ability, physical and sensory ability, experiences of discrimination and oppression, past experiences of tenancy problems

4. Former Tenant Arrears

Link Housing will make every reasonable effort to collect former tenant rent arrears and non-rent debts.

All tenants who terminate or end their tenancy and who have an unpaid rent or non-rent debt will need to negotiate a Repayment Agreement. All negotiations will be noted in the tenant notes and repayments monitored on a fortnightly basis.

Tenants who fail to negotiate or maintain a non-rent debt repayment agreement can be taken to the CTTT for negotiation of a Specific Performance Order (SPO).

5. Legislative Framework and Related Policies

- Residential Tenancies Act 2010
- Eligibility for Social Housing Programs Policy

6. Complaints and appeals

A tenant who is not happy with a decision made by Link Housing or who believes that Link Housing has not followed this policy can complain or appeal using the complaints and appeals policies.