

metro
community housing

METRO COMMUNITY HOUSING CO-OP LTD

POLICY & PROCEDURE MANUAL

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ALLOCATIONS

Purpose

Metro Community Housing (Metro Housing) is responsible for managing the allocation of tenancies across a variety of housing products and programs, including long term social housing, affordable housing, supported transitional housing and fee for service arrangements. This document outlines Metro's Policy in relation to the prioritization and allocations of tenancies across these different programs.

Scope

This policy applies to all applicants who will be housed by Metro Community Housing.

Policy

We manage housing products and programs in accordance with funding, contractual and regulatory requirements. Our allocation policy aligns with the Housing Pathways Eligibility for Social Housing Policy and the Allocations Policy Supplement but sets out any criteria or conditions specifically relevant to Metro.

Applying for Social Housing

The state wide process for assessing eligibility for social housing is called *Housing Pathways*. This incorporates a shared Register used by FACS Housing Services; the majority of Community Housing Providers; and the Aboriginal Housing Office to implement a "common" eligibility application system using a single state-wide waiting list.

For information about the eligibility policy visit:

<http://www.housingpathways.nsw.gov.au/am-i-eligible/social-housing>

If you meet the income and residency eligibility criteria you can apply for Housing:

By phone: 1800 422 322,

Online: <http://www.housingpathways.nsw.gov.au/how-to-apply>

Or in person at any participating social housing provider.

All information regarding applicants collected during the assessment process, will be confidential and will not be discussed externally (i.e. outside of the Housing Pathways network of social housing providers) except with the specific written consent of the applicant.

General Social Housing

Metro will prioritise the allocation of properties within our general social housing portfolio as outlined:

- Management Initiated Transfers – where Metro is required to relocate a tenant to another property for management purposes (please refer to *Management Initiated Transfer Policy* for further details)
- Our Commitments under formal Housing and Support Partnerships – these include formal contracts with Government and Community based organisations to house priority needs clients
- Priority approved applicants – reflecting the fact that the priority needs of these applicants will mean these applicants are in greater need of urgent housing
- Priority approved transfer applicants – to help ensure all social housing providers can meet their responsibilities to provide appropriate housing to existing tenants as well as meeting the needs of new applicants
- General wait turn and transfer applicants.

Housing and Support Partnerships

Metro has formal Service Level Agreements with 22 specialist services which offer these organisations nomination rights to either specific properties, or a specific number of tenancies for their clients – these will generally be people exiting crisis/short term accommodation.

These agreements are designed to assist vulnerable people who require support to sustain their tenancy in both long term and transitional housing programs.

Approximately 30% of Metro tenancies are offered through the Transitional Housing Program with tenancies offered for periods of between 6-24 months. These allocations are managed separately from the NSW Housing Register. (Refer to Supported Transitional Programs).

Tenants will generally be expected to move to more appropriate long term options at the conclusion of their transitional term.

Other Factors Metro will take into Consideration

Where possible, Metro will attempt to prioritise the allocation of properties to specific groups such as Aboriginal and Torres Strait Island applicants in recognition of the higher level of disadvantage facing these applicants.

Metro will also attempt to prioritise permanent allocations for young parents (under 25) and Transgender applicants who have been housed by Metro in supported transitional tenancies.

When allocating a property Metro also needs to consider the need to promote the right to peace and enjoyment of existing tenants and communities, the particular features of a property, ie is it disability accessible or hard to let, and its accessibility to specific services.

Any of these factors may result in allocations outside the categories outlined above.

Affordable Housing

Affordable housing is targeted to applicants on very low, low and moderate incomes who may not be eligible for social housing. Allocations will be made in accordance with the NSW Affordable Housing Guidelines, any specific planning conditions or particular program guidelines.

Offers of Housing

All offers of permanent housing to applicants will be made in accordance with the state wide offers policy. Refusal of two reasonable offers will result in the client being removed from the Housing Register, unless the applicant seeks a review of the suitability of a specific offer and that offer is subsequently deemed to be “unreasonable” following a review.

Withdrawal of offers

If for any reason an offer of housing is withdrawn, the applicant will be notified in writing as soon as possible. A full explanation as to the reasons a withdrawal has been made will be available.

Accepting an offer/filling a vacancy

Applicants will have 72 hours to view a property once an offer has been made. Once the property has been viewed, applicants will have a further 72 hours to confirm whether they accept or refuse the offer.

Once the prospective tenant has accepted a property they will be given a maximum of 14 days to sign the lease on their new property. A Holding fee will be required from 3 days after an offer has been accepted.

The holding fee will be determined based on whether or not the new tenant is required to pay rent in their current accommodation

- If they are required to pay rent they will be charged 50% of their assessed rent exclusive of CRA.
- If they are not required to pay rent they will be charged 100% of their assessed rent exclusive of CRA.

Tenure

Metro provides continuous tenure for general social housing tenants. This means that as long as tenants comply with the terms of their Residential Tenancy Agreement, Metro will not end a tenancy after a fixed term period or in response to changes in income.

Transitional Supported Tenancies

Suitable clients are nominated by specialist services with whom we have a Service Level Agreement. Support providers will complete the Metro referral form and have their client complete Consents for Exchange of information between Metro and the support provider.

Nominations are jointly assessed and prioritized by the support provider and the Housing Manager using the following criteria:

- Client is in urgent need of appropriate housing
- Client meets the income eligibility criteria to be entered onto the NSW Housing Register
- Appropriate support arrangements are in place/will be put in place to meet the needs of the client throughout the term of their transitional tenancy
- Appropriate Risk Assessments have been conducted.

It is a requirement that clients housed through the transitional housing program have a negotiated support plan and continue to engage with their support provider as per the agreed caseplan. Clients will be required to sign an agreement at the commencement of their tenancy outlining their agreement to these terms.

Where tenants disengage from support, or the provider determines that they are no longer able to continue to support their client, the tenant will be issued a 90 days "no grounds" termination notice.

Offers of housing will be made for an initial fixed term period of three months, and then leases will be reviewed and resigned at 3 or 6 monthly intervals. The maximum term of a transitional tenancy will be 24 months unless the person has "priority status" on the Housing Register (as outlined below).

Transitional tenants who do not have a "live" housing register status on commencement of their tenancy must submit an Application for Housing Assistance no later than 60 days after they sign their lease.

Where transitional tenants are not approved for the Housing Register they will be served either a 90 days "no grounds" notice or a 30 day Notice of Termination at the end of their fixed term lease, and advised in writing that their tenancy cannot be continued as they do not meet Pathways eligibility criteria.

Criteria for extending the maximum term of transitional housing

Transitional tenants who are priority approved on the Housing Register will be offered the maximum lease term of two years, but if a client who is priority approved can demonstrate that they are sitting high enough to receive an offer of permanent housing for the allocation zones they have nominated/been approved for, Metro will continue to house those clients pending their receiving the permanent offer.

Tenants who are not priority approved will be offered tenancies for periods ranging from 6-18 months. However any tenant who is engaged in full time tertiary or vocational education programs and is aged 25 or under (if single) or aged 30 or under (if they have dependent children) and able to provide proof of enrolment/continuing attendance will be allowed to remain in their transitional tenancy until they have completed their course of studies.

Shared Housing

In some cases, properties with 2 or more bedrooms used for transitional housing will have "Shared" tenancies. This will only apply in circumstances where support providers have determined that individual clients who they nominate can reside in shared housing.

Each tenant will be treated as an individual tenant and sign a separate Residential Tenancy Agreement for a 'bedroom', with 'access to all common areas'.

Matching a client to a property

Metro Housing aims to promote successful and sustainable tenancies by matching clients to properties that meet the individual/household entitlements (as set out in the tables below) and also make the best use of available housing stock.

Table 1: Standard bedroom entitlements for Metro Housing

Household Type	Standard bedroom entitlement
Single people	Studio or one bedroom
Couples	One Bedroom
Single people or couples with one other household member	Two Bedroom
Single people or couples with two other household members	Two bedrooms
Single people or couples with three other household members	Three bedrooms
Single people or couples with four other household members	Three bedrooms
Single people or couples with five or more other household members	Four bedrooms, or if available, five or more bedrooms. Generally applicants who have a five bedroom household composition will be offered a four bedroom property due to the limited availability of five bedroom properties.

Table 2: Bedroom entitlements related to accommodating children

Situation	Entitlement
Child is over 18 years	Considered to be an adult when calculating the minimum bedroom entitlement
Shared Bedrooms	Same sex children up to 18 years of age can be expected to share a bedroom. Male and female children can be expected to share a bedroom until the oldest child turns 10 years of age
Children can't share a bedroom	Bridge Housing will allocated an additional bedroom where the applicant has demonstrated a need for same sex children or children under 10 years of age to have separate bedrooms Examples of situations where extra bedrooms may be appropriate is where there is a large age gap between the children or there are behavioural factors supported by specialist advice.
Shared Custody	The child/children are considered to be part of the household if the applicant has care of the children for 3 nights or more per week. Normal bedroom entitlements apply
Access visits from Children	The children are not considered to part of the household if they visit for less than 3 nights per week. The applicant must demonstrate a need for an extra bedroom to accommodate access visits
Future needs of children who may need separate bedrooms in 1-3 years	Where possible, Metro will take this into account when an applicant to a property. Requests will be reviewed on a case by case basis based on the size/type of housing available in the area/in our portfolio.

Table 3: Information required to substantiate the need for an extra bedroom

Situation	Information Required
Extra bedroom due to medical condition or disability	Documentation from a health care professional (specialist, physiotherapist, occupational therapist or psychiatrist) that supports the need for an extra bedroom
	Evidence of the need for a separate bedroom for a partner if a disability (or routines associated with a disability) require the couple to sleep separately
	Evidence of the need for an extra bedroom for a family member, carer or support worker to stay when providing regular short term periods of support, eg minimum 2 nights per week or equivalent weeks over multiple occasions for the duration of the tenancy, and Evidence that the temporary carer resides in another permanent tenancy

Offers of Housing to Applicants

In general, an applicant cannot specify the type of housing they would prefer unless they have documentation to support a specific need. Metro will consider the needs of a household subject to the availability of the type of property required.

Where applicants have special needs they must substantiate their need for those entitlements based on medical, social or other factors. If the applicant can substantiate these needs they may be approved for the following types of accommodation:

- Ground Floor
- Modified property
- Property with Wheelchair Access
- Property with a certain number of steps.

If an applicant has other needs that require a specific type of accommodation or accommodation in a specific area they must substantiate:

- A need to be close to medical practitioners, including details regarding the regularity of contact, and options for transport assistance (formal and informal) to access specific professionals,
- A need to be housed in an area because of cultural needs or specialist support
- A need for a child to attend a specialist school or access support services.

Reasonable Grounds for Refusal of an Offer

A tenant can reasonably refuse an offer of a property if it does not conform with the property type, property size or allocation zone for which the tenant has been approved. Not meeting the tenant's personal preferences for a property does not constitute reasonable grounds for refusal. The type of things that would be considered to be personal preferences include:

- Preferences about building materials – ie property made of brick, with tiled roof etc
- Wanting gas, not electricity (or vice versa)
- Wanting a bathtub not a shower
- Wanting to be matched to a property of the basis of the needs of a pet
- Not liking the neighbourhood
- Wanting carpets not wooden floors (or vice versa).
- Wanting a balcony

Tenants/applicants can present evidence from a specialist medical practitioner where there is a medical reason (such as asthma aggravated by dust, or mobility issues affecting ability to use a bathtub) why certain property types/features would be unsuitable.

The refusal of two offers which are considered suitable will mean that the applicant is removed from the NSW Housing register.

Appealing Decisions Regarding Allocations

If a tenant/applicant believes we made a wrong decision they should ask for a formal review of the decision. To do this a tenant or applicant needs to complete an Appeals form stating why they disagree with the decision.

A copy of our Appeals and Complaint Policy is available from our office or can be downloaded from our website at www.metrohousing.org.au

If a tenant/applicant is unhappy with the outcome of an appeal to Metro they can lodge a second tier approval with the Housing Appeals Committee.

The Housing Appeals Committee is an independent agency that review certain decisions made by Community Housing providers and Housing NSW. For information about the Housing Appeals Committee, call 1800 629 794 or go to www.hac.nsw.gov.au

MANAGEMENT TRANSFER POLICY

Purpose

If tenants experience a change in their circumstances that affects their housing needs, they can request a transfer to another property managed which is managed by FACS Housing Services or any Community Housing provider participating in Housing Pathways.

These transfers are known as **Tenant Initiated Transfers**. Tenants need to complete a general or priority transfer application and this will be assessed and processed through Housing Pathways.

In order to effectively manage our property portfolio and house more people in need, we may also require a tenant to move to another property we manage. These transfers are known as **Management Transfers**. This policy outlines the criteria we use to determine when a tenancy needs to be transferred to another property for management purposes.

Scope

This policy outlines the circumstances where Metro will require a tenant to relocate or when we will approve a relocation for management purposes. This policy applies to long term social housing tenants and transitional tenancies, however transitional tenants will only be approved for a tenant- initiated transfer where there are health or safety concerns.

Policy

We will act in accordance with our responsibilities under the NSW Housing Act 2001, the Residential Tenancies Act 2010 and Regulations and our internal policies.

Metro has the legal right to terminate a tenancy on the grounds that it has made an offer of alternate social housing as set out in Section 148 of the Residential Tenancies Act 2010.

The majority of Metro tenants reside in leasehold properties, ie properties we lease on the private market. The owners/managing agents for these properties can require us to hand back a leasehold property for a variety of reasons. This includes terminating our tenancy “without grounds” by issuing Metro with a 90 day “no grounds” Notice to Vacate.

Tenants residing in leasehold properties will be rehoused by Metro. We will seek to take the tenant’s household and locational needs into consideration when offering an alternate property. We will only require a tenant to relocate for valid reasons related to the management of a tenancy or our property portfolio.

Management transfers

We will undertake Management transfers for the following reasons:

- Under occupancy
- Severe overcrowding
- When our lease with a private landlord has been terminated
- The property configuration is not suitable for the tenant
- In response to neighbourhood disputes or breaches of the Good Neighbour Policy
- Issues related to management of a particular tenancy or our property portfolio, including proposed sale, upgrade or redevelopment of a property.

We will always attempt to negotiate mutually acceptable arrangements when we apply the Management transfer policy but we will take action through the NSW Civil and Administrative Tribunal (NCAT) in accordance with the Residential Tenancies Act 2010 to terminate/gain vacant possession of the property if the tenant refuses to relocate.

Relocation

Where possible and appropriate we will relocate tenants in their current allocation zone/the allocation zone they were approved for on the Housing Register. This is subject to management of our property portfolio, the availability of properties and the relevant rental benchmarks for leasehold properties.

What is a reasonable offer?

An offer is reasonable if it meets the tenant's known housing and locational needs and allows access to required services based on the merits of the information provided by the tenant during the relocation process.

Generally tenants who have been approved for a transfer under Housing Pathways will receive two reasonable offers of alternate accommodation.

For management transfers or tenant-initiated transfers that require an urgent response only one offer of alternate housing will be made and this can be from any of the 5 allocation zones that the tenant has been approved for.

Evidence required for requests to live in high demand areas

A tenant must provide adequate evidence to support their request to live in a high demand area. The documentation will vary according to the nature of the client's disability or medical condition but will generally require:

- A current (less than 12 months old) Medical needs assessment completed by a specialist medical practitioner
- A Report provided by a community nurse, occupational therapist, physiotherapist or mental health worker
- A Report provided by a support providers such as Home Care, Home Nursing Service, Aged Care Assessment team, Community Centre or Neighbourhood Centre.
- A written request from family or friends who provide care.

Assessments, reports or letters from health professionals and support providers should include:

- The length of time the tenant has been utilising the service/receiving treatment
- How often the tenants accesses these services
- How long the tenant will need to continue to use these services
- Whether they can access similar services in an alternate area

Support letters from family or friends must include:

- Contact details
- A description of the care or support provided and the frequency
- The length of time the care or support has been provided
- The length of time the family member or friend has been continuously living in the high demand area.

Affinity with Area

A tenant can demonstrate affinity with a specific area if they have lived in the requested area for at least ten years and developed an extensive range of social and supportive networks.

An Aboriginal or Torres Strait Islander tenant who has an affinity with a particular area satisfies locational need if they have a kinship/family group residing in the requested area or the area is the traditional homeland of their tribe.

Rejection of a Reasonable Offer

If a tenant rejects a reasonable offer of alternative social housing, Metro has the legal right to terminate a tenancy on the grounds that it has made an offer of alternate social housing. This legal right is set out in Section 148 of the *Residential Tenancies Act 2010*. The processes that we must follow are set out in Sections 149 and 150 of the *Residential Tenancies Act 2010*.

Before taking this action Metro will confirm that the offer made to the tenant took into account their known housing needs and is consistent with their entitlements as set out in our *Allocations* policy.

Assistance with relocation

We will provide a contribution to relocation expenses for management initiated transfers where it is appropriate and necessary. We will assess each tenant's situation on a case-by-case basis and make a decision based on the individual circumstances of the tenant but as a guide Metro will contribute:

- \$250.00 for a single person
- \$350.00 for a 2 person household (ie a couple or single parent and child)
- \$500.00 for 3 or more person household

Appeals and review of decision

This policy is appealable. If the tenant does not agree with a decision we have made they can seek a formal review. Our *Compliments, Complaints and Appeals Policy* outlines how tenants can request a review or a decision. This document can be downloaded from our website.

If the tenant is unhappy with the outcome of their appeal they can lodge a second tier appeal with the Housing Appeals Committee (HAC). HAC is an independent agency that reviews certain decisions made by FACS Housing Services or a Community Housing organisation. HAC can be contacted on 1800 629 794 or at www.hac.nsw.gov.au

Related documents:

- Allocation Policy
- Compliments, Complaints and Appeals Policy
- Good Neighbour Policy

RENT MANAGEMENT POLICY

Purpose

The purpose of this policy is to keep people in secure housing and in advance with their rent and to ensure the financial viability of the organization.

Scope

This policy applies to all Metro Housing tenants

Policy

Our rental calculations are based on the Human Services (FACS Housing) "Community Housing Rent Policy".

Rent Calculations

- i. Rent will be calculated in accordance with the Community Housing rent setting policy:
 - a. Wages/Salaries, Business Income and Pensions are assessable at 25%
 - b. Clean Energy Supplement is assessable at 25%
 - c. CRA payments are assessable at 100% for all tenants
 - d. Family Tax Benefits A & B are assessed at 15%
 - e. Pharmaceutical Allowance is not assessable income
 - f. Child Disability Allowance is not assessable
- ii. The income of household members who are under 18 years of age and in receipt of Commonwealth benefits is not included in the calculation of rent.
- iii. Where tenant does not have an income but is eligible for Centrelink payments and has either not applied, or not complied with Centrelink reporting requirements, or they have a reduced income due to a loan repayment, they will be charged rent at the rate applicable to the full rate of Centrelink pension/benefit to which they would normally be entitled.
- iv. Where the tenant is temporarily not in receipt of any income due to imprisonment or where they have a reduced income due to meeting the costs of a drug/alcohol rehabilitation or other residential program, no action will be taken to terminate their tenancy for non-payment of rent where the tenant supplies written evidence of their income situation. Once the tenant recommences receiving an income they will be required to sign a Rent Arrears Agreement to repay the rent owing from the period when they were without income.
- v. If the tenant, their partner and/or other household members are wage or salary earners, the wage or salary shall be determined by provision of their 6 most recent payslips or a completed Employer Declaration stating their gross income (including allowances and any salary sacrificing amounts) for the last six months.
- vi. Where a tenant has breached the terms of their obligation with Centrelink, and provides confirmation of this, they will be charged according to the income they actually receive during the breach period.
- vii. If wages change from week to week, income will be averaged across a 13 week period.

RENTAL SUBSIDY POLICY

Purpose

Metro Community Housing provides the opportunity for all social housing tenants to apply for a rental subsidy. A rental subsidy reduces the amount of rent the tenant has to pay.

If the tenant is approved for a rental subsidy we do not charge the full market rent which we set or pay for the property. Rent subsidies are reviewed at least twice per year as well as when a new tenancy commences or when a tenant's income changes.

Scope

This policy relates to all Metro Community Housing tenants living in social housing properties. It does not include "affordable" housing tenants

Policy

This policy is based on the Human Services (FACS Housing) Community Housing Rent Policy

but the policy may differ in relation to the "grace period" an individual provider may allow in relation to the time before rent increases are applied.

Calculating the Rental Subsidy

In calculating the subsidised rent, Metro Community Housing assesses the amount of gross assessable income, being the total income from all sources prior to any deductions including tax but excluding allowable business expenses for each member of the household. The total of these amounts determines the rent payment for the household.

Household members are all people living in the accommodation regardless of age or the relationship with the tenant. The following table shows the percentage of income payable by different members of the household:

Assessment Rate	Tenant/Other Household Member
Minimum 25%	The tenant, their spouse or domestic partner regardless of age
Minimum 25%	All other people living in the household aged 21 or over
25%	Energy Supplement
15%	Household members aged 18-20 who are not the tenant, spouse or domestic partner
15%	Family Tax Benefit A and B
100%	Commonwealth Rent Assistance
NIL	People living in the household aged under 18 years who are not the tenant, spouse or live in partner.

Where a tenant or household member has no income or receives a reduced statutory income Metro Housing will assess the rental subsidy based on the statutory income the person would normally receive whether or not they are entitled to receive it or not.

Income includes a broad range of payments such as regular payments, benefits, interest from savings or property held by household members. Each income is determined as assessable or non-assessable in accordance with the Housing NSW Policy and can be accessed via their website – www.facs.nsw.gov.au – *NSW Rent Assessment Rules*.

Proof of Income

The tenant is responsible for obtaining the income details of all household members and providing these to details to Metro Community Housing when requested so that rent can be assessed. When applying for a rental subsidy a tenant must declare all assessable income and provide proof of the amount received by their spouse/partner and all other members of their household aged 18 years or over.

Proof of Income must be original and can be:

- Provided through the Income Certification Scheme for Centrelink pensions and allowances. You will be required to sign a consent form giving Metro permission to download this information.
- An "Income Statement for Housing Authorities" document issued by Centrelink
- An Income Statement from the Commonwealth Department of Veteran's Affairs
- A payslip, or a letter or statement (on company letterhead) from the employer detailing gross wages, applicable tax deductions, pay period and payee details for salary and wages.
- The last available Profit and Loss Statement completed by an accountant or a ATO issued taxation return for self employed tenants.
- A letter or statement from an overseas government detailing the amount of any pension or superannuation received.
- A letter or statement from a financial institution stating the amount of any savings or investments and providing details of any interest or dividend received
- A letter from any other organisation or individual (not listed above) from which an income received which details the amount and type of income.

The type of evidence must correspond to the type of income (ie a Centrelink income must be proven by a Centrelink Statement).

Separate evidence must be presented for each type of income (eg. Households may have one member who receives a Centrelink payment and another member who receives a wage).

Documents must not be more than 4 weeks old on the date they are submitted with the exception of Tax Returns which must not be more than 13 months old.

Tenants who fail to supply income details by the due date for return of the required information will not be eligible for a rental subsidy and they will be required to pay the market rent on the property.

Assessing the Income of Self-Employed Persons

The assessable income of self-employed tenants and household members is determined by taking the gross income less those business deductions allowable for community housing rent setting purposes.

Allowable expenses are classed as an expense essential for producing an income. Some items may be allowable as tax deductions, but are not considered to be legitimate business expenses. These are presented in the table below.

The tenant or household member who will need to provide proof of income in the form of the most recent profit and loss statement from an accountant or an ATO issued tax return (not a tax assessment notice as ATO allowable expenses may differ from allowable expenses for community housing rent setting).

If the tenant or household member's calculated income is below the standard rate of Newstart Allowance then the tenant or household member's income will be assessed at the Newstart rate.

If business earnings change tenants must notify Metro within 28 days to ensure the correct rent is being paid.

Examples of Business Expense Item	Deductible
Accountancy Fees	No
Advertising	Yes
Bank Fees	No
Bookkeeping Fees	No
Capital expenditure	No
Education costs or staff training	No
Depreciation	Yes
Domestic expenses (ie telephone or utilities)	No

If the self-employed person provides a tax return as evidence it must be for the most recently expired financial years and it can be used for both required reviews in the calendar year (ie 1 June and 1 December assessments).

Commonwealth Rent Assistance

Metro Housing will calculate the amount of Commonwealth Rent Assistance (CRA) that the Commonwealth will pay the household based on the rent to be charged to the tenant.

The final subsidised rent provided to tenants will include an amount determined by the household income plus 100% of the CRA to which the tenant is entitled.

It is the responsibility of the tenant to ensure all household members apply for their CRA entitlement.

Review of Rent Subsidies

There are two types of rental subsidy review:

- Metro Housing's bi-annual reviews
- A review where a tenant has had a change of circumstances (changes in income or household composition; commencing a new tenancy).

Bi-Annual Reviews

In accordance with the Community Housing Rent Policy, Metro Housing is required to review a tenant's eligibility to receive a rental subsidy at least twice a year.

Tenants who have not given their consent to Metro to communicate directly with Centrelink will be advised in writing when we are commencing a rental subsidy review. Tenants will be given 21 days to submit a completed Rental Subsidy Declaration and acceptable proof of income for all household members.

It is the tenant's responsibility to show that they are entitled to receive a rental subsidy. Metro Housing will not provide a rental subsidy if the tenant does not provide the requested information for all members of the tenant's household.

For those tenants who have given their consent for Metro to communicate with Centrelink you will be asked to complete a form confirming who resides at the property but you will not be required to provide proof of income documents. After completion of the rent

assessment, all tenants will be sent written confirmation of their new rent amount.

Change of Circumstances review

Rental subsidies will be reviewed in response to any change of circumstances.

Tenants must advise Metro Housing of any change to their household circumstances within 28 days of the change occurring. This includes changes to the number of people living in the property or any changes to income.

If a tenant does not disclose changes to their household circumstances within 28 days their correct rental subsidy cannot be calculated and the existing subsidy can be cancelled. Any change in rental subsidy will be backdated to the date in the change of circumstances.

Backdating Rent Subsidies

When Metro receives notification of a change to a tenant's household circumstances that occurred sometime in the past it will re-assess the rental subsidy to determine whether the household has been paying the correct amount of rent.

If there is a difference in the rental subsidy the household is now eligible for Metro will backdate the difference to the time the change in household circumstances occurred.

This will reflect the correct rent that Metro Housing Should have charged and may result in the tenant owing additional money to Metro Housing.

This will also apply if the tenant does not provide information about their household income in which case market rent will be charged.

Metro Housing will backdate a subsidy when:

A household member's income has decreased and the tenant would be entitled to a reduction in their rent.

This will not apply where the income has decreased due to some action or lack of action on the part of the person, including:

- A Centrelink Breach
- A failure to apply for a Centrelink benefit, or not receiving a Centrelink benefit through the person's own actions (ie not meeting reporting obligations; being absent from Australia)
- Being on Leave Without Pay for a person in employment
- A strike
- A household member now being in some form of employment but not entitled to the benefits of the Tenant Employment Incentive Scheme (see Section 11 below)
- An additional person moves into the household

Metro Housing will always apply backdating in circumstances of fraud or non-disclosure. In other circumstances, we will apply backdating if the household income has increased by at least \$10.00 per week or the total backdated subsidy adjustment is at least \$100.00.

We will not backdate a subsidy when:

- A child turns 18
- The ages of children change which impacts on Family Tax payments
- Absences from the dwelling which is due to the tenant being in a nursing home, rehabilitation centre, respite care, refuge or prison.

Rental Subsidies and Casual Wages

Rental subsidies are normally based on the gross weekly income. Where a person's income (from one or more employers) fluctuates we will discuss with the tenant how to best predict their future weekly income. This could include:

- Using the actual amount received in their first pay and then re-assessing the subsidy in 8 weeks time,
- Averaging the income according to the amount of time they have worked for this employer (up to maximum of 26 weeks).
- Undertaking rent subsidy reviews on a quarterly basis

Where the tenant is receiving Centrelink benefits as well as wages the tenant will need to give authority for Metro to confirm income and wages with Centrelink.

If and when the subsidy is re-assessed after the 8 week period and actual income is more than the original estimate the tenant will need to backpay the difference.

If the weekly gross income amount is below the standard Centrelink income for the tenant's age and household composition we will assess their income at the standard Centrelink benefit amount according to their age and household composition.

The estimated rent for the next period will be based on the actual income for the previous quarter or half yearly period.

Note: If the tenant does not provide sufficient income details to fully re-assess and recalculate the subsidy the rental subsidy will be cancelled and the market rent amount will be backdated to the rent increase date which would have applied.

Cancellation of Rental Subsidy

It is the tenant's responsibility to demonstrate they are entitled to receive a rental subsidy. The rental subsidy will be cancelled where:

- The tenant has not provided full details of their household income by the due date
- Metro believes the tenant is not living at the premises
- Metro is aware that the tenant has more than one place of residence
- The tenant has not advised of changes of household circumstances within 28 days

We will notify the tenant in writing if the rental subsidy is cancelled. This will record the reason for cancellation and any avenues for review or appeal.

A tenant who provides income details after the due date which shows they are eligible for a rental subsidy will have the subsidy backdated to the date the rebate was cancelled.

Tenant Employment Incentive Scheme

The Employment Incentive Scheme assists tenants and residents who are starting work or re-entering the workforce after a break of 12 months or longer.

A tenant, their spouse or partner or other household member who commences employment is entitled to a grace period of 60 days with their rent continuing to be subsidised as long as the household is not in rent arrears.

This scheme is designed to assist tenants and residents to prepare for the increase in their rent. The tenant or household member is eligible to apply if:

- They are moving from unemployment to work whether casual, part-time or full time.
- They are moving from full time study to work
- They have informed us within 28 days of starting work

Once a tenant has advised us that a household member is commencing employment and they are eligible to receive a grace period, we will advise the tenant of the date the increase will take effect.

A tenant or household member is not eligible if they:

- Are moving from casual/part time to part-time/full time work
- Are changing jobs
- Are moving from self-employed to employed
- Are paying market rent

For this category of tenants, the new rental subsidy will start 7 days after they commenced employment where their new rent will be increased by less than 50% of the current rate.

Where the new rental subsidy results in an increase of more than 50% of their current rent a grace period of 28 days will be allowed.

Running a Business from Home

Tenants may use their home to run a business as long as they do not breach the terms of their tenancy agreement. The conditions are as follows:

- The tenant has prior written agreement of Metro Housing and and/or the owner of the property
- The tenant has a current public liability insurance policy appropriate to the type of business
- The tenant has the approval of the Local Council and other relevant authorities
- It does not cause a nuisance or interfere with the peace, comfort or privacy of neighbours
- There is no cost to Metro Housing and/or the owner of the property.

Legislative Framework

- Residential Tenancies Act 2010
- Community Housing Rent Policy

Review date

The Rental Subsidy policy was reviewed and changes approved by the Metro Board of Directors on 8 May 2019. The policy was updated on 21 May 2019.

Rent Payments

Tenants must pay two weeks rent in advance at the time they sign their Residential Tenancy Agreement with Metro and they then must continue to keep their rent two weeks in advance.

Rental payments can be made:

- By Centrepay direct deduction (our preferred option)
- By bank deposit at any CBA branch (or agency) or by internet transfer
- Payment in cash or EFTPOS facility at our office

Rent Statements

Rent statements will be sent to all tenants quarterly or at any time upon request. Details of all rent/other payments will be recorded on the Tenant Management System database.

Tenants can access their rent and non-rent account statements through the *Deeplake* Portal.

Water Usage Charges

In relation to water usage charges, tenants who reside in properties which are separately metered will be sent an invoice and a copy of the Sydney Water bill showing their water usage. This invoice must be paid in full within 30 days of Metro issuing an invoice. This may require tenants to pay more than 7.5% of their income in relation to these charges.

Metro Community Housing can provide advice to tenants in relation to strategies to reduce water charges or to work out a regular fortnightly arrangement which will cover their average water usage costs.

In accordance with the Ministerial Guidelines in relation to water usage charges, tenants who live in capital properties which are not separately metered will be charged an amount equivalent to 4% of their rent for water usage. These amounts will be recorded as credit in a separate account and allocated to water usage costs.

Management of Rent and Water Usage Arrears

Arrears are reviewed by Housing staff every week. If a tenant is more than 14 days in rent arrears they will be served a letter for non-payment of rent, giving them 7 days to address their arrears (Letter 1) or to contact their Housing Worker in regard to their intended actions to do so.

If the tenant does not respond and the arrears fall further behind, after a further 7 days the Housing Worker will issue a Notice to Terminate with a covering letter explaining that we are doing so in order to be able to make an application to the NSW Civil and Administrative Tribunal (Tenancy Division) if the arrears are not cleared by the end of the Notice Period. A formal repayment agreement will be sent out with the Notice of Termination.

Metro will apply to the Consumer Trader and Tenancy Tribunal (NCAT) for a Specific Performance Order where tenants have entered into a formal repayment agreement. We will in most cases (for all cases where arrears are over 28 days) also request a re-listing date for a period up to six months after the order is made to allow us to seek termination of the tenancy if the SPO is not complied with.

Where tenants have not signed a formal repayment agreement or attempted to discuss and resolve the matter with their Housing worker, we will apply to NCAT for an order giving us vacant possession of the property and an order that the tenant pay all rent owing. If NCAT makes an order for Termination/Vacant Possession these orders will generally allow the tenancy to continue if the tenant pays all arrears owing prior to the date of vacant possession.

However in cases where there has been a consistent pattern of arrears over a considerable period of time or non-compliance with previous NCAT orders we will seek a termination which ends the tenancy even if the tenant repays all debts.

If a tenant incurs a debt for water usage which is not paid within 30 days after the date of issue, we will make an application to NCAT for a payment order. Metro will not pursue an order for possession if the tenant consents to NCAT making a Specific Performance Order to repay all water usage arrears. If the tenant breaches this order we will apply to the Tribunal for vacant possession of the property.

If a tenant fails to contact Metro about their arrears, fails to attend a Consumer Trader & Tenancy Tribunal hearing and declines to sign/does not comply with a Repayment agreement for rent/water usage arrears, Metro will seek an order for termination/vacant possession.

Tenant Recharge Debts

Tenants who incur non-rent debts - Tenant Recharges – in situations where they have requested Metro to pay upfront costs will need to sign a repayment agreement before Metro Housing will pay these costs on their behalf.

Such debts may include removalist costs; repairs and maintenance required due to tenant damage, cleaning/fumigation/gardening services during the term of their tenancy. Tenants will be provided with a copy of the invoice received from the contractor/service provider along with a Metro debit note.

Repayment arrangements will generally require tenants to pay a minimum of 7.5% of their income (in addition to their rent) until the debt is cleared.

Notices

A copy of all arrears notices/letters sent to tenants shall be kept on the tenant's file. Letters, which accompany a Notice to Terminate a Tenancy, shall:

- Provide contact details of a local Tenancy Advice Service.
- Be in plain English and tailored to individual needs where possible. Be courteous and respectful.
- Provide a clear message to tenants that Metro wants to keep people in their housing and is willing to negotiate an agreement to allow the tenancy to continue.

Assistance if you are issued with a Notice of Termination

We encourage our tenants to seek the assistance of a tenancy advocacy worker to provide advice prior to, or to represent them at the Tribunal. All correspondence in relation to arrears or Notices of Termination will provide contact details for legal/tenancy advice and assistance services.

Changes in Circumstances

Purpose

To ensure that (to the extent possible) the specific needs of our tenants are able to be met; that Metro is adequately informed of any changes in situation that have a direct bearing on a tenancy; and that housing assets are used appropriately

Scope

These requirements apply to all Metro tenants.

Policy

Tenants are required to notify Metro of any changes in their household composition or the occupancy of their property and obtain consent for these changes in the timeframes stated below.

Occupancy of Properties

Tenants must notify us of any changes in the number of permanent occupants residing at their premises within 7 days. The tenancy agreement made between Metro Housing as landlord and a tenant will specify the maximum number of people able to reside in the property. This number can not be exceeded.

Additional Occupants

Tenants are required to complete an “Additional Occupant Declaration Form” to advise us if another person moves into their property. Tenants may have visitors for periods of up to three weeks without declaring that person as an additional occupant.

Any person who resides at the premises for longer than three weeks is considered an additional occupant and must be declared for rent assessment purposes.

The head tenant (the person who has signed the lease) is responsible for ensuring that Income details, or a written consent for us to download Centrelink income details for the Additional occupant are provided to Metro and the correct rent is paid to Metro once an additional occupant has been declared.

Whilst additional occupants may choose to set up direct payments to Metro for their share of the rent, and this is strongly encouraged, we are unable to take enforcement action for non-payment of rent by additional occupants.

It is therefore the responsibility of the head tenant to ensure that the correct rent is paid and failure of additional occupants to pay their correct share of the rent will not be accepted as a reason not to take action against the head tenant to recover the rental arrears.

Failure to provide timely advice about additional occupants constitutes rental fraud and may result in the tenant no longer being considered eligible for a rental subsidy rebate and therefore required to pay market rent.

In such circumstances market rent will be backdated to the date the additional occupant commenced residing at the property or action being taken to terminate the tenancy.

Tenants will not be approved for an internal transfer based on overcrowding or the need for an additional bedroom as a result of having an additional occupant.

Absence from Dwelling

Metro provides properties with the expectation that the tenant will reside at the property.

However, absences for periods of up to 3 months can be approved. Tenants must seek permission for any absences over six weeks. Tenants will only be approved for absences if these are for a period no greater than 12 months over a five year period.

Tenants must identify an agent who will act on their behalf during their absence. This may be an existing household member but if person is not already recorded as an additional occupant the tenant will need to apply to have them listed as an additional occupant for any period over 28 days.

Rent must continue to be paid through Centrelink direct deduction where Centrelink payments are not discontinued/suspended during the person's absence. Where Centrelink payments are suspended rent must be paid in advance. Payments will generally be suspended in relation to:

- A person on Newstart/Youth Allowance/Abstudy will have payments suspended if not meeting reporting obligations. This will result in immediate cancellation of benefits if the tenant leaves the country.
- Tenants receiving a Disability Support Pension may receive payments for 28 days if they leave the country for an "acceptable" reason, after which payments will be suspended.
- Tenants receiving an Aged Pension may receive payments for up to six weeks if they leave the country for an "acceptable reason", after which payments will be suspended.

Rent will be reduced to a minimum level in certain circumstances, such as a permanent tenant being imprisoned or entering a drug and alcohol rehabilitation program (further details are set out in Housing NSW Rent Policy). Rent reductions for these purposes do not apply to tenants in a transitional tenancy.

Succession Policy

Where a tenant dies or leaves the country permanently, an adult member of their household who has been residing in the property (and declared for rent assessment purposes) for at least two years prior to the tenant vacating may request to take over the tenancy.

Requests to take over the lease/tenancy will be considered by the Manager only if the person seeking succession meets the eligibility criteria for social housing.

Until the request is decided the person/s may remain in the property as long as the usual conditions of the tenancy are kept. In deciding the request we will consider the number of people who will occupy the property, and whether the property is leasehold or capital.

If the request is refused we will give 90 days notice to allow the family member to find alternate accommodation

Breaches of Tenancy Agreement/Metro Housing Policy

Where a tenant has failed to provide the correct information about their housing situation (e.g. income, household members) the Manager will either determine or referred to the Board for determination a recommendation to take the following action:

- Immediately increase the rent to market value.
- Withdraw any offers of future rehousing
- Seek termination of the tenancy

Tenants will have the right to seek a review of this decision. Any Notice to Terminate issued for breach of the lease agreement will follow the same principles applied in the Eviction for Rent Arrears policy. This means that all eviction proceedings will be undertaken as per the regulations of the Residential Tenancy Act. Except in cases of deliberate fraud, all attempts will be made to prevent eviction.

Ending a Tenancy

Tenant initiated exits

Tenants wishing to vacate their property are required to provide at least 21 days notice unless they have accepted an offer of social housing from either FACS Housing or another Community Housing provider. In these cases we will accept 14 days notice.

The Housing Worker will arrange an inspection of the property as soon as possible after notice is given.

Post Vacancy Inspections

We will inspect all properties prior to, or as soon as practicable, after a tenant vacates. This will be done, where possible, with the tenant and (for leasehold properties) the managing agent present.

Staff will take the ingoing property condition report to refer to and assess the outgoing property condition in relation to both the Ingoing Condition Report and any reported maintenance, damage or defects that were reported by the tenant during the term of their tenancy.

If the property is left in good condition, the bond will be refunded minus any agreed costs such as final water usage charges, or the bond transferred to their new tenancy if a continuing tenant.

If the property is not left in good condition, and the tenant can be contacted, they will be given an opportunity to return to the property within 48 hours to complete any outstanding cleaning/rubbish removal etc.

Alternately we will advise the tenant that further work is required and that Metro will engage contractors to complete cleaning/repairs. We will try and be as specific as possible about the likely costs but this may not always be possible.

We will then send a debit notice, copy of the contractor's invoice and explanatory letter to the tenant seeking reimbursement of costs incurred.

Any outstanding post tenancy debts will be followed up at NCAT and the full or partial tenant bond will be claimed to cover these costs.

Abandonment

The Co-op will honour all of its legal contracts and agreements with regard to 'abandoned'

properties under the Residential Tenancy Act.

COMPLIMENTS, COMPLAINTS AND APPEALS

Purpose

To promote positive relationships with users of our service and ensure that the complaints and appeals process is clear and accessible and managed consistently, fairly and promptly

Metro respects and values the views of all our customers. We understand that compliments, complaints and appeals provide us with valuable feedback about our services.

Scope

This policy explains the processes we use to handle compliments, complaints and appeals about our services and how they are delivered. The policy applies to tenants, applicants, support agencies and the broader community.

Disputes between neighbours and within communities are not covered by this policy and are handled in accordance with Metro's *Good Neighbour Policy*.

Policy

This policy outlines how Metro will manage both compliments and complaints about our service delivery; appeals about the decisions we make and external avenues of complaint and appeal available to tenants and applicants.

The aim of this policy is to ensure that Metro Housing has a consistent, systemic approach to managing, monitoring and analysing all feedback we receive about our services and decisions.

Overview

Metro acknowledges that errors, misunderstandings, dissatisfaction and unexpected problems occur in all systems and services. Effective complaint and appeal handling enables organisations to intervene before a problem becomes worse, and provides a review process for customers who have been, or feel they have been, disadvantaged by a Metro Housing action or decision.

Any Metro customer (or someone acting on their behalf) has the right to lodge a complaint or Appeal about our services or how they are delivered.

We also welcome feedback that acknowledges the actions of staff in delivering a positive experience to our customers.

What is a compliment?

A compliment is an expression of satisfaction with our services or the way the service has been delivered by one or more staff. This can include:

- Sensitivity in dealing with a change of circumstances
- Prompt handling of correspondence and telephone calls
- Efficient process for responsive repairs
- A High level of satisfaction with planned maintenance undertaken in our capital properties
- Approachable and response services

What is a complaint?

A complaint is defined as an expression of dissatisfaction with a specific aspect of our services where the complainant is unhappy with the standard or type of service and requests a different/change in outcome.

Examples of complaints can include:

- Failing to provide a service or an aspect of a service such as not completing a repair, not conducting tenant visits or not providing rent statements
- Rude or inappropriate staff behaviour such as not returning calls in a timely manner
- Not accurately recording information or responding to requests such as sending out appropriate forms or information
- Providing an inconsistent or inaccurate service such as responding differently to similar circumstances or situations or providing incorrect advice about our policies or procedures

Complaints about service delivery are handled internally by Metro staff or management. All complaints must be reviewed and the response agreed on by the Manager.

If the complaint relates to service delivery directly overseen or determined by the Manager the complaint will be reviewed by a Metro Board member or a sub-committee of the Board.

What is an appeal?

An appeal is an expression of dissatisfaction with a decision we have made. The appeal process provides an opportunity to review the decision and reflect on whether the decision was made based on full and accurate information; and in accordance with relevant legislation, regulations and the organisation's policies and procedures.

Appealable decisions are defined by the **Housing Appeals Committee**. For social housing applicants and Metro tenants, appealable decisions include:

- Eligibility for social housing including priority housing
- Dwelling entitlements – number of bedrooms or property type
- Locational entitlements and entitlement to “high demand” locations
- Offers of properties and the suitability of each offer
- Removal from the NSW Housing Register
- Changes to a tenancy including mutual exchange or succession of a tenancy
- Need for modifications for disability/medical reasons
- Former tenant charges
- Calculation of water charges
- Calculation, change or cancellation of a rent subsidy
- Permission for tenants to be absent from their property, and rent calculations during their absence
- Relocating tenants to other social housing at the expiry of a leasehold

HAC is an independent agency that reviews certain decisions made by staff of community housing organisations and FACS Housing NSW. For further information about the Housing Appeals Committee or the appeal process call 1800 629 794 or go to www.hac.nsw.gov.au

There is a two step process to managing appeals:

- The tenant or applicant must seek a review of the decision made by Metro. This appeal must be investigated and the complainant advised in writing of the outcome. The person you are complaining about will not be the person handling your complaint and in the case of an appeal, the person who made the original decision will not manage the appeal. If a tenant or applicant is unhappy with the outcome of the appeal to Metro they can lodge a second level appeal with the Housing Appeals Committee (HAC).

How to make a complaint or appeal.

We aim to make the process of making a complaint or appeal fair and accessible. Any person involved in the complaint or appeal process can expect to be treated with respect and dignity at all times.

We wish to assure all parties that making a complaint or appealing a decision will not result in any form of retaliation or discrimination, including any change in attitude or quality of service from Metro staff.

While complaints and appeals are managed differently, we do not expect an individual to identify whether their matter is a complaint or appeal. This will be identified and clearly communicated to you by Metro when a complaint or appeal is received.

A complainant or appellant has the right to:

- Have their concern dealt with confidentially and professionally
- Ask for help in raising their concern including being assisted by an advocate or support person
- Invite a formal support person or a friend or relative to accompany them to any meetings and/or provide information on their behalf (with the person's consent)
- Choose a location that is comfortable and convenient for any meeting
- Use an interpreting or translating service at Metro expense
- Be given information about tenant advice and advocacy services
- Take their appeal further if not satisfied with the outcome.

Compliments, complaints and appeals can be made verbally or in writing

- By email to reception@metrohousing.org.au
- By completing the Metro feedback form available from our office or by downloading from our website – www.metrohousing.org.au. This form can be emailed to reception@metrohousing.org.au or posted to PO Box 1198, Newtown 2042
- By making an appointment to meet in person at our office at Suite 208, 1 Erskineville Rd, Newtown.
- By contacting our office on 02 9565 4599.

All Metro staff can receive a compliment, complaint or appeal and this will be recorded in our Customer Feedback or Complaints Registers. You will receive a written acknowledgement of receipt within 2 working days and for complaints/appeals the acknowledgement will provide the contact details of the person who will be managing the complaint or appeal.

That person will be responsible for:

- Communicating with the complainant or appellant
- Keeping accurate notes
- Investigating thoroughly and impartially
- Keeping details of the complaint or appeal confidential for internal reporting and board reporting purposes
- Providing information about external agencies who can investigate further where the complaint or appeal remains unresolved or the person remains dissatisfied with the outcome.

To ensure fairness Metro will ensure the complaint manager appointed to investigate the complaint or appeal is not the subject of the complaint or the appeal.

We aim to resolve complaints and appeals promptly and wherever possible within 21 business days of receipt. In situation where we cannot meet this timeframe we will advise the complainant or appellant of progress to date, any reasons for the delay and the expected date of resolution.

Once the internal investigation is complete, the Manager will send the complainant or appellant written advice outlining the outcome of the complaint or appeal.

What happens if I disagree with the outcome of my complaint or appeal.

- If you are unhappy with the outcome of your complaint you can take the matter to the Metro Board of Directors. The Board will discuss the complaint at their next scheduled meeting. You will be advised of the Board's decision within 14 days of their meeting. The Housing Board's decision is final.
- If you are unhappy with the outcome of your appeal you have the right to appeal to the independent Housing Appeals Committee by contacting them on: **1800 629 794** or at www.hac.nsw.gov.au

Assistance for tenants or applicants making a complaint or appeal.

We will assist clients to complete the relevant forms to make a complaint or appeal as required. This includes arranging an appropriate service provider or interpreter if required.

External bodies that can assist tenants who wish to make a complaint or appeal include:

- Your nearest Tenant Advice and Advocacy Service – go to www.tenants.org.au and put in your postcode for contact details for the nearest service.
- Community Legal Services – go to www.clcnsw.org.au
- The NSW Department of Fair Trading Information Centre – Phone 133 220 or go to www.fairtrading.nsw.gov.au

How Metro uses information from Compliments, Complaints and Appeals.

Metro will regularly review information from complaints and appeals to identify ways in which our services can be improved. We report to our Board on the number and type of complaints and the outcomes.

We also provide information about our complaints and appeals to comply with the reporting requirements of the National Regulatory System for Community Housing (NRSCH) and the Community and Private Market Housing Directorate (CAPMH) of FACS – our funding body.

All reporting on complaints and appeals to the above bodies will not identify the complainant or appellant without their specific consent.

Issues outside this Policy

The NSW Civil and Administrative Tribunal (NCAT) deals with tenancy issues arising from our obligations under the Residential Tenancies Act 2010.

NCAT can be contacted on 1300 135 399 or www.ncat.nsw.gov.au.

Concerns about fraud, misconduct or illegal activity by a Metro member of staff or board member will be dealt with separately. Please refer to our Fraud and Whistle-blower policies for details of how these matters are handled.

The National Regulatory System for Community Housing investigates complaints that raise concerns about a registered Community Housing provider's compliance with the Regulatory Code including the way it is governed or how it manages its assets. A complaint can be made using the online form at www.nrsch.gov.au/complaintform. A complaint can also be made by contacting the Office of the Registrar on 1800 330 940

The Community, Homes and Pathways Directorate of the Department of Family and Community Services has also released a guide as to management of complaints and appeals available at www.housing.nsw.gov.au/CommunityHousing

Related documents

- Legislation - Residential Tenancies Act 2010

TENANT RIGHTS AND PARTICIPATION

Purpose

As a Co-operative, Metro supports the rights of all our tenants to be involved in the activities of the organization and to ensure that tenants are aware of how to provide their views on matters that affect them and are able to participate in decisions concerning the management of the organization.

Metro also seeks to establish and maintain good working relationships, effective referral processes and positive linkages with local organisations and partner agencies in order to strengthen our capacity to effectively support our tenants

Scope

This policy applies to all Metro tenants, including transitional tenants.

Policy

We will abide by all relevant state and federal privacy legislation and respect the rights of our tenants.

General Statement on Tenant Rights

- All tenants have the right to fair and non-discriminatory treatment and to be treated with respect.
- All tenants will be provided with appropriate information about the activities of the Housing association at the commencement of, and throughout their tenancy.
- All tenants will have the right to participate in the activities of the Co-op, as well as the right to decline to participate.
- We will always abide by the terms and conditions of the Residential Tenancy Act and any other relevant legislation designed to protect the rights of tenants.
- Tenants will have security of tenure within the guidelines of their Residential Tenancy Agreement, our policies and procedures and CHD funding guidelines.

Confidentiality & Privacy

Except where specific consent is given for release of information to other parties, we will maintain the confidentiality and privacy of tenants in all matters relating to their tenancy.

The only persons who will have access to tenant files or tenant information will be:

- Staff
- The tenant
- The Board of Directors in limited circumstances (e.g. disputes/ serious breaches of policy that may lead to termination of the tenancy)
- External support agencies or individuals where the tenant has consented to the provision of information being given to that agency
- The Department of Housing where the tenant has consented to exchange of information.

Tenants may access their own files at any time by giving reasonable notice. Copies of any information held on their files shall be provided to tenants unless the provision of information may compromise the confidentiality of third parties – in such circumstances staff will rely on the principles of The NSW *Freedom of Information* legislation to determine access.

Tenants will be provided with a written statement about privacy when they sign up to become a tenant and will be asked to sign a form agreeing that they have sighted the statement and understand their rights and responsibilities with regard to privacy.

Exclusions to this Confidentiality Policy

The only time that we shall disclose information about a tenant without their explicit consent is when we are legally obliged to do so e.g. to Centrelink; to the NSW Police Service (following a formal request or as directed by a Court Order) or in circumstances whereby we have a duty of care to do so e.g. Notification of a Child at Risk to Department of Community Services, or contacting Mental Health Crisis Services in response to concerns about the safety of our tenant or of other persons.

Board Access to Information

Board members shall only be given access to a tenant's information where this is acceptable under the Privacy legislation or where a tenant has consented to the release of information.

Generally, the only circumstances where information about tenants will be released to the Board of Directors is:

- At a disputes and appeals resolution meeting where the tenant has consented to release of information.
- Where required under law or where there are reasonable grounds (e.g. duty of care) for information to be disclosed.

Information about Rights

Where there are legislative or policy changes which may affect tenants' rights, tenants will be advised through the "Latest News" section of our website; the quarterly newsletter or through the *Deeplake* Tenant Portal.

Tenant Involvement

We are committed to tenant involvement and will promote the interests of tenants and those in the community who seek/require access to secure and affordable housing.

We acknowledge however that there are barriers to participation and Metro will seek to implement strategies to support tenants to give their views or become involved.

All Metro tenants are entitled to membership of the Co-operative and this allows tenants to nominate for, or vote for directors at the Annual General Meeting. Tenants may also attend any Board Meeting by giving 14 days notice of their request to attend.

Metro has two tenant representatives on the Social Housing Tenants Network. The contact details for the tenant representatives will be available on our website or tenants can contact the Metro office for this information.

We recognize that many tenants may choose not to participate in the Co-op. This right is respected and it is recognized that participation is a voluntary activity.

Volunteers

Volunteering can provide an opportunity for tenants to develop skills and confidence. We recognize our obligation to provide volunteers with meaningful work that involves clearly defined tasks, appropriate training, and ongoing evaluation.

External volunteers (that is non tenants) are not used at the Co-operative. Student and work experience placements will be considered on a case by case basis by the Manager.

Provision of Information to Tenants

We encourage the involvement of tenants in the planning, delivery, evaluation and review of our services and we will provide opportunities to participate in decisions concerning the Co-operative.

Tenants will be kept informed of Metro's operations and policies by:

- The distribution of a quarterly newsletter for tenants.
- Ensuring that policies and procedures are fully explained to tenants and all new tenants are given a copy of our *Tenant Handbook*.
- Making documents about our policies and procedures publicly available (ie on our website).
- Allowing tenants the right to make reasonable decisions about the management of their own dwelling.
- Obtaining formal feedback through annual, independently conducted tenant satisfaction surveys.
- Encouraging informal feedback from tenants
- Providing opportunities for input into formal reviews of our policies

Resourcing

Metro will support participation by:

- Meeting the costs of tenant meetings, e.g. mailouts, meeting costs & training
- Providing administrative support, e.g. minutes and agenda typing, record keeping, mailing, preparation of newsletters, etc
- Providing appropriate background papers and other documents to help understanding of the issues
- Provide information and assistance in relation to meeting procedures, planning, priority setting, roles of office bearers, member responsibilities, etc as required
- Ensure staff attendance at meetings
- Assist with the development of suitable training opportunities for individual members where appropriate

Strategies to Involve Tenants

- Information can be forwarded to and received from tenants via – Deeplake - our tenant portal. Tenants can access rent and other information or report maintenance directly through the portal
- Providing assistance for interested tenants to attend the AGM or other board meetings (ie childcare/transport costs will be reimbursed)
- Communication with Board members - There will be at least one event each year where tenants will be invited to meet the staff and Board of Directors – this will generally coincide with the Annual General Meeting.
- Our website will include an e-mail address for tenants to contact the Board Secretary directly.
- Tenant Survey - We will use an independent organisation to survey tenants annually to ensure that our services are meeting tenants' needs.
- Training/Information provision - All new tenants will be given a Tenant Handbook with information about our policies.
- Policies & Procedures will be publicly available online or by request.
- We will ensure our office is accessible for people with a disability and is close to public transport.
- Telephones will be answered Mon-Friday between 9.30am and 4:30pm. If for any reason the office is unattended or staff are unable to answer calls an answering machine will allow clients to leave messages and information about emergency repairs.

Access to Information and publication

A copy of our Annual Report and Audited Financial Reports will be available on our website within 14 days of our Annual General Meeting.

Information in different formats

As a small organization Metro does not have the resources to have all our publicly available information translated into community languages but we will use and recommend that tenants use *Google Translate* to provide/access required information.

Where tenants are unable to utilize available technology, arrangements will be made to ensure that any information is understood. This may include:

- Liaison with welfare/referral services
- Availability of the documentation in community languages where possible
- Use of interpreters (e.g. Telephone Interpreter Service)
- Bringing friends, family or advocates to any meeting with Metro staff. Our preference is to use professional interpreting services where possible but if tenants prefer to use a non-professional interpreter known to them, staff must be satisfied that the use of the interpreter selected by the client is in their best interests..

Referral Information

Metro shall provide appropriate information and referrals to relevant services. We will facilitate this by communicating with and actively working with local community support services, local government, and state and federal government agencies with whom we share common clients.

Support Partnership Agreements

Where Metro enters into a formal partnership with a support agency, both parties shall sign a formal, written agreement. Such an agreement shall outline the roles and responsibilities of both the housing provider and the support provider. The agreement shall include a review period and conflict resolution procedures.

All tenants housed through a Support Partnership Agreement shall be fully informed of their rights and responsibilities under the agreement, and shall be asked to sign a form acknowledging that they are aware of, and accept the conditions of the agreement.

Participation in Community Issues

The Manager or delegated staff shall attend key forums and actively participate in, and promote the co-operative at such events. These will include local interagency meetings and specific working parties or client focused network groups.

Peak Bodies

Metro will maintain memberships and staff/board members will utilize the services of and attend seminars, working groups, conferences etc. organised by our peak body CHIA/other peak housing bodies, and participate in the wider policy debate on social housing.

ASSET MANAGEMENT

Purpose

To ensure that tenants reside in properties that are in an acceptable state of repair; that a prompt and effective maintenance service is available to our tenants and that we have effective processes in place to ensure the protection of the government's assets.

Policy

As a requirement of our leasing arrangements with the NSW Land and Housing Corporation (the asset owner) and respective funding agreements, Metro is responsible for the maintenance and insurance of our capital properties.

A 10 year rolling Asset Management Plan (AMP) has been developed to set out the planned and cyclical maintenance works that will be undertaken each year to ensure the effective maintenance of these properties.

The AMP links to other key plans and documents including the Strategic and Operational Plans, Risk Management Plan, 10 year Budget forecasts and annual budgets.

Our internal policies requires 20% of our portfolio to be re-scoped annually or in response to void management/upgrading of properties when they become vacant.

Asset Profile

As at 30 June 2018 our property portfolio consisted of:

- 110 Capital Properties (owned by NSW government though NSW Land and Housing Corporation)
- A minimum of 261 headleased properties for which we receive annual and longer term funding from the Communities, Homes and Pathways Division of FACS (Housing Services). Metro generally leases above this number as a result of efficient use of our annual Community Housing Leasehold program funding.
- Funding for 4 crisis leasehold properties to provide exit housing to clients nominated by 2 Specialist Homelessness Services.
- 12 leasehold properties funded through the Connect 100 funding program to house and support former "rough sleepers" who had resided in City of Sydney LGA.
- 4 accommodation units owned by Metro Community Housing. We purchased a property which we have converted into 1 x 2b/r, 2x1b/r and 1 studio unit. Our intention is to redevelop this site within the next 3-5 years.
- 6 properties managed on a Fee for Service basis for other not for profit organisations.
- 2 FACS funded Crisis refuges for which we provide property management services.

Property Types and Location

Our capital portfolio consists of a mix of units and houses located in the City of Sydney, Inner West and Canterbury/Bankstown Local government areas.

As at 30 June 2018 our leasehold properties were located across sixteen LGAs with the majority located in the Inner West, Canada Bay, Canterbury, and City of Sydney LGAs.

Property Condition

In accordance with Clause 18 of the Residential Tenancy Agreement we will make sure that the residential premises are reasonably clean and fit to live in (Clause 18.1) and we will maintain the property in a reasonable state of repair, considering the age of, the rent paid for, and the prospective life of the property (Clause 18.3).

Procurement of new leasehold properties:

Leasehold properties must meet these minimum standards:

- Have minimum security (e.g. deadlocks and window locks)
- Have working smoke alarms
- Be in a reasonable condition (reasonably clean and fit to live in as per the residential Tenancy Act)
- Be available for a minimum period of 12 months with a continuation clause (but wherever possible be for a longer period)
- Meet the stated needs of potential tenants prior to being offered.
- Not be offered to a potential tenant without that person/s viewing the property
- Have all required maintenance completed or confirmed in writing prior to occupation. Any agreements to undertake work will be noted on the ingoing condition report and an agreement reached about the timeframe for such work to be completed.
- Include any agreed additional terms (e.g. permission for pets, payment of water usage, responsibility for garden maintenance)
- Be within the median price range as outlined in the quarterly NSW Rent and Sales Report.
- Be managed by a registered Real Estate Agent or be accompanied by a 'deed of ownership' if renting from a private owner.

Metro Community Housing acquires the majority of leasehold properties through real estate agencies but we are also offered properties for lease by private owners. In order to avoid any potential conflict of interest Metro will not acquire properties which are owned or managed by any person who has a personal relationship with the Metro tenant who will be residing in the property.

If the owner of a property offered to Metro is known by any Metro director or staff member then that acquisition will be referred to the Finance and Audit sub-committee (or to two other board members if the property owner is known by a member of the Finance/Audit sub-committee).

The acquisition of any property where the rent charged is more than 10% above the Rental Bond Board median will also be referred to one member of the Finance, Audit and Risk sub-committee for approval.

Budget Caps

In order to house more people in our leasehold program, Metro applies a cap to the rental amount paid for head-leased properties. The base rate was calculated using the median rents paid (by bedroom size) for our property portfolio when annualized funding for the Community Housing Leasehold Program (CHLP) commenced in 2015.

Rental caps are increased by 2.5% annually on July 1st. This aligns with the annual increase for the Community Housing Leasehold Program.

Tenants who have special needs in relation to location or property type, or whose circumstances present greater challenges in finding suitable accommodation will generally be exempted from the application of these caps when properties are being sourced for new/transferring tenants.

Asset Disposals

We undertake an annual review to categorize our capital properties on the basis of Retain, Redevelop or Dispose in relation to our longer term asset management strategies and we liaise with the NSW Land and Housing Corporation about short, medium and long term plans for these properties.

Property Inspections

All capital properties will be inspected annually by our Asset Manager, a written record kept on the property file and the Asset Maintenance Plan updated and/or reviewed in response. Work orders will be issued to our contractors for any responsive maintenance requirements.

Leasehold properties will generally be inspected on an annual basis by the managing agent/owner. Tenants will be given at least 7 days notice of proposed inspections. Metro staff can be requested to attend these inspections.

Any required maintenance should be identified and reported to the Real Estate Agent during the inspection. Where necessary, a follow up visit will be made to check that the work has been done to a satisfactory level. T

Staff responsible for property inspections are given appropriate training to perform this role.

Timeframes for completion of repairs and maintenance

Timeframes for urgent repairs are set out in the Residential Tenancy Agreement and real estate agents and owners are expected to comply with these.

Metro undertakes to follow up requests for urgent work and take all possible steps to ensure tenants living in leasehold properties are able to have necessary work completed in a timely manner. This may include applying to the Consumer, Trader and Tenancy Tribunal for an order.

Urgent repairs on capital properties will be completed within 48 hours of Metro receiving advice of the problem. Non-urgent repairs will be completed within 21 days of a request being made for responsive repairs.

Cyclical or planned maintenance for capital properties will be programmed in our Asset Maintenance Plan. Metro may consider requests for planned maintenance (ie painting) to be brought forward/delayed at the request of the tenant.

Urgent Repairs

The following are deemed to be 'urgent' or 'emergency' repairs under the provisions of the Residential Tenancies Act:

- A blocked or broken toilet
- A serious roof leak
- A gas leak
- A dangerous electrical fault
- Flooding or serious flood damage
- A failure or break down of the gas, electricity or water supply to the property
- A failure or breakdown of any essential service such as hot water, cooking, heating or laundering
- A burst water service
- Any fault that causes the residential premises to be unsafe or unsecure.

Urgent Repairs in Capital Properties

Tenants in capital properties have access to an after-hours emergency service and should call Well Done International in the case of emergencies.

Urgent Repairs in Leasehold Properties

Upon advice of urgently required maintenance/repairs, we will generate a work order and e-mail and/or fax this to the Real Estate Agent or landlord noting any requirement for work to be undertaken in accordance with timeframes under the Residential Tenancy Agreement (Clause 19). Written work order requests will be followed up with the managing agent/owner by telephone.

If staff cannot reach the Real Estate Agent/Landlord, or agents are unable to arrange the repair within 24 to 48 hours, Metro staff will organise a suitably qualified tradesperson from the list of contractors to do repairs up to \$1000 and forward a request for reimbursement to the agent/Landlord within 14 days (in accordance with Clause 19.1 of the Residential Tenancy Agreement).

If these tradespersons are not available, tenants will be informed of their right to contact any qualified tradesperson and receive reimbursement for the cost of any work up to \$500.00 upon providing us with a copy of the receipt for work undertaken.

Urgent repairs to utilities (gas, electricity, water) will generally be provided by the Utility provider with whom the tenant has an account and in most circumstances pre-payment or payment at the time the service is provided will not be required.

Contact Details for After-Hours Emergency Repairs for both capital and leasehold properties are given on Page 2 of the Tenant's lease.

Non-Urgent Repairs

When the office is contacted with a request for repairs or maintenance the Housing Worker or Administrative officer will:

- Try to establish the cause of the damage or obtain as much information as possible about the nature of the problem. If the damage was the result of tenant negligence, staff will inform the tenant of their responsibility to meet the cost of repairs/remediation.
- Establish if it is URGENT as per the definitions set out in the the Residential Tenancies Act 1987.
- Complete a system generated 'Work Order' and fax or email the order to the property owner, real estate agent or to a Metro approved contractor stating the category of the work and the required timeframe for completion. A copy of all Work orders will be placed in property files and kept on our tenancy database.

Staff will confirm access arrangements with the tenant or confirm tenant is happy for their contact details to be given to the real estate agent or contractor.

When an invoice for the completed work is received, we will check it against the work order form and note that tenant has verified that the work was satisfactorily completed (work orders should be signed off as "satisfactorily completed" by the tenant where possible.

More complex or costly work will be checked by Asset Management staff before Metro pays the contractor's account.

If repair request is not addressed within 21 days (or as required under Residential Tenancy Act) and the managing agent or owner is not responding to requests, Metro Housing will arrange for a contractor to do the work and may apply to NCAT if repairs are not addressed.

Information for Tenants on Repairs and Maintenance

All tenants will be given a Tenant Information Handbook at the start of their tenancy. This book will outline information about repairs and maintenance.

All leases will provide the contact details for after-hours contractors as provided by the managing agent/owner for leasehold properties. The Metro answering service will advise tenants to consult their lease for after hour emergencies.

Use of Contractors

Except in exceptional circumstances (non-regular trades etc) Metro will use only pre-approved contractors. Tenants are not able to request their own preferred contractors be used.

All Metro contractors must sign up to the EBIX verification system confirming that they have the relevant insurances and licenses to carry out work in their nominated trade, and sign a 'contractor protocol', which will include a clause that ensures that tenants are treated respectfully and information is kept confidential.

Requests for work on the "work order" will state whether the work is urgent or non-urgent. Contractors will be asked to make appointments with the tenant before attending the property and they are required to show identification confirming they are authorised to do the repair.

Tenants shall be advised that they do not have to provide access if identification is not produced.

Where a complaint is made about a contractor's behaviour, the Manager will speak directly with the contractor to try to resolve the complaint. We will not continue to employ contractors who behave in an inappropriate manner.

Selection and Performance of Contractors

'Approved' contractors will be selected via an 'Expression of Interest' process conducted every two years via an advertisement in a local paper.

Contractor performance, including cost, quality of work and timeframes, will be determined via feedback from tenants and random checking of completed work by our Asset Officer.

We will inspect any major repairs done at our capital properties to ensure the work has been completed to a satisfactory level.

Capital property tenants will be advised to always try to sign the contractor work order to indicate their satisfaction with any completed maintenance.

Planned Maintenance (capital properties)

Metro will at all times have a minimum 10-year 'rolling' cyclical maintenance plan – the *Asset Maintenance Plan* - to ensure effective and timely maintenance of all capital properties. All capital properties are maintained in accordance with the schedule of works outlined in this plan.

We are required to allocate an amount per property, per year, for cyclical maintenance. This amount will be regularly reviewed and Metro will maintain adequate financial reserves to cover future maintenance liabilities as per the AMP, and we will comply with all minimum benchmark levels set by our funding body.

Cyclical maintenance expenditure will be accounted for in the annual budget and the Board of Directors will monitor expenditure on a monthly basis at Board meetings and through its Finance Sub- Committee.

Structural maintenance requirements will be reported to the Land and Housing Corporation for resolution/negotiation regarding liabilities.

The Ten Year Asset Management Plan will:

- Include annual costings and timeframes and be updated annually
- Be developed by a qualified contractor with expertise in scoping/asset maintenance planning
- Be endorsed by the Finance Sub-committee and monitored on a regular basis by the Finance sub- committee and Board of Directors
- Be made available to tenants on request
- Prioritise safety and security and the protection of our assets.

Procedure for Cyclical Maintenance

Where major cyclical maintenance is required for an amount over \$10,000.00:

- The Asset Manager will issue a work order to obtain 3 quotes from contractors who specialise in the relevant trade. Metro approved contractors will be given first option to tender for work.
- Ensure the contractor has registered through the EBIX system to confirm they have all relevant licenses and insurances and is a reputable tradesperson.
- If not already an approved contractor, the contractor must sign the contractor protocol before commencing any work.
- Work Orders issued to the preferred contractor shall have the quoted price including GST and include the timeframe for completion