

WINTRINGHAM HOUSING RENTAL ARREARS POLICY

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Purpose

To outline the manner in which rent arrears in Wintringham Housing owned or managed properties are monitored and recovered.

Policy Statement

In accordance with the *Residential Tenancies Act (1997)*, Wintringham Housing as the rental provider, may take action in relation to tenancy matters that may arise in specific circumstances. Actions can be pursued by Wintringham Housing, where a renter incurs rental arrears under Section 91ZM of the RTA.

Wintringham Housing recognises that a flexible service response is required, to allow the renter to take steps to resolve their rental arrears, prior to any implementation of formal processes, as outlined under the RTA.

Early identification of rental arrears enables action to be taken prior to the amount owing, escalating to an unmanageable level.

Commitment

Wintringham Housing is committed to:

- Ensuring a consistent approach when checking rent arrears
- Ensuring rent arrears are kept to a minimum
- Acting in accordance with the Residential Tenancy Act (1997)

Scope

This policy applies to all rental properties owned or managed by Wintringham Housing.

Definitions

Renter

A person renting a property, who is also known as a resident.

RTA

Residential Tenancy ACT (1997).

Rental Provider

Either owns or manages the property being rented out.

VCAT

Victorian Civil and Administrative Tribunal

Possession Order

Also known as an eviction notice.

Participation

All tenancy staff will ensure that daily checks and fortnightly rent arrears reports are acted upon immediately, to ensure rent arrears are kept to a minimum.

Responsibilities

Finance Team

is responsible for providing the Tenancy Management Worker with a fortnightly arrears report and a daily update from Centrelink.

Tenancy Management and Housing Support Worker

are to work together with the resident to assist with a resolution to support the renter to retain their housing.



must consult the Tenancy Manager and/or General Manager Homelessness and Client Support Services prior to issuing a Notice to Vacate.

Procedure

1. At the commencement of every tenancy, a renter will sign a Rental Agreement that outlines the rent payable and the method of payment.
2. The subject of rental arrears is discussed with the renter. Wintringham housing renters are provided with a copy of the 'Renters Guide'
3. All residents are encouraged to pay rent through Centrepay. Wintringham Housing covers the cost of Centrepay.
4. The Finance Team monitors daily rental movements and advises the Tenancy team of any variations, cancellations or new rental payments via the daily rent update spreadsheet.
5. The Finance Team will provide each Tenancy Management Worker with a fortnightly debtor's report, to highlight any arrears.
6. The Tenancy Management Worker will make initial contact with the resident and find out the reason behind any variations/cancellations.

This can happen even if the resident is not in arrears, as it is a proactive, preventative measure. If a resident has reduced or cancelled payments, they will be requested to reinstate the correct rental amount and/or sign a Rent Arrears Agreement.

7. When a resident is in arrears in excess of 14 days, the Tenancy Management Worker will contact the resident by telephone, in person and in writing to inform them of their arrears.
8. If the matter is not resolved and a repayment arrangement is not agreed to by the resident, the Tenancy Management Worker will refer the matter to the Housing Support Worker, who in turn will explore all options regarding arrears repayment.
9. When a renter is given a Notice to Vacate because they have not paid rent, they can pay the rent owing by the vacate date stated on the Notice to Avoid Eviction.

If the matter goes to VCAT, yet the arrears is paid by the vacate date, the Notice to Vacate will no longer apply.

If more than 4 Notices to Vacate are issued to a renter in a 12-month period, the renter has '4 strikes' against them. The 'strikes' are cleared at the end of the 12 months, if there are no more notices during that time.

If a 5th Notice to Vacate is given to the renter because they have not paid rent, the rental provider can apply to VCAT for a possession order. In this case, VCAT cannot dismiss the application solely because the renter could pay off the unpaid rent under a payment plan.



Prior to issuing the 5th Notice, the matter will be referred to the Manager - Homelessness and Housing Support and the General Manager - Homelessness and Client Support Services, for approval to issue, as it is a Notice to Vacate indicating that Wintringham Housing will be requesting for a possession order via VCAT.

10. If the resident does not dispute the arrears, the Tenancy Management Worker will ensure that the resident signs a Rent Arrears Agreement and a new Centrelink Deductions and Confirmation Services (L_M Fin Fm 4n).

When the Rent Arrears Agreement and the Centrelink Deductions and Confirmations Services have been signed, the Tenancy Management Worker will enter the amount agreed upon into Centrelink via Electronic Verification of Rent (EVOR).

11. Should the household income of the resident change, during the period of the Rent Arrears Agreement, either the resident or Wintringham Housing can seek to vary the repayment instalments.
12. Residents are advised of their statutory rights, including those under the *Charter of Human Rights and Responsibilities Act (2006)* and are encouraged by the Tenancy Management Worker to contact the Tenants Union of Victoria for assistance, if they believe their rights have been breached.
13. All reasonable efforts will be made to work with a resident, taking into account hardship, and that relevant third parties are engaged, to ensure that eviction for rental arrears is the last resort.
14. Previous residents of Wintringham Housing that have been either evicted or left due to rental arrears, will need to meet with the Manager - Homelessness and Housing Support or delegate, prior to being reassessed for further housing assistance.

Related Documents

	Residential Tenancies Act (1997)
	Charter of Human Rights and Responsibilities Act 2006
	Renters Guide handbook
TMM Ag 1.22a	Rent Arrears Agreement
TMM Ag 1.2c	Rental Tenancy Agreement
TMM 1.22b	Rent Arrears Covering Letter for Breaches
L_M Fin Fm 4n	Centrelink Deductions and Confirmation of Services



Authorisation

This policy has been authorised by General Manager Homelessness and Client Support services on July / 2021.

Review Date

July / 2024

