



PART 5 – HOUSING – TENANCY MANAGEMENT

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5.2 AUTHORITY TO UPDATE

The Housing Officer and General Manager has authority to approve updates to Part 5 – Housing – Tenancy Management of the Policy and Procedures Quality Manual. See Part 4 Quality Management System for more information on changing controlled documents.

5.3 LIST OF COMMONLY USED ABBREVIATIONS

GM	Winnam's General Manager
DCHDE	Department of Housing, Local Government, Planning and Public Works (Queensland)
HWL	Housing Waiting List
EHWL	Emergency Housing Waiting List
LTCHP	Long Term Community Housing Program
NCHS	National Community Housing Standards
NRSCH	National Regulatory System for Community Housing
OSHS	One Social Housing System (Queensland Government)
QCAT	Queensland Civil and Administrative Tribunal
RTA	Residential Tenancies Authority
RTRAA	Residential Tenancies and Rooming Accommodation Act 2008
Winnam	Winnam Aboriginal and Torres Strait Islanders Corporation



5.4 HOUSING SERVICES ELIGIBILITY

Purpose and Scope

Winnam owns and manages housing in the Wynnum/Manly and south-east Bayside areas including the Redland City and Tingalpa areas. We accept referrals and applications for Aboriginal and Torres Strait Islander households who are currently living in these suburbs or who have a connection with the region and a desire to live in our target area.

Winnam manages three (3) separate Housing Programs:

- Affordable Housing provided from Winnam's own housing stock.
- Long-Term Community Housing under the Department of Communities, Housing and Digital Economy Social Housing Program; and
- Emergency Housing under the Brisbane City Council's Community Housing Partnership Project (CHPP) and Winnam owned.

This policy area outlines eligibility criteria for Winnam's housing services, how the eligibility criteria are promoted and the application, assessment, and allocation processes for Winnam's community housing.

Policy Statement

Winnam ensures fair and open access to affordable, quality rental housing for Aboriginal and Torres Strait Islanders within our agreed target groups. To assist with this, we have clearly stated eligibility criteria for all our housing services. These are determined in accordance with our organisational objectives, our service/funding agreements and in response to community needs.

Eligibility criteria are clearly communicated to potential tenants, other service providers and relevant stakeholders. Our service delivery processes ensure consistent implementation of eligibility criteria when assessing whether potential clients are eligible to access our housing services.

Winnam is committed to supporting eligible people for the duration of their need, while also ensuring our housing is provided to those in greatest need. Consequently, we will schedule reviews of our tenant households' continuing needs and, if required, will assist ineligible households to exit into alternative, appropriate accommodation.

Ongoing eligibility criteria and review processes are clearly communicated to tenants. Our service delivery processes ensure consistent implementation of ongoing eligibility criteria, while considering individual circumstances when assessing ongoing needs.

Supporting Documents and Procedures

- 5.4.1 Application and Communication of Eligibility Criteria.
- 5.4.2 Eligibility Criteria.
- 5.4.3 Ongoing Eligibility Criteria and Review Processes.
- 5.4.4 Affordable Housing - Household Income Assessment.
- Tenant Information Kit/Tenant Handbook.



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Legislation and Compliance

- National Community Housing Standards: 1.1 - Allocation of Housing.
- NRSCH Performance Outcome 1A - Tenant and Housing Services.
- Housing Regulation 2003 S14 Eligibility Assessments and Allocations Policy - Social Housing Services.
- DCHDE Social Housing Eligibility Criteria.
- Funding/Service Agreements.
- National Rental Affordability Scheme (NRAS) Household Income (Indexation).

5.4.1 Application and Communication of Eligibility Criteria

Eligibility criteria are consistently applied to anyone wishing to access our housing services. They are non-discriminatory in their application and reflect our service guidelines.

Eligibility criteria are communicated to potential tenants and other agencies through the following processes:

- Information sheets provided on application.
- On request via reception.
- Enquiries via telephone.

Ongoing eligibility criteria and review processes are communicated to tenants through the following processes:

- Via reminders in scheduled eligibility and rent review letters.
- Fact sheets.
- Newsletters.
- At tenancy sign-up.
- Tenancy meetings.

5.4.2 Eligibility Criteria

5.4.2.1 Eligibility Criteria for Affordable Housing – Applicants and Tenants

Eligibility for this Program requires the applicant to satisfy all the following criteria (outlined in our Eligibility Criteria and Conditions for Tenancy – Winnam Affordable Housing information). These conditions are also defined in our Rule Book. Prospective tenants must:

- Be a current financial member of Winnam. Applicants must remain current members during their time on the Housing Waiting List. Failure to do so may result in their removal from same. Tenants must remain a current financial member during any tenancy that is offered. Failure to pay the annual membership may result in Winnam deciding not to renew the Tenancy Agreement on its expiry.
- Be a resident in the catchment area as defined above; or
 - have a connection with the area including demonstrated family.
 - have other demonstrated supports in the area.
 - have other reasons for wanting to move to the area which may be presented in writing to the Board of Directors for their determination of validity.



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- Have at least one adult family member who is able to prove they are of Aboriginal and/or Torres Strait Islander descent, through presenting a valid Confirmation of

Aboriginality Certificate. The tenancy must be in the name of the Aboriginal and/or Torres Strait Islander person.

- Be able to provide Winnam with two references deemed suitable to Winnam prior to a housing offer being made. These must include at least one reference from a recent previous landlord and may also include personal references. References may not be from a member of the applicant's family. In the event that the applicant can demonstrate to Winnam that they have not rented privately before, Winnam may allow two personal references.
- Not own or have shares in any real estate property, including house/unit or flat/vacant land. Land title checks may be obtained by Winnam to verify this. The applicant may appeal to Winnam for exemption from this condition if they believe they have valid reason for owning property and can prove that they are unable to reside at the property and are receiving no financial advantage from the property. The decision to allow exemption is entirely at Winnam's discretion and supporting evidence is required. Valid reasons may include, but are not limited to:
 - relationship breakdown whereby the applicant is unable to live in the owned property and is receiving no rent or financial advantage from that property.
 - an owner of vacant land who is unable to live on, build on, lease out or move to the land.
 - the property owned has been damaged by fire, flood etc and the owner is unable to reside there.
- Not already be housed in permanent housing supplied by another housing organisation or agency. Permanent housing is defined as twelve (12) month lease at the same property. Example of other agencies include Department of Housing, Mangrove Housing, ATSI Housing.
- Provide proof of current housing and rent payments, e.g., current Tenancy Agreement, rent receipts etc.
- Upon acceptance of a Housing Offer, the applicant must tenant the house or unit within fourteen (14) days thereof.

5.4.2.2 Eligibility Criteria for Affordable Housing – Income

In order to be eligible for housing, the gross income limits for households of eligible tenants are determined and set from the National Rental Affordability Scheme Regulations 2020. Each year, household income limits are indexed according to percentage changes in the All-Groups component of the Consumer Price Index so that the income limits effectively reflect the financial position of our clientele and members.

Income levels are assessed against gross income limits according to the household composition. For Winnam purposes, a household is considered to be all persons who are tenants of the dwelling. All persons who ordinarily reside in an Winnam property home must have their income included as a member of the household.

A household's gross income for the twelve (12) months prior to commencement of tenancy of an Winnam dwelling must be equal to or less than the relevant income limit for the household's composition. Household income may increase above the income limit in subsequent years. However, a dwelling cease to be eligible for an incentive if the tenants' household income exceeds the applicable household income limit by 25% or more in the currency of a lease. An eligibility lease is either a six (6) or twelve (12) month period (depending on the applicant circumstances) the lease begins on the anniversary of the start of the tenancy.



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Winnam determine that the NRAS model is moderate and reasonable in determining income estimation in line with this policy. The calculator is centred on national low to moderate incomes indexed according to movements in the rents component of the housing group of the Consumer Price Index for the year. We believe that the calculator allows tenants to become somewhat financially comfortable/independent without jeopardising Winnam housing purposes.

The information received using this model allows Winnam to capture the financial position of our tenants and their suitability.

Initial Household Income Limits for the 2022-2023 year

The initial household income limits for the 2022-2023 year (i.e., the period 1 May 2022 to 30 April 2023) are:

2022 - 2023 YEAR	INITIAL INCOME LIMIT
First adult:	\$54,643
First adult – sole parent:	\$57,474
Each additional adult:	\$20,905
Each child*:	\$18,127

***Child means a person under 18 years of age who is financially dependent on an eligible tenant. If a person under 18 years of age is financially independent, they are considered an adult for Winnam’s purposes.**

For example, if a household consists of a sole parent with two children, regardless of whether the parent has sole or shared custody, the gross household income for the 12-month period prior to entering the dwelling must be equal to or less than \$101,039 (i.e., \$61,957 + \$19,541 + \$19,541).

For ease of application, the initial and existing household income limits for various household compositions are shown in the table below.

2024 - 2025 YEAR		
HOUSEHOLD COMPOSITION	INITIAL INCOME LIMIT	EXISTING TENANT INCOME LIMIT*
One adult:	\$58,905	\$73,631
Two adults:	\$81,441	\$101,801
Three adults:	\$103,977	\$129,971
Four adults:	\$126,531	\$158,141
Sole parent with one child:	\$81,498	\$101,873
Sole parent with two children:	\$101,039	\$126,299
Sole parent with three children:	\$120,580	\$150,725
Couple with one child:	\$100,982	\$126,228
Couple with two children:	\$120,523	\$150,654
Couple with three children:	\$140,064	\$175,080

***This column shows figures which are 25 per cent more than the initial household income limits. If the combined gross household income of existing tenants exceeds the initial income limit by 25 per cent or more (i.e., is at or is more than the existing tenant income limit) in one consecutive eligibility lease, the tenants will cease to be eligible tenants.**

Winnam’s household’s liquid assets are not to exceed:

- \$135,937.00 for a single person household or



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- \$173,375.00 for a household with two or more members.

Winnam requires information of liquid assets of all applicants and household members added together:

- Money.
- Shares, fixed investments, managed funds.
- Property trusts.
- Superannuation payouts (if the person has reached the preservation age).
- Antique collectable vehicles and or possessions.
- The value of caravans, mobile homes, and boats.

Proof of value of liquid assets, may be provided in the following forms but are not limited to:

- Quarterly bank statements.
- Share/investment statements.
- Superannuation statements.
- Reliable certificate of evaluation.

Refer also to 5.4.3 – Ongoing Eligibility.

5.4.2.3 Eligibility Criteria for Long-Term Community Housing

Eligibility criteria for this Program are outlined in the DCHDE's Social Housing Eligibility Criteria Policy. This is available at

https://www.chde.qld.gov.au/_data/assets/pdf_file/0022/4981/SocialHousingEligibilityCriteria.pdf

In summary, the criteria are based on the following (refer to Winnam and DCHDE's current Policy and supporting Fact Sheets for details):

- Australian citizenship or residency and Queensland residency.
- Assessment of assets – property and liquid.
- Assessment of independent income.
- Assessment of household income with reference to prescribed limits.
- Determination as to whether or not the current housing is appropriate.

Within these guidelines, the Department aims to provide a number of suitable candidates from our target group. When they refer applicants to Winnam to be eligible the candidates must be able to provide a Confirmation of Aboriginality and be willing to become a member.

5.4.2.4 Eligibility Criteria for Emergency Housing

Eligibility Criteria and Conditions for Tenancy – Emergency Housing are contained in an information sheet provided to prospective tenants. Eligibility for this Program requires the applicant to satisfy **ALL** the following criteria:

- Are homeless or determined to be experiencing severe housing distress.
- Have at least one adult family member who is able to prove they are of Aboriginal and/or Torres Strait Islander descent, through presenting a valid Confirmation of Aboriginality Certificate. The tenancy must be in the name of the Aboriginal and/or Torres Strait Islander person.
- Are registered with Queensland Department of Communities, Housing and Digital Economy and have a Case Officer or Support Worker.



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- Are willing to work diligently and consistently with Winnam and independently to obtain alternative housing as soon as possible.
- Provide Winnam with evidence of their current housing situation, e.g., support letters, court documents, Centrelink documents.

In special circumstances where an Indigenous family member from the local Wynnum and Bayside community has recently passed away and leaves behind a spouse/partner and children and are at a high risk of becoming homeless, Winnam will allow the immediate family (spouse/partner and children) to tenant one of the emergency properties for a twelve (12) week period (if the property is vacant at the time). For this to occur, the children must be of Aboriginal and or Torres Strait Islander decent. These special circumstances are assessed on an individual needs basis and must be presented in writing to the Board of Directors for their determination of validity.

Note: Household income level is only a minor consideration in the allocation of emergency housing.

5.4.2.5 Non-Transferable Tenancy Agreements

Tenancies are not transferable to any other person - including family members or partners (except for provisions under "Succession of Tenancies" (refer 5.8.4.3)). When a house or unit becomes available, it is offered only to the person nominated on the application. That person must live in the property on a full-time basis and be the person responsible for all rent and other aspects of the tenancy lease. We do not permit sub-letting.

5.4.2.6 Former Tenants Housing Register

Winnam retains the rights to establish and maintain a tenancy database which records personal information about tenants who have had issues with their previous tenancies.

To be eligible for a Winnam property, tenants must be able to sustain a successful tenancy. Winnam must be satisfied that a former housing tenant can sustain a tenancy and must not demonstrate previous misbehaviour or misconduct.

If a former Winnam tenant/applicants who has a debt with Winnam must repay those debts, and or demonstrate their commitment to repay the debt by making regular repayments before an application will be considered.

A former tenant may be listed on Winnam Tenants database due to:

- Causing serious damage to a rental property.
- Endangering the safety of neighbours, the rental provider, real estate agent or any person working for them.
- Not paying rent.
- Various breaches.
- Not complying with a QCAT order.
- Using a rental property for illegal purposes.
- Sub-letting a rental property without the permission of the rental provider or real estate agent.
- Breaking terms of the rental agreement.

Winnam Residential Tenancy Database Information

Under the Australian Privacy Principles, tenants are entitled to access the personal information in relations to their tenancy that Winnam holds on that tenant.



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Also, Winnam are required to provide tenancy information to a tenant under section 459C of the Queensland Residential Tenancies and Rooming Accommodation Act 2008¹

To obtain rental history information, a tenant can contact Winnam's Housing Officer and request a report.

5.4.3 Ongoing Eligibility Criteria and Review Process

As a community housing provider, Winnam supports the philosophy of security of tenure for our tenants based on the following conditions:

- Tenants remain compliant with the terms and conditions of their Tenancy Agreement and the Residential Tenancies and Rooming Accommodation Act 2008.
- Tenants remain eligible for housing assistance as outlined in Winnam's funding agreements and Eligibility and Ongoing Eligibility Criteria.

5.4.3.1 Ongoing Eligibility for Affordable Housing

Every year tenants will have their circumstances reviewed as part of the scheduled ongoing eligibility review process.

Ongoing eligibility criteria are the same as the original Affordable Housing eligibility criteria. To conduct a review, the following criteria are checked:

- Household income.
- Property ownership,
- Property occupancy; and
- Current financial membership.

Where a tenant fails to meet the ongoing eligibility criteria, they are given a Notice to Leave with an expiry date of three (3) months. Winnam will, where possible, offer support and referrals to other organisations to aid the tenant's quest to secure appropriate alternative accommodation.

Tenants who do not meet the financial membership criteria (only) are given the opportunity to pay any outstanding membership fees within thirty (30) days.

Existing Tenants

For existing tenants (those with current tenancies with Winnam as of 1 July 2014) who fail the Eligibility Review with respect to household income, the Notice to Leave period is increased to six (6) months.

Right of Appeal

- In respect of the determination of ineligibility regarding household income thresholds or property ownership, tenants have the right of appeal for consideration by the Housing Allocation Sub-Committee and/or the Board.
- A tenant who fails to meet the ongoing eligibility requirements with respect to income, may apply to Winnam for a further review. The tenant must show reasonable cause that their current income assessment is not indicative of future earnings and that their future earnings will reduce (e.g., recent loss of previous highly paid employment). In this case a second

¹ Subsection 2. A database operator must, if asked in writing by a person whose personal information is in the database operator's tenancy database, give the person a copy of the information within fourteen (14) days after the request is made and any fee for giving the information has been paid.



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review may be permitted in three (3) to six (6) months and the Notice to Leave is suspended pending the outcome of the second review.

The Housing Officer will write to the tenant at least thirty (30) days prior to the Personal Interview date requesting the tenant to provide the following information:

- Eligibility Checklist.
- Income assessment information as necessary for Winnam to determine income for all household members (via the Household Income Assessment Form).
- Statutory Declaration as to the correctness of the information supplied, signed in front of a Justice of the Peace or Commissioner for Declarations.
- Updated tenant details form.
- Real Property Ownership Declaration.

There is an onus on the tenant to inform Winnam immediately should their eligibility status change. The tenant will sign an Agreement to this effect when the tenancy is being established. Tenants may be reviewed by Winnam earlier if their household circumstances change between reviews.

If a tenant does not provide the required household income details via the Household Income Information Form as requested, the tenant is deemed ineligible for housing assistance and issued a Notice to Leave (RTA Form 12 – quoting grounds “End of Housing Assistance – 4 to 8 weeks”).

In reviewing household circumstances, the Housing Officer will consider household composition (in respect of under- or over-utilisation), changing needs of tenants and income changes. Winnam will consider each situation on a case-by-case basis to determine the most appropriate course of action, if any, considering the needs of the tenant, the organisation, and the regulatory requirements.

If the review determines that the tenant no longer has a need for housing assistance or they have become ineligible, they are issued with a Notice to Leave (RTA Form 12 as above). Winnam will endeavour to assist the tenant to transition into private housing.

5.4.3.2 Ongoing Eligibility for Long-Term Community Housing

Ongoing eligibility criteria for this Program are outlined in the Department of Communities, Housing and Digital Economy Social Housing Eligibility Criteria Policy. In summary, the criteria are:

- Household income; and
- Property ownership.

Winnam will review the ongoing eligibility of tenants annually, at the same time as their rent review. The Department of Communities, Housing and Digital Economy’ Ongoing Eligibility for Public Housing Policy guides this process. This is available at https://www.chde.qld.gov.au/_data/assets/pdf_file/0022/4981/SocialHousingEligibilityCriteria.pdf

In reviewing household circumstances, the Housing Officer will consider household composition (regarding under- or over-utilisation), changing needs of tenants and income changes.

Winnam will consider each situation on a case-by-case basis to determine the most appropriate course of action (if any) considering the needs of the tenant, the organisation and the regulatory requirements.

Any exceptions to the ongoing eligibility criteria (for example in cases such as domestic violence, marriage breakdown or extreme hardship) will require the approval of the General Manager and be reported to the Board.

Any tenant found to be no longer eligible for housing assistance is provided with a three (3) month period in which to find suitable alternative accommodation. Winnam will endeavour to assist the



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tenant to find alternative housing and provide referrals to other services which may be required during this transition period.

5.4.3.3 Ongoing Eligibility for Emergency Housing

Emergency Housing tenants are only eligible for a twelve (12) week **fixed-term** tenancy. At the end of the twelve (12) week tenancy, the Housing Officer will review the tenant's circumstances.

In the event of exceptional circumstances and with evidence of the tenant's ongoing eligibility, a further twelve (12) week **periodic** tenancy may be granted at Winnam's discretion.

No further extensions are recommended after this total twenty-four (24) week period. **Fixed-term** tenancies are not permitted to exceed twenty-four (24) weeks.

5.4.3.4 Under and Over Occupancy

This policy applies to Winnam staff responsible for working with Winnam clients, tenants, and properties.

This policy outlines the approach to be adopted in varying occupancy in Winnam tenancies, including:

- Over and under occupancy.
- Additional occupants (including unauthorised occupants); and
- Visitors.

This policy applies to all forms of housing provided by Winnam including Affordable, Long-Term, and Emergency housing.

Key Terms

TERM	DEFINITION
Additional occupant	A member of a household approved by Winnam to live in a property with a tenant after a tenancy has started.
Approved occupant	A household member approved by Winnam to live in a particular property.
Overcrowding	Where a household would require one or more additional bedrooms to meet the minimum number of bedrooms allocated to applicants.
Over-occupancy	Where the number of approved occupants in a property exceeds the number recommended under the relevant Housing Policy, resulting in varying degrees of overcrowding.
Unauthorised occupant	A person living in a Winnam property without providing the necessary disclosure and seeking the permissions required in accordance with Winnam policy.
Under-occupancy	Where the number of approved occupants in a property is less than the number recommended under the relevant Housing



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	Policy, resulting in a vacant bedroom or bedrooms.
Visitor	Any person (e.g., friends, children, family, associates, partners) who visits a tenant as a guest either on a full-time basis for no more than 28 days, or on a part-time basis for no more than three nights per week over a longer term. Visitors are not required to pay rent and are not included on Lease Agreement. Tenants are responsible for the conduct and behaviour of their visitors, including any property damage caused by them.

Guiding principles

Winnam is focused on the needs of tenants and their families:

- Winnam aims to ensure that each tenant and their household are able to enjoy an appropriately sized property wherever possible.
- Winnam is responsive to the changing needs of tenants.

Winnam protects the value of assets under its management:

- Winnam addresses occupancy concerns in order to ensure that housing assets are put to best use.

The Winnam process for managing occupancy is fair and transparent:

- Winnam has consistent processes to manage requests for additional occupants and changes to household composition.
- Winnam charges rent consistently and fairly based on household type, composition, and housing program.
- Winnam informs tenants of its decision to initiate a management transfer, and wherever possible seeks the input of tenants for mutually beneficial outcomes.
- Winnam has clear and consistent requirements for managing visitors.
- Tenants are accountable for the actions and inactions of visitors to their property.
- Tenants are given the opportunity to appeal organisational decisions in order to ensure fair and transparent outcomes.

The Winnam process complies with relevant laws and procedures:

- Properties are managed in accordance with the requirements of residential tenancy and rooming accommodation legislation, taking property owner requirements into account.

Occupancy

Winnam seeks to ensure that a property provides appropriate living space for a tenant and, where applicable, their household. To this end, Winnam:

- Sets allocation standards through the relevant Housing Policy to ensure appropriateness by allocating properties that are neither too large nor too small for tenants and household members; and
- Uses information provided by housing applicants during the housing allocation process to match applicants to suitable properties.



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Winnam recognises that household composition may change during a tenancy for a range of reasons, including:

- Divorce/separation.
- Remarriage.
- Birth of a child.
- Cultural obligations.
- Death or illness; or
- A tenant requiring or no longer requiring a live-in carer.

When the number of people in a household change, Winnam may determine that a property has become over or under occupied.

- Where there is more than one spare bedroom in a property, Winnam will generally determine that the property is under-occupied.
- Conversely, where a lounge room is used as a bedroom; where an adult shares a bedroom with one or more children; or where three or more children share a bedroom, Winnam will generally determine that a property is over-occupied.

In reaching judgements about under or over occupancy, only members of a household who have been approved to live at a property are considered for the purpose of allocating properties of appropriate size. Any possible visitors are excluded.

Where a property is identified as over or under occupied, Winnam will seek to transfer the tenant and any household members to a more suitably sized property, if available. Where Winnam has been unable to identify an alternative suitable property for a tenant and their household, staff will work with the tenant as necessary to complete any transfer forms which may assist them to obtain housing with an alternative provider.

Where a tenant refuses to acknowledge and address occupancy concerns, or refuses to transfer to an alternative, more suitable property, staff may seek to end the tenancy where over or under-occupancy is severe.

Additional occupants

Tenants who wish to have another person live with them must apply in writing and provide Winnam with income details for the additional person/s and their household.

In assessing applications, staff should consider:

- Property size (an application may be declined if it leads to overcrowding).
- The characteristics of the neighbourhood, existing tenants, and occupants.
- Any current tenancy issues including anti-social behaviour instances or allegations about tenants or their guests.
- Whether all internal and external accommodation options have been explored; and
- Whether a household change would affect the eligibility of the tenant as per the relevant Housing Policy.

Tenants should be advised that where an additional occupant has been approved, the amount of rent they pay for their property may increase as per the relevant Rent Housing Policy.

Unauthorised occupants

Tenants who are identified as having failed to inform Winnam of an additional occupant living at their property, either intentionally or unintentionally, are in breach of their residential Tenancy Agreement



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and staff will take action in line with Winnam policy and state-based legislation. The additional occupant will be considered unauthorised, and any allocated rental rebate may be cancelled, resulting in a rent increase.

Visitors

Winnam understands that tenants may want to have a friend or relative stay at their property from time to time. As long as it does not result in overcrowding, tenants will be permitted to have guests and visitors at their property for:

- A period of up to twenty-eight (28) days, where a visitor stays at the property on a full-time basis: or
- No more than three (3) nights per week, where a visitor stays at the property on a casual or part-time basis.

Tenants will not be required to inform Winnam where they have a visitor who complies with the requirements. Tenants are required to inform Winnam and seek approval for an additional occupant if they want a visitor to stay for more than twenty-eight (28) days, or for more than three (3) nights per week on a regular basis.

Tenants are responsible for their visitors, and for ensuring that their visitors follow tenancy requirements. Where a visitor breaches a lease or rooming accommodation agreement, the tenant will be responsible.

Tenants will be responsible for the costs of any property damage, cleaning, repairs, or maintenance work required as the result of a visitor.

Record Keeping

Staff will ensure that proper records are kept and recorded in the relevant systems.

Appeals

Staff will inform tenants of their right to appeal organisational decisions and to complain about the services of Winnam as per the Appeals and Complaints Policy.

Responsibilities

The General Manager and Housing Officer are responsible for:

- Informing tenants of their rights and responsibilities in accordance with this policy.
- Identifying over or under occupied properties.
- Assisting tenants to complete and submit an Application for Transfer Form where required.
- Issuing a notice for breach of tenancy where required.
- Keeping records of the process in the relevant systems.
- Recommending improvements to this policy and associated procedures.
- Ensuring good management of evidence in the tenancy management system.
- Incorporating this policy and associated procedures into staff induction and training.
- Ensuring staff are aware of and have access to this policy and associated procedures.
- Escalating feedback about this policy to the policy owner and/or policy writer.
- Ensuring that Winnam complies with this policy and associated procedures.
- Recommending any changes to this policy and associated procedures.

5.4.5 Affordable Housing - Household Income Assessment



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Note: This section does not apply to Long Term Community Housing Program as the **initial** income assessment is managed by the Housing Service Centre as part of the application process. Subsequent reviews are managed by Winnam.

Affordable Housing applicants are requested to estimate their household income on their original housing application. Once an applicant has been made a Housing Offer, they will need to provide evidence of their **household** income prior to the Personal Interview and Tenancy Sign-up.

Current Affordable Housing tenants are required to provide details of household income every year in accordance with Winnam's Ongoing Eligibility Criteria.

Household Income Assessment

To determine household income, Winnam requires all income earning household members to provide evidence of all assessable income which will be assessed by way of:

- Providing evidence - Notice of Tax Assessment from the Australian Taxation Office (ATO).
- Wages and work allowances – must provide three (3) pay slips.
- Bank statements – must provide six (6) months statements.
- Centrelink Income Statements.

Liquid Assets of all applicants and household members added together comprised of but not limited to:

- Money.
- Shares and dividends, fixed investments, and managed funds.
- Property trusts.
- Overseas payments or pensions.
- Child Maintenance payments.
- Work Cover payments.
- Superannuation statements (if the person has reached the preservation age).
- The value of caravans, mobile homes, and boats.

Non-assessable income includes but not limited to:

- One-off and annual lump sum Centrelink payments, including loan advance payments.
- Child Care Benefit.
- Family Tax Benefit Part A for dependents over 16 years old.
- Family Tax Benefit Part B.
- Casual earnings for household members under 18 years old who are engaged in full-time studies.
- Leave loading on wages.
- Rent Assistance.

5.5 APPLICATION AND ALLOCATION

Purpose and Scope

It is important to have clear, written procedures for responding to requests for housing services. The application and allocation process should provide clarity to applicants and other stakeholders about what they can expect from us.

This Policy area helps us to ensure that:



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- People wishing to access our housing services are treated fairly and equitably.
- Decisions to provide housing services are made objectively.
- The requirements of the funding body, particularly in relation to the One Social Housing System (OSHS) are met.

Policy Statement

Winnam is committed to ensuring maximum access to our services for everyone within our agreed target group.

When responding to and managing requests for housing services, we want those who seek to use our service to be confident that their needs and issues are understood and that the decisions we make about their eligibility and the allocation of our housing services are consistent, fair and in line with requirements outlined in our service agreements.

We will apply an empathetic, consistent, and systematic approach to how we:

- Respond quickly and appropriately to each new contact by a prospective tenant seeking our services and to new approaches from former or existing clients/tenants.
- Ensure our processes for assessing eligibility and allocating services are inclusive and transparent.
- Prioritise applicants when requests for housing services exceed our capacity to respond.
- Make appropriate referrals for all clients who are ineligible for our housing services or who require the services of other agencies.
- Monitor application and allocation processes.

Supporting Documents and Procedures

- Confidentiality and Information Privacy Policy.
- Winnam Quality Manual Part 5, Section 5.4 Housing Services Eligibility policy.
- 5.5.1 Receiving and Responding to Requests for Housing Assistance.
- 5.5.2 Assessing Requests for Housing Assistance.
- 5.5.3 Housing Waiting List Management.
- 5.5.4 Allocating Housing.
- 5.5.6 Housing Offers.
- Membership Application Process.
- Part 3 Human Resources - 3.5 Conflicts of Interest.

Legislation and Compliance

- NRSCH PO 1A - Tenant and Housing Services.
- Housing Regulation 2003 – S14 Eligibility and Allocations Policy, S15 Applications for Social Housing Services.
- National Community Housing Standards –1.1 Allocation of Housing.
- DCHDE Allocation Policy for Funded Social Housing Providers and Supporting Service Provider Procedures.

5.5.1 Receiving and responding to requests for housing assistance

Winnam receives requests for housing assistance by potential tenants in the following ways:



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- In person, by phone, letter and/or email.
- Application form (Housing Application Forms for Affordable or Emergency Housing).
- Via referral from another agency or government department.
- Former tenants reapplying for assistance.

5.5.2 Affordable Housing Applications

All applicants for housing with our Affordable Housing Program must complete the Application for Tenancy - Affordable Housing Form to provide relevant information.

On receipt of a request for Affordable Housing assistance, the applicant is provided with:

- Verbal information on Winnam's Affordable Housing Program.
- Eligibility Criteria - Affordable Housing information sheet.
- Verbal information of and/or referral to other appropriate housing and homelessness services (e.g., Department of Communities, Housing and Digital Economy, emergency accommodation services etc).
- Application for Tenancy – Affordable Housing form for completion.

Where possible, the Housing Officer verbally explains the Household Income Information Form and Eligibility Criteria – Affordable Housing information to the applicant. Possible waiting times for housing are also communicated to the applicant at this time.

Where an applicant states their intention to apply for Affordable Housing assistance, Winnam will ascertain whether the applicant is a current member of Winnam (*refer 5.4.2 - Eligibility Criteria*). If the applicant is **NOT** a current member, they are given an Application for Membership form at the same time. Winnam will verbally explain to the applicant that waiting for Membership approval may delay their Application for Housing.

When an application for Affordable Housing assistance is received by Winnam, a record of the form is kept by the Housing Officer. The form is recorded in chronological order on a Register of Affordable Housing Applications and is kept on the relevant file awaiting eligibility assessment by the Housing Officer.

5.5.3 Long-Term Community Housing Applications

All applications for our Long-Term Community Housing Program are made through DCHDE's One Social Housing System.

Applicants who approach Winnam under this program are referred directly to the relevant Housing Service Centre. When appropriate, we will assist applicants in any of the following ways:

- Assist the applicant to complete and lodge the DCHDE Application for Housing Assistance Form (available at <http://www.hpw.qld.gov.au/SiteCollectionDocuments/HAssist.pdf>).
- Assist the applicant to arrange an interview with the Department or other organisation managing the Housing Register.
- Assist the applicant to collect documentation to verify their circumstances.
- If appropriate, provide a letter to the Housing Service Centre to confirm the applicant's circumstances/homelessness.

5.5.4 Emergency Housing Applications



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All applicants for housing under our Emergency Housing Program must complete an Application for Tenancy - Emergency Housing to provide relevant information.

On receipt of a request for emergency housing assistance, the applicant is:

- Given verbal information on Winnam's Emergency Housing Program, including details of the supporting documentation they may need to provide.
- Given a Household Income Information Form and an Eligibility and Criteria – Emergency Housing information sheet.
- Given verbal information of and/or referral to other appropriate housing and homelessness services (e.g., Department of Communities, Housing and Digital Economy, emergency accommodation services etc).
- Offered access to Winnam's emergency accommodation resources and our office phone and fax facilities to assist with their search for accommodation.
- Given an Application for Tenancy - Emergency Housing form to complete.
- Where necessary, asked to sign an Authority to Release Information – Emergency Housing form, to enable us to liaise with other service providers on the prospective tenant's behalf.

Where possible, the Housing Officer should verbally explain the Household Income Information Form and Eligibility Criteria and Conditions – Emergency Housing information to the applicant. Possible waiting times for emergency housing should also be communicated to the applicant at this time.

When an application for Emergency Housing assistance is received by Winnam, a record of the form is kept by the Winnam Housing Officer. The form is recorded in chronological on the Emergency Housing Applications Register and the paperwork kept on the relevant file awaiting eligibility assessment by the Housing Officer.

5.5.5 Assessing Requests for Housing Assistance

5.5.5.1 Assessing Requests for Affordable Housing

Applications for Affordable Housing assistance are given directly to the Housing Officer. As soon as practicable, the Housing Officer will assess the applicant for eligibility.

After assessment, the following procedures will occur:

- If the applicant is assessed to be fully eligible, they are notified in writing that they have been placed on the Housing Waiting List (HWL) and are given their Housing ID Number and their membership number. (Refer letter Affordable Housing – Confirmation of Approval and Addition to the Housing Waiting List).
- If the applicant is deemed ineligible, a letter is sent notifying them of their ineligible status and detailing the reasons for this decision. (Refer Housing Application Rejection – Affordable Housing letter).
- If the applicant is deemed eligible in all areas except current membership status, the application is processed as being fully eligible by the Housing Officer, however the applicant will not be offered housing until their membership has been approved. If their application for membership is subsequently declined, they will automatically become ineligible and be removed from the Housing Waiting List. (Refer Request for Further Information – Membership letter (Affordable Housing)).
- If the applicant is deemed ineligible due to lack of supporting documentation (e.g., proof of tenancy and rent payments, proof of need to live in catchment area), they are given 4 weeks from the original application date to supply this information. (Refer letter Affordable Housing – Request for Further Information). If the applicant takes longer than four (4) weeks, their housing application is declined until all documents have been provided.

5.5.5.2 Assessing Requests for Emergency Housing



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Given the nature of the need for emergency housing assistance, many applicants do not have a fixed address to which we can send mail, or access to email. Also given the urgency of the need, all contact tends to be via phone. Letters to any last address provided may be sent if attempts to contact by phone fail.

Applications for Emergency Housing Assistance are given directly to the Housing Officer. As soon as practicable, the Housing Officer will assess the applicant for eligibility.

- If the applicant is assessed to be fully eligible, they are contacted by phone and notified that they have been placed on the Emergency Housing Waiting List (EHWL).
- If the applicant is deemed ineligible, we will call to notify them of their ineligible status and detailing the reasons for this decision.
- If the applicant is deemed ineligible due to lack of supporting documentation (e.g., proof of current circumstances), they are contacted and asked to provide further information prior to being placed on the EHWL (see Request for Further Information – Emergency Housing letter).

5.5.6 Housing Waiting List (HWL) Management - Various Programs

5.5.6.1 Affordable Housing Program Waiting List

Winnam maintains a client database for its Affordable Housing Program.

Housing Applicants are recorded on the database by Housing ID number and **NOT by name**. This is to protect the tenant's privacy, reduce conflict of interest and retain transparency during the allocation process.

The Housing Waiting List format is as follows:

- Applicants are recorded in chronological order by their Housing Application date.
- The Housing Waiting List is kept and is accessible only by the Housing Officer and General Manager.
- The Housing Waiting List includes the following details:
 - applicant's ID number and date of birth.
 - application date.
 - number of children and adults on application.
 - bedroom entitlement.
 - preferred area.
 - comments / relevant information – these may include e.g., household configuration, previous housing offers made, gender and age of children, date returned to Housing Waiting List after previous removal and other special circumstances.

The Housing Waiting List is not for public view. Applicants who query their position on the Housing Waiting List are advised that this information is not made public, and it is not possible to determine waiting times purely from their chronological position on the list. This is because we must match properties to the housing needs of applicants, and it is impossible to know when a suitable property will become available.

Affordable Housing Waiting List Review



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Winnam will conduct annual reviews of all Affordable Housing applicants by way of sending the applicants a Housing Application – Update Details Form with covering letter which allows Winnam to review the applicant’s membership status and continuing eligibility.

To remain eligible:

- The applicant must return the Updated Details form within the required time frame (usually fourteen (14) days).
- Updated details must evidence the applicant’s continued eligibility.
- The applicant must have paid their annual membership renewal fee within the last eighteen (18) months.

Failure by the applicant to return this form in the required time will result in a second form being sent to their recorded address. Winnam will also make other reasonable attempts to contact the applicant where possible, e.g., contact by phone or via other family members.

If this second attempt fails to obtain updated information from the applicant within a further fourteen (14) day period, the applicant is removed from the Housing Waiting List.

In addition, if any applicant is found to not have paid their membership renewal fee within the last eighteen (18) months, they will also be removed from the Housing Waiting List.

If the housing applicant provides their membership renewal fee or their updated details (confirming eligibility) within three (3) months of the eligibility review being commenced, the applicant may be returned to the Housing Waiting List (i.e., at the end of the year in which they were originally listed).

If the housing applicant provides their membership renewal fee or their updated details later than three (3) months of the eligibility review being commenced and still wishes to remain on the Housing Waiting List, they will need to complete a new housing application and, on acceptance, they are returned to the end of the Housing Waiting List.

5.5.6.2 Long-Term Community Housing Waiting List

Winnam will include referrals from the Department’s Housing Service Centres on Winnam’s Housing Waiting List. A Housing Register for all social housing applicants is also maintained by the Department’s Housing Service Centres.

5.5.6.3 Emergency Housing Waiting List

Winnam maintains a separate Housing Waiting List for their Emergency Housing Program.

Emergency Housing applicants are recorded on the Emergency Housing Waiting List (EHWL) by name.

It is noted that due to their life circumstances, it is not always possible to contact EHWL applicants in writing. When contact with applicants is necessary but not possible in writing, all other reasonable attempts to contact them are taken, including phone calls and email.

The EHWL format is as follows:

- Applicants are listed in chronological order by their Housing Application date. **NOTE:** Emergency Housing applications are not allocated as per the length of time on the HWL. All current Emergency Housing applications are considered on a case-by-case basis in terms of urgency of need for allocation and our ability to provide appropriate support.



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- The EHWL is kept and is accessible only by the Housing Officer and/or General Manager.
- The EHWL includes the following details:
 - applicant's name and date of birth.
 - application date.
 - number of children and adults on application.
 - comments / relevant information – these may include household configuration, urgency of situation, age of children and/or other special circumstances.

The EHWL is not for public display. This is to protect the privacy of those applicants that have personal and private details noted on the EHWL.

Applicants are kept on the EHWL for six (6) months. After that time, one attempt is made to contact the applicant to obtain updated eligibility information. If they remain eligible, the applicant will remain on the EHWL. If the applicant is no longer eligible, or if we receive no response to our request, their application is removed from the EHWL.

5.5.7 Allocating Housing

5.5.7.1 Housing Allocation Sub-committee

Winnam has a Housing Allocation Sub-committee available (where defined as necessary in the allocation process) for each of the three Programs we offer (Affordable, Emergency and Long-Term Community Housing Programs).

The Housing Allocation Sub-committee comprises:

- Housing Officer
- General Manager; and
- One Executive Board Member.

If an Executive Board Member is unavailable, a standard Board Member is eligible to substitute, however any Board Member who is also a current tenant of the organisation will not be eligible to sit on the Housing Allocation Sub-committee.

Any Housing Allocation Sub-committee member who is deemed to have a Conflict of Interest in a particular allocation must declare this Conflict in line with Winnam's Conflict of Interest Policy and withdraw from that allocation (refer Part 3 Human Resources – 3.5 Conflicts of Interest). They may be replaced with another impartial Board Member for that allocation if necessary.

5.5.7.2 Allocation of Affordable Housing

Once a housing vacancy has been notified, the Housing Allocation Sub-committee will, as soon as practicable determine the first three eligible applicants (chronologically) from the Affordable Housing Waiting List who are deemed a suitable match for the vacant property (*refer 5.5.5 - Matching Housing to Applicants*).

The Housing Officer will then attempt to make phone contact with the first selected applicant to discuss:



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- Their current housing status and whether or not they still require housing assistance.
- The accuracy of their most recent updated application details and suitability for the vacant housing.
- Advise them that they are being considered for allocation.
- Advise the size, type, and locality of the property (note: property address is not given at this time).
- An estimated time frame of how long the process will take and expected tenancy start date.
- The steps in the allocation process, including further information that is to be provided by the applicant, such as references, ID, and proof of income. They are advised that failure to provide the further necessary information may result in a withdrawal of the housing offer.
- Advise them that not being interested in a housing offer at this point is **NOT** considered a rejection of a housing offer and will not affect their position on the Housing Waiting List.

The Housing Officer will use this information to complete the Allocation Assessment – Affordable Housing form.

If the Housing Officer is satisfied as to the applicant's continued eligibility and if the applicant has indicated a desire to be made an offer for the available housing, the Housing Officer will make a formal Housing offer in writing to the applicant (*refer Housing Offers 5.5.6*).

If the applicant provides information indicating that they are no longer eligible to be on our Housing Waiting List, they are verbally advised of this at the time and in writing and removed from the Housing Waiting List.

If the applicant is deemed ineligible, or if they state that they do not want (or are not able) to be considered for housing allocation at the time, this process is repeated for the second and third applicants.

The Housing Officer will then contact the other Housing Allocation Sub-committee members and advise the outcome of the allocation.

If none of the top three selected applicants are deemed suitable, the Housing Allocation Sub-committee will re-visit the Housing Waiting List and start afresh with the next three eligible applicants.

5.5.7.3 Allocation of Long-Term Community Housing

Winnam will notify the relevant Housing Service Centre by completing and returning the DCHDE Notification of Vacancy Form available at: https://www.hpw.qld.gov.au/data/assets/pdf_file/0025/4669/notificationofvacancyform.pdf within one working day from when becoming aware a property is available for allocation.

The Housing Service Centre will identify a short-listed group of suitable applicants within our target group from the Housing Register, whose requirements match the available property. After conducting a pre-allocation and eligibility check of the short-listed applicants, the Housing Service Centre will advise Winnam of short-listed applicants and provide supporting documentation relating to each applicant's circumstances and housing requirements.

The Housing Officer will attempt to make contact with each of the applicants to discuss:

- Their current housing status and whether they still require housing assistance.
- Check their application details.
- Advise them that they are being considered for allocation and an estimated time frame of how long the process will take.
- The steps in the allocation process.



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The next step in the process is managed by members of the Housing Allocation Sub-committee. Where possible the Housing Officer will arrange a Personal Interview between the applicants and the Housing Allocation Sub-committee. This will allow the applicant to discuss the above points and to provide an opportunity for them to ask questions and seek further information if required. If a Personal Interview is not convenient at the time for the applicant, this process can be completed over the telephone (in that case by the Housing Officer only).

The Committee will use this information to complete the DCHDE's Housing Allocation Assessment – Long Term Housing form for each applicant. Applicants will then be ranked using the established criteria outlined below and a recommendation made regarding a housing offer. This recommendation will then be accepted or rejected by the Housing Allocation Sub-committee.

This process should be completed with fourteen (14) days of notification. The Housing Officer will notify the Housing Service Centre once an offer has been made or if none of the referred applicants are considered suitable (using the DCHDE Housing Register Advice Form – Community Housing at <http://www.hpw.qld.gov.au/SiteCollectionDocuments/HousingRegisterAdviceForm.pdf>).

If the Housing Officer has any prior knowledge or relationship to an applicant, they must declare this to the General Manager who will determine the appropriate action as per the Conflict-of-Interest Policy (refer Part 3 Human Resources – 3.5 Conflicts of Interest).

5.5.7.4 Allocation of Emergency Housing

Once an Emergency Housing vacancy has been identified, the Housing Officer will, as soon as practicable, attempt to phone contact ALL current Emergency Housing Waiting List (EHWL) applicants to determine their current circumstances in relation to emergency housing requirements.

The Housing Officer will prepare individual Allocation Assessment - Emergency Housing forms for consideration of the Housing Allocation Sub-committee. The forms will include a brief description of the applicant's current circumstances.

The Housing Allocation Sub-committee will meet as soon as possible to determine the applicant with the highest housing need, giving consideration to the following circumstances:

- Is the applicant currently housed?
- Is the applicant in extreme financial distress?
- Is the applicant currently homeless?
- Is their current housing overcrowded?
- How many children/household members are homeless or at risk?
- Is there a risk of child removal by Department of Child Safety due to homelessness?
- Is there a risk of domestic violence in current housing?
- Is there a Domestic Violence Order in place?
- Are there health and safety issues in the current housing?
- Temporary relocation to Brisbane to access medical or professional services?
- Are they sleeping in car, park, street etc?
- Are they eligible for other housing?
- Is an exit strategy possible for the applicant?

The Housing Allocation Sub-committee will nominate the most suitable applicant on the EHWL to whom an emergency housing offer is to be made. They will also name another two applicants, in order, who may be contacted should the first emergency housing offer be rejected or withdrawn.

The Housing Officer will arrange a Personal Interview with the highest rated applicant to discuss the conditions for housing and to provide an opportunity for the applicant to ask questions and seek and



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provide further information if required. If a personal interview is not convenient for the applicant, this process can be completed over the telephone.

Should the personal interview determine the applicant to be eligible for Emergency Housing then a Housing Offer is made (refer 5.5.6 – Housing Offers).

If the applicant is not deemed suitable or eligible, the same process is followed for the second and third applicants as necessary. If none of the top three selected applicants are deemed suitable, the Housing Allocation Sub-committee will re-visit the EHWL and repeat the process.

5.5.8 Matching housing to applicants – For all housing programs

The matching process endeavours to ensure an appropriate match between an applicant’s housing need and a notified property vacancy. Eligibility criteria are used to help compare applicants on the relevant Housing Waiting List to objectively assess their housing needs.

Allocation decisions are based on the assessment and eligibility criteria, as set out in the relevant Allocation Assessment forms:

- Eligibility of applicant.
- Level of housing need.
- Suitability for community.
- Suitability of property to needs of applicant.
- Past history.

Bedroom Entitlements

Winnam’s bedroom entitlement guidelines aim to ensure the housing is allocated to prevent under or over occupancy of accommodation.

The following table (based on the *DCHDE Bedroom Entitlement Guideline*) is a guide to bedroom entitlements for different types of households. The size of the housing provided is based on the number of people in the household:

One Bedroom	1 x single person
Two Bedrooms	1 x single person/couple 2 x single people sharing Single/couple with 1 – 2 children
Three Bedrooms	3 x single people sharing Single/couple with 1 – 4 children
Four Bedrooms	4 x single people sharing Single/couple with 3 – 6 children

Current housing stock size and program are also considered when assessing bedroom entitlements for example:

- In Affordable Housing, a single person may be eligible for a two (2) bedroom property if a one-bedroom property is not available.



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- Due to the limited stock of two (2) and four (4) bedroom properties that Winnam owns, the Housing Allocation Sub-committee may consider allocating a three (3) bedroom Affordable Housing or Emergency Housing property to a family or couple that has been on the Waiting List for over five (5) years, due to unavailability of housing of the size for which they would usually be eligible.

Housing Need

Housing need is not prioritised past eligibility being confirmed, when allocating under Winnam's Affordable Housing Program. However, housing need **is** a determining factor when allocating under our Long-Term Community Housing and Emergency Housing Programs.

5.5.9 Housing Offers

Unless indicated otherwise, these procedures relate to all three of Winnam's Program areas: Affordable Housing, Long-Term Community Housing and Emergency Housing.

5.5.9.1 Making a Housing offer

For Affordable Housing: The Housing Officer will contact the successful applicant by telephone to advise them that they have been selected for the vacant property and to make a formal housing offer. They are given three (3) days (the offer period) in which to inspect the vacant property and advise of their acceptance or rejection of the offer. A Housing Offer letter will also be sent to their current address on record.

The Housing Officer will:

- Provide details of the property (only if vacant).
- Organise an inspection (when vacant).
- Explain the personal interview and tenancy sign-up process and the rights and responsibilities of Winnam and the applicant once they become a tenant (as outlined in the Statement of Tenant Rights and Responsibilities and the Tenancy Agreement and Special Conditions).
- Advise the information that will be required during the personal interview and/or Tenancy sign-up meeting.
- Explain any rejection of offer details and consequences.
- Answer any questions and provide further information (if requested) including request for modifications and repairs prior to the tenancy sign-up.

Once the applicant has accepted an offer, a personal interview and tenancy sign-up is arranged within seven (7) to fourteen (14) days.

NOTE: Time limits for this meeting may be extended at Winnam's discretion in special circumstances.

For Long Term Community Housing: Prior to making an offer to the applicant, the Housing Officer will confirm with the Housing Service Centre that the preferred applicant has not already been housed or been made an offer. If the applicant has not received housing assistance or been made an offer, the Housing Officer makes an offer to the preferred applicant.

For Emergency Housing: Given the urgency of need and that often applicants lack a fixed address to mail to, housing offers are generally made by phone.



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5.5.9.2 The Personal Interview

The successful applicant (and other adult household members if possible) must attend a Personal Interview and Tenancy Sign-up within seven (7) to fourteen (14) days of the housing offer being made. (Refer 5.6.2 Personal Interview and Tenancy Sign-up).

The Housing Officer will follow a Personal Interview and Tenancy Sign-up Check List to ensure they cover all the topics necessary. There is also a Personal Interview and Tenancy Sign-up Sheet which the tenant uses to ensure they have attended to everything they need to.

5.5.9.3 Acceptance of Housing Offers

Applicants have three (3) days from the date of the initial housing offer being made to accept or reject it. Tenants may provide an initial verbal acceptance of the offer, however a written acceptance must be received by Winnam prior to (or at) the Personal Interview.

For Long Term Community Housing: When the applicant accepts the offer, the Housing Officer must advise the Housing Service Centre immediately (by email or telephone) that the applicant has accepted an offer (this ensures the applicant is not made another offer). The Housing Officer must send a completed Housing Register Advice Form – Community

Housing at <http://www.hpw.qld.gov.au/SiteCollectionDocuments/HousingRegisterAdviceForm.pdf> to the Housing Service Centre within one working day of the applicant accepting the offer.

For Emergency Housing: Applicants have 24 hours in which to accept or reject a verbal housing offer.

5.5.9.4 Rejection of Housing Offer

Affordable Housing

The applicant has the right to refuse the offer of housing if the reason is deemed to be an acceptable reason by Winnam. These may include (but are not limited to):

- Applicant is too far from services essential to the family (including transport, medical and support services).
- Applicant is too far from specific employment and education needs.

Note: That in the housing matching process, these sorts of reasons should have already been discussed to determine whether the available housing is suited to the successful applicant.

Evidence to support the reasons for refusal may have to be provided to Winnam.

If the applicant refuses a Housing Offer for an unacceptable reason, the consequence for the applicant is that they may be moved to the bottom of the Housing Waiting List, meaning that another housing offer may not be available for a considerable period of time.

Applicants are advised of these consequences in the Housing Offer Letter.

If the offer is refused, the allocation process repeats until such time as an offer is accepted.



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Long Term Community Housing

The applicant has the right to refuse the housing offer if the reason is deemed to be a valid reason by the DCHDE. The Housing Offer Letter should advise possible consequences of refusal of the offer.

When an applicant rejects an offer, the Housing Officer must:

- Immediately inform the Housing Service Centre by telephone of the applicant's reasons for rejection; and send the completed Housing Register Advice Form – Community Housing at: <http://www.hpw.qld.gov.au/SiteCollectionDocuments/HousingRegisterAdviceForm.pdf> to the Housing Service Centre within one working day of the applicant rejecting the offer. The Housing Officer should detail the reasons why the applicant rejected the offer on the Housing Register Advice Form, to enable the Housing Service Centre to determine whether a penalty applies to the applicant.

5.5.9.5 Withdrawal of Housing Offer

Reasons for Winnam withdrawing a Housing Offer include:

- If there is no response from the applicant up to seven (7) working days of the Housing Offer Letter being sent and if Winnam is unable to contact the applicant by telephone within this time.
- The applicant is found to have deliberately provided false information on their Housing Application.
- The applicant failed to attend the Personal Interview and Tenancy Sign-up appointment without good reason.
- The applicant has been found to have falsified any documentation.
- The applicant is found to be no longer eligible.
- The applicant's household is found to exceed the Household Income Limit.
- Failure or refusal by the applicant or any other household member to provide full evidence of income as required by Winnam to assess the household income.

If any of these reasons apply, the Housing Offer to that applicant shall be withdrawn. The allocation process repeats until such time as an offer is accepted and a suitable applicant is found.

If a Housing Offer is withdrawn, the unsuccessful applicant shall be notified of this decision in writing and the reason for the decision is stated, along with details of Winnam's Appeals process (refer Appeals Process letter).

5.6 ESTABLISHING THE TENANCY

Purpose and Scope

Having clear, written procedures for the tenancy Sign-up process provides clarity to tenants and staff. Activities connected to the Sign-up process aim to establish a supportive relationship with our tenants while ensuring our compliance with both the Residential Tenancies and Rooming Accommodation Act 2008 and the OSHS (where applicable).

Our processes for collecting and lodging bonds are also addressed. (Refer to processes relevant to bond reimbursement and 5.7.2 - Rent Assessment and Calculation Processes).

Unless indicated otherwise, these procedures relate to all three (3) of Winnam's Program areas: Affordable Housing, Long Term Community Housing and Emergency Housing.



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Policy Statement

Winnam is committed to working with tenants to maintain successful tenancies by ensuring a clear understanding of the rights and responsibilities of tenants and lessors, as well as any special terms and conditions of the Tenancy Agreement and/or the housing assistance. To assist with this, Winnam has established a tenancy Sign-up process that:

- Is tenant focused.
- Aims to ensure that tenants are provided adequate and appropriate information to establish a successful tenancy and that they understand the requirements of the Tenancy Agreement and any special terms and conditions.
- Meets the requirements of the Residential Tenancies and Rooming Accommodation Act 2008, the Housing Act and Regulation 2003 and the National Community Housing Standards (NCHS).

Winnam staff provide a verbal explanation of the tenancy Sign-up process to new tenants and provide opportunities for tenants to ask questions. We ensure that information is provided openly and honestly. We encourage tenants to have an advocate or support person present, if desired, to ensure a clear understanding of the process and the rights and responsibilities of all parties involved. We also encourage them to arrange childcare for young children and not bring them to this important meeting if possible.

Winnam will arrange for an interpreter to be present at the Sign-up meeting, either in person or by telephone (if this is required) to ensure that the prospective tenant fully understands the Tenancy Sign-up process.

Bonds (equivalent to four (4) weeks rent) are collected from tenants and lodged with the Residential Tenancies Authority (RTA). Winnam will ensure that the collection of such bonds will not disadvantage tenants. Tenants are, therefore, able to:

- Access Bond Loans from the DCHDE (see <https://www.qld.gov.au/housing/renting/rent-assistance/bond-loan>); and
- Pay the bond in agreed instalments.

Legislation and Compliance

- Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA).
- Housing Act 2003 and Housing Regulation 2003.
- NRSCH PO 1A and 1C Tenant and Housing Services.
- National Community Housing Standards - 1.2 Establishing and Maintaining Tenancies.

5.6.1 Tenancy Agreements

5.6.1.1 Types of Tenancy Agreements

Affordable Housing and Long-Term Community Housing tenants are offered an initial six (6) month fixed term tenancy. After this term, the tenant is offered twelve (12) month lease arrangement if deemed acceptable.

Emergency Housing tenants are offered a three (3) month fixed term agreement. Another three-month periodic lease can be negotiated if required. It is recommended that there are no further extensions to emergency housing (i.e., a maximum of six (6) months tenancy). Note that the program



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guidelines do not permit a fixed-term tenancy of longer than six (6) months, however, in special circumstances e.g., global pandemic this may be considered.

Winnam's General Manager and the Housing Officer have the authority to sign Tenancy Agreements.

5.6.1.2 Special Terms and Conditions of Tenancy Agreement

There are Special Terms and Conditions for each of the three (3) Housing Programs we offer, namely Affordable Housing, Long Term Community Housing and Emergency Housing.

The Tenancy Agreement contains a number of special terms and conditions relevant to Winnam.

These may relate to things such as, but not limited to:

- Unregistered vehicles not allowed at the property.
- Bond part-payment arrangements.
- Excess water usage.
- Change in the number of occupants (up or down) and ensuring all occupants are listed etc.
- Carpet cleaning / pest control arrangements.
- Smoke alarm maintenance.

Special terms and conditions are consistent and meet the requirements of the RTRAA and any funding requirements, such as the OSHS.

Special terms and conditions are attached to the Tenancy Agreement and signed by both the Housing Officer and the tenant.

5.6.1.3 Tenancy Code of Conduct

As a tenant assigned to a lease, you are expected to maintain an appropriate standard of conduct with Winnam and its service providers. As per special conditions of the lease.

5.6.2 Personal Interview and Tenancy Sign-up

The proposed tenant (and other adult household members if possible) must attend a Personal Interview and Tenancy Sign-up within seven to fourteen (14) days of the housing offer being made. Subject to circumstances, the Personal Interview and the Tenancy Sign-up Interview could be conducted as two (2) separate interviews but preferably they should be combined.

5.6.2.1 Preparation and Raising the Tenant File

Prior to the Personal Interview (PI) and Tenancy Sign-up, the Housing Officer will have previously:

- Provided the tenant with access to the property (if vacant and if requested).
- Sent the Housing Offer letter and associated documents which provide details about the PI and what they need to bring: e.g.,
 - photo ID or three (3) forms of other personal ID.
 - real Property Ownership Declaration and Authority Form signed and witnessed (by a JP/Com Dec).
 - evidence of current emergency situation (Emergence Housing only) which may include:



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- court documents.
- protection order.
- letter of support or referral.
- medical evidence.
- letter or notices from current landlord e.g., Notice to Leave.
- the applicant must also bring rent monies (equal to two weeks) and bond monies (as agreed).
- Visited the property to complete the Entry Condition Report (RTA Form 1a), fulfil smoke alarm obligations and test the electrical safety switch.
- Raised a file for the new tenant – hard file and computerised.
- Conducted a household income assessment (refer 5.7.2 for rent assessment and calculation processes).
- Conducted reference checks.
- Completed a Tenancy Agreement and any attachments.
- Followed up any outstanding documents required from tenants prior to the meeting.
- Compiled any other documentation to be given to tenant as a Tenant Information Kit including:
 - New Tenancy Checklist.
 - Tenant Handbook.
 - General Tenancy Agreement (RTA Form 18a).
 - Pocket Guide for Tenants – Houses and Units (RTA Form 17a).
 - Smoke Alarm Information Sheet.
 - Bond Lodgement (RTA Form 2).
 - Entry Condition Report (RTA Form 1a) completed by Housing Officer.
 - Statement of Tenant Rights and Responsibilities.
 - Verbal information about the Client Grievance Policy and Procedure Flowchart.
 - Complaint and Appeal Forms.
 - Centrepay Deduction Form.
 - Authority To Release Information (for relevant Housing Program).
 - Repair / Maintenance Request Form.

5.6.2.2 Personal Interview and Tenancy Sign-up Meeting

The Housing Officer will follow a Personal Interview and Tenancy Sign-up Check List to ensure they cover all the topics necessary. There is also a Personal Interview and Tenancy Sign-up Sheet which the tenant uses to ensure they have provided all information and documentation required of them.

At the interview, the Housing Officer will:

- Provide the tenant with the Tenant Information Kit.
- Go through the information with the tenant verbally to ensure they understand the information, particularly:
 - Tenancy Agreement and any Special Conditions and/or Body Corporate By-laws.
 - Entry Condition Report (RTA Form 1a).
 - Tenant's rights and responsibilities, particularly as contained in the *Pocket Guide for Tenants – Houses and Units* (RTA Form 17a) and Winnam's Tenant Handbook.
 - Rental bond processes.
 - How rent is assessed.



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- Relevant Winnam policies and procedures in the Tenant Handbook.
- Calculate rent and bond and organise payment (if not already done). Receipt all rent, and bond monies paid.
- Sign the Tenancy Agreement and any other necessary documentation including Bond Lodgement form (RTA Form 2).
- Keep a copy of the partially completed Entry Condition Report (RTA Form 1a) and give the original to the tenant – explain time limits on completion and return of this document (i.e. they have three (3) days to sign and return the Report and we will return a copy to them within fourteen (14) days – if they do not return the Report to us, we will assume that they are accepting the contents).
- Communicate the need for tenant to contact Winnam to discuss any property or rental concerns as soon as they arise.
- Answer any other questions that the applicant may have and provide further information if requested, including requests for modifications and repairs prior to the start of the tenancy.
- Give tenant keys* to the property following payment of monies and signing of all documents. Tenant signs and dates a photocopy of the keys to acknowledge receipt.
- Provide any information specific to the property, tenancy, or organisation (e.g., power connection, repair and maintenance procedures, tenant participation).
- Complete the New Tenancy Checklist and obtain tenant's signature.

***Note:** When tenants are provided with keys to their property, the keys are photocopied, and the tenant is asked to sign that copy to confirm keys issued to them. When vacating, this document is checked to ensure all keys provided at commencement of the tenancy are returned. A Key Register is only maintained to provide spare keys to contractors and for tenants (if they lose/require another set) of keys on a sign-out, sign-in basis.

5.6.3 Bonds

The amount of bond charged is equal to four (4) weeks rent.

The bond is paid when a new tenant makes their first rent payment. Where this would cause financial hardship, the tenant may apply for a Bond Loan through the Department of Communities, Housing and Digital Economy. Information on this is provided to the tenant with the Housing Offer Letter.

Further information is available at <https://www.qld.gov.au/housing/renting/rent-assistance/bond-loan> and the form is available at <http://www.hpw.qld.gov.au/SiteCollectionDocuments/RentAssist.pdf>.

Alternatively, the bond can be paid in instalments agreed on by the tenant and the Housing Officer. In this case Winnam would usually require a larger first payment (e.g., \$150 for the first instalment, followed by \$20.00 per week part payments). Details of any bond arrangements are to be noted in the Special Conditions of the Tenancy Agreement.

Bond Lodgement

The bond lodgement process includes:

- **Signing** – the Housing Officer provides a Bond Lodgement (RTA Form 2) at the Tenancy Sign-up Interview which is completed and signed by both the Housing Officer and the tenant/s when the bond (or initial bond instalment) is paid.
- **Filing** – the Housing Officer will make two (2) copies of the Bond Lodgement form. The Housing Officer will keep one and give a copy to the tenant.
- **Instalment payments** – the first bond payment is lodged with the RTA as per their process. Subsequent bond instalments may be remitted to the RTA on a monthly basis.



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Bond Increases

Bonds need to reflect your current rent. If the rent is increased, it is the tenant's responsibility to process this bond increase directly through RTA.

Bond Receipt

On receipt of the bond money or initial instalment thereof, the Housing Officer immediately issues a manual receipt showing:

- Date on which the bond was paid.
- Name/s of the tenant/s.
- Amount received.
- Amount paid by each tenant in the case of a shared tenancy.
- Address of the premises.
- Signature of the Housing Officer.

Subsequent bond instalments are generally paid together with rent and are receipted within the system and instalments remitted to the RTA. Tenants receive a Bond Statement which is sent with regular Rent Statements.

Bond Refund

Bond refunds are arranged at the end of each tenancy. (Refer to Part 5.9.6 - Rental Bond Finalisation).

Bond Transfers

You can transfer a bond to another property if:

- The landlord, agent or manager/provider will remain the same
- There is no claim on the original bond
- All the original tenants move into the new property with no additional tenants added.

We cannot provide a 'top up' Bond Loan or Bond Loan Plus if your new bond is more than your current bond. To transfer your bond, lodge a Change of rental property (Form 3) with the Residential Tenancies Authority (RTA).

This allows tenants to transfer their bond as soon as their last tenancy ends without any issues. This process is the same as the RTA. Each person listed on the Bond Loan agreement is responsible for ensuring the full Bond Loan amount is repaid.

5.6.3.1 Raising the Tenant File

Winnam maintains a hard copy file for each tenant together with a record in a comprehensive tenancy database.

Prior to a tenant signing their lease, the Housing Officer will prepare the following tenant files:

Red file:

- Write name and address on side.
- Print occupancy report for front cover.
- Put any documents already gathered (e.g membership application, DCHDE Housing referrals) onto the file chronologically.



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Light blue file (LTCHP properties only):

- Write name etc. on side (e.g F Smith – RENT REVIEWS PRIVATE).
- Print cover sheet.

Set up a tenant record on Chintaro:

- Set up client, then create tenancy.

Following Personal Interview and Tenancy Sign-up, all relevant documents are filed in the tenant's file and Chintaro is updated.

5.7 RENT AND RENT ARREARS MANAGEMENT

Purpose and Scope

Our Rent and Rent Arrears Policy and associated procedures provide clear and concise guidance and explanations of how our rent management system is maintained. We aim to ensure that the processes of rent setting and assessment, rent collecting, rent payment, rent review and rent arrears are handled in a manner which both assists tenants to maintain sustainable tenancies and impacts positively on the long-term viability of Winnam.

Unless indicated otherwise, these procedures relate to all three of Winnam's Program areas: Affordable Housing, Long Term Community Housing and Emergency Housing.

Policy Statement

Winnam upholds the principles of fairness, consistency, and legal compliance in all aspects of our rent management system. We are committed to ensuring that the rent management system is sensitive to the needs and circumstances of the tenants and will not negatively impact on the financial viability of the organisation.

Our rent management system is always compliant with the requirements of the RTRAA.

Winnam ensures that tenants are provided a clear and concise explanation of how their rent is calculated, rent payment options, the process for dealing with rent arrears, when and how rent reviews are conducted and, where applicable, what fees are payable in addition to rent.

We are committed to maintaining rent arrears at a low rate to ensure the ongoing viability of Winnam. When tenants encounter difficulties paying rent, we will enter into Rent Arrears Repayment Agreements (refer 5.7 Rent Arrears).

If tenants vacate premises with rent arrears, Winnam has the option to pursue the matter through QCAT or may decide to write off the debt.

Legislation and Compliance

- Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA).
- NRSCH PO 1B - Tenant and Housing Services.
- Housing Act 2003.
- Housing Regulations 2003 – S17 Rent Policy.
- DCHDE Community Housing Rent Policy.



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- National Community Housing Standards - 1.2 Establishing and Maintaining Tenancies.

5.7.1 Rent Setting

5.7.1.1 Affordable Housing

Rents are set at approximately 75% of the Market Rent. Rent may not exceed 75% of the Market Rent.

Where Market Rent is deemed to be excessively high in comparison to similar properties in surrounding suburbs (e.g., Market Rent for a four (4) bedroom house in Manly is approximately \$550 to \$650, compared to surrounding suburbs where similar properties rent for approximately \$430), the **lower** Market Rent is used.

This is to allow the local ATSI community to avoid being priced-out of the local area.

5.7.1.2 Long-Term Community Housing

Rents are set in compliance with the DCHDE's Community Housing Rent Policy which is an income-based rent system where rent levels are reviewed every twelve (12) months. Evidence of household income is required. Tenants who do not supply proof of income are charged market rent.

Rent is assessed as per the rent calculator provided by the department. Maximum rent payable is equivalent to Market Rent for the property.

Winnam staff must refer to the latest version of the Community Housing Rent Policy (see website at www.hpw.qld.gov.au) to assist them in dealing with such things as (but not limited to):

- Assessable/non-assessable income.
- Commonwealth rent assistance.
- Household members.
- Pension subsidy.
- Maximum and minimum rent charged.
- Household members with irregular income or no income.
- Self-employed people or contractor's income.
- Imputing income.
- Income of new household members or part time household members.
- Increases and decreases in rent.

Winnam staff must ensure that they are aware of any changes or updates to the Community Housing Rent Policy by:

- Maintaining good working relationships with relevant DCHDE staff.
- Reading/referring to DCHDE publications and newsletters, including the website, on a regular basis.
- Attending relevant training and information sessions.

5.7.1.3 Emergency Housing

The weekly rental must not exceed the agreed upon weekly rental charge as per Item 11 in the lease agreement provided by Brisbane City Council.



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5.7.2 Rent Assessment and Calculations

5.7.2.1 Establishing the Market Rent

Winnam will use a fair and justifiable process to determine Market Rent. Winnam will review Market Rent annually by using some of the options below including (but not limited to):

- Engaging with competent companies i.e., Real Estate Agencies, valuer.
- RTA – median rents.
- Real estate web search of rental properties.

The Housing Officer will review the local housing market annually to ensure the market rent figures reflect the current market and allow for any significant upturns (or downturns) in the rental market.

5.7.2.2 Long-Term Community Housing

The Housing Officer will assess rent levels annually using the Electronic Rent Calculation Tool provided by the DCHDE via email on a quarterly basis.

Changes in income or household composition may result in a change in rent.

Proof of household income is required to allow rent to be assessed. Proof of income statements may be in the form of the following examples:

- Income statement from Centrelink or Veterans' Affairs.
- Centrelink Customer Confirmation eService – Income Statement.
- A tax assessment notice or audited statement or other suitable proof of income if self-employed.
- Most recent payslip or written Employer Declaration.
- Where a tenant has an irregular income, the last six payslips are required to determine affordable rent for that household.

If proof of income is not provided for all eligible household members, Winnam will charge the household market rent, until such time as the income information is supplied. The tenant's responsibilities regarding rent are set out in the Tenancy Agreement and Special Conditions.

Where a tenant provides consent, Winnam can directly access tenant's income information from Centrelink through the Authority to Release Information (Affordable/Long term Housing) form.

5.7.3 Rent Payment

5.7.3.1 Rent Collection

The tenant may nominate to pay rent either by electronic transfer, direct deposit or Centrepay into the account specified on the Tenancy Agreement. Although not encouraged, cash payments may also be made at the Winnam Office.

Payment through Centrepay

In order to arrange payment through Centrepay, the Housing Officer will provide the tenant with the Centrepay Deduction Form (Centrelink), with the organisational information completed.



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5.7.3.2 Rent Receipts and Rent Statement

A manual receipt (supplied for all cash payments) or rent payment record provides the following details:

- Tenant's name.
- Address of premises.
- Date payment is received.
- Amount of payment.
- Confirmation that the payment is for rent.

Rent receipts are not normally provided for Centrepay and Direct Debit payments, however the Housing Officer will provide the tenant a Rental Statement Summary upon request. Rental Statement Summaries for all tenancies are provided monthly.

5.7.4 Rent Payment Processing

The Housing Officer will regularly record all Centrepay payments received and all payments made into its bank account/s into the Chintaro system. These payments are entered ideally every five (5) business days or at least on a weekly basis.

5.7.5 Rent Arrears

5.7.5.1 Identifying Rent Arrears

Rent arrears occur when a tenant is seven (7) days or more behind in their rent.

Winnam receive regular Centrepay Payment and Deductions Reports as well as bank statements. The Housing Officer checks payments with tenant rent data in Chintaro to ascertain any rent arrears on the day of receipting.

The Housing Officer will attend to missed payments within two (2) working days of becoming aware of them, by immediately sending a Notice to Remedy Breach – Rent Arrears form and letter. In some cases, they may also contact the tenant by phone to discuss why rent payment was missed. This discussion aims to prevent the tenant going into further rent arrears. The Housing Officer will discuss possible consequences of rent arrears.

Rent Waiver or Deferral

It is not the practice of Winnam to waiver, defer or temporarily reduce rents when tenants are in difficult circumstances. Tenants are permitted to make a written request for the Housing Officer to negotiate a strategy to assist them through the difficult period, whilst protecting security of tenancy. The Housing Officer may opt to refer the matter to the Housing Allocation Sub-committee for further negotiation.

5.7.5.2 Dealing with Rent Arrears

Note: although the RTA prescribes a seven (7) day period, we allow an extra three (3) days to allow delivery time in the postal system.

- Once rent arrears have been identified, the Housing Officer will send the tenant a **Notice to Remedy Breach (RTA Form 11 – quoting Details as “Rent Arrears”)**. A



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letter will accompany the Notice, which will outline the options for the tenant to pay the outstanding rent and highlight the consequences if none of the above options are actioned by the tenant within the specified time frame.

The options include:

- Repayment of the full amount of arrears within a minimum of ten (10) days; or
- The tenant may negotiate within the notice period to repay the arrears in weekly or fortnightly payments using the Rent Arrears Repayment Agreement. This form will include the amount of rent arrears, repayment schedule and signature of both the Housing Officer and tenant. A copy of the signed form is given to the tenant and the original is retained by Winnam.
- To meet with the Housing Allocation Sub-committee to further negotiate a solution, if they feel they cannot meet either of the previous two (2) options.

The Housing Officer has the discretion to negotiate the arrears repayment amount directly with the tenant, if the tenant shows good reason for being unable to make the suggested repayments.

If within ten days the tenant has not met any of the options contained in the abovementioned letter, the Housing Officer will telephone the tenant to ascertain why they have not responded and to reiterate their options.

Following consultation with and approval by the General Manager, the Housing Officer will send a Final Notice letter to the tenant where:

- The tenant has not responded to our Notice to Remedy Breach – Rent Arrears form and letter and the Housing Officer is unable to contact the tenant; or
- The tenant has started making arrears repayments as agreed but has failed to continue.

A Final Notice letter requires immediate response (2-3 days) by the tenant and will detail the action required by tenant (e.g., continue payments as agreed or contact the office to make alternative, acceptable repayment arrangements).

Where no response is received to our Final Notice, a **Notice to Leave (RTA Form 12)** with a covering letter is issued to the tenant, requiring them to vacate the property within fourteen (14) days. An option to revoke the Notice to Leave is contained in the letter, on the condition that all rent arrears are paid in full within the fourteen (14) day period.

5.7.5.3 Rent Arrears Appeals and Disputes

To resolve any rent arrears disputes and appeals, the following steps are taken:

1. Arrange an interview between the Housing Officer and tenant.
2. Both parties will provide evidence for the meeting:
 - **Housing Officer:** financial reports, bank statements, Centrepay statements.
 - **Tenant:** receipts and proof of payments which may include bank statements.
3. Records are compared.
4. If the issue remains unresolved, or the tenant is not satisfied, the tenant may request a meeting with the Housing Allocation Sub-committee to discuss the matter further.
5. Should the tenant remain unsatisfied, the tenant may contact the RTA to arrange mediation.



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5.7.6 Rent Reviews

5.7.6.1 Affordable Housing

Market Rent is reviewed annually. Any adjustments required to maintain rents at approximately 75% of the Market Rent will result in a subsequent rent increase or decrease.

Once the Housing Officer has determined any rent increases or decreases, these are approved by the General Manager. Tenants will receive a Rent Review – Outcome letter and are given two months' notice of the rent **increase** (as per RTRAA), however rent **decreases** will apply immediately.

5.7.6.2 Long Term Community Housing

The Housing Officer will organise annual rent and eligibility reviews. Changes in income or household composition may result in a change in rent.

A Rent Review Letter is sent to tenants at the time of rent review. This notice will contain:

- The date the information is required by (usually two (2) weeks).
- The documentation and information required.
- How the rent review will take place:
 - the tenant can attend to participate in a review and if so, they will need to make an appointment; or
 - provide the information and they are advised in writing of new calculated rent and when to commence payment of the new amount.
- The tenant is advised that if information is not received, market rent may be charged.

Following the review, the relevant Rent Review Outcome letter is sent. Where there is a rent increase, two (2) months' notice is given to the tenant before the new amount commences. If applicable, tenants receiving rent assistance are given a Centrepay Deduction Form and are advised to notify Centrelink to have their level of assistance changed.

If a tenant's household income decreases, the tenant needs to notify the Housing Officer as soon as possible so their rent can be recalculated. If the rent is assessed at a lower rate, the new rate becomes effective immediately. Exceptions may occur where a tenant has an irregular income. In this case an appropriate solution (in line with the DCHDE's Community Housing Rent Policy) is negotiated between the tenant and the Housing Officer.

Centrelink Customer Consent Script

This consent can only be used for the sole purpose of authorising Centrelink to provide information to Winnam to assess a tenant's continuing eligibility in relation to concessions or services provided by Winnam.

The tenant may nominate to sign the Authority to Release Information - Affordable/Long Term Housing form, which allows the Housing Officer to download the tenant's Proof of Income Statement direct from Centrelink for the purpose of Rent Reviews as set out in the Tenancy Conditions in the Tenancy Agreement.

5.7.6.3 Appealing a Rent Increase

The tenant may appeal a rent increase at any time by:



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- Asking the Housing Officer to recalculate the level set.
- If the issue remains unresolved, or the tenant is not satisfied, the tenant may request a meeting with the Housing Allocation Sub-committee to discuss the matter further.
- Should the tenant remain unsatisfied, the tenant should contact the RTA to arrange mediation.

5.8 SUSTAINING THE TENANCY

Purpose and Scope

The purpose of this policy area is to provide guidelines on how Winnam will assist people to sustain their tenancies. This includes dealing with the changing needs of tenants and other issues that arise during the tenancy in a fair and flexible manner and within the capacity of the organisation to respond.

Having clear, written procedures for responding to issues that arise during a tenancy provides clarity to both tenants and the organisation about what they can expect from each other, while ensuring that the rights and responsibilities of both parties are upheld.

This Policy area will help us to ensure that:

- Our tenants are supported in successfully maintaining their tenancies.
- Decisions are made objectively.
- Legal and ethical requirements are met.

Policy Statement

Winnam is committed to working with tenants to maintain successful tenancies by ensuring that:

- Rights and responsibilities of tenants and lessors, as well as any special terms and conditions of the Tenancy Agreement and/or the housing assistance are upheld.
- Issues arising during the tenancy are responded to in a timely and supportive manner.
- Responses to issues arising are consistent with relevant legislation including the Residential Tenancies and Rooming Accommodation Act 2008, funding agreements and Winnam's own policies and procedures.
- There is a fair and transparent disputes system in place including how the organisation will deal with reports of harassment.
- Tenants are provided the opportunity ask questions, provide feedback, and have information provided to them openly and honestly.

Winnam will respond to and deal with the changing needs of tenants in a fair and flexible manner, within the capacity of the organisation to do so.

We will deal with the changing needs of tenants by:

- Transferring and rehousing tenants, including mutual exchange (where possible).
- Considering succession of tenancies (where relevant).
- Modifying accommodation (where able).
- Making referrals to more appropriate and safe housing (when needed).
- Dealing with over/under occupancy of properties (as required).

Legislation and Compliance

- Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA).
- NRSCH PO 1A, C, G – Tenant and Housing Services.



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- Funding/Service Agreements.
- DCHDE Social Housing Eligibility Criteria This is available at https://www.chde.qld.gov.au/data/assets/pdf_file/0022/4981/SocialHousingEligibilityCriteria.pdf
- National Community Housing Standards - 1.2 Establishing and Maintaining Tenancies, 1.3 Changing Needs of Tenants.

5.8.1 Authority and Delegations

Winnam's Housing Officer has the delegated authority to issue and sign all RTRAA notices on behalf of the organisation, however Notices to Leave should first be approved by the General Manager (*refer Delegations Register*).

The Housing Officer will keep a record of all RTRAA Notices.

5.8.2 Rights of Entry

The RTRAA 2008 sets clear timelines for serving Entry Notices (RTA Form 9). To ensure the tenant's rights are protected, Winnam adheres to the set notice periods as outlined by the RTRAA.

5.8.3 Dealing with Neighbourhood Disputes

Winnam is committed to encouraging a safe, healthy, and peaceful environment for all tenants. Winnam will also ensure that neighbours are provided with quiet enjoyment of their homes.

Tenants are advised at the start of their tenancy of their obligation under the Tenancy Agreement to respect their neighbours' right to quiet enjoyment of their properties and of their own right to same.

5.8.3.1 Types of Neighbourhood Disputes

- Minor disputes or disruptions – everyday disruptions that may impact upon daily life, e.g., noise from stereos or televisions, dogs barking, pets being a general nuisance.
- Neighbourhood disruptions – one-off situations causing disruption, such as domestic disputes or noisy parties.
- Repeated neighbourhood disruptions – repeated disruptive behaviour/s that affect a person's lifestyle, e.g., regular noisy parties or regular domestic disputes.
- Long-term personal conflicts - disputes that occur due to a conflict of values between neighbours.
- Serious disputes – situations such as serious domestic violence disputes, or where there is risk to person or property.

5.8.3.2 Actions by Winnam – Complaints About Neighbours

Winnam can take action only where we have authority to do so under the RTRAA 2008. We cannot play the role of the Police or Dispute Resolution Centres. Where Winnam has no authority to intervene, the Housing Officer will still provide assistance to support tenants where appropriate. The Housing Officer may also refer complaints to the relevant agencies.

When Winnam is contacted by the tenant with regard to a problem neighbour, the following occurs:

- For less serious disputes, the tenant is encouraged to talk to the neighbour concerned (where appropriate) and attempt to resolve the situation agreeably.
- For more serious or dangerous issues, the tenant is advised to call the police.



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- The tenant may also be advised that they can contact the nearest Dispute Resolution Centre for mediation.

5.8.3.3 Actions by Winnam – Complaints About Tenant Households

When Winnam is contacted by a neighbour in relation to the tenant, the following occurs:

1. Full details of the issue are recorded by the Housing Officer.
2. The Housing and Tenancy Officer will contact the complainant/tenant with an outcome within twenty-five (25) working days. More complex matters may take longer, and we will confirm with you if that is the case.
3. The neighbour is encouraged to talk to the tenant in person (where appropriate) and attempt to resolve the situation agreeably. The neighbour is advised of their right to call the police or local council if the situation warrants it.
4. The neighbour is invited to put their complaint in writing, providing their full name, contact phone number and address. The Housing Officer will make all reasonable efforts to keep the neighbour's details private and confidential should they so desire.
5. Complaints by neighbours who are not prepared to state their full name and contact details will not be dealt with.
6. The neighbour is asked to provide supporting evidence where possible. This may include keeping a diary of incidents (e.g., dog barking), or having other neighbours contact us to verify the situation.
7. The tenant is contacted to discuss the neighbour's concern and is invited to state their side of the story and any personal issues that may be an underlying cause.
8. If the Housing Officer believes there is reasonable cause to substantiate the complaint, a Notice to Remedy Breach (RTA Form 11 quoting Details such as "Interfering with Neighbours Peace and Enjoyment") is sent giving fourteen (14) days in which to remedy the situation. The tenant is warned of the consequences of repeated breaches. Details of mediation services are also provided.
9. If the tenant states that there is an underlying issue, e.g., domestic violence, mental health, drug and/or alcohol issues, the Housing Officer will provide appropriate referral support to the tenant.

Where the Housing Officer receives further complaints about the same issue, the following occurs:

1. The tenant is again contacted about the complaint. If the tenant confirms the complaint, then appropriate action is taken (as above, e.g., family support, mediation referral, a subsequent RTA Notice to Remedy Breach (RTA Form 11) may be issued).
2. If the tenant denies the complaint, the neighbour is asked to provide further evidence of the problem. In order to protect the tenant from over-sensitive or malicious neighbours and to avoid "*he said/she said situations*", the neighbour is advised that future action will not be taken unless we receive further **strong evidence** (e.g., confirmation from the police of call outs, similar complaints from other neighbours).
3. If further evidence is provided, subsequent breach notices are sent as necessary, together with a recommendation for mediation with the neighbour.



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Repeated, unresolved breaches may result in the Housing Officer making application to QCAT for termination of tenancy. All efforts are made by the Housing Officer to refer the tenant to appropriate support services to address the cause of the complaints. (Refer QCAT website at <http://www.qcat.qld.gov.au>).

5.8.3.4 Reports of Harassment (Including racial harassment)

If Winnam staff receive any report from a tenant of harassment, including racial harassment, this is immediately reported to the Housing Officer (refer 5.8.3.2 – Actions by Winnam – Complaints About Neighbours).

5.8.4 Dealing with changing needs of tenants

5.8.4.1 Transfer and Rehousing

Winnam does not allow cross-transfer between Housing Programs. However, in exceptional circumstances, a short-term transfer to our Emergency Housing Program may be considered by the Housing Allocation Sub-committee.

Existing tenants may apply for a transfer from one Winnam Housing property to another (within the same Program area) on the following grounds:

- Health.
- Personal mobility.
- Safety.
- To adjust occupancy rates (to prevent under - or over-utilisation of housing).
- Special circumstances.

Tenants seeking a transfer will need to complete an Application for Transfer. The Housing Allocation Sub-committee will assess the application and decide whether the request meets transfer criteria. Successful applications are held until a suitable property is available. If more than thirty (30) days have passed since the application was approved, the applicant is asked to demonstrate that their reasons for requesting a transfer are still applicable.

Where applications for transfer are based on health reasons, documentary evidence is required to show that the current property is seriously detrimental to the health of the tenant/occupants. Documentation must include a letter with supporting evidence from an appropriately qualified medical professional.

Where mobility or safety issues are the basis for the transfer request, the tenant is required to provide evidence. Evidence may include statutory declaration/s, police report, occupational therapist report, copy of Apprehended/Domestic Violence Order etc.

Tenants who apply on the grounds of special circumstances have their request determined at the discretion of the Housing Allocation Sub-committee. Special circumstances may include reduced long-term transport options, unusual family, or cultural grounds etc.

Where applications for transfer are based on adjusting occupancy rates, the Housing Officer will assess the benefit to the organisation. This assessment will be based on the Portfolio and Asset Management Plans.

Any transfers between Long-Term Community Housing properties must also meet and be carried out within the guidelines of the DCHDE.



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5.8.4.2 Mutual Exchange

Winnam will consider requests from tenants for a mutual exchange of property (within the same Program area) only on the grounds that the exchange enhances the use of the property by way of improving the use of bedrooms (optimum utilisation).

This decision is at the discretion of the Housing Allocation Sub-committee. Approval of the exchange on the above grounds also carries the following conditions:

- Each tenant's eligibility for the type of housing they are transferring to and for the relevant Housing Program is fully reviewed, regardless of their next ongoing eligibility review date.
- Each tenant's property has been properly cared for and maintained in accordance with the terms of the Tenancy Agreement.
- Each tenant must agree to accept the property they wish to transfer to in its current condition.
- Each tenant agrees to meet all their own cleaning and removal costs.
- Rent payments must be up to date.

5.8.4.3 Succession of Tenancies

A household member may apply to the Housing Officer to have the Tenancy Agreement transferred to their name, if the tenant has left the property due to any of the following reasons:

- Death of the tenant.
- Health reasons (e.g., tenant has entered a nursing home or other institution).
- Long term imprisonment.
- A breakdown in relationship with a joint tenant listed on the agreement.

If the applicant meets the eligibility and selection criteria, the Housing Officer may agree to transfer the lease.

For Affordable Housing: Aboriginal or Torres Strait Islanders who are listed on the Tenancy Agreement as occupants/household members can apply to be recognised as the new tenant provided, they meet **ALL** the following criteria. They must:

- Be a current financial member of Winnam, or eligible to become one.
- Be 18 years or over.
- Provide Confirmation of Aboriginality.
- Not own or have shares in any real property (house / land).
- Meet Winnam's income criteria.
- Be currently living at the property and Winnam are aware that they have been living at the property for at least the past two (2) consecutive years; OR
- Be listed as a joint tenant.

The applicant must complete a Succession of Tenancy Request Form which is assessed by the Housing Officer as to their eligibility. If unsure, the Housing Officer may refer the request to the Housing Allocation Sub-committee for further consideration.

If the household member/applicant does not meet the eligibility and selection criteria, tenancy termination processes are instigated by the Housing Officer (allowing two (2) months' notice). Winnam will endeavour to assist the household to find suitable alternative accommodation during this transition period.



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If people sharing a Winnam dwelling become legally separated and the tenancy is contested, both parties (if eligible for succession of tenancy) are referred to the RTA's Dispute Resolution Service to seek a solution via mediation processes.

If a household member is a victim of domestic violence, the Housing Officer will refer them to an appropriate specialised service. The Housing Officer will also work to assist the household members to relocate where appropriate and possible (as per guidelines established within the RTRAA).

For Long Term Community Housing: The household member must also meet the Social Housing Eligibility Criteria. This is available at https://www.hpw.qld.gov.au/data/assets/pdf_file/0022/4981/socialhousingeligibilitycriteria.pdf. Any succession of tenancy must also meet and be carried out within the guidelines of the DCHDE.

5.8.4.4 Anti-Social Behaviour (Long Term Community Housing)

As per the Social Housing Eligibility Criteria, tenants who demonstrate frequent and persistent anti-social behaviour are ineligible to receive social housing on an ongoing basis.

Winnam will refer to and use the Social Housing Eligibility Criteria and RTRAA requirements to guide our actions when dealing with anti-social behaviour, including defining anti-social behaviour, tenants' responsibilities, and request actions to manage the behaviour and support tenants to sustain their tenancies.

The DCHDE Social housing Eligibility Criteria is available at https://www.chde.qld.gov.au/data/assets/pdf_file/0022/4981/SocialHousingEligibilityCriteria.pdf

5.8.4.5 Property Modifications

Where possible, Winnam will assist tenants who require their property to be modified due to ageing or disability e.g., access ramps, bathroom handrails etc.

Upon written application (and if budgets permit), Winnam will consider contributing to the cost of modifications necessary for the reasons of health and mobility, as assessed by an appropriately qualified medical professional. Tenants are encouraged to contact Home and Community Care (HACC) and/or Home Assist Secure (HAS) for assistance. If the tenant is eligible for assistance, HACC/HAS staff will liaise with the Housing Officer.

Winnam may consider other modification requests at their discretion. Such modifications must:

- Be at the tenant's full expense.
- Be requested and approved in writing.
- Be completed by a suitably qualified tradesperson.

Any approval for modification is granted on the condition that either the fixtures and fittings become the property of Winnam and must be left by the tenant when the premises are vacated, or the tenant removes the fixtures and fittings and restores the premises to their original condition when vacating the property. The negotiated agreement is noted on both the Tenancy Agreement and Entry Condition Report (RTA Form 1a).

If written approval is not given, the tenant may be financially responsible for the cost of restoring the premises to their original condition. The collection of the cost of restoring the premises is conducted according to the procedure for dealing with damage to property.

5.8.5 Pet Policy



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Winnam's pet policy has been developed to enable tenants to enjoy the companionship and security provided by an animal that is well cared for.

Tenants who require a guide dog or hearing dog due to a disability have their application automatically approved by Winnam, so as to not contravene Anti-Discrimination Legislation.

Winnam permits tenants to keep pets at the property on certain conditions:

- Keeping of the pet does not breach local Council By-Laws.
- The tenant (or housing applicant) lodges a completed Pet Application Form.
- The property is suitable for the type of pet – e.g., fully fenced to retain dogs.
- For dogs and cats, the tenant must provide with the pet application evidence of:
 - current Council registration; and
 - de-sexing certificate*
- No more than two dogs may be kept at the premises.
- No more than two cats may be kept at the premises.
- Dogs are to be kept outside at all times.
- Tenant must conduct and pay for annual flea treatments at the property and at the end of the tenancy.
- Tenant must remove all animal faeces from the property on a weekly basis and rectify any holes dug by pets in the yard.
- The tenant signs a Conditions for the Keeping of Pets Agreement.
- The only pets approved for inside the house are (maximum):
 - 1 caged bird
 - 1 cat
 - 2 tanks of fish

The Housing Officer will approve or decline the pet request and notify the applicant/tenant accordingly. Note that for those on our Housing Waiting List, final approval cannot be given until the property is allocated and suitability is determined.

Whilst all efforts are made to allocate a suitable property, a Housing Offer is made to a housing applicant on their bedroom entitlement. Preference for a larger property is not given to a housing applicant on the grounds that they have a pet that needs a yard (e.g., an applicant who is only eligible for a two (2) bedroom unit will not be granted a house with a yard). It is the housing applicant's decision to re-home their pet or remain longer on the Housing Waiting List, being mindful of the likelihood of limited future housing offers being made due to their requirements for their pets.

Substantiated complaints about pet/s from neighbours will require the tenant to address the matter. If this is not done, or if further complaints ensue, permission to keep the pet/s is withdrawn.

5.8.6 Feedback – Tenant Satisfaction Survey

Winnam undertakes an annual Tenant Satisfaction Survey to gauge our tenants' satisfaction with our tenancy and property services.

A Tenant Satisfaction Survey form is mailed out to all tenants, requesting a response within fourteen (14) days. In an endeavour to obtain the most honest responses, these forms do not require tenants to identify themselves if they want to remain anonymous. However, tenants may include their name and contact details if they wish. If tenants require help in completing the forms (e.g., they are not comfortable providing written responses), an offer to record their responses by phone is also made.



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Once returned, the Housing Officer will collate the responses and provide a report for the General Manager with any recommendations for improvements. This will then be forwarded to the Board.

In addition to this formal process, tenants are encouraged to provide feedback at any time and to access our Complaints and Appeals Processes as required.

5.9 ENDING THE TENANCY

Purpose and Scope

This Policy area aims to provide details on how Winnam will end tenancies, in both forced and voluntary circumstances, in a legal and fair manner that impacts the least on the both the tenant and the organisation.

Policy Statement

Winnam is committed to ensuring that the processes of ending tenancies (forced or voluntary) are managed in a way that:

- Meet all legal requirements including that of the Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA).
- Respect the rights of tenants, including their right to be treated fairly and with respect.
- Ensure tenancies will only be terminated if there is just cause.

Tenants are provided with information about the ending tenancies process to help minimise the impact of the termination on them and on the organisation and to ensure that they are informed of their rights and responsibilities.

Tenants are encouraged to seek legal advice and advocacy from relevant agencies to assist them with the ending of tenancy process.

Legislation and Compliance

- Residential Tenancies and Rooming Accommodation Act 2008.
- NRSCH PO 1A - Tenant and Housing Services.
- National Community Housing Standards: 1.4 - Ending Tenancies.

5.9.1 Reasons for Ending the Tenancy

The following circumstances may lead to termination of the Tenancy Agreement:

- Rent arrears.
- Failing to keep the premises clean.
- Disruption to neighbours.
- Damage to the property.
- Over-occupancy.
- Modifying the property without permission.
- Illegal activity on the premises.
- Failing to observe local Council or Body Corporate By-laws.
- Failing to comply with the Tenancy Agreement and any special conditions.
- Tenant is no longer eligible for housing assistance.
- Tenant is no longer able to live independently.
- Tenant dies.



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- Abandonment of the premises.
- Failing to live continuously at the premises.
- Tenant decides to move to alternative premises.

5.9.2 Authority and Delegations

The Housing Officer has the delegated authority to issue and sign RTRAA Notices on behalf of Winnam in relation to the termination of tenancies. However, the Notice to Leave should be first discussed with the General Manager. Progress of any termination actions is monitored and reported to the General Manager weekly.

Where ending the tenancy appears imminent, the Housing Officer will attempt mediation as a first step. If this fails, procedures to terminate the Tenancy Agreement are carried out (refer I6.4). The tenant may appeal to Winnam at any time during the termination of the Tenancy Agreement.

The Housing Officer will keep a record of all notices to leave under the Residential Tenancies and Rooming Accommodation Act 2008 that results in termination of a Tenancy Agreement, including:

- The tenant to whom it was given.
- The day it was given.
- The reason for giving it.
- If it relates to a breach of the Tenancy Agreement by the tenant, the steps taken by Winnam to resolve the breach other than issuing a Notice of Intention to Leave (RTA Form 13).

5.9.3 Voluntary and Mutual Termination of a Tenancy Agreement

The tenant may terminate the Tenancy Agreement by providing the Housing Officer with a Notice of Intention to Leave (RTA Form 13) at least two (2) weeks before vacating the premises.

A Tenancy Agreement may be terminated mutually in writing, signed by both the tenant and the Housing Officer.

Once this Notice is received, the Housing Officer will start the vacancy and allocations processes relevant to the Housing Program. To assist the tenant/s when vacating, the Housing Officer will give the tenant the RTA's *Pocket guide for tenants - houses and units* booklet (available at <https://www.rta.qld.gov.au/pocket-guide-for-tenants-17a-updated>) and Winnam's Moving Out Checklist for Tenants. An End of Tenancy letter is also sent at this time.

5.9.4 Forced Termination of a Tenancy Agreement

Terminating the tenancy is the last step in Winnam's tenant dispute procedure and is carried out in accordance with the RTRAA.

To ensure the tenant's rights are protected, Winnam adheres to the set notice periods as outlined by the RTRAA.

5.9.4.1 Notice to Remedy Breach

The termination procedure for all breaches of the Tenancy Agreement starts with the Housing Officer sending a Notice to Remedy Breach – quoting reason for breach under "Details" (RTA Form 11) to the tenant together with a letter of explanation. These inform the tenant of their actions or behaviour that breached the Tenancy Agreement and suggests ways to rectify same.

Notice to Remedy Breach (Rent Arrears)



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The procedure for issuing a Notice to Remedy Breach (RTA Form 11) for rent arrears is detailed in *section 14.5 – Rent Arrears*).

Notice to Remedy Breach (Other)

A Notice to Remedy Breach (RTA Form 11) is also issued to the tenant when the terms or special conditions of the Tenancy Agreement are breached for reasons other than rent arrears.

The tenant is given seven (7) days in which to contact the Housing Officer to arrange to remedy the breach. If the tenant does not remedy the breach or undertake negotiations with Winnam within the specified time frame, the Housing Officer will telephone the tenant to ascertain why they have not responded and to reiterate their options.

If the Housing Officer is unable to contact the tenant by phone, a Final Notice Letter may be sent to the tenant. A Final Notice Letter requires immediate response (within 2-3 days) by the tenant.

5.9.4.2 Notice to Leave

Should a Notice to Remedy Breach not be addressed by the tenant, the Housing Officer can take the next step in the process by issuing a Notice to Leave (RTA Form 12).

Where it appears that a tenancy may be terminated, the Housing Officer will consult with the General Manager to determine the best course of action.

The Housing Officer sends a letter with the Notice to Leave (RTA Form 12) informing the tenant:

- The date by which they must leave the premises.
- The reason why the notice is being issued.
- Any possibility of the notice being waived, e.g., full payment of rent arrears prior to handover date.
- Dispute resolution/appeal processes.

An End of Tenancy letter is also sent at this time.

5.9.4.3 Where Tenant Disputes a Notice to Remedy Breach or Notice to Leave

If a tenant disputes a Notice to Remedy Breach or a Notice to Leave, they should immediately discuss this with the Housing Officer or General Manager.

If this is unsuccessful, they can instigate the Winnam appeals process. If the appeal process decides that the tenancy termination should proceed, a letter to this effect is sent to both the tenant and the Housing Officer. The tenant is given the same time frame to vacate as applies to receiving the Notice to Leave. If a decision is made to decide in favour of the tenant, the Notice to Remedy Breach or Notice to Leave is withdrawn in writing by the Housing Officer.

Tenants are also able to approach the Tenants Union for advice, the RTA for information or dispute resolution e.g., completes an RTA Dispute Resolution Request (RTA Form 16), or they may contact QCAT to challenge the termination (see <http://www.qcat.qld.gov.au>). Refer also 5.9.4.4 – *Warrant of Possession*.

5.9.4.4 Warrant of Possession



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If the tenant refuses to leave after handover day, Winnam will make an urgent application to QCAT to obtain an Order for Termination and Warrant of Possession (see QCAT website <https://www.qcat.qld.gov.au/matter-types/residential-tenancy-disputes>).

If a Warrant of Possession is issued, it states the time/s of entry and the period of the Warrant. The Warrant usually becomes effective three (3) days after issue and must be executed within fourteen (14) days. The Housing Officer will negotiate with local police who are responsible for executing the Warrant of Possession.

The Housing Officer will also organise a locksmith to have locks changed and new keys cut. It is preferable for the locksmith to attend while police are at the property to avoid the ex-tenant from re-entering once the police have left.

5.9.5 Finalising the Tenancy

5.9.5.1 Exit Interviews

If possible, the Housing Officer will organise an Exit Interview with the tenant. This could occur as a face-to-face meeting (e.g., during the Final Inspection Meeting, if appropriate – *refer 16.5.2*) or as a written/phone survey.

The purpose of the Exit Interview is to gain feedback about how we manage tenancies and properties and our general services on offer. The Exit Interview Form will include questions to capture:

- Why the tenancy is terminating.
- Type of housing to which the tenant is moving.
- Views on the service provided by Winnam.
- Feedback on the property.
- Tenant's forwarding address.

The Exit Interview Form is attached to the End of Tenancy letter.

5.9.5.2 Final Inspection Meeting

When a tenancy termination is imminent, a Final Inspection Meeting is requested between the Housing Officer and the tenant.

The request is made by way of an End of Tenancy letter being sent immediately on issue or receipt of the termination notice (i.e., RTA Notice to Leave (Form 12) or Notice of Intention to Leave (Form 13). The letter and checklist contain the following:

- Suggested Final Inspection Meeting time and date (recommended no sooner than 24 to 48 hours prior to the termination date).
- Exit Condition Report (RTA Form 14a).
- Exit Interview Form.
- Advice that the premises is inspected for damages or missing assets.
- Notice that the bond refund is negotiated at the inspection.
- Request for the premises to be left clean and sound as per the Entry Condition report (RTA Form 1a).
- Notice that rent is charged up to and including the date that the keys are returned.
- Request for forwarding address details and notification that it is a legal requirement that a forwarding address is provided.
- Advice about disconnecting electricity, gas, phone and return of keys.



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Before the meeting, the Housing Officer will:

- Prepare the Exit Condition Report (RTA Form 14a).
- Prepare the Refund of Rental Bond (RTA Form 4).
- Review the original Entry Condition Report (RTA Form 1a) and bring a copy to the meeting.

5.9.5.3 Final Inspection of the Premises and Exit Condition Report

As soon as possible after the tenant has vacated the premises, the Housing Officer will inspect the premises and complete the Exit Condition Report (RTA Form 14a).

A formal inspection of the property by the tenant and the Housing Officer is necessary at the end of the tenancy. This may be done separately; however, it is recommended that both parties are present to conduct the inspection.

If conducted separately, the tenant must complete the Exit Condition Report (RTA Form 14a) (provided to them in the Final Inspection Letter) on handover day. The form should be returned to the Housing Officer, where it is immediately copied, and the original returned to the tenant. The Housing Officer attends the property to complete the Landlord's section of the Report.

The Housing Officer compares the Exit Condition Report (RTA Form 14a) to the original Entry Condition Report (RTA Form 1a), notes any areas of disagreement with the tenant and estimates any costs associated with damages beyond normal wear and tear. The Housing Officer provides a copy of the completed report to the tenant at their forwarding address within three (3) business days.

If the inspection is performed jointly (at the Final Inspection Meeting), any areas of disagreement on the Exit Condition Report (RTA Form 14a) are discussed and the bond refund is negotiated between the Housing Officer and the tenant.

The Housing Officer may give the tenant an opportunity to rectify any damages or cleaning themselves if the tenant so requests and if time permits.

5.9.5.4 After the Final Inspection Meeting

After the Final Inspection, the Housing Officer will calculate any monies owing by the tenant by way of:

- Arranging quotes for any professional cleaning if required and for any repairs for which the tenant is responsible.
- Arranging new locks if any keys were not returned.
- Calculating any outstanding rent.

In addition, the Housing Officer will:

- Prepare an invoice to the tenant for any outstanding monies.
- Complete the bond refund procedure.
- Review/update the relevant Asset Management or Maintenance Schedule.
- Arrange any cleaning or maintenance necessary.
- Update and close tenant file (both the hard copy and in Chintaro).

5.9.5.5 Debt Recovery



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The Housing Officer will keep an account of costs incurred during the termination proceedings including:

- Damages.
- Rent arrears.
- Any mediation costs.
- Loss of rental income as a result of damages.
- Debt recovery costs.

A copy of the account is filed in the tenant's file and referred to the Financial Administrator to raise an invoice for the exiting tenant. The General Manager will make the decision in relation to pursuing the debt. The decision is based on:

- The amount of money involved.
- The tenant's capacity to pay.
- The cost of legal action; and
- The likelihood of success.

Once the decision is made, there are two stage of debt recovery offered by our external provider. Firstly, they will make attempts to negotiate payment with the former tenant. This service is commission based and will be free of charge if unsuccessful. If unsuccessful, they will contact us to confirm if we require stage two services which attract a fee. These may include the personal service of court documents, court costs etc.

5.9.6 Rental Bond Finalisation

Once the tenancy is ended (by whatever means) and as soon as possible after the tenant/ household have vacated the premises, the Housing Officer will review the tenant's file and inspect the premises. An Exit Condition Report (RTA Form 14a) is completed and checked against the original Entry Condition Report (RTA Form 1a).

An itemised record is made of any estimated costs to be recovered from the bond including:

- Rent arrears.
- Damage to property.
- Cleaning fees.

Where necessary, professional quotes are obtained in accordance with Asset Management Procedures (*refer Winnam Quality Manual - Part 6 Property Management*).

5.9.6.1 Cost Recovery from The Bond

Where possible, deductions from the bond are discussed at the Final Inspection meeting. If the final inspection is done without the exiting tenant in attendance, the Housing Officer will endeavour to phone the tenant as soon as possible to negotiate any costs to be recovered from the bond.

Once the Housing Officer has estimated the amount of monies to be deducted from the bond, a Refund of Rental Bond process will be completed. Written communication of the deduction amount is sent to the tenant, as well as an invoice for any other monies that may be outstanding (in addition to the amount of the bond).



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If the tenant states that they do not agree to the deduction amount, the housing Officer will complete the lessor's portion of the form and forward it with the relevant section of the Exit Condition Report (RTA Form 14a) directly to the RTA along with a Dispute Resolution Request (RTA Form 16).

Any necessary information regarding the termination of the tenancy and the reasons for claiming against the bond is kept in the tenant's file.

5.9.6.2 Notice of Claim

If the RTA receives the tenant's form first, the Housing Officer will receive a Notice of Claim from the Authority.

The Housing Officer must notify the RTA within seven (7) days of their intention to contest the claim by lodging a Dispute Resolution Request (RTA Form 16). If the RTA does not receive notification within fourteen (14) days, the money is paid by the RTA to the tenant.

If Winnam decides to contest the claim, the RTA's Dispute Resolution Service will try to help resolve the disagreement. If the mediation is successful, the money is paid immediately in the manner agreed upon. If the mediation is not successful, the RTA will issue a Notice of Unsuccessful Mediation which can then be attached to any QCAT application for compensation.

If the Housing Officer receives a Notice of Unsuccessful Mediation, they will immediately make application to QCAT for a refund of any bond monies being claimed by Winnam (compensation). Claims for any further compensation (e.g., damage, rent, cleaning) can be made at this time.

5.9.6.3 Rental Bond Payment to Lessor

Should Winnam receive money from a bond refund, the Housing Officer records it in all the following:

- Former tenant's file.
- Relevant property file.
- Record of income according to the finance procedures.

The RTRAA requires that information relating to bond refund to be held for at least twelve (12) months.

5.10 ABANDONED GOODS AND PERSONAL DOCUMENTS

If a tenant leaves behind goods or personal documents at the end of a tenancy, the RTRAA requires that these items be dealt with in a certain manner. The Housing Officer will check with the RTA and follow the requirements on dealing with abandoned goods.

Where possible, the Housing Officer will compile a full photographic and written record of all items, including their condition.

Winnam will make all possible efforts to contact the tenant to have them collect their abandoned goods. If the tenant is unable to be contacted, any abandoned personal documents must be forwarded to the Public Trustee within seven (7) days.

Winnam will not refuse a tenant reasonable access to their goods and will not withhold the goods in lieu of payment or rent. However, Winnam will ask the tenant to pay reasonable storage and removal costs before the goods are released.



5.11 ABANDONED PREMISES

5.11.1 Determining Abandonment

The Housing Officer may have reasonable grounds to believe that the tenant has permanently left the premises. Signs that a property may be abandoned include, but are not limited to:

- Non-payment of rent.
- Mail or newspapers uncollected at the premises.
- Reports of abandonment by neighbours or others.
- Removal by the tenant of their goods.
- Disconnection of services such as gas, electricity, or phone.
- Failure of the tenant to respond to an Entry Notice (RTA Form 9).

5.11.2 Terminating the Tenancy Agreement on Abandonment Grounds

If the Housing Officer has reasonable grounds to believe the premises have been abandoned, the following steps need to be followed:

- An Entry Notice (RTA Form 9) is issued allowing twenty-four (24) hours' notice to enter the premises for an inspection on the grounds of belief that the premises have been abandoned.
- Should the Housing Officer determine that the property has been abandoned, they should take immediate steps to secure the premises from imminent or further damage. This may involve steps such as closing windows, locking doors, or changing locks. Entry for this purpose may occur prior to the Tenancy Agreement being terminated.
- The Housing Officer will then do either of the following:
 - apply to QCAT for an order declaring the premises abandoned. This option can avoid disputes arising later if there is doubt about whether the premises were abandoned; or
 - serve an Abandonment Termination Notice (RTA Form 15). This Notice may be served at the time of the inspection should the Housing Officer determine from the inspection that the property has been abandoned.

The Tenancy Agreement is automatically terminated after seven (7) days from the date the Notice to Leave was given, if the tenant does not apply to QCAT to have the Notice set aside.

5.11.3 Reclaiming Abandoned Premises

At the expiration of the seven (7) day period following the issuing of the Abandonment Termination Notice (RTA Form 15), or by order of QCAT, the Housing Officer enters the premises by whatever means to take possession of the property.

Any cleaning or damage is recovered from the bond and abandoned property removed.

New locks are fitted to all external doors.