

Policy name	Starting Tenancies
Policy date	August 2020
Authorisation	General Manager, Operations
Policy owner	National Manager, Housing Services
Policy type	Mission Australia Housing Operational Policy
Policy setting	

1 Purpose

1.1 Overview

1.1.1 This policy sets out the principles to be followed in establishing tenancies for housing managed by Mission Australia Housing (MAH). Our aim is to ensure a process that:

- Is fair and transparent;
- Provides new tenants with the information they need to establish successful tenancies, including their rights and responsibilities;
- Protects the assets managed by MAH; and
- Complies with the specific legal and contractual obligations placed upon MAH by government, funders and other housing partners.

1.2 Coverage

1.2.1 This document is a national policy and covers both Mission Australia Housing (MAH) and Mission Australia Housing Victoria (MAHV). All references to Mission Australia Housing, MAH and Housing include both MAH and MAHV unless specifically stated otherwise. Where state based variations exist in policies and procedures, these will be identified in the document.

1.2.2 This policy applies to all forms of housing provided by MAH including social, affordable and transitional housing.

1.3 Information on procedures and other related policies

1.3.1 This policy focuses on why certain things need to be done. It is supported by procedures that provide more detail on the “what” to do, the steps involved in establishing tenancies.

- 1.3.2 This policy is one of a number of interlinked policies that support MAH's delivery of housing services. To assist you, these are identified where relevant in this policy and the supporting procedures.

Scope

1.4 Parts of Mission Australia that this policy covers

- 1.4.1 This policy applies to MAH staff responsible for working with MAH clients, tenants and properties.

1.5 Definitions

- 1.5.1 Key terms used in this policy are defined in the following table.

Term	Definition
Agent	Any third party who carries out functions on behalf of MAH or a tenant of MAH. Agents include but are not limited to contractors, advocates, and other tenants.
Bond	An amount equating to two weeks' rent paid by the tenant at the start of their tenancy as a form of financial security in the event of rental arrears, property damage or neglect.
Condition report	A report form that is used to detail the condition of a property at the start and end of a tenancy. Condition reports are used to gauge changes in the condition of a property during a tenancy.
Key	A device provided to enable tenants to access areas and/or facilities specified in property use agreements.
Lease or rooming accommodation agreement	A legal contract which sets out the terms and conditions for living in an MAH property, in return for payment of an agreed rent.
Tenant	Under state-based residential tenancy and rooming accommodation legislation, a tenant is a person who has specifically entered into a lease agreement. The term is used more broadly in this policy to refer to tenants and residents under rooming accommodation agreements, unless explicitly distinguished.

2 Policy

2.1 Guiding principles

- 2.1.1 The MAH tenancy establishment process is applicant focused:

- MAH will assist applicants to understand the requirements applying to them.
- MAH will seek to establish a shared understanding of rights and responsibilities.

2.1.2 The MAH tenancy establishment process is fair and transparent:

- MAH will make the process as clear and simple as possible.
- MAH upholds accountability and transparency through its record keeping practices.

2.1.3 The MAH tenancy establishment process protects the assets entrusted to MAH:

- MAH will ensure that tenants understand their responsibilities as well as their rights in regard to maintenance of their property.

2.1.4 The MAH tenancy establishment process complies with relevant laws and procedures:

- MAH fully complies with the jurisdictional requirements of the states and territories in which it operates.

2.2 Creating the base for successful tenancies

2.2.1 The process followed in establishing tenancies lays the base for successful tenancies and for the management of any problems that might arise during the tenancy. It also complies with legal requirements, including residential tenancy and rooming accommodation requirements in each jurisdiction in which MAH operates.

2.2.2 At each stage in the process, it is important that applicants are given the information they need to understand what is happening and what is required of them.

2.3 Signing the lease or rooming accommodation agreement

2.3.1 Applicants will be required to sign an agreement which complies with state-based residential tenancy and rooming accommodation legislation.

2.3.2 Staff will explain the agreement in detail, including the length of tenure offered, type of property, applicable program and tenancy and property requirements.

2.3.3 Staff should ensure that applicants understand the rental arrangements applying to the property, as well as any other fees or charges such as water usage charges that might apply. See the **Rents, Bonds and Other Charges Policy** and associated procedures for further information. Where appropriate, staff should refer to material included in the Tenant Welcome Pack.

2.3.4 Following confirmation that the tenant understands and accepts the terms contained within the agreement, they should be asked to sign. All agreements must be signed by both parties, with a copy retained by each.

2.4 Financial arrangements

2.4.1 Applicants are required to pay two weeks' rent in advance, plus the equivalent of two weeks' rent as a bond, before signing the lease agreement. In some circumstances, applicants may receive assistance in order to meet this requirement. For further

information, see the **Rents, Bonds and Other Charges Policy** and the **Client Products and Subsidies Policies**.

2.4.2 Staff should ensure that applicants understand all requirements and are supported to put necessary arrangements in place. For further information, see the **Rents, Bonds and Other Charges Policy** and associated procedures.

2.4.3 Water usage bills are often billed quarterly. Tenants will be encouraged to pay frequent, small instalments with their regular rental payments, in order to meet future bills.

2.5 Condition reports

2.5.1 Each property must be inspected prior to the commencement of the tenancy to ensure that it is in a suitable condition, with no significant repairs or maintenance issues requiring immediate action. Tenants will be able to move in where minor repairs and maintenance work is required and has been scheduled.

2.5.2 The resulting condition report must be signed by the tenant to provide an agreed base for subsequent inspections during and at the end of the tenancy.

2.5.3 Further information on the treatment of condition reports can be found in the **Starting Tenancies Procedure** and the **Inspections Policy**.

2.6 Keys

2.6.1 Tenants will be provided with a full set of keys at the start of their tenancy, and will be required to acknowledge receipt by signing a key receipt form.

2.6.2 As property keys are an important asset that must be properly managed, staff will provide information to new tenants about the management of keys, referring to information included in the Tenant Welcome Pack.

2.6.3 Further information on the treatment of keys can be found in the **Managing Keys Procedure**.

2.7 Tenant information

2.7.1 Each new tenant will be provided with the information required to help them to commence and manage their tenancy including:

- How rent is calculated and paid;
- The rights and responsibilities placed upon them as tenants, including information on appeals and complaints (further information on this can be found in the MAH Tenant Rights and Responsibilities Charter);
- The signed lease or rooming accommodation agreement, condition report, bond lodgement form and a signed photocopy of the keys provided to the tenant;
- Support requirements, where they are being housed in supported or transitional accommodation; and

- Information about MAH, including tenant handbooks and a recent copy of the tenant newsletter.
- 2.7.2 The pack should also include copies of relevant state or territory information such as the NSW New Tenant Checklist, the Tasmanian Rental Guide or the Queensland Pocket Guide for Tenants.
- 2.7.3 Further information can be found in the **Starting Tenancies Procedure**.

2.8 Informed decision making

- 2.8.1 To assist applicants where cultural or communication barriers are identified, or where a tenant is unable to consent on their own behalf, staff will:
- Engage an interpreter and/or support service at no cost to the tenant; and/or
 - Engage an advocate, guardian or family member to witness the signing of the agreement. Housing Officers will organise representation for tenants under 18 years of age where they are unable to nominate a representative for themselves.

3 Responsibilities

3.1 Housing staff including Housing Officers and Client Service Officers are responsible for:

- Supporting applicants to enter into a lease or rooming accommodation agreement for housing.
- Engaging guardians, advocates or family in witnessing and signing a lease or rooming accommodation agreement as required.
- Providing information to tenants.
- Collecting any payments required of tenants at the start of their tenancy.
- Keeping records associated with establishing a tenancy in the tenancy management system and, where required, in original hardcopy tenant files.
- Recommending improvements to this policy and associated procedures.

3.2 Team Leaders/Regional Manager are responsible for:

- 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.

3.3 The National Manager, Housing Services is responsible for:

- Ensuring that MAH complies with this policy and associated procedures.
- Recommending any changes to this policy and associated procedures.