

H21. DURING A TENANCY - CONTACT AND ACCESS

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	2.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

Contact with Tenants

The IAC will contact tenants aged over 45 years of age at least twice per year. Tenants under 45 years of age will be contacted at least once per year. The IAC will consider contact to be confirmed if there has been contact with any authorised member of the household. Contact may be made in various different ways, for example, by phone, by home visit and by carrying out maintenance.

If the IAC has any reason to believe that the tenant's wellbeing is at risk, and the tenant cannot be contacted, the IAC will contact the next of kin, if known. Where the next of kin cannot be contacted, or has not had contact with the tenant, neighbours may be contacted immediately. If no one has seen the tenant recently and there is concerns for a tenant's safety and wellbeing, the IAC will contact the Police and request that they immediately enter the property.

If the tenant is known to have been recently contacted or seen by their next of kin or neighbours, the IAC may gain access to the property without the tenant's consent utilising Section 55 of the Residential Tenancies Act 2010 with the assistance of a locksmith. In some situations, the IAC will obtain an access order from the NSW Civil and Administrative Tribunal.

Contact with Tenants (cont)

The IAC may visit a tenant's property for one or more of the following reasons:

- A client service visit to keep up to date with tenancy management needs such as:
 - ◊ Finding out about problems a tenant may be experiencing with their tenancy such as maintenance issues, problems with neighbours, difficulties paying rent or property care issues
 - ◊ Identifying if tenants need support to live independently, or need to be linked in with support services to maintain their tenancy
 - ◊ Ensuring that a tenant aged over 45 has been contacted
 - ◊ Confirming who is living at the property and that the correct amount of rent is being paid
 - ◊ Updating the IAC's information about the condition of the property
 - ◊ Discussing any plans the IAC may have for the property, such as painting or other maintenance.
 - ◊ Confirming that both the tenant and the IAC are meeting their obligations under the tenancy agreement.

Visits will be conducted within eight weeks of a new tenancy starting and then as needed.

- Smoke alarm inspections. These are required by law under the Residential Tenancies Regulations 2010 and are completed every 12 months. Tenants must provide access to the property when the inspections are requested. If the tenant has not provided access to the property, the IAC may gain access without the tenant's consent and without a Tribunal access order

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Contact with Tenants (cont)

The IAC may visit a tenant's property for one or more of the following reasons (cont):

- Property Assessment Surveys. These will be undertaken at least once every two years to assess the condition of the property
- On request from the tenant for emergency or responsive maintenance
- Where the IAC are concerned for the health and safety of any household member
- If emergency repairs are required
- Planned maintenance visits. These will be carried out from time to time, as necessary
- On request from the tenant to discuss tenancy issues
- Fire risk inspections. Fire risk factors, such as hoarding, blocking of exits and disabling of smoke alarms will be taken into account when deciding whether to inspect a property
- Asset Dwelling Service. This will be conducted every 12 months.

Tenants may be visited more regularly where an intensive tenancy management approach is required for tenants who are experiencing difficulty in maintaining their tenancy.

Access to a Property

The IAC will conduct all inspections in accordance with the requirements of the Residential Tenancies Act 2010, including giving seven days written notice prior to a visit, or two days to undertake necessary repairs. Visits may be made at any time, with the consent of the tenant.

Access to a Property (cont)

Tenants can expect that IAC staff or their agents arranging and conducting client service visits will:

- Give at least seven days written notice of the client service visit
- Reschedule a visit for a more convenient time if the tenant advises that the proposed date or time is inconvenient.
- Tell them the purpose of the visit
- Treat them with courtesy and respect, in line with the IAC's Code of Conduct.
- Enable tenants to arrange to have a support person with them during the client service visit, if they wish.
- Arrive well prepared for the client service visit by bringing any necessary information or paperwork with them.
- Confirm clearly the outcomes of the client service visit and the broad timeframes for any actions agreed during the visit
- Keep a written record of any agreements made with the tenant during the visit.

If the tenant refuses access to the premises for IAC staff, agents or contractors after the required notice has been given, the IAC may apply to the NSW Civil and Administrative Tribunal for an access order.

In some situations, including emergencies, urgent repairs, required inspections or where there are concerns for the health and safety of any household member, the IAC may access a property without the tenant's consent and without an access order. Section 55 and 57 of the Residential Tenancies Act 2010 outlines where this can occur.

COMPLIANCE

This policy complies with:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

REFERENCES

This policy should be read with:

- **Housing NSW** "During a Tenancy Policy"
- **National Regulatory Code** - 1. Tenant and housing services