

H23. DURING A TENANCY - RENTAL ARREARS

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.

Rental Arrears

The IAC or its agent will always contact tenants in writing if their accounts fall into arrears. Additionally, the IAC or its agent may also contact tenants by phone, or by visiting them in their homes. The IAC will act quickly to ensure that tenants pay their tenancy charges on time, and to help prevent the debt from escalating.

Whenever a tenant's account goes into arrears, the IAC or its agent will work with the tenant to try to resolve the problem. When deciding how to respond to a tenant's account being in arrears, the IAC will consider:

- the tenant's payment patterns
- the amount of time the tenant has been in arrears and the arrears amount
- the reason the tenant is in arrears
- the tenant's capacity and willingness to repay the arrears
- the need for involvement of support services
- previous arrears patterns, including the steps that have been taken to resolve the problem

Both before and after taking any of the above actions, the IAC will continue working with the tenant to try to resolve the problem. The IAC reserves its right to issue a Notice of Termination in accordance with the Residential Tenancies Act 2010 if there have been breaches of the residential tenancy agreement.

COMPLIANCE

This policy complies with:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

Rental Arrears (cont)

Repayment arrangements

If a tenant goes into arrears, the IAC or its agent will negotiate a reasonable repayment arrangement with the tenant. A debt can be repaid in full or by instalments. The IAC expects the tenant to make a commitment to repay all debts, including those from a previous tenancy, and to repay them within a reasonable timeframe.

Where a tenant advises the IAC of financial or other difficulties that affect their ability to afford the proposed repayment amount, they will need to supply evidence of their financial position. Upon the presentation of such evidence, the IAC may consider a lesser payment arrangement.

Where the IAC or its agent is unable to negotiate a reasonable repayment arrangement, it will escalate the arrears recovery process. Depending on the circumstances, the IAC may apply to the NSW Civil and Administrative Tribunal for a Specific Performance Order, or an order to terminate the tenancy.

REFERENCES

This policy should be read with:

- **Housing NSW** "Charging Rent Policy"
- **National Regulatory Code** - 1. Tenant and housing services
- **Aboriginal Housing Office** - "The Build and Grow Rent Policy"