

## H7. STARTING A TENANCY

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.

### Starting a Tenancy

Tenants can expect the IAC to comply with the obligations of a landlord under the Residential Tenancies Act 2010. The IAC expects tenants to comply with the terms of their tenancy agreement. At the start of each tenancy, the IAC or their agent will provide a written tenancy agreement, outlining those terms, with the tenant.

The IAC starts a tenancy when a client accepts an offer of accommodation in a property owned or managed by the IAC.

Within one week of the client accepting the offer, the IAC or its agent will make an appointment with the client to sign a residential tenancy agreement. The IAC will advise the client what information they need to bring to the sign-up appointment.

### Prior to signing the Tenancy Agreement

*The IAC or its agent will explain:*

- the Residential Tenancy Agreement.
- the process for rent collection and receipting
- how the rental bond works (if collected)
- the process for rental arrears recovery.
- the tenant's responsibility regarding water, sewerage and utility charges
- the process for requesting repairs and maintenance
- the complaints and appeals process.
- the right to have a support person present, preferably an Aboriginal person.

### Starting a Tenancy (cont)

#### On signing the Tenancy Agreement

*The IAC or its agent will give tenants a copy of;*

- the signed tenancy agreement.
- The property condition report
- the Renting Guide.
- information about support services (eg Aboriginal Tenancy Advice and Advocacy Services).
- appropriate policies and procedures including the rent arrears policy, the complaints and appeals policy, the procedure for requesting repairs & maintenance and a written statement of costs payable.

*The new tenant will:*

- complete all documents related to starting the tenancy.
- pay two weeks rent in advance
- complete the property condition report by inspecting the property, deciding if they agree with the comments on the report and writing comments where they disagree.
- Return the property condition report to the IAC within 7 days of moving into the property. If the tenant does not return the property condition report within 7 days, the report will be taken as accepted by the tenant as true and accurate.

The IAC or its agent will investigate and resolve any comments on the property condition report that indicate the client disagreed with the IAC's assessment of the property condition.

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### Creating a Joint Tenancy

Usually, one person (being the person approved by the Board of the IAC) will sign the tenancy agreement. However, there are situations where the IAC will create a joint tenancy. The client must notify the IAC as soon as practical after being offered the property of their wish to create a joint tenancy. The Board must approve the joint tenancy arrangement before it can take place.

A joint tenancy is where a residential tenancy agreement is in the name of more than one person. Each person on the agreement is legally responsible for the obligations contained in the agreement. All joint tenants must be present when signing the agreement.

### The Lease Term

Most tenancy agreements commence with a three, six or twelve month lease which then automatically convert to a continuous lease based on the tenant continuing to meet the terms of the tenancy agreement.

### Tenancy Agreement Not Signed

*The IAC will not sign a residential tenancy agreement with a client if it has doubts about the client's ability to fully participate in the process, or if the client does not meet the following requirements for sign up:*

- There is doubt that the person attending the sign-up appointment is actually the client who has been offered the tenancy.
- The client appears to be intoxicated or under the influence of drugs.
- The client is behaving aggressively and causing a risk to others
- It becomes apparent that the client does not understand what is going on (whether due to language difficulties or incapacity)
- It becomes apparent that the client does not have the necessary living skills to maintain a tenancy and there is no support plan to address the issue
- The client states that they no longer want to accept the offer of housing and/or the type and length of lease offered
- It becomes apparent during the sign-up appointment that the property will not adequately meet the client's known housing and locational needs
- The client does not have all required documents for sign up (such as identification, proof of income, etc)
- Both participants of a joint tenancy are not present
- Information available at sign up conflicts with the client's eligibility for housing
- The client will not pay rent in advance

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### COMPLIANCE

*This policy complies with:*

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

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### REFERENCES

*This policy should be read with:*

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