

H8. DURING A TENANCY - TENANCY CHARGES

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.

Tenancy Charges

Generally, all tenants are required to pay any charges that relate to their tenancy, including:

- rent
- water usage, where applicable
- repairs to the premises that are not caused by fair wear and tear
- miscellaneous debts
- outstanding debts from a former IAC tenancy

Water usage

Currently, the IAC does not charge for water usage. The Board of the IAC reserves the right to monitor water usage and to create a fair and equitable method of charging for water usage at some time in the future. In doing so, the IAC is mindful of Aboriginal cultural values, family circumstances and incentives to reduce excess water usage. Tenants will be advised in writing of any decision to implement water usage charges.

Repairs to the premises

The IAC will charge tenants for the cost of repairing damage to their premises if they are responsible for causing the damage. Tenants can expect the IAC to provide them with premises that are in a reasonable condition and to maintain that condition over the tenancy. The IAC expects tenants to take good care of their premises and to take responsibility for property damage, other than that caused by fair wear and tear or the criminal activity of others.

The IAC will charge the tenant for repair costs only if the tenant has accepted liability or the IAC has sufficient evidence, substantiated by the NSW Civil and Administrative Tribunal (NCAT), of the tenant's responsibility for the damage.

Tenancy Charges (cont)

Miscellaneous debts

Miscellaneous debts occur because of various other tenancy related charges, such as bank fees for dishonoured payments, and court costs. For example, if a tenant pays their rent by cheque, which is later dishonoured, the IAC will add the dishonour fees to the tenant's debt.

The IAC will also charge for NSW Civil and Administrative Tribunal and court costs where the tenant has breached their tenancy agreement and the IAC incurs charges in reinforcing the tenancy agreement.

Advising Tenants of Charges

The IAC will:

- advise tenants in writing of any tenancy charges it places on their accounts
- advise tenants in writing of any changes to their tenancy charges
- allow tenants access to their rental and charges ledger soon after such a request

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Payment Methods

Payment of rent / tenancy charges

The IAC expects tenants to arrange for prompt payment of their tenancy charges. As the IAC charges rent on a weekly basis, tenants must pay these charges on or before the due date.

Tenants can pay their rent by:

- our preferred method of arranging an automatic payment from their Centrelink payments (Rent Deduction Scheme)
- paying at a Post Office using a payment card, where available
- BPAY® to the IAC's agent, where available
- internet direct deposit to the IAC's agent
- arranging an automatic payment from their bank, building society or credit union account (direct debit)

Note: The IAC and/or its agent will negotiate with the tenant to select the method that is most suited to the tenant's circumstances and payment history.

Rent Deduction Scheme

Tenants and other household members who receive a pension or allowance from Centrelink can arrange to have their tenancy charges paid automatically. Tenants will need to complete an 'Authority for Rent Deduction' form to authorise automatic payments. The IAC will allocate the gross payment to the rent and will not charge the tenant for any related Centrelink fees.

Where the IAC changes the amount of rent and/or water usage payable, it will advise the tenant to contact Centrelink to debit the new amount. The IAC is not responsible for notifying Centrelink of new payment amounts and is prevented from changing deduction amounts without the authorisation of the tenant.

Paying at a Post Office

Where the IAC or its agent have a payment card system in place, tenants can make payments at any Post Office with this card. Whenever tenants make a payment using their payment card they must clearly specify what they are paying and how much they are paying.

Payment Methods (cont)

BPAY®

All banks provide BPay® and tenants will need to sign up to a financial institution's internet or phone banking before they proceed. Where the IAC or its agent have a BPay® system in place, tenants can make payments by internet or phone using the biller code and reference.

Through BPAY, tenants can set up periodic payments, such as weekly or fortnightly rent. If a tenant disputes a BPAY payment, they will need to contact their financial institution.

Internet Direct Deposits

The IAC or its agent can accept direct deposits through Internet banking. Tenants can make payments once they have confirmed our or our agent's banking details and the tenant reference number.

Direct Debits

The IAC or its agent can accept direct debits from most financial institutions. Tenants can make payments from any account, provided the account holder authorises the payment from that account. The IAC will only debit payments from a tenant's financial institution account on the agreed day of the week.

Where the IAC changes the amount of rent and/or water usage payable, it will advise the tenant to contact their financial institution to debit the new amount. The IAC is not responsible for notifying the tenant's financial institution of new payment amounts and is prevented from changing deduction amounts without the authorisation of the tenant.

Changing payment methods

Tenants can change their payment method at any time, provided they ensure that they pay their tenancy charges on time. If the IAC determines that the tenant is not consistent in paying their charges using their chosen method of payment the IAC may negotiate with the tenant to select a more suitable method of payment.

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Difficulty in Making payments

Tenants must notify the IAC or its agent immediately if they are unable to make payments. Where a tenant is having difficulty paying their tenancy charges, the IAC will work with and support that tenant towards resolving their difficulty.

Account Management

The Illawarra Aboriginal Corporation is able to apply and recover tenancy related charges in accordance with the provisions of the Residential Tenancies Act 2010 and the Housing Act 2001. Tenants have a legal obligation to pay their tenancy charges as they become due. If tenants do not make payments, their accounts will fall into arrears. This will result in a breach of their tenancy agreement.

Tenants must notify the IAC or its agent immediately if they are unable to make payments. The IAC will work with tenants to ensure they meet their obligation to pay their tenancy charges. However, the IAC will take eviction action when there are major or persistent arrears.

Former tenants must pay all money owing on vacated accounts. The IAC may decide to refer vacated accounts to a mercantile agent for collection, or pursue legal action if former tenants do not make payments. The IAC will refund any credit amounts.

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