

All Indigo Junction Policies are to be read in conjunction with Indigo Junction's overarching policy commitment statement, the Specialist Homelessness Services (SHS) service standards, the Australian Charities and Not for Profits Commission Governance Standards and the Associations Incorporation Act 2015

### OBJECTIVE

To ensure that tenants of Indigo Junction are appropriately informed about the service they will receive and provided meaningful and appropriate opportunities to participate in decisions regarding their service.

To encourage feedback and suggestions for improvement from all tenants to inform the organisations continuous improvement activities.

To ensure that breaches of agreement, forced terminations and abandoned properties are managed in line with the Residential Tenancy Act (RTA) 1987.

### STATEMENT – FDV

Upon intake to the service Indigo Junction staff will inform tenants of their rights and processes related to Family and Domestic Violence and their tenancy.

If property management or repairs and maintenance are impacted as a direct result of Family and Domestic Violence, Indigo Junction will respond in compliance with the relevant tenancy laws which can be found at - <https://www.commerce.wa.gov.au/consumer-protection/safe-tenancy-wa>

## 1.0 PROCEDURE

### 1.1 Tenant Information

Upon entry to the service staff will provide the following information to all tenants:

Copy of the Tenant Handbook;

- Rights and responsibilities;
- Your Privacy information sheet;
- Grievance Procedure;
- Rent Process;
- Feedback mechanisms;
- Request for maintenance; ➤ Case Management; and ➤ Ending the tenancy.

Tenants are provided on-going information regarding their tenancy through case management meetings and through written correspondence from the Property and Tenancy Coordinator

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### 1.2 Transition / Exit Planning

A key role of Indigo Junction staff is to support tenants to plan for their next move to long term accommodation. This is an individualised process and will differ in timeframes from one individual/family to another as to when they are prepared to transition from the service. Ensuing this process is tailored to each individual/family will assist in ensuring long term success.

As soon as practicable after a tenant has settled in to their Indigo Junction property, staff should commence discussions around future housing options and develop a goal plan that identifies the steps needed to achieve long term stable accommodation. Staff can also assist by providing information about:

- Commonwealth Rent Assistance;
- How to source private rentals;
- Share housing options if applicable;
- Community Housing Options (e.g. Foundation and Access Housing);
- Housing Authority options;
- Bond Loan options (HA); and
- Employment support and training opportunities.

Staff should also ensure that all tenants are priority listed with Housing Authority. If they are not, staff should support them to apply and provide a letter of support where required. Upon request and where appropriate, successful tenants can be provided with a 'Statement of Tenancy' as they leave the service. This letter can be used as part of the tenant's future rental resume. While it is not appropriate for Indigo Junction to make personal recommendations, the letter can contain positive, objective information such as:

- The length of stay with the service;
- Details of any courses completed (e.g. Money Management); and ➤ Whether the tenant paid rent on time.

A copy should be kept on the tenants file.

In relation to notice periods please refer to the Property Management Policy (HP4002) and procedure (HP4011).

### 1.3 Feedback

- Tenant feedback is completed via an on-line survey sent out by twice yearly, by the Property and Tenancy Coordinator in consultation with the relevant service managers, offering the tenant an opportunity to provide a compliment, complaint or comment/suggestion. Completed surveys are to be provided to the Service Manager to respond to and inform continuous improvement activities. They will also be presented at the Property Management meeting for discussion.
- Client feedback and suggestion boxes are to be available at all times during all Indigo Junction support services (Karnany Resource Centre, Family service, and Youth service) opening hours, offering an opportunity for clients to provide a compliment, complaint or comment/suggestion.

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- Every tenant is to be offered the opportunity for an exit interview at the end of their tenancy.
- Tenants are offered the opportunity to provide feedback in one-on-one support and case management meetings.
- Any major changes to the service, that will impact tenancies, must be communicated back to tenants in writing.
- Tenant grievances are to be responded to as per the 'Complaints, Grievances and Disputes' policy (HR1003).

### 1.4 Long-Term vacated or abandoned property

In the event that a tenant unexpectedly leaves the property, is hospitalised (long term), imprisoned (long term) or dies, the Program Manager must be advised immediately and will:

- Together with relevant staff, assess the situation and determine what should happen to best meet the needs of the tenant, the organisation and remaining family members (if any). This may involve:
  - Creating a new tenancy in the name of the remaining family member/s (provided they meet the eligibility criteria of the service); or
  - Assisting the remaining family members to find other more suitable accommodation; or
  - Not renewing the tenancy.
- In the event that children are left at the property without a parent or guardian, the Program Manager must be advised immediately. The Program Manager will respond by contacting the next of kin and/or reporting the matter to the Department Child and Family Services (CPFS).

Abandonment occurs when a tenant leaves the property without giving any notice. Signs of abandonment include: o Absence of tenant over a period of 14 days or more; o Non-payment of rent; o Not being available to sign a new lease; and/or o A build-up of uncollected mail.

- To ensure the tenant has abandoned the property, staff must check that:
  - The tenant has not advised another staff member they will be away; and
  - The tenant has not been hospitalised or imprisoned.
- Staff must make reasonable attempts to ask neighbours, friends, school teachers, family members or next-of-kin whether they know the whereabouts of the tenant.
- Staff should document all attempts to locate the tenant in case notes and then refer the matter to the Program Manager who will make the final determination.
- In the event the Program Manager is unsure, an application can be made to the Magistrates Court. The magistrate will make an assessment. If abandonment is determined, the magistrate will issue an order stating that the tenant has abandoned the premises.

Once the Program Manager has determined that the property has been abandoned, Indigo Junction must:

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- Give written notice to the tenant terminating the agreement by leaving a copy at the premises, leaving a copy at the tenants last known place of employment, and/or sending a copy via email or SMS; and
- Provide notice in a form approved by the Minister (forms can be obtained from the court house) and that is signed by the Program Manager or CEO. The form should identify the residential premises and state the lessor is terminating the agreement because the tenant has abandoned the premises.
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If the tenant fails to notify Indigo Junction within 24 hours after notice has been given that the premises has been abandoned, staff can secure the property. Staff can commence clearing out abandoned goods as follows:

- A notice in or to the effect of the form approved by the Minister (forms can be obtained from the court house must be given to the tenant within 7 days after the day on which the goods were stored.
- Remove and destroy or dispose of the goods if they are perishable foods or the estimated value of goods is less than the total estimated cost of the removal, storage and sale of the goods.
- Store goods in a safe place and manner for a period of not less than 60 days after the day on which the agreement is terminated.
- For further information and specific details on the process of dealing with abandoned goods and the forms to be issued, staff should refer directly to the RTA or for a simpler version, the publication "Renting Out Your Property; A Lessors Guide".
- In cases where personal documents and other significant belongings (e.g. photographs) have been left behind, Indigo Junction staff will do their best to safely store these items in case the tenant can be located at a later date. If these items are not collected within a 3 month time period, Indigo Junction staff will attempt to contact other family members or the next-of-kin if appropriate. If all avenues have been exhausted and the items can no longer be stored, they may be discarded appropriately.

### 1.5 Breach of agreement and forced terminations

Forced Terminations occur as a result of a "breach of agreement". A breach occurs when one or more of the conditions of the tenancy agreement have been breached (not met) by the tenant. There are two types of breaches of agreement:

1. Breach of agreement for non-payment of rent; and
2. Breach of agreement other than non-payment of rent (e.g. damage to property or illegal activity on the property).

If a situation occurs where staff believe a breach has occurred, they should discuss the case with the Service Manager immediately. The Service and Program Manager, in consultation with staff, will determine the next course of action.

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In cases where the tenancy agreement is for a period of 5 weeks, the most likely course of action will simply be that a new tenancy agreement will not be offered. For longer tenancy agreements, the course of action may involve issuing a breach notice to the tenant. Breach notices warn the tenant that there is a problem that needs to be tended to and gives the tenant a time frame in which the matter must be addressed. If these notices are not responded to appropriately by the tenant, the CEO can take the matter to the magistrate's court.

In serious cases, where the breach matter is not dealt with by the tenant, the magistrate may order a "forced termination" of the tenancy agreement. This means that the tenant can no longer live at the property. In these cases, the tenant is advised they must leave the property within a certain time frame. If they refuse to go, Indigo Junction senior managers may call on the services of the bailiff to remove the tenant and secure the premises. While staff will not be directly involved in this process, it is helpful to understand the steps that occur. There are a number of specific steps that must be strictly adhered to in order to fulfil legal requirements. An overview of this process is outlined in the publication "Renting Out Your Property" or in the RTA.

In cases where notices are issued or a forced termination of the tenancy occurs, staff will attempt to continue to support the tenant. Staff may be able to help by:

- Assisting tenants to access information on their rights;
- Supporting them to find alternative accommodation if requested; and/or
- Directing tenants to independent advocacy services such as the Citizens Advice Bureau or other tenant support services.

### 1.6 Record keeping

Tenant files will be managed in 2 components:

1. Client files are designed to keep notes or copies of documents relating to external housing applications and letters of support.
  2. Tenant files are designed to keep notes or copies of documents relating to all internal Indigo Junction housing and property.
- General notes regarding the changing needs of tenants should be kept in the appropriate databases of Chintaro, SHIP and/or CDS.
  - When a tenant departs the service, a record of the date, a forwarding address and details of rent refunds should be noted in Chintaro.
  - A copy of the rental reference and final property inspection report should also be included on the tenants file.
  - Copies of all documentation and signed correspondence related to breaches, termination of agreement or abandonment should be kept on the tenants file and noted in Chintaro.
  - Exit interview and general tenant feedback should also be gathered and stored appropriately on the tenants file.
  - Once the tenant exits the service, SHIP, CDS and Chintaro records can be finalised.



## Tenant Engagement Procedure

### **Organisational Policy this procedure relates to:**

1. Tenant Engagement (HP4003)

Effective Date: December 2019

Review Date: November 2021