

# Rent Arrears Management Protocol

## 1. Purpose

Uniting Housing Australia complies with all relevant legislative requirements, including the *Residential Tenancies Act 1997* and *Retirement Villages Act 1986* in respect of its rent arrears management practices. This purpose of this protocol is to outline Uniting Housing Australia's rent-arrears management practices, including calculation and monitoring of payments, arrears actions, rent reviews and VCAT actions, and to ensure that:

- All tenants/residents are offered every possible opportunity to maintain a successful tenancy,
- Best practice is achieved in respect of all our rent management practices and dealings with tenants/residents,
- The agency carries out its responsibilities for collecting sufficient income from the rent of properties to ensure the continued provision of affordable housing.

This protocol applies to all employees working with Uniting Housing Australia properties.

## 2. Protocol

### 2.1 General principles

- Uniting Housing Australia will require payment of rent as a condition of occupancy in all Uniting Housing Australia properties (in accordance with the *Residential Tenancies Act 1997*).
- Uniting Housing Australia will abide with the spirit of the Charter of Human Rights and exhibit fairness in its dealings with occupants. When issues arise during occupancy Uniting Housing Australia will ensure that occupants are given the opportunity to have their point of view considered before any action is taken.
- Uniting Housing Australia will manage the issue of rent arrears in accordance with the *Residential Tenancies Act 1997*.
- Uniting Housing Australia aims to solve rent arrears problems through negotiation (such as a rent repayment agreement), consultation and when necessary through appropriate legal action via VCAT.
- Uniting Housing Australia acknowledges that applications to VCAT may ultimately result in a tenant being evicted from the property.
- In some circumstances, Uniting Housing Australia may hold rent arrears from previous tenancies as a debt against a client. Arrears debts may be written off after a period at the discretion of Uniting Housing Australia management.
- Uniting Housing Australia will require tenants with previous rent arrears debt/s to negotiate a repayment agreement and have an interview with the Tenancy worker before a further tenancy may be offered. Uniting Housing Australia may also consider other costs incurred by a tenant such as damage, cleaning and rubbish removal.

## 2.2 Rent calculations

Rent amounts are set in accordance with **Uniting Housing Australia Rent setting procedure, MT 006**

## 2.3 Rent payment methods

- The preferred option is that all tenants/residents pay their rent/service fees via Centrepay.
- Tenants who are not in receipt of Centrelink income can make other arrangements e.g. direct debit through internet banking, come in to the office and pay by card or cash.

## 2.4 Rent arrears

- Uniting Housing Australia can run an arrears management report from Chintaro/PAMS to identify any overdue rental payments.
- Tenancy workers investigate any missing payments, discrepancies or cancellations and action immediately.
- Attempts are made to discuss rent arrears direct with the tenant. This is done in consultation with any relevant support worker.
- Uniting Housing Australia will contact its tenants direct via phone or email. If the tenant cannot be contacted in person, the agreed nominated worker sends a letter advising the tenant that they are in arrears and the amount of rent owing. The tenant is requested to contact the appropriate worker and discuss repayment.
- If all of the previous actions are unsuccessful, a VCAT process is put in place between day 25 and day 28 of the arrears for all tenancies operating under the *Residential Tenancies Act 1997* (RTA).

## 2.5 Repayment agreements

- If a tenant makes contact in response to an arrears reminder letter, an office arrears repayment agreement may be entered into.
- Alternatively, an agreement may be made or ratified at VCAT, which is called **Arrears Legal Agreement**.
- Such agreements must always be negotiated between the tenant and the tenancy worker (in consultation with management) and should not place the tenant in any financial hardship.

## 2.6 Notice to vacate/VCAT process

- If a tenant reaches **25 or more days** in arrears and has taken no action or shown no effort to address their arrears, the VCAT process is initiated.

## 3. Definitions

Term	Meaning
Chintaro	Housing services property management database
NTV	Notice to Vacate
PAMS	Property & Assets Management system
Rebated rent	The rent charged based on a % of a tenant's income or % of the market rate
RTA	Residential Tenancies Act 1997

Tenant	Resident or occupant of Uniting Housing Australia property, including residents of retirement villages
TW	Tenancy Worker (includes Residential Tenancy Administrator and Housing Administrator)
VCAT	Victorian Civil & Administrative Tribunal

## 5. Related Legislation/Regulations

Residential Tenancies Act 1997 (Vic)

Retirement Villages Act 1986 (Vic)

DHHS Funded Program Guidelines

Housing Act 1983 (Vic)

Housing Registrar Performance Standards for Registered Housing Agencies

Revision Record			
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