

Maintaining a Tenancy

Policy

BaptistCare will seek to assist tenants in successfully sustaining their tenancies, provide tenants with the opportunity to engage, and empower households to build more independence. BaptistCare supports and encourages the tenants and other household members to work towards achieving their goals whether to seek employment, further education or improving their independence and stability.

This policy applies to the commencement of all tenancies for the following housing types:

- Social housing
- Affordable housing
- Transitional housing

Definitions	
Affordable Housing	Housing that is appropriate for the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs, such as food, clothing, transport, medical care and education. As a rule of thumb, housing is usually considered affordable if it costs less than 30% of gross household income.
Breach	A breach of the tenancy agreement occurs when a tenant does not adhere to one or more of the terms and conditions stipulated in the Residential Tenancy Agreement that they signed when their tenancy started. This breach can be caused by the tenant, a member of the household or a guest or visitors of the tenant or household member.
Residential Tenancy Agreement (Lease)	An agreement under which a person grants to another person for value a right of occupation of residential premises for the purpose of use as a residence.
Social Housing	Housing for people on very low to low incomes. People within this group are eligible for public housing and are registered on the NSW Housing Register and are usually in receipt of some form of Centrelink or other statutory payment, and have an annual income in the lowest quartile for income distribution in Australia.
Tenant	The person who has the right to occupy a residential premises under a residential tenancy agreement.
Transitional Housing	Short term tenancies, generally up to 18 months, where external support agencies refer potential tenants who have experienced domestic and family violence. Potential tenants participate in support programs and undertake transition planning to a longer term and/or permanent housing.

This policy outlines the process for tenants maintaining their tenancy with BaptistCare and for empowering households to achieve independence.

BaptistCare provides each tenant with a comprehensive handbook, and fact sheets and information is available from each site Housing Office.

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Procedure

Sustaining Tenancies and Empowering Households

Customer Service Focus

BaptistCare aims to provide tenants with a high level of customer service. We want tenants to feel valued, confident in our support and delighted with each interaction.

We will treat our tenants and other household members with respect. This will include:

- being polite
- taking the time to listen to tenants and trying to provide assistance;
- being on time for appointments (or contacting tenants if there is a delay);
- responding to phone calls and emails in a timely manner;
- keeping information and feedback confidential;
- having on site employees/office for easy access.

Compliance with Legal Requirements and Funding Agreements

BaptistCare will operate under and comply with all relevant legislative requirements applicable to the services that it provides. In particular, BaptistCare will observe and comply with the Residential Tenancies Act 2010.

BaptistCare will also seek to meet the objectives under its various funding agreements that govern the various housing programs.

Tailored Support Coordination

At each Housing site, a Tailored Support Coordinator is available to assist tenants identify support needs to assist the tenant to sustain a successful tenancy. The TSC will support tenants in building their capabilities to sustain independent living and /or economic independence including successfully transitioning out of social and affordable housing when they are ready.

The TSC will meet with each tenant within six weeks of occupying a BaptistCare dwelling. BaptistCare will also conduct a Needs Assessment, and based on this, will develop a Tenant Support Services Plan. This will guide the tenant and BaptistCare on the support services required. BaptistCare will refer the tenant to suitable support services as required. The Needs Assessment will be reviewed and updated annually (Tenant Needs Reassessment).

Gaining Independence

BaptistCare will take active steps to assist tenants to gain independence.

This may include assisting tenants to:

- gain education and employment opportunities;
- gain living skills to enable them to live independently;
- achieve a healthy lifestyle;
- achieve a positive rental experience, that can assist them as they move into private rental accommodation.

Changing Needs

BaptistCare will seek to assist tenants as their needs change over time.

This may include:

- transitioning a tenant from Social Housing to Affordable Housing as their economic circumstances improve;
- adjusting rent to be paid (for Social Housing tenants) if their household income increases or decreases.

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Exiting Affordable Housing

If a tenant of an affordable housing property is no longer eligible due to increased income, the BaptistCare TSC will assist the tenant and household to relocate to suitable and appropriate accommodation.

Tenancy Responsibilities

Tenant rights and responsibilities

Tenants have a right to the peaceful enjoyment of their home and access to information and services to enable them to enjoy their home.

Under the Lease, tenants are responsible for their own conduct as well as the behaviour of all other household members and any visitors to their property.

Engaging in Support

BaptistCare expects that tenants will actively engage with Support Services and seek to fulfil the goals that are outlined in their Tailored Support Services Plan.

Notifying BaptistCare of Changing Circumstances (including Economic Hardship)

BaptistCare expects that tenants will report changing circumstances that may impact the tenancy. These include all changes in income or household composition and to provide verification of these changes to the Housing Manager within 21 days of the change to ensure rent is calculated properly.

BaptistCare will make reasonable efforts to prevent tenants from losing their tenancy due to economic reasons.

BaptistCare will work with tenants to avoid evicting a person into primary homelessness.

The Housing Manager will work to foster an environment in which tenants feel comfortable discussing any economic challenges in order to encourage early resolution of arrears or potential arrears.

Paying Rent and Maintaining Responsibility

BaptistCare expects all of its tenants to take responsibility for their property and to adhere to the conditions of their Lease and any agreed Support Plans.

It is the tenant's responsibility to ensure that the rent for the property is paid on time.

Visitors

Tenants may have a person stay as a genuine short term visitor at their property. To be regarded as a visitor, the person must provide evidence acceptable to BaptistCare that he or she permanently resides at an alternative address. Such evidence might include a current driver's licence, identity card, current Centrelink statement and/or utility bills in that person's name.

Any person who visits a BaptistCare's property for any length of time and who cannot provide evidence acceptable to us that they permanently reside at an alternative address, is considered to be an unauthorised additional occupant and BaptistCare will take the appropriate action against the tenant under the Residential Tenancies Act 2010 and/or DCJ Rent Subsidy Non-Disclosure Policy.

Tenants are responsible for their visitors' behaviour at all times.

Additional Occupants

- Tenants will apply in writing for additional people to become occupants of their property. Information for the additional person is to be included in the application, including income details for all proposed members of the household.

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- At the time of application, an inspection of the property may be carried out by the Housing Manager to ensure that the property is currently being maintained by the tenant and that allowing an additional occupant will not create overcrowding.
- The Housing Manager will make a recommendation to the General Manager – Community Services and Housing who is to make the final decision.
- Tenants will be notified in writing of the decision, including details of any changes to rent.
- If an application is declined, the tenant has the right to appeal the decision by writing to the General Manager – Community Services and Housing. If still not satisfied, the tenant may take the appeal to the External Appeals Tribunal.
- If the requested additional occupant is a former tenant and there were issues regarding their previous tenancy the application may be refused. Relevant issues include outstanding debt or termination of previous tenancy due to a breach of the Lease.
- If the tenant who is making the application is currently in rent arrears or has an outstanding non-rent debt, the application may not be approved until the debt has been cleared.
- If tenants do not apply for and get approval for the additional occupant, tenants will be considered to be housing unauthorised occupants and will be in breach of their Lease. In this instance, any rental subsidy received by the tenants may be cancelled and the rent increased to market rent. This action may also lead to a termination of the Lease and eviction.

Unauthorised Occupants

- Tenants who are housing unauthorised occupants may be considered to be breaching their Lease and may have action taken to terminate their tenancy.
- Tenants who are housing unauthorised occupants may be considered to be committing rental fraud and may have their rental subsidies cancelled.
- If BaptistCare receives credible information that there is an unauthorised occupant in a property, the Housing Manager will write to the tenant to arrange an inspection of the property and to discuss the concern. At this time, the Housing Manager will check that the occupants living in the property are the same as those listed on the Tenant Declarations for the household. A response will be provided as a result of this inspection.

Absence from the property

- Tenants are requested to advise the Housing Manager if they intend to be away from their property for longer than two days. This is in the event of any emergencies that may arise while they are away.
- Any tenant who wishes to be away from their property for 6 weeks or more, or on a frequent basis within a 12-month period, are to provide details in writing to the Housing Manager. Approval is required for such absences. Tenants are required to provide evidence to support the reason for absence.
- Lengthy and/or frequent absences will be reviewed by the Housing Manager on an individual basis. Tenants need to apply for approval even if other authorised occupants will remain in the property during their absence.
- The tenant is to make arrangements for payment of rent and care of the property in their absence. Failure to pay rent or maintain the property will be considered a breach of the Lease and may impact the tenant's tenancy.
- The tenant is to advise the Housing Manager on their return from a lengthy absence.
- If a tenant does not return at the due time and BaptistCare has had no communication from them, BaptistCare may take steps to terminate the tenancy and regain possession of the property.

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Squatters

BaptistCare will contact the Police if squatters are found to be residing in a property managed by BaptistCare.

The property will be assessed for security and temporary or permanent alterations may be made to the property to prevent reoccurrence. This may include boarding up windows and doors while the property is vacant.

Pets

BaptistCare has implemented a fair, consistent and transparent process for granting tenants permission to keep a pet in accordance with its Assistance and Companion Animal Care Guidelines which is in line with the Companion Animals Act 1998.

Tenants must apply for permission to keep a pet. BaptistCare will take into account any legal and/ or regulatory requirements, the type of property, the size and type of pet and the potential for any damage to the property or interference with neighbours. Each application will be considered on its own merits on a case by case basis.

The tenant will be required to complete and agree to the Pet Approval form and Authority to take possession of pet that sets out their responsibilities as a pet owner in a BaptistCare's property.

- All Leases will state that pets are not allowed without written permission from BaptistCare.
- Permission to have pets will be considered with regard to ensuring all tenants have a peaceful and quiet site and is in support of the good neighbour approach. Each application will be considered individually.
- Tenants will submit a written application to the Housing Manager for each pet. The Housing Manager will respond to the application within seven working days.
- The tenant is fully responsible for the pet at all times, including all feeding and care and any damage the pet may cause.
- Pets are not permitted to be left unattended in any common area at any time.
- BaptistCare reserves the right to withdraw permission for the pet at any time. BaptistCare may do so in response to irreconcilable complaints about a pet, or due to concerns about the wellbeing of the pet. The Housing Manager will advise the tenant in writing if permission is withdrawn and the tenant will have seven days to remove the pet from the premises. Failure to remove the pet within this time will be considered a breach of the Lease and may impact the tenant's ongoing tenancy.

Smoke free zones

BaptistCare encourages smoke free environment in our Housing sites.

Smoking is not allowed in individual units or enclosed common areas, such as common rooms, shared laundries, stairwells, hallways, entranceways and lift areas within the properties. The no smoking/vaping ban covers all types of cigarettes, cigars and pipes.

Good Neighbours

Being a good neighbour is an important part of living in a supportive community and means being mindful and respectful of others, and tolerant of differences.

To be a good neighbour, tenants must be:

- tolerant of other people's lifestyles and cultures;
- considerate and respectful towards others;

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- responsible for the behaviour and actions of other household members (including children), guests and pets;
- law abiding and prepared to report any illegal activity to police;
- respectful of sharing common areas including parking places, laundries and gardens;
- considerate of children. Tenants are to be considerate to their neighbours when doing something noisy. Tenants should let their neighbours know before they start and try to avoid making noise when people are likely to be sleeping.

Unacceptable Behaviour

This is behaviour that unreasonably interferes with other people’s rights to use and enjoy their home and community such as:

- loud noise, particularly in the evening, especially on an ongoing, regular basis;
- behaviour that causes, or is likely to cause, harassment, alarm or distress to other people
- abuse, intimidation or harassment towards any person, including workers.
- aggressive and threatening language or behaviour towards a neighbour, tenant or occupant that can be overheard or witnessed by others ;
- vandalism;
- noise or nuisance caused by vehicle;
- noise or nuisance caused by pets;
- any type of criminal activity.

Difficulties between Tenants

If tenants report that they are experiencing ongoing problems with neighbours, the Housing Manager can provide information on the services available to investigate complaints and assist in exploring options on dealing with the issue. In the first instance, Housing Managers should encourage tenants to talk to their neighbours to try to resolve the issue. If the tenant does not feel safe to discuss the problem with their neighbour, BaptistCare will keep the tenant’s details confidential. This may limit the action BaptistCare is able to take to resolve the matter.

The Housing Manager can only be involved if the neighbour is breaching the Residential Tenancy Act which includes the behaviour listed above as not acceptable.

BaptistCare Housing will work closely with tenants, service providers and external mediation services to resolve any issues as quickly as possible. BaptistCare aims to assist neighbours to resolve disputes early to avoid the issue from escalating.

BaptistCare Housing Managers will investigate neighbourhood complaints in a transparent manner. This involves contacting all parties involved to gain their perspective and reviewing evidence from external services such as the NSW Police. BaptistCare will keep all parties informed of the outcome of the investigation.

If the problem relates to a breach of tenancy that is negatively affecting a tenant, the Housing Manager may ask the tenant to keep a Nuisance and Annoyance diary. This is a document that records the date, time and details of any incident that occurs. BaptistCare will investigate complaints in line with their Feedback policy. If the behaviour is a Breach of the Residential Tenancies Act, BaptistCare can take action.

A warning letter will be written to the person responsible to remind them of their responsibilities and the consequences of their behaviour.

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Taking the issue to the NSW Civil and Administrative Tribunal (NCAT)

If antisocial behaviour is ongoing, the case may be referred to the NCAT. BaptistCare can only take the matter to the NCAT if there is clear evidence that a tenant has caused problems. Evidence may be presented at the NCAT from both sides of the dispute.

The NCAT can make orders that the behaviour must stop.

Other options

Tenants can access the following:

- The Community Justice Centres on 1800 990 777 assists tenants to sort out a dispute with their neighbour – Community Justice Centres provide free independent mediation.
- The Police on 000 if tenants suspect or witness criminal activity, for complaints about noise including rowdy behaviour, or if tenants experience violence or feel threatened.
- Local Council if the complaint relates to dumped rubbish or aggressive or noisy pets.
- The Police Assistance Line on 131 444 if tenants are worried about their own or someone else's mental health – they may be able to assist by getting the Mental Health Crisis Team involved.

Continued Eligibility

Criteria for continued eligibility is dependent on program guidelines and include maximum terms of tenure and income.

Tenants will be continually assessed against eligibility prior to each fixed term Lease and will be renewed provided the tenant:

- continues to meet the Cohort eligibility criteria, including single parent status, ongoing eligibility maximum income limits and any change in assets that might reasonably be expected to resolve their housing needs; and
- the total term of tenure has not exceeded maximum terms.

No Longer Eligible

BaptistCare will assist tenants who are no longer eligible for Affordable/Social Housing to exit to alternative accommodation. Notice of Termination will be issued in accordance with the RTA; tenants have up to 12 months to exit the property.

Tenancy Succession

BaptistCare is unable to offer succession for properties due to the funding guidelines and properties allocated to specific cohorts.

Access to property/entry conditions

BaptistCare will enter properties in accordance with the Residential Tenancy Act.

Keys/Locks

Changing locks without the permission of BaptistCare is considered a breach of the residential tenancy Lease.

Right of Appeal

If a tenant is not satisfied with a service provided by BaptistCare or does not agree with a decision it has made, they can ask for a formal review.

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If a tenant is unhappy with the outcome of an appeal to BaptistCare, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing Organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to <http://www.hac.nsw.gov.au>.

Legislation

Housing Act 2001

Residential Tenancies Act 2010

References

[Residential Tenancies Act 2010](#)

[Residential Tenancies Regulation 2019](#)

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