

# Allocation and Commencement of a Tenancy

Policy

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## 1. Purpose

To outline the method by which Territory Families, Housing and Communities (the Department) allocates premises to clients on the public housing wait list, the requirements for commencement of a public housing tenancy, and the support provided to clients to maintain their tenancy and prevent an exit into homelessness.

## 2. Scope

The policy applies to all eligible applicants on the public housing wait list and existing tenants transferring to alternative public housing premises.

## 3. Policy Detail

When allocating a premises to an applicant on the wait list, the Department must balance the housing needs of the applicant with the type of public housing premises available.

Prior to an offer of housing being made, the Department must contact the applicant to verify:

- continuing need for public housing;
- eligibility;
- entitlement; and
- specific social, medical and physical requirements.

The above information is required to match the housing needs of a household to public housing premises that are available. The Department aims to match existing characteristics and amenities of vacant premises to the requirements of household occupants to determine which premises are suitable and to minimise the need for modifications to the premises.

## 4. Order of Allocation

### 4.1. Urban tenancies

Allocations are generally made in this order:

- Entitlement transfers – when the premises have more or less bedrooms than the tenant or occupier needs;
- Medical or social transfers;
- Priority wait list applicants;
- Accelerated applicants, when the application has extenuating circumstances;
- Transfers between locations; and
- General wait list.

Within the General wait list, housing is allocated to tenants in the order in which they apply. However, to ensure allocated premises meet the needs of a household, the applicant at the top of the wait list may not necessarily be offered the next available premises.

## 4.2. Remote tenancies

Remote communities and Community Living Area premises are allocated according to need, and with the advice of the relevant Housing Reference Group (HRG). The following needs are taken into account:

- Domestic Family and Sexual Violence reduction strategies;
- Frail, aged and disability;
- Homelessness;
- Households with specific medical or physical needs;
- Local employment;
- Overcrowding; and
- Other criteria appropriate to individual communities in consultation with the relevant HRG.

## 5. Urban Allocations

### 5.1. Confirmation of eligibility for applicants in urban centres

Before being offered a public housing premises, applicants in urban centres must attend an interview with the Department. At interview, the Department will:

- reassess the applicant's eligibility; and
- consider the tenancy history involving the applicant, either as a tenant or a recognised occupier.

### 5.2. Previous tenancy history

An applicant for urban public housing must provide two current and verifiable tenancy references from a person or organisation with knowledge of the applicant's previous tenancy history.

Discretion may be exercised by the delegate to exempt an applicant from this requirement, when:

- the Department is satisfied that the applicant has the necessary skills, or the supports they require, to satisfactorily maintain a public housing tenancy; or
- the household can evidence completion of a life skills or community support program to gain the required tenancy skills; or
- there is an ongoing commitment to supporting the applicant and household to maintain their tenancy from a recognised advocacy or community support provider, with an active case management plan in place prior to allocation; or
- the Department reasonably believes that the applicant is unlikely to engage in antisocial behaviour as defined in Section 28A of the *Housing Act 1982*, and unlikely to create a nuisance or engage in illegal conduct as defined in Division 2, Section 54 of the *Residential Tenancies Act 1999*.

### 5.3. Offers of Public Housing in Urban areas

Successful applicants for urban public housing premises:

- will receive an offer of a public housing premises that meets their assessed housing need;
- will be provided with an opportunity to inspect the premises on offer;
- have two business days after inspecting the premises on offer to inform the Department of their acceptance or otherwise;
- may request deferral of an offer for up to six months, where they are unable to commence a tenancy at the time; and
- must provide a valid reason for declining an offer.

An applicant will have their application for public housing cancelled if they are unable to provide a valid reason for declining the offer. When an application is cancelled no credit for wait time will be provided to the applicant if they elect to reapply for public housing in the future.

## 6. Urban Tenancy Agreement

All new urban tenants will be offered a six month fixed term probationary tenancy agreement. If they complete the probationary period successfully their tenancy will convert to a period term.

Please refer to the Tenancy Agreements for Public Housing policy for more information.

### 6.1. Commencement

In urban areas tenants are required to commence their tenancy within five business days of accepting an offer of accommodation. In remote locations timings will vary due to travel requirements of Departmental staff and other logistics.

Rent is charged weekly on a Monday. At commencement, tenants paid fortnightly are encouraged to pay one week's rent, plus any additional days required to align regular rent payments with their pay cycle.

Tenants will not be given keys to the premises until a tenancy agreement has been signed, arrangements for the security deposit (bond) are in place for urban tenancies and required rent in advance has been received.

At the commencement of the tenancy, a condition report is completed in accordance with requirements of the *Residential Tenancies Act 1999*.

If there is reasonable belief that the tenant or recognised occupier may engage in antisocial behaviour, the Department will require the tenant to enter into an Acceptable Behaviour Agreement (ABA) as well as encourage the tenant to engage with appropriate support services.

To determine if an ABA is required the Department will give consideration to:

- The applicant's history as a tenant or recognised occupier of a public housing premises;
- Other matters the Department considers relevant including the inability of the tenant to provide acceptable references.

If a tenant refuses to enter into an ABA, or seriously and repeatedly breaches the terms of an Agreement, the Department may seek to terminate the tenancy under section 99A of the *Residential Tenancies Act 1999*.

Please refer to the Acceptable Behaviour Agreement policy for further information.

## 7. Security Deposit (Bond)

A security deposit (bond) is money paid by an urban tenant to the Department at the start of a tenancy. It is held in trust, in accordance with requirements of the *Residential Tenancies Act 1999*.

Bond is payable by tenants in urban centres who enter into a tenancy agreement. The amount of bond payable is determined by the age of the tenant:

Age pensioners are required to pay four weeks rebated rent; and

Non-age pensioners are required to pay two weeks full rent plus two weeks rebated rent.

Tenants who have difficulty paying the entire bond at commencement of their tenancy may pay half up front and the balance over a six month period, provided that this does not result in housing rental stress.

Please refer to the Debt Management policy for further information.

## 8. Decision-Making (delegation and discretion)

The CEO (Housing) may Delegate a power or function under the *Housing Act 1982* or other Acts.

Delegated officers may make decisions on behalf of the CEO (Housing) in line with the CEO (Housing) Housing Delegations and Financial Management Delegations.

A discretionary decision may be made outside the general application of policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in line with the delegations and legislative obligations.

Please refer to the Discretionary Decision Making policy for more information.

## 9. Complaints and/or Appeals

If a client is not satisfied with either a decision or action of the Department, they can access the Department's complaints and/or appeals processes.

Please refer to the Complaints policy and Appeals policies for more information.

## 10. Review of the Policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

## 11. References

### 11.1. Legislation

*Housing Act 1982*

*Residential Tenancies Act 1999*

## 11.2. Policies

Acceptable Behaviour Agreement policy

Appeals policy

Complaints policy

Debt Management policy

Designated Complexes policy

Discretionary decision making policy

Eligibility for Public Housing policy

Entitlement policy

Housing Reference Groups policy

Income and Assets policy

Priority Housing policy

Tenancy Agreements for Public Housing policy.

Wait Lists policy