

Arrears and Debt Management Policy

1. Purpose

To define HOME in PLACE approach to the management of debt incurred by tenants and former tenants.

2. Scope

This policy applies to tenant and former tenants of property owned or managed by HOME in PLACE.

3. Policy Statement

HOME in PLACE is committed to providing social and affordable housing. HOME in PLACE 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. HOME in PLACE understand there are competing demands upon families to meet their commitments, however, the payment of rent and non-rent charges should be considered a priority. HOME in PLACE will manage the recovery of rent and non-rent arrears with privacy and sensitivity.

By implementing this policy HOME in PLACE can:

- Have an effective arrears and debt management process;
- Minimise the risk to terminations of tenancies resulting from arrears and debts;
- Assist tenant to sustain their tenancy and prevent homelessness.

Guiding Principles

HOME in PLACE will:

- Adopt an early intervention approach to mitigate the risks of arrears and debt;
- Inform tenants of their legal obligations to pay rent, rent arrears and debt;
- Make referrals to our Community Participation Officers (CPOs) and other support services to assist tenants that are experiencing financial difficulties;
- Comply with the requirements of the Residential Tenancies Act 2010 (NSW).

Managing arrears & debt

Tenants have a legal obligation to pay their tenancy charges. Former tenants have an obligation to pay all debt outstanding at the end of their tenancy.

Advising current tenants of arrears on their tenancy accounts

HOME in PLACE may contact tenants in writing, by phone, SMS or by visiting them at their property if their accounts fall into arrears. HOME in PLACE will respond quickly to inform tenants of arrears to prevent the debt from escalating.

Managing current accounts in arrears

HOME in PLACE expects all outstanding debts to be repaid and will, in the first instance, ask that all outstanding monies be paid in full.

If a tenant is experiencing difficulties that affects their ability to pay in full, HOME in PLACE may accept a repayment arrangement by entering into a payment plan with the tenant, tenants will be asked to provide information on their financial situation prior to entering into a repayment plan. HOME in PLACE may also refer a tenant to financial or other support services that can assist them to manage their finances.

If a reasonable repayment arrangement cannot be negotiated, or a tenant fails to meet the agreement, HOME in PLACE may take action in the NSW Civil & Administrative Tribunal (NACT) and seek a Specific Performance Order to repay the debt or an order to terminate the tenancy. Where arrears remain unpaid for 14 days or more, a Notice of Termination may be issued.

Managing arrears and debt of former tenants

When a tenant vacates a HOME in PLACE property, the rent and non-rent accounts will be reconciled and tenants will be advised of any credits or debits on their accounts. To ensure tenants receive any credits, it is important they provide a forwarding address and telephone number to HOME in PLACE.

Tenants are expected to pay all outstanding debts, HOME in PLACE will work with tenants to ensure that debts are repaid. If debts remain unpaid HOME in PLACE reserves its right to make application to the NCAT for a Money Order and take enforcement proceedings in the Local Court or take any further legal and commercial actions not specified herein to collect outstanding debts due and payable.

Tenant will be made aware that a debt with a social housing provider can impact on any future applications for housing assistance.

When the accounts have been reconciled and the accounts are in credit, HOME in PLACE will refund the money to the tenant. Tenants will be asked to complete a refund form and provide details of how they want the credits refunded, for example, direct deposit into a nominated bank account.

Review of Decisions

If a tenant disputes the arrears or debt claims by HOME in PLACE, they should first discuss this with a Tenancy Relations Officer. If a tenant is still dissatisfied, they can ask for a review of the claim. The NCAT also hears matters relating to arrears and debt.

4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,

- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to SharePoint the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- POL-025-38 Ending Tenancy Policy
- POL-025-29 Tenant Charges Policy
- FOR-046 Refund of Credits Form

Related legislation/standards

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations 2010 (NSW)

7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Appeals	A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’ An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;
Arrears	Unpaid and overdue monies that a tenant has failed to pay in accordance with their Residential Tenancy Agreement
Compass	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC) .
Complainant	Person with a Complaint ongoing with HOME in PLACE.
Complaints	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: <ul style="list-style-type: none"> • Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service; • Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures. • Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information • Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.
Debt	Any amount that has remained unpaid from rent; water; end of tenancy charges; tenant charges from a former tenancy
Employee	A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.
HOME in PLACE	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.

Term	Definition
Landlord	The person who grants the right to occupy a property under a Residential Tenancy Agreement
NSW Civil & Administrative Tribunal (NCAT)	An independent statutory body that resolves disputes between landlords and tenants. Orders of the NCAT are enforceable
Residential Tenancy Agreement	A legal agreement between a tenant and landlord
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
Tenant	A person who signs the Residential Tenancy Agreement with HOME in PLACE
Worker (HOME in PLACE)	has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.

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