

# RENT ARREARS POLICY

Operations -WA

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## 1. Purpose

The purpose of this policy is to outline our approach to minimising instances and the level of rent arrears across our tenancy portfolio.

## 2. Scope

This policy applies to the activities of Housing Choices WA Operational Services (Community Housing and Property Assets) who are interacting with Housing Choices WA tenants, household members and carers. This policy applies irrespective of whether staff undertaking activities are employed by that entity or another entity within Housing Choices WA.

This policy does not apply to the recovery of amenities, utilities, tenant liability or former tenant debt. Refer to the relevant debt recovery procedures.

## 3. Policy Statement

We will manage instances of rent arrears in a fair and consistent manner, compliant with our legal obligations and sensitive to the individual circumstances of tenants. Our commitments throughout this process include:

### 3.1 Prevention

Tenancy Agreements stipulate that rent must be paid two weeks in advance. Tenants are responsible for the payment of rent and the repayment of any rent that falls into arrears.

- We will advise applicants prior to occupancy, at the start and during their tenancy, of their obligations and the implications of non-payment of rent by verbal and written means.
- We will provide a choice of payment options for the convenience of tenants and particularly encourage the use of Centrepay.
- We will foster good communication to encourage tenants to inform us of difficulties as soon as they occur.
- We will provide support and advice to tenants to enable rent arrears to be cleared without the threat of losing their home.

### 3.2 Early Intervention

Communication will commence as soon as a rent account falls into arrears to avoid the debt becoming unmanageable. Rent arrears will be treated as a priority housing management function and repayment plans made available for tenants to address arrears.

### **3.3 Support**

We will support tenants in a holistic manner, looking beyond the immediate financial crisis towards physical, mental and/or emotional issues and what help can be provided to resolve and prevent problems.

### **3.4 Partnership**

We will work in partnership with other agencies to reduce tenant debts, encourage effective financial management and maintain the tenancy.

### **3.5 Approach**

Whilst we offer a personalised service taking into account the needs of the individual, the rent arrears procedure will be consistent, and firm but fair.

### **3.6 Enforcement**

We may take legal action when all attempts to assist the tenant to repay the rent arrears fail.

## **4. Termination for non-payment of rent**

When all avenues of support and assistance have been exhausted, we will seek to terminate a tenancy by issuing a Notice of Termination Form 1A or 1B under Section 62 of the Residential Tenancies Act. For Supportive Landlord tenancies, a case conference is required prior to taking any action to terminate.

We take the termination of tenancies very seriously and a Notice of Termination will only be issued with General Manager Approval and where a Safe Exit assessment has been carried out. In making this decision, consideration of the impact of any action on the tenant and any family members' health and wellbeing.

Once legal action has commenced, tenants will be advised of:

- free legal advisory services
- their right to be present in court to contest the legal proceedings
- their right to give permission for someone else to represent them in court, or to have a support person with them in court
- the court hearing process and what to expect
- what decisions may be made

We will remain open to negotiations where tenants demonstrate a commitment and a responsibility to repay their debt.

### **4.1 APPEALS:**

Tenants may lodge an appeal against a decision made during the rent arrears recovery procedure up to the commencement of a Notice of Termination.

## 5. References

LEGISLATION & STANDARDS	RELATED INTERNAL DOCUMENTS
<ul style="list-style-type: none"> <li>• Bankruptcy Act 1966</li> <li>• Debt Collection Guideline for Collectors and Creditors</li> <li>• Freedom of Information Act</li> <li>• Limitations Act 1935</li> <li>• Magistrate’s Court (Civil Proceedings) Act 2004</li> <li>• Minor Cases Proceeding Rules 2005</li> <li>• Privacy Act 1988</li> <li>• Residential Tenancies Act 1987</li> <li>• Residential Tenancies Regulations 1987</li> </ul>	<ul style="list-style-type: none"> <li>• Abandonment Policy</li> <li>• Discretionary Decision-Making Policy</li> <li>• Information &amp; Records Management Policy</li> <li>• Privacy Policy</li> <li>• Debt Recovery procedures</li> <li>• Tenant Liability Policy</li> <li>• Family and Domestic Violence Policy</li> </ul>

## 6. Version Notes

Version	Date	Details	Author	Approver
1	01/08/12	Policy implementation	M. Shaw	A. Wilkerson
2	12/9/14	Reviewed – no change	M. Shaw	A. Wilkerson
3	01/11/18	Insertion of review & reference table	M. Shaw	K. Moorey
4	11/02/21	Business name change.	R. Cavanagh	M Shaw
5	1/7/22	Policy review.	M. Shaw	N. Sangalli
6	26/8/2022	Policy Review		N.Sangalli