

## HEAD OF POWER

- *Housing Regulation 2015*, section 17

## INTENT

The purpose of this policy is to comply with requirements of the *Housing Regulation 2015* to maintain a rent policy for community housing.

## SCOPE

This policy applies to all tenants who reside in any property at Margaret Olsen Place or Kolan Centenary Seniors Village and Community Services employees.

## DEFINITIONS

**Employee** means a local government employee as defined in the *Local Government Act 2009*.

## POLICY STATEMENT

1. This policy will set the principles which Council will use for setting and recovery of rent and also concession for rent increases.
2. Council will ensure tenants of Council community housing units are charged an affordable rent with the maximum rent charged being the market rent for the dwelling in line with Department of Housing Guidelines.
3. **Setting the rent**

A tenant in a property managed by Council as the registered provider will have their rent assessed at 25% of the household's assessable income, plus the Commonwealth Rent Assistance to which all eligible household members are entitled. The rent is assessed using the Department of Housing and Public Works Community Housing Rent Calculator. Should the market rent of the property be less than the tenant's calculated rent, market rent will be charged.

### 3.1 Rent assistance

Commonwealth rent assistance is not considered income and therefore is not assessed at 25%. Instead, Council, as the registered provider, will add the total Commonwealth Rent Assistance to which all household members are entitled, to the rent assessment.

If a household is deemed eligible for Commonwealth Rent Assistance, the total amount of Commonwealth Rent Assistance to which they are entitled is added to their rent, regardless of whether they receive the payment or not.

## 4. Market rent

For community housing properties, the market rent is determined by the provider. In determining market rents, Council considers the private market rent for similar properties of the same standard in the area and any relevant data published on median rents.

Council will review market rents on an annual basis prior to undertaking rent reviews.

Council may seek independent valuations of properties but must have consideration for the private market rent for similar properties of the same standard in the area and any relevant data published on median rents, when setting market rent.

### 4.1 Right to Appeal

Tenants have the right to appeal market rent assessments. Council will keep a copy of the methods used to derive a market rent for one year after the tenancy agreement.

## 5. Rent Review

Council reviews rent for all households at least annually, or when they become aware of a change in household circumstances. Tenants are responsible for advising Council of a change in circumstances and should be advised of this responsibility at sign-up. Tenants may request a reassessment of rent at any time because of a decrease in income or a change in household circumstances.

## 6. Overcharging of Rent

If a tenant has been overcharged for rent due to having a low income or rent was miscalculated by the housing provider, a reimbursement will be required. This does not include where a tenant has failed to advise the housing provider of a reduction in income. Advice will be given as to how much of this reimbursement is estimated to be made up of rent assistance. It will be the responsibility of the tenant to advise Centrelink of the reimbursement.

## 7. Rent Recovery

Council will ensure transparency by making clear the obligation to the tenant and the processes used by Council in assisting them to meet their financial obligations, such as:

- Making the process used to pay rent simple to administer and cost effective.
- Providing tenants two options for the payment of rent as per the General Tenancy Agreement (RTA Form 18a) and *Residential Tenancies and Rooming Accommodation Act 2008*.

## 8. Rent Arrears

A tenant with a rent debt to Council will be requested to enter into a mutual agreement to repay the debt in affordable instalments so as not to cause hardship. The payments must be maintained until the debt is cleared.

Council will pursue the recovery of a debt through the provisions of the *Residential Tenancies and Rooming Accommodation Act 2008* where the tenant does not repay the monies owing in accordance with the agreement.

## ASSOCIATED DOCUMENTS

- Department of Housing and Public Works Community Housing Calculator
- *Department of Housing Guidelines*
- *Housing Act 2003*
- *Residential Tenancies and Rooming Accommodation Act 2008*
- *Local Government Act 2009*

## DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

## POLICY OWNER

Branch Manager Community Services.