

# The Rental Property

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## **1 Purpose and Applicability**

This policy explains what the minimum standard is for any property leased to a tenant by the Women's Housing Company (WHC), and covers:

- the condition of the property as somewhere that is 'liveable'
- inclusions in the property
- tenant responsibilities to keep the property in a well maintained condition
- the WHC responsibilities for the supply of modifications for aging tenants or for tenants with disabilities

The policy sets out the requirements of the tenants and the obligations of the WHC. The WHC will apply procedural fairness in relation to its implementation of this policy and will meet all relevant legislative requirements. For clients facing significant hardship as a result of any of the WHC's policies, staff will seek to respond reasonably and with compassion.

This policy applies to all transitional, social and affordable housing programs managed by the WHC, but not to crisis accommodation. The applicable programs are:

- Social Housing Subsidy Program
- General Social Housing
- General Affordable Housing
- Transitional Housing
- Connect 100 Program
- Together Home Program
- STEP to Home Program

## **2 References**

### **2.1 External or Statutory Requirements**

This policy complies with the following external legislation or requirements:

- The NSW Residential Tenancies Act 2010
- National Regulatory Code for Community Housing
- NSW Community Housing Asset Ownership Policy
- Land and Housing Corporation Asset Performance Standards
- Land and Housing Corporation Component Requirements 2012

## 2.2 Internal Requirements, Procedures and Forms

This policy makes reference to the following internal documents which are available from the WHC website:

- [Keeping A Tenancy Policy](#)
- [Repairs and Maintenance Policy](#)
- [Complaints and Appeals Policy](#)
- [Privacy Policy](#)

## 2.3 Definitions

The following terms are used in this document, with specific meaning:

- a) “must” or “shall” or “will” designates a mandatory requirement or action
- b) “may” is an acceptable action or requirement but not mandatory
- c) “social housing” is subsidised rental accommodation for people on very low or low incomes who meet the eligibility requirements. In the WHC, rent for general social housing tenants is set at 25% of income and for affordable housing rent can be set at 30% of income.
- d) “affordable housing” is subsidised rental accommodation for very low, low or moderate income tenants and in NSW is managed in accordance with the [NSW Affordable Housing Ministerial Guidelines](#). Rent is set as either a percentage of income or as a discount to market rent. At the WHC, affordable housing tenants will pay no more than 30% of their income as rent.
- e) “transitional housing” is short-term accommodation with access to support services for people who are homeless or at risk of homelessness.
- f) “tenancy agreement” or “rental lease” or “lease” is the written agreement between the WHC and the tenant with all terms and conditions of the tenancy.

## 3 Requirements

### 3.1 General Inclusions

The WHC provides accommodation for single women. Accommodation is generally provided as fully self-contained units with:

- A sleeping area
- Meal preparation area (kitchen) with stove-top, oven, sink and space/connection for a refrigerator and storage cupboards
- Living/dining area

- Toilet and bath or shower facilities
- Internal laundry (washing machine not supplied) or communal laundry
- Dryer or external line drying area
- Each living unit can be secured by a deadlock on the main door.

The WHC has some homes that are studios where the bedroom area is not separate from the living area. However, the majority of properties leased by the WHC are 1 or 2 bedroom properties.

The WHC also has a number of three (3) bedroom homes, mostly in the transitional housing portfolio, that can be offered as shared tenancies where a suitable match is identified. In a shared tenancy, each tenant will have their own tenancy agreement with the WHC, and their own private bedroom that is key-lockable. Tenants will share bathrooms, toilets, kitchens and living areas.

### **3.2 Property Age and Standards**

The WHC provides properties of various types and ages, being built from the 1930s to the 2010s. All rental properties are leased to tenants to a standard in keeping with the age of the building. All standard appliances will be maintained in full working order.

Windows will be maintained so that they open, and all ground floor units will have lockable windows. In line with legislative requirements, the WHC will install fixed window openings on all windows above the first floor.

Hot water is provided to all bathrooms and kitchens. Heating and heating appliances are not provided as standard in all units.

Air-conditioners are not supplied by the WHC. If a tenant wants to install an air conditioner at their own expense, they must fill out an Application for Works – Alteration and Additions form seeking approval. If permission is granted, the WHC is not responsible for any maintenance of the air conditioning unit, and the tenant is responsible for any work required to remove the unit at the end of their tenancy.

The WHC installs curtain rods and hooks in vacant properties, but curtains or blinds are not supplied. Window coverings are not provided as standard in all units.

Where a tenant has an outdoor area for private use they are responsible for ensuring that the area is kept neat and clean and that any vegetation is cut back, mowed and trimmed.

### **3.3 Smoke Alarms**

All properties leased to tenants by the WHC will have smoke alarms fitted in accordance with the requirements of Clause 146A of the Environmental Planning and Assessment Act 1979, and Division 7A of Part 9 of the Environmental Planning and Assessment Regulation (Smoke Alarms) 2000.

The WHC will conduct annual fire safety inspections to check the continued operation of the smoke alarm and maintenance of all smoke alarms is the WHC's responsibility. The WHC will conduct annual inspections on leasehold properties that do not have appropriate inspections conducted by Strata or a representative of the landlord.

If a tenant notices a faulty or nuisance alarm, they should contact the WHC maintenance phone line for an urgent repair. Tenants must not tamper with, or remove, a smoke alarm in a rental property.

### **3.4 Disability Modifications**

Where a tenant requires modification of their property due to a medical condition, WHC will consider this request based on:

- The request being supported by a medical or OT report
- Whether or not the property is owned by WHC or another landlord
- What the cost of the modification will be compared to the value of the property
- Whether the cost could be covered wholly or partially by WHC, shared with another funding source (for example NDIS)

The WHC wants all tenants to be able to live in a home that gives them independence and some modification may need to be undertaken to assist in this. However, some properties are better suited to modification than others and the WHC may ask that the tenant consider moving to an already modified property if available to meet their need for improved accessibility.

Tenants requesting a modification must make an application in writing and provide supporting documents. The WHC will notify the tenant of the outcome of the application in writing.

### **3.5 Property Development**

From time to time, the WHC will undertake redevelopment of existing properties that have passed their economic life, or that no longer meet the housing needs of the WHC's tenants. Existing tenants may need to be moved to alternative housing via a management transfer (see the Keeping a Tenancy Policy).

Where the WHC does undertake property development or purchases properties in the private market, it will consider the needs of current and prospective tenants, as well as the economic viability and sustainability of the new property.

### **3.6 Mould**

Mould is a common problem in Sydney homes due to the climatic conditions in a subtropical region. Some mould issues are inherent in the way that the building was designed and constructed and cannot be easily repaired, for example if a building is not oriented well to sunlight or does not have enough inbuilt ventilation. Some mould can be prevented or minimised by more ventilation in a room and by minimising humidity.

The WHC will investigate instances of mould when requested by tenants and will seek to identify solutions on a case-by-case basis.

### **3.7 Pests**

The responsibility for pests and vermin in the property rests with a tenant. However, where the WHC owns a block, it will organise pest control to subfloor and common areas to minimise the spread of pests when required. Where pests are due to hoarding or similar behaviour, the WHC will work with the tenant and refer them to a suitable support agency to address the problem.

Tenants are responsible for the treatment and ongoing management of pests within the property. The WHC will conduct a pest spray for cockroaches, fleas and spiders if a tenant reports an infestation within the first 30 days of their tenancy.

WHC will assist in the treatment of bees and wasps if the nest is in a cavity wall or under an external balcony or eave only. The WHC will also remove birds or possums from roof cavities and seal any openings used to gain entry and will seal any openings used by rats or mice.

### **3.8 Asbestos Register**

All properties owned and managed by the WHC except for head leased properties have been inspected for asbestos and have the condition of any part of the building which has asbestos noted on a register. Asbestos condition inspections are carried out every 3 years and any removal or rectification work is done in accordance with a certified Asbestos Consultant's recommendations. In general, the WHC will not remove stable asbestos material (non-friable) in accordance with NSW Government Department of Health recommendations.

## **4 Complaints and Appeals**

### **4.1 Complaints**

Applicants and tenants that have received a service from the WHC can lodge a complaint about that service if they do not think that the WHC has followed its own policies or met its published standards. WHC staff can assist applicants and tenants to make a complaint about the service and stakeholders and community organisations can also lodge complaints.

The WHC will manage all complaints in a fair and transparent way to ensure that the organisation's service delivery is responsive to concerns raised by tenants.

All complainants will receive a written response from the WHC about the outcome of the investigation of their complaint within 21 working days. For further information see WHC's Complaints and Appeals policy.

## 4.2 Appeals

If an applicant or tenant does not agree with a decision made by the WHC, or thinks that the decision is unfair, then they can lodge an appeal against that decision. The basis of an appeal may include any of the following reasons:

- Inadequate consideration was given to their individual circumstances
- The decision involved an inadequate interpretation of WHC policy
- The decision was made contrary to WHC policy
- The procedure used to reach the decision was not fair and correct

All appeals should be made to the WHC in writing. The WHC will then review the decision and will inform the applicant or tenant in writing about the outcome of the review within 21 days of receiving the appeal.

If the applicant or tenant does not agree with the outcome of the WHC's review they can then lodge a second-tier appeal to the Housing Appeals Committee (HAC). HAC can consider appeals about decisions made by the WHC in relation to its own services or policies.

For more detailed information about how the WHC manages appeals, see the WHC Complaints and Appeals Policy.

## 5 Privacy and Confidentiality Statement

The Women's Housing Company will ensure that all applicant and tenant information is kept confidential and is managed and protected in accordance with the WHC Privacy Policy and relevant privacy law.

From time to time, de-identified demographic information may be released to third parties for statistical purposes only.