

Winda-Mara Housing Program ('WMHP')

Arrears Policy

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WMHP Arrears Policy

Winda-Mara Aboriginal Corporation ('WMAC') and Winda-Mara Housing Limited ('WMHL') work together to deliver safe, secure and affordable housing solutions for eligible Aboriginal and Torres Strait Islander community members living in far southwest Victoria.

The activities, principles, policies and elements that contribute to and regulate the housing schemes of WMAC and WMHL are collectively referred to as the Winda-Mara Housing Program ('WMHP').

The WMHP's policies and procedures are designed so that its practice and service delivery align with the following cultural statement:

Our vision is to create a thriving community where Aboriginal and Torres Strait Islander people have access to safe, affordable, and culturally appropriate housing. We aspire to empower individuals and families through improved health, education, and wellbeing, fostering a strong sense of identity and pride in our cultural heritage. Through collaboration and sustainable development, we aim to build a future where every member of our community has the opportunity to flourish and succeed.

1. Introduction

Renters living in WMHP properties are required to pay various tenancy charges. These charges may include rent, water usage, utilities, parking, renter liability or debt from a previous tenancy.

This policy provides a framework for the management and collection of any outstanding rent and non-rent charges in accordance with the *Residential Tenancies Act 1997 (Vic) (RTA)*.

WMHP's Arrears Policy operates within the context of WMHP's Sustaining Tenancies Policy which ensures support is available for those who may need assistance in managing their household expenses and meeting their tenancy obligations.

2. Scope

This is a WMHP Policy. It applies to all residential tenancies managed by WMAC or WMHL.

3. Purpose and Objectives

This policy outlines how WMHP prevents and manages rental arrears and debt recovery.

4. References

4.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- Residential Tenancies Act 1997 (Vic)
- Housing Act 1983 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Performance Standards for Registered Housing Agencies
- MARAM Framework

4.2 Internal Requirements and Forms

This policy refers to the following internal documents, which are available in the WMHP Document Register:

- WMHP Rent Setting and Review Policy
- WMHP Temporary Absence and Rental Hardship Policy
- WMHP Complaints and Appeals Policy
- WMHP Complaints and Appeals Procedure
- WMAC Privacy Policy
- WMHP Ending Tenancies and Eviction Policy
- WMHP Notice to Vacate

5. Definitions

Arrears	Overdue rent that now forms a debt
MARAM Framework	Family violence multi-agency risk assessment and management framework
Notice to Vacate	A legal notice telling a renter that the rental provider wants them to vacate the property by a certain date
Possession Order	An order granted by VCAT giving the landlord the right to obtain a warrant to regain possession of the property
Rental Agreement	Lease under the Residential Tenancies Act 1997, which sets out the rights and duties of the renter / rental provider
Residential Tenancies Act 1997 (RTA)	The principal legislation governing rental housing in Victoria
VCAT	The Victorian Civil and Administrative Tribunal. A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the Residential Tenancies Act 1997
Warrant of Possession	A legal document issued by VCAT authorising police to evict renters from a property

6. Guiding Principles

WMHP sets rents at affordable levels in line with the WMHP Rent and Collection Policy and will provide clear communication to renters about their rental obligations. Where rental payments are late or rental arrears accrue, WMHP will contact the renters as early as possible to ensure rental arrears are addressed. The WMHP will aim to provide renters with support services to help them obtain the rental income necessary to fund the supply of community housing.

WMHP will ensure that:

- renters are provided with timely and accurate information regarding their rent and other debt accounts;
- issues are addressed as early as possible to keep rent arrears at a minimum and support renters to sustain their tenancies;
- eviction is a measure of last resort;
- staff will respond to matters that may be family violence related in a trauma informed manner that aligns with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM);
- consistent, fair and accountable processes are followed, and renters will be provided information about processes that affect their tenancies; and
- all legal, regulatory and contractual duties are met.

7. Human Rights Considerations

WMHP affords proper consideration to the human rights of renters arising under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) ("The Charter"). In considering the Charter, WMHP will evaluate:

- which rights are impacted by any decisions arising from this policy;
- how the proposed course of action will interfere with these rights;
- whether it is reasonable and proportionate to pursue this course of action; and
- whether there is a less restrictive measure to resolve the situation.

Any decisions to pursue eviction are escalated to the Board after an analysis of the above considerations.

8. Managing Rent Arrears

WMHP aims to support all renters to meet their rent payment obligations in a way that minimises rental debt and supports renters to sustain their tenancies.

At the commencement of the tenancy, WMHP provides each renter information on the weekly rent payment amount, including any rebate calculation, and services charges (see WMHP Rent Setting and Review Policy). Renters are also provided information on how to make a rent payment

and how to contact WMHP if there are any issues making a required payment by the date it is due.

Rental accounts are monitored by WMHP on a weekly basis to enable prompt identification of potential rent arrears. In the first instance of a missed payment, and where there is less than 14 days in rent owing, renters are contacted as soon as possible and provided with a reminder via one of multiple communication methods, including:

- letter;
- SMS;
- phone call;
- email

9. Repayment Agreement

Renters are advised that they can pay the arrears in full or enter into a repayment agreement to pay off the arrears in a timely manner. Once an agreement is made, renters are provided with a signed agreement, including a repayment schedule and a final payment date.

If renters fail to comply with the terms of the repayment agreement, WMHP will contact the renter and will escalate the action to VCAT.

9.1 Where renter is employed

Where the renter is employed, the arrangement must involve repayment of at least \$20.00 per week to recover arrears.

9.2 Where renter receives Centrelink benefits only

Where the renter receives Centrelink benefits only, the arrangement must involve repayment of at least \$10.00 per week to recover arrears.

The minimum repayment amounts mentioned above may be amended by the WMAC Board of Directors (the 'Board') from time to time.

10. Notice to vacate

Where an agreement cannot be reached, or a renter refuses to communicate with WMHP and rent remains unpaid exceeding 14 days in arrears, WMHP will issue a Notice to Vacate in relation to the unpaid arrears.

11. Application to VCAT

At the expiry of the Notice to Vacate, if there is no agreement with the renter regarding repayment, WMHP will begin the VCAT process to apply for a Possession Order and Warrant of Possession.

WMHP will continue to attempt to contact the renter following the issue of a Notice to Vacate and the application to VCAT and seek to enter into a repayment agreement. Repayment agreements may be lodged with VCAT, and a repayment amount may become the subject of a VCAT Order. If a renter does not comply with a VCAT Order for repayment, WMHP will apply for a renewal and request a Possession Order.

If arrears remain at the end of the tenancy, WMHP will seek to claim compensation for arrears from a compensation order from VCAT.

All decisions to pursue VCAT action are endorsed by the Board after careful reflection on Human Rights considerations, the MARAM Framework, cultural safety elements and other relevant factors.

12. *Hardship*

WMHP recognises that there are circumstances where a household may face difficulties that lead to non-payment of rent. Circumstances will be assessed on a case-by-case basis in line with WMHP's Hardship Policy

13. *Support Services*

When responding to arrears, WMHP will assess what appropriate support services may be helpful in assisting renters to remedy their arrears and sustain their tenancy. This may include referrals to:

- community legal centres;
- specialist tenancy support and advocacy services;
- financial counselling services;
- community based mental health services;
- disability support services; and
- family violence support services.

14. *Disputed Arrears*

If renters dispute that their rental account is in arrears, WMHP will:

- review all charges and payments on the account, considering any information provided by the renter to reconcile it;
- ensure previous rental amounts were correctly charged;
- provide the renter with a copy of their rental statement, outlining rental charges and payments; and
- offer to meet with the renter and their supports to discuss the account.

Where an agreement can't be reached about the correct balance of arrears, WMHP may apply to VCAT for a repayment agreement and enable the Member to determine the arrears amount.

15. Policy Review

This policy will be reviewed every two years or earlier if the legal, regulatory, and contractual environment requires.

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AMENDMENT HISTORY

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