

Winda-Mara Housing Program (WMHP) Temporary Absence and Rental Hardship Policy

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WMHP Temporary Absence and Rental Hardship 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

WMAC and WMHL are not-for-profit organisations that rely on rental income to meet the costs of providing accommodation. Therefore, it is expected that renters will pay rent on time and in full each fortnight.

Nevertheless, WMHP recognises that there are a range of circumstances which can expose renters to experience financial difficulty, which can vary in extent and duration. This can include customers who are in a state of vulnerability.

In special circumstances, WMHP may implement additional measures to assist renters to recover from financial difficulty and sustain their tenancy.

2. Scope

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

3. Purpose and Objectives

The purpose of this policy is to outline how WMHP can assist renters experiencing rental hardship or requiring a temporary absence from their property.

4. Statement of Commitment

WMHP is committed to:

- ensuring that it fulfils its duties as a rental provider and upholds the rights of its renters under the Residential Tenancies Act 1997;
- setting rents that balance affordability for renters and financial viability for WMHP;
- fairness and transparency in the interpretation of the hardship policy;
- provision of clear and accessible information to renters about the hardship policy;
- assisting and supporting renters experiencing financial or other hardship where possible

5. Definitions

Community Housing	Long-term housing owned by WMHL.
Dependant	A person under 18 years of age, not receiving an independent income and who is living in an applicant's household in the care of the renter, spouse or resident.
Director of Housing	A statutory entity existing under the Housing Act 1983 responsible for all public, community and home finance programs funded by the Department of Health and Human Services (DHHS).
General Lease Properties	Properties (including rooming houses) owned by DoH and leased to WMHP to manage
Household members	People who are included in the application as people who will reside in the household if allocated to social housing, but are not the primary applicant.
Independent income	An income paid directly to the person for their use and which is not subject to a parental income or parental assets test

6. Financial Hardship

For the purposes of this policy the term 'hardship' is broadly defined as an occurrence where unforeseen events occur that place a renter's tenancy at risk due to unavoidable change in a renter's financial position and an inability to pay rent.

7. Reduction of Rent Payable

WMHP will always attempt to work with renters who are experiencing financial hardship to make suitable flexible rental payments.

WMHP will also attempt to provide referrals to other agencies that may be able to assist clients with financial counselling and/or financial assistance.

7.1 General Lease Properties

WMHP cannot provide a reduction to the rent charged. However, WMHP can offer a reduction or waiver of any service charge that is set on a property.

A waiver of the service charge component of the inclusive rental can be provided to renters where a resident is experiencing:

- loss of job or reduction of hours due to illness or injury;
- income changes if somebody leaves the household'
- temporary absence with special circumstances (see section 8)

To receive this benefit, the renter will provide WMHP with a statement from their support worker, hospital etc outlining the circumstances and the period for which the waiver is requested.

7.2 Community Housing

WMHP will review each request for a reduction of rent based on its merit. A reduction of rent may be available to renters when:

- they lose their job;
- a child or partner vacates the property affecting the overall income of the household;
- illness results in a change of household income;
- a renter passes away;
- temporary absence with special circumstances (see section 8).

To receive this benefit, the renter will provide WMHP with a statement outlining the circumstances and the period for which the rent reduction is requested. All requests will be prepared by the Housing Officer and the following paperwork will be provided to the Subcommittee:

- a copy of the request and rationale for the request;
- copies of reviewed rent with calculations of rent based on a 25% and 30% formula

The Subcommittee will review and develop a recommendation and supporting argument for the Board of Directors. This will then be reviewed by the Board and if approved, a rent reduction will be granted for a three-month period only.

Rent reductions applied in the context of this policy will be reviewed every three months.

8. Temporary Absence

A temporary absence is when a renter is required to be absent from their home and reside in temporary accommodation. This may arise when renters are incarcerated, attending a rehabilitation facility, in respite or have sought alternative accommodation due to family violence.

Renters are not permitted to sublet their property or room without prior approval by WMHP.

Renters are entitled to be absent from their properties but must continue to pay rent unless they apply for an exception due to special circumstances, as outlined below.

It is important that renters notify the Housing Officer if they plan to be absent from their property for an extended time so that welfare concerns are not raised if WMHP can't contact them.

8.1 Notification of Temporary Absence

Renters can notify the Housing Officer of a temporary absence via phone, email, SMS or in person.

The Housing Officer will need to ascertain:

- the proposed departure and return dates;
- any caretaking arrangements made for the property or remaining household members;
- contact details for the temporarily absent renter; and;
- whether a change to rental payment requirements is appropriate.

Renters who are temporarily absent are still liable for their property and the behaviour of any visitors who they permit on the property. This can still result in VCAT action where breaches of the Residential Tenancies Act are occurring.

8.2 Special Circumstances

There are sometimes temporary absences which are beyond the control of the renter or other household members, usually involving hardship. WMHP is committed to supporting and sustaining these tenancies in the longer term.

Special circumstances include:

- where a renter or household member is a victim of family violence and is forced to leave the property'
- when a renter or household member is ill and temporarily residing in a nursing home, hospital or other treatment or rehabilitation facility;
- when a renter or household member is incarcerated

If these or other special circumstances apply, WMHP will engage with the renter and, if applicable, a support worker or other renter representative to gather information relevant to the situation.

WMHP will assess individual circumstance and may exercise discretion in order to support and sustain the tenancy.

These discretionary actions may include:

- reducing rental costs for a period during the temporary absence;
- waiving service charges;
- renegotiating any debt repayment requirements during the temporary absence period;

- working with the renter and their support workers to identify an alternative housing option.

The Board will be responsible for approving any actions.

8.3 Caring for Dependants

A person who moves into a WMHP property to care for dependants remaining in the property will not be included in the household income assessment if:

- the renter is temporarily absent due to special circumstances; and
- the carer can demonstrate they live elsewhere permanently.

If the person cannot demonstrate they live elsewhere permanently, housing staff will add the person as a resident to the household composition and include their income in the rent calculation.

8.4 Extending the Temporary Absence Period

WMHP does not generally support periods of temporary absence longer than three months unless there are exceptional reasons.

Renters must request an extension in writing. When considering this request WMHP will consider whether the renter is absent due to special circumstances and the impact should the extension not be approved. Renters can submit an extension to the Housing Officer who will escalate it to the Housing Subcommittee.

8.5 Friends and Family

If a renter notifies WMHP that a friend or relative will reside in their property while they are away, this person must be added to the rental assessment as a resident. The rebate entitlement is then assessed on both the renter's and new household's income.

The absent renter remains responsible for ensuring rent payments are met.

If the renter is temporarily absent due to special circumstances, the rebate entitlement will be assessed on the household member's income only.

8.6 Failure to Return

If a renter fails to return to their property after the temporary absence period elapses, WMHP will make attempts to contact them. Where this fails, WMHP may initiate VCAT proceedings to regain possession for the property. This may include pursuing an abandonment application, addressing rental arrears or other relevant matters.

8.7 Family Violence

If the absent renter was a perpetrator of family violence and the remaining household member is the victim survivor of family violence and is eligible to stay in the property, action may be taken alter the residential rental agreement so the victim survivor can become a sole renter.

9. References

9.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- The Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Residential Tenancies Act 1997 (Vic)

9.2 Internal Requirements and Forms

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

- WMHP Rent Setting and Review Policy
- WMAC Privacy Policy
- WMHP Complaints, Feedback and Appeals Policy
- WMHP Arrears Policy

10. Review

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

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Approval Authority	Board of Directors WMHP Sub-Committee
Governing Authority	WMHP Sub-Committee
Document Type	Policy & Procedure
Policy applies to	All Staff and WMHP Tenants
Responsible position for Review and Actioning	Asset & Corporate Operations Manager
Date of commencement	16-07-2024
Date of this approval	16-07-2024
Projected Review Date	16-07-2026
Document Number and Storage	WMHP-P28 Folder location W: 1.5.4

AMENDMENT HISTORY

Date	Version	Approved by	Amendment Notes
16-07-2024	1.0	Board of Directors	New Document. Full review from previous ToR incorporating new Housing Program