

# Rent Arrears Policy

## 1. Policy Statement

Uniting Vic.Tas (Uniting) provides tenancy and asset management services for community housing to Uniting Housing Victoria (Uniting Housing), a Registered Housing Provider.

This policy sets out the processes Uniting has in place for managing rent arrears and debt recovery, in accordance with the relevant legislation of the *Residential Tenancies Act (RTA) (1997)*.

## 2. Scope

This policy applies to all Uniting Housing community housing tenancies which include, but are not limited to, tenancies in:

- Properties owned by Uniting Housing (Victoria) and Uniting Vic.Tas for use as long-term community housing
- Properties leased by Uniting Housing (Victoria) from Homes Victoria for long term community housing
- Rooming Houses
- Properties managed under the Transitional Housing Management (THM) program, the From Homelessness to a Home (H2H) program and the Homes for Families program; and
- Properties managed as Affordable Housing, including properties under the National Rental Affordability Scheme.

## 3. Guiding principles

In applying this policy Uniting will ensure:

- we are meeting our contractual, legal, and regulatory duties
- we help renters understand their rights and responsibilities under their rental agreement
- renters are provided with timely and accurate information regarding their rent and other debt accounts
- we are giving due considerations to the human rights and considering the impact of any decision we make under the Charter of Human Rights and Responsibilities 2006
- we address issues early to keep rent arrears at a minimum and prevent eviction
- eviction may only occur when all other avenues to address the arrears have been exhausted

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## 4. Managing rent arrears

Uniting aims to support all renters to meet their obligations to pay rent , in a way that minimises rent debt, sustains tenancies and avoids eviction.

Uniting requires renters to pay their rent on time and in advance at the commencement of and throughout their tenancy. If a renter does not pay all, or part of their rent by the due date, they are in 'rental arrears'.

At the commencement of a tenancy, Uniting provides each renter with information on the weekly rent payment amount, including any rebate calculation, and service charges (see **Rent Policy**). Renters are also provided information on how to make a rent payment and how to contact Uniting if there are any issues in making a rent payment by the due date.

Rental accounts are monitored on a weekly basis to enable prompt identification of potential rent arrears.

In the first instance of rental arrears, and where there is less than 14 days in arrears owing, renters are contacted as soon as possible and provided with a reminder via one or multiple communication methods (taking into account a renter's preferred communication method), including:

- Phone call
- SMS
- Letter
- Email

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.

## 5. Escalating actions for rent arrears

Where an agreement can't be reached, or a renter refuses to communicate with Uniting and arrears remain unpaid exceeding 14 days in arrears, tenancy managers in consultation with a team leader will issue a Notice to Vacate (NTV) under the *Residential Tenancies Act 1997*.

At the expiry of the NTV if there is still no payment and no communication with renter to make a repayment agreement, Uniting may begin the Victorian Civil and Administrative Tribunal (VCAT) process to apply for an Order of Possession and Warrant of Possession in line with the **Ending Tenancies Policy**.

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Uniting recognises that there are circumstances where a household may be unable to pay their full weekly rent amount, and these will be assessed on a case-by-case basis (see **Sustaining Tenancies policy**)

## 6. Definitions

Term	Meaning
<b>Affordable housing</b>	Rental housing where rent is charged at less than market level
<b>Community housing</b>	Rental housing owned and/or managed by a registered community housing provider
<b>Eviction</b>	Removal of renter from a property, as authorised by a Warrant of Possession issued by VCAT
<b>Homes Victoria</b>	Victorian government housing agency which provides funding and property leases for several programs managed by Uniting
<b>Notice to Vacate</b>	A legal notice telling a renter that the rental provider wants them to vacate the property by a certain date.
<b>Possession order</b>	An order granted by VCAT giving the landlord the right to obtain a warrant to regain possession of the property.
<b>Rent arrears</b>	Unpaid rent owed to the rental provider.
<b>Residential Rental Agreement</b>	Legal agreement between a rental provider (landlord) and renter (tenant) to rent a home
<b>Service charge</b>	A charge to renter for utility costs (e.g., electricity, gas, water) where these cannot be directly charged to the renter by the utility provider
<b>Warrant of Possession</b>	A legal document issued by VCAT authorising the Police to evict renters from a property.
<b>VCAT</b>	Victorian Civil & Administrative Tribunal. A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the Residential Tenancies Act 1997

## 7. Transparency and accessibility

This policy will be available on the Uniting Housing and Uniting Vic. Tas websites

If you require this policy in a language other than English, or in accessible format please contact Uniting.

This policy will be fully reviewed within 3 years of the approval date.

## 8. Legislation/Regulations

This policy implements the obligations of Uniting under:

- *Housing Act 1983*
- *Residential Tenancies Act 1997*
- *Residential Tenancies Regulations 2021*
- Charter of Human Rights and Responsibilities 2006
- Victorian Housing Registrar Performance Standards
- Service Level Agreement between Uniting Vic Tas and Uniting Housing

## 9. Related Documents

Rent Policy and Rent Setting Procedure

Sustaining Tenancies policy and procedure

End of Tenancy Policy and procedures

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