

TENANTS BOOKLET
NSW ABORIGINAL TENANTS ADVICE AND
ADVOCACY SERVICES

This booklet is aimed at assisting Aboriginal people who are renting through Housing NSW, Community Housing, Land Councils and other Social Housing Providers (SHP's).

This booklet is an initiative of the Aboriginal Resource Unit and the Aboriginal Tenancy Services to inform tenants on their rights and responsibilities. Aboriginal Advocates have identified the common issues which are outlined in this booklet. If you wish to have further information, please contact your nearest Aboriginal Tenant Advocacy & Advice Service. Contact numbers are outlined on page

Tenants' rights, particularly in respect to Private Housing, are covered under the Residential Tenancy Act 2010 which can be accessed under Resources and Links on www.nswats.com.au/



Produced by: Dtarawarra—Aboriginal Resource Unit in conjunction with the Aboriginal Advice & Advocacy Services throughout NSW

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We take no responsibility for the information in this package. This information booklet is always in a draft mode and is a living document to accommodate constant changes in the Residential Tenancy Act and Regulations.



INDEX

ROLE OF ABORIGINAL TENANT ADVICE & ADVOCACY SERVICE	3
SPECIALIST ABORIGINAL TENANCY SERVICES	4
RIGHTS AND RESPONSIBILITIES	5
CONFIRMATION OF ABORIGINALITY (C.O.A.)	6
MUTUAL EXCHANGE PROPERTIES	7
RECOGNITION AS A TENANT (SUCCESSION OF TENANCY	7
EVICTIONS	8
PAY & STAY	8
CLIENTS OVER 55 YEARS OF AGE	8
CLIENT 45 YEARS AND OVER	8
LEASE REVIEWS	8
MAINTENANCE AND REPAIRS	9
CLIENT SERVICE VISITS	9
RENTAL SUBSIDY FRAUD	9
COMMONWEALTH RENTAL ASSISTANT	10
PRIORITY HOUSING AND RE-HOUSING	10
BOND	10
ADDITIONAL/UNAUTHORIZED OCCUPANTS	10
VISITORS	11
PAYMENT OF RENT & WATER AND STATEMENTS	11
USE OF THE PROPERTY AND THE RIGHT TO QUIET ENJOYMENT	12
ACCEPTABLE BEHAVIOUR AGREEMENTS FOR TENANTS	12
APPEALS PROCESS	13
THE TRIBUNAL (NCAT)	13
CONTACTS	14



ROLE OF ABORIGINAL TENANT ADVICE & ADVOCACY SERVICES

Our Services Roles are to assist and advocate for Aboriginal tenants with issues relating to their tenancy. If you are a tenant renting and you need advice and/or advocacy, the following Aboriginal Tenant Advice & Advocacy Services may be contacted to assist with representation & assistance with Tribunal Hearings and to advocate on your behalf. The law is quite complex and our Aboriginal Tenant Advice & Advocacy Services are trained in this law and are knowledgeable of the policies of the Social Housing Sector. We also have access to an Aboriginal Legal Officer for more complex cases.

GENERAL COMMUNICATION PROCESSES IN RELATION TO YOUR TENANCY.

TIPS

Keep copies of all documents, letters, rent receipts, your lease, inspection reports and statements in a folder;

Keep a diary of all calls received and made regarding your tenancy;

Do not get frustrated and/or aggressive with neighbors and or Social Housing staff as there could be severe repercussions;

Know your rights to allow you to empower yourself to ensure you are able to negotiate with your Landlord;

If you receive a Notice of Termination or Eviction Notice from either your Landlord or the Tribunal (NCAT), contact your Aboriginal Tenancy Service immediately;



SPECIALIST ABORIGINAL TENANT ADVICE & ADVOCACY SERVICES

Aboriginal Resource Unit:	PO Box 126 Jannali NSW 2226
Telephone:	(02) 9589 1839;
Fax:	(02) 9589 3962
Website:	www.nswats.com.au/
Email:	ruthsimon@dtarawarra.com.au cheryldtarawarra@ihug.com.au
Greater Sydney:	Shop 8, 21 Regent Street, Redfern
	Telephone: 9698 0873; 9698 0925; 9698 0934;
Fax:	9698 0961
Website:	www.nswats.com.au/
Email:	rg_gsats@dtarawarra.com.au
Western NSW: (Dubbo)	201 Brisbane Street, Dubbo 2830
	Telephone:(02) 6884 0969; (02) 6884 1021; 6884 1035;
Fax:	(02) 6884 1060
Website:	www.nswats.com.au/
Email	admin_wataas@dtarawarra.com.au
North & North West: (Grafton)	F1 / 18 – 26 Victoria St Grafton 2460
Telephone:	(02) 6643 4426;
Fax:	(02) 6643 4862;
Website:	www.nswats.com.au/
Email:	terryk@aboriginaltaap.com.au
Newcastle Outreach:	5 Newcomen Street, Newcastle 2300
Telephone:	(02) 4929 5004
Fax:	4929 4003
Website:	www.nswats.com.au/
Email:	markg@aboriginaltaap.com.au
Murra Mia (Batemans Bay)	Unit 1, 25 Gregory Street
Telephone:	(02) 4472 6487
Fax:	(02) 4472 9363
Website:	www.nswats.com.au/
Email:	taaps@bigpond.com

Each Region has both Specialist Aboriginal & Mainstream Tenants Advice & Advocacy Services. The Aboriginal Tenant Advice & Advocacy Services' contact details are listed above. The Aboriginal Services are committed to helping Aboriginal tenants to keep their tenancies. **We support and advocate on your behalf and provide information about your rights.** There are a number of things that you need to be aware of before we can assist.

- The Tenant must sign a form to say that you agree for our services to help. This is called an Authority to Act Form. We need this form to present to your landlord and to the TRIBUNAL (NCAT);
- Make sure you ring your tenancy service in time for our workers to prepare your case. You should try to contact our services as soon as you are aware of the issue (termination, noise and nuisance, rental arrears etc.);
- Make sure you provide all your contact numbers to enable us to reach you or if you are absent from your property;
- Agree to our Conditions of Service.



TIP

Ask your Aboriginal Tenant Caseworkers if they are available to attend meetings with your Housing Authority. Make sure you give enough notice to the tenancy worker.

RIGHTS AND RESPONSIBILITIES: Your rights and responsibilities are noted on your lease agreement. The landlord's rights and responsibilities are also indicated on your lease agreement. Please take time to inform yourself of these obligations and rights. Note any extra conditions placed into the lease other than the standard legal requirements. Make sure you agree with extra conditions before signing.

Tenants' Responsibilities: Tenants should expect their Landlord to meet their obligations as set out in your Residential Tenancies Agreement and manage tenancies in line with its policies. Tenants also have responsibility for meeting the terms of their Residential Tenancy Agreement including:

- Paying rent on time even if you are away or in hospital as it is YOUR responsibility
- Looking after their property and to keep the property clean
- Being disruptive to neighbours
- Using your property for an illegal purpose
- Informing your Landlord when repairs are needed
- Informing Housing NSW and other social housing providers about changes in your financial, household or other circumstances when this information is relevant to the services that Housing NSW provides
- Premises should be kept clean, fit for habitation and secure
- You have the right for peace, comfort and privacy of the premises

TIPS

Housing NSW will take steps to evict tenants who repeatedly do not meet their responsibilities as tenants and if you are leaving your property for any period you are responsible for the actions of any person that enters your premises. The Governments policy maybe be 3 strikes and your out.

LANDLORDS' RESPONSIBILITIES:

- Must provide you with an agreement including a condition report;
- Must provide tenant with rent receipts upon request;
- Must give 7 days' written notice for property inspections;
- Must give 60 days' written notice of rent increases plus 4 days for delivery of notice;
- Must give written notice of termination (view table below). If a termination notice is posted to you, an extra 4 working days must be allowed for delivery.

Ground	Fixed-term agreement	Periodic agreement
No ground	30 days (see below)	90 days
Sale of premises	not applicable	30 days
Breach of agreement	14 days	14 days



CONFIRMATION OF ABORIGINALITY (C.O.A.) AND SUCCESSION OF TENANTS: For tenants living in Aboriginal Housing Office (AHO) properties or for Aboriginal or Torres Strait Islander households in public housing. (as of January 2014)

Recognition as a tenant through succession of tenancy is when an Aboriginal or public housing tenancy is transferred to another eligible member of the household. This occurs when the tenant has left the property due to health reasons (has been imprisoned or has died).

Aboriginal household members can apply to be recognised as a tenant if they are:

- a spouse or a de facto partner (including same-sex partners)
- a custodian or legal guardian of children in the household
- other household members.

You should be eligible for social housing and be an approved additional occupant of the property with a satisfactory history of occupation of at least two years; however, there are some exceptions.

If you are approved, Housing NSW will offer you a tenancy with a two-year, five-year, ten-year or continuous lease, depending on your circumstances. In most cases the tenancy you will be offered will be for the property you are living in. In some cases you may be required to move to a property that better matches your housing needs. This may happen if the property you are in is too large for your needs or has been modified to suit a client with specific requirements. Aboriginal people and Torres Strait Islanders are entitled:

- Be identified on the NSW housing register as being eligible for Aboriginal Housing Office properties as well as public or community housing.
- Take up their entitlement in public housing to one extra bedroom;
- Seek accelerated progression on the NSW housing register if they or members of their household are over 55 years of age.
- Nominate their interest in living in a Senior Communities property in public housing if 45 years of age or over.
- A Confirmation of Aboriginality – Aboriginal or Torres Strait Islander Organisation form completed by an Aboriginal or Torres Strait Islander organisation that is Incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* or an incorporated community organisation where all the members of the organisation are Aboriginal or Torres Strait Islander or both. (on their Letterhead)
- Confirmation must be provided via a formal resolution at a formal meeting of the organisation's governing body.

Where an applicant cannot provide confirmation using either of the methods described above, they can complete A

Confirmation of Aboriginality - Statutory Declaration forms (Statutory Declaration) and submits it as evidence of their Aboriginal and/or Torres Strait Islander descent. The applicant's Statutory Declaration will need to include: A statement that the applicant identifies as an Aboriginal or Torres Strait Islander person; A statement containing any information the applicant has about their Aboriginal family, including names and details of where the family are from, if known; A statement explaining why the applicant is unable to have their Aboriginality confirmed by a Local Aboriginal Land Council or an Aboriginal or Torres Strait Islander organisations (AMS, Link Up, Family Records, LALC's) and will need to be signed in front of a person authorised to witness Statutory Declarations for example a solicitor or a Justice of the Peace.

TIP

Confirmation of Aboriginality can be a long process. Gather appropriate evidence to provide to Landlord or Aboriginal organisation. Seek advice from the Aboriginal Organisation or Local Aboriginal Land Council



MUTUAL EXCHANGE PROPERTIES:

Mutual exchanges can only be approved for Aboriginal Housing Office tenants if:

- Rental and Water accounts must be up to date
- Number of bedrooms is appropriate
- Damage has to be fixed before moving
- Must be within the income eligibility limits for social housing
- There is no substantiated complaints: e.g. nuisance or annoyance complaints
- Tenant agrees to accept the relevant type and length of lease when they move
- If an AHO property, both properties must be AHO properties
- If an AHO property, both Tenants must be Aboriginal or a Torres Strait Islander

SUCCESSION OF TENANCY:

Succession of tenancy occurs when Housing NSW agrees to transfer a tenant's right to live in a Housing NSW property to another household member. In most cases the other household member must have been living with the tenant when the tenant leaves for at least 2 years and have been identified as an additional occupant on the lease. Some Landlords, Local Aboriginal Land Councils, Community and Social Housing allow for succession without the potential occupant living at the premises.

The eligibility criteria for applications for succession will differ depending on their relationship with the tenant. Some points to consider are:

- In applying for succession of tenancy from the registered tenant to another household member, the other household member must have been living with the tenant when that tenant leaves. Succession may be granted to an Aboriginal client who was not a member of the tenant's household at the end of the tenancy if it is clearly established that there is an association to the property.
- If your application for succession of tenancy to an Aboriginal Housing Office property has been recommended for decline by HNSW, the decision will be referred to AHO for the final determination on the application.

TIP

Succession of Tenancy is a complicated policy. You should seek advice from your Aboriginal Tenancy Worker.

RECOGNITION AS A TENANT FOR ABORIGINAL OR TORRES STRAIT ISLANDER CLIENTS WHO ARE NOT CURRENT HOUSEHOLD MEMBERS

For Aboriginal welfare board dwellings, Housing NSW Tenancies and AHO tenancies, please contact our Aboriginal Tenants Advocate & Advice Services.



EVICTIONS:

Evictions from properties managed by the Housing NSW for the AHO **must be approved by the Chief Executive Officer (CEO) of the AHO**, prior to the issue of a Warrant of Possession. The CEO must be satisfied that all appropriate steps to save the tenancy have been taken.

The law now allows for No Grounds Terminations with 90 days notification. These terminations are difficult to appeal. It is advised that you call your Aboriginal Tenancy Service immediately.

TIP – CONTACT YOUR ABORIGINAL TENANCY SERVICE IMMEDIATELY

If you receive a Notice of Termination (N.O.T.) from your Landlord for a breach of the agreement:

- **Do not leave the premises (you have a right to appeal). Only the Tribunal (NCAT) can make you move;**

Example: If you are in arrears 14 days after the rent was due, the landlord may give you a termination notice.

PAY AND STAY: If you receive an eviction notice for rental or water arrears, if you pay the entire amount of rental or water arrears, you can stay in your premises.

CLIENTS OVER 55 YEARS OF AGE: Eligible Aboriginal and Torres Strait Islanders who are over 55 years are entitled to housing assistance as a senior client. Senior clients on the Housing Register receive accelerated assistance with Public Housing.

CLIENT 45 YEARS AND OVER: Eligible Aboriginal and Torres Strait Islanders who are 45 years of age and over are entitled to a 10 year fixed term lease in both Housing NSW and Aboriginal Housing properties in respect to progression on the register.

LEASE REVIEWS: Tenants entering Housing NSW tenancies will be assigned a fixed term lease of 2, 5, and 10 years in length. It is important to note that eligibility depends on the **TOTAL HOUSEHOLD INCOME**. Before a fixed term lease ends, Housing NSW will collect information on a tenant's household and assess: whether the tenants are still eligible for public housing, and if eligible a 12 month, 2, 5, or 10 year lease extension may be granted.

It is essential that you are aware of all eligibility criteria and have gathered all the necessary information to support your review. This **should** be done prior to the end of your lease as your situation may have changed and Housing NSW may require you to leave. This could include: current doctor's reports, Centerlink Income Statements, other income statements, references and support letters detailing your situation. Please refer to the Housing NSW Website (the link is indicated on our Website www.nswats.com/au) for Maximum Gross Weekly Income (before tax) for Lease Reviews.

Housing NSW will not offer a lease extension for fixed term tenancies if: The tenant, spouse or partner own or part own property that they can live in or sell, the total weekly household assessable income is more than the weekly income limit for lease review, the total assessable income for the year preceding the lease review date exceeds the income limits for a lease review for a household of the tenant's current size and type, the tenant refuses to provide information if requested. If HNSW does not extend the lease of a tenant of an AHO property the final decision will be referred to the AHO.

TIP

It is expected from Housing NSW that all income for children over 18 years is disclosed. This does not include NSW Aboriginal Land Councils



MAINTENANCE AND REPAIRS: Housing NSW has **five response times** for maintenance requests that do not fall into the planned program of works. (these tend to change): = 4 hours, 24 hours, 48 hours, 72 hours & 20 days – dependant on the seriousness of the maintenance. If you do the repairs yourself, keep receipts and get approval in writing if possible. You can be reimbursed. Maintenance and repairs are your right and you are legally entitled to have your maintenance issues addressed in some incidences. Be proactive as you may be able to apply to the TRIBUNAL for Specific Performance Orders.

TIPS

- For tenants in community housing contact your regional offices.
- Take photos of the repairs needed before and after
- Do not sign anything if you do not agree with what work has been done
- If you live in an AHO property and Housing NSW refuse to carry out the repairs— call your regional AHO for advice
- Put in writing any requests for major repairs and keep a stamped receipt copy if delivering to your landlord
- Have a special housing diary to record all contact with your provider including reference numbers
- If you have to leave your premises so that repairs can be conducted, check to make sure you do not have to sign a new agreement when you move back.

TIP: You may at times be frustrated with your repairs but you must always pay rent.

CLIENT SERVICE VISITS: Visits are conducted shortly after each new tenancy begins and during the tenancy for Management purposes. For example:

- Maintenance issues; problems with neighbors, difficulties paying rent or property care issues
- Tenants who need support with other services
- To confirm who is living at the property and that the correct rent is being paid
- Update Housing NSW information and identify condition of the property
- To inform tenants about any plans for the property and maintenance issues
- Landlord must give seven days written notice for access

TIP: The Landlord can only access your property a maximum of 4 times per year.

RENTAL SUBSIDY FRAUD: Social Housing may charge market rent for all its properties. However, Social housing tenants can apply for a rental subsidy to reduce the amount of rent you will actually pay. This makes the rent more affordable for those households on a low income. A rental subsidy is the portion of market rent contributed by Housing NSW. Housing NSW grants a rental subsidy on the gross assessable income and assets of all members of the household who are aged 18 years and over (except in cases where the tenant or their spouse is under 18 years). There are Income limits for those tenants receiving a subsidy. These limits can be accessed on the HNSW Website.

It is the tenant's responsibility to satisfy Social Housing Providers that they are entitled to receive a rental subsidy. Tenants must advise Social Housing providers of any change to their household circumstances within 28 days of the change occurring even if they participate in the Income Confirmation Scheme.

Depending on the circumstances, Social Housing Providers may take a range of actions where it has determined that a tenant has received a rental subsidy they are not entitled to. These actions may include cancellation or adjustment of rental subsidies through to termination of the tenancy and/or criminal prosecution. Rental arrears may also occur.



COMMONWEALTH RENT ASSISTANCE (C.R.A.): Strict eligibility guidelines are applicable for tenants applying for Commonwealth Rental Assistance (CRA). Granting of the CRA depends on your income, eligibility for Family Assistance and the rent you pay. Check with Housing NSW to make sure you understand what you need to do or approach your Aboriginal Tenancy Service. Where the tenant receives a rent subsidy, AHO household members who are over 18 years of age pay CRA as part of their rent assessment. On behalf of the AHO, Housing NSW will: Include the CRA entitlements for AHO households; Assess the CRA at 100% for all household members treated as paying rent and add each household member's CRA to the rent for the household.

TIP: You cannot be charged more than market rent. If you pay market rent you may be eligible for rental assistance;

PRIORITY HOUSING AND RE-HOUSING: To be approved for Priority Housing, applicants must be:

- Eligible for Social housing (e.g. income limits, homelessness, disabled or mental health issues)
- In urgent need of housing, (homeless, living in overcrowded homes, in a refuge)
- Unable to resolve that need themselves in the private rental market. (you must have tried and have proof that you cannot get private rental)
- Provide as much evidence as possible to support your application.

BOND - INTEREST FREE LOANS: Under Rent Start Housing NSW may be able to assist you with a loan of up to 75% of your Rental Bond to establish a tenancy in the private rental market. The loan is interest free and repayable to Housing NSW. Any payments you make can be returned to you at the end of the tenancy if there is no claim made by the landlord or real estate. You are eligible for a Rent Start Bond loan if:

- You are eligible for Social Housing
- You have less than \$3,000 in cash assets
- You are able to sustain a tenancy in the private rental market
- Rent for the property you wish to rent is no more than 50% of your households total gross weekly income

ADDITIONAL/UNAUTHORIZED OCCUPANTS: An *additional occupant* is a person living in a Social Housing Provider dwelling who is not a member of the household approved by the Social Housing Provider. Tenants must apply to the Housing Provider before allowing additional people to live with them. If they do not, and the person/s exceeds the visitors' period (28 days) they will be considered to be an unauthorized occupant.

If Housing NSW approves the application, they will re-calculate the rental subsidy based on the new household income. (Extra occupants will not be able to stay in the house if the original tenant leaves the home). If tenants have *unauthorized occupants* living with them, their rental subsidy may be cancelled. In most cases Housing NSW and AHO will approve applications for additional occupants if:

- It does not cause severe overcrowding,
- The additional occupant does not have a poor record of tenancy with Housing NSW,
- Housing NSW is reasonably satisfied that nuisance will not occur by allowing the person as an additional occupant

TIP: A lot of our mob gets caught with unauthorized occupants during cultural activities and responsibilities: (example) the Koori Knockout and Funerals.



VISITORS: Friends and relatives who visit tenants for social or holiday purposes are not regarded as additional/ unauthorized occupants. Friends or relatives can stay with a tenant for up to four weeks (28 days) before you must let the Social Housing Provider know. If the tenant wants their visitor to stay for longer than 28 days, the tenant should apply for the visitor to be approved as an additional occupant. If you have had problems before concerning visitors Housing NSW may apply a visitor's sanction to your premises. This means that you must advise Housing NSW if any visitors are staying longer than 3 days. Tenants are responsible for ensuring that:

- Members of their household and visitors to their property meet the standards of behavior required by Housing NSW under the NSW Residential Tenancy Agreement 2010
- If the tenant receives a rent subsidy, the income of all people living in the household (including visitors who are staying more than 28 days) is declared to Housing NSW
- If you live in an AHO home, then the AHO must also agree to this visitor sanction.

PAYMENT OF RENT & WATER: Social Housing rent is paid weekly or fortnightly in advance. Tenants can choose from three methods of paying rent:

- By arranging an automatic payment from their Centrelink payments. This is called Centapay
- By paying at a Post Office using a rent payment card or the payment reference number
- By arranging an automatic payment from their bank, building society or credit union account.

TIPS

1. For example: if your rent is due on Monday each week. – Please pay it on the Monday or on the Friday before to ensure you remain in advance. When paying for rent and water – be sure to indicate the amount for water and the amount to be paid for rent. Be aware of weekly/fortnightly payments for rent and/or water are identified as per your Tenancy Agreement.
2. If you are having problems paying your rent, ask to speak to your Client Service Officer with your Social Housing Provider to explain your situation.
3. Mistakes may be made by Social Housing Providers as they may not enter the changes in circumstances and or misplace or lose the file.
4. Copies of all paperwork needs to be kept to prove your case

RENT AND WATER STATEMENTS: Tenants pay either a percentage water charge or an actual water charge. Housing NSW determines this according to whether: The property where the tenant lives has a separate or a shared water meter or the local water authority provides Housing NSW with sufficient usage information to determine the tenant's water usage. Rent and Water charges and statements vary from one Social Housing Provider to the next. However, under the Residential Tenancy Act 2010. You must receive rent receipts and the rent statements should list:

- the market rent for the property, the rental subsidy granted, the payments made, the amount owing at the next due date, a separate statement is issued for water.



USE OF THE PROPERTY AND THE RIGHT TO QUIET ENJOYMENT: All tenants have the right to quiet enjoyment of their property, for example, your landlord, however, must take all reasonable steps to ensure that neighbouring tenants do not interfere with the reasonable peace, comfort or privacy of the tenant. Tenants may not:

- Use their property for an illegal purpose, such as the manufacture, distribution or selling of illegal drugs
- Cause or allow a nuisance
- Interfere with the peace, comfort or privacy of neighbours
- Smoke in enclosed common areas within Social Housing properties.
- Allow more people than approved by Social Housing to live in the property.

TIP: Police have a Memorandum of Agreement with some Social Housing Providers where they report incidents directly to Housing NSW for their investigation if appropriate. Many tenancies have been jeopardized and tenants evicted because of neighbours fighting and drinking on or outside their tenancy.

Housing NSW states: "to a fair and discrimination free living environment for all tenants and will not tolerate harassment or discrimination towards any tenant or tenant group. This includes verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural or personal differences."

YOU ALSO HAVE THE RIGHT TO PEACE, COMFORT AND PRIVACY FROM NEIGHBOURS IN YOUR TENANCY.

TIP: If complaints are received, you may be required to sign an Acceptable Behaviour Agreement; Order of Performance or visitor sanction which will apply to your tenancy. Eviction may also occur.

ACCEPTABLE BEHAVIOUR AGREEMENTS FOR TENANTS: Your Landlord may request the tenant to give a written undertaking (an "acceptable behaviour agreement"), not to engage in specified anti-social behaviour on any of the following: the social housing premises to which the agreement relates, any property adjoining or adjacent to those premises (including any property that is available for use by the tenant in common with others). The operation of an acceptable behaviour agreement includes the behaviour of any other person occupying the social housing premises with the consent of the tenant (a "lawful occupier"). Accordingly, if any such lawful occupier engages in any anti-social behaviour that is specified in the agreement, the tenant is taken to have engaged in the behaviour and breached the agreement. Housing Providers may give a termination notice for the tenancy agreement entered into. If the tenant does not enter into such an agreement or having entered into the agreement, breaches that agreement a termination notice may be issued. (Anti-social behaviour" includes a reference to emission of excessive noise, littering, dumping of cars, vandalism and defacing of property)

TIPS:

If a former tenant with a history of nuisance or bad behavior re-applies for housing, they must satisfy the Social Housing Providers that the problems will not recur before Housing will approve their application;

The only time that you are not responsible for a person in your property is if people enter your home illegally.



APPEALS PROCESS: CONTACT YOUR ABORIGINAL TENANTS ADVICE & ADVOCACY SERVICE IMMEDIATELY as there are specific timeframes. (As a member or a tenant of an Aboriginal Land Council or Social Housing Provider you have the right to view their housing policies.)

NSW CIVIL & ADMINISTRATIVE TRIBUNAL (NCAT) - (THE TRIBUNAL): The role of the TRIBUNAL is to resolve disputes between tenants and landlords, in a timely and effective manner. Living in a rental property means that a tenant has entered into a 'residential tenancy agreement' with a landlord. The TRIBUNAL's Tenancy Division deals with disputes between landlords and tenants who have entered into such an agreement. Agreements can be between private landlords and private tenants and between tenants and Social Housing Providers. The Residential Tenancies Act 2010 (42) does not apply to hotels and motels, boarders and lodgers, protected tenancies, commercial or retail tenancies.

Disputes: The common types of tenancy disputes are: Termination of the residential tenancy agreement, Rental Bonds, Breaches of the agreement, for example: rent arrears, Rent Increases Uncollected goods, recognizing occupants as tenants

Gather your evidence: At the Hearing you will be asked to provide evidence to support your case. Bring three copies of your documents so that there is a copy for you, one for the Tribunal Member and one for the other party. Your evidence may include: copy of the residential tenancy agreement and condition reports, receipts, quotes, reports and payment records, support letters from other agencies that have or are assisting you, such as Health Workers/Doctors, Refuge Workers, police reports or legal papers, correspondence between parties, photographs showing the condition and state of repair, witness statements, statutory declarations or affidavits, any enforcement action undertaken, correspondence from Office of Fair Trading and any physical evidence.

Representation: If possible, your Tenant Advocate will assist and support you at the Tribunal if necessary and they are available. Do not leave it until the last minute as our Aboriginal Tenancy Services are busy and may not be able to schedule you in. Requests may be made for other family/friend relations to assist. If you are stressed or anxious let your Tenancy Worker speak or act on your behalf.

Applying for a Rehearing: If you are unhappy with the result of your Hearing at the TRIBUNAL, you should contact your Aboriginal Tenants Advice & Advocacy Service immediately. There are very strict guidelines and timeframes for applying for a Rehearing and they must be adhered to.

TIPS

Urgently contact your Tenancy Service to ensure enough time is given to preparing your case, the Tribunal is not a Court; You can take a support person with you, You should be prepared to try to solve the problem with the Landlord

TIPS

At the TRIBUNAL, the Member will send you out to conciliate with the Landlord to reach an agreement. All your evidence will assist you when making an agreement. This agreement will then be taken back into the Tribunal where it can be formalized and put into orders by the Tribunal Member.

TIP: You have the right to apply to the Tribunal to have your name removed from the Bad Tenant Database (TICA)



CONTACTS

Aboriginal Resource Unit

For Aboriginal Direct Services
(02) 9589 1839

(ARU)

Aboriginal Housing Head Office

(02) 8836 9444
1800 727 555 (Free call)

(AHO)

www.aho.nsw.gov.au

Aboriginal Housing Office

Aboriginal Housing Information Service
1800 727 555 (Free call)

(AHIS)

www.aho.nsw.gov.au

NSW CIVIL & ADMINISTRATIVE TRIBUNAL (NCAT)

Information and Enquiries
1300 135 399

(The TRIBUNAL)

(NCAT)

www.ncat.nsw.gov.au/

Housing NSW Contact Centre

Maintenance and Enquiries

Housing Contact Centre 1300 HOUSING
1300 468 746

www.housing.nsw.org.au

NSW Federation of Housing

Find a Community Housing Office Contact
(02) 9281 7144

www.communityhousing.org.au

NSWALC Head Office

NSW Aboriginal Land Councils
(02) 9689 4444

www.alc.org.au

Tenants Union

www.tenants.org.au

ABORIGINAL TENANT ADVICE & ADVOCACY SERVICE WEBSITE: www.nswats.com.au/

