

Cherbourg Aboriginal Shire Council



Housing Debt Policy

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REVIEW:

This procedure will be reviewed when any of the following occur:

- As required by Legislation:
- The related information is amended or replaced; or
- Other circumstances as determined from time to time by the CEO or Council.

Document Control / Version History

Version Number	Resolution Number Date Approved	Signature
1		
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Origion/Authority

Schedule 5 Indigenous Housing Program Assistance Agreement – Part 2.8 Rent Policies & Residential Tenancies and Rooming Accommodation Act 2008

Objectives

CASC is committed to the prevention and early intervention as a strategy for ensuring current tenants are paying their rent in accordance with Schedule 5 Indigenous Housing Program Assistance Agreement – Part 2.8 Rent Policies & Residential Tenancies and Rooming Accommodation Act 2008. Rent is the periodic payment of money by a tenant for the use of a house owned and managed by CASC.

For the purpose of this policy the person or persons who signed the tenancy agreement are responsible for paying the rent.

Tenancy debt Management

All tenants who signed a tenancy agreement are responsible for paying the weekly rent amount outlined in their tenancy agreement.

CASC Housing staff will once a week conduct checks on client's rental accounts to support early identification of rental arrears. Clients at risk will be assessed for individual tenancy sustainment plans.

Where a tenant is assessed as being vulnerable with a high level of risk of a tenancy breaking down, the housing staff will seek the tenant's informed consent to link with appropriate support providers.

CASC staff will be provided training to identify issues that relate to tenancy management relationships. The aim is to provide appropriate customer service and assertive referrals to support providers.

A support provider may already be in place or if the assessment identifies that inadequate support is in place, then with the tenant's consent, assertive referrals will be made to appropriate support providers.

Where needed CASC staff will work with the tenant and support provider to develop an appropriate plan for ensuring that any issues that may place a tenancy at risk are identified as early as possible and addressed in a preventative way.

Debt Management Processes:

Debt Management – Rental Arrears Steps

Step 1 – When a tenant/s sustain a rental arrears they will be contacted by Housing staff to arrange a meeting to discuss rental arrears issues. They will be issued a Form 11 Breach Notice and required to rectify the rental account within (7) working days.

CASC Housing Staff will follow up by either home visit, phone or email contact with the tenant/s to discuss and implement appropriate support measures including a Rent Owing Agreement/Debt Repayment Plan.

Step 2 – If Rental arrears are not rectified, then a second Form 11 BREACH Notice is sent and tenant/s required to rectify the rental account within (7) working days.

CASC Hosing Staff will follow up by either home visit, phone or email contact with the tenant/s to discuss and implement appropriate support measures including a Rent Owing Agreement/Debt Repayment Plan.

Step 3 – Failure to rectify rental arrears will result in a third Form 11 Breach Notice sent to the tenants to rectify the rental account within 7 working days.

CASC Housing Staff will again attempt to make contact with tenant/s by either home visit, phone or email contact, allowing the tenant/s 14 working days from time of contact to rectify rental account.

Step 4 – Failure to rectify rental account within 14 working days after the third Form 11 Notice of Breach will result in a Form 12 Notice to Leave sent by CEO – The Notice to Leave is requesting the tenants and household members to vacate the property within (7) working days.

Step 5 – Where the tenant/fails to vacate the property within (7) working days a action will be taken through either the Queensland Civil & Administrative Tribunal (QCAT), and/or Magistrates Court to recover the outstanding debt.

An application will also be submitted during Step 5 for a Warrant of Possession of the property through the Queensland Civil & Administrative Tribunal (QCAT). The property will be then returned to Council for reallocation processes.

When the tenant enters into a Rent Owing Agreement/Debt Repayment Plan at any step they will be placed on a 3 month probation tenancy agreement.

If the tenant breaks the Rent Owing Agreement/Debt Repayment plan at any stage above then they will be issued the Form 12 Notice to Leave.

At any time during this process a Tenant may surrender their property due to being unable to repay the debt owed to CASC.

CASC Housing will negotiate with the household members to establish if another household member is suitable or in a financial position as per Schedule 5 Indigenous Housing Program Assistance Agreement – part 2.8 Rent Policies to take over the tenancy, however the outstanding debt (or their portion of) remains with the previous Head Tenant.

CASC can review each issue on a case by case basis and determine appropriate recovery action depending on the families personal financial circumstances.

Debt Management – Rent owing Agreements/Debt Repayment Plans

Tenants in arrears will be required to enter into a Rent Owing Agreement which will be arranged by the CASC Housing Staff. The amount of repayment will be 5% of the total debt paid weekly.

This figure will be discussed with the tenant and if they are unable to pay the 5% a reduced amount may be negotiated pending proof of financial hardship.

The process of setting up a Rent Owing Agreement means the tenant has time to slowly pay back the rent arrears at an agreed fortnightly amount.

Failure to maintain the Rent Owing Agreement after Step 1,2, or 3 until the outstanding arrears are finalised will result in being issued a Form 12 – Notice to Leave and the debt forwarded through the collection process.

Where the tenant/s fail to vacate the property within (7) working days, an application will be submitted to the Queensland Civil & Administrative Tribunal (QCAT) for Warrant of Possession of the property.

If collection of debt remains unsuccessful, recovery action will be initiated by CASC solicitors through Queensland Civil & Administrative Tribunal (QCAT) through Small Claims Tribunal, and the Magistrates Court for recovery.

Debt Management – Vacated Arrears

Tenant/s surrendering their tenancy with the council at any time are required to enter into a Rent Owing Agreement and are to repay their amount owing.

Failure to uphold the agreement at any time will result in the debt being transferred to a debt collection agency. If debt still remains unsuccessful recovery action will be initiated by CASC. Arrears are recovered under Queensland Civil & Administrative Tribunal (QCAT) through Small Claims Tribunal and the Magistrates court for recovery action by Cherbourg Aboriginal Sire Council.

If a tenant surrenders his or her tenancy, where the tenancy agreement was shared between two or more registered tenants, the arrears will be shared and bases on a fair percentage. This means the debt will be dived and each person will be responsible for repaying their portion of the debt to CASC.

Debt Management – Deceased Arrears

If a co-tenant is deceased, the debt based on fair percentage will be submitted to Council for debt write off. The existing tenant/s are still required to rectify the remaining percentage of their component or rental arrears.

If the tenancy involves the death of a sole tenant, the property will return to Council stock; if there is no listed household member been nominated for Succession of tenancy.

The debt is unable to be transferred to family members as per legislation and will be submitted to Council for debt write off.