



Aboriginal Housing Office Housing Services Guidelines

May 2017

The Housing Services Guidelines are designed to support
Aboriginal Community Housing Providers to implement the minimum standards expected
when delivering services to tenants, for organisational governance and for effective financial and asset
management.



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Document approval

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Definitions

The table below is a list of terms, keywords and/or abbreviations used throughout this document.

Term	Definition
AHO	Aboriginal Housing Office
ACHP	Aboriginal Community Housing Provider

Introduction

The Aboriginal Housing Office's (AHO) vision is for every Aboriginal person in NSW to have equal access to, and choice in, affordable housing. To achieve this vision, the AHO has aligned its priorities so that it focuses on activities that will position the Aboriginal housing sector to be viable and strong.

The Housing Services Guidelines set out the minimum standards expected for registered Aboriginal Community Housing Providers (ACHPs) that are contracted by the AHO to manage Aboriginal housing properties to deliver housing and housing related services.

These Guidelines are designed to ensure ACHPs implement good practice in property and tenancy management, governance and undertake effective financial and asset management.

These guidelines are not intended to replace the regulatory, legislative and constitutional responsibilities and obligations of an ACHP.

How the Guidelines will be used

These Guidelines should be used by ACHPs in:

- Undertaking housing management of AHO owned properties.
- Writing policies and procedures for the organisation.
- Training staff members in good practice.
- Benchmarking performance against expectation and identifying areas for further improvement.
- Conducting any reviews or evaluations ACHP's might undertake in the course of running their business.
- Reviewing and/or developing the organisation's business model.

Much of the content of these guidelines is not new and as such, many ACHPs will already meet minimum expectations identified.

As outlined in the Housing Services Policy Framework, the contractual arrangement between the AHO and a registered ACHP requires ACHPs to comply with the policies listed in any AHO housing or assistance contract or agreement and to comply with the minimum standards for providing social housing services as detailed in this document.

These Guidelines also link to the National Regulatory System for Community Housing Evidence Guidelines which describe the performance indicators and evidence sources for assessing providers against the National Regulatory Code.

1. Applications and Allocations

1.1 Managing applications

All ACHPs should ensure that there is a fair, consistent and transparent process for accepting, reviewing and prioritising applications for Aboriginal housing.

Minimum Guidelines

It is expected that ACHPs will:

- adhere to the AHO *Eligibility Policy* and AHO *Access Policy* and ensure they are widely accessible, including on the organisation's website
- ensure there are systems for monitoring compliance with the AHO *Housing Eligibility* and *Access Policies*, the organisation's own policies and relevant legislation
- adhere to the AHO *Confirmation of Aboriginality Policy*
- ensure that all information received is confidential and sensitive business information and records are kept secure and protected*
- allocate appropriate resources to support prospective applicants to apply for housing through Housing Pathways or the organisation's own application for housing process
- if applying own application process, have an easy to understand application form and ensure that applicants are given help (if necessary) to complete the form
- ensure that applicants are given an opportunity to submit, in writing, any preferences or special requirements they have in relation to a property, including size, location and any access requirements
- have documented policies for assessing and reviewing applications
- assess and prioritise all housing applications based on the organisation's documented criteria.
- inform applicants about their eligibility status – if it is determined that they are not eligible, provide applicants with information on other housing options and information on how they can appeal this decision

* The State Archives and Records Authority of NSW applies "Functional Retention and Disposal Authority: FA303" to record keeping during the provision of social housing services. Authority FA303 sets out how long different classes of records generated by a social housing service must be kept to meet its legal, operational and other requirements for records documenting the provision of social housing. It covers the functions of client management, housing programs and property services and lists and describes record keeping requirements for actions undertaken within these functions. ACHPs must familiarise themselves with Authority FA303 and ensure records are kept and disposed of according to the guidelines. Authority FA303 can be located at:

<https://www.records.nsw.gov.au/recordkeeping/rules/retention-and-disposal-authorities/functional>

1.2 Allocating housing

All ACHPs should have a fair and consistent process for making housing allocations including prioritising, shortlisting and making offers of housing to applicants.

Minimum Guidelines

It is expected that ACHPs will:

- adhere to the AHO *Housing Access Policy*
- develop a comprehensive and easy to understand allocation policy and procedure on how allocation decisions are made and who makes them
- have an allocation policy that is available to the public and which details the rationale for how properties are allocated
- ensure there are systems for monitoring compliance with the organisation's policies and relevant legislation
- ensure applicants have a right of appeal and that staff assist applicants in making their appeal
- ensure the organisation's appeals process is documented and made available to all applicants
- ensure allocation policies and procedures are consistent with the organisation's governing acts e.g. *NSW Aboriginal Land Rights Act 1983* or *Corporations Act 2001*
- for AHO owned properties, give priority to applicants on the NSW Housing Register and request a shortlist of applicants from Housing Pathways (refer to 'Process for Non-Housing Pathways Applicants on the NSW Housing Register') on the AHO website.
- before proceeding to an offer of housing, ensure applicant(s) meet all eligibility criteria set by the organisation before an offer of housing is made
- before proceeding to an offer of housing, ensure that the property is appropriate to the applicant's needs, having particular regard for location and size of the property and any special access including suitability for older people or people with disability
- have a policy in place for how the organisation will manage an offer from their own waitlist of housing which is rejected by an applicant. This policy should define what is a reasonable offer and how rejections will be dealt with
- document all allocation decisions, explaining why a particular decision was made
- allocate properties as quickly as possible to minimise the length of time a property is left vacant
- ensure there is a transparent and fair process to mitigate conflicts of interest in the allocation of properties.

2. Tenancy Management

2.1 Establishing tenancies

All ACHPs should work closely with tenants to establish and maintain successful tenancies.

Minimum Guidelines

It is expected that ACHPs will:

- have policies on establishing and maintaining tenancies
- ensure that policies are consistent with the [NSW Residential Tenancies Act 2010](#)
- ensure there are systems for monitoring compliance with the organisation's policies and relevant legislation
- ensure that policies are widely disseminated and easily accessible, and available on the organisation's website
- ensure every tenancy is formalised through a [Residential Tenancy Agreement](#)
- give tenants the opportunity to have a support person present to assist them at the tenancy agreement 'sign-up'
- talk tenants through the Residential Tenancy Agreement, to make sure they understand their rights and responsibilities, before tenants sign the agreement
- at 'signup' inform the tenant about the organisation's policies and procedures relevant to their tenancy
- ensure that there are appropriate procedures for signing tenancy agreements with tenants who are under 18 years of age or have disability (such as intellectual disability or mental health issue)
- ensure a tenancy file is established for every tenant
- give tenant a copy of all key documents relating to the tenancy
- before signing a Residential Tenancy Agreement with a tenant, complete a property inspection and fill out a [Condition Report](#) that documents the condition of the property. Photos are useful
- after signing the Residential Tenancy Agreement, ask tenants to complete and return the property condition report and return it within seven days
- advise tenants in writing how any outstanding property repairs will be completed and by when
- give tenants a copy of the Condition Report once completed and signed
- adhere to the AHO *Build and Grow Rent Policy* or the *NSW Community Housing Rent Policy*.
- have a clear policy on how rents are charged and collected and procedures for lodging bonds
- clearly document any contact with tenants on the tenant file during the course of a tenancy
- facilitate tenants access to support services for tenants to help them sustain their tenancies such as disability, health, aged care and the Tenancy Advice and Advocacy Services

2.2 Setting and collecting rents

ACHPs should ensure that they collect sufficient rent to cover tenancy management, the costs of council and water rates, insurance, responsive repairs and maintenance, administrative overheads and other contingencies.

Minimum Guidelines

It is expected that ACHPs will:

- adhere to the AHO *Build & Grow Rent Policy* or the *NSW Community Housing Rent Policy*
- have a policy on setting, assessing and reviewing rent levels, including a formula on how rent levels are determined, taking into account rent affordability for tenants and financial viability for the ACHP
- ensure there are systems for monitoring compliance with the organisation's policies and relevant legislation
- ensure that policies are widely disseminated and easily accessible and available on the organisation's website (if applicable)
- clearly explain to tenants (verbally and in writing):
 - what the rent is
 - why it is needed
 - how rent is set and reviewed
 - who pays for water, sewerage and utilities
 - how rent and non-rent charges can be paid
 - what will happen if rent is not paid on time
- encourage and assist tenants with applying for Commonwealth Rent Assistance (CRA)
- encourage and assist tenants in applying for direct rent deduction schemes e.g. direct debit through bank accounts or [Centrepay](#)
- have policies about income reviews and rent increases and ensure that they are clearly explained to tenants
- have policies for dealing with rent and non-rent arrears and ensure that they are applied consistently, reliably and fairly
- have procedures in place for monitoring tenant rental payments, to enable early intervention through ongoing contact with the tenants and working to negotiate repayments where possible
- where applicable, ensure water charges are made in line with the [Water Usage Charging: Ministerial Guidelines for Aboriginal Community Housing Providers](#)

2.3 Tenancy transfer

ACHPs should ensure that if a tenant has a change in their circumstances that affects their housing needs, they can request to transfer to another property.

Minimum Guidelines

It is expected that ACHPs will:

- have a policy for tenancy transfer that clearly explains:
 - eligibility for transfer
 - grounds for transfer
 - evidence requirements criteria for assessing the urgency of a transfer
- have a policy for tenancy reinstatement that clearly explains eligibility for reinstatement
- have evidence requirements
- have criteria for assessing applications for reinstatement
- encourage tenants who want to transfer out of area to contact a local *Housing Pathways Provider* to check their eligibility to be placed on the *Housing Pathways Waitlist*
- ensure there are systems for monitoring compliance with the organisation's policies and relevant legislation
- ensure that policies are widely disseminated and easily accessible, and available on the organisation's website
- ensure there is a policy for relocating tenants for management purposes that clearly explains:
 - how the relocation will happen
 - if there is any financial assistance with the relocation
 - number of offers under management purposes
 - rejection of offers for relocation
- have a policy for mutual exchange that clearly explains:
 - eligibility criteria
 - evidence requirements

2.4 Ending a tenancy

ACHPs should ensure all residential tenancy agreements are terminated lawfully and respectfully in accordance with the organisation's policies and procedures.

Minimum Guidelines

It is expected that ACHPs will:

- have a policy for ending tenancies, including the use of S85 of the *NSW Residential Tenancies Act 2010* (90 day no grounds terminations)*
 - ensure there are systems for monitoring compliance with the organisation's policies and relevant legislation
 - ensure that policies are widely disseminated and easily accessible, and available on the organisation's website
 - allow tenants to stay in a property as long as they comply with the conditions of the Residential Tenancy Agreement
 - if a termination of a tenancy is initiated by the tenant, take steps to end the tenancy.
- This includes:
- finalising the rent account
 - calculating any outstanding tenant debt including rent arrears, water charges, tenant damage
 - refer to the condition report to conduct a joint property inspection with the tenant before they leave
 - give the tenant the opportunity to do any cleaning or minor repairs to the property prior to leaving
 - if applicable, obtain a signed agreement from the tenant on repairs the tenant is responsible for and how payment for these repairs will be made
 - where there are outstanding debts and the tenant is responsible, ensure that the tenant signs a repayment agreement to assist with debt recovery
 - give tenants a reasonable timeframe to vacate the premises
 - when eviction is necessary, follow due process starting with NCAT action
 - when ending a tenancy, including where eviction is necessary, ensure that communication with the tenant is documented
 - when a tenant abandons a property, follow procedures outlined in the *NSW Residential Tenancies Act 2010* in order to recover possession of the property and deal with abandoned goods

*Use of Section 85 Notice of Termination

ACHPs should not routinely terminate agreements under S85 of the RTA ('No Grounds Termination') as this section of the Act does not require a tenant to be given reasons for termination and does not afford the tenant recourse to the NSW Civil and Administrative Tribunal.

ACHPs are required to make all attempts to avoid 'No Grounds Termination'. ACHPs must acknowledge that a Section 85 notice is a last resort available within the RTA and should only be made in rare and exceptional circumstances. These circumstances should be clearly defined by the ACHP.

Every effort should be made to sustain the tenancy. All other avenues with the NCAT in relation to termination of the tenancy must have been exhausted and procedural fairness and tenant rights maintained.

Any ACHPs that pursue a 'No Grounds Termination' must have:

- Documented evidence that all avenues under NCAT have been pursued.
- Documented processes that allow for internal and external review, prior to the decision to terminate.

3 Complaints and Appeals

ACHPs should ensure that tenants and applicants are able to make complaints about the organisation and appeals against decisions made by the organisation. The organisation should address all complaints and appeals promptly, fairly, confidentially and without retribution.

Minimum Guidelines

It is expected that ACHPs will:

- have policies and procedures for accepting and responding to informal and formal complaints, for appealing decisions and feedback mechanisms
- ensure that there are staff available to deal with complaints and appeals and that they know the correct procedures for dealing with them
- maintain confidentiality of all parties involved
- record all information pertaining to any complaints
- inform people in writing about the outcome of their complaint or appeal
- ensure that senior management is kept aware of the number of complaints and appeals, the issues at hand and the timeframes for resolution
- provide tenants and applicants with information on external bodies they can complain or appeal to if they are not satisfied with decisions/actions of the organisation

4 Ensuring Quality Service Provision

ACHPs should ensure that Aboriginal people are assisted in accessing the full range of services provided by the organisation.

Minimum Guidelines

It is expected that ACHPs will:

- ensure that there is an office which is easily accessible to Aboriginal people in the community
- develop a service charter which communicates clearly to applicants and tenants the level of service they can expect to receive from the organisation
- be accessible for people using wheelchairs and prams – if this is not possible, arrange meetings in a mutually convenient place
- inform tenants and the community of office hours and who to contact about housing service
- ensure tenants have access to out-of-hours telephone numbers for emergency assistance
- have cultural protocols to guide staff in their interactions with Aboriginal and Torres Strait Islander people to ensure respectful and culturally appropriate communication
- have in place policies and processes that help the organisation meet its mandatory notification responsibilities under Keep Them Safe (child well-being and child protection)
- link tenants to support services to help them sustain their tenancies

5 Supporting Tenant Engagement

ACHPs must have in place tenant engagement plans/strategies, or policies and procedures, including mechanisms to collect feedback and take action.

Minimum Guidelines

It is expected that ACHPs will:

- involve tenants in the planning and delivery of housing services in a variety of accessible ways, e.g. face to face, forums, in writing, over the phone
- obtain feedback from tenants on its services e.g. through tenant satisfaction surveys, open days
- promote appropriate opportunities for tenants to be involved in their communities, e.g. community activities, information days, cultural events
- consult with tenants on proposals that will affect them such as changes in policies and new housing developments

6 Asset Management

6.1 Repairs and maintenance

ACHPs should deliver a reliable and responsive repairs and maintenance service to provide a safe environment for tenants and maintain the value of the property.

Minimum Guidelines

It is expected that ACHPs will:

- have clear policies and procedures to identify the type of repairs and maintenance, who authorises the work and who is responsible for payment
- ensure policy and procedures for dealing with urgent, priority and normal maintenance requests are consistent with the *NSW Residential Tenancies Act 2010*. Tenants should be able to access a 24 hour contact number for emergencies
- undertake regular property inspections (every six months) to the discuss any issues with tenants and to check the state of the property
- budget for routine maintenance and repairs annually
- set aside funds for long-term upgrades
- provide tenants with information about their rights and responsibilities in relation to maintenance, how to get work done and expected turnaround times
- encourage tenants with disability to make the organisation aware of their disability and or/ changing needs and manage requests for modifications based on Occupational Therapist reports
- ensure staff/members are trained in conducting property inspections and completing property Condition Reports
- ensure staff (at least one) have building maintenance/trade knowledge and experience
- have a system for prioritising repairs – risks to health, safety and security to tenants should be the highest priority.
- have a process for urgent repairs. Tenants should be able to access a 24hr contact number for emergencies.

- establish an individual property file and have repair and maintenance plans for each property
- have a clear policy governing modifications for elderly tenants, or tenants with a disability
- encourage tenants to report hazards and minor maintenance issues
- ensure there is a 4 hour turnaround on emergency repairs where there is a health/safety risk, e.g., a gas leak, electricity and water repairs
- conduct tenant satisfaction surveys every two years and maintain a satisfaction level of at least 75% for maintenance and property condition repairs

6.2 Efficient usage of AHO owned properties

ACHPs should ensure the efficient usage of AHO owned properties.

Minimum Guidelines

It is expected that ACHPs will:

- ensure that the AHO property vacancy rate does not exceed 2%
- ensure that vacant AHO owned properties are filled within 14 days
- ensure that all properties under management are insured, to the value of total replacement of the property, to cover any losses as a result of incidents and accidents
- ensure water rates and sewerage rates provided to each property are paid on time

6.3 Selecting contractors

Licensed contractors should be selected on the basis of their ability to deliver quality work, reliability and responsiveness, value for money and capacity to treat tenants with respect.

Minimum Guidelines

It is expected that ACHPs will:

- develop policies around how contractors are selected, with a view to minimising conflicts of interests and maximising value for money
- for major planned maintenance, seek multiple quotes from contractors
- give opportunities for Aboriginal contractors, or contractors that employ or provide apprenticeships to Aboriginal people, to bid for work
- have a system for documenting work required and provide clear written instructions to contractors
- develop a procedure for inspecting completed work, particularly more expensive and/or complex projects
- encourage tenants to provide feedback on repair work
- provide guidance to contractors on how to work with tenants, including cultural sensitivity
- develop guidelines for employees on how to handle complaints about contractors
- ensure payments for invoices are authorised by staff with the financial delegation to do so
- ensure that paid invoices are recorded and reported on correctly
- develop a framework for assessing and monitoring the performance of contractors

7 Financial Performance

7.1 Budgeting and financial management

ACHPs should use financial resources well and have effective financial planning, reporting and accountability practices.

Minimum Guidelines

It is expected that ACHPs will:

- prepare detailed annual budgets that reflect organisational priorities
- have sufficient funds to meet current and future liabilities such as staff entitlements, replacement and expansion of assets
- develop procedures for approving expenditure and monitoring financial performance against the budget
- ensure financial reports are simple to understand, prepared in a timely manner and there are systems in place to ensure accuracy
- develop a framework for recording and monitoring rent collection and arrears management
- ensure that financial responsibilities and delegations are clear and the authority to sign off expenditure is clear and there are appropriate financial checks and balances in place
- develop policies on debt recovery which clearly outline what threshold will trigger recovery action and how this will be taken
- notify the AHO immediately if there are any significant changes to the organisation's financial situation which may affect its ability to sustain effective financial management

8 Governance

8.1 Structures and accountability

All ACHPs should have a clear structure and a clearly defined process of accountability to allow the community and other stakeholders to have confidence in the organisation.

Minimum Guidelines

It is expected that ACHPs will:

- have a clear statement of vision and purpose to guide the provision of housing services
- have a written code of conduct for staff, volunteers and management
- establish a management committee (or similar) with clearly defined roles and responsibilities for its members
- ensure that all staff and members of the organisation have an understanding of the organisation's structure, and the different roles of the management committee and staff
- ensure senior managers of the organisation are accountable to the management committee

- in selecting members to the management committee, ensure that they have the experience and expertise relevant to the business and can best represent the interests of the community
- if this is a multi-functional organisation (i.e. provides more than just housing services), ensure that there is a housing specific management subcommittee to guide the provision of housing services
- ensure that the management committee meets regularly and considers reports on the performance of the key aspects of the business
- produce reports to its funding bodies and relevant statutory bodies on its activities and financial status where required and within the required timeframes
- produce annual reports to cover the organisation's activities, achievements, finances and issues

9 Roles and Responsibilities

The main roles and responsibilities for the implementation of these guidelines are as follows:

1. The AHO Chief Executive will endorse and approve the guidelines and all related documents
2. The AHO Director, Housing Client Services is responsible for ensuring that these Guidelines and associated AHO Policy is being adhered to by contracted ACHPs, consistent with the Contract and Performance Monitoring Framework and Contract Compliance Policy

10 Monitoring, Evaluation and Review

Performance and monitoring will be undertaken through AHO's existing Provider Contract & Performance Management Framework.

11 Support and Advice

Support and advice about these guidelines can be obtained from:

- AHO Policy, Programs and Design Innovation Unit who has carriage of this document, or
- AHO Regional Offices

12 Related Documents and Policies

These guidelines should be read in conjunction with the following documents:

- AHO Housing Services Policy Framework
- NSW Community Housing Eligibility Policy
- NSW Community Housing Access Policy
- AHO Complaints and Resolution Policy
- Ministerial Guidelines on Water Charging for Aboriginal Community Housing Providers
- NSW Affordable Housing Guidelines

- AHO Provider Contract and Performance Framework
- PARS Performance Review Framework

Further information:

- National Regulatory Code for Community Housing
- National Regulatory System for Community Housing – Evidence Guidelines
- NSW Family and Community Services – Community Services
- FACS Aboriginal strategy – Better outcomes for Aboriginal People and Communities