

Tenant Rights and Responsibilities - Policy Number 105

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1. Purpose

This policy outlines the rights and responsibilities of each tenant/household living in a Pacific Community Housing property.

2. Scope

This policy applies to all Pacific Community Housing assets and its tenants.

3. Principles

Having access to affordable housing is a human right, but it is also a privilege. This policy therefore outlines the rights and responsibilities each tenant/household has if they wish to continue to access affordable housing provided by Pacific Community Housing. The majority of these rights are defined in the Residential Tenancies Act 2010. This policy is intended to:

- Provide a clear understanding of a person's rights as a tenant
- Outline the responsibilities of a tenant
- Highlight the consequences should a person fail in their responsibilities as a tenant

4. Rights as a Tenant

A tenant living in one of Pacific Community Housing's properties has certain rights under law, including:

- Being treated fairly and respectfully.
- Being explained their tenancy, including how much rent they will pay.
- Being informed of all decisions made about their tenancy, including rent reviews, applications for additional occupants, relations and transfers.
- Being given copies of all documents required for tenancy.
- Having Pacific Community Housing's policies and procedures clearly explained to them when necessary.
- Having access to an interpreter, if needed.
- Having the right to have someone (an advocate) act on their behalf.
- That the property is reasonably clean when they move in and for repairs and maintenance to be arranged during the duration of their lease agreement.
- That the property has adequate security and a working smoke alarm/s.
- That Pacific Community Housing requests permission to access the property unless in an emergency.
- That Pacific Community Housing fulfils their obligations to refer child protection issues to the appropriate authorities.
- Having the right to enjoy the home peacefully.
- Having the right to end their tenancy early with no consequence if they are in circumstances of domestic violence and are not the perpetrator.
- That Pacific Community Housing provide the tenant with adequate notice for any breach of their tenancy agreement or notice to evacuate if the tenancy is at an end.

5. Responsibilities of the Tenant

Living in a Pacific Community Housing property means you live as part of a wider community. Therefore, in addition to the rights of a tenant, a person accessing the benefits of community housing also has a number of responsibilities to ensure the property and the larger community are safe and

well respected. A tenant is also responsible for all household members and any visitors who visit the property. These responsibilities include:

- Paying rent on time and continuing to pay rent until the tenancy ends.
- Meeting all payment responsibilities on time, including rent, water usage charges and bonds etc.
- Keeping the property clean and tidy to a reasonable standard, including gardens.
- Ensure no damage is done to the property by them, a household member or visitor.
- Reporting any repairs and maintenance to Pacific Community Housing as soon as problems occur.
- Personally, occupying the premises.
- Notifying Pacific Community Housing within 28 days of any change to your circumstances, such as employment, total income or number of people living in the property.
- Asking Pacific Community Housing for permission before making changes to the property.
- Looking after the security of the property, including advising if there are any issues with smoke alarms or other safety hazards.
- Treating all employees of Pacific Community Housing fairly and respectfully.
- Strictly abiding by Pacific Community Housing's Pets Policy.
- Having a good community spirit, helping keep the place you live in safe and pleasant.
- Ensuring the people living in your home and/or visitors do not cause a nuisance or annoyance to your neighbours and surrounding community.
- Not participating in any anti-social behaviour, including but not limited to, criminal activity, emission of excessive noise, littering, dumping of cars, vandalism and defacing of property.
- Not participating in and reporting abuse of any kind, including domestic abuse.
- Not discriminating someone for their age, being disabled, gender, gender identity, marital status, being pregnant or having a child, religious beliefs, race, skin colour, birthplace born or sexuality.
- Giving fair notice if you intend to move.
- Leaving the property in a good and clean condition as you found it.
- Paying all outstanding debts to Pacific Community Housing.

6. Consequences for Failing in the Responsibilities as a Tenant

If a tenant fails in their responsibilities as a tenant or if a complaint is logged against them, Pacific Community Housing will:

- Fairly and impartially investigate the issue or complaint.
- If not legally obliged otherwise, where possible, give the tenant in writing a formal warning and a reasonable timeframe to make reparations for their actions.
- When required evict the tenant adhering to Pacific Community Housing's 'Breaking or Terminating a Lease' policy.
- Encourage the tenant to contact the Tenants' Advice and Advocacy Service if required <https://www.tenants.org.au/all/taas>

7. Legislative Framework and Related Policies

- Breaking or Terminating a Lease – Policy 108
- Pets – Policy 107
- State Environmental Planning Policy (Housing) 2021
- Residential Tenancies Act 2010