

Housing Operating Policies, Procedures and Guidelines

Section 5:

Tenants rights and participation

Policy statement

5.01 Charter of tenants' rights

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5.03 Privacy statement (residential tenancy agreements)

Version: 1.00

Last updated: 30/11/2018



Policy statement

Rights of tenants

Standards:

- Tenants of Momentum Collective have rights as well as responsibilities which will be promoted and supported by the organisation. This policy sets out the rights of Momentum Collective's tenants.
- Momentum Collective will ensure tenants are made aware of their responsibilities prior to signing a lease for a property. Employees will use a variety of ways to inform tenants of their responsibilities and to help tenants continue to meet these.
- Momentum Collective protects the rights to privacy of its clients.
- Momentum Collective values feedback and will provide ways for tenants to provide feedback or make a complaint about decisions made in line with its Community Housing Service policies. Momentum Collective aims to provide tenants, advocates and family members fair and transparent processes so they can exercise their right to raise and resolve complaints with Momentum Collective.
- Momentum Collective will provide for tenants to seek a review of any decision made by Momentum Collective's Community Housing Service.
- Momentum Collective is committed to developing ways for tenants to participate in their immediate and wider communities.

Policy

This policy applies to tenants in their dealings with Momentum Collective Tenancy Officers and other relevant staff.

Momentum Collective employees will respect the rights of all tenants and use a variety of ways to ensure tenants are informed of their rights.

This policy does not seek to reiterate all tenant rights contained in the Residential Tenancies Act 2010.

Tenants of Momentum Collective have the right to:

- have their rights explained at the signing of their Residential Tenancy Agreement (RTA)
- be assisted to understand the tenancy agreement with a support person or worker where required
- be provided with the Rental Guide booklet
- be provided with a copy of the RTA
- be treated in a fair and non-discriminatory manner
- be treated with respect
- access safe and secure housing, according to their eligibility for social housing products
- be assigned a Tenancy Officer and receive their contact details
- discuss issues related to their tenancy and/or support needs with their Momentum Collective Tenancy Officer
- be referred to support services where they are available to help them maintain the tenancy
- be provided with an interpreter service, where necessary
- be consulted on housing needs and preferences during application, allocation and if their needs change during their tenancy
- have their personal information treated confidentially
- agree to disclosure of personal information to a designated support worker or agency
- be consulted on substantial changes on the way the tenancy is managed
- security of tenure within the terms of the tenancy agreement, funding guidelines and rules of social housing

- access information about other support organisations at Momentum Collective offices, where available
- lodge a complaint and appeal against decisions without fear of retribution
- receive assistance where literacy issues are identified
- use an advocate or support person in their dealings with On Track
- be informed of how to participate in the organisation and contribute to decision-making, where that option is available
- obtain advice from the Tenants Advice and Advocacy Services (TAAS), Northern Rivers Community Legal Centre (NRCLC), or any other source of advice and information on tenancy, social housing and welfare matters and be referred by Momentum Collective, where required.

Tenant responsibilities

Tenants and clients of Momentum Collective have responsibilities as well as rights. This policy details the responsibilities of tenants of Momentum Collective Community Housing. The policy applies to tenants in their dealings with Momentum Collective Tenancy Officers and other employees.

Tenants of Momentum Collective have a responsibility to:

- treat Momentum Collective employees and contractors with respect
- treat other users of the service with respect
- care for their property, including the grounds and gardens; treating them with respect
- abide by the terms and conditions of the Residential Tenancy Agreement (RTA)
- report any repairs or maintenance issues at their property to their Tenancy Officer as soon as practical
- pay rent on time and in advance
- work cooperatively with Momentum Collective employees
- respect the rights of their neighbours to the quiet enjoyment of their premises and not cause or allow any noise or nuisance, engage in anti-social, threatening, aggressive or violent behaviour to any person on or near the property
- notify Momentum Collective of any changes to household income or size within 14 days of the change
- allow access of their property to Momentum Collective employees or contractors, when required
- notify Momentum Collective of any changes in their contact details
- inform Momentum Collective if they are going to be absent from their property for a period exceeding two weeks (maximum allowable absence of 10 weeks over a five year period)
- not make changes to their property without the consent of Momentum Collective
- not conduct any business or trade at the property without the consent of Momentum Collective
- ensure no illegal activity occurs at the premises
- ensure all visitors and household members abide by the above-mentioned responsibilities
- return the property in the same condition it was originally leased (fair wear and tear excepted) when vacating the premises.

Momentum Collective has a Record of Understanding (ROU) with NSW Police permitting us to make enquiries about activities at Momentum Collective properties or complexes where required.

Access to services

Momentum Collective clients are able to access the full range of services provided by the organisation.

This means that:

- Momentum Collective offices are located in accessible locations
- Office operating hours maximise service delivery outcomes for clients
- Momentum Collective offices are fully accessible for people with disabilities

- Momentum Collective ensures that all its written information, including letters, newsletters, etc. is clear and is written in plain English.
- The written policies and (relevant) procedures of Momentum Collective will be available to any clients on the Momentum Collective website and to all clients upon their request.
- Where clients have been identified with special communication needs (e.g. inability to read English, sight impairment, illiteracy, cognitive impairment, etc.) arrangements will be made to ensure that any information is understood.
- To better improve the access of people from non-English speaking backgrounds to our services, Momentum Collective will use professional interpreter services wherever appropriate and possible.
- Clients will be welcome to bring friends, family or advocates of their choice to any interview or meeting with Momentum Collective.

Privacy & confidentiality

Momentum Collective regards maintaining the privacy of our clients is an important principle of our service. Privacy is important because people expect us to handle their personal information properly. Momentum Collective has a legal obligation to protect the privacy of personal information, and we also have funding arrangements which require us to ensure the privacy and confidentiality of the information we collect. Momentum Collective recognise that even a simple breach of privacy could potentially have serious consequences.

All Momentum Collective Directors and staff must be aware of the following relevant legislation:

- Federal Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)

A Privacy Statement will be provided to all new Momentum Collective tenants and will be made available to all tenants of the organisation. This statement will:

- meet the principles and requirements of national and State-based privacy legislation
- Clearly document how the privacy of Momentum Collective tenants will be protected across all areas of the business
- Outline situations where exclusions to general privacy standards may be legally required of Momentum Collective.

Privacy Officers will be appointed within Momentum Collective in order to:

- generally oversee the privacy obligations of Momentum Collective
- assist staff with handling client matters involving privacy issues
- approve the provision of information to third-parties (as allowable under the exclusions noted in the Momentum Collective Privacy Statement).

Feedback and complaints

Feedback	Comments and opinions about something, intended to provide useful information for future decisions and development. It can include suggestions for improvements.
Complaint	When a tenant advises they are dissatisfied with the tenancy and property management service, standards, practices or policies. This may be in relation to a specific incident, or a more general observation or experience of the service. A tenant is welcome to provide feedback, or express their concerns at any time.

Momentum Collective will:

- provide ways for suggestions and feedback to be made to the Community Housing Service in writing, in person or by phone
- respond to complaints from applicants and tenants in a timely manner
- provide a complaints process that is easy to understand and use
- seek to resolve any complaint fairly, without fear of recrimination, or interruption to the services being delivered.

The Complaint Form and the Complaints Handling Policy and process are available on request from Tenancy Officers and on the Momentum Collective website.

Decision review

Aims

Momentum Collective aims to provide tenants, family members, guardians and advocates a fair and transparent process in relation to decision-making to ensure that they have a right to:

- have a decision reviewed
- lodge a request with Momentum Collective to have a decision reviewed
- lodge an application with the Housing Appeals Committee (HAC) to have the appeal reviewed.

An applicant for housing or housing services or a tenant can request a review of a decision made by Momentum Collective if they believe it was incorrect, unfair or would like the opportunity to provide additional supporting information.

Principles

- The following principles guide the development of all processes and systems by Momentum Collective to handle requests for decision review:
- Clients are provided with a range of accessible options to have any matter of concern heard and rectified promptly, particularly frontline complaint management protocols and the setting of appropriate levels of authorities for staff to promptly resolve matters of concern
- Clients are informed how to make a complaint or an appeal and their comments, concerns, suggestions and criticisms are welcomed by Momentum Collective
- Tenants or applicants are not penalised for requesting a review
- independent mediation will be offered if required and considered appropriate
- All requests made are logged
- Clients who lodge requests are kept informed of the progress (or of alternative actions being taken where appropriate)
- Momentum Collective staff are trained on complaint and decision-review handling
- All request data logged is regularly analysed in order to identify any systemic or common issues and are subsequently addressed in order to improve the quality of service and products
- Escalated (or “tiered”) systems approaches to review requests ensure that the client is not disadvantaged and should, wherever possible, have the matter fully handled as a result of a single concern being raised
- All requests are heard and resolved as soon as possible.

Tenant participation

Policy

Momentum Collective encourages tenants to participate in the provision of their housing, their communities as well as provide feedback in relation to the services provided by On Track.

Tenants will be informed throughout their tenancy of the different ways they can participate or provide feedback to the organisation.

The benefits of tenant participation include:

- assist Momentum Collective to better understand the needs of our tenants and communities
- allow Momentum Collective to make improvements as a result of feedback where possible
- allow tenants to become involved with their housing provider and their community
- improve the relationship between tenants and Momentum Collective employees
- provide an opportunity for tenants to meet their neighbours and other housing service tenants
- help tenants to understand how Momentum Collective operates and makes decisions
- educate tenants about their rights and responsibilities
- inform tenants about any changes within the organisation which may affect the way their tenancy is managed or their property maintained.

Momentum Collective respects the right of tenants to decline to participate in any activity or event.

Working with tenants

Momentum Collective will provide information about issues relating to a tenant's tenancy through a range of formats such as newsletters and tenants' meetings.

Momentum Collective will assist tenants directly, or by referring to tenants to other support agencies.

Momentum Collective Community Housing Service staff will support local community activities including: block or street meetings, the establishment of community gardens, or help establish social groups or meetings.

Momentum Collective welcomes suggestions about how it can do things better and will provide ways for tenants to offer suggestions, provide feedback, or contribute to decisions which significantly affect the way their tenancies are being managed.

- Any decision to offer a renewable tenancy are made subject to NCCH agreed delegated authorities.

ENDORSEMENT	
Version	1.1
Ratified by	Board of Directors
Date	July 2017
Review	July 2019
Person responsible	Director Property & Housing
Legislation and other requirements	Residential Tenancies Act 2010 (NSW) Residential Tenancies Regulation 2010 (NSW) National community housing standards National Regulatory System for Community Housing National Disability Insurance Scheme Quality Improvement Council Standards (Community Services) Community housing access policy Community housing eligibility policy Quality Improvement Council Standards (Community Services) Australian Work Health and Safety Standards AS/NZS 4801
Related policies and procedures	Momentum Complaints policy IONMY – How to Guide Complaints, Feedback and Compliments Momentum management of complaints - procedure Section 1: Access to housing Section 2: Establishing tenancies Section 3: Rent setting and management Section 4: Asset management Section 6: Tenancy management Section 7: Changing needs of tenants Section 9: Ending Tenancies Section 10: Special conditions and programs Disclosure consent form

5.01 Charter of tenants' rights

(Under review/development – November 2018)

5.02 Complaints and appeals

For procedural information concerning the lodgement of complaints and appeals with Momentum, see:

- Momentum Complaints policy
- IONMY – How to Guide Complaints, Feedback and Compliments
- Momentum management of complaints - procedure

Additionally, the following procedural requirements are in place for matters relating to Momentum housing clients (tenants and applicants):

Appeals (request for a decision review):

- Use Add Note to the tenant's record in Chintaro
- Select "Appeal (first-level)" from the Note Type list
- Direct the note to the person who made the original decision and give them 14 days to respond
- The original decision-maker makes a recommendation to either uphold, party-uphold or decline the appeal (and provides reasons for doing so) Note: The original decision-maker has no authority to make the final decision on appeals (because all appeals need some independent review of the original decision, but this is their chance to explain their original decision – and change it if they wish to do so)
- The matter is then directed to me for a final decision and to organise a response to the tenant

Complaints (expression of service dissatisfaction):

- Use Add Note to the tenant's record in Chintaro
- Select "Complaint" from the Note Type list
- Direct the note to General Manager Housing and provide 14 days to respond
- Complaints are also lodged in IONMY; and

5.03 Privacy statement (residential tenancy agreements)

The following text will be added as an additional terms to all Momentum residential tenancy agreements:

The landlord agrees:

- To comply with the Federal Privacy Act 1988 (Cth), the Privacy and Personal Information Protection Act 1998 (NSW) and the Health Records and Information Privacy Act 2002 (NSW), and
- To only collect personal information about the tenant that is relevant or necessary for the Proprietor to conduct its business and activities and to collect information in a way that respects the privacy of the occupant, and
- To ensure the tenant's personal information is stored and destroyed securely, and
- To use the information collected for its intended purpose or a directly related purpose, unless an exception applies, and
- To only disclose collected information to a third party either with consent of the tenant or under other legal authority or requirement of the Proprietor, and
- The tenant has a general right to see the information held about them by the landlord and to request that the landlord amend data that is not accurate, up to date, incomplete, or is misleading

The tenant agrees:

- If the tenant has a history of behaviour that is intimidating or aggressive, or any other behaviour that is a potential safety concern, the landlord may disclose certain information to protect the safety of its employees and other representatives when visiting the premises, and
- The landlord may disclose information to the Police where it is reasonably believed there is a serious and imminent threat to the life, health or safety of an individual or where the information is reasonably necessary for law enforcement purposes, and
- The landlord may disclose information to other Commonwealth or State/Territory agencies, courts, tribunals or statutory authorities, where the Proprietor is legally required to do so, and

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