Management of Tenancies

Coodjingburra H.O.M.E
Helping Our Mob Everywhere

1. Purpose

To outline the process for managing tenancies, from the beginning, through any changes in circumstances, to the end of the tenancy.

Statement: The management of tenancies will adhere to relevant acts and legislation, ensuring the rights and obligations of both Coodjingburra HOME and its tenants.

2. Scope

This policy applies to any tenant who has accepted an offer of housing and has signed a residential tenancy agreement.

3. Guidelines

3.1 Accepting an offer

When offered a property, applicants have 14 days to sign the lease. This offer adheres to the Coodjingburra HOME Allocation of Home policy.

3.2 Property Condition Reports (PCR)

Tenants will be provided with a property condition report (two copies or one electronic copy) at or before the time of signing the lease as well as information about how to complete and return the PCR. If necessary Coodjingburra HOME staff will assist in the completion of the form however this is an independent process, and the tenant will be requested to complete the form on their own.

Tenants are encouraged to take photos of the premises and submit them along with the property condition report.

The Property Condition report must be returned within 7 days of commencement of the tenancy.

3.3 Changes in Tenancies/Special Circumstances Requests/Termination of Tenancies

Coodjingburra HOME understands that housing needs and/or family situations may change. It is a requirement that tenants notify us of changes within a timely manner as the change may affect the rent, overcrowding or underoccupancy or a breach of your tenancy agreement.

3.4 Changes - Occupancy of Properties

Tenants must notify us of any changes in the number of permanent occupants (people visiting for more than 28 days) residing at their premises within seven (7) days. The tenancy agreement made between Coodjingburra HOME as landlord and a tenant will specify the maximum number of people able to reside in the property.

See more here: https://www.nsw.gov.au/departments-and-agencies/homes-nsw/social-housing-resources/during-a-tenancy-policy

When submitting a housing offer, we will take into account the number of people in the household, their age and the number of bedrooms in the property, in line with the NSW Eligibility for Social Housing – Entitlements Policy Supplement:

https://www.nsw.gov.au/departments-and-agencies/homes-nsw/social-housing-resources/social-housing-eligibility-and-allocations-policy-supplement/eligibility-for-social-housing-entitlements

Any additional occupants intending to stay in the property for more than 4 weeks must undergo an approval process. Forms for additional occupants are available from the Operations Manager.

3.5 Recognition of Tenant

Recognition as a tenant is the situation that arises when a household member or other eligible person connected to the household requests to continue living in a property after one of the following “recognition as tenant” events has occurred, example the tenant has:

- died, or
- left the property because of being imprisoned, or
- left the property due to health reasons, for example, has entered a nursing HOME or an institutionalised care facility.

We will consider the personal circumstances and assess the application but noting that we have the right to make a final decision. We will also seek guidance from the Aboriginal Housing Office in alignment with NSW policies prior to making a final decision.

Applications for recognition as a tenant must be submitted within 10 weeks of the occurrence. The Operations Manager will assist with the application process and supply the appropriate forms for completion.

3.6 Absence of Dwelling

Coodjingburra HOME policy in this regard will mirror Homes NSW policy found here:

https://www.nsw.gov.au/housing-and-construction/social-affordable/public-housing-tenants/rights-and-responsibilities/being-away-from-your-home

Rent must continue to be paid through Centrelink direct deduction or paid in advance. Rent will be reduced to a minimum level in certain circumstances, such as a tenant being imprisoned or entering a drug and alcohol rehabilitation program. Where applicable, Coodjingburra HOME will apply the DCJ Policy on Eligibility for $5 minimum rent:

https://www.nsw.gov.au/departments-and-agencies/homes-nsw/social-housing-resources/charging-rent-policy

AHO- Aboriginal Community Housing Rent Policy - Request for an absence application must be completed in writing, with accompanying evidence before the absence.

You can be away from your home for up to six (6) months for an acceptable absence. In special circumstances, you can apply to extend the absence beyond six (6) months and a decision will be made by Coodjingburra HOME.

You cannot be absent for more than 12 months in total over five (5) years.

Acceptable reasons for absences up to six (6) months include:

- caring for sick or frail family members
- hospitalisation, institutional care, nursing HOME care or rehabilitation
- escaping domestic violence, harassment or threats of violence
- assisting with immigration matters in your country of origin
- holidays
- employment, education or training
- tenants going to prison

We may approve your absence from your home if we are satisfied that:

- you have made arrangements to pay your tenancy charges, such as rent and water usage, while you are away
- the property will be adequately cared for while you are away
- there is an acceptable reason for you going away
- you have appointed an agent aged over 18 to act on your behalf while you are away

3.7 Transfers

There are two categories of transfers, Management Initiated Transfers and Tenant Initiated Transfers. AHO and Homes NSW tenant transfer policy will be followed.

3.8 End of Tenancy Transfer - Notice by a Tenant

Tenants may end a fixed-term lease before its due date if they give Coodjingburra HOME sufficient notice. The only exception is where a tenant may end their tenancy immediately, and without notice, if they or their child is in circumstances of domestic and family violence as per the Domestic Violence Termination Notice. (Division 3A Residential Tenancies Act 2010)

- As per the Residential Tenancies Act and Homes NSW Policy tenants must provide 14 days' notice for a fixed-term lease or 21 days for a continuous lease.
- The tenant must give written notice of their intention to vacate, specifying the date they want the tenancy to end and allowing for the correct number of days for giving notice.

Coodjingburra HOME will evaluate any outstanding rent or debts and promptly inform the tenant to arrange the retrieval of all or part of the bond or to come to an agreement regarding the payment of expenses and/or the completion of necessary maintenance on the property. The tenant is responsible for removing all personal belongings and any refuse from the property, leaving it in a clean and orderly condition as close as possible to its original state at the start of the tenancy, excluding reasonable wear and tear. Coodjingburra HOME will coordinate a mutually convenient time for a final inspection and key return.

3.9 Abandonment

The Residential Tenancies Act 2010 (Section 106) allows us access to a tenant's property with minimal or no notice if there are strong suspicions that a property has been abandoned (in which case we will assess the property for evidence of occupancy and check with neighbours next of kin, or a tenant's workplace. If no evidence of occupancy, the property will be secured, and the locks changed.

The NCAT process will be followed to manage the termination of tenancy.

3.10 Breaches of the Tenancy Agreement:

Coodjingburra HOME policy on tenancy breaches will mirror the Residential Tenancies Act. All forms, including termination notices, and information can be found at:

https://www.fairtrading.nsw.gov.au/housing-and-property/renting

When a tenant breaches their agreement, Coodjingburra HOME will explore all options to assist the tenant in maintaining their tenancy. While the formal process for rectifying the breach should be followed, the primary objective is to offer the tenant support, referrals, and alternatives to safeguard their tenancy.

Tenants will be notified of any breaches and have the opportunity to address the issue. If they do

not comply, a termination notice will be issued. Tenants will be encouraged to rectify the matter before the notice expires. If they fail to do so, Coodjingburra HOME will pursue the matter at the NCAT for a specific performance order. Seeking a termination order should only occur when all reasonable avenues for rectification have been exhausted, or in cases where the breach involves a serious criminal matter.

3.11 Termination of Agreement

Termination of tenancy can occur in a range of circumstances. Termination can be initiated by the tenant or Coodjingburra HOME. All termination notices will be compliant with the Act and provide 90 days' notice of termination. We advise that the circumstances for issuing such a notice would be rare and foreseeably would only occur in a small number of situations. These might include:

- If the AHO determined that their asset was to be sold, or it became necessary to make it vacant for major works.
- If the property was under occupied – for example, a single person living in a three (3), or more, bedroom dwelling.

The first action will be to negotiate a transfer with the tenant without the need to issue a notice or proceed to NCAT. A formal process should be the last resort if the tenant refuses to enter negotiations consistent with AHO/Homes NSW policies, the tenant should be offered alternative accommodation. See transfer policy.

3.12 Approvals/Audit Process

Monthly reporting on KPIs, as determined by the Board, AHO and Directors by the Operations Manager. Trend reports, analysis and responses to performance outside of KPIs will be provided to the Board quarterly.

In line with Coodjingburra HOME's goal to improve operational focus to ensure effectiveness, efficiency and tenant focus, review and assessment of best practices by sector leaders, peers and CHIA frameworks will occur. Assessment against the National Community Housing Standards Manual 2010 may be undertaken on a project basis.

Tenancy termination must be approved by the Chair. AHO will be advised prior to termination and their guidance considered.

4. Relevant Legislation, Regulations and Guidelines

Aboriginal Housing Office	Residential Tenancy Act
Eligibility for Services Policy | Aboriginal Housing Office (nsw.gov.au) CLICK TO VIEW & DOWNLOAD	Residential Tenancies Act 2010 CLICK TO VIEW
Eligibility For Services Policy Factsheet | Aboriginal Housing Office (nsw.gov.au) CLICK TO VIEW & DOWNLOAD	Residential Tenancies Regulation 2019 CLICK TO VIEW

more on next page

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NSW Department of Communities and Justice (DCJ)	NSW Civil and Administrative Tribunal (NCAT)
Tenancy Policy Supplement |Homes NSW (nsw.gov.au) CLICK TO VIEW	General Information CLICK TO VIEW
NSW Affordable Housing – Ministerial Guidelines 2023/24 CLICK TO VIEW & DOWNLOAD	Tenancy and social housing (nsw.gov.au) CLICK TO VIEW

NOTE: We have inserted the exact links as of June 2026. Links can change from time to time. To clarify, or if you encounter any challenges, please contact Operations Manager Sharyn Logan:

sharyn.logan@coodjingburrahome.com or **0431 633 002**