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| Rental references operational guidelines |
| Effective date July 2017 |

Contents

[Overview 1](#_Toc489876706)

[Who does this operational guideline apply to? 2](#_Toc489876707)

[Operating principles 2](#_Toc489876708)

[Neighbourly behaviour statement 2](#_Toc489876709)

[Antisocial behaviour 3](#_Toc489876710)

[Households exhibiting antisocial behaviour 3](#_Toc489876711)

[Tenancy breaches 3](#_Toc489876712)

[Incident reporting 4](#_Toc489876713)

[Support worker requirements 4](#_Toc489876714)

[Involvement of other departmental program supports 4](#_Toc489876715)

[Transferring tenants 5](#_Toc489876716)

[Tenant fails to remedy antisocial behaviour 5](#_Toc489876717)

[Human rights impact statement 5](#_Toc489876718)

# Revision history

| Version | Amended section | Effective | Details |
| --- | --- | --- | --- |
| 1.0 |  | September 2014 | Date of issue |
| 2.0 |  | July 2017 | Incorporation of ‘version control table’ |

# Overview

These operational guidelines outline the requirements for the provision of a rental reference letter to a current or former public housing tenant.

The provision of a rental reference letter may occur during or following a tenancy. Tenants must have been public housing tenants for a minimum of 12 months to be eligible to receive a rental reference letter.

In determining suitability for a rental reference letter, staff will consider and review the last 12 months of the tenancy of a past (for tenants who have vacated) or current tenant.

Rental reference letters relate to the:

* compliance of the tenant with their obligations under the *Residential Tenancies Act (1997)*
* compliance of the tenant with their obligations under their tenancy agreement
* compliance with the *neighbourly behaviour statement* including*:*
  + - rental payment history or arrears
    - keeping the property reasonably clean both inside and out
    - any history of causing damage to the property
      * repeated patterns of antisocial behaviour.

Staff must complete a *rental reference – tenant suitability checklist* in determining the appropriateness of issuing a rental reference letter. Staff will provide a rental reference letter when all criteria are met by the tenant.

Staff will give consideration to the tenant’s willingness to take responsibility and action to address identified issues during the 12 month review period. Staff will also seek line management advice and guidance in the event complex tenancy issues are identified.

Under certain circumstances, such as when mental health, serious medical conditions or family violence issues are involved, local area management equivalent to a Tenancy and Property manager may take the contributing factors into account prior to determining whether to provide a rental reference letter.

Staff will advise the tenant, or vacated tenant, of the outcome of their request for a rental reference letter within five working days of the request and record the outcome in the centralised housing system, Housing integrated information Program (HiiP).

Through initiating the processes outlined in these operational guidelines the department is able to:

* support tenants to explore alternative housing options
* take reasonable steps to ensure public housing properties are available to those most in need
  + recognise tenants who have developed and maintained a positive and cooperative relationship with the department.

The provision of a rental reference letter will be recorded HiiP. The rental reference letter is referred to as a letter of good standing in HiiP.

# Who do these operational guidelines apply to?

These operational guidelines apply to staff when determining whether public housing tenants meet the requirements to receive a rental reference letter.

# Tenancy history

Staff will review the identified 12 month period of the tenancy history for details relating to:

* a validated complaint against the tenant
* tenancy breaches or action undertaken as part of the three strike or zero tolerance approaches as outlined in the *tenancy breaches operational guidelines*
  + any antisocial behaviour displayed by the tenant as defined in the **neighbourly behaviour and support operational guidelines**.

In the event any of the above concerns are identified in the 12 month period, staff should not consider the tenant to have met the requirements for tenancy history.

In the event it is identified that the tenant was subject to an Order of Compliance during this period staff will review the tenant’s compliance with the requirements of the order in determining suitability for a rental reference letter.

# Payment history

In the event the tenant is in arrears at the time of the request, staff will not issue a rental reference letter.

If the tenant does not have a debt at the time of the request, staff will review the identified 12 month period of the rental history for details relating to:

* rental arrears, either accrued individually or part of a household
  + maintenance arrears, either accrued individually or part of a household

Staff will consider the tenant to have met the requirements for payment history in the event:

* no debt is identified
* debt is identified that:
  + - was no more than two weeks in arrears for rent or $200 for maintenance debt which and
      * has been repaid.

In the event debt is identified and it has not been managed through a local agreement, or has escalated to formal legal intervention, staff should not consider the tenant to have met the requirements for payment history.

## Payment history – process flowchart



# Tenancy condition report and inspection

Staff will undertake an inspection and complete a tenancy condition report to confirm the tenant has maintained the public housing property and common areas in accordance with their obligations under:

* the Residential Tenancies Act
* their tenancy agreement
  + the neighbourly behaviour statement.

Staff will complete the *end-of-tenancy section* of the *tenancy condition report* and inspection in line with the:

* tenancy condition report requirements of the *Property condition assessment policy*
  + Home visit guidelines.

Staff will consider a tenant to have met the requirements for property condition where a property is presented in an acceptable condition without obvious signs of tenant neglect or damage.

# Eligible requests

In the event a tenant meets the requirements for:

* tenancy history
* payment history
* property condition

in the identified 12 month period, staff will:

* provide a copy of the *rental reference – tenant suitability checklist* to their line manager for validation
  + recommend that a rental reference letter be provided to the tenant.

Once the recommendation is validated by the local area management equivalent to a Tenancy and Property manager, staff will generate the rental reference and provide to the tenant.

# Ineligible requests

In the event a tenant does not meet the requirements for:

* tenancy history
* payment history
  + property condition

in the identified twelve month period, staff will:

* provide a copy of the *rental reference – tenant suitability checklist* to their line manager for validation
  + recommend that a rental reference letter not be provided to the tenant.

Staff will:

* contact the tenant with details of why the rental reference letter was not provided, identifying areas where, should improvement be made, a rental reference letter could be issued in the future
  + record the outcome on HiiP.

# Human rights statement

These operational guidelines are considered to be compatible with the *Charter of Human Rights and Responsibilities Act* (2006).

These operational guidelines engage the following human rights:

* + privacy and reputation.

The right to privacy and reputation recognises that every person has the right not to have their privacy, family or home unlawfully or arbitrarily interfered with or to have their reputation unlawfully attacked.

Staff will give proper consideration to the relevant human rights in applying these operational guidelines.

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