



## Categorising Ex Tenants Procedures

### Related Policy:

These procedures are to be read and applied in conjunction with the Homes Out West (HOW) Categorising Ex Tenants Policy.

### Procedure and Guidelines:

It is important that the categorisation of ex-tenants is applied consistently and fairly so that tenants are not disadvantaged in seeking and sustaining future tenancies.

#### Eligibility for a Statement of satisfactory tenancy

To be eligible for a Statement of satisfactory tenancy, former tenants must:

- Not have breached their tenancy agreement, and
- Have a current nil or credit balance on all linked accounts (rent, water, repairs and former tenancies), and
- Have a satisfactory payment record in respect of those accounts for the 12 months prior to the eligibility assessment for a tenancy statement.

#### Satisfactory former social housing tenants

This category applies to former HOW tenants who did not breach their former tenancy agreement. It also applies to former tenants who moved out of social housing owing HOW less than \$500 in rent, repairs, water usage or other charges.

Former satisfactory tenants will be eligible for a Statement of satisfactory tenancy once they have fully repaid any outstanding debts to HOW, and if they also have a satisfactory payment record for the 12 months prior to their assessment.

#### Less than satisfactory former social housing tenants

Less than satisfactory former HOW tenants include those who:

- Left the property of their own accord (without being evicted or being under threat of eviction or under a current Notice of Termination), or
- Left the property through termination action under Section 143 (not eligible to reside in social housing) or Section 148 (the tenant rejected an offer of alternative social housing) of the Residential Tenancies Act 2010, or previously under the Residential Tenancies Act 1987 Section 63B or 63F, **and**:
- Moved out owing HOW more than \$500 in rent, repairs, water usage or other charges, or
- Abandoned the property, or
- Left the property in an unsatisfactory condition.

Where the end of tenancy balance is over \$500, HOW will seek an Order of compensation at the NSW Civil and Administrative Tribunal (NCAT). The Order will be



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recorded in the tenants file for future reference and former tenant statements will be adjusted according to the NCAT Order.

### Unsatisfactory former social housing tenants

Unsatisfactory former tenants include former tenants who:

- Were evicted from their tenancy due to a breach of the tenancy agreement, or
- Vacated before an Order of Possession to evict them was enforced for a breach of the tenancy agreement, or
- Had their tenancy terminated in accordance with a NSW Civil and Administrative Tribunal order and were signed to a new tenancy agreement, or
- Are “repeat” less than satisfactory tenants (that is, they have moved out of a social housing property more than once and on more than one occasion were assigned a less than satisfactory category), or
- Had substantiated complaints of minor and moderate or serious antisocial behaviour and:
  - Were evicted, or
  - An Order of Possession was being sought but they vacated before the order was obtained
  - Vacated before an Order of Possession to evict them was enforced.

Former tenants who were evicted or vacated under threat of eviction based on terminations under Section 143 (not eligible to reside in social housing) or Section 148 (the tenant rejected an offer of alternative social housing) of the Residential Tenancies Act 2010, or previously under the Residential Tenancies Act 1987 Section 63B or 63F, will not have this eviction action included in the former tenant category assessment.

### Ineligible for future housing

Former tenants who are ineligible for future social housing include those who:

- Were evicted for an extreme breach of their tenancy agreement, or
- An Order of Possession was being sought but they vacated before the order was obtained for an extreme breach, or
- Vacated before an Order of Possession for an extreme breach could be enforced.

Extreme breaches may include:

- Severe illegal antisocial behaviour, such as:
  - Committing injury towards a neighbour or visitor which constitutes grievous bodily harm;
  - Physical assault or acts of violence against other tenants, neighbours or HOW staff where there is no grievous bodily harm;
  - The use of the premises for the manufacture, sale, cultivation or supply of any prohibited drug;
  - The use of the premises for storing unlicensed firearms.
- Serious antisocial behaviour, which resulted in a direct application for termination at NCAT under Section 92 of the Residential Tenancy Act for threats, abuse, intimidation or harassment by the tenant, or a member of their household, toward HOW staff or their contractors.
- The tenant or a member of their household was convicted of arson or deliberate damage of a social housing property making it uninhabitable.
- Conducting an unauthorised business is an illegal use of the premises however it is not an illegal activity unless the business itself is unlawful.

The Housing Services Manager is responsible for categorising ex-tenants and occupants when tenancies are terminated, unless the tenant or occupant is considered potentially ineligible for future housing. The Chief Executive Officer of HOW will determine whether a former

social housing tenant is ineligible for future social housing due to a serious breach of their tenancy agreement.

In cases where the former tenant lived in an Aboriginal Housing Office property, the Chief Executive Officer of the Aboriginal Housing Office will determine whether the former tenant is ineligible for further housing assistance following advice from HOW. The Chief Executive Officer of the Aboriginal Housing Office will provide advice but the final decision about ineligibility for future social housing rests with the Chief Executive Officer of HOW.

The Application and Allocations Officer will be advised of the ex-tenant category and update HOMES records according to Housing Pathways policy.

### Appeals

If an applicant disagrees with a decision made by HOW, they can request a formal review of the decision by submitting a Complaints and Appeals form.

If the appellant remains unsatisfied with the outcome of the first appeal they can request a second review by a HOW staff member with higher delegation.