

Arrears and Debt Management

Overview

This policy outlines how we manage tenant debt and arrears.

Scope

This policy applies to all tenancies managed by Muslim Care

Purpose

The purpose of this policy is to:

- Have an effective rent arrears and debt management process
- Minimise terminations resulting from unpaid arrears and debts, help our tenants to keep their tenancy and prevent homelessness.
- Make sure that we collect money that is owed to us

Guiding Principles

We will:

- Meet our legal duties
- Address any issues early to keep arrears and debt at a minimum and prevent tenancies from being terminated
- Work with tenants who have property care issues to reduce the amount of charges they will have to pay
- Tell our tenants about their legal responsibilities relating to rent, rent arrears and debt
- Work with our tenancy specialists or other support services to help tenants who are experiencing financial difficulties

Definitions

Arrears

Arrears are rent that is unpaid and overdue.

Debt

Debt is any amount that is unpaid and may result from water charges, tenant charges, or rent arrears/end of tenancy charges from a former tenancy.

Managing rent arrears and debt of current tenants

When we begin a tenancy, we will tell the tenant about their rent and other charges they need to pay such as water charges, and will help them to set up payments so that their rent is paid on time.

We will monitor tenant accounts. When a rent account falls into arrears or water charges and/or debts remain unpaid, we will contact the tenant to try to resolve the issue and to prevent arrears/debts from becoming large, unmanageable amounts.

We may use different strategies when dealing with rent arrears and debt. Depending on the circumstances of the individual tenant, these strategies may include:

- Requesting a lump sum payment
- Negotiating an affordable repayment agreement
- Referring the tenant to our Support Coordination team or external support or financial counselling services and follow up/increased communication to monitor the tenant's situation after a referral.
- Applying for a Specific Performance Order (SPO) through the NSW Civil and Administrative Tribunal (the tenancy tribunal) where arrears have remained unpaid for more than 14 days.
- Applying for an order for compensation or a SPO from the tenancy tribunal for all unpaid water charges and debt.
- Terminating a tenancy where we have tried all other options and the rent or debt remains unpaid. We will issue a Notice of Termination when rent is unpaid for 14 days or more.

Managing rent arrears and debt of former tenants

We will manage any arrears/debt outstanding at the end of tenancy using our End of Tenancy policy. We will work with former tenants to ensure that debts are repaid. If the debt remains unpaid, further action may be taken through the Local Court to recover the money owed.

Repayment agreements

Tenants must enter into arrangements to pay debts relating to their current or past tenancies with us.

A minimum weekly repayment amount will be determined based on the tenant's gross household income.

Appealing decisions or actions

Tenants can appeal the amount owed in accordance with the Tenant Charges and Rent policies. NCAT may also hear some matters relating to rent arrears and debt.

Relevant legislation, regulation and standards

- Residential Tenancies Act 2010 (NSW)

Policy Information

Authorised By: The Board Policy and Procedures Maintained By: operation Manager	Original Version: April 2019
Review date: May 2025	This Version: 2