

<b>DATE OF REVIEW</b>	<b>AUTHORISED SIGNATURE</b>
See Version Tracking Table	

**TITLE**                                    **04.05 Housing Services Tenancy Agreement and Duration of Need Policy**

**SCOPE**                                    RQ Property Portfolio

**POLICY**                                    All RQ tenants are provided a tenancy agreement and a verbal explanation of their rights and responsibilities, including the prescribed documentation, as per the the relevant State or Federal Government agency/ies Duration of Need Policy.

**PURPOSE**                                    To provide guidelines for the completion of a Tenancy Agreement between RQ and the tenant. Meet the requirements of the DHPW Duration of Need Policy as well as the Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA).

**DEFINITION**                                    RQ - Roseberry Qld  
 General Manager also refers to Acting General Manager  
 Staff refers to all paid and unpaid workers  
 RTA- Residential Tenancies Authority  
 DHPW - Department of Housing and Public Works  
 CAP – Crisis Accommodation Program  
 LTCH – Long Term Community Housing  
 CMSU – Community Managed Studio Units  
 EEH – Employment and Education Housing  
 TIL – Transition to Independent Living  
 RTRAA – Residential Tenancies and Rooming Accommodation Act 2008

**PROCEDURE**                                    **04.05.01 CAP and General Tenancy Agreements**

1. The RQ Housing Officer will advise tenants of their rights to be a party to the tenancy agreement. This advice will be given at the time the agreement is first signed and tenants will be reminded again if the household composition changes.
2. The tenancy agreement must include:
  - a) details about what the tenant and the lessor/agent can and cannot do,
  - b) the name and address of the tenant and the Lessor,
  - c) the dates when the agreement starts and ends (or state that the agreement is periodic),
  - d) details about how the tenant should pay the rent and how much rent is to be paid,

- e) any special terms and conditions specific to RQ and the property types.
3. The tenant must read the proposed agreement carefully, and ensure they understand it before they sign the agreement. If they are not sure about a specific item in the agreement, the tenant should ask the lessor/agent for clarification. RQ Housing Officer will read the Tenancy Agreement to the tenant, explaining the Terms and Conditions to the tenant, before both parties sign it.
  4. The CAP units use a specific RQ CAP Housing Agreements to reflect the requirements of the funding program and RQ.
  5. RQ uses the prescribed tenancy agreement as per the requirements of the RTRAA, General Tenancy Agreement for all other types of housing (LTCH, CMSU and EEH).

#### **04.05.02 Special Terms and Conditions**

1. Additional terms and conditions required by RQ Housing Services are included in each General Tenancy Agreement. It is a condition of tenancy that the tenant observes these conditions.
2. These conditions can include but are not limited to:
  - a) Rent changes as per the relevant State or Federal Government agency/ies Community Housing Rent Policy,
  - b) Maintaining eligibility with housing program,
  - c) Body Corporate rules where these apply,
  - d) Pest control and carpet cleaning.
3. At the commencement of the tenancy, the Housing Officer will provide the tenant with a copy of the RTRAA agreement and any associated attachments including a copy of the RTA– Renting A House or Unit in Queensland.
4. Special terms and conditions apply to EEH properties, Agnes and Toolooa St.
5. It is critical that RQ Housing Officers take the time to explain the rights and obligations of both parties at this time.

#### **04.05.03 Length of Tenancy**

##### **1. CAP Units**

- a) CAP is Crisis Accommodation and length of stay should not exceed 14 weeks wherever possible. The tenancy will consist of three periods of twenty-eight days. Each period will have conditions to adhere to, to enable a continued stay.
- b) It is a requirement of young people that are aged 16years to 25 years to be supported by the RQ Transition to Independent Living (TIL) Worker

##### **2. LTCH and CMSU**

RQ is a long-term community-housing provider, and as such tenants have security of tenure as per the relevant State or Federal Government agency/ies Duration of Need Policy. This security of tenure is based on the tenants continuing to meet the conditions of tenancy and remaining eligible (see Eligibility Criteria) for housing with RQ Tenancy Agreements; may be Fixed Term or a periodic lease arrangement. Some tenants may start with a fixed term lease and transition to a periodic lease arrangement. This will be negotiated with tenants on an individual basis.

### **3. EEH**

The EEH specifications advise that this program delivers time limited housing assistance to eligible clients. RQ will ensure that the time frame for housing assistance provided is no shorter than 2 years unless a breach of the General Tenancy Agreement occurs. In this case 04.13 Housing Services Ending Tenancies Policy will be followed.

#### **04.05.04 Duration of Need**

1. RQ is required under the Housing Regulations) to implement the Duration of Need Policy published by the relevant State or Federal Government agency/ies.
2. Existing tenants housed before 1 February 2007 are not affected by the duration of need policy.
3. From 1 February 2007, all new tenants will be only housed for the duration of their need. A tenant's need for long term social housing will be reviewed at either four- or ten-year periods from the date their tenancy agreement is signed. Tenants will have their circumstances reviewed to determine if they have a continued need for housing.
4. RQ will provide each person entering into a new tenancy agreement written notice via the approved form which informs the tenant about the duration of need policy, and whether the tenancy will be subject to a review under the policy and if the tenancy is subject to a review, whether reviews will be made in four or ten years.
5. The Duration of Need Policy published by the relevant State or Federal Government agency/ies specifies circumstances where this policy will not apply and these include:
  - a) Where a continuing tenant housed before 1 February 2007 is transferred or rehoused;
  - b) Where a household member succeeds the tenancy where the original tenant was housed prior to 1 February 2007.

#### **04.05.05 Review Periods**

1. To be eligible for a ten-year review period, a tenant's household must have:
  - a) A tenant and/or spouse who is 65 or over; or

- b) A household member who receives a Disability Support Pension from Services Australia or a disability payment from the Department of Veteran's Affairs.
2. All other tenants being offered housing assistance will be offered a four-year review period. RQ will conduct more frequent reviews where a change in household circumstances occurs.

**ACCOUNTABILITY** RQ Housing Officers, RQ Housing Manager and General Manager

**EVALUATION METHOD** Complaints and Appeals Register  
Tenant Surveys

**OTHER RELATED POLICIES / DOCUMENTS** General Tenancy Renting A House or Unit in Queensland Residential Tenancies and Rooming Accommodation Act 2008  
Duration of Need Policy from relevant State or Federal Government agency/ies  
Community Housing Rent Policy  
Housing Act 2003  
Housing Regulation 2017  
02.17 Complaints, Appeals and Disputes Policy  
04.13 Housing Services Ending Tenancies Policy  
Housing Services Information Sheet – How to Make a Complaint or Appeal a Decision.

Policy Review and Version Tracking				
Review	Reviewed Date	Policy Amended: Yes/No	Approved By	Date Approved
1	-	-	Management Committee	July 2013
2	June 2014	Yes	RCS Board	03/07/2014
3	22/05/2018	Yes	RCS Board	05/06/2018
4	November 2018	No	N/A	N/A
5	16/03/2020	Yes	RQ Board	27/06/2020
6	December 2020	No	N/A	N/A