

04.05 HOUSING & HOMELESSNESS SERVICE 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 relevant government regulation.

PURPOSE

To provide guidelines for the completion of a Tenancy Agreement between RQ and the tenant. Meet the requirements of the Housing Act (QLD) 2003 as well as the Residential Tenancies and Rooming Accommodation Act 2008 (RTRAA).

DEFINITION/S

RQ	Roseberry Qld
General Manager	Also refers to Acting General Manager
Workforce	Refers to all individuals providing service on behalf of RQ, such as Staff, Volunteers, Independent Clinicians, Consortium.
Staff	Refers to paid staff, graduates and student placements.
DCHDE	Department of Communities, Housing and Digital Economy
RTA	Residential Tenancies Authority
RTRAA	Residential Tenancies and Rooming Accommodation Act 2008
LTCH	Long Term Community Housing
CMSU	Community Managed Studio Units
EEH	Employment and Education Housing

PROCEDURES

04.05.01 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. RQ uses the prescribed tenancy agreement as per the requirements of the RTRAA, General Tenancy Agreement for housing (LTCH, CMSU and EEH).

04.05.02 Special Terms and Conditions

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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 Qld legislation,
 - 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. 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.

2. 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 and Homelessness Services Ending Tenancies Policy will be followed.

04.05.04 Duration of Need

1. RQ is required under the Housing Regulation 2015 to implement the Social Housing Eligibility Criteria and Allocations Policy for Funded Social Housing Providers.
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;

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- 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 & Homelessness Manager and General Manager

EVALUATION METHOD

Review of RQ policies as per [01.10 Policy and Procedure Development and Review Policy](#), [02.23 Quality Evaluation & Improvement Policy](#)

Complaints and Appeals Register

Tenant Surveys

LEGISLATIVE COMPLIANCE

[Residential Tenancies and Rooming Accommodation Act 2008](#)

[Queensland Housing Act 2003](#)

[Queensland Housing Regulation 2015](#)

RELATED DOCUMENTS

[Social Housing Eligibility Criteria \(DCHDE\)](#)

[Community Housing Rent Policy \(DCHDE\)](#)

[04.13 Housing and Homelessness Services Ending Tenancies Policy](#)

[02.17 Complaints Appeals and Disputes Policy](#)

DOCUMENT CONTROL

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