



# COMMON EQUITY

CO-OPERATIVE  
HOUSING

## TENANT HANDBOOK

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## ABOUT US

Common Equity NSW (CENSW) is a registered Community Housing Provider; and is the peak body for Co-operative Housing in NSW. It is a not-for-profit company established for the purpose of supporting housing co-operatives across NSW. Our Mission is:

**To build, grow and support co-operative housing to provide opportunities for improved choice, control and health and well-being of people and communities.**

### What we do

As a Community Housing Provider, CENSW ensures all properties are managed in accordance with Community Housing regulatory requirements. As the peak body for the Housing Co-operative sector, CENSW provides information and assistance on how to form a Housing Co-operative as well as resources, technical assistance and training. CENSW leases properties to Housing Co-operatives, which they operate under a delegated management model called the Company Co-operative Agreement (CCA).

Each co-operative is a registered entity in its own right. The co-operatives work with Common Equity to support and manage tenancies under the Residential Tenancies Act and ensure the ongoing maintenance of their properties.

CENSW also manages community housing properties for tenants who don't wish to live in a co-operative housing model, these are our Direct Managed properties




CENSW is governed by a Board of Directors, four of whom are tenant member directors elected from Housing Co-operatives and five technical directors who provide advice and guidance on a range of responsibilities including finance, risk management, community development and asset management to ensure CENSW runs effectively.

CENSW and member Housing Co-operatives are committed to providing quality services. CENSW is a Community Housing Provider under the National Regulatory System for Community Housing (NRSCH) and is required to align our practices with a legal framework that includes:

- National Law for Community Housing
- National Regulatory Code for Community Housing
- Conditions of Registration under the NRSCH
- National Disability Insurance Scheme Rules

- Residential Tenancies Act
- Residential Tenancies Regulation

## Types of tenancies/properties

|   |   |
|---|---|
| <p><b>Co-operatives</b></p>                                | <p>Co-operative properties are homes that are leased to Housing Co-operatives under a Company Co-op Agreement (CCA), where the Co-operative is the landlord and CENSW is the Registered Community Housing provider. CENSW either owns or leases these properties from the NSW Government (Land &amp; Housing Corporation) or private landlords.</p> <p>Housing Co-operatives manage their own wait lists and have targeted membership. This means that members will have a common interest or share characteristics or value systems Membership provisions - At time of selection Co-ops need to check eligibility for Social Housing (according to Govt eligibility criteria).</p> |
| <p><b>Direct managed properties</b></p>                  | <p>Direct managed properties are dwellings that are rented to individuals with CENSW as the landlord.</p> <p>Tenants are required to be eligible for social housing and current on the Housing Pathways Social Housing Register. Once an offer is accepted, the Housing Pathways application will be closed.</p>  |
| <p><b>Specialist Disability Accommodation (SDA)</b></p>  | <p>Specialist Disability Accommodation properties are owned or leased by CENSW for tenants eligible for Specialist Disability Accommodation through the National Disability Insurance Scheme (NDIS)</p> <p>CENSW will utilise “The Housing Hub” website <a href="https://thehousinghub.org.au/">https://thehousinghub.org.au/</a> to promote a vacancy in the group home. And will utilise Supported Independent Living (SIL) providers wait lists to fill any vacancies.</p>   |

## Overview of this handbook

This Tenant Handbook provides information about the rights and responsibilities of being a tenant in a CENSW property or a registered Housing Co-operative.

CENSW policies and procedures can be obtained from the CENSW Website or by contacting us on 1800 066 834 or [enquiries@commonequity.com.au](mailto:enquiries@commonequity.com.au)

Throughout the handbook the following images are used to show which form of housing the item relates to:



Co-operative Housing



Directly managed



Specialist Disability Accommodation

## KEY TERMS

|                                     |  |
|-------------------------------------|--|
| <b>Tenant/Landlord relationship</b> | <ul style="list-style-type: none"> <li>• Tenants of directly managed properties have a tenant-landlord relationship with CENSW</li> <li>• Tenants of Housing Co-operatives have a tenant-landlord relationship with the Co-operative</li> </ul>  |
| <b>Co-operative membership</b>      | When you become a tenant of a Housing Co-operative you also become a member of that Co-operative. Members have an opportunity to be on the Board of the Co-operative, and commit to contribute time and effort to the running of the Co-operative. Further information is available in the Co-operative rules available from the Co-operative's Board or CENSW.  |
| <b>Urgent repairs</b>               | The type of repairs that are urgent repairs are defined in the Residential Tenancies Act 2010 and are defined as follows: (a) a burst water service, (b) an appliance, fitting or fixture that uses water or is used to supply water that is broken or not functioning properly, so that a substantial amount of water is wasted, (c) a blocked or broken lavatory system, (d) a serious roof leak, (e) a gas leak, (f) a dangerous electrical fault, (g) flooding or serious flood damage, (h) serious storm or fire damage, (i) a failure or breakdown of the gas, electricity or water supply to the premises, (j) a failure or breakdown of any essential service on the residential premises for hot water, cooking, heating, cooling or laundering, (k) any fault or damage that causes the premises to be unsafe or insecure. |
| <b>Routine or Cyclical repairs</b>  | Pest control, smoke alarms, gutter cleaning, painting.   |
| <b>Planned repairs</b>              | Upgrades such as kitchens, bathrooms, fencing, which are the responsibility of CENSW.  |

## RIGHTS AND RESPONSIBILITIES UNDER THE RESIDENTIAL TENANCIES ACT 2010

### Your rights



|  |  |   |
|--|--|---|
| All tenants to be provided a copy of the Residential Tenancy Agreement, a condition report and NSW Fair Trading New Tenant Checklist | Offered dwelling is in a reasonable state of cleanliness and be fit to live in   | To be given rent receipts (unless you pay rent into a nominated bank account)                               |
| To be offered at least one means of paying your rent that does not incur a cost  | To be given 60 days' notice of rent increases  | To have quiet enjoyment and use of the premises   |
| To have reasonable peace, comfort and privacy  | To have reasonable locks and security  | To have reasonable repairs and maintenance done   |
| To be repaid for any urgent repairs that you have paid for, if CENSW or Co-op cannot be contacted                                    | To apply to NSW Civil and Administrative Tribunal (NCAT) for orders if CENSW or Co-op has breached the Residential Tenancy Agreement | To be given written notice if CENSW/ Co-op is wanting to end the Residential Tenancy Agreement              |
| To be notified if the name and address of CENSW changes  | To refuse CENSW/Co-op access except in an emergency or with proper notice as described in the Residential Tenancies Act.             | To not be unlawfully evicted  |
| To have information explained/provided in a way you understand*  | To have your autonomy respected, including the right to privacy, intimacy and sexual expression                                      | To have any allegations or incidents of violence, abuse, neglect, exploitation or discrimination acted upon |

\* this will be determined in consultation with you, and /or your Support Person (if applicable) as well as any medical advice supplied through the application process.



## Your responsibilities



|  |  |   |
|--|--|---|
| To fill out the Condition Report and give it back to Co-operative/CENSW within 7 days of signing Residential Tenancy Agreement | To pay rent on time as in the Residential Tenancy Agreement              | To take care of the property<br>To keep the property including any garden or balcony, in clean and reasonable condition |
| To pay for any damage caused by you or your guests   | To report the need for any repairs or maintenance concerns as they arise | To not make any alterations/additions without CENSW's permission  |
| To not alter, remove or add a lock/security device without Landlord's (CENSW or Co-op) consent                                 | To not use or permit the property to be used for an illegal purpose      | To not cause or permit a nuisance   |
| To not interfere with the peace, comfort or privacy of neighbours  | To give correct written notice when you leave as per the RTA             | To leave the property in a similar condition to when you moved in, except for normal wear and tear                      |
| To treat CENSW staff and contractors with respect  | To abide by the Co-operative rules if living in a Co-operative           | To read and understand the Residential Tenancy Agreement before signing it  |
| Not to sublet the property   |  |   |

## RENT AND OTHER TENANT CHARGES

### Rent calculation



The NSW Community Housing Rent Policy sets out the NSW Government's requirements for rent policies of Community Housing Providers.

If you are entitled to a rent subsidy, the proportion of income paid as rent is determined by a set of rules which defines:

- The type of income which are assessed for rent setting purposes
- The percentage of each income type that is paid in rent

An outline of the formula is provided below. Please remember that this may vary, subject to changes in government policy. CENSW use a rent calculator to work out your rent according to your income and we are happy to explain how the calculation is made.

| Gross Income  | Assessment rate        |
|---|------------------------|
| Tenant and live-in partner                              | 25%                    |
| Other household member 21 years and over                | 25%                    |
| Other household member 18 years to 20 years (inclusive) | 15%                    |
| Other household member < 18 years                       | Nil                    |
| Family Tax Benefit Part A and Part B                    | 15%                    |
| Assets > \$5,000  | Rate set by Centrelink |
| Commonwealth Rent Assistance (CRA)                      | 100%                   |

We will give you a copy of your Rent Calculation each time your rent is reviewed (twice a year or when you tell us your circumstances have changed).

## Rent reviews



Community Housing Providers are required to regularly review the level of rent paid by a Tenant to:

- Determine if a rent subsidy is applied, whether the tenant remains eligible for a subsidy (at least every 6 months)
- Recalculate the level of rent paid in accordance with the requirements set out in the NSW Community Housing Rent Policy (at least every 6 months for subsidised rent and annually for market rent).

When CENSW is notified of a change to income or occupants in the household a rent review will be completed.

## Changes to income or occupants in your household



If one of the following changes occur:

- Your income increases or decreases
- Someone moves in or leaves your household
- Income of any other person residing in the property increases or decreases

You must notify your landlord (CENSW or Co-operative) within **14 days** so we can make the necessary adjustments to your rent.

## Rent arrears



If you are unable to pay your rent, please contact the Landlord (CENSW or Co-operative) immediately.

We adopt a sensitive approach to managing arrears and understand that you may experience financial issues during your tenancy. Our aim is to engage with you to better understand the root cause of the rent arrears and work together to reach an affordable repayment plan and wherever appropriate link you to support services.

If you fall into rent arrears, CENSW or the Co-operative will first attempt to reach an agreement on a payment plan to recover the arrears with you. Failing to reach such an agreement CENSW will take action through the NSW Civil & Administrative Tribunal (NCAT)

## Other tenant charges



|  |  |
|--|--|
| <p><b>Water use</b></p>                    | <p>Note: use water carefully and be aware of state water restrictions. If a tap is leaking or left running a lot of water is wasted and the bill will be higher. Report leaking taps as soon as you notice them to minimise excessive water usage.</p> <p><b>For Co-operatives</b><br/>You may be charged for water usage. There are special rules that apply to water charges and if you are subject to a water charge, we will explain these to you.<br/>If your Co-operative wishes to charge you for water, this charge will appear as a separate amount on your fortnightly rental invoice and will be outlined in the Residential Tenancy Agreement.</p> <p><b>Other properties</b><br/>If your property has a shared water meter, while CENSW has the right to recharge for water, we do not do this currently.<br/>If your property has a separate water meter, you will be charged for water.</p> |
| <p><b>Excess Rubbish</b></p>               | <p>Tenants are not charged for the normal weekly rubbish collection using the Council bins. Tenants will also not be charged for anything left out on Council 'clean up' days (within the Council rules). Removal of dumped/excessive garbage left on common areas will be charged to Tenants.<br/>If you are moving out, talk to CENSW about the possibility of organising a Council clean up. If this is not possible, you will be charged for any rubbish left behind.</p>  |
| <p><b>Electricity</b></p>                  | <p>Tenants are responsible for the cost of connection and use of electricity. Any faults with the wiring or the meter are responsibility of CENSW and should be reported as soon as the fault is noted.</p>  |
| <p><b>Gas</b></p>                          | <p>Tenants are responsible for the cost of connection and use of gas. Any faults with the gas pipes or meter are the responsibility of CENSW, and should be reported as soon as the fault is noted</p>   |
| <p><b>Telephone and internet</b></p>       | <p>All CENSW properties are fitted with working telephone lines. Tenants are responsible for the costs of connection, calls, internet, line and handset rental charges.<br/>Internet connection and satellite TV are the responsibility of the tenant.</p>   |
| <p><b>Household contents insurance</b></p> | <p>CENSW insures the property itself but tenants are responsible for insuring their own contents against fire, theft or other damage.</p>  |

|                       |   |
|-----------------------|---|
| <p><b>Gardens</b></p> | <p>Maintenance for common area gardening is the responsibility of CENSW or the Co-operative. Tenants are required to look after their own private gardens/spaces.</p>   |
| <p><b>Keys</b></p>    | <p>CENSW or Co-operative agrees:</p> <ul style="list-style-type: none"> <li>• To provide and maintain locks or other security devices necessary to keep the premises 'reasonably' secure</li> <li>• To give each tenant named on the Residential Tenancy Agreement a copy of the key (or other opening device/information) to open any lock or security device for the premises and any common property that tenants are entitled to access</li> <li>• Not to charge tenants for copies of keys or other opening devices except to recover the cost of replacement or additional copies</li> <li>• Not to alter, remove or add any lock or other security device without reasonable explanation or the tenant agrees</li> <li>• To give tenants a copy of any key (or other opening device/information) that have been changed by CENSW within a reasonable time, not more than 7 days of the change.</li> </ul> <p>Tenants are not to change any locks without written permission from the Landlord (CENSW or Co-op) to do so.</p> |

## YOUR HOME/THE PROPERTY

### Condition Report



The Residential Tenancies Act requires CENSW/the Co-operative to provide the tenant with a completed condition report. It is the tenant's responsibility to provide CENSW/the Co-operative a copy of the condition report with their comments within **7 days** of the start of the tenancy.

The condition report is an important piece of evidence if there is a dispute over the bond at the end of the agreement.

### Property Inspections



CENSW/the Co-operative is entitled to inspect the premises if you are provided with at least 7 days written notice. No more than 4 inspections can be completed in any period of 12 months.

CENSW/the Co-operative will carry out an inspection on your property at least once a year. This inspection is to assess the condition of the property and allow CENSW to address any issues that may arise.







For properties leased from Land & Housing Corporation (LAHC), LAHC may complete an inspection called a Property Assessment Survey (PAS), where they check that CENSW are maintaining the property to standard and check for structural issues. Tenants will be provided with notice as per the Residential Tenancy Agreement.

For properties leased from Private Landlords, the Landlord or their Agent may also complete an inspection, notice is required to be provided as per the Residential Tenancy Agreement.

## Repairs and maintenance



When repairs or maintenance is required, this should be reported as soon as possible.

| Type of maintenance                 | Type of property  | Process   |
|-------------------------------------|---|---|
| <b>Urgent/emergency maintenance</b> | <br>Co-operatives    | <ul style="list-style-type: none"> <li>Contact the Co-operative Maintenance Officer</li> <li>If unable to contact the Co-operative Maintenance Officer contact CENSW on 0432 664 486</li> </ul> |
|                                     | <br>Direct managed   | <ul style="list-style-type: none"> <li>Contact CENSW Property Team on 9356 9220 or for emergencies on 0432 664 486</li> </ul>   |
|                                     | <br>SDA              | <ul style="list-style-type: none"> <li>Contact CENSW Property Team on 9356 9220 or for emergencies on 0432 664 486</li> </ul>   |
| <b>Other maintenance/repairs</b>    | <br>Co-operatives  | <ul style="list-style-type: none"> <li>Contact the Co-operative Maintenance Officer</li> <li>If unable to contact the Co-operative Maintenance Officer contact CENSW on 0432 664 486</li> </ul> |
|                                     | <br>Direct managed | <ul style="list-style-type: none"> <li>Contact CENSW Property Team on 9356 9220.</li> </ul>   |
|                                     | <br>SDA            | <ul style="list-style-type: none"> <li>Contact CENSW Property Team on 9356 9220.</li> </ul>   |




On receiving a request for maintenance, the Property Team/Co-operative Maintenance Officer will:

- assess if the repair is an urgent, routine or planned repair and will let you know a timeframe for completion
- contact a tradesperson for you and give the tradesperson or agent/owner your contact details so they can make an appointment with you to come and do the work.

Wherever possible, CENSW checks completed repairs to make sure the work is satisfactory. If you have a concern regarding a contractor or the quality of repair work, please let us know so we can address the issue.



## Responsibilities for Repairs and Maintenance

| Type of property  | Tenant's Responsibility  | CENSW/Co-op Responsibility  |
|---|--|---|
| Co-operative<br>     | <ul style="list-style-type: none"> <li>Day to day care and cleaning</li> <li>Lawns, gardening and cleaning gutters</li> <li>Damage caused by the tenant or a tenant's visitor</li> </ul> | Co-op Responsibility <ul style="list-style-type: none"> <li>Non urgent repairs not caused by tenant or a tenant's visitor</li> <li>Urgent repairs, failure or breakdown of any essential service in the premises for hot water, cooking, gas, electricity or water supply</li> <li>Damage resulting from fair wear and tear</li> </ul> CENSW Responsibility <ul style="list-style-type: none"> <li>Kitchen and bathroom upgrades</li> <li>Structural works</li> </ul> |
| Direct Managed<br> | <ul style="list-style-type: none"> <li>Day to day care and cleaning</li> <li>Lawns, gardening and cleaning gutters</li> <li>Damage caused by the tenant or a tenant's visitor</li> </ul> | CENSW Responsibility <ul style="list-style-type: none"> <li>Non urgent repairs not caused by tenant or a tenant's visitor</li> <li>Urgent repairs, failure or breakdown of any essential service in the premises for hot water, cooking, gas, electricity or water supply</li> <li>Damage resulting from fair wear and tear</li> <li>Kitchen and bathroom upgrades</li> <li>Structural works</li> </ul>   |
| SDA<br>            | <ul style="list-style-type: none"> <li>Day to day care and cleaning</li> <li>Lawns, gardening and cleaning gutters</li> <li>Damage caused by tenant or a tenant's visitor</li> </ul>     | CENSW Responsibility <ul style="list-style-type: none"> <li>Non urgent repairs not caused by tenant or a tenant's visitor</li> <li>Urgent repairs, failure or breakdown of any essential service in the premises for hot water, cooking, gas, electricity or water supply</li> <li>Damage resulting from fair wear and tear</li> <li>Kitchen and bathroom upgrades</li> <li>Structural works</li> </ul>   |



## Maintenance Timeframes



We aim to respond to maintenance requests within the timeframes set below.

| Type of repair               | Description  | Timeframe                     |
|------------------------------|--|-------------------------------|
| <b>Emergency/<br/>Urgent</b> | Loss of services such as water, hot water, electricity                                       | Attended to within 24 hours   |
| <b>Routine<br/>Repairs</b>   | Responsive maintenance where something has broken but is not an emergency                    | 3 to 7 days                   |
| <b>Non-Urgent</b>            | Items not listed elsewhere that have no immediate security or safety impact                  | Within 21 days                |
| <b>Planned</b>               | Painting, replacement of floor coverings   | As per Asset Management Plan  |
| <b>Cyclical</b>              | Pest control, smoke alarms, gutter clean and other items that are checked on an annual basis | Annually and/ or as scheduled |

## Tenant damage



If you break or damage any fixture, fitting or other part of the property, you are responsible for its repair or replacement.

Please report the issue to CENSW or your Co-operative as soon as you can. We can assist with coordinating the repair on your behalf and discuss ways of covering the cost. A payment plan can be arranged to help with payment.

Please refer to our **Tenant Recharge Policy** for tenant damage for more information.

## Smoke detectors



It is a requirement of every Residential Tenancy Agreement that:

- a. the Landlord will install and maintain smoke alarms according to the standards in the Environmental Planning and Assessment Regulation 2000.
- b. neither the Landlord nor the Tenant shall interfere with the operation of a smoke alarm without a reasonable excuse.

If a smoke alarm gives 'false alarms' e.g. triggered by cooking, do not remove the battery or disable it. Contact CENSW/Co-operative Maintenance Officer and ask that the alarm be



tested, potentially moved to a more suitable location or replaced with a different style of alarm. See the NSW Fire Brigades website ([www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)) for more information.

It is a requirement of every Residential Tenancy Agreement that the tenant is responsible for replacing batteries in all smoke alarms during the tenancy. It is recommended that the batteries are changed at least once a year to prevent failure in the event of a fire. In addition, smoke detectors are usually designed to 'beep' or 'chirp' to alert you to a low battery, so please keep an ear out and change the battery as required.

NSW Fire and Rescue provide a Smoke Alarm and Battery Replacement Service for people over 65 or people with a disability who have no-one to assist them. Contact your local fire station for more information, or alternatively contact 1800 151 614.

## CHANGING NEEDS



CENSW understands that people's circumstances change and we can help you explore your housing options if required. If your housing needs change, please advise your Co-op and/or CENSW and we will work with you to determine the most appropriate support and make connections for you. Refer to the ***Changing Needs of Tenants Policy***, available on our Website, for more information.

If your needs change because of health or disability we may be able to modify your existing housing, refer to section below on Disability Modifications.

## MODIFICATIONS AND ALTERATIONS

### Tenant initiated alterations or modifications



Tenants cannot make any modifications to the fixtures and fittings of a property including ovens, blinds, doors without first seeking approval from CENSW in writing. CENSW is required to seek approval and report any modifications to Land & Housing Corporation (LAHC) under our contractual arrangements, and therefore we may require additional information from you to make the approval process as smooth as possible.

From time to time, a tenant may ask for permission to make a small change or add a fixture to the property at their own expense, to increase their comfort and security. The tenant must first seek written consent from CENSW Property Team before adding a fixture or making any upgrade, alteration or addition. If a tenant makes an alteration without consent, they are breaching the terms of the Tenancy Agreement. CENSW may apply to the NSW Civil and Administrative Tribunal for orders that the tenant comply with the agreement and restore the premises to the previous condition.

CENSW will not unreasonably refuse to give the tenant consent to add a fixture or to make a change that is of a minor nature. Examples of some common types of requests which may be considered reasonable include:

- installing additional window safety devices for small children
- having an extra phone line connected
- connecting to the National Broadband Network
- putting a reasonable number of picture hooks in the wall

Generally, an added fixture or change made by the tenant is at their expense, unless CENSW agrees otherwise.

Tenants are expected to remove any additions/modifications made and restore the premises to previous condition. If CENSW paid for the modification or alteration, then the tenant is not allowed to remove it without CENSW consent.

## Disability modifications



If your needs change because of health or disability, we may be able to modify your existing housing. CENSW will request an Occupational Therapist report that outlines your disability needs and the changes that are required.

If the property cannot be modified, we will support you to explore housing options that may be better suited to you. Please refer to our ***Property Modification for Disabilities Policy*** for more information.

## TENANCY MATTERS

### Visitors and Additional Occupants



Friends and relatives who visit Tenants residing in CENSW properties for social or holiday purposes are not regarded as additional occupants, they are regarded as visitors.

Members/tenants must apply to the Landlord (CENSW or Co-op) before allowing visitors to stay with them. Visitors are not allowed to stay longer than 6 weeks.

The Residential Tenancy Agreement each Tenant signs states how many people can live at the property. Any changes to the household need to be advised within 28 days.

The Tenant is required to notify CENSW of changes and provide confirmation of income for all household members so the rent can be recalculated.

The CENSW policy **Visitors and Additional Occupants** provides further information and details and is available on the CENSW website.

### Pets



All tenants living in CENSW or Co-operative properties who wish to have animals must adhere to the Companion Animals Act 1998 and the by-laws set by their local Council, Body Corporate (if applicable) and Co-operative

The tenant cannot keep any animal on the premises without the consent of CENSW.

### Tenancy breaches



A breach occurs when one of the parties fails to meet the terms of the Residential Tenancy Agreement. If the tenant fails to meet their obligations under the agreement it is called a tenant breach, if the Housing Co-operative or CENSW fails their obligations it is called a landlord breach.

#### Tenant breaches

It is the responsibility of every tenant to make sure they meet expectations set out in the Residential Tenancy Agreement. This includes being responsible for members of the household and visitors.

The most common tenant breaches are:

- rent arrears

|                          |  |
|--------------------------|--|
|                          | <ul style="list-style-type: none"> <li>• causing nuisance and annoyance to others</li> <li>• unauthorised actions covered by the Residential Tenancy Agreement e.g. making alterations to the property, keeping a pet without permission, sub-letting the property, neglect or damage to the property</li> </ul>   |
| <b>Landlord breaches</b> | <p>It is the right of the tenant to request that the Housing Co-operative/CENSW as their Landlord meet the expectations set out in the Residential Tenancy Agreement. The tenant should request the Co-operative/CENSW remedy the breach and if not satisfied with the outcome, they may apply to NSW Civil and Administrative Tribunal (NCAT).</p> <p>The most common Landlord breaches are to do with:</p> <ul style="list-style-type: none"> <li>• failure to respond to maintenance within a reasonable timeframe</li> <li>• failure to provide adequate notice periods for inspections</li> </ul> |

## Sustaining your Tenancy



CENSW understands that people may experience difficult times throughout their lives and is always available to offer some support as it is required.

The Tenant Support Program (TSP) has been developed to assist members and tenants with complex needs who may be at risk of losing their tenancies or who require assistance with their well-being. It is designed to support members and tenants in a person-centred manner and to provide them with the information and tools to be proactive in their own care.

Through our **Tenant Support Program**, we can assist by putting you in touch with support agencies in your area that are well placed to help you. Our aim is to provide you with information and options on local services and work with you to agree on the next steps.

CENSW will always seek your written permission before referring you to an external support agency, unless you or others are at risk of serious harm.

## Ending your tenancy



Tenancies can end in several ways. Generally, to end your tenancy you need to provide written notice to CENSW or the Co-operative Board. The legal notice period required will be different depending on the situation.

| Situation  | Notice period  |
|--|--|
| Tenant initiating to end the tenancy at the end of the fixed term period   | Minimum 14 days' notice  |
| Tenant initiating to end the tenancy after the fixed term period   | Minimum 21 days' notice  |
| Tenant or Tenant's dependent child are in circumstances of domestic violence   | Immediately (a domestic violence termination notice is to be provided to the Landlord and each Co-Tenant)    |
| CENSW initiating the end of tenancy as the tenant is in breach of the agreement or is 14 days or more behind in rent | Minimum 14 days' notice  |
| CENSW initiating the end of tenancy at the end of the fixed term agreement   | Minimum 30 days' notice  |
| CENSW initiating the end of tenancy after the fixed term period has expired and no new agreement has been signed     | Minimum 90 days' notice  |
| CENSW initiating the end of tenancy at the end of the fixed term agreement (SDA tenants only)                        | Minimum 90 days' notice or shorter notice if required to address risks of harm to the participants or others |

Termination Notice must:

- be in writing
- be signed and dated
- be properly addressed
- give the day on which the Residential Tenancy Agreement is terminated.

For SDA tenants, it is the tenant, the guardian or the Support Provider's responsibility to ensure all services provided are transitioned to their new property.

For further information refer to the Residential Tenancy Agreement signed when the tenancy was initiated and the Ending a Tenancy Policy on the CENSW website.

If you are unsure of Notice periods required and would like some advice, please contact CENSW. If you would prefer some independent tenancy advice, please contact Tenants NSW-



see the contact pages toward the end of this document for the details of your Local Tenants NSW Office.

## Vacating the property



Tenants are responsible for ensuring that all their belongings are removed from the property at the end of the tenancy.

Where items are left behind, CENSW or the Housing Co-operative will take the following action:

| Items left behind  | Action  |
|--|---|
| <p><b>Items other than rubbish</b></p>   | <ul style="list-style-type: none"> <li>• CENSW will advise the former tenant that goods have been left on the premises and they will be disposed of after 14 days if they are not collected</li> <li>• Goods that are leased, CENSW will contact the rental company if possible</li> <li>• Tenants may be charged an occupation fee for storage of items, equivalent to no more than 14 days rent.</li> </ul> |
| <p><b>Personal documents:</b></p> <ul style="list-style-type: none"> <li>• A birth certificate, passport or other identifying document</li> <li>• Bank books or other financial statements or documents</li> <li>• Photographs or other personal memorabilia e.g. medals and trophies</li> <li>• Licences or other documents conferring authorities, rights or qualifications</li> </ul> | <ul style="list-style-type: none"> <li>• CENSW will advise the former tenant that goods have been left on the premises and they will be disposed of after 90 days if they are not collected.</li> </ul>   |

CENSW can provide notice in one of the following ways:

- In writing mailed to a forwarding address if known or to the property if the tenant is having their mail redirected or email (if an agreed method of contact)
- In person
- Over the telephone.

If we are unable to contact you, we will leave a notice in a prominent position somewhere on the premises e.g. stuck to the front door.



For further information refer to the Residential Tenancy Agreement signed when the tenancy was initiated and the **Ending a Tenancy Policy** on the CENSW website.

## Neighbour Disputes



There are a variety of options to obtain support with disputes with neighbours these include:

|                                       |   |                   |
|---------------------------------------|---|-------------------|
| Speaking to your neighbour            | Speaking to your Co-operative Board (if part of a Co-operative) | Speaking to CENSW |
| Contacting a Community Justice Centre | Council or Police   |                   |

Community Justice Centres can assist with a range of disputes as follows:

- Pets
- Children
- Noise
- Garbage
- Unreasonable behaviour
- Family disputes
- Fences.

Contact details for Community Justice Centres is included in the Key Contacts Section below.



## REPORTABLE INCIDENTS

CENSW is required to report a range of incidents relating to tenants to other government bodies including:

- Family and Community Services
- Registrar of Community Housing
- National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission.

If one of the below incidents occurs, please notify CENSW so we can ensure the relevant government agency is notified.

| Description of incident   | Notification requirements  |
|---|--|
| <b>Death of a tenant</b>  | Notify the Co-op Development Team via phone or email   |
| <b>Serious injury to a tenant</b>   | Contact Emergency Services on 000 for Police, Ambulance or Fire & Rescue<br><br>Notify the Co-op Development Team via phone or email |
| <b>Altercation between tenants resulting in physical harm</b>   | Contact Emergency Services on 000 for Police, Ambulance or Fire & Rescue<br>Notify the Co-op Development Team via phone or email     |
| <b>Fire at the property</b>   | Contact Emergency Services on 000 for Fire & Rescue<br><br>Notify CENSW Property Team  |
| <b>Storm damage to a property</b>   | Contact SES/Emergency Services<br>Notify CENSW Property Team   |
| <b>SDA properties - Abuse or neglect of a tenant</b>  | Contact the Police<br>Notify the Co-op Development Team via phone or email   |
| <b>SDA properties - Unlawful sexual or physical contact with or assault of a tenant</b>                                   | Contact the Police<br>Notify the Co-op Development Team via phone or email   |
| <b>SDA properties- The use of a restrictive practice other than where the use is in accordance with the authorisation</b> | Notify the Co-op Development Team via phone or email   |

## TENANT ENGAGEMENT & PARTICIPATION

### Co-operative participation



All members of a Co-operative must be active.

- For a Co-operative to exist, members must participate in the operation and activities of the Co-operative
- The Co-operatives Act 1996 states that all Co-operative members must be active.
- Activity is defined in the rules of each Co-operative. Generally, being active means participating in the activities of the Co-operative e.g. attending meetings, serving on the Board and/or a sub-committee etc
- In the case of inactive members, the Board of the Co-operative must act by either:
  - Granting the member leave e.g. on compassionate grounds
  - Keep the matter under review for up to 12 months during which time the member can become active once more
  - Cancel the membership

### Tenant Support Program



The Tenant Support Program (TSP) has been developed to assist members and tenants with complex needs who may be at risk of losing their tenancies or who require assistance with their well-being. It is designed to support members and tenants in a person-centered manner and to provide them with the information and tools to be proactive in their own care.

The aim of the Program is to link in external services and supports that may be available for the tenant depending on the area of need, for example: Community Care; gambling counselling; carers respite etc.

The Program was also developed to assist co-operatives increase participation amongst their members.

Referrals to the Program can be submitted by CENSW staff or through the Co-ops.

## Providing Feedback



### All Feedback is welcome

Feedback is one way of having a say in how we do business. It's an opportunity for you to tell us when you are happy or unhappy with our service delivery and it shapes how we deliver services in the future.

In responding to all **feedback**, you can expect CENSW to:

- ✓ Uphold confidentiality and act with professionalism
- ✓ Treat you fairly and with respect
- ✓ Take a fresh look at each matter, reviewing all information available to determine if legislation and/or policy and procedure was fairly applied
- ✓ Acknowledge receipt - within 3 working days
- ✓ Assign an impartial Manager – not involved in the original decision or subject of the complaint, to investigate and formally respond.
- ✓ Offer you an interview- if more information is required
- ✓ Provide you with an outcome within 20 days
- ✓ Advise you if there is a delay in the process or providing an outcome/or resolution
- ✓ Respect your right to an advocate or support person.

## Complaints



If you are unhappy with the quality or standard of the service you have received from CENSW and would like a resolution, you have the right to lodge a complaint. A complaint can be lodged in writing or verbally to a Manager or the Complaints Officer.

Lodging a complaint with CENSW does not stop a customer seeking support or accessing other avenues for complaint, this may include:

- ❖ Seeking support or advice from a Tenant Advice and Advocacy Service, or Community Legal Centre
- ❖ NSW Civil and Administrative Tribunal (NCAT) if it is believed that CENSW has breached the Residential Tenancy Agreement.
- ❖ Making a complaint to Registrar of Community Housing
- ❖ Seeking support from a local Member of Parliament

CENSW is required to comply with the National Disability Insurance Scheme (Complaints Management & Resolution) Rules 2018 in addition to the relevant housing and tenancy



legislation. A full list of legislation and regulations CENSW is required to comply with is available at the end of this document.

For complaints about your Co-operative check the Co-operative rules regarding disputes and resolutions.

A copy of CENSW's **Complaints Policy** is available on the CENSW website.

## Appeals



If you are unhappy with a decision that CENSW has made you can lodge an Appeal. This means you would like the decision to be formally reviewed- called a first-tier appeal. You have 3 months from the original decision to lodge an appeal. To do this you can complete the Appeals Form- found on our website or call our office and speak to a Manager.

If you are unhappy with the outcome, you have the right to appeal to the Housing Appeal Committee (HAC). This is called a second- tier appeal.

HAC is an independent body that hears appeals from social housing applicants and tenants on a range of eligibility and tenancy related areas- for an extensive list see [www.hac.nsw.gov.au](http://www.hac.nsw.gov.au).

This does not include tenancy matters that are under the jurisdiction of the NSW Civil & Administrative Tribunal (NCAT). The following CENSW decisions can be appealed:

| Topic   | Appealable decisions   |
|---|--|
| <b>Social Housing Eligibility</b>                 | <ul style="list-style-type: none"> <li>• Eligibility for community housing</li> <li>• Removal from the social housing register or CENSW waiting list</li> <li>• Reactivation of a closed application</li> <li>• Eligibility of people classified as unsatisfactory or ineligible former tenants</li> </ul> |
| <b>Housing entitlement</b>                        | <ul style="list-style-type: none"> <li>• Type and size of dwelling</li> <li>• Modifications or special features of dwelling needed for medical needs</li> </ul>  |
| <b>Succession of tenancy</b>                      | <ul style="list-style-type: none"> <li>• Eligibility to be granted succession of tenancy</li> </ul>  |
| <b>Recognition as a tenant</b>                    | <ul style="list-style-type: none"> <li>• Eligibility for recognition as a tenant</li> <li>• Eligibility for a provisional lease</li> </ul>   |
| <b>Matching and offering a property</b>           | <ul style="list-style-type: none"> <li>• Whether an offer is considered 'reasonable' e.g. type, location, size</li> <li>• Removal of the applicant from the housing register for refusal of offers</li> </ul>  |
| <b>Transfer</b>                                   | <ul style="list-style-type: none"> <li>• Eligibility for transfer</li> <li>• Transfer – locational need</li> </ul>   |
| <b>Relocating Tenants for management purposes</b> | <ul style="list-style-type: none"> <li>• Notice of intent under Section 149 of the Residential Tenancies Act 2010 that the social housing provider intends to issue a Notice of Termination where a tenant has been offered alternative social housing premises</li> </ul>                                 |
| <b>Charging rent</b>                              | <ul style="list-style-type: none"> <li>• Calculation of rent subsidies</li> <li>• Cancellation of rent subsidies</li> <li>• Eligibility for a rent subsidy</li> </ul>  |
| <b>Modification to the property</b>               | <ul style="list-style-type: none"> <li>• Need for modifications for disability/medical reasons only</li> </ul>   |
| <b>Absence from Dwelling</b>                      | <ul style="list-style-type: none"> <li>• Request for absence from dwelling</li> <li>• Decisions in relation to rent calculated during absence from the dwelling</li> </ul>   |
| <b>Tenant charges</b>                             | <ul style="list-style-type: none"> <li>• Charges at vacating a dwelling where not covered by NCAT orders</li> </ul>  |
| <b>Antisocial behaviour</b>                       | <ul style="list-style-type: none"> <li>• Antisocial behaviour 1<sup>st</sup> and 2<sup>nd</sup> strike notices</li> </ul>  |

A copy of CENSW's **Appeals Policy** is available on the CENSW website.

## Compliments



If you would like to formally compliment a staff member or CENSW on an aspect of our service, please do so. Positive feedback helps us to understand what we do well and serves as an opportunity to recognise staff who are providing excellent customer service.

## Other Ways to Provide Feedback

### Tenant Satisfaction Survey



CENSW completes an annual Tenant Satisfaction Survey, which provides an opportunity for tenants to comment on the services they receive.

### Website



Tenants, applicants and community members can provide feedback to CENSW through the Common Equity website.

### Maintenance surveys



CENSW send out a Maintenance Survey once your maintenance job has been completed. Please ensure you complete and return this survey as this ensures we get timely feedback should repairs not be up to standard.

### Regional meetings, Forums and Conferences



Tenants are invited to provide feedback through regular Regional Meetings, annual Co-op Forums and/or Sector Conferences. Regional meetings are chaired by a Co-operative member from the region. The agenda is a mix of topics from Co-operatives and from CENSW.

## KEY CONTACTS

### Emergency and CENSW Contacts

| Service   | Contact details | Notify CENSW   |
|---|-----------------|--|
| <b>Emergency Police, Fire &amp; Rescue, Ambulance</b> | 000             | Police and Fire – Yes<br>Ambulance – only if a Tenant is injured as a result of the property or another Tenant |
| <b>NSW State Emergency (SES)</b>                      | 132 500         | Yes  |
| <b>Sydney Water</b>                                   | 132 092         | Leaks on CENSW property – Yes  |
| <b>Poison Information Line</b>                        | 131 126         |  |

|   |  |
|---|--|
| <b>CENSW Maintenance</b>                        | 0432 664 486 – After Hours<br>1800 066 834 or 02 9356 9219<br><a href="mailto:maintenance@commonequity.com.au">maintenance@commonequity.com.au</a>                                   |
| <b>Co-op Development Team (Tenancy matters)</b> | 1800 066 834 or 02 9356 9210   |
| <b>CENSW Head Office</b>                        | 1800 066 834 or 02 9356 9200<br><a href="mailto:enquiry@commonequity.com.au">enquiry@commonequity.com.au</a><br><a href="http://www.commonequity.com.au">www.commonequity.com.au</a> |
|   | Level 13, 31 Market Street<br>Sydney NSW 2000  |
|   | PO Box Q1323, Sydney NSW 1230  |



## Key contacts for all CENSW properties

| Agency  | Contact details  | Purpose/ what they can help with  |
|---|--|---|
| Housing Appeals Committee   | <a href="http://www.hac.nsw.gov.au">www.hac.nsw.gov.au</a><br><a href="mailto:hac@fac.nsw.gov.au">hac@fac.nsw.gov.au</a><br>1800 629 794   | Reviews decisions made by CENSW (or the Co-operative), matters that can be appealed are listed above in the Appeals section   |
| Registrar of Community Housing  | <a href="https://www.nrsch.gov.au/">https://www.nrsch.gov.au/</a><br><a href="https://www.rch.nsw.gov.au/">https://www.rch.nsw.gov.au/</a><br>1800 330 940<br><a href="mailto:registrar@fac.nsw.gov.au">registrar@fac.nsw.gov.au</a> | Ensures CENSW (and Housing Co-operatives) maintain our responsibilities as a Registered Housing Provider  |
| Community Justice Centres   | <a href="http://www.cjc.justice.nsw.gov.au">www.cjc.justice.nsw.gov.au</a><br><a href="mailto:cjc@justice.nsw.gov.au">cjc@justice.nsw.gov.au</a><br>1800 990 777   | Community Justice Centres can assist with disputes including: <ul style="list-style-type: none"> <li>• Pets</li> <li>• Children</li> <li>• Noise</li> <li>• Garbage</li> <li>• Unreasonable behaviour</li> <li>• Family disputes</li> <li>• Fences</li> </ul> |
| NSW Civil & Administrative Tribunal (NCAT)                                    | <a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a><br>1300 006 228   | Oversees and deliberates on a range of matters including tenancy issues, building works and guardianship and administrative review of government decisions  |
| National Disability Insurance Agency  | <a href="https://www.ndis.gov.au/contact-enquiries@ndis.gov.au">https://www.ndis.gov.au/contact-enquiries@ndis.gov.au</a><br>1800 800 110  | The agency rolling out and managing the National Disability Insurance Scheme (NDIS)   |
| NDIS (National Disability Insurance Scheme) Quality and Safeguards Commission | <a href="https://www.ndiscommission.gov.au/contactcentre@ndiscommission.gov.au">https://www.ndiscommission.gov.au/contactcentre@ndiscommission.gov.au</a><br>1800 035 544  | An independent agency established to improve the quality and safety of NDIS supports and services.  |
| NSW Ombudsman   | <a href="mailto:Nswombo@ombo.nsw.gov.au">Nswombo@ombo.nsw.gov.au</a><br>Phone 9286 1000  | Deal with complaints and review the situation of people in care.  |



| Agency  | Contact details  | Purpose/ what they can help with  |
|---|--|---|
| NSW Anti Discrimination Board                 | <a href="https://www.antidiscrimination.justice.nsw.gov.au">https://www.antidiscrimination.justice.nsw.gov.au</a><br><br>Phone 02 9268 5544 or 1800 670 82 | They strive to eliminate discrimination by resolving enquiries and complaints, raising awareness about discrimination and its impacts, and taking action to influence change. |
| NSW Fair Work Commission                      | <a href="https://www.fwc.gov.au/about-us">https://www.fwc.gov.au/about-us</a><br>Phone 13 13 94  | Implement the Fair Work Act   |
| Human Rights and Equal Opportunity Commission | <a href="https://www.humanrights.gov.au">https://www.humanrights.gov.au</a><br>Phone 1300 656 419  | Protect and promote human rights in Australia.  |

### Key contacts for Co-operatives only

| Agency   | Contact details  | What they can help with   |
|--|--|---|
| Registry of Co-operatives (part of Fair Trading NSW) | <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> | Oversees the regulation of Co-operatives and makes sure the processes within Co-operatives are appropriate. |

## SUPPORT SERVICES

Across NSW there are a range of services that can assist and support you in managing your tenancy. Please contact CENSW if you have any questions or are unsure of which support service to contact.

| Service                               | Contact details  |
|---------------------------------------|--|
| Australian Human Rights Commission    | <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>   |
| Centrelink                            | <a href="http://www.humanservices.gov.au/individuals/centrelink">www.humanservices.gov.au/individuals/centrelink</a>   |
| Family & Community Services           | <a href="http://www.facs.nsw.gov.au">www.facs.nsw.gov.au</a>   |
| Housing Appeals Committee             | <a href="http://www.hac.nsw.gov.au">www.hac.nsw.gov.au</a>   |
| Housing NSW                           | <a href="http://www.facs.nsw.gov.au/housing">www.facs.nsw.gov.au/housing</a>   |
| Legal Aid NSW/LawAccess NSW           | <a href="http://www.legalaid.nsw.gov.au">www.legalaid.nsw.gov.au</a><br><a href="http://www.lawaccess.nsw.gov.au">www.lawaccess.nsw.gov.au</a>   |
| National Relay Service NSW            | <a href="https://internet-relay.nrscall.gov.au">https://internet-relay.nrscall.gov.au</a>  |
| NSW Ombudsman                         | <a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>   |
| People with Disability Australia      | <a href="https://pwd.org.au">https://pwd.org.au</a><br><a href="mailto:pwd@pwd.org.au">pwd@pwd.org.au</a><br>1800 422 015<br>1800 422 016 (TTY)  |
| Tenants NSW                           | <a href="http://www.tenants.org.au">www.tenants.org.au</a><br><a href="mailto:contact@tenantsunion.org.au">contact@tenantsunion.org.au</a>   |
| Translating and Interpreting Services | <a href="https://www.tisnational.gov.au/">https://www.tisnational.gov.au/</a><br><b>Immediate phone interpreting<br/>(24 hours, every day of the year)</b><br>Phone: <a href="tel:131450">131 450</a> (within Australia)<br>Phone: <a href="tel:+61392688332">+613 9268 8332</a> (outside Australia) |

**Version Control**

| <b>Version</b> | <b>Date</b>      | <b>Author</b>  | <b>Comments</b>                                       |
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