



# Rental Debt Policy

<b>Responsible Manager</b>	Manager, Housing
<b>Head of power</b>	<i>Residential Tenancies and Rooming Accommodation Act 2008</i> <i>Housing Act 2003</i> Department of Housing and Public Works Community Housing Rent Policy for Indigenous Councils Social Housing Policy
<b>Authorised by</b>	Council
<b>Authorised on</b>	30 June 2021
<b>Implemented from</b>	July 20121
<b>Last reviewed</b>	2021
<b>Review history</b>	2017, 2019
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

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## **1. Purpose**

Council is strongly committed to ensuring that the local government principles are reflected in the Rental Debt Policy.

### **1.1. Overview**

This policy sets out the principles to be followed in Rental Debt Recovery. Our aim is to ensure:

- a) Torres Strait Island Regional Council actively pursues outstanding debts from both current and former tenants.

## **2. Application**

This policy applies to all tenants, Council Officers, contractors, agents and assigns of Council

## **3. Legislation/Policies**

This Policy is established with reference to obligations specified in the *Housing Act 2003*. This Policy is to be applied in conjunction with Debt Recovery Procedure and Rental Debt Management Procedure.

## **4. Provisions**

- 4.1. Debts from a former tenancy cannot be transferred to a tenant's current or pending rental agreement as the debt has no bearing on the current tenancy. Council shall deal with the debts separately.
- 4.2. Council shall not allocate new housing to a tenant in debt until:
  - a) tenant repays the whole of the debt; or
  - b) tenant has made an agreement with Council and has progressed repaying the debt through an arrear's payment plan.
- 4.3. If an applicant for new housing is assessed as being of a very high or high level of need, Council shall not delay the allocation because of the debt. The new tenant must sign a rent and arrears payment plan as part of their new general tenancy agreement. If the new tenant declines to sign a rent and arrears payment plan, applications may be approved but the allocation will be deferred until tenant has made payments towards their debt.
- 4.4. If the applicant is assessed as being of a moderate to low level of need, Council will not proceed with the new allocation of housing until the new tenant has entered into a rent and arrears payment plan as part of their new general tenancy agreement. If the new tenant declines to sign a rent and arrears payment plan, Council will not proceed with the new allocation of housing for that tenant.
- 4.5. Council's Chief Executive Officer or Executive Director of Communities and Building Services has power to waive statute-barred debts relating to housing.

- 4.6. Multiple tenants who signed a general tenancy agreement are jointly and severally responsible for debts incurred under that agreement.
- 4.7. Tenants who are deemed by the delegated officer to have an implied tenancy will be responsible for any debt accrued while they have resided in a Council housing property.

Manager Responsible for Review:

Manager, Housing



**Adoption:** 30 June 2021

**Due for Revision:** 30 June 2023

Hollie Faithfull  
A/Chief Executive Officer