

Property Management

Policy

Date effective: 3 April 2017

1. Purpose

To guide the appropriate management of the condition of premises owned or leased by the Department of Housing and Community Development ('the department') to ensure that the department's asset is protected and that premises are habitable and meet all health and safety requirements.

2. Scope

This policy applies to premises owned or leased by the Chief Executive Officer (Housing), for the purpose of residential accommodation. This policy does not apply to properties that are not leased under the *Residential Tenancies Act*.

3. Policy

The department will provide properties that are safe, secure and habitable as specified under the *Residential Tenancies Act* and/or any other relevant legislation.

3.1. Pest control management

Under section 48 of the *Residential Tenancies Act*, the department must ensure that the premises are habitable, meet health and safety requirements that apply to the tenancy, and that the premises are reasonably clean when the tenancy commences.

During the tenancy, the department may undertake pest inspection programs or preventative treatments to eradicate pests that pose a significant risk to the structural integrity of premises, for example, to prevent or treat termites.

Tenants have responsibility under section 51 of the *Residential Tenancies Act* to not maintain the premises in an unreasonably dirty condition, allowing for reasonable wear and tear, and to not intentionally or negligently damage the premises.

Unreasonably dirty premises attract pests including cockroaches, rats, mice, ants and other insects and vermin. Pests present during the tenancy are the responsibility of the tenant. Pest infestations due to the premises being maintained in an unreasonably dirty condition or due to intentional or negligent damage by the tenant will be managed in line with the Tenant Damage policy and section 3.2 of the Tenancy Agreement Breach policy.

3.2. Security management

The department is responsible for providing and maintaining secure premises including doors, windows, locks and other security devices on all properties. If the security of the premises is compromised, the department will fix the damaged or faulty item in accordance with Section 63 of the *Residential Tenancies Act*. If a tenant intentionally or negligently causes or permits damage to the premises or additional property the department may repair the damage and recover from the tenant compensation in accordance with Section 122 of the *Residential*

Tenancies Act. A tenant may seek to undertake repairs themselves (at their own cost), with the department's consent.

The department provides a full set of keys to tenants upon signing a new tenancy agreement. From that point forward, the tenant is responsible for security of keys and all costs for maintaining the keys. Tenants must obtain approval to change existing locks or add new locks, except in the case of an emergency. If locks are changed in an emergency, the tenant must provide, as soon as possible, a copy of any new keys to the department. The tenant must return a full set of keys (including any duplicates) at the end of the tenancy, or pay the cost for the department to replace the keys and locks.

A tenant is not considered responsible for damage when the damage is the result of criminal activity. In cases where the damage is the result of criminal activity, refer to the Tenant Damage policy.

3.3. Tree management

Housing will remove trees from its properties and branches that are encroaching from a neighbouring property if they:

- present an immediate threat to health, life or dwelling by way of:
 - falling branches;
 - dropping fruit on paths that may cause people to slip;
 - protruding roots in walkways that could be a trip hazard; or
 - cause tenants or neighbours to have an allergic reaction.
- are causing significant maintenance problems such as trees growing under eaves or in contact with buildings, trees with roots that are causing damage to pipes or other critical parts of the building or premises.

3.4. Water management

The department encourages responsible water usage by tenants. In accordance with Section 117 of the *Residential Tenancies Act*, the department can request a tenant pays charges for water that the owner supplies to the premises if outlined in the tenancy agreement and the premises are separately metered. For separately metered premises, tenants are responsible for excess water charges. Excess water is where consumption exceeds 500 kilolitres per year (1 October to 30 September), or in the case of any broken period, a pro rata amount in accordance with that period.

If high water usage is due to a maintenance problem (e.g. leaking pipes or taps) and the tenant informed the department, in a timely manner, the department may agree to waive the charges in full or in part. Tenants should notify the department of any leaks or water damage to the property. If urgent repairs are needed, the department will fix the damage or faulty item in accordance with Section 63 of the *Residential Tenancies Act*.

3.5. Fence management

The department is responsible for maintaining existing boundary fences on properties to ensure that they meet the safety requirements specified under the *Fences Act*. The department can give consideration to upgrading or installing fencing on properties that are either facing or backing onto a busy road.

When damage to an existing fence occurs, the department and the owner of the adjoining land are equally liable to contribute for the cost of repair to an existing dividing fence, in accordance with section 14 of the *Fences Act*. Where a tenant intentionally or negligently damages an existing fence, refer to the Tenant Damage policy.

In remote communities the department is not required to repair a damaged fence unless:

- the tenant and the department both agree that the fence should be repaired; or
- it impacts on the safety of the tenants and/or other community members.

3.6. Fire and risk management

On commencement of a tenancy, the department is responsible for the safety systems required to be installed to ensure its properties meet statutory obligations. This includes smoke alarms and residual current devices. The department will repair or replace safety systems identified as faulty through its own periodic inspection or as identified and notified by the tenant.

The department will test and clean all smoke alarms within 30 days before the start of a tenancy in accordance with the requirements under regulation 13D of the Fire and Emergency Regulations. Tenants must test and clean smoke alarms regularly (at intervals of not more than 12 months) to ensure they are in working order. If they are not in working order, tenants must notify the department as soon as practicable.

3.7. Alterations or additions

3.7.1. Tenant alterations and additions

Tenants must obtain written consent from the department prior to making any alterations or additions to their premises. Any approved alterations or additions must be completed in accordance with relevant legislation and by-laws, and tenants are responsible for obtaining appropriate building permits or certifications.

On vacating the premises, the tenant may be required to remove their alterations or additions and give back the premises in a reasonable state of repair, allowing for reasonable wear and tear. The tenant is responsible for maintaining the alterations during the tenancy, where approval is conditional upon the removal of the alteration at the end of the tenancy.

3.7.2. Department alterations or additions

The department may alter premises to appropriately accommodate tenants with additional housing related needs. These alterations must be essential to achieve a satisfactory level of comfort and safety for the tenant. The tenant will be required to provide documentation to support their request in accordance with the Identification and Documentation policy.

Minor alterations (such as handrails or door ramps) will generally be approved where supporting documentation is provided. Major alterations (such as structural changes to the dwelling) may be refused if a transfer to a special purpose dwelling is possible. Where there is a request for major alterations, consideration will be given to the cost involved and the suitability of the premises for modification. An Occupational Therapist

or qualified health professional must provide supporting documentation, outlining any special alteration needs of the tenant.

Tenants who are at risk of domestic and family violence may have need for additional security features in accordance with the Domestic and Family Violence policy.

3.8. Asbestos management

The department protects the health and safety of tenants, staff and contractors by minimising their exposure to asbestos containing material under the *Workplace Health Safety Act*. This includes ensuring that potential asbestos hazards in properties are maintained appropriately to minimise risk.

Tenants may not make any alterations or modifications to their properties without department approval. The requirement for tenants to seek approval protects department property from being damaged, and minimises potential risk of exposure to asbestos containing material. Where suspected asbestos containing material is damaged, tenants must immediately report the damage to the department.

The management and removal of asbestos must be in accordance with the current legislation.

3.9. External appearance of a property

Departmental officers work across the Northern Territory. In the course of their duties they may incidentally observe the conditions of other department properties. If a departmental officer notices that the external appearance of a premises is in an unreasonably dirty condition, the officer may advise the tenant of this observation and remind the tenant of their responsibilities under the *Residential Tenancies Act*.

Such observations may lead to an inspection of the premises under section 70 or section 72(b) of the *Residential Tenancies Act*. Observations of premises in an unreasonably dirty condition may be used as the basis for issuing a notice to remedy a breach of a tenancy agreement, in accordance with section 51 of the *Residential Tenancies Act*.

4. Discretionary decision making

Discretion can be applied to this policy using the Discretionary Decision Making policy.

5. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the department, they can access the department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

6. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly. This policy will be reviewed within two years of release.

7. References

Legislation

Fences Act

Fire and Emergency Act

Fire and Emergency Regulations

Housing Act

Residential Tenancies Act

Swimming Pool Safety Act

Workplace Health and Safety Act

Workplace Health and Safety Regulations

Policies

Asbestos Management Policy for Northern Territory Government built environment
(Department of Infrastructure, Planning and Logistics)

Appeals policy

Complaints policy

Discretionary Decision Making policy

Domestic and Family Violence policy

Identification and Documentation policy

Tenancy Agreement Breach policy

Tenancy Agreements for Public Housing policy

Tenant Damage policy

Key related documents

Building Code of Australia

Code of Practice for the Safe Removal of Asbestos

Guidelines for Asbestos Management-Roles and Responsibilities for Government Agencies

8. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
3/04/2017	2.00	Chief Executive	3.1	Revised
23/11/2016	1.01	Director Policy	all	Editorial amendments
4/07/2016	1.00	Chief Executive Officer	all	New