

Domestic and Family Violence Policy – Tenancy Policy

Location	CEO Office
Policy Type	Operations Policy
Version	2.0
Issue Date	July 2021
National Regulatory Code	Performance Outcome 1 – Tenant and Housing Services

1. Objective

- 1.1 This Domestic and Family Violence Policy seeks to provide guidance and assistance to all Argyle Community Housing Ltd (Argyle Housing) employees around the identification and appropriate response to domestic and family violence. This policy aims to ensure that Argyle Housing standards are consistent, appropriate and free from discrimination or bias.

2. Policy Scope

- 2.1 Community Housing Providers are a key component of what must be an integrated response to improve policy and service delivery to victims of domestic and family violence.
- 2.2 Argyle Housing recognises that domestic and family violence can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality, or ethnicity. We also recognise that domestic and family violence affects both male and female victims, including those in lesbian, gay, bisexual, transgender, intersex, and queer relationships. We are committed to supporting victims of domestic and family violence regardless of gender or sexuality.
- 2.3 Argyle Housing takes domestic and family violence seriously and is committed to providing a sensitive and confidential response to anyone approaching Argyle Housing for assistance in cases of domestic and family violence.
- 2.4 Argyle Housing is committed to building our skills, capacity, and practice to identify indicators of domestic and family violence and to work with victims to assist them to manage their housing and support situation.
- 2.5 Argyle Housing will take appropriate action that balances the rights and wishes of the victim with the rights of the landlord to protect the property and the safety and wellbeing of other household members and neighbours.
- 2.6 Argyle Housing will also work with support services and other partners to assist victims and deal with perpetrators as domestic and family violence cases require a multi-agency approach.
- 2.7 This policy covers all Clients, their household members and applicants of Argyle Housing.
- 2.8 Argyle Housing promotes and respects the human rights and fundamental freedoms of all persons with a disability. Argyle Housing supports and encourages a person-centred approach to service delivery. Argyle Housing aspires to provide a service to Clients in line with the principles of the NSW Disability Inclusion Act 2014, Disability ACT and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

3. Policy Definitions

Domestic and Family Violence:	Any behaviour that causes physical, sexual, financial, or emotional harm, or causes someone in the relationship to live in fear
Relevant domestic violence offender means:	(a) a co-Client or occupant or former Co-Client or former occupant, or b) a person with whom a Client or Co-Client giving a domestic violence termination notice has or has had a domestic relationship, within the meaning of the <i>Crimes (Domestic and Personal Violence) Act 2007</i>

4. Policy Details

- 4.1** An Argyle Housing Client or Co-Client may exercise their right to an early termination to their tenancy agreement by giving a domestic violence termination notice as prescribed under s105B of the Residential Tenancies Act 2010 (NSW). This notice will take effect no earlier than the date that the notice is given.
- 4.2** In accordance with s105C the Client is required to provide with the termination notice either –
- (a) a copy of the certificate of conviction in proceedings against the relevant domestic violence offender for the domestic violence offence,
 - (b) a copy of the relevant DVO made against the relevant domestic violence offender,
 - (c) a copy of the relevant injunction granted under section 68B or 114 of the Family Law Act 1975 of the Commonwealth in favour of the Client or Co-Client in proceedings against the relevant domestic violence offender, or
 - (d) a declaration made by a competent person that:
 - (i) is in the form prescribed by the regulations, and
 - (ii) contains the matters prescribed by the regulations.
- 4.3** Argyle Housing will review the circumstances of any remaining Co-Client of the property where it is a social housing tenancy, in accordance with NSW or ACT Housing Social Housing Policy, or in the case of Affordable Housing the NRAS and Affordable Housing Guidelines. Co-Clients will be required to submit all requested eligibility documents within 14 days. Co-Clients not eligible for housing under the relevant program will be issued with a Notice of Termination in accordance with the relevant provisions under the Residential Tenancies Act. Co-Clients who are still eligible may be offered alternative premises in circumstances where the property would otherwise be under-occupied.
- 4.4** Argyle Housing will review all applications from authorised occupants at the property who wish to be considered for succession of the tenancy in accordance with the Application Succession Policy.
- 4.5** A Client who is experiencing domestic violence is not responsible for any damage caused by a domestic violence perpetrator (whether or not, the perpetrator is a Client) during a domestic violence offence.

A Co-Client who is not the domestic violence perpetrator does not have to pay for this type of damage.

Where property damage has occurred due to domestic violence, the Client will be asked to provide a Police Event Number or other third-party supporting documentation or evidence that to establish the event has occurred. This may also include a certificate for conviction for the domestic violence offence, a family law injunction, a provisional, interim, or final Domestic Violence Order. Client

Support Leads are responsible for approving non-chargeable domestic violence related damage expenses.

- 4.6 Perpetrators of domestic violence are responsible for all damage caused within the property as a consequence of this violence.

5. References

- It Stops Here: Standing together to end domestic and family violence
- Residential Tenancies Act 2010 (NSW)
- *Residential Tenancies Act 1997 (ACT)*
- *NSW Social Housing Eligibility Policy*
- *ACT Social Housing Eligibility Guidelines*
- *NSW Affordable Housing Ministerial Guidelines*
- Argyle Housing Policy - Application Succession Policy

6. Employee Acknowledgment

I hereby acknowledge that I have received Argyle Housing's Domestic and Family Violence Policy; that I have read and understood all that was contained in this policy; and that I will comply with this policy and its amendments.

Name:

Signature:

Date:

Version Control

Version	Review Date	Author	Positions	Next Review Date
1.0	May 2018	W. Middleton	CEO	

Version	Review Date	Author	Positions	Next Review Date
2.0	20/7/2021	C.Doherty	Housing Services Manager	30/7/2023