

Antisocial Behaviour Policy

Purpose

The purpose of this policy is to set out Housing Trust's approach to responding to issues of antisocial behaviour when a tenant breaches their Residential Tenancy Agreement.

Policy

This policy applies to all tenants, household members and visitors. Through this policy Housing Trust aims to balance the responsibilities of tenants and the rights of neighbours and the surrounding community with the need to support tenants to sustain their tenancy.

Definition

Broadly, antisocial behaviour is defined as behaviour which disturbs the peace, comfort or privacy of other tenants, neighbours or the surrounding community. Categories of antisocial behaviour range from minor antisocial behaviour to severe illegal behaviour as outlined below:

1. Minor and moderate antisocial behaviour

Activities which disturb the peace, comfort and/or privacy of other tenants or neighbours. Examples include but are not limited to the use of obscene language towards others, bullying, and harassment, noise causing nuisance, vandalism, graffiti and failure to correctly dispose of rubbish.

2. Serious antisocial behaviour

Activities which severely disturb neighbours or place the safety of others at risk. Examples include but are not limited to the use of obscene language towards others, threats, abuse, intimidation, harassment or victimisation.

3. Severe or illegal behaviour

Behaviour which poses a risk to the safety or security of residents or property and may result in criminal charges and/or conviction. Examples include but are not limited to committing injury towards others, the use of the premises for the manufacture, sale, cultivation or supply of any prohibited drug, storing unlicensed firearms, physical assault or acts of violence.

Response and Intervention

Housing Trust will investigate allegations of alleged antisocial behaviour only where there is an alleged breach of the Residential Tenancy Agreement. Where a breach has been substantiated and where appropriate, Housing Trust will facilitate early intervention and referral to support services to minimise the escalation of antisocial behaviour cases to the NSW Civil and Administrative Tribunal (NCAT).

Housing Trust will exercise discretion and consider the safety of victims of antisocial behaviour when making decisions surrounding action to be taken for substantiated incidents. Where there is reasonable suspicion that a child or young person is at risk of harm a report to the NSW Department of Family and Community Services will be made. Any criminal investigations in relation to antisocial behaviour are the responsibility of the NSW Police.

Housing Trust will not intervene or investigate allegations unless there is an alleged breach of the Residential Tenancy Agreement. Where there is no breach of tenancy, Housing Trust will encourage tenants to resolve neighbourhood disputes independently or with the assistance of mediation services. Housing Trust may recommend or refer tenants for assistance with mediation when appropriate and in cases where parties agree to attend.

Housing Trust will respond to antisocial behaviour based on the categories outlined above in the following ways:

1. Minor and moderate antisocial behaviour:

- In the first substantiated instance of minor or moderate antisocial behaviour resulting in a breach of tenancy, Housing Trust will facilitate early intervention and referral to appropriate support services.
- If a further breach occurs Housing Trust may apply the strike notice provisions of the Residential Tenancies Act 2010. Housing Trust will also request a tenant to provide a written undertaking, by way of an Acceptable Conduct Agreement not to engage in specified antisocial behaviour.
- For any further breaches Housing Trust may continue to apply the strike notice provisions of the [Residential Tenancies Act 2010](#). Where three (3) strikes are recorded within a twelve (12) month period Housing Trust may make an application to NCAT seeking termination.

2. Serious antisocial behaviour

- In the first substantiated instance of serious antisocial behaviour resulting in a breach of tenancy Housing Trust will request a tenant to provide a written undertaking, by way of an Acceptable Conduct Agreement not to engage in specified antisocial behaviour.
- For any further breaches Housing Trust will apply the strike notice provisions of the Residential Tenancies Act 2010. Where three (3) strikes are recorded within a twelve (12) month period Housing Trust may make an application to NCAT seeking termination.

3. Severe or illegal behaviour

- In substantiated instances of severe illegal behaviour Housing Trust will seek termination of tenancy through NCAT.

Right of Appeal

If a tenant believes Housing Trust has made a wrong decision in relation to a breach or strike notice a formal review of the decision should be requested. To do this, the applicant or tenant is required to complete a Housing Trust Appeals Form stating why they disagree with the decision. *Housing Trust's Appeals Policy* and form are available by contacting the Housing Trust office or alternatively, may be downloaded from our website www.housingtrust.org.au

If the appellant is not satisfied with the outcome of the internal appeal they can make an appeal to the Independent Housing Appeals Committee (HAC). HAC is an independent appeals agency for all NSW Social Housing clients.

Housing Trust will advise the appellant on how to lodge an appeal with HAC. Alternatively HAC may be contacted directly by visiting www.hac.nsw.gov.au or by calling 1800 629 794.

Applications to NCAT cannot be appealed. These matters will be managed through the NCAT process.

Reference or Related Documents

Internal

Policy:

1. End of Tenancy Policy
2. Identifying and Responding to Domestic and Family Violence Policy
3. Appeals Policy

Procedure:

1. Antisocial Behaviour Procedure
2. Home Visit including Risk Assessment Procedure
3. Identifying and Responding to Domestic and Family Violence Procedure

External

1. Residential Tenancies Act 2010
2. Residential Tenancy Agreement NSW
3. Independent Housing Appeals Committee (HAC) www.hac.nsw.gov.au
4. NSW Civil and Administrative Tribunal (NCAT) www.ncat.nsw.gov.au

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	New Policy	01.07.2016	Approved for release by GM:C&C
V 2.0	Reviewed and updated in line with current business practice	23.08.2018	Approved for release by Amanda Winks Chief Housing Officer
V 3.0	Reviewed and updated in line with current business practice. Reviewed and endorsed by Tenant Advisory Group (TAG) on 27.02.2019 and Executive Leadership Team on 29.03.2019	13.06.2019	Approved for release by Amanda Winks Chief Housing Officer