

Policy Name: Tenant Transfer and Succession

Approved by: Chief Executive Officer

Date effective: May 2019

Due to be reviewed: May 2022

Section 1 – Introduction

PURPOSE

VincentCare Community Housing (VCCH) is committed to ensuring that tenant transfers are managed in an equitable and transparent manner, in keeping with the Residential Tenancies Act and observing the principles of the Victorian Charter of Human Rights. Moreover, the policy and procedure provides for succession arrangements to assist with smooth transitions to alternative housing options for tenants requiring transfers.

VCCH operates a diverse range of accommodation and support services for people experiencing disadvantage, and is committed to applying an appropriate duty of care to all people in contact with VincentCare services. This includes protecting people's personal and cultural safety regardless of ability, cultural background, ethnicity, gender identity, sexual orientation or religion.

SCOPE

This policy applies to all tenants managed by VincentCare Community Housing.

For the purpose of this policy, the term 'tenant' is inclusive of the term 'resident'.

REVIEW CYCLE

This policy will be reviewed every three years. It will be modified or replaced whenever VCCH becomes aware that this policy no longer complies with the requirements of the organisation or when any legislative or regulatory obligations impacting tenant transfers and succession change.

Section 2 – Policy Statement

VCCH shall respond to changes in tenants' circumstances in a way that is ethical, lawful and supportive and which minimises the likelihood of a return to homelessness.

Guiding principles/approach

The guiding principles underpinning this policy and its related procedures will encompass consideration of the following circumstances:

VCCH recognises that circumstances change and is committed to working with tenants to enable access to housing appropriate to their needs.



The following guidelines apply with regard to VCCH tenant transfers and successions:

2.1 New household members

- Any visitor staying at the property more than three nights a week will be considered a household member and is required to pay rent.
- To remain eligible for housing provided by VCCH, combined household income must remain below the DHHS income limits.
- **Transitional housing:** any new household member must be included in the primary tenant's housing plan, including being listed on any submitted long term housing applications

2.2 Family violence

- VCCH is committed to operating within the Family Violence Protection Act and supporting any person experiencing family violence.
- All staff members will treat all people experiencing family violence with understanding and sensitivity and maintain confidentiality at all times.
- Where family violence has occurred or is occurring in a property, VCCH shall prioritise the housing needs of the person experiencing family violence and their dependant household members.
- VCCH will support people experiencing family violence to remain in the property if appropriate and enable safety modifications to occur in a timely manner
- This policy does not apply to women residing in Family Violence specific crisis or emergency properties.

2.3 Household breakdown

- VCCH will aim to maintain tenancies where it is safe and practical to do so.
- In cases of household breakdown the Primary tenant and where applicable, their dependants have the right to remain in the property.
- VCCH will seek to locate an alternative property for the secondary tenant.

2.4 Under occupancy and overcrowding

- VCCH utilises the Housing Size Guidelines contained in the *DHHS Allocations Manual: Matching Clients with Housing*. It is a guide only and VCCH reserves the right to make a decision based on available properties to meet the tenant's needs

2.5 Departure or death of a Primary Tenant

- When the Primary Tenant of a THM property departs permanently or dies, staff shall assess the tenancy status and support needs of any remaining household members in the property, in line with the occupancy guidelines. A determination will then be made as to whether:
 - the other household members can remain in the property,
 - relocation to an alternative VCCH property is required
 - the tenant requires support to relocate to a property external to VCCH.
- Where the former Primary Tenant was the sole parent or guardian of minors residing in the property, staff shall adhere to the Children, Youth and Families Act and confirm that the support worker has informed Child Protection Services.

- If the remaining household member/s meet the relevant eligibility criteria and the property size is appropriate to the new household size, the tenant can remain in the property. If however, the property is underutilised, VCCH will work with the tenant to identify an alternative suitable property

2.6 Voluntary tenant transfers

2.6.1 Transitional Housing

- Tenants who may wish to transfer to a different property during their tenancy are required to engage the assistance of their support worker.
- The support worker must refer to the Housing & Support Partnership Agreement and advocate on their client's behalf in writing.
- Circumstances in which a voluntary property transfer request may be approved are:
 - Risk of family violence;
 - Violence and serious threats from neighbours, associates or co-tenants;
 - Significant change to household size; and/or,
 - Significant mental and physical health concerns which are exacerbated by the property or location.
- The Program Manager will consider transfer requests that meet the criteria above.
- The Program Manager will assess the transfer request against the Housing Plan and any exemptions listed on the Housing Application.
- Tenants are required to pay removal costs associated with property transfers made at their request. Transfer requests may not be approved if the current property has been deliberately and maliciously damaged by the tenant or the tenant's visitors or if rent arrears apply.

2.6.2 Long Term Housing

- Tenants in long term housing are required to put requests in writing to the Program Manager, for consideration.

2.7 Compulsory tenant transfers

- VCCH will undertake compulsory transfers of tenants between properties when required, acting within the parameters of the Residential Tenancies Act and observing the principles of the Victorian Charter of Human Rights.
- Compulsory transfers are necessary when:
 - VCCH receives notice from the Lease Management Team (LMT) that a Department of Health and Human Services (DHHS) leased property needs to be handed back to the owner;
 - Under-occupancy of a property; or,
 - Overcrowding of the property.
- The tenant household shall be prioritised for the next available suitable property.
- In the case of compulsory transfer VCCH is responsible for paying relocation and cleaning costs.
- When a property is being handed back to the DHHS staff must ensure the transfer is completed within timeframes set out by DHHS.
- If the tenant refuses to relocate within the timeframe and the property is to be handed back, the Program Manager will negotiate with the LMT for additional lease time.

All transfers will be subject to alternative accommodation availability. It is possible that tenants requiring transfers may be initially offered an Office of Housing property before a suitable VCCH transfer property becomes available.

Communication

VCCH will provide clear information to tenants on this policy.

Section 3 - Procedures

The following key procedures will apply:

- Staff will work with the tenant and support worker to discuss transfer requests.
- VCCH may inspect the current property prior to the transfer occurring.
- The Program Manager will respond in writing to transfer requests to confirm the outcome.
- The tenant, support worker or a tenant's family member can inform the staff of a visitor staying at the property more than three nights a week.
- Where a perpetrator of family violence is identified staff will prioritise and work with the tenant experiencing family violence to pursue an intervention order and/or take steps to better secure the property or to locate alternative housing.
- Where a household relationship breakdown occurs staff will encourage dispute resolution. Where this fails staff will facilitate tenant transfer to a suitable alternative property.
- Where property overcrowding occurs staff will work with tenants to facilitate an appropriate transfer.
- Where a tenant death occurs staff will ascertain whether children are residing at the property and are now without a guardian and if required contact child protection services.
- Staff will advise tenants seeking a transfer that the offer needs to be accepted or declined within two business days. If the offer is declined, however the property is appropriate the transfer approval may be withdrawn.
- If appropriate transfer properties are not available staff will advise the tenant's support worker in writing and the tenant will be placed on the transfer list.
- Where a transfer is accepted by a tenant a date for the transfer and exchange of keys will be negotiated and staff will ensure that the tenant comprehends their responsibilities in vacating the current property.

Section 4 – References

Definitions

Word/Term	Definition
DHHS	Department of Health and Human Services
LMT	Lease Management Team
MTP	Manager Tenancy and Property
PW	Prioritisation Worker
RTA	Residential Tenancies Act
SARS	Special Accommodation Request
THM	Transitional Housing Management

Related External References

Name	Link
Residential Tenancies Act 1997	http://www.austlii.edu.au/au/legis/vic/consol_act/rta1997207/
Department of Health and Human Services Tenancy Management Manual	http://www.dhhs.vic.gov.au/_data/assets/word_doc/0005/566195/TM-Manual-Chapter-4-Leased-Properties-JULY-2012.doc
DHHS Allocations Manual	http://www.dhhs.vic.gov.au/_data/assets/word_doc/0006/566880/13-Matching-Clients-with-Housing-Jan-2012.doc
Homelessness Assistance Program Guidelines	http://www.dhhs.vic.gov.au/_data/assets/pdf_file/0007/560572/Homelessness-Assistance-Program-Guidelines-06-09-revised.pdf
Housing and Support Partnership Agreement	http://www.nwhn.net.au/admin/file/content/2/c7/NWMR%20Housing%20and%20Support%20Partnership%20Agreement%20Nov%2011.pdf
National Community Housing Standards	http://chfa.com.au/sites/default/files/node/185/doc_nchs_manual_may2010.pdf

Related policies

Policy name	Description
VCCH Housing Allocation Policy	https://vincentcare.org.au
VCCH Complaints and Appeals Policy	https://vincentcare.org.au
VCCH Property Management Policy	https://vincentcare.org.au
VCCH Tenancy and Property Management Welfare Policy	https://vincentcare.org.au
VCCH Vacant Property Management Policy	https://vincentcare.org.au
VCCH Tenancy Changing Needs of Tenants and Residents Policy	https://vincentcare.org.au
VCCH Tenants Allocation Policy	https://vincentcare.org.au
VCCH Rent Setting Policy	https://vincentcare.org.au

Legislation and standards

This policy implements the obligations of VincentCare Community Housing under:

- Residential Tenancies Act 1997
- Housing Act 1983 (Vic)
- Performance Standards for Registered Housing Agencies

Section 5 – Governance

Transparency and accessibility

This policy will be available on the VincentCare Community Housing website
<https://vincentcare.org.au>

Responsibility

Process Owner	General Manager Housing
Content Holder/s	Housing Program Managers
Recommending body	Quality Committee
Endorsed by	Chief Executive Officer

Change history

Version	Effective Date	Author	Change
1	May 2019	General Manager Housing	<ul style="list-style-type: none">• This is a new policy for publication on VincentCare's website• This policy is a compliance requirement for registered agency participation in the Victorian Housing Register (VHR)