



Aboriginal Housing Victoria

Housing Services Manual

Chapter 7: Property management – Tenant Relocation

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Chapter 7: Property management – Tenant Relocation

Contents

1.1	Purpose	5
1.2	Scope.....	5
1.3	Context.....	5
1.4.	Cultural statement	6
1.5	Relevant legislative and regulation.....	6
1.6	Organisational context.....	6
1.7.	Key stakeholders	7
1.8	Other relevant contextual factors.....	7
1.9	Policy objectives.....	7
1.10	Responsibilities	8
1.11	Definitions and acronyms	8
1.12.	Policy details – information and consultation.....	10
1.13	Policy details – relocation	11
1.13.1	Transfer applications.....	11
1.13.2	Outstanding charges and other tenancy breaches	11
1.13.3	Tenant responsibility damage.....	11
1.13.4	AHV is unaware of dependants or residents living in the property.....	12
1.13.5	Housing size	12
1.13.6	Housing type and location	13
1.13.7	Offers of relocation housing	13
1.13.8	Relocation to other housing.....	13
1.13.9	Maximum rents.....	13
1.13.10	Tenants with supports in place	14
1.14	Policy details – Payment of expenses	15
1.14.1	Delegations for relocation expenses.....	15
1.14.2	Connection fees – utilities and mail redirection	15
1.14.3	Removal expenses.....	15
1.14.4	Tenant arranges removalist	16
1.14.5	Tenant undertakes removal.....	16
1.14.6	Packing and unpacking.....	16
1.14.7	Insurance.....	16
1.14.8	Compensation for improvements.....	16

1.14.9	Transport to relocation or redeveloped housing.....	17
1.15	Policy - Options for move back.....	18
1.15.1	Eligibility to move back	18
1.15.2	Writing to relocated tenants.....	18
1.15.3	Tenant does not wish to move back	19
1.15.4	Offers of redeveloped housing	19
1.15.5	Establishing the market rent.....	19
1.16	Policy log	19

Chapter 7.

Property management- Tenant relocation Policy and context

1.1 Purpose

The purpose of this chapter is to outline the processes and services by which Aboriginal Housing Victoria (AHV) negotiates with tenants and their advocates, in circumstances where tenanted properties have been identified for redevelopment or disposal.

1.2 Scope

The policy applies to AHV tenants.

1.3 Context

AHV aims to:

- provide appropriate, affordable and secure housing assistance for low-income Aboriginal people living in Victoria;
- wherever possible, support tenants to achieve housing stability and sustainable tenancies; and
- manage its property portfolio in a way that maximises housing opportunities for low income Aboriginal Victorians by growing the number of properties, and achieving an improved match of property type/location/amenity with client demands and expectations.

The Victorian Housing Register (VHR) is managed by the Department of Health and Human Services (DHHS), on behalf of all social housing participating agencies, and provides a single point of entry to social housing in Victoria.

DHHS has established a common eligibility criteria for the VHR that are set out in the Eligibility Criteria Operational Guidelines. Applicants may complete a Register of Interest application or a Priority Access application, depending on their housing circumstances and income/asset eligibility.

AHV is a participating agency in VHR and AHV tenants seeking to transfer must generally meet the VHR eligibility criteria.

Further details regarding VHR eligibility criteria, and applying for social housing can be found at:

<http://www.housing.vic.gov.au/apply-social-housing>

1.4. Cultural statement

The First Nations people of Australia have the oldest continuous cultures in the world. AHV celebrates and takes pride in the rich and spiritual culture, values and practices of Australia's First Nations people. We celebrate the significant contribution made by Aboriginal and Torres Strait Islander people and culture to the enrichment of Victorian society, and, we acknowledge and respect the special place of Victorian traditional owners as Victoria's First Nations peoples.

As an Aboriginal Community Organisation we acknowledge that our legitimacy is derived from the strong relationships we have with Victoria's Aboriginal communities and our success is through achievement of our shared vision and aspirations.

Our vision is that **Aboriginal Victorians secure appropriate, affordable housing as a pathway to better lives and stronger communities.**

We believe that achievement of our vision is through the provision of housing services which enhance the dignity of our clients and tenants and which respects and celebrates their cultural beliefs, values and practices.

Our policies and procedures are designed so that our practice and service delivery is in accord with this cultural statement.

1.5 Relevant legislative and regulation

- *Residential Tenancies Act 1997*
- *Charter of Human Rights and Responsibilities 2006*
- *Housing Act 1983*
- Performance Standards for Registered Housing Agencies (Housing Registrar)
- Registered Agency Agreement between AHV and the Director of Housing relating to participation in the VHR
- DHHS Victorian Housing Register Operational Guidelines.

1.6 Organisational context

Relevant AHV values that underpin our application and waiting list management policies include:

Respect and support for Aboriginal identity and culture and for our tenants and stakeholders

Integrity, trust and honesty in all our business activities

Collaborative relationships with our community, tenants, government and stakeholders

Kindness, compassion, courtesy and dignity in our relationships with our clients, our stakeholders and with each other.

Relevant AHV strategic objectives are to:

- Provide efficient and effective housing services for Aboriginal people;

- Develop constructive and mutually beneficial partnerships and relationships with the housing, community and corporate sectors;
- Advocate for, influence and deliver improvements in Aboriginal housing and other outcomes;
- Maintain high standards of accountability, probity and transparency to tenants, clients, the Aboriginal community, government and the public.

1.7. Key stakeholders

- Current AHV tenants;
- Aboriginal Victorians waiting for AHV housing; and
- Aboriginal Victorians, Aboriginal organisations, other community organisations and government agencies that have an interest in the delivery and outcomes of this policy.

1.8 Other relevant contextual factors

AHV is part of the social/community housing sector in Victoria. The sector provides long-term, secure rental accommodation to low-middle income Victorians through a large and diverse range of not-for-profit organisations. Community housing is highly regulated by government and as a social housing agency, AHV must comply with sector performance standards and demonstrate the capacity to manage a viable social housing business, including timely re-allocation of vacant properties.

1.9 Policy objectives

This policy aims to achieve the delivery of fair tenancy management services to tenants who are residing in AHV properties that have been identified for redevelopment or disposal. Wherever possible, AHV will defer action on disposal or redevelopment of properties until properties become vacant, but this is not always possible or practicable. The policies outlined in this chapter apply in circumstances where AHV has determined that redevelopment of the site cannot be deferred until the current tenancy is terminated.

AHV properties largely consist of non-detached family housing, while the demand from Aboriginal clients for smaller housing continues to grow. AHV's Asset Management Strategy incorporates redevelopment of suitable sites over time that will enable AHV to construct housing that is more suited to a range of household sizes and types, more consistent with the current and future housing requirements of Aboriginal households.

Where a tenanted property is identified that is particularly suitable for redevelopment, and there are funds available to progress the project, AHV will work with the tenant and tenant's representative to negotiate an agreed relocation plan that meets the tenant's housing requirements. This may include moving back to the site, when the redevelopment has been completed, should the tenant wish to do so.

To promote transparency and ease of access to information on AHV services, AHV policies are publicly available and can be accessed via AHV's website www.ahvic.org.au.

1.10 Responsibilities

Allocations Officer	Lead role in making offers and signing up new tenants
Asset Manager	Responsible for the delivery of AHV's Asset Management Plan
Board	Approves the policy, sets strategy, monitors policy implementation and performance, and, reviews policy when necessary
CEO with the Executive Management Group	Oversees and monitors policy implementation and approves procedures to implement the policy
Director of Operations	Administers the policy and ensures staff and contractors comply with the policy
Housing Officer	Provides information to tenants on relocation options and works with the tenant and tenant's representative to develop a relocation plan.
Team Leader Tenancy	Day to day supervision and support to housing staff delivering tenancy management services.

1.11 Definitions and acronyms

Aboriginal person	Aboriginal and Torres Strait Islander person
AHV	Aboriginal Housing Victoria
CEO	Chief Executive Officer
DHHS	Department of Health and Human Services. The Victorian State Government authority responsible for the planning, funding and delivery of a range of public health, housing and community services. DHHS also manages the Victorian Housing Register.
HO	Housing Officer
<i>Housing Act 1983</i>	Victorian legislation governing the administration of social housing services, including the provision of housing stock and the financial framework for the social housing sector.

Legal action	Where AHV makes application to VCAT to seek a determination relating to a tenancy.
Notice to Vacate	A legal notice to the tenant to vacate the rented premises, issued by a landlord under Part 6, subdivision 4 of the <i>Residential Tenancies Act 1997</i> .
<i>Residential Tenancies Act 1997</i> (RTA)	Victorian legislation that outlines the respective rights and responsibilities of tenants and landlords in Victoria and prescribes the general provisions and terms of tenancy agreements.
Residential Tenancy Agreement	An agreement signed between landlords and tenants at the commencement of the tenancy, which specifies terms and conditions in accordance with the RTA.
SDM	AHV's housing services electronic record system.
SHR	Special housing requirements
VALS	Victorian Aboriginal Legal Service. An Aboriginal community controlled organisation operating throughout Victoria, providing community justice services and legal practice services to the Victorian Aboriginal community.
VCAT	Victorian Civil and Administrative Tribunal. The jurisdiction that includes the Residential Tenancy List.
VCAT hearing	A proceeding conducted at VCAT involving the presentation of evidence. On the basis of this evidence, the VCAT Chairperson will make a determination on action to be taken by tenants and/or landlords to address tenancy related issues.
VHR	Victorian Housing Register. The state-wide common application for people seeking social housing that can be accessed via participating community housing agencies, DHHS, the mygov portal or designated support providers.
Warrant of Possession	A VCAT order authorising the police to terminate a tenancy and potentially evict tenants from a property, if they are still in residence.

1.12. Policy details – information and consultation

Aboriginal Housing Victoria (AHV) may determine that a property or properties require significant upgrading or that they may need to be demolished so that new housing can be built.

In these circumstances, AHV moves existing tenants to other suitable properties, to enable major upgrading or redevelopment to occur. Generally, eligible tenants are given the option to return to the upgraded or redeveloped housing where the properties match their household's requirements.

AHV interviews tenants residing in properties identified for redevelopment and explains their relocation options. Tenants are encouraged to include their support worker or legal representative in these discussions. Tenants are informed of the redevelopment, and their possible options for relocation and move back to the redeveloped site. AHV consults with tenants regarding their housing needs and preferences for relocation. With the tenant's consent, AHV will make contact with appropriate support agencies on the tenant's behalf, including the Victorian Aboriginal Legal Services (VALS), to seek their support for the tenant so that the tenant fully understands their rights in relation to the relocation and potential move back processes.

AHV maintains regular contact with tenants and their advocates throughout the redevelopment process.

1.13 Policy details – relocation

AHV attempts to match housing to a tenant's specific requirements where such a request will not delay the redevelopment or other asset management activity. This may be difficult in areas where there is limited supply or low turnover of housing that matches a tenant's requirements in their preferred area.

A tenant may be relocated on an interim or permanent basis. Interim relocation housing refers to accommodation that is provided temporarily, pending the tenant's return to redeveloped housing. Permanent relocation housing refers to accommodation that is provided to a household that will not be returning to the redeveloped site.

The permanency of the relocation housing may be determined by:

- the availability and suitability of housing at the redeveloped site; or
- the tenant's preference to make a permanent move.

1.13.1 Transfer applications

If the tenant has a current transfer application, the application will be given priority access status, according to the Victorian Housing Register (VHR) guidelines, on the basis that the property is to undergo major upgrade/redevelopment.

1.13.2 Outstanding charges and other tenancy breaches

If tenants are in rent arrears or have other tenancy breaches pending, AHV will relocate the household to interim housing, except in the following situations:

- where a Warrant of Possession has been obtained due to rental arrears and is due to be executed;
- where a Warrant of Possession is to be executed for other breaches of tenancy such as nuisance or behaviour.

Arrears accrued at the tenant's property are not transferred to the new interim housing rental account. Instead, tenants are required to enter into and maintain a Vacated Arrears Agreement.

Refer to AHV's Housing Services Manual, Chapter 4 *Tenancy management*, for more details on rent arrears and other tenancy breaches.

1.13.3 Tenant responsibility damage

A property inspection takes place prior to the relocation of the tenant. The tenant is liable for the reasonable cost of repairs to the property which:

- if to be relet in the period leading up to redevelopment, would prevent the property being relet and used in the short term;
- if to be sold, would materially impact upon the sale price of the property; or
- if to be demolished, has compromised the security of the building pending its demolition.

Refer to AHV's Housing Services Manual, Chapter 4 *Tenancy management*, for more details on tenant responsibility damage.

1.13.4 AHV is unaware of dependants or residents living in the property

Dependants and eligible residents are included in the tenant's household when determining the appropriate size of relocation housing. Refer to AHV's Housing Services Manual Chapter 2 *Applications, eligibility assessment and waiting list management*, for further details.

If AHV has not previously been notified that a dependant or resident is residing at the property, they may be included in the tenant's household if the tenant can prove that they were residing in the property at the time they were advised of the proposed relocation.

This can be done by:

- requesting the previously unknown resident's personal documentation such as bank statements to confirm their address at the time advice of the redevelopment was received;
- obtaining a statutory declaration from the resident confirming the date they commenced residency at the tenant's address.

Where the tenant has an existing transfer application that includes a household member who is not living in the AHV property because there is insufficient room, the household member is included in the Tenant Relocation application and is included when determining the housing size according to the Allocations policy, as outlined in AHV's Housing Services Manual Chapter 2 *Applications, eligibility assessment and waiting list management*.

1.13.5 Housing size

AHV matches the tenant's household to housing size in accordance with the AHV's housing size guidelines.

Where the tenant will not accept the housing size for the relocation housing that they are eligible for, approval may be obtained from the Team Leader Tenancy, to offer alternative housing.

1.13.6 Housing type and location

AHV will consider requests from tenants for a particular property type in an attempt to match housing to tenant requirements. However, this cannot occur where a property matching the tenant's household size is in limited supply or there is a low vacancy rate in the area that would result in a redevelopment or other asset management activity being delayed.

If it is not possible to provide a vacant property that matches a tenant's requirements in a specific location, the tenant will be asked to select housing within a broader area.

1.13.7 Offers of relocation housing

Tenants who wish to relocate voluntarily after official AHV approval for the project has been granted, may do so as soon as appropriate as suitable relocation housing becomes available.

AHV will provide tenants with written notice of at least one month before any relocation offer is made. This allows tenants sufficient time to prepare for the relocation and to ensure removal arrangements can be organised to the tenant's satisfaction.

AHV will work with the tenant to identify a suitable alternative property that meets their needs. AHV will work with the tenant and their advocate to achieve an outcome that meets the Tenant's requirements. However, if after reasonable steps have been taken to offer suitable alternative properties to the tenant, and these properties have been refused, AHV may reluctantly consider issuing a 60 day Notice to Vacate to the tenant. AHV will continue to work with the tenant and their advocate to make further offers of housing during the 60 day notice period, and beyond so that an execution of a warrant of possession can be avoided, under these circumstances.

1.13.8 Relocation to other housing

Tenants may choose to stay with family and friends for the duration of the redevelopment, and are not obliged to transfer solely to AHV properties. Where a tenant wishes to reside in non-AHV housing for the period of the redevelopment, the normal policy and procedures for Move Back and payment of Relocation and Move Back costs apply.

Tenants who wish to temporary relocate to non-AHV housing are required to complete a Move Back Application before leaving and to maintain contact with AHV during the redevelopment process.

1.13.9 Maximum rents

Where a tenant is paying a maximum rent and is temporarily relocated to a property with a higher maximum rent, the maximum rent for the previous tenancy continues to apply.

1.1.3.10 Tenants with supports in place

If a tenant requiring support is required to move from their current location, AHV works with existing support providers to ensure that the supports will be available in the new tenancy.

1.14 Policy details – Payment of expenses

AHV aims to minimise the financial expenses incurred by tenants when relocating from an AHV property identified for redevelopment, or when moving back following completion of the redevelopment project.

AHV will meet the following costs associated with tenant relocation:

- electricity and gas connection fees;
- mail redirection fees;
- telephone connection fees;
- removal of household items;
- transport to the relocation or move back housing; and
- compensation for property improvements in specific circumstances.

Tenants are not expected to pay for any relocation expenses and then be reimbursed by the AHV.

1.14.1 Delegations for relocation expenses

The CEO can approve individual tenant relocation or move back payments up to \$15,000, including compensation for an improvement to the original housing and the letting of removalist contracts.

1.14.2 Connection fees – utilities and mail redirection

AHV pays for electricity and gas connection fees for tenants who are being relocated or moving back to the redeveloped site. AHV pays for telephone connection fees (landline only) where the phone was connected in the original property in the name of one or more of the household members.

AHV pays for mail redirection from the original or interim housing to the relocation or move back housing for a period of six months.

Australia Post provides free mail redirection service for six months to persons in receipt of a pension or benefit.

1.14.3 Removal expenses

AHV pays for the removal of items from the original and interim housing to the relocation or redeveloped housing.

Tenants can arrange their own removalist or use a removalist contracted to the AHV.

1.14.4 Tenant arranges removalist

If a tenant wishes to arrange their own removalist, they must provide three written quotes. AHV will pay removalist expenses based on the cheapest quote. AHV will also provide assistance through contractors to remove items the removalist will not remove. For example, dismantling playground equipment, fish tanks, and aviaries etc.

1.14.5 Tenant undertakes removal

If a tenant wishes to undertake the removal of their own household items, AHV will seek an estimate from a removalist contractor of the removal cost and the tenant is paid this amount.

AHV does not pay for insurance in these cases.

1.14.6 Packing and unpacking

AHV does not pay for a packing or unpacking service, unless packing would be difficult for the tenant. For example, Elders or tenants with a disability.

The removalist makes available boxes for the packing of goods.

1.14.7 Insurance

AHV pays for transit insurance. Transit insurance covers any damage to the tenant's goods whilst on the vehicle, for example, fire or collision.

Mechanical damage to fridges, stereos etc. is not covered under transit insurance unless obvious damage occurs, for example if an item has been dropped.

AHV does not pay comprehensive insurance, however tenants may wish to pay for this themselves.

Breakable items are not insured unless the removalist packs them.

1.14.8 Compensation for improvements

AHV compensates tenants for improvements that they made to the original housing for example, carports and pergolas where:

- AHV approval was provided to the tenant for the improvement;
- the improvement was made less than five years before relocation; and
- the improvement cannot be removed, resold or reused.

AHV pays compensation at the current value of the tenant's improvement, or provides the improvement at the permanent relocation or redeveloped housing.

1.14.9 Transport to relocation or redeveloped housing

Tenants who do not have their own vehicles may require transport on the day of the move. In these circumstances, AHV will pay for the reasonable cost of a taxi or the costs for public transport for tenants, depending on the distance between properties, and/or the household's special needs that may make using public transport difficult, e.g. Elders or household members with a disability.

1.15 Policy - Options for move back

Tenants can choose to remain permanently in their relocation housing, or may move back to the redeveloped site if suitable properties are available.

Where the tenant wishes to move back to the redeveloped housing and there are sufficient suitable properties available, AHV undertakes to move tenants back to the redeveloped housing.

When AHV makes any offer in regard to redeveloped housing, consideration is given to the tenants' household size and any other Special Housing Requirements (SHR) that have been approved. These include level entry or ramps for wheelchair access, or the necessity to be close to a hospital, public transport or other service providers.

1.15.1 Eligibility to move back

Tenants cannot move back to the redeveloped housing if:

- they are no longer eligible for the redeveloped housing according to AHV's *Housing size guidelines*;
- they accrued outstanding charges while in the interim housing;
- a Warrant of Possession is to be executed for either rental arrears or breaches of tenancy, including nuisance and damage to interim housing; or
- it is determined there is insufficient redeveloped housing for the tenant to relocate back to, that meets their current housing requirements.

1.15.2 Writing to relocated tenants

AHV asks eligible tenants to confirm in writing whether they will remain in their existing housing, or wish to relocate back to the redeveloped property. AHV contacts tenants at least three months before their redeveloped property is expected to be available.

Tenants are required to advise AHV in writing of their intention within 28 days of AHV contact. If no response is received from the tenant at the end of the 28 day period, a home visit is arranged to discuss the move back with the tenant.

If the tenant is not contactable and fails to respond to the home visit or written contact, AHV assumes they are not interested in moving back to the redeveloped housing. The tenant is informed of this decision in writing.

Where the tenant contacts AHV after the 28 day period has lapsed and advises they wish to move back to the redeveloped housing, they are able to do so provided that:

- the tenant is eligible to be allocated the redeveloped housing as per the requirements detailed in this policy; and
- the redeveloped housing has not already been allocated to other AHV applicants.

1.15.3 Tenant does not wish to move back

If the tenant has notified AHV in writing of their intention not to return to the redeveloped housing, AHV will not offer redeveloped housing to the tenant. If the tenant later changes their intentions and wishes to move back to redeveloped housing, they are able to move back provided that the redeveloped housing:

- is suitable for the household's needs; and
- has not already been allocated.

The tenant can change their intentions during the period of the redevelopment project. If the tenant decides they want to move from their relocated property after the project is completed and properties have been allocated, the relocation policy will not apply. The tenant will be required to apply for a transfer through the normal transfer processes. Relocation costs will not be met by AHV in these circumstances.

1.15.4 Offers of redeveloped housing

AHV generally gives all tenants a minimum of four weeks written notice before making an offer of the redeveloped housing. Tenants are generally given one offer of the redeveloped housing. This is because the offer is for a particular site and is also consistent with the 'priority access offers made under the VHR guidelines.

AHV matches the tenant's household to housing size in accordance with AHV *Housing size guidelines*.

Where the tenant will not accept the housing size for the relocation housing that they are eligible for, the approval of the Team Leader Tenancy will be required for an alternative bedroom size to be offered to the tenant. Such approval will only be granted if the tenant can demonstrate that alternative sized accommodation is required.

1.15.5 Establishing the market rent

Where a tenant is paying a maximum rent and is relocated to a property with a more expensive rent, the previous tenancy market rent applies until the following annual rent review. Refer to the AHV Housing Services Manual Chapter 4 *Tenancy management*, for further details.

1.16 Policy log

Version	Approval date	Approved by	Changes	Review Date
1	21 Feb 2019	AHV Board of Directors	New policy	2021