Aboriginal Housing Victoria

Housing Services Manual

Chapter 3 – Offers of housing and creation of tenancies

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Chapter 3

Offers of housing and creation of tenancies

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3. Offers of housing and creation of tenancies - Policy and context

3.1 Purpose

This chapter outlines the delivery of Aboriginal Housing Victoria's (AHV) services as they relate to offering vacant properties to applicants on the waiting list and establishing new tenancies.

3.2 Scope

This policy applies to eligible applicants on AHV housing waiting lists.

3.3 Context

AHV aims to provide appropriate, affordable and secure housing assistance for low-income Aboriginal people living in Victoria.

Eligible Aboriginal households are offered housing in turn. Wherever possible, the particular housing requirements of households are matched with the type/size and location of properties available for offer.

3.4. 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.

3.5 Relevant legislative and regulation

Residential Tenancies Act 1997
Charter of Human Rights and Responsibilities 2006

Housing Act 1983

3.6 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.

3.7. Key stakeholders

- Clients and prospective tenants;
- Aboriginal Victorians, Aboriginal organisations, other community organisations and government agencies that have an interest in the delivery and outcomes of this policy.

3.8 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. Performance standards include allocating rental housing properties using processes that are fair and transparent.

3.9 Policy objectives

This policy aims to achieve the delivery of fair and responsive housing services to eligible Aboriginal people who require safe, secure and affordable housing of a good standard.

AHV recognises that Victoria's Aboriginal households have varying needs for access to affordable and appropriate housing, and makes out of turn offers for both eligible new applicants and current tenants, to ensure that those most in need receive the earliest assistance.

AHV also aims to achieve timely allocations so that properties are vacant for the minimum time required to undertake necessary maintenance.

AHV is committed to improving the delivery of its housing services and listens to the service concerns of new applicants and current tenants. Applicants are advised of their right to appeal decisions relating to offers of housing, removal of applications from the waiting list and allocations.

3.10 Responsibilities

Allocations Officer	Lead role in making offers and signing up new tenants
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
Life Skills Program Coordinator	Coordinates linkages with relevant support agencies to assist vulnerable tenants to receive the support they may need to maintain their AHV tenancies.
Housing Officer	Provides information to current and prospective clients. Undertakes home inspections as required to confirm household eligibility for AHV tenancies.
Team Leader Client Services	Day to day supervision and support to Allocations/Housing staff in the allocation of housing and creation of tenancies.

3.11 Definitions

Aboriginal person	Aboriginal and Torres Strait Islander person
AHV	Aboriginal Housing Victoria
Allocations Panel	AHV Panel established to confirm an appropriate match of an applicant to a vacant property, including sensitive allocations. Consists of Director of Operations, Team Leader Tenancy, Team Leader Clients Services, and the relevant Housing Officer.
Centrelink	Payments and services delivered through the Commonwealth Department of Social Security
Centrepay	Centrelink Rent Deduction Service. Rent payments are made directly to AHV from the applicant's Centrelink payment.
CEO	Chief Executive Officer
Life Skills Program	An AHV program designed to assist vulnerable tenants by linking them in to appropriate services that will support them to maintain their tenancies.

Residential Tenancies Act 1997 (RTA)	Legislation that outlines 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.
TCR	Tenancy Condition Reports
TRMC	Tenant responsibility maintenance compensation. Compensation sought by AHV in circumstances where tenants are responsible for damage to AHV properties.
VCAT	Victorian Civil and Administrative Tribunal. The jurisdiction that includes the Residential Tenancy List.

3.12 Policy details

When an AHV property becomes vacant, maintenance works are completed so that the property meets AHV standards for reletting.

AHV generally offers the property to the next eligible household on the waiting list as soon as it becomes vacant, to ensure that properties can be tenanted immediately maintenance works are completed. If the property requires extensive maintenance, it is offered to applicants once the works have commenced and an estimated completion date is known.

A new AHV tenancy commences when a Residential Tenancy Agreement is signed:

- with applicants from AHV waiting lists who have accepted an offer of housing, including transfer applicants;
- when tenancy rights are transferred from one household member to another; or
- when existing tenants negotiate mutual swaps of properties.

AHV only enters into a Residential Tenancy Agreement with households who satisfy AHV rental housing eligibility criteria.

The Residential Tenancy Agreement outlines the respective rights and responsibilities of the tenant and AHV (as landlord) in accordance with the *Residential Tenancies Act 1997* (RTA). The agreement is legally binding on both parties.

3.12.1 The order of housing offers

Urgent tenant transfers where the AHV property is uninhabitable due to fire, flood, etc, are offered the next available suitable property. Tenants are given the opportunity to return to the original property, upon completion of repair works.

Priority housing applicants are offered housing ahead of general housing applicants on the waiting lists.

Where there are no applications on a waiting list, or the property has been offered several times and is deemed to be "hard to let", the next applicants for smaller accommodation in that location (i.e. approved for less bedrooms) may be offered the vacant property, or an out of turn offer may be made to a household who may be suitable for the property.

In other instances, AHV may decide that a sensitive/out of turn allocation is warranted to achieve a sustainable tenancy in the property, eg a household that is likely to be accepted by neighbouring households where there has been a history of neighbour disputes involving previous tenants. Sensitive/out of turn allocations are subject to the approval of the AHV Allocations Panel, which consists of the Director of Operations, Team Leader Tenancy, Team Leader Clients Services, and the relevant Housing Officer.

Out of turn priority allocations may proceed where there is a critical need for housing. These allocations are subject to the approval of the CEO or delegate.

3.12.2 Number of offers

A valid offer of housing is one that satisfies the following:

- the property is within one of the applicant's preferred areas; and
- the household composition and the number of bedrooms in the property comply with the AHV *Housing size guidelines*.

General housing applicants are eligible to receive up to two valid offers of housing.

If an applicant refuses both valid offers, their application is rejected from the waiting list and cannot be revived. The applicant must reapply for housing.

Applicants approved for a priority housing allocation are offered one property only as a priority allocation. If a valid offer is refused, their priority housing allocation status is removed. If the applicant has not had any previous offers, the application is placed in the general housing category in effective date order. A further offer is made when the application reaches the top of the waiting list.

3.12.3 Signing tenancy agreements

Centrepay and separately metered premises

It is a condition of signing a tenancy agreement that applicants receiving Centrelink payments agree to automatic deduction of their rent payments via *Centrepay*. Applicants are advised that they can withdraw from the scheme at any time after their tenancy has commenced.

This policy applies to new applicants and tenants transferring to another AHV property.

The *Water Industry Act 1994* gives water utility companies the power to bill a landlord of any separately metered rental property, where a tenant fails to establish or disconnect their water service.

All new tenants who are allocated separately metered properties must sign the *Release of Information to Water Authorities* Form, giving AHV their consent to release the tenant's name, address, date of birth, previous and forwarding addresses to water authorities.

Prospective AHV tenants are advised that it is a condition of sign-up that they complete the appropriate forms to authorise *Centrepay* (where applicants are in receipt of Centrelink payments) and release of relevant personal/contact details to water authorities. If applicants refuse to sign one or both of these authorisations, the sign-up cannot proceed, and the offer will is marked as refused.

Age of applicants

Generally tenancy agreements can only be entered into with applicants over 18 years of age. However AHV recognises that in some circumstances applicants less than 18 years are living independently and require secure, affordable housing. Residential Tenancy Agreements entered into with applicants aged 17 years or less must be approved by the Team Leader Tenancy.

Residential Tenancy Agreements with applicants aged less than 15 years are subject to the approval of the Director of Operations and can only proceed where:

- the applicant's Child Protection worker provides written advice that no other housing arrangements are in place, and
- the applicant receives an independent income.

The applicant's guardian is required to sign the tenancy agreement with the applicant, or on behalf of the applicant.

3.12.4 Pets

Tenants living in housing with fenced backyards may keep domestic animals providing the number and species of animals comply with local government by-laws.

Tenants living in flats or units without fenced backyards may keep small pets such as one small dog (maximum), or two cats (maximum) or two birds (maximum). If tenants want to keep other types of animals, approval must first be sought from the Team Leader Tenancy.

Some AHV housing properties are subject to owners' corporation rules and regulations. Tenants must comply with any owners' corporation rules concerning the ownership of pets.

AHV generally does not approve requests from tenants to keep livestock such as chickens or goats, unless relevant local government authorities specifically permit it. Such requests are subject to the approval of the Team Leader Tenancy.

3.12.5 Life Skills Program

AHV adopts a case management approach to identifying and supporting tenants who may be experiencing particular medical, mental health and/or social/family issues that may adversely affect their ability to maintain their AHV tenancies.

AHV recognises the importance of early intervention and facilitates the tenant's linkages to relevant health and community services that may be able to support the tenant to successfully manage their tenancy.

At sign-up, new tenants are advised of AHV's Life Skills program, and a discussion is facilitated regarding existing support services that the tenant may be accessing, and whether the tenant requires AHV assistance to link into other relevant services. In some cases, practical short-term assistance may be required, such as provision of furniture, while other tenants may need ongoing support from health and community service providers to assist them to maintain their tenancies on a longer term basis.

The Life Skills Coordinator follows up this discussion with a home visit to the tenant, generally within 2 weeks of the tenancy commencing, to check that the household has settled in to their new home and to discuss and facilitate any further support/assistance if required.

3.13 Change history

Version	Approval date	Approved by	Changes	Review Date
1	2008			2012
2	July 2012	AHV Board		2015
3	June 2015		Updated policy template	
4	24 September 2015	AHV Board	Consolidation of Tenancy Services Manual	2016