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| Public Housing Allocations Operational Guideline |
| Chapter 2: Offers of Housing |
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# Revision History

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| --- | --- | --- | --- |
| VersionDepartment of Health | Amended section | Effective | Details |
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| 2.0 | Revised document | August 2016 |  |
| 3.0 | Revised document | 1 Jan 2019 | Incorporation of Directors Determinations, Alignment with Victorian Housing Register, Human Rights, recommendations of Victorian Ombudsman’s investigation into maintenance charges against tenants. |
| 4.0 | Revised document | 29 March 2021 | Aligns to Residential Tenancies Act changes, 29 March 2021, further clarifies debt is no barrier to an offer and clarifies Charter of Rights compliance requirements.  |
| 5.0 | Revised document | 26 May 2021 | Allocations fulfilling other legislative requirements.Local Allocation PlanCircumstances requirement approval for offers and sign ups.  |
| 6.0 | Revised document | 1 July 2022 | Delegations for allocations |
| 7.0 | Revised document | 3 October 2022 | Revised order of allocation categories and types. |
| 8.0 | Revised document | 28 December 2022 | Terminology updates |
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| 9.1 | Minor Clarifications | October 2023 | Section 2.3.2 Updated information regarding the treatment of H2H applicants in leased properties  |
| 9.2 | Revised document | December 2024 | Order of Allocations table updated |

## More information

To find out about housing options visit the [Housing website](http://www.housing.vic.gov.au) <http://www.housing.vic.gov.au> or contact your local [Housing Office](http://www.housing.vic.gov.au/contact-a-housing-office) <http://www.housing.vic.gov.au/contact-a-housing-office>.

To receive this publication in an accessible format contact Homes Victoria <enquiries@homes.vic.gov.au>.

This guideline contains some links to internal resources which will not be accessible for external parties reading this document.

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Available on the [Allocations manual page](https://providers.dhhs.vic.gov.au/allocations-manual) on Services Providers website <https://providers.dffh.vic.gov.au/allocations-manual>.

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# 2. Definitions

| **Term** | **Definition** |
| --- | --- |
| Applicant | A person who applies for a tenancy in social housing. |
| Agreement amounts | An agreed amount to cover the costs of unpaid debt to the department which may include rental arrears, renter responsibility charges or bond. |
| Business Days | A day of the week between Monday to Friday during the hours of 9.00am to 4.00pm. After 5.00pm the next business day is counted. |
| Department | Department of Families, Fairness and Housing under the Public Administration Act 2004. |
| Determinations | A determination made by Homes Victoria pursuant to s 142E of the Housing Act. |
| Director of Housing | Director of Housing as appointed under the Housing Act, from September 2022 now known as Chief Executive Officer (CEO) of Homes Victoria. |
| Eligibility Criteria | The criteria determined by Homes Victoria under section 142E(1)(a) of the Housing Act |
| Housing Integrated Information Program (HiiP) | The system used to manage VHR applications and public housing tenancies. |
| Homes Victoria | The entity managing public and social housing in Victoria.  |
| Household | The collective term for all household members. |
| Household Member | A person who resides or intends to reside with the applicant in social housing. |
| Market Rent | The market rent is the rent value the property could attract in the private rental market and is determined annually by a qualified independent valuer. |
| Participating Registered Agency | A registered agency that is declared by Homes Victoria under s 142F(2)(b) of the Housing Act to be a participating registered agency. |
| Participating Designated Service Providers | A [designated](http://www9.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ha1983107/s4.html#designated_service_provider) [service provider](http://www9.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ha1983107/s4.html#designated_service_provider) that is declared by the [Homes](http://www9.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ha1983107/s4.html#director) Victoria under section 142F(2)(a) of the Housing Act to be a [participating designated service provider](http://www9.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ha1983107/s4.html#participating_designated_service_provider). |
| Public Housing | Long-term rental accommodation managed by the department on behalf of Homes Victoria. |
| Priority Access Categories | A category determined by Homes Victoria under section 142E(1)(b) of the Housing Act and set out in the Determinations. |
| Registered Housing Agencies | Means a housing agency registered pursuant to the Housing Act. |
| Rental Rebate | The discount amount that Homes Victoria provides the renter to reduce the household’s weekly contribution towards their rent. The value of the rental rebate is the difference between 25 per cent of the total assessable income of all household members and the Market Rent of the property.  |
| Renter(s) | An applicant or household member who has signed a residential rental agreement with Homes Victoria to enable them to let the property. |
| Residential Rental Agreement (rental agreement) | The written agreement entered into by Homes Victoria and the renter(s) which permits the renter(s) to let the property as a residence. |
| Residential Rental Provider (rental provider) | The property owner (Homes Victoria) responsible for the rental agreement. Housing staff sign the rental agreement on behalf of Homes Victoria.  |
| Residential Tenancies Act | Residential Tenancies Act 1997 (Vic). |
| Social Housing | Means both public housing and housing owned, controlled or managed by a Participating Registered Agency. |
| Social Landlord | A rental provider with a social responsibility. In the context of these guidelines, Homes Victoria acts as a social landlord when allocating properties. The department assists Homes Victoria in this role. Homes Victoria owns and manages public housing for people on low incomes who have difficulty affording and securing housing in the private market. |
| Special Accommodation Requirement (SAR)  | A household includes a member who has a condition or limitation that impacts on their daily living which may need to be considered when allocating public housing.  |
| Victorian Civil and Administrative Tribunal (VCAT) | VCAT resolves legal disputes and cases under the Residential Tenancies Act 1997, Including tenancy matters in public housing. |
| Victorian Housing Register (VHR) | The register of applicants established and administered under s 142A of the Housing Act. The VHR is a system that unifies public housing and participating registered agencies into a common housing register. The VHR includes a common application form and the eligibility framework including the eligibility criteria for allocations to social housing.  |
| Weekly Payment Amount | The amount that renters pay Homes Victoria towards their rent. If a household is eligible for a rental rebate the weekly payment amount is assessed at 25 per cent of the total weekly assessable income of all household members. If the household is not eligible for a rental rebate the weekly payment amount will be the market rent and also any applicable service charges.  |

# 2.1 Introduction

This Chapter of the *Public housing allocations operational guidelines* outlines the procedure for housing staff to follow when allocating public housing and ensure compliance with Victoria’s Charter of Rights as well as comply with amendments to the Residential Tenancies Act which took effect on 29 March 2021.

For an allocation into public housing to proceed the applicant must meet the eligibility criteria as stated in the Determinations pursuant to s142E of the Housing Act and have an active Victorian Housing Register (VHR) application.

The applicant must satisfy they are still eligible for category under which the application is approved

 To ensure the applicant remains eligible the department must satisfy the following:

* the applicant's household and the type of property available are a match on the basis of location, size, physical attributes of the property and the households needs.
* an offer of public housing is reasonable (taking into account the requirements of the Residential Tenancies Act to disclose certain information and the department’s obligation under the Charter of Rights).

# 2.2 When do these operational guidelines apply?

These operational guidelines apply when:

* applicants from the VHR are being offered public housing
* an applicant’s eligibility criteria is reassessed
* offers of public housing are made
* establishing a rental agreement (rental agreement).

## 2.3 Allocating from the Victorian Housing Register

The determinations set out the criteria which a person must meet to be eligible to be placed on the VHR and then allocated social housing.

The eligibility criteria for the VHR applies to both new applicants and existing social housing renters seeking a transfer to a different social housing property. Regardless of whether an application is new or transfer, they form part of a single register being the register, with their place on the VHR being determined by the priority in which they fall.

Allocations into public housing should be on the basis of:

* The application in highest priority (pursuant to the Priority Access Categories) with earliest effective date; or an applicant whose allocation is required to fulfill an obligation of the Secretary of the Department of Families, Fairness and Housing and/or Homes Victoria
* The property size matches the applicant's household composition
* The property is appropriately matched to the applicant's approved special accommodation requirements.

## 2.3.1 Priority Access Categories

Once applicants have been placed on the VHR, they are to be allocated to their housing need. This is reflected in the determinations which state *'people who are in urgent housing need are prioritised for social housing'.*

Offers of housing are made in accordance with the VHR’s order of prioritisation.

Prior to making an offer to an applicant, housing staff should reassess the application, to ensure it has the correct categorisation.

Table 1 at [section 2.3.2](#_2.3.2_Allocations_aligned) summarises the categories of the VHR in order of priority. Staff must refer to the Determinations for a more detailed version and the eligibility criteria an applicant must meet to be eligible for each respective Priority Access Category.

## 2.3.2 Order of allocations

Applicants receive prioritisation based on their housing situation. The table below outlines the categories of the Register and includes:

* **Order of Allocation**: determines the sequence of housing allocation to eligible applicants
* **Category:** identifies the housing needs of applicants
* **Priority Reason:** describes the housing situations associated with each category
* **Application Type:** indicates whether the applicant is a new applicant or an existing renter.

Note: Certain priority reasons are prioritised differently from other reasons in the same category.

**Table 1**

|  |  |  |  |
| --- | --- | --- | --- |
| **Order of Allocation** | **Category** | **Priority Reason** | **Application Type** |
| **Priority Access** |
| 1 | Emergency Management Housing |  | * New
* Transfer
 |
| 2 | Homeless with Support | * J2SI (Tranche 1-5)
 | * New \*
 |
| * H2H
 | * New
* Transfer\*
 |
| * Family Violence
 | * New
 |
| Priority Transfers | * Family Violence
 | * Transfer
 |
| 3 | Priority Transfers – Property Management / Redevelopment | * Move out of Property - major upgrade/redevelopment
* Move back to redeveloped area
 | * Transfer
 |
| 4 | Homeless with Support | * Homeless
* Housing First
* Young people leaving care
* MHS - Mental Health with Support
* Family reunification
 | * New
 |
| Priority Transfers | * Family reunification
 | * Transfer
 |
| 5 | Priority Transfers | * Acquired brain injury
* Aged Care
* Children, Youth & Families
* Correctional Locational Transfers
* Disability (non-NDIS)
* Employment Transfers
* Mental Health
* MHS - Mental Health with Support
* National Disability Insurance Scheme (NDIS)
 | * Transfer
 |
| 6 | Priority Transfers – Property Management / Redevelopment | * Current Property Uninhabitable due to Fire
* Current Property Uninhabitable due to Flood
* Current Property Uninhabitable due to Vandalism
* Improve Stock Utilisation
* Major Public Housing Site - Move back
* Major Public Housing Sites - Move out
* MHS - Mental Health with Support
* Move out of property - lease expired on Lease property
* Move out of property - Property Demolishment
* MU Tenant Transfer as a result of action initiated by the owner/occupant of the main dwelling
* Property sale
* MU Tenant Transfer as a result of Legal Action initiated by the OOH against the occupant of the main dwelling to recover the property
 | * Transfer
 |
| 7 | Supported Housing | * Acquired Brain Injury
* Aged Care
* Children, Youth and Families
* Disability (non NDIS)
* Full Disability Modifications
* Full Disability Modification (NDIS)
* Mental Health
* MHS - Mental Health with Support
* National Disability Insurance Scheme (NDIS)
 | * New
 |
| 8 | Special Housing Needs | * Family Violence
* Insecure Housing
* Serious threat of physical violence
* Severe Overcrowding
* Unsuitable Housing
* Urgent Medical Needs
* Mental Health
 | * New
* Transfer
 |
| 9 | Special Housing Needs Aged 55 and over | * Special Housing Needs Aged 55 and over
 | * New
 |
| **Register of Interest** |
| **Order of Allocation** | **Category** | **Application Type** |
| 10 | Register of Interest | * New
* Transfer
 |

Table 1: Summary of the Victorian Housing Register Categories and Order of Allocation

## 2.3.3 Allocations fulfilling other legislative requirements

Where an applicant is eligible under the VHR and it is determined by a Deputy Secretary on behalf of the Secretary of the Department of Families, Fairness and Housing or the CEO, Homes Victoria that to meet their obligations under legislation, an allocation of housing is to be made. These arrangements are made within the scope of this operational guideline.

When a decision to make an allocation in these circumstances is taken, the relevant Operational Area needs to meet this commitment as a priority relative to other allocations.

These arrangements include the obligations of the Secretary of the Department of Families, Fairness and Housing under the *Children, Youth and Families Act 2005* or protocols governing the Risk Assessment and Management family violence panels may require a specific allocation into public housing through the VHR.

These households meet the criteria of high housing need.

## 2.3.4 Discretion under the Director’s Determinations

When allocating applicants into Public Housing, staff should be aware of the discretion provided under the Determinations.

The Determinations provide that Homes Victoria or participating registered agencies may use discretion to approve applicants to allocate housing to persons who do not fully meet the eligibility criteria.

When exercising this discretion staff should refer to the Determinations and also be mindful of their obligations under the Charter of Rights.

Staff should refer to the [Director of Housing Determinations](https://dhhs.vic.gov.au/publications/regulatory-impact-statement-director-housing-determinations-2018)applied by Homes Victoria < https://www.dhhs.vic.gov.au/publications/regulatory-impact-statement-director-housing-determinations-2018> for a full explanation of circumstances where this may be appropriate.

## 2.4 Preparation before contacting the client

Preparation is important in establishing eligibility, matching applicants appropriately to a property and understanding an applicant's individual circumstances. It is also important in establishing success in sustaining tenancies by ensuring appropriate supports are in place before a tenancy begins.

As applications on the Victorian Housing Register are at the point of being offered a property, it is important that these applications are reviewed and updated so that the offer process will proceed on the best advice available. This is particularly important to ensure compliance with the Charter of Rights in ensuring that applications being offered have the relative highest priority need.

This activity further assists in the departments capacity to meet its obligations under the Charter of Rights ensuring sufficient time for all aspects of an applicant’s circumstances to be considered.

The section below describes key activities needed in preparation for an offer of public housing and underpins the fair decision-making processes.

## 2.4.1 Contacting support services

In preparation for an offer of public housing any support services listed on the application should be contacted. Engaging support services early in the allocation process ensures applicants have the best opportunity for a successful transition from the VHR to commencing a tenancy. Where possible, support services should also attend appointments or property inspections with the applicant.

## 2.4.2 Charter of Rights

In preparing to make an offer of housing to a specific applicant, staff should carefully consider whether the offer might potentially be a breach of the Charter of Rights. If so, staff should engage with their managers to determine whether the offer should proceed.

It is important to further note that at any point in the offer process Charter of Rights issues may need to be taken into account as new information or a household circumstance changes.

# 2.5 Debt

Applicants are not to be denied a public housing offer when there is an outstanding debt.

A debt is an amount which Homes Victoria is owed for unpaid current and vacated rental accounts, current and vacated maintenance and bond.

No offer of public housing is to be made which directly or indirectly suggests that the offer is conditional to the applicant entering into a debt repayment agreement, or immediately resolving the debt.

However, when staff are reviewing an application on the VHR the applicant should be advised of any outstanding debt.

Where an applicant has outstanding debt from a previous public housing tenancy or bond loan, the department will give applicants an opportunity to review and negotiate the debt with the option to enter into a repayment plan.

According to the [*Tenant Property Damage Operational Guidelines*](https://providers.dhhs.vic.gov.au/maintenance-manual-tenant-property-damage-operational-guidelines-word)*,*an applicant can have their charges reviewed by the to the local VPS5 manager or above.

Refer to the [Tenant Property Damage Operational Guidelines](https://providers.dffh.vic.gov.au/maintenance-manual-tenant-property-damage-operational-guidelinesational-guidelines-word) < https://providers.dffh.vic.gov.au/maintenance-manual-tenant-property-damage-operational-guidelines > for further information.

**Note:** Applicants are not to be denied a public housing offer on the basis of an outstanding debt.

## 2.5.1 Discuss and review outstanding debt

The department will give applicants the opportunity to review and negotiate their debt with the option to enter into a repayment plan, including payment start date.

Opportunities to inform and discuss debt with the client can happen at:

* application/ transfer /approval stage
* before an offer
* at offer
* pre-sign up interview
* sign-up

Ideally, this will occur when the application is approved to the VHR .

Applicants are now able to lodge a an appeal of any outstanding maintenance charges. If a review has already been completed and the applicant has not started repayments by offer stage, they should be requested to recommit to begin payments as part of the offer process. Payment start dates can be negotiated depending on the applicant's circumstances.

If a review has not been completed the debt is considered to be in dispute. This may also be the case where an agreement has been signed and the applicant has not had an opportunity to have their debt reviewed.

**Note:** An offer can continue before a review is still to commence or where a review has begun.

When an applicant asks for a review of debt, this could include either arrears, maintenance and/or a bond debt. These processes are separate and require different approaches in decision making whilst reviewing.

Examples of debt include:

* outstanding rental arrears at the time of vacating a previous tenancy
* maintenance charges for property damage in cases where applicants have accepted liability or a VCAT order was obtained
* a bond loan remains outstanding after a private rental tenancy ends.

## 2.5.2 Vacated rental arrears

Staff may review vacated rental arrears debt to the extent of considering if:

* there are any unknown periods of temporary absence for special circumstances, including for family violence
* there is a dispute about the tenancy end date, or
* the weekly payment amount was not assessed correctly for a particular period.

For example, if an applicant provides information they were incarcerated or temporarily away from a property due to family violence, a subsidy can be considered for this period.

## 2.5.3 Maintenance charges

Where applicants have an outstanding maintenance debt ratified at VCAT, staff must check the order for compensation to ensure there are no data entry errors.

For example, where costs have been awarded that are the responsibility of Homes Victoria, such as electrical checks or boarding up of windows. There are many types of works that Homes Victoria is responsible for that are necessary as part of vacated maintenance processes that should not be attributed to applicant responsibility.

When applicants provide information about special circumstances that may have contributed to the condition of a property, a more comprehensive review is required.

Staff are to refer to a review process described in the Tenant property damage operational guidelines - Refer to the [*Tenant property damage operational guidelines*](https://providers.dffh.vic.gov.au/maintenance-manual-tenant-property-damage-operational-guideliness-and-procedures#maintenance) < https://providers.dffh.vic.gov.au/maintenance-manual-tenant-property-damage-operational-guidelines > for further information. This process may include a formal appeal, where clients do not agree with the outcome of the local review.

## 2.5.4 Maintenance charges older than 15 years

Consistent with the spirit of the *Limitation of Actions Act 1958*, Homes Victoria will no longer pursue maintenance debts older than 15 years from the date of the VCAT order of compensation or when the client accepted liability for the cost of works.

## 2.5.5 Bond

An offer of public housing can still be made when there is outstanding bond debt. An applicant can enter into an agreement to repay the outstanding amount as required.

As referred to in the [RentAssist Bond Loan Operational Guidelines](https://providers.dffh.vic.gov.au/rentassistbondloans) <https://providers.dffh.vic.gov.au/rentassistbondloans> bond loans do not need to be repaid where:

* the bond loan was provided to the applicant prior to 1 July 2001, or
* there were circumstances beyond their control that includes the following:
	+ the damage that caused the bond debt was the result of an accident or actions which could not be reasonably prevented, considering the individual needs or circumstances of the renter or the household members that resided in the property, for example, the renter has a disability or was a survivor of family violence. Note – In the case of family violence, staff will accept verbal advice from a family violence worker to confirm the circumstances. A file note is made regarding the information provided. If written evidence is provided, staff make a file note regarding the evidence, but the documentation is not required to be retained by the department. Where documentation is provided and is to be stored in HiiP, this should be stored in the secure document management system within HiiP.
	+ where the debt arises due to third-party or criminal actions beyond the renter’s control.
	+ where the debt arises from other factors beyond the renter’s control (e.g. natural disaster).
	+ the bond debt is due to the applicant being forced to leave a tenancy due to a serious medical condition. The applicant must provide a letter from their treating health practitioner confirming their medical condition and that they were forced to leave the tenancy.
	+ the bond was retained by the rental provider as the renter could not provide sufficient notice of their intention to vacate due to their requirement to commence a social housing tenancy.
	+ if one applicant on a previous bond application is declared bankrupt, the outstanding debt is generally written off for all joint applicants in recognition of the difficulties to practically pursue a shared debt for bond loans.

## 2.5.6 Debt Negotiation

Once a debt has been reviewed staff can negotiate a repayment plan.

Applicants are expected to agree to a repayment amount at a minimum of $5.00 per week and commit to a payment start date. For example, a reasonable future start date may be offered to ensure the applicant can successfully commit to the repayments. When negotiating repayment agreements for maintenance charges nearing their 15-year anniversary, it is reasonable to negotiate a debt amount that could be paid before the 15-year time limit is reached.

**Note:** A failure to agree to a payment plan or to make repayments will not prevent a client from being offered public housing.

## 2.5.7 Bankruptcy

When a person is declared bankrupt, any outstanding debts up to the date they were declared bankrupt are not recoverable by the department.

Vacated renters with outstanding debts subject to bankruptcy provide evidence of their bankruptcy. This may include:

* Notification from the bankruptcy trustee’s office
* Notice to creditors
* Statement of affairs
* Certificate of discharge.

If the vacated renter is no longer bankrupt, they should be asked to confirm that the bankruptcy has been discharged by providing a certificate of discharge.

Any outstanding debts accrued after the bankruptcy date are subject to repayment and are to be assessed according to the debt procedures outlined in this guideline.

Refer to the [*Bankruptcy Operational Guidelines*](https://providers.dffh.vic.gov.au/tenancy-management-manual-bankruptcy-operational-guidelines-wordal-guidelines-word) < https://providers.dffh.vic.gov.au/tenancy-management-manual-bankruptcy-operational-guidelines-word > for further information on bankruptcy.

# 2.6 Other matters

## 2.6.1 Previous 12-month restriction removed

All public housing transfer applications are assessed in accordance with the Priority Access categories. As a result, the previous policy to restrict an application for 12 months due to anti-social behaviour or dangerous behaviour no longer applies and applicants who have been evicted can still; be registered to the VHR.

## 2.6.2 Pets

It is reasonable for renters to have pets in public housing, however, for a pet to be approved the applicant must demonstrate that they will comply with local Council by-laws.

As part of the offer process, applicants are informed about the pet provisions under the Residential Tenancies Act and the requirement to lodge a *Pet Request form* to seek approval to have a pet at a property. The type of pet and its suitability for the property offered are discussed at the offer interview.

Where an applicant does not accept the property for reasons regarding their pet (after the address is given), the offer will be marked as ‘refused’.

More detailed information is outlined in the [Pets in public housing operational guidelines](file:///C%3A/Users/dobr2704/Downloads/Pets%20in%20public%20housing%20operational%20guidelines) < https://providers.dffh.vic.gov.au/pets-public-housing-operational-guidelines>. Staff can also refer to these operational guidelines for pet related issues for properties managed by an owners corporation or when a property is leased.

## 2.6.3 Citizenship and resident status and exceptional circumstances

To meet the eligibility criteria as set by the Determinations, applicants must meet certain criteria in relation to their citizenship status, age, and income.

In respect of the citizenship criterion, applicants and household members must be either Australian citizens, Australian permanent residents, or a Special Category Visa (SCV) holder who is a protected SCV holder.

Holders of the recently introduced Refugee category visa subclasses 200, 201, 202, 203 and 204 are classified as Australian permanent residents and are considered eligible for the VHR and a public housing allocation if they meet the hardship requirements to receive a Special Benefit from Centrelink.

In certain circumstances staff can offer public housing where applicants and household members do not meet the required citizenship criteria. These circumstances are set out in Table 2.

Table 2

| Exception | Description |
| --- | --- |
| Household members who do not meet criteria | Partners and dependent children who are temporary residents awaiting permanent resident status may be included in the household of an eligible applicant who is an Australian citizen or permanent resident. |
| Household members who are sponsored migrants  | Sponsored migrants are not eligible to apply for social housing while under sponsorship or assurance of support arrangements (even if they are permanent residents). However, they may be included in the household of an eligible person. |
| Sponsored migrants' exception | Applications from sponsored migrants can be approved if the sponsorship arrangement has expired or broken down and the applicant is in receipt of an independent income. |
| Newly arrived migrants | Newly arrived migrants with a permanent resident status who are subject to the Centrelink two year waiting period for Centrelink entitlements are not eligible to apply to the Victorian Housing Register.However, they may be included in the household of an eligible applicant who is an Australian citizen or permanent resident. |

Table 2: Exceptions to Citizenship Eligibility Criteria

## 2.6.4 Ownership of property

An applicant or household member who owns or has an interest in commercial or residential real estate property (including land) within Australia or overseas is ineligible for social housing, unless they cannot make effective use of the property because:

* they are unable to reside in the property or continue to reside in the property
* they are unable to generate any rental income from the property, or
* it is ‘unrealisable’, that is, they are unable to sell their equity in the property.

Examples of circumstances where the property cannot be put to 'effective use' are:

* family violence - documentation confirming this is required from a support worker who is providing support to person(s) experiencing family violence
* the person cannot or should not occupy the property for medical or health and safety reasons and they are having trouble selling the property. For example, the person is a police witness and at risk if they remain in the property or the property is unsuitable for a person with mobility difficulties, or
* the property is part of a contested property settlement and the applicant or household member cannot occupy or sell their equity.

Where an applicant or household member is unable to make 'effective use' of the property and is unable to realise their equity, the property is exempted from assessment as an asset.

If the applicant or household member receives their interest or share in property prior to being offered social housing and their assets are over the asset eligibility limits, the applicant or household member is not eligible to be allocated a tenancy from the VHR.

The full details about assessing asset limits and income eligibility are outlined in the Determinations and guidance on this is provided in the [Victorian Housing Register's Eligibility policy framework](https://fac.dhhs.vic.gov.au/eligibility-policy-framework-2) <https://fac.dffh.vic.gov.au/eligibility-policy-framework-2>

## 2.6.5 Singles housing

Some bedsit (zero bedroom) and one-bedroom housing is set aside for single people within a specified age group. The groups include youth (under 25), singles (25-54) and an older group (over 55).

The properties include bedsit and one-bedroom accommodation. However, bedsit accommodation is only allocated to single people.

For older persons units where a single applicant is 50 years of age or older but under 55 years of age, an allocation may occur if the applicant has been homeless or has declared themselves to be Aboriginal or Torres Strait Islander.

Discretion exists for an allocation to be approved by a VPS5 Manager or above to an applicant not within the target age group. The following is considered as part of the decision-making process:

* the difference in age between the applicant and the specified age group
* the impact on other renters
* the availability of housing for the applicants age group in their preferred area
* the demand for singles housing in the preferred area.

**Note:** The same discretion outlined above applies to couples when making allocations to older persons units.

## 2.6.6 Target stock - Family Violence

The Government allocated $48 million to provide additional stock to address family violence over and above what is already available through the current public housing program. There is also a dedicated component of the 1,000 homes initiative for the same purpose.

To ensure that the dedicated stock for Family Violence is used for its intended purpose, either when making the first allocation; and in particular when making any subsequent allocations the following arrangements apply;

* A new “assistance scheme has been created in HiiP called RGS- FCCU.
* When properties come with that assistance scheme, staff making allocations will need to search HiiP for the following priority categories:
	+ Priority Transfer – Family violence
	+ Homeless with Support – Family violence
	+ Special Housing Needs – Family violence

Staff will need to add “RGS – FCCU” to the housing application as an alternative assistance scheme.

Do not remove the existing “Assistance Scheme”, or the application will not match anything other than the relatively small number of properties dedicated for family violence.

Once the alternative scheme is added to the application, the updated application will then match the FV property in HiiP.

## 2.6.7 Sponsored housing

Some public housing properties have sponsorship arrangements with other organisations. This allows an organisation to nominate or recommend applicants for an offer of housing. For example, a council may have supplied land for a specific development and will recommend applicants for the property. When recommending applicants, the sponsoring body may consider:

* the length of time an applicant has lived in a local area
* family ties to a local area
* links with a local church, support service or other local community group.

The sponsorship criteria are listed in the sponsorship agreement between the sponsoring body and the department.

Once approved to the VHR, applicants must request sponsorship from the relevant organisation. If the applicant is granted sponsorship, the sponsor is required to send a letter to the local office responsible for the property to be recorded on the application.

## 2.6.8 Housing and support program

Housing and Support Program (HASP) properties are managed under a nomination arrangement, which links housing and support for departmental clients.

When a vacancy comes up in a HASP property, the nominating agency provides the details of the applicant to be housed. Ideally, they will already be on the VHR, but in cases of high need, can be added to the VHR and then housed.

Alternatively, the vacant property can be moved from the HASP program and a new property provided to the nominating group.

## 2.6.9 Public Housing for NDIS participants

The *Disabilities Act 2006* outlines three sets of principles that, wherever possible, should be used when providing services to applicants and their household who have a disability:

* people with disability should have the same rights and responsibilities as other members of the community and supported appropriately to exercise those rights and responsibilities.
* disability service providers’ have responsibilities in the provision of supports and services that reflect each person’s individual needs (such as considerations for accessibility of information, community inclusion, cultural background and advocacy).
* if there is a restriction on a person’s rights or opportunities, the option chosen must be the least restrictive possible in the circumstances.

People with a disability should be fully informed of their rights and responsibilities. For example, at the time of offer the information must be explained to the person and provided in a format that they are most likely to understand, such as an easy read format.

## 2.6.10 Supported Housing Offers

Applicants who have been approved by the NDIS for funding will also have their housing options assessed in the standard way including consideration of the Priority Access Categories.

Applicants with a range of needs will have the opportunity to make decisions about their housing choices. Most applicants will have capacity to live independently and may not have a support co-ordinator funded as part of their National Disability Insurance Scheme participant’s support plan. Applicants who have been identified as having high support needs are likely to require support co-ordination.

## 2.6.11 Accommodation decision making for applicants with disability and NDIS participants

There is a basic common law presumption that every adult person has legal capacity to make their own decisions.

Housing staff should assume an applicant and/or household members have the capacity to make decisions regarding their accommodation or signing of the rental agreement. There may be some instances where an applicant or household members have decision makers appointed for them. Further information on decision makers is available in section [2.7 Decision makers](#_2.7_Decision_makers) of this operational guideline.

During the planning process eligible participants for the NDIS who have had their support needs assessed will have had guardianship needs considered as part of their plan. The *National Disability Insurance Scheme Act 2013* acknowledges a participant may need access to a variety of decision-making arrangements. This may include instances of supported decision-making through informal processes or through the formal appointment of others to make decisions on behalf of the participant.

Where formal decision makers have been appointed to make decisions on behalf of the applicant or Household members, staff need to seek documentation outlining the appointment to ensure any powers are understood and lawful decisions are made through the offer process.

## 2.7 Decision makers

## 2.7.1 Informal decision makers

A family member, carer or other significant person (for example, a supportive attorney) may advocate and promote the wishes and preferences of the person and seek to enable them to access services and support.

These are supports already available to the individual that are part of family life or natural connections with friends and community services.

Whilst a next of kin can assist persons with decision-making as set out above, in the absence of any formal Power of Attorney or administration order of VCAT all legal and financial decisions must be made by the person themselves.

## 2.7.2 Formal decision makers

Formal decision makers are generally appointed by a court or tribunal.

## 2.7.3 Power of Attorney

A power of attorney is a legal document that allows someone to appoint a person, known as an attorney, who can:

* make decisions on that person's behalf; and
* give effect to those decisions.

A decision made, or a document executed by the attorney has the same legal effect as if made by the person who created the power of attorney.

The extent of an attorney's authority and the decisions they can make on someone's behalf is dependent on the power of attorney itself and can vary.

Before accepting any decision made or document executed by an attorney staff must see either an original or certified copy of the power of attorney. If staff are in doubt, they should contact Legal Services Branch for advice.

## 2.7.4 Administrator

An administration order is an order by VCAT that appoints a person, known as an 'administrator', and provides them with power to make financial and legal decisions related to the estate of a person with a disability. This may include signing the rental agreement on the applicant's behalf. However, staff should review the administration order carefully before allowing this to happen and can contact the Legal Services Branch if they are unsure.

VCAT will only appoint an administrator if it is satisfied that the person in respect of whom an application is made:

* is a person with a disability;
* is unable to exercise reasonable judgement and make decisions in respect of matters relating to their estate because of the disability; and
* needs an administrator.

The powers of an administrator include decisions regarding accepting, surrendering or renewing a rental agreement.

The extent of an administrator's authority is dependent on the order of VCAT and may be limited. Staff must see either an original or a certified copy of the order of VCAT before accepting that a person has been appointed as an administrator. If staff are in doubt, they can contact the Legal Services Branch for advice.

Staff should note that an administrator cannot make personal and lifestyle decisions on behalf of a person such as where a person lives. These types of decisions can only be made by someone appointed by a power of attorney or by a guardianship order.

## 2.7.4 Guardian

All adults have the right to make their own decisions. People with disability should be encouraged and supported to make decisions for themselves.

However, if a person is unable to make reasonable judgements because of their disability and there are concerns about the decisions they are making, or others are making for them, VCAT can appoint a guardian to make decisions for them.

This may include decisions about accommodation, health care and access to services. In some cases, there may be more than one guardian (called ‘joint guardians’).

VCAT will only appoint a guardian if it is satisfied that the person in respect of whom an application is made:

* has a disability
* is unable to make reasonable decisions about lifestyle matters because of disability
* needs somebody to help make decisions about lifestyle matters.

Disability can include intellectual disability, mental illness, acquired brain injury, dementia or physical disability.

If an applicant has a guardian for decisions about accommodation, an offer of housing cannot be accepted unless made with the guardian’s consent.

Staff should be aware that a rental agreement cannot be entered into or surrendered by a guardian as this constitutes a legal decision and one that can only be given effect to by a power of attorney or an administrator with the power to do so.

The decisions that a guardian has the authority to make depend on the VCAT order and may be limited. Staff must see either an original or a certified copy of the guardianship VCAT order before accepting that a person has been appointed as an administrator. If staff are in doubt they can contact the Legal Services Branch for advice.

# 2.8 Disability needs

## 2.8.1 Special Accommodation Requirements

The department's [Clients with special accommodation requirements operational guidelines](https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements), < https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements provides guidance for staff assessing applications for social housing. This is to help staff to make decisions to best match people with housing, with a view to maximise the use of properties in accordance with the allocations policy.

## 2.8.2 Reasonable adjustments under the Disability Discrimination Act 1992 (Cth)

Homes Victoria may breach the *Disability Discrimination Act 1992* (Commonwealth) by failing to offer housing to a person with a disability based on a belief that they may be unable to comply with the obligations imposed on renters under the Residential Tenancies Act.

The Disability Discrimination Act (Commonwealth) also requires that ‘reasonable adjustments’ be made for people with disabilities. This may include assisting an applicant to comply with their obligations under the Residential Tenancies Act, through:

* searching for and offering the applicant public housing that best suits their needs
* home modifications
* assisting the applicant through phone calls and home visits as needed, as well as contact with other support providers (authority to the release of information to an external agency requires signed consent by the applicant).

If staff do not consider a requested modification to be a 'reasonable adjustment' they should seek advice from the Legal Services Branch as to any possible breach of the Disability Discrimination Act (Cth)

## 2.8.2 The Equal Opportunity Act 2010 (Vic)

Homes Victoria also has obligations under the *Equal Opportunity Act 2010 (Vic)*.

If staff have any concerns about a potential breach of the Equal Opportunity Act, they should contact the Legal Services Branch for further advice and clarification.

# 2.9 Transfers

## 2.9.1 Priority Transfers

The Priority transfers category is a priority category for existing social housing renters that require urgent relocation to another social housing property due to their current property being unsafe, unsuitable, is to be sold, redeveloped or better utilised.

The Determinations set out in full all the circumstances that will determine if an applicant or household is eligible for a priority transfer and includes the following circumstances:

* safety issues
* manifestly unsuitable housing
* uninhabitable housing
* family re-unification
* stock utilisation
* moving out of a property.

For priority transfers due to uninhabitable housing, stock utilisation and redevelopments staff should be aware of the requirements specific to those types of transfers. These have been set out in summary below. Staff should also refer to the [Priority Transfers Operational Guidelines](https://fac.dffh.vic.gov.au/priority-transfers) < https://fac.dffh.vic.gov.au/priority-transfers > under the [Eligibility Policy Framework](https://fac.dffh.vic.gov.au/eligibility-policy-framework) < https://fac.dffh.vic.gov.au/eligibility-policy-framework > for a full outline of priority transfers.

Priority transfers due to redevelopment relocations refer to the [Relocations Operational Guidelines](https://providers.dffh.vic.gov.au/relocation-manual) < https://providers.dffh.vic.gov.au/relocation-manual >. This includes information regarding moving out of a property and moving back to a redeveloped area.

## 2.9.2 Transfers due to uninhabitable housing

If a Field Services Officer determines a property is made uninhabitable due to a house fire or flooding caused by, for example, a faulty water pipe, a VPS5 manager or above may approve an immediate transfer for the renter and their household.

After the VPS5 manager approves a transfer under the Priority Transfers category Uninhabitable housing, staff will begin the process to identify alternative vacant public housing properties to offer. If a vacant public housing property is not immediately available and a renter is unable to stay temporarily with family and friends, staff will organise emergency accommodation, for example, at a motel.

Once a renter has accepted a vacant public housing property, staff will arrange a sign-up when it is ready to re-let. The new tenancy commences on the Sunday after the sign up and the tenancy for the damaged property (with the consent of the renter) is terminated from the date the property became uninhabitable to ensure the renter is not charged rent for a property they are unable to reside in.

If the damage occurred due to the failure of the department to adequately maintain the property, any removal costs will be reimbursed to the renter.

Renters may also be eligible for support through the Personal Hardship Assistance Program. Applications for assistance can be made at DFFH area offices during business hours.

If the property is later repaired, the renter will have the option to move back once the works are completed.

When a renter has an existing transfer application, staff will use this application to create the new tenancy. Once the tenancy starts, staff will register a new application and backdate the effective date to match the application used to create the tenancy.

## 2.9.3 Stock utilisation

A priority transfer to facilitate stock utilisation can occur in two ways:

* the renters requests a transfer to another property; or
* the department approaches the renter to transfer to another property.

This priority transfer could occur to facilitate a household moving from a larger property to a smaller property. The benefit is that the property can be better utilised. For example, an older client wants to downsize from a family home to a one-bedroom property for the over 55 age group.

As part of this process households are informed of the existing stock options in the local area they wish to move to.

Priority transfers for stock utilisation are only to occur where the renters give their consent to the transfer. If no consent is given, renters can remain in their current housing.

## 2.9.4 Move out of property and move back for redevelopments

This application is only to be made by the rental provider, usually by Homes Victoria, who will make the application on behalf of the household.

Renters retain their non-reviewable tenancy conditions on transfer if their current tenancy commenced prior to 17 November 1997.

## 2.9.5 Payment of relocation costs

The department will pay for relocation costs in circumstances where the renter(s) are not responsible for having to relocate. This may be in circumstances where:

* the department requests a priority transfer for stock utilisation processes
* the property is deemed to be uninhabitable through no fault of the household, or
* the renter of a movable unit must relocate.

Relocation costs may include electricity and gas connection fees, mail redirection and the removal of household items where the department has requested the renter to relocate as referred to in the department’s [Relocation manual](https://providers.dffh.vic.gov.au/relocation-manual) < https://providers.dffh.vic.gov.au/relocation-manual >. Telephone and internet connection fees are also paid where the renter already had these services at the current property.

## 2.9.6 Exit tenancy condition reports

When a household leaves a property an exit tenancy condition report is required by s. 35 of the Residential Tenancies Act. Reasonable attempts must also be made to involve former renters in the exit inspection.

As part of the preparation housing staff would consider responsive maintenance before the tenancy condition report is completed. This would potentially reduce the vacated maintenance needed to bring the property up to a reletting standard.

Further guidance for staff is available in the [Tenancy Condition Report Guidelines October 2021](https://dhhsvicgovau.sharepoint.com/sites/Publichousingresources/SitePages/Operational-Guidelines%281%29.aspx) on the Public Housing Resources SharePoint < https://dhhsvicgovau.sharepoint.com/sites/Publichousingresources/SitePages/Operational-Guidelines(1).aspx>and [HiiPConnect guides](https://dhhsvicgovau.sharepoint.com/sites/Publichousingresources/SitePages/HiiPConnect.aspx) < https://dhhsvicgovau.sharepoint.com/sites/Publichousingresources/SitePages/HiiPConnect.aspx>.

# 2.10 Offers of housing

The equitable allocation of public housing properties in accordance with policy settings is a critical function.

Housing staff are delegated the authority by Homes Victoria and must ensure that public housing properties are administered according to the Housing Act and the Residential Tenancies Act.

From 1 September 2022, the delegation to approve all allocations will sit with the VPS4 manager and above, while staff at the HSO2 and HSO3 level will continue to identify offers from the VHR.

Local offices must ensure there is adequate management oversight so allocations are consistent with the order of allocation at [section 2.3.2](#_2.3.23_Allocations_aligned) and other strategic requirements.

When a property becomes vacant, staff must match the accommodation type to the next suitable applicant from the highest priority category on the VHR and send an offer letter after a VPS 4 manager or above has authorised the allocation via HiiP. When an applicant makes contact, staff arrange an offer interview at the local office with the applicant and their support provider.

If it is more practicable for an applicant and staff to complete the offer remotely (for example, the available property is a long distance from the local office) then it is considered reasonable to manage the offer process via a phone interview.

During the phone interview, staff must confirm the identity, income, assets and contact information of the household.

To confirm the identity of the applicant staff will:

* check if the applicant has a HiiP password in the sensitive tab of the client register
* If yes, confirm their password

If no,

* Confirmation of at least three of the following personal details is required:
	+ service ID number
	+ full name
	+ date of birth
	+ telephone number
	+ names and dates of birth of family members (for example children or their spouse).

Staff can confirm the income and assets of a household:

* via Centrelink’s Income Confirmation eServices, or
* by receiving the required income and asset documents via an email.

After the identity, incomes, assets and contact information of the applicant (and their household) have been confirmed staff will continue through the property offer sheet to discuss the approved application category, locations, and any Special Accommodation Requirements (SARs).

When it is determined that the property offered is suitable for the applicant based on any SARs or other household needs, staff can then discuss any disclosure requirements described at [section *2.10.6*](#_2.10.6_Mandatory_Disclosures) *Mandatory disclosures.*

Before providing the offer address refer to [section *2.10.8*](#_2.10.8_Advising_the) *Advising the applicant of the property location and address.*

The outcome of the discussion is recorded in the property offer sheet and as a file note in HiiP.

## 2.10.1 Matching clients

When matching clients to appropriate accommodation staff need to refer to the department's guideline [Clients with special accommodation requirements operational guidelines](https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements) < https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements >. This guideline provides the information about matching the size of a household to a property, bedroom requirements, location requirements, property requirements and modification needs.

## 2.10.2 Previously undeclared Special Accommodation Requirements

If an applicant advises that they have a SAR about which they have not previously notified the department, unless they provide supporting documentation that substantiates their need, the allocation will be deemed to be valid and the offer recorded as refused.

The supporting documentation will need to be received by the department within 28 days of the offer being made as their application will be assessed for eligibility at that point. This reassessment is consistent with the department's [Clients with special accommodation requirements operational guidelines](https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements) <https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements>.

For example, a ground floor request has been received at the time of offer and because it is new information the applicant is re-assessed for eligibility.

In this case the offer is treated as not valid and the offer is recorded as cancelled, instead of refused.

## 2.10.3 Eligibility

Homes Victoria is only able to offer public housing to applicants who meet the eligibility criteria set out in the Director’s Determinations.

Staff must ensure that prior to the signing of a rental agreement that an applicant meets the eligibility criteria on which the offer is based upon.

## 2.10.4 Not eligible for Public Housing

If at any stage an applicant no longer meets the eligibility criteria for public housing the application is removed from the VHR

## 2.10.5 Not eligible for current priority category

Following the pre-offer activities and eligibility checks, if an applicant remains eligible for public housing, but not for the priority category for which their application was last approved and their circumstances have been confirmed in writing, their application is re-assessed according to the department’s [Assessing and managing applications operational guidelines](https://fac.dffh.vic.gov.au/assessing-and-managing-applications) <https://fac.dffh.vic.gov.au/assessing-and-managing-applications>.

In the case of applications approved for Priority Access, the status can only be removed with the approval of the VPS4 manager or above).

## 2.10.6 Mandatory Disclosures

Reforms to the Residential Tenancies Acthave changed the way rental providers offer vacant properties. Before potential renters accept properties, staff must disclose certain known information required by s. 30D of the Residential Tenancies Act and regulation 16 of the *Residential Tenancies Regulations 2021*.

The aims of the mandatory disclosures are to:

* provide the minimum information potential renters should know when considering whether to enter into a rental agreement
* ensure the information which could significantly impact on a potential renter is disclosed prior to the beginning of the rental agreement.

**Note:** When a vacant property has structural mould, asbestos that is unsafe, or drug contamination, no offer is to be made until the property condition is fully remedied.

The relevant mandatory disclosures include:

* mould – any mould or damp reported to the department by a renter and was caused by structural issues at the property in the last 3 years
* homicide – any known homicide that occurred in the property offered or its common areas in the last 5 years
* minimum standards – confirmation that the property offered complies with the rental minimum standards
* safety checks – the date of the most recent gas safety and electrical safety checks
* drugs – if the property offered is known to be contaminated due to trafficking or cultivation of a drug of dependence in the last 5 years
* asbestos – if the property offered is known to have friable or non-friable asbestos based on an inspection by a suitably qualified person
* owners corporations – to provide a copy of the owners corporations rules and to disclose any current dispute under Part 10 of the *Owners Corporations Act 2006*.

For a complete list of the mandated disclosures and guidance about their meaning, staff can refer to the Disclosure requirements matrix at the Disclosure page on the Public Housing Resources SharePoint.

When making an offer, staff must discuss with the applicant any factors which require mandatory disclosure. The information to disclose is available in the HiiP Property summary screen and the Manage incident tab. The property offer sheet also lists any disclosures relevant to the property being offered.

After rectification works have occurred there is no further obligation to disclose the drug contamination history to the applicant, however, if asked, staff should be transparent about the history of the property.

Regarding mould, regulation 16 of the Residential Tenancies Regulations requires rental providers to continue to disclose a property’s mould history (caused by the building structure in the last three years) even after the mould was treated and made safe.

For asbestos, given most Homes Victoria owned properties built before 1987 are known to have asbestos, the department has settled on a policy position to inform applicants the property offered may have asbestos when constructed before 1987. A fact sheet is given to applicants to provide important information about asbestos and that it remains safe when it is sealed, undisturbed and in good condition.

For further information, staff can refer to the [Disclosure requirements matrix](https://dhhsvicgovau.sharepoint.com/sites/Publichousingresources/SitePages/Disclosure.aspx) at the Public Housing Resources SharePoint< https://dhhsvicgovau.sharepoint.com/sites/Publichousingresources/SitePages/Disclosure.aspx>

## 2.10.7 Reasonable offers of housing

Where an applicant is approved for any of the Priority Access categories, a maximum of two reasonable offers of housing can be made.

A reasonable offer needs to consider the following:

* the number of bedrooms is matched in accordance with the housing size guidelines in the [Clients with special accommodation requirements operational guidelines](https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements) <https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements>;
* the area requested is in the preferred area and meets a household’s safety and access needs. The property may be in any suburb within the preferred area unless there is a location exemption. For example, a suburb within a preferred area is exempt due to family violence
* the property meets the household's assessed need, for example, ongoing medical need or disability modification
* the household's circumstances that affect their housing outcome remains the same.
* the property address has been provided to the client
* the household has been advised of all the mandatory disclosure requirements under the Residential Tenancies Act and has not advised that given what has been disclosed they are not willing to accept the property.
* the household has not been a participant in the high rise relocation program – for those in that program the decision not to proceed with an offer at that time does not impact their capacity to receive two reasonable offers
* the applicant has been given the opportunity to view the property internally and externally which allows them to make an informed decision
* the applicant was given until the close of business the next working day to make a decision about the offer.

If an applicant declines two reasonable offers of housing, their priority status will be removed and the application is placed on the Register of Interest.

If an applicant refuses two reasonable offers of public housing from the Register of Interest, their application will be removed from the VHR.

## 2.10.8 Advising the applicant of the property location and address

The location and address of the property on offer is only released to the applicant upon confirmation of the following:

* the applicant is eligible for public housing
* the applicant is eligible for their current Priority Access category
* any relevant mandatory disclosures have been discussed, and
* the proposed offer is a reasonable offer.

When the offer process is completed by a phone interview, applicants can be given the lock box code (if a lock box is used) to access the keys to inspect the inside of the property.

## 2.10.9 Information provided to applicants when an offer is made

To help applicants move and adjust to a new property it will be important to provide the following information:

* the conditions of sign up in Chapter 3 of the [Public Housing Operational Guidelines](https://providers.dhhs.vic.gov.au/allocations-manual): Signing the Residential Rental Agreement <https://providers.dffh.vic.gov.au/chapter-3-signing-residential-tenancy-agreement-word>
* any maintenance items to be completed prior to sign up and/or any repairs listed for future works
* when vacated maintenance is due for completion
* when sign up and the handover of the keys is scheduled
* that the tenancy will commence from the Sunday following the sign up and the weekly payment amount is expected to be paid in advance
* introduce HousingVic online services (HVOS) and its features including the option of making the initial rental payment by using HVOS
* if the tenancy commencement date is more than three weeks in the future, the household’s eligibility may need to be reconfirmed at sign up, and
* any non-standard items in the property.

## 2.10.10 Offer refused

When an applicant does not accept a reasonable offer, the offer is considered ‘refused’ and when at refused status staff will ensure the applicant is aware of their right to appeal the decision to treat the offer as refused. The offer is counted as one of the two reasonable offers available to the applicant if approved for the Priority Access category. Upon two reasonable offers being refused, the application is returned to the VHR. Priority Access categories can only be removed with the approval of VPS4 manager or above.

The applicant is advised to provide a completed Application for [special accommodation requirements form](https://fac.dffh.vic.gov.au/clients-special-accommodation-requirements) <<https://fac.dhhs.vic.gov.au/funded-agency-channel/clients-special-accommodation-requirements>> and supporting documentation. If the SAR application is provided, and approved, and the requirement means that the offer was not reasonable, the offer status is changed from ‘refused’ to ‘cancelled’.

Where the approved SAR does not change the appropriateness of the offer, or the applicant does not provide the completed Application for special accommodation requirements form, the status of the offer remains refused.

**Note:** If an applicant does not accept a reasonable offer of housing due to a mandatory disclosure, the offer will be recorded as ‘Cancelled’ and the next available suitable property will be offered.

The outcome of the offer is recorded on the property offer sheet and as a file note in HiiP.

## 2.10.11 Offer accepted

An offer of housing is considered ‘accepted’ when an applicant agrees that the inspected property is suitable for the household and the applicant and the household meet the eligibility criteria as outlined in the Directors Determinations. At this stage of the offer process, this is not a classified a ‘formal’ offer.

For applicants receiving support from an approved support provider, this is a relevant time to discuss with support workers details about future support plans, including support referrals to be made to establish the tenancy.

The outcome of the offer is recorded on the property offer sheet and as a file note in HiiP.

## **2.10.12 Information sessions**

During the offer process, staff should discuss any support needs with the applicant and any approved support providers, to establish future support plans to assist them during their tenancy. It should be conducted prior to sign up for the tenancy.

If any existing support is not planned to continue after sign up, consideration should be given to referring the applicant to the Tenancy Plus service or other local Tenancy Support Programs to assist with establishing and sustaining the tenancy.

For the Homeless with Support category, the designated support provider is expected to assist with any referral processes and continue to be the point of contact for the department until new support arrangements are in place.

For new and transfer applications, further details and guidelines are provided within the [Victorian Housing Register’s Priority Transfers Operational Guidelines](https://fac.dffh.vic.gov.au/priority-transfers) < https://fac.dffh.vic.gov.au/priority-transfers > and the [Relocations Operational Guidelines](https://providers.dffh.vic.gov.au/relocation-manual) < https://providers.dffh.vic.gov.au/relocation-manual >.

## 2.10.13 Formal offers

An offer is considered ‘formal’ when the applicant is provided with a rental agreement to sign. In most cases this occurs at the same time as the sign-up appointment.

## 2.10.14 After signing the Residential rental agreement

Once housed the application is removed from the VHR

If an applicant who has been housed experiences a change of circumstances requiring a transfer, a new application to the VHR can be lodged. Any new applications will need to provide supporting evidence as required by the department's guidelines to have eligibility assessed for the register.

# 2.11 Circumstances requiring VPS4 manager or above approval

Some applicants on the VHR require approval from a VPS4 manager or above to receive an offer to ensure they are receiving the support needed to establish and sustain their tenancy. The circumstances requiring approval and oversight are detailed below.

## 2.11.1 Applicants 15-17 years of age

#### Determining appropriateness of a tenancy in public housing

In certain circumstances, an offer of housing can be made to applicants who are 15 – 17 years of age. These applicants are expected to be supported by an approved support provider at offer and sign up stage. A VPS4 or VPS5 manager or above are to be involved in developing plans to establish and sustain the tenancy after sign up, including determining the suitability of the property offer.

The suitability of a property must be considered in consultation with the relevant support worker or care team.

#### Offers of Housing to applicants 15 to 17 years

Offers of housing to applicants aged between 15 to 17 years must be approved by a VPS5 manager or above.

Applicants and household members aged 15 to 17 years can only sign a rental agreement if they are in receipt of an independent income and there are no other eligible household members aged 18 and over. Offers of housing to applicants aged 15 to 17 years are to be approved by a VPS5 manager or above.

#### Transfer of Tenancy to household members 15 to 17 years

Where a renter is deceased or abandons the property and there are dependants still living in the property, subject to meeting the eligibility criteria for transfer of tenancy, a new tenancy can be created with a household member who is 18 years of age or older.

If there are no remaining eligible household members aged 18 and over, dependants that are 15 -17 years of age may sign a rental agreement after approval from a VPS5 manager or above.

# 2.12 Local decisions and allocations

## 2.12.1 Local allocation plan

From time to time local offices will develop a local allocation plan (LAP) relevant to particular geographic catchments or estates where a tailored approach is needed in order to ensure the sustainability of those communities.

A Local allocation plan is usually required when:

* the local office is a pilot site with integration of public housing and affordable housing or other types of tenancy management services
* to meet requirements of Homes Victoria programs, such as the Big Housing Build
* consideration for optimal tenancy management mix to deliver a productive and thriving community.

For example, the Markham Avenue estate is an existing public housing site redeveloped as part of the Big Housing Build, designed around accessibility, safety and inclusion. The Markham Avenue estate comprises of both public and affordable housing renters operating as a pilot site for future developments.

Typically, LAPs will be developed and approved at an Area Director level, but where there are State- wide implications, the sign off may be further escalated.

The LAP may be developed in consultation with local community organisations or renter groups.

The management of allocations under the LAP is undertaken by the local office but must still balance the broader needs of those on the VHR.

In developing the strategy, the following issues must be taken into consideration:

* the Director’s Determinations
* demand for housing within that area, including the number of transfer applications
* relevant sponsorship criteria
* existing department properties in the area
* under-utilisation of current stock
* possible community development requirements.

## 2.12.2 Sensitive allocations

Sensitive allocations can be considered in situations where:

* a person’s housing is identified as unsuitable
* other departmental program areas raise concerns that highlight need.

## 2.12.3 Selective allocations

Sensitive allocations are not necessarily part of a LAP and should only be considered in certain circumstances, such as:

* neighbourhood fatigue
* relocations
* renewal programs.

## 2.12.4 Hard to let properties

Homes Victoria defines a property as ‘hard to let’ when:

* three reasonable offers have been made and have been refused.
* the reason for refusal in all three cases has been that the property is unsuitable or unsatisfactory due to either of the following reasons:
	+ the characteristics of the housing, such as age, construction type, floor level
	+ the location and availability of community services and amenities.

**Note**: The above reasons are only used to determine whether the property is hard to let and to provide a reason for any delay in re-letting the property. Offers made for hard to let properties are to be considered reasonable offers unless they do not meet the applicant’s SAR's. Offers of hard to let properties are made in the same manner as other vacant properties based on the VHR category and application effective date.

A property deemed to be ‘hard to let’ will automatically have a vacancy reason of ‘Multiple Refused Offers’ applied against it upon the third refusal.

## 2.13 Temporary Absence

The previous temporary absence category as a Priority Access category has been removed and is no longer part of the Priority Access categories.

Applicants previously approved under the temporary absence category are now approved under the Priority Access category Homeless with support.

Applicants who relinquish their tenancy and apply for a Priority Transfer under the temporary absence category will not be disadvantaged as their application will be placed on the Priority Access category of Homeless with support.

## 2.14 Sleep-outs

A sleep-out is a one room, relocatable building constructed in the backyard of a property. It is designed to add an extra bedroom to a public housing property to overcome household overcrowding.

Sleep-outs are the equivalent of one bedroom. Therefore, the size of a property with a sleep-out is the bedroom size of the primary property plus one bedroom.

An offer of a property with a sleep-out is considered a reasonable offer when:

* the size of the property, including the sleep-out, matches (or exceeds) the size of property the applicant has been approved to the register for
* the application includes a household member aged 15 years or over
* the property is in the applicant’s preferred area, and
* the property has any special requirements the applicant has been approved for.

Accommodation with sleep-outs may be offered to households with children under 15 years old. However, if the applicant does not accept the offer, it is recorded as cancelled, not refused, with the effect that the number of reasonable offers to which the applicant is still entitled remains unchanged.