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| Car parking in public housing operational guidelinesEffective date: July 2017 |
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Department of Health

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# Revision history

| **Version** | **Amended section** | **Effective** | **Details** |
| --- | --- | --- | --- |
| 1.0 |  | 21 September 2015 | Date of issue |
| 2.0 |  | July 2017 | Incorporation of 'version control table' |

# When do these operational guidelines apply?

These operational guidelines apply when:

* an application for public housing car parking is made
* staff allocate a public housing car park, and/or
* staff revoke a person’s access to a car park.

# Introduction

These operational guidelines outline the processes and considerations for Departmental staff in managing the allocation of car parks on public housing estates through the local office. Staff must consult any other relevant operational guidelines, policies and legislative requirements when deciding what action to take under these operational guidelines.

The Director of Housing’s (the Director) objectives in managing car parks in public housing are to ensure:

* the allocation of car parks is done in a transparent and equitable manner, prioritising tenants with identified needs for parking, and
	+ the effective use and efficient allocation of car parks on public housing estates.

Under clause 2 (1) **of *schedule 5: Parking of Vehicles on land of the Director of the Housing Act (1983),*** the Director can allocate any portion of the Director’s land as a car parking area, and with respect to the parking of vehicles in that area:

* determine the number of vehicles that may be parked within the car parking area
* determine the class of persons entitled to have their vehicles listed as ‘listed vehicles’, limit (where necessary or expedient) from that class the number of persons entitled to list their vehicles and determine the method by which those persons may be selected
* prohibit the parking of any vehicle within the parking area unless the vehicle is listed (i.e. assigned) to that parking area
* prohibit the parking of any vehicle or of vehicles of any class or size unsuitable for parking within the parking area, and
	+ determine any other matters which in the opinion of the Director of Housing are necessary to effectively and efficiently manage the parking of vehicles within the allocated parking area.

In addition to the above, the Director can also prohibit or control the parking of vehicles in any area on the Director’s land that has not been designated as a parking area.

‘Authorised officers’ or police officers may issue infringement notices (requiring the payment of a penalty of up to $25) where they have reason to believe an offence has been committed with respect to parking of a vehicle.

A car park may be provided to:

* a public housing tenant and/or household member
* support workers who provide support on a regular and on-going basis to tenants or household members who do not own a car
* contractors, or
	+ security personnel.

The safety of a vehicle parked on an estate is the responsibility of the owner.

Within the context of these operational guidelines the use of the term ‘car park’ refers to both the allocation of either a specific car parking bay or a car parking area or zone.

Any individual accessing a car park in public housing must ensure their vehicle does not block emergency or service vehicle access to public housing estates or create safety hazards on public housing estates.

The local area management equivalent to the Tenancy and Property Manager may choose to review allocated car parks to:

* identify whether car parking spaces are being used as agreed, and
	+ manage where demand for car parking is greater than available car parking spaces.

Staff will seek line management advice and guidance in the event complex tenancy issues are identified.

The car park allocations will be recorded and monitored by staff in the centralised housing system, Housing integrated information Program (HiiP).

# Eligible applicants

The following groups are eligible to apply for a car park:

1. Tenants and household members with a vehicle
2. Tenants and household members with a temporary vehicle
3. Support workers for tenants and household members who do not own a car
4. A household with more than one vehicle requesting to share a car park or are requesting an additional car park
5. Tenants and households with vehicles not registered under their name
6. Other personnel such as contractors and security service personnel
7. Visitors.

Eligible applicants whose applications are successful will generally be allocated a car park, subject to availability, in the above order of priority and in line with the identified needs of the applicant as outlined in the ‘**Allocating a car park’** section of these operational guidelines.

All applicants for a car park must provide a copy of their current drivers licence to be eligible.

1. **Tenants and household members with a vehicle**

Public housing tenants and household members are eligible to apply for a car park on public housing estates if:

* the applicant owns a car, or
	+ the applicant leases a car under a leasing arrangement of at least one month.

Car parks are only issued if the car is registered under the name of the tenant or household member.

Where the tenant or household member is leasing a vehicle, appropriate documentation showing the leasing arrangement for at least one month is required. The car park is issued for the period of the leasing arrangement only.

1. **Tenants and household members with a temporary vehicle**

Tenants who have the occasional overnight use of a work car (e.g. a courier van, taxi, company car) or a courtesy car (e.g. from a mechanic), may park the vehicle in their allocated car park.

The tenant must provide a letter and contact number of the owner of the vehicle for verification.

1. **Support workers for tenants and household members who do not own a car**

Tenants who do not own a car and require a support worker to care for them on a regular and ongoing basis can apply for a car park for their support person.

The tenant is required to provide to staff, as part of their application, appropriate and relevant documentation to verify that they have a disability or medical condition which requires support on a regular and ongoing basis.

1. **A household with more than one vehicle requesting to share a car park or are requesting an additional car park**

Generally, one car park is allocated per household on public housing estates. However, a car park allocated to a tenant can be used for more than one vehicle owned by the tenant or household.

Only one vehicle can park in the car park area at any one time. Once the car park is occupied, any other vehicle approved to use that car park must be parked off the public housing estate and in accordance with council regulations and other applicable laws.

Whilst one car park is allocated per household in most instances, a tenant may apply for a second car park. If the request meets the applicant and vehicle eligibility criteria and the need for a second car park is demonstrated, the local area manager equivalent to a Tenancy and Property Manager or above may exercise their discretion to allocate an additional car park if available. The allocation of the second car park will be subject to an annual review.

Allocation priority will be given to tenants applying to share a car park in this category.

1. **Tenants and households with vehicles not registered under their name**

Car parks are only issued if the car is registered under the name of the tenant or household member.

An exemption applies where a tenant or household member advises that the car has been bought for them but is registered under another person’s name, for example, a parent has bought and registered the car in their own name rather than their child’s name.

Applicants must provide the following supporting documentation:

* a copy of the registration certificate
* a statutory declaration from the owner, confirming that they allow the household member use of the car or have bought it for them, and
	+ vehicle insurance documents showing that the tenant or the household member has been nominated as a driver.
1. **Other personnel**

If the parking area designated to contractors and security service personnel is not large enough to accommodate all listed and approved vehicles, the Tenancy and Property Manager or equivalent may approve the allocation of car parks outside the designated area if applicable.

Owners of a retail business located on a public housing estate, for example, a milk bar, can also be allocated with a car park under this category.

Car parks can be allocated to workers of tenant and community groups where the facility or office is located on the public housing estate. Staff and the personnel applying for the car park will discuss and agree on the requirements for using the car park prior to allocation. These users are not charged for the use of a car park.

1. **Visitors**

Car parks may be allocated to visitors where:

* there is an excess of car parks on the estate, and
	+ in exceptional circumstances.

The tenant is issued with a visitor's parking sticker. Tenants must reapply for a car park before the expiry date has lapsed.

Tenants are charged for a car park allocated for use by their visitor.

# Vehicle requirements

Vehicles that are not allowed to be parked on estates include:

* semi-trailers
* trucks
* caravans
* boats, or
	+ trailers.

Tenants will not be allocated a car park when:

* they require a car park for a vehicle that is not allowed to be parked on estates as specified above
* their vehicle poses risks for public safety
* the vehicle is not registered, or
	+ the vehicle is larger than the physical dimensions of the car parking space.

An exemption may be made for the vehicles of contractors where the vehicle is required to support completion of the work they have been engaged to complete.

# Applying for a car park

When an individual applies for a car park, staff will provide information outlining the requirements for use of a car park which include that:

* tenants or household members park their vehicle on the estate at their own risk
* tenants or household members must park the vehicle within the allocated car park
* only approved vehicles can be parked in the allocated car park
* the vehicle must be registered with VicRoads at all times
* the vehicle must be in a reasonable condition and not present any risks to public safety
* the car park must not be used for storage of personal goods such as vehicle parts, drums of flammable liquid or furniture
* engine oil waste must be disposed of in the correct manner, that is, not in the car parking area or on the estate, unless provision has been made by the local office. For example, some estates have oil bins provided in parking areas, and
	+ the car park must be kept free of oil and grease.

Applicants for a car park must complete a *Request for a car parking bay form* which is generated in HiiP, and provide relevant supporting documentation.

When receiving a *Request for a car parking bay form*, staff will check:

* that all required personal details have been completed
* whether the tenant or resident is the registered owner of the vehicle or has a leasing arrangement for at least one month, and has supplied supporting documentation
* vehicle details such as the make and model and registration number have been provided, and
	+ the form is signed and dated. If the person applying for a car park is a household member other than the tenant, staff must advise them the tenant must apply for, and sign, the car parking agreement.

Staff will also check the vehicle details on the proof of ownership documentation or leasing arrangement to ensure:

* the vehicle's size complies with the physical dimensions of the car park, and
	+ the vehicle type, noting semi-trailers, trucks, caravans, boats and trailers are not allowed to be parked in public housing estates.

Tenants must also provide one of the following as proof of ownership:

* a current registration certificate indicating proof of ownership of the vehicle
* a Notice of Disposal and Acquisition
* documentation showing transfer of ownership of a vehicle to the applicant, and/or
	+ documentation showing evidence of a leasing arrangement of at least one month.

Vehicle insurance documents are not sufficient proof of ownership.

Any other documentation required for special allocation such as relevant medical documentation from a doctor or a health professional confirming the reasons for why on-going support is required must be provided when the application is for a support worker.

Proof of ownership of a vehicle is not required for vehicles used by support workers as they may use fleet or different vehicles as part of the support provision.

# Finalising the application

Once an application for a car park has been assessed and meets the eligibility criteria, staff will:

* finalise the application form
* allocate a car park if available, or
	+ place the application on the waiting list for a car park.

If the application for a car park is placed on the waiting list, staff will send a letter to the applicant advising:

* their application for a car park has been approved; however, there are no car parks currently available
* their eligibility will be reassessed before they are offered and allocated a car park, and
	+ the applicant must contact the local office if there is a change in vehicle details.

If the application does not meet the eligibility criteria, staff will send a letter to the tenant advising:

* their request for a car park has been assessed and found ineligible
* the reason it is considered ineligible, and
* that they can reapply if there is a change in their circumstances.

# Allocating a car park

An application for a car park is assessed for eligibility before a car park is allocated in accordance with the identified priority of needs.

Car parks are offered in the priority order listed below:

1. Tenants and household members with a vehicle
2. Tenants and household members with a temporary vehicle
3. Support workers for tenants and household members who do not own a car
4. A household with more than one vehicle requesting to share a car park or are requesting an additional car park
5. Tenants and households with vehicles not registered under their name
6. Other personnel such as contractors and security service personnel
7. Visitors.

Within the categories relating to tenants and household members (categories 1-5), staff will allocate in the priority order listed below:

1.1. a tenant or household member with a medical condition or disability

1.2. a tenant or household member who wishes to swap their car park for another with a valid reason, then

1.3 a tenant or household member who owns a car and has not been allocated a car park.

Allocation is made by effective date order. The effective date is the date the request with all the required documentation for a car park was finalised at the local office.

Where possible, tenants should be allocated a car park close to their property. Tenants with a disability will be given priority to be allocated a car park close to their property or access to marked disabled parking (as applicable to each site).

When contacting the tenant to make an offer of a car park, staff should:

* confirm that the tenant wishes to proceed with their original application for a car park, and
	+ check whether the tenant is still eligible for a car park, that is, if they still own or lease a vehicle that is suitable to be parked on the public housing estate.

All offers of a car park must be confirmed in writing.

If the tenant is still eligible and confirms they want to proceed with their original application, staff will:

* advise the tenant the location of the car park and any access requirements, for example, electronic card access, and
	+ request the tenant to advise that they accept the offer within five working days.

If the tenant accepts the car park offer, a car parking bay agreement must be signed.

If the tenant does not contact the local office within five working days or is no longer eligible for a car park, staff will:

* ‘refuse’ the offer in HiiP
* remove the application for a car park from the waiting list
* send a cancellation letter to the tenant notifying them of the action undertaken, and
	+ offer the car park to the next appropriate applicant on the waiting list.

If the tenant is eligible but does not accept the particular car park being offered, staff should cancel the offer. Staff should also ascertain why the offer has not been accepted and ascertain whether there are any special requirements. If there is a valid reason for the refusal of offer, staff should leave the application on the waiting list.

If there is any change to the details of the tenant’s vehicle, for example, the tenant has sold their car and bought a new one, staff should update the new vehicle details on HiiP.

Special car parks may be provided at the entrance to buildings for tenants or household members who have mobility restrictions, e.g. in a wheelchair. The vehicle must be registered with the local municipality and carry a disabled person’s parking permit issued by that municipality.

# Signing the car parking agreement

The car parking agreement must be signed by the tenant and by staff on behalf of the Director of Housing. The tenant must sign the agreement even if they do not own the listed vehicle.

# Parking stickers and vehicle identification

DHHS parking stickers are issued when car parks are allocated to enable staff to clearly identify valid car park holders and prevent unauthorised vehicle parking.

Staff will provide an identifying sticker indicating the particular location where the vehicle should be parked. The sticker must be affixed to the inside rear window of the vehicle, or where the vehicle has no rear window, for example a motorbike, to some other conspicuous part of the vehicle.

Parking stickers are colour coded as follows:

* red stickers for tenants or support workers to a tenant or household members, and
	+ blue stickers for non-tenants such as contractors, community workers, and security staff (external parties).

The parking sticker should include:

* the car park number and/or parking area where the vehicle may be parked
* registration number of the vehicle, and
	+ an expiry date (where applicable). An expiry date of 31 December of the current year should be written on parking stickers issued to contractors, security personnel, visitors and support workers and households that are applying for an additional car park.

If the car park is for a support worker, staff will also include the term 'support' on the parking sticker.

In cases of a work car, staff will issue a letter rather than a parking sticker as different cars may be used. The letter should be displayed on the dashboard of the vehicle the worker is using.

In the case of a courtesy car, for example, from an insurance company, the letter must also include an expiry date. If an extension is required, a new letter must be issued with the new expiry date.

Staff will advise the person allocated the car park that:

* the sticker must be displayed when the vehicle is parked on the public housing estate and that if the sticker is not displayed, the tenant may be fined for unauthorised parking
* they must reapply for a car park before the expiry date lapses (if applicable)
* a weekly fee will be charged for the car park and it will be added to the weekly payments (not applicable for contractors or security personnel), and
	+ the safety of a vehicle parked on an estate is the responsibility of the owner of the vehicle.

The tenant must advise the local office of any change in vehicle ownership or details within 14 days of the change.

# Payment requirements for car parks

Tenants will be charged a minimal amount for the use of a car park unless special circumstances exist.

The charge is added to the weekly payments.

# Changing car parking and vehicle details

The tenant or household member is responsible for notifying the local office if there are changes to the vehicle ownership/leases.

If the tenant purchases a new car, the tenant must advise the local office of the specific details and registration number of the new vehicle. The tenant must provide documentation showing proof of ownership or new leasing arrangements.

If the tenant does not notify the local office of the changes within the 14-day timeframe, any parking infringement notices received after the 14-day period will not be waived.

# Renewing access to the car park

It is the responsibility of the person accessing the car park to renew their time-limited car parking sticker, for example, contractors, security personnel, visitors, support workers and households that are applying for an additional car park.

The process to request renewal is the same process for lodging and assessing eligibility of new applications. Applicants must be able to demonstrate that they meet eligibility requirements, for individuals and vehicles.

The process to request for renewal must be initiated prior to the expiry of the car parking sticker. If the process to renew the parking sticker commences after the expiry of the parking sticker, the request will be considered a new application and their previous access may be reallocated as required by any applications on the waiting list with earlier effective dates.

# Cancelling car parking

The tenant’s access to the car park will be cancelled as a result of the:

* tenant terminating their public housing lease at that property or of transferring to another public housing property which does not have access to the same car park facilities
* local office identifying that the tenant is not using the car park as agreed, for example, the tenant is sub-letting their car park or they have erected or installed a device to restrict access to a car park
* tenant arranging to move to another public housing property by mutual swap. Both tenants in a mutual swap have to apply for a car park as they do not automatically receive the newly vacated car park, or
	+ tenant or household member advising they wish to cancel their car park on the estate.

Staff will inform the tenant in writing:

* that the car park will be cancelled in four weeks (or where a tenant has not been using the car park as agreed, the car park will be cancelled from the date of notification), and
	+ the rationale for the decision.

Staff will advise tenants transferring to another public housing property that they will need to lodge a new request for a car park at the local office responsible for their new property.

# Parking infringements

Under ***Schedule 5 of the Housing Act (1983)*** entitled Parking of Vehicles on land of the Director, authorised officers or the Police may issue an infringement notice seeking payment of a penalty of up to $25 for ‘parking offences’.

A ‘parking offence’ means the parking of a vehicle –

(a) on any portion of the Director’s land -

(i) where the parking of vehicles is prohibited, or

(ii) at a time when parking is not permitted or for a period longer than the period permitted for parking, or

(iii) in contravention of any condition in respect of which the parking of the vehicle is permitted, or

(b) in a parking area where the vehicle is not a listed vehicle with respect to that parking area.

Staff who are authorised officers or the police may issue parking infringement notices. Staff issuing parking infringement notices may be required to give evidence in court.

Only one parking infringement notice may be issued per day for a vehicle that remains parked in the same location. Therefore, if a car is parked illegally in the same place for more than one day, the authorised officer may issue a parking infringement notice for each day it is parked in that location.

Only one parking infringement notice for a vehicle may be issued at any one time. If a vehicle is found to be in breach of more than one parking regulation, only one parking infringement notice should be issued with only one infringement highlighted.

When issuing a parking infringement notice, authorised officers must ensure that:

* all details entered on the notice are legible and correct, including licence plate numbers, date, time, location and details of the infringement
* only one parking infringement is to be marked on each parking infringement notice and the penalty amount circled, and
	+ the issuing officer’s parking infringement authorisation number, signature and initials are detailed on the parking infringement notice.

The pink copy of the infringement notice should be attached to the front window of the vehicle.

On the yellow copy of the parking infringement notice, the following information should be recorded:

* make and model of vehicle, for example, Holden sedan
* vehicle colour
* vehicle number plates, and
	+ any other additional information regarding the infringement.

If an error is made on the parking infringement notice, the authorised officer will draw a line through the notice and make a notation that an error was made when issuing the notice. All copies of the infringement notices are to be retained by staff for their records.

# Waiving parking infringement notices

There may be occasions when a parking infringement notice may be waived.

The Tenancy and Property Manager or equivalent has the delegation to waive parking infringement notices in the following instances:

* where a tenant or resident has a car park but was forced to park in another car park as theirs was occupied
* the contractor parked in an unauthorised area as the designated area was full
* a visitor needed emergency parking due to a tenant’s poor health
* the notice was issued to a stolen or abandoned vehicle, and/or
	+ the property is being looked after on a temporary basis by another occupant in line with the Temporary absence operational guidelines and the local office has been notified of the situation.

Where a person with an infringement notice requests a payment plan before the due date for payment, a 28-day extension may be given.

If a person requests the parking infringement notice to be waived, staff must advise them their request needs to be in writing. The person also needs to provide clear evidence to support their request such as:

* a copy of the parking infringement notice
* a statutory declaration stating why the notice should be waived, and
	+ other evidence to support the request, for example, a police report.

Staff will advise the person their request will be considered and they will be notified in writing of the decision within 14 days of receipt of the request.

# Non-payment of parking infringement notices

Infringements issued must be paid within the timeframe stipulated unless otherwise agreed with the local office as detailed in the **waiving parking infringement notices** section of these operational guidelines.

If the infringement is not waived and is not paid within the agreed timeframe, the Director of Housing maintains the right to pursue the matter via legal action through the courts.

# Abandoned vehicles

Staff will refer to the processes outlined in the **Abandoned properties and goods operational guidelines** in the event a vehicle is abandoned on a public housing property.

# Appeals process and complaints

If tenants do not agree with a decision made by the local office in relation to car parking or their access to parking, they may seek to have the decision reviewed by the Housing Appeals Office.

Tenants may also report misuse of a car park, abandoned or unauthorised vehicles to their local office for further investigation and follow up.

To receive this publication in an accessible format, contact your local office using the National Relay Service 13 36 77 if required.

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services July 2017.

ISBN 978-0-7311-7022-7

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