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| Public housing sleep-out operational guidelines |
| Effective date: January 2022 Version 1.0 |
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# When do these operational guidelines apply?

These operational guidelines apply to the relocation and demolishing of existing sleep-outs within the Department of Families, Fairness and Housing (the department) public housing properties.

# Human rights considerations

In deciding what action to take, staff will consider the potential impact of proposed action taken through these operational guidelines on the person’s (and their household’s) rights under the *Charter of Human Rights and Responsibilities 2006*.

Any person taking action in line with these operational guidelines must:

* understand the objective and rationale of the actions they are taking under these operational guidelines
* consider the impact of proposed action on the person’s Charter rights
* consider whether the proposed impact is balanced and proportionate and necessary to achieve that objective, and
* choose the least restrictive measures available.

[Victorian Equal Opportunity & Human Rights Commission - For public sector](https://www.humanrights.vic.gov.au/for-public-sector/human-rights/) is available at <www.humanrightscommission.vic.gov.au>

# Overview

A sleep-out is a one room, relocatable building constructed in the backyard of a property.

It is design to add an extra bedroom to the department property to overcome household overcrowding.

Sleep-out are not self-contained movable unit.

The funding for sleep-out allows for the relocation and/or demolishing of those in poor condition only.

No new sleep-out are being built.

The number of sleep-outs that are relocated each year is dependent upon the availability of funds to cover the costs.

Local housing offices are responsible for the relocation and/or demolishing of sleep-out and will maintaining their own sleep-out waiting list.

Local housing offices are also responsible for any site works that may be required on a property to enable placement of a sleep-out (remove/relocate shed, remove trees or other impediments as necessary).

Sleep-out are only allocated to properties with sufficient back yard area.

Sleep-out are required to be located as close as practicable to the main dwelling and existing services.

It must have a fenced yard and the placement of the sleep-out must comply with local government planning and building regulations.

Town planning approval is required for the placement of a second sleep-out on a property.

Once the sleep-out is located on the property it becomes a fixture and forms part of the Residential Rental Agreement and part of the rented premises.

For vacant house with an existing sleep-out, the sleep-out is counted as a bedroom and offered to eligible applications from the waiting list that matches the household size requirements, as outlined in the Victorian Housing Register Clients with Special Accommodation Requirements operational guidelines.

Generally, a sleep-out will only be offered to household where the person occupying the sleep-out is over fifteen years of age.

However, a household where the person occupying the sleep-out is less than fifteen years of age may be allocated the sleep-out, if they believe that it meets their needs. This arrangement must be in writing.

# Sleep-out applications

Applications for sleep-outs are lodged at the local office responsible for the management of the renter’s current housing.

Renter(s) can apply for both a sleep-out and a transfer at the same time.

Sleep-out applications are managed offline and not through HiiP.

## Assessing eligibility

All applications for a sleep-out are assessed according to the department’s eligibility criteria, as outlined in the Victorian Housing Register, Register of Interest operational guidelines.

The property is assessed at the local office level for its suitability for a sleep-out, considering:

* stock management principles
* suitability, taking into consideration planning/building regulations
* property title encumbrances
* other statutory requirements, and
* existing site impediments.

## Outstanding debt

Applicants or other household members who have outstanding charges can be approved to the sleep-out waiting list however an offer of sleep-out is not made until the conditions outlined in the Victorian Housing Register, Register of Interest operational guidelines have been met.

Outstanding charges include:

* rental arrears (including service charges)
* water consumption charges (debited to maintenance accounts between 1991 and 1994)
* outstanding bond loans
* maintenance arrears (only those charges which have been substantiated and appear as a maintenance charge on the rental account statement).

# Allocation of a sleep-out

Relocated sleep-out are offered to applicant(s) on the local office sleep-out waiting list in effective date order unless an applicant has been approved for an early allocation.

An early allocation of a sleep-out is offered before other applicants on the sleep-out waiting list.

The order of early allocation is determined based on need.

# Sleep-out transfers and disposals

Local housing offices will arrange the tendering, contracting, removal of sleep-out from existing property, re-construction of sleep out to new property, handover of sleep-out, or disposal of existing sleep-out, via the “Simple works” process.

Timelines for the completion of transfers and disposals is dependent upon statutory requirements, site requirements, tendering and contracting outcomes and co-operation of clients at both properties (where the sleep-out is to be removed and where the sleep-out is to be reconstructed)

# Residential rental agreements and sleep outs

A new department’s ResidentialRental Agreement is not signed when a sleep-out is allocated to a property.

The sleep-out becomes part of the rented premises and is subject to the rules and regulations of the *Residential Tenancies Act 1997* (RTA)*.*

# Rental charges for sleep-outs

The rental charge for a sleep-out is $3.00 per week and is added to the market rent of the property.

As the sleep-out becomes a permanent structure of the property, the additional charge does not affect the weekly payments of applicants who are entitled to a rental rebate.

The local housing office will advise the Corporate Services, Finance, Accounting and Commercial Operations, Rent Determination once a sleep-out has been constructed or removed.

Finance will make the necessary rental account adjustments.