

| Relocation manual  Chapter 3: Move back  October 2017 |
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# Revision history

Department of Health

| Version | Amended section | Effective | Details |
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| 1.0 |  | October 2017 | Incorporation of version control table  Accessible format |

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 [Housing Practice and Complex Support](mailto:housing.practicesupport@dhhs.vic.gov.au) <housing.practicesupport@dhhs.vic.gov.au>.

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

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# Move back policy

## Introduction

Tenants can choose to remain permanently in their relocation housing, or may move back to the redeveloped site if they meet the Department of Health and Human Service’s (the Department’s) eligibility criteria.

Where the tenant is eligible to move back to the redeveloped housing and there are sufficient redeveloped properties available, the Department undertakes to move tenants back to the redeveloped housing.

Where there is insufficient redeveloped housing to be offered to tenants, they are offered the next vacancy at the site or a property in close proximity to the site where such a property is available. Where an appropriate property is not available to the site or nearby, alternative locations are discussed and agreed with the tenant.

Registered Housing Association (RHA) policies apply to tenants who move to housing managed by a RHA.

Where tenants wish to return to a redeveloped public housing site that is solely managed by a RHA, the Department will undertake negotiations with RHA’s to achieve similar rent conditions to Departmental tenants (after allowing for Commonwealth Rent Assistance) on a project to project basis.

RHA’s are required to allocate a proportion of vacancies to public housing applicants. The Department will give priority, in the first instance, to make referral from the public housing waiting list to tenants wanting to return to the redeveloped site, subject to the availability of appropriately sized housing.

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

## Eligibility to move back

Tenants who wish to move back to redeveloped housing are required to meet the Department’s income and asset limits.

Tenants cannot move back to the redeveloped housing where:

* they no longer meet the Department’s income and asset limits
* they are no longer eligible for the redeveloped housing according to the Department’s Housing Size Guidelines as referred to in the [Allocations Manual](https://providers.dhhs.vic.gov.au/allocations-manual) <https://providers.dhhs.vic.gov.au/allocations-manual>
* they accrued outstanding charges while in the interim housing
* a Warrant of Possession is to be executed for either rental arrears or breaches of tenancy including nuisance and damage to interim housing
* it is determined there is insufficient redeveloped housing for the tenant to relocate back to following thorough assessment of each relocated tenant’s SHR and relative priority based on length of tenure.

## Writing to relocated tenants

* The Department asks eligible tenants to confirm in writing whether they will remain in their existing housing, or wish to relocate back to the redeveloped property. The Department contacts tenants at least three months before their redeveloped property is expected to be available with a Move Back Three Month Letter refer to HiiP.

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

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

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

* the tenant is eligible to be allocated the redeveloped housing as per the requirements detailed in this policy
* the redeveloped housing has not already been allocated to other Departmental applicants as outlined in the Move Back Chapter of this manual.

## Creating and managing an application

For each tenancy seeking to move back, an early housing application should be created in HiiP by the local Office. Eligible applications should be approved under the Early Housing Category: Redevelopment Transfer and the Type: Move Back to redeveloped area. Allocations operate as per normal match and offer process in HiiP.

## Move back application

* Tenants who have been relocated must complete a [Tenant Relocation](#_Move_Back_Three) Form see Appendix 1 page 10to return to the redeveloped housing. The application must include the details of individuals residing in the property, any SHR such as disability modifications that may be required, and income details for all persons receiving an income.

## Tenant does not wish to move back

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

* the tenant is eligible for the redeveloped housing
* the redeveloped housing has not already been allocated
* the tenant can change their intentions within the time that the redevelopment project runs. After the project ends, if the tenant wants to move from their relocated property, the relocation policy will not apply and the tenant will be required to apply for a transfer through the wait-turn allocation process.

## Insufficient redeveloped housing

Where there is insufficient redeveloped housing for the tenants to move back to, the Department offers housing to eligible relocated tenants in the following order:

* firstly - tenants who must return to the redeveloped site because of SHR. For example a tenant may need to be close to a medical facility and there is no alternative public housing near the facility
* secondly - length of tenancy in the original housing or on the housing estate. This recognises that tenants who have lived in the original properties or surrounding housing estate for a significant period of time are more likely to have developed a social or empathetic bond or relationship with the area.

The Tenancy and Property manager or equivalent approves the order in which the relocated tenants are to be housed based on the above circumstances.

Where relocated tenants are unable to be offered redeveloped housing due to the redevelopment resulting in the reduction of stock numbers, the application is placed at the top of the waiting list for the redeveloped housing as well as housing located nearby to the redevelopment. Nearby housing is defined as housing in the same suburb that is not subject to redevelopment.

## Offers of redeveloped housing

The Department generally gives all tenants a minimum of four weeks written notice before making an offer of the redeveloped housing. This information process needs to be managed outside HiiP but captured against each application in HiiP.

The Department allocates properties by considering the approved SHR of relocated tenants. For example consideration will be given to tenants who may need flat, level access for medical reasons.

* Tenants are made one offer of the redeveloped housing. This is because the offer is for a particular site and is also consistent with the ‘out of turn’ offers made under the Early Housing Policy in the [Offers of Housing – Allocations Manual](https://providers.dhhs.vic.gov.au/allocations-manual-offers-housing-word) <https://providers.dhhs.vic.gov.au/allocations-manual-offers-housing-word>
* The Department matches the tenant’s household to housing size in accordance with the Allocations Policy from the [Allocations Manual](https://providers.dhhs.vic.gov.au/allocations-manual) <https://providers.dhhs.vic.gov.au/allocations-manual>

Where the tenant will not accept the housing size for the relocation housing that they are eligible for, approval needs to be obtained from the Tenancy and Property manager or equivalent to offer alternative housing via HiiP, and if approved, an alternative bedroom size approved for the application on HiiP.

* [Move Back One Month Letter](#_Move_Back_One), refer to HiiP
* [First Offer Letter](#_First_Offer_Letter), refer to HiiP
* [Refused First Offer Letter](#_Refused_First_Offer), refer to HiiP
* [Final Offer Letter](#_Final_Offer_Letter), refer to HiiP
* [Refused Final Offer Letter](#_Refused_Final_Offer) refer to HiiP

## Properties managed by Registered Housing Associations

Registered Housing Association (RHA) policies apply to tenants who move to housing managed by a RHA.

However, where tenants wish to return to a redeveloped public housing site that is solely managed by a RHA, the Department will undertake negotiations with RHAs to achieve similar rent conditions to public housing tenants (after allowing for Commonwealth Rent Assistance) on a project by project basis.

RHAs are required to allocate a proportion of vacancies to public housing applicants. The Department will give priority, in the first instance, to make referral from the public housing waiting list to tenants wanting to return to the redeveloped site, subject to the availability of appropriately sized housing.

## Establishing the market rent

Where a tenant is paying a market rent and is relocated to a property with a more expensive market rent, the previous tenancy market rent is charged as detailed in the [Rental Rebate Manual](https://providers.dhhs.vic.gov.au/rental-rebate-manual) <https://providers.dhhs.vic.gov.au/rental-rebate-manual>.

# Move back procedures

## Assessing eligibility to Move Back

Assess the tenant’s eligibility to move back to redeveloped housing. The tenant must:

* meet income and assets eligibility criteria;
* be eligible for the property size as per the Department’s Matching Clients with Housing Policy, outlined in the [Matching Clients with Housing Chapter – Allocations Manual](https://providers.dhhs.vic.gov.au/allocations-manual) <https://providers.dhhs.vic.gov.au/allocations-manual>
* not have accrued arrears in the interim property. All arrears accrued in the interim property must be paid in full as outlined in the [Tenancy Management Manual](https://providers.dhhs.vic.gov.au/tenancy-management-manual) <https://providers.dhhs.vic.gov.au/tenancy-management-manual>
* not have a Warrant of Possession granted against them at the interim property for either rental arrears or breaches of tenancy including nuisance behaviour and damage to property
* if one of the above criteria is not met, the tenant is informed that they are not able to move back to a redeveloped property either now or any time in the future.

## Move back application

If it is found the tenant is eligible to be moved back to redeveloped housing, request the tenant:

* completes a [Tenant Relocation Form](#_Move_Back_Three) see Appendix 1 page 10 detailing all persons who will be residing in the property
* provides information on any SHR that they may require. For example wheel chair access or grab rails. All details are to be included in an Application for Special Housing Requirements, completed by the tenant’s treating health practitioner.

For each tenancy seeking to move back, an early housing application should be created in HiiP by the local Office. Eligible applications should be approved under the Early Housing Category: Redevelopment Transfer and the Type: Move Back to Redeveloped Area. Allocations operate as per normal match and offer process in HiiP.

## Writing to relocated tenants

### SHR application

Write to all relocated tenants at least three months before the redeveloped property is expected to be available.

The letter must:

* request the tenant to confirm whether they wish to move back to redeveloped housing or to remain in the permanently in their interim housing included in the Move Back Three Month Letter refer to HiiP
* request the tenant to complete an [Tenant Relocation Form](#_Move_Back_Three) see Appendix 1 page 10 to the redeveloped property if one has not already been completed
* request the tenant to complete an Application for SHRif they have particular housing needs
* advise the tenant if their household composition changes in the future, their eligibility for the redeveloped housing will be reassessed.

The letter should be scanned into HiiP and any discussions file noted in HiiP against the tenancy and the housing applications.

## Tenant does not advise the Department about moving back

If, after 28 days no response is received back from the tenant in response to the Move Back Letter:

* conduct a home visit to the tenant’s interim property and inform the tenant of the Move Back Policy. If the tenant is not present, leave a calling card requesting them to contact the Housing Services Officer (HSO) at the local Office
* make a note on the tenant’s file and also in HiiP of any attempt to contact the tenant
* write a letter to the tenant advising them that because they have been unable to be contacted, they will not be considered for housing at the redeveloped site. Scan a copy of the letter into HiiP the details on HiiP as a file note.

If the tenant is living in a location managed by another office, contact the office where the tenant currently resides and request the HSO managing the patch to conduct a home visit on your behalf.

## Tenant does not wish to move back

If the tenant indicates that they do not wish to move back to the redeveloped site:

* advise the tenant they will not be offered housing in the redeveloped site and that they will remain in their current property
* if they change their mind and wish to move back to the redeveloped site, this can only be done if the redeveloped properties have not been allocated to other tenants
* record a file note in HiiP against the tenancy.

## Insufficient redeveloped housing

If there is insufficient redeveloped housing available for the number of tenants who wish to move back:

* assess any SHR that may require the tenants to move back to the redeveloped housing, in accordance with the Matching Clients with Housing Policy detailed in the [Matching Clients with Housing Chapter – Allocations Manual](https://providers.dhhs.vic.gov.au/allocations-manual) <https://providers.dhhs.vic.gov.au/allocations-manual> and Public housing tenant information: Individual needs: Special housing requirements in the Allocations Manual (Staff are to refer to Individual needs: Special housing requirements operational guidelines). This information must be supplied by a treating health practitioner or other support agency, and must detail any specific requirements which the tenant may need for them to move back to the redeveloped housing
* identify those tenants with the earliest tenancy commencement date in the original housing or on the housing estate to determine who will be offered housing first. This recognises that tenants who have lived in the original properties or surrounding housing estate for a significant period of time are more likely to have developed significant connections within the area.
* seek the Tenancy and Property manager’s (or equivalent) approval for the order that relocated tenants will be housed
* advise the tenants in writing they will be offered redeveloped housing provided that they remain eligible
* advise the remaining tenants in writing they may be offered the next suitable vacancy in an area nearby.

## Offering redeveloped housing

At least four weeks before the redeveloped housing is expected to be available:

* write to the tenant advising them the redeveloped housing will be available in approximately four weeks’ time as included in the Move Back One Month Letterrefer to HiiP
* attach a Relocation Agreement – Section I [Tenant Relocation Form](#_Move_Back_Three) see Appendix 1 page 10 to the letter detailing the responsibilities of the Department toward the tenant and the costs incurred
* ensure the tenant is informed of their rights of appeal
* Manage the offer process in HiiP using the usual functionality.
* When making an offer to a tenant, ensure that any approved SHR are taken into consideration then use theFirst Offer Letter refer to HiiP*.*

## Move back offer accepted

If the tenant accepts the offer:

* make arrangements with the tenant to move their possessions to the redeveloped housing and to resolve any other issues such as connection of services that may be present
* arrange a time for the tenant to attend the local Office, or another agreeable location, to sign a Residential Tenancy Agreement for the redeveloped housing.

*Section 218(1)*of the *RTA* states that a tenancy agreement terminates if the tenant vacates the rented premises with the consent of the landlord. When the Department initiates a property transfer under this policy, it is considered that the Department has given consent to terminate the existing tenancy. The existing tenancy therefore terminates on the day the new tenancy commences.

## Tenant refuses move back offers

If the tenant does not wish to accept the offer of housing:

* advise the tenant they will remain in the interim housing by sending the Refused Move Back Offer Letter refer to HiiP*.*
* record the refusal of the offer in HiiP
* make a file note detailing the fact the tenant has not accepted the offer and place this on the respective application file. Record all details in HiiP
* remove the Early Housing code of ‘R1’ from the application in HiiP.

# Appendix 1

## Tenant relocation form

