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| Relocation manual  Chapter 2  Move out  February 2015 |
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Department of Health

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| Relocation manual  Chapter 2  Move out  February 2015 |
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# Move out policy

## Introduction

The Department of Health and Human Services (the Department) relocates eligible tenants who live in a Departmental property which is to be redeveloped, sold or substantially upgraded. A tenant’s eligibility to relocate may be affected by tenancy issues such as tenancy breaches, subletting and illegal or unauthorised occupancy of properties.

Where a tenant is relocated by the Department to alternate departmental accommodation, their current tenancy entitlements are not generally affected. For example, non-reviewable tenancies retain their non-reviewable status.

If a tenant does not wish to relocate, and the Department determines that relocation is not essential for the redevelopment to take place, the tenant is not required to move.

If however, the Department determines that relocation is essential for the redevelopment, asset renewal or sale to proceed; other housing options are explored with the tenant.

The Department attempts to match housing to a tenant’s specific requirements where such a request will not delay the redevelopment or other asset management activity. This may be difficult in areas where there is limited supply or low turnover of housing that matches a tenant’s requirements in their preferred area.

Housing that is in areas where there is limited supply or low turnover is prioritised firstly towards tenants who have approved Special Housing Requirements (SHR), followed then by the length of tenancy.

A tenant’s relocation property is categorised as either ‘interim’ or ‘permanent’ relocation housing.

Interim relocation housing refers to accommodation that is provided temporarily pending the tenant’s return to redeveloped housing. Interim housing may include non- department properties, including but not limited to, housing that is managed by a Registered Housing Association (RHA).

Permanent relocation housing refers to accommodation that is provided to a household that is not returning to a redeveloped site.

The permanency of the relocation housing may be determined by one or more of the following factors:

* the household’s income and asset eligibility
* the availability of housing at the redeveloped site
  + the tenant’s agreement that the relocation housing represents a sustainable housing outcome for the household (ie the tenant does not wish to return to redeveloped housing).

## Transfer applications

As relocation is a departmental instigated move, the relocation for redevelopment purposes does not constitute a tenant initiated transfer and therefore does not affect any current or future transfer application that the tenant may wish to make.

If the tenant has a current transfer application and the application reaches the top of the waiting list after the redevelopment has already been announced, the tenant’s transfer is to proceed, and all relocation policy and procedures are to be applied including the payment of relocation costs.

* If the tenant has a current transfer application, this can be used for the relocation however Section 1 in the **Tenant Relocation Form,** see Appendices page20 must be completed also. If it is used for the relocation, and the tenant wishes to continue with the transfer after relocating and remains eligible, another application can be registered and approved, with the effective date backdated to the original application date.

## Relocation applications

Tenants who have been requested to relocate must complete a Tenant Relocation Form.

* + Where a tenant refuses to complete a **Tenant Relocation Form**, see Appendices page 20the local Office completes and registers the tenant’s information in HiiP to the wait list on the tenant’s behalf, using information held on the tenancy file.

## Income and asset limits

Tenants who do not meet the Department’s income and asset limits at the time the property is ready to move back to cannot move back to the redeveloped site. Their relocation property is a permanent rather than interim relocation property.

Tenants who do not meet income and asset limits when being relocated who become income and asset eligible before the redeveloped site is ready, can move back, providing all other eligibility criteria are met.

## Outstanding charges and other tenancy breaches

🏠 [Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

The Department relocates tenants who have arrears to interim housing. The only times that this will not occur are situations:

* where a Warrant of Possession has been obtained due to rental arrears and will be executed
  + where a Warrant of Possession is to be executed for other breaches of tenancy such as nuisance or behaviour.
  + See the [Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] for further information.

**Note:** Arrears accrued at the tenant’s property are not transferred to the new interim housing rental account. Instead, tenants are required to sign a **Vacated Arrears Agreement** see Appendices page21.

## Tenant responsibility charges

🏠 [Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

Where a property is to be redeveloped, the tenant is responsible for:

* the cost of any of the Department’s fixtures and fittings that they have illegally removed prior to vacating
* damage caused to departmental fixtures and fittings, where the fixtures and fittings can be salvaged. For example, stoves, heaters and the damage which has occurred prior to the tenant vacating
  + the cost of any Tenant Responsibility damage that the Department is required to repair that occurred prior to the tenant vacating the property. This may include items such as the cost of removal of rubbish from the property. This is of particular importance if the property is to be relet and used in the short term by a community group or until demolition occurs, or if the property is to be sold.

A property inspection takes place prior to the relocation of the tenant. The tenant is liable for the reasonable cost of repairs to the property which:

* if to be relet in the period leading up to redevelopment, would prevent the property being relet and used in the short term
* if to be sold, would materially impact upon the sale price of the property
  + if to be demolished, has compromised the security of the building pending its demolition.

Where malicious damage has been caused to the property, prior to the tenant vacating, the Department issues an immediate Notice to Vacate under the **Residential Tenancies Act 1997 (RTA) (s.243),** and an Order for Compensation for the damage is also sought under the **RTA (s.210).**

🏠 See the [Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] for further information.

## Sublet housing

🏠 [Occupants Unknown to the Department, Residents and Squatters Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

The Department does not approve applications from tenants to sublet their property.

* Where a subletting arrangement has not been approved by the Department or the subletting period agreed to by the Department has expired, the **Occupants Unknown to the Department, Residents and Squatters Policy** applies. See the **Tenancy Management Manual** for more information.

## Residents who have not signed a Tenancy Agreement

🏠 [Transfer of Tenancy Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]  
🏠 [Illegal Occupancy and Squatters Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* + Where residents of a property have not signed a Residential Tenancy Agreement, the Department’s **Transfer of Tenancy Policy** is applied to determine their tenancy rights, see the Transfer of Tenancy Chapter in the Tenancy Management Manual.

Where the sole tenant of the property has died and the remaining partner or dependant has not signed a Tenancy Agreement with the Department, the remaining resident may be eligible to have the tenancy transferred into their name.

* + If the residents are not eligible to have the tenancy transferred into their name, the **Occupants Unknown to the Department, Residents and Squatters Policy** applies and the relocation does not go ahead. See this chapter in the Tenancy Management Manual for more details.

## The Department is unaware of dependants or residents living in the property

🏠 [Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]  
🏠 [Rental Rebate Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* + Dependants and eligible residents are included in the tenant’s household when determining the size of relocation housing, see the [Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]for further details.

If the Department has not previously been notified that a dependant or resident is residing at the property, they may be included in the tenant’s household if the tenant can prove that they were residing in the property at the time the redevelopment was announced.

This can be done by:

* requesting the previously unknown resident’s personal documentation such as bank statements to confirm their address at the time the redevelopment was announced
  + obtaining a statutory declaration from the resident stating that at the time the redevelopment was announced they were residing with the tenant at the tenant’s address.

If the resident was not residing at the property at the time the redevelopment was announced, the resident is not included in the tenant’s household for the purpose of matching the household to housing size.

* + The Department reassesses, adjusts and backdates where applicable rebate entitlements in accordance with the [Rental Rebate Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/], as described in the Rental Rebate Manual.

**Note:** Where the tenant has an existing transfer application that includes a household member that is not living in the Departmental property because there is insufficient room, the household member is included in the Tenant Relocation Form and is included when determining the housing size according to the **Allocations Policy** referred to in the Allocations Manual.

## Housing size

🏠 [Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* + The Department matches the tenant’s household to housing size in accordance with the **Allocations Policy**, as referred to in the 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.

## Housing type and location

The Department will consider requests from tenants for a particular property type in an attempt to match housing to tenant requirements. However, this cannot occur where a property matching the tenant’s household size is in limited supply or there is a low vacancy rate in the area that would result in a redevelopment or other asset management activity being delayed.

In such instances, the tenant’s request is assessed on a prioritised basis, to ensure housing that is in limited supply is allocated as follows:

* as a first priority, to those with approved SHR
  + as a second priority, on the basis of length of tenancy at the current property.

**Note:** The overriding intent of this policy is that a given project is not delayed. It may not be possible to supply a property matching a tenant’s SHR in a particular area, in which case the tenant will have to select housing in another area.

## Order of Allocations

Applications from relocating tenants are placed on the waiting list ahead of early housing applicants. The Director, Service Implementation and Support may:

* vary this policy where relocation activity impacts detrimentally on waiting times for early housing applicants, and (potentially) exits from the homelessness service system in a particular location
* consider other options to manage early housing waiting times in a particular area
  + identify particular projects where this policy must be applied.

The Director, Service Implementation and Support may act independently or upon the advice of an Area Director.

## Offers of relocation housing

🏠 [Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

For large projects, tenants may be required to begin relocating as soon as a project commencement date has been set.

Tenants, who wish to relocate voluntarily after official departmental approval for the project has been granted, may do so as soon as appropriate relocation housing becomes available.

The Department gives tenants written notice of at least one month before any relocation offer is made. This is done to ensure that the tenant has sufficient time to prepare for the relocation and to ensure removal arrangements can be organised to the tenant’s satisfaction.

* The Department allows tenants the standard two offers of relocation housing in accordance with the **Allocations Policy** as outlined in the Allocations Manual.
* First Offer Letter, see Appendices page22.
* Refused First Offer Letter, see Appendices page23.
* Final Offer Letter, see Appendices page24.
  + Refused Final Offer Letter see Appendices page25.

## Relocation agreement

Both the Department and the tenant sign a Relocation Agreement - Section I **Tenant Relocation Form** see Appendices page 20that states the entitlements of tenants relocating and moving back to the redeveloped housing. The sheet is used so that all details in regard to the relocation are clear and concise.

A Housing Services Officer (HSO) or a Redevelopment Project Officer (RPO) is able to sign the sheet as a delegate of the Director of Housing (the Director).

* + A copy of the **Moving to a New Home: Fact Sheet** see Appendices page26is given to the tenant for their reference during the redevelopment period.

Tenant groups or the Local Advisory Committee may request addresses of tenants in order to provide them with information in regard to the redevelopment. The tenant’s approval must be obtained prior to their address being released.

## Tenant does not wish to relocate

🏠 [Bond Loan Scheme Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

### Relocation is not essential

When a HSO receives contact from a tenant who does not wish to relocate, the Tenancy and Property manager or equivalent is to determine if the project can still take place.

Where the Tenancy and Property manager or equivalent determines that a project can proceed around a tenant who does not wish to move, the tenant is not obliged to move. This can only take place if it is determined that this will not have an adverse affect on the Department’s strategy for the area, and the proposed works would not compromise the tenant’s health and safety.

### Relocation is essential

* + Tenants who are required to relocate and refuse two valid offers of housing are issued with a 60 day **Notice to Vacate** see Appendices page29under the **RTA**. The Department continues to work with tenants to make further offers of housing during the 60 day notice period.

Where relocation is required for the redevelopment (or other asset management activity) to proceed and the tenant does not wish to relocate, the Department actively assists the tenant in exploring other housing options. These options may include an offer of vacant Departmental accommodation, staying with family and friends, a referral to a RHA, or use of the **Bond Loan Scheme** to access private rental, see the Bond Loan Scheme Manual for further details.

## Relocation to housing other than public housing

Tenants can stay with family and friends or rent in the private sectors or RHA accommodation for the duration of the redevelopment, and are not obligated to transfer solely to public rental properties. Where a tenant wishes to reside in non-public rental for the period of the redevelopment, the normal policy and procedures for Move Back and payment of Relocation and Move Back costs apply.

Tenants who wish to relocate to accommodation outside public housing are still required to complete a Move Back Application before leaving public rental to indicate whether they intend to return to public housing.

### Tenant relocates to registered housing association property

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 RHA’s 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.

## Market rents

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**.

## Properties pending demolition

In situations where demolition of the property to be redeveloped is not to occur for a definite period of time, the HM or equivalent may approve allocation of the property to a community group on a short-term basis.

The responsible local Office signs a fixed term lease with the community group on the understanding that the property is to be vacated and the keys returned to the local Housing Office when the property is required by the Department.

In HiiP, this is managed via Lease Out functionality.

## Tenants with supports in place

Support workers identified in a signed ‘Form of Authority’ form are sent a copy of all correspondence that is sent to the tenant.

If the tenant requiring support has to move out of their current location, the Department works with existing support providers to ensure that the supports will be available in their relocated area.

# Move out procedures

## Transfer application

If the tenant has previously lodged a transfer application, advise them that they may retain the application for a future transfer if they wish. If the tenant decides to keep their application for a future transfer:

* contact the office where the application is held and have the first preference changed to the respective interim housing waiting list and then have the file transferred to the responsible local Office
* upon receipt of the file, ensure that all details are correct including household composition and income and asset details
* refer the application to the Team leader for approval
* once approved, update the early housing status to ‘R2’ which is the code for Move Out. Also enter the decision date and any information that may relate to the application or the redevelopment in the comments section
  + print ‘Relocation’ at the top of the application file to indicate that the application is now being used for the relocation.

**Note:** Upon allocation of an interim property, a new application is registered containing any relevant documentation that may have been present in the original application (eg SHR approval details). The new application effective date is backdated to correspond with the effective date of the original transfer application.

If the tenant has a current application for transfer and advises the Department in writing that they do not want to keep their application for future transfer:

* contact the office where the application is held and have the first preference changed to the respective interim housing waiting list and have the file transferred to the responsible office
* upon receipt of the file, ensure that all details are correct including household composition and income and asset details
* update the applicant’s early housing status to ‘R2’ which is the code for Move Out. Also enter the decision date and any information that may relate to the application or the redevelopment in the comments section
  + print ‘Relocation’ at the top of the application file to indicate that the application is now being used for the relocation.
* If the tenant does not have a wait turn application, request the tenant complete a **Tenant Relocation Form** see Appendices page20to establish:
  + - * + the number of eligible persons in the property to be relocated

what size property, preferred location and any SHR that may be required.

Upon receipt, date stamp the form and confirm it has been correctly completed and signed. Ensure that income documentation has been supplied and that any support documentation is present. Contact the tenant immediately if any of the required documentation is missing.

If the tenant does not respond or refuses requests to complete a Tenant Relocation Form, create an application on the tenant’s behalf.

Register the form in HiiP in the same manner as a wait turn application. Upon registering the form:

* update the applicant’s early housing status to ‘R2’ which is the code for Move Out. Also enter the decision date and any comments that may relate to the application or the redevelopment in the comments section
  + print ‘Relocation’ at the top of the application file to indicate the application is now being used for the relocation.

## Arrears and other tenancy breaches

🏠 [Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* + If a Warrant of Possession is to be executed for outstanding arrears or for a breach of tenancy, advise the tenant that they will not be relocated or moved back to the redeveloped housing, see the [Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] for further information.

## Tenant responsibility charges

🏠 [Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

Prior to relocation, advise the tenant that they are responsible for:

* the cost of any Departmental fixtures in the property that are either damaged or missing prior to the tenant vacating
  + the cost of any Tenant Responsibility damages that occurred prior to the tenant vacating the property that the Department is required to repair.
  + Inspect the property prior to the tenant’s relocation to ensure Tenant Responsibility maintenance items are identified and actioned as outlined in the [Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/].

## Sublet housing

🏠 [Occupants Unknown to the Department, Residents and Squatters Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* + Where it is discovered that there is a subletting arrangement in the property, refer to the 🏠 [Occupants Unknown to the Department, Residents and Squatters Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

## Occupants who have not signed a residential tenancy agreement

🏠 [Transfer of Tenancy Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* + If the occupants of the property to be redeveloped have not signed a Residential Tenancy Agreement and may be eligible to do so, assess their eligibility for a transfer of tenancy in accordance with the Department’s **Transfer of Tenancy Policy**, see the [Transfer of Tenancy Chapter – Tenancy Management Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] for more information.

## The Department is unaware of dependants or residents residing in the property

🏠 [Rental Rebate Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

If dependants are found to be residing in the property that was previously not declared, include them in the household size when matching the household to accommodation.

* + If required, instruct the tenant to submit a rental rebate application and reassess the rental rebate entitlement in accordance with the [Rental Rebate Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]. Where the Department is unaware of residents residing in a tenant’s property, only include the resident in the tenant’s household if they can prove that they have been residing at the property either prior to or at the time the redevelopment was officially announced.

Request that the resident provide:

* evidence that they were residing at the property at the time the redevelopment was announced eg a driver’s licence or bank statement showing the address of the property
* a statutory declaration stating the time from which they have been residing at the property
  + evidence confirming the Department’s eligibility (eg Centrelink income statement or wage slips).

Assess the Rental Rebate application in accordance with the Rental Rebates Policy.

## Housing size

🏠 [Matching Housing with Clients Chapter - Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* Match the household size to accommodation in accordance with the Department’s [Matching Housing with Clients Chapter - Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/].

## Housing type

🏠 [Matching Housing with Clients Chapter - Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

### Assess the Department’s capacity to match housing to the tenant’s requirements

Assess the Department’s capacity to match housing to the tenant’s requirements. The assessment is in two parts:

* assessment of the Department’s capacity to meet a request from a tenant for a particular property type
  + assessment of the Department’s capacity to meet the tenant’s location requirements.

Where the tenant has requested a specific property type, using information available including the Informed Housing Opportunities database and local knowledge about vacancy turnover, assess the turnover and vacancy rate to determine whether their request is likely to delay the Department’s asset management activity.

Where the tenant is requesting relocation to specific housing in an area that falls outside the responsibility of the local Office, refer the assessment to the controlling local Office’s Tenancy and Property manager or equivalent for approval.

### Approval of tenant’s request likely to delay redevelopment or other asset management activity

Where it is determined the tenant’s request is likely to delay the redevelopment or asset management activity, send a letter informing them that their request cannot be approved because it would result in a delay to the redevelopment activity.

### Tenant’s request unlikely to delay redevelopment or other asset management activity

Where it is determined there is a capacity to meet the tenant’s property type and/or location request, inform the applicant that their request must be assessed to ensure that household’s with a critical need for housing of a particular type or location are assisted first, followed by those with the longest tenure in their current property.

* Advise them that their household’s eligibility for SHR must be assessed in accordance with the [Matching Housing with Clients Chapter - Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] and **Public housing tenant information: Special housing requirements** in the Allocations Manual (Staff are to refer to **Individual needs: Special housing requirements operational guidelines**).
  + Assess the applicant’s requirements based on SHR policy, documentation and additional information provided in the **‘SHR Consideration Guide’** referred to in the Matching Clients with Housing Chapter of the Allocations Manual.

Complete the SHR form, and make recommendations about the applicant’s location type, property type or modification request.

Forward the recommendation, together with supporting documentation and the applicant’s file to the Tenancy and Property manager or equivalent for approval.

If the SHR request is not approved, write to the tenant detailing the reasons for the decision. Place the tenant’s application on the waiting list without their SHR requirements.

If the SHR request is approved, write to the tenant detailing that:

* their request for SHR has been approved in principle
* their SHR approval will be reviewed if it later becomes evident that the Department is unable to offer the requested housing, as it would delay the redevelopment or asset management activity
  + the Department will continue to work with them to provide an appropriate relocation outcome within the constraints of the available relocation options.

## Relocation to an area managed by another local Office

If the tenant’s preferred location for relocation housing is in an area which is the responsibility of another local Office, approve the request apply the correct early housing indicator of ‘R2’, and send the form to the responsible local Office. Attach a covering note to the form detailing:

* general information in regard to the redevelopment including the anticipated start and finish dates
* a contact name and telephone number at the local Office managing the redevelopment
  + any details specific to the needs of the tenant, for example doctor’s or physiotherapist’s letters detailing specified modifications or other matters that should be taken into account at the time of offer.

## Relocation agreements

* + At the earliest possible point in the relocation process, arrange for the tenant to sign a Relocation Agreement – Section I **Tenant Relocation Form** see Appendices page20. This is completed to clarify details in regard to the relocation such as financial obligations that the Department may have toward the tenant, and the status of the tenant’s relocation housing ie ‘interim’ or ‘permanent’.

The Relocation Agreement is to:

* have its contents explained to the tenant to ensure they are aware of its content
* be signed by all tenants
  + be signed by a delegate of the Director of Housing, i.e. a HSO.

Once signed by both parties, it is to be copied with the copy being given to the tenant and the original placed on the respective relocation application file.

## Relocation to housing other than public housing

🏠 [Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

If the tenant is going to relocate to housing other than public housing for the duration of the redevelopment:

* ensure a Tenant Relocation Form is completed if they are to return to the redeveloped property, and a copy is placed on the respective relocation file
  + arrange for a time with the tenant to conduct an exit inspection at their current property. At the inspection, inform the tenant of their obligations in regard to arrears, maintenance charges and the return of keys to the local Office as detailed in the [Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/].

### Relocation to a 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 RHA’s to achieve similar rent conditions to Departmental tenants (after allowing for Commonwealth Rent Assistance).

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 public housing waiting lists to tenants wanting to return to the redeveloped site, subject to the availability of appropriately-sized housing.

## Offering relocation housing

🏠 [Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]  
🏠 [Matching Housing with Clients Chapter – Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]  
🏠 [Property Condition Assessments Chapter - Maintenance Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/]

* Make the tenant a maximum of two valid offers of relocation housing in accordance with the [Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] as referred to in the Allocations Manual.
* If any changes have occurred in regard to household size, reassess the tenant’s eligibility for the accommodation size according to the [Matching Housing with Clients Chapter – Allocations Manual](http://www.housing.vic.gov.au/) [http://www.housing.vic.gov.au/] in the Matching Clients with Housing Chapter of the Allocations Manual.

Attach a copy of the Relocation Agreement to the offer letter to be sent to the tenant.

When the tenant accepts the offer of housing:

* arrange for a time with the tenant to conduct an exit inspection at their current property. At the inspection, inform the tenant of their obligations in regards to arrears, maintenance charges and the return of keys to the local Office
* arrange a time for the tenant/s to sign the new tenancy agreement
  + complete a **Tenancy Condition Report** of the property the tenant is to be relocated to (see the Property Condition Assessments Chapter of the Maintenance Manual)

**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.

**Note:** If there are arrears at the time of vacating, ask the tenant to sign a Vacated Tenants Arrears Repayment Agreement. Place a copy of the agreement on the tenant’s file and forward a copy to the Finance and Business Services Branch, 6th Floor, 50 Lonsdale Street, Melbourne.

## Tenant refuses two offers

### Relocation deemed not essential

If the tenant refuses to relocate and the relocation is not deemed to be essential for the project to proceed, inform the tenant that they are able to remain in the property.

This notification is to be in writing and a copy is to be placed upon the respective tenancy file and noted in HiiP.

### Relocation is essential

If the tenant does not want to relocate and the relocation is essential for the project to proceed:

* conduct an interview with the tenant to ensure they are aware of the reasons the project is required and why their relocation is necessary
* establish why they do not want to relocate and explore any other housing options such as renting privately or residing with a relation
* inform them that the region will seek approval to serve them with a 60 day Notice to Vacate under **RTA s.255** or **s.256**
  + inform them that the Department will continue to work with them to address their concerns about relocation during the 60 day Notice period, and that further offers will be made during this time as and when properties become available.

Refer the tenant to the local Tenant Group or Local Advisory Committee to assist them with any queries they may have.

Request the Tenancy and Property manager or equivalent to meet with the RPO, the tenant and any other relevant parties that may have been involved in the relocation to attempt to find a solution.

Prepare a memorandum to the Tenancy and Property manager or equivalent requesting the matter be referred to the Director, Client Services and Programs for approval to issue a 60 day notice to vacate under:

* **s.255** of the **RTA** if the property is to be repaired, renovated or reconstructed
* **s.256** if the property is to be demolished.
* If the Tenancy and Property manager or equivalent approves the request, refer the memorandum on to the HM who will in turn directly seek the required approval. Once the Director, Service Implementation and Support has approved a 60 day **Notice to Vacate** see Appendices page29.
  + - * + send the notice to the tenant via registered mail with a copy of the application to VCAT, a copy of the demolition permit if the property is to be demolished, a covering letter detailing the reason why the notice has been served and for the tenant to contact the local Office

Send the application for a hearing to Victorian Civil and Administrative Tribunal (VCAT) with a copy of the notice to vacate 63 days after the notice is served. This is made up of 60 days for the notice to expire and three days postage. A copy of the demolition permit must be included if applying under **RTA (s.256).** If the application is made via VCAT Online, ensure a copy of the demolition order is provided to the chairperson on the day of the hearing.

The tenant may apply to VCAT to challenge the validity of the notice on or before the hearing of the application for a possession order. The application must be made within 30 days after the notice to vacate is served.

## Submission to VCAT

### Preparing a submission for the Victorian Civil and Administrative Tribunal Hearing

Prepare a submission for presentation at VCAT. The submission should include:

* the section of the **RTA** under which the application is made
* what is being sought from the Tribunal for example; ‘The Director of Housing is applying for an Order for Possession under Section 322 of the Act because the Director as landlord intends to demolish the premises known as ……, and has given the required Notice under section 256 of the Act’
  + details of relevant permits and consents.

At the hearing present all the information as prepared in the submission.

In certain circumstances it may be appropriate to request written reasons for VCAT decisions. This must be made at the start of the hearing, and will be at the discretion of the VCAT member.

## Where an Order for Possession has been granted

Where the Department is granted possession of the property, complete a Briefing Note requesting approval from the Housing Manager or equivalent or Regional Executive Officer equivalent to purchase a Warrant of Eviction.

If the application for a Warrant is approved by the Housing Manager or equivalent or Regional equivalent, the Regional Project Officer will organise the purchase of the Warrant from VCAT. The Regional Project Officer can nominate that the Warrant be faxed or posted directly to either the local Office or the local Police Station.

Advise the Tenancy and Property manager or equivalent, HM or equivalent or Regional Executive Officer equivalents when the Warrant has been received. Contact the local Police and arrange a time with them for the eviction to proceed. Request that the local Police visit the property and advise the occupants of the eviction details.

If the tenant offers up vacant possession, terminate the tenancy upon receipt of the keys.

**Note**: If there are vacated arrears, ask the tenant to sign a **Vacated Tenants Arrears Repayment Agreement** see Appendices page21. Place a copy of the agreement on the tenants file and forward a copy to the Finance and Business Services Branch, 6th Floor, 50 Lonsdale Street Melbourne on Fax 90969127.

**Note:** The Department should continue to encourage the tenant to move during the legal process. The Warrant is allowed to lapse only when the tenant accepts a relocated offer.

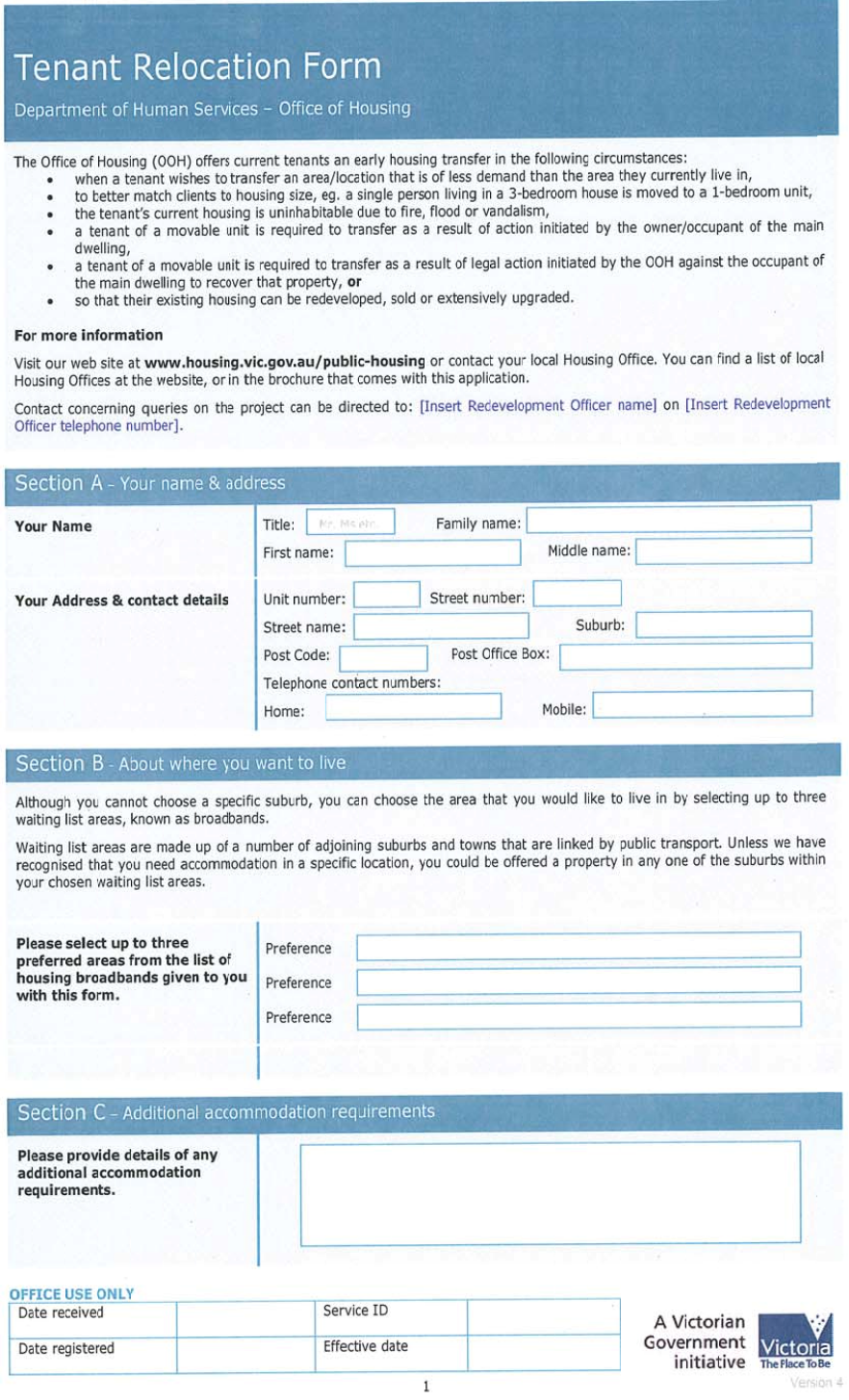
## Properties pending demolition

Where the Tenancy and Property manager or equivalent has agreed to approve a short term lease of a property to a community group until demolition occurs (with the assistance of Legal Services Branch), create a fixed term lease between the community group and the Department:

* have the agreement approved by the responsible Tenancy and Property manager or equivalent
* conduct a Tenancy Condition Report of the property
* have the community group sign the lease
  + ask Financial Services Branch to alter the product type to indicate the property has been let to a community group.

# Appendices

## Tenant relocation form



## Agreement to repay vacated rental/maintenance arrears

### Agreement to repay vacated rental / maintenance arrears

Vacated Rental Account Number:

Vacated Tenant’s Full Name:

Vacated Address:

Suburb or Town: Post Code:

Date Tenant(s) Vacated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

I/We

Of (New address)

Agree to pay $ per week / fortnight / month (Circle one)

Commencing \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date of first payment)

Until the amount(s) owing in my rental / maintenance balance: $ DR

and other charges balance\* $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DR are repaid in full.

I can be contacted on: (Telephone number)

I understand that failure to adhere to this agreement may result in the commencement of legal action by the Director of Housing, and that I will be responsible for any legal costs incurred, including solicitors’

Tenant Signature(s): Date \_\_\_\_\_/ \_\_\_\_\_\_/ 20\_\_\_\_\_\_

\_\_\_\_\_/ \_\_\_\_\_\_/ 20\_\_\_\_\_\_

\_\_\_\_\_/ \_\_\_\_\_\_/ 20\_\_\_\_\_\_

Signature of Witness: \_\_\_\_\_/ \_\_\_\_\_\_/ 20\_\_\_\_\_\_

Name of Witness:

Position

\*Note: Your other charges balance is comprised of tenant responsibility maintenance charges and/or water charges. This balance may change if tenant responsibility damage is identified and substantiated at the Victorian Civil and Administrative Tribunal.

## First offer letter

Dear «Tenantname2»

<**Sample Text**>

We recently met to discuss the importance of improving the quality and quantity of public housing across Victoria as well as maximising the use of our properties.

We also discussed providing you the opportunity to move to a better and more comfortable home.

I am pleased to inform you that a property is now available for you to inspect from the <Offered Property Broadband>.

Although there may be maintenance and improvement works under way at the time of the inspection, all necessary works will be finished before you move in.

To avoid missing out on this opportunity you must act quickly as this offer will soon also be made to other public housing residents.

Please contact me on [Office contact number] by [Property Offer Response Date] to find out more information about the property and to arrange a time to look at it.

When you come into the office for your appointment, you will need to bring the following documents for everyone included in your household:

* A Centrelink income statement (no more than 2 weeks old)
* A wage statement for the last 13 weeks
* A current bank statement (no more than 4 weeks old)
  + Documentation to confirm income and assets from any other source

If any household members are using the Centrelink income confirmation service, they are not required to provide income documentation.

I would like to work with you to find you a new home that best suits your needs, and try to match it with any special accommodation requirements that you may have. It is very important that you contact us so we can assist you with your relocation.

To ensure that you are fully informed of this offer if we do not hear from you by <Property Offer Response Date>, we will attempt to formalise this offer through a home visit.

If you have any questions or concerns, please contact me at the <Office Name> on <Enter Office contact number>].

Please provide this reference number <Service ID> when making enquiries.

Yours sincerely

## Refused first offer letter

Dear «Tenantname2»

<**Sample Text**>

Recently we offered you a property at <Offered Property Address> which you advised that you were unable to accept.

We will continue to work with you to find you a home that best suits your needs and try to match it with any special accommodation requirements that you may have.

We will contact you again when another suitable property becomes available for you to inspect.

This will be your final offer as per the Department’s policies, so please contact us immediately when you are notified of your second offer.

If you have any questions or concerns, please contact me at the <Office name> on <Enter Office contact number>.

Please provide this reference number <Service ID> when making enquiries.

Yours sincerely

«User Name»  
«Position title»  
«Office Name»

## Final offer letter

Dear «Tenantname2»

<**Sample Text**>

Previously I wrote to you about an opportunity to move to a more comfortable home as part of our aim to improve the quality and quantity of public housing and maximise the use of our properties across Victoria.

I am pleased to inform you that a second property is now available for you to inspect from the [Offered Property Broadband].

Although there may be maintenance and improvement works under way at the time of the inspection, all necessary works will be finished before you move in.

To avoid missing out on this opportunity you must act quickly as this offer will soon also be made to other public housing residents.

Please contact me on <Office contact number> by <Property Offer Response Date> to find out more information about the property and to arrange a time to look at it.

When you come into the office for your appointment, you will need to bring the following documents for everyone in the households:

* A Centrelink income statement (no more than 2 weeks old)
* A wage statement for the last 13 weeks
* A current bank statement (no more than 4 weeks old)
  + Documentation to confirm income and assets from any other source

If any household members are using the Centrelink income confirmation service, they are not required to provide income documentation.

I would like to work with you to find you a new home that best suits your needs, and try to match it with any special accommodation requirements that you may have. It is very important that you contact us so we can assist you with your relocation.

To ensure that you are fully informed of this offer if we do not hear from you by <Property Offer Response Date>, we will attempt to formalise this offer through a home visit.

If you have any questions or concerns, please contact me at the <Office Name> on <Office contact number>.

Please provide this reference number <Service ID> when making enquiries.

Yours sincerely

«User Name»  
«Position title»  
«Office Name»

## Refused final offer letter

Dear «Tenantname2»

<**Sample Text**>

Recently we offered you a property at <Offered Property Address> which you advised that you were unable to accept.

As you have now received the two offers of housing which are provided for under the Department's policies, could you please contact me immediately at the <Office Name> on <Office contact number> to arrange an appointment to discuss your options.

Please provide this reference number <Service ID> when making enquiries.

Yours sincerely

«User Name»  
«Position title»  
«Office Name»

## Moving to a new home fact sheet

### Moving to a new home

#### The Department of Health and Human Services fact sheet

For many people, moving to a new home is an opportunity to live in a more comfortable and secure environment; however for some people moving can pose some challenges.

To give you a better understanding of the issues and opportunities in moving to a new home we have collected the questions and answers most commonly asked and answered during this time.

If your question does not appear below or you require further information do not hesitate to ask your local Department of Human Services Office.

1. **Why has my house been chosen?**

An improvement program has been set up to ensure that people who live in homes that are very old and outdated have the opportunity to move to more modern and comfortable homes.

After careful consideration of all our existing houses, your regional Office has found that your property is no longer in good condition, and it is important that you have the opportunity to move.

We understand that moving to a new home can be stressful which is why we want to work with you to find you a home that meets your current and future needs.

1. **Where can I move to?**

We want to work with you in order to better understand your housing needs.

Once we have agreed on the type of home and location that is appropriate, we will provide you with a number of different options to choose from.

Some people have chosen to live in areas that are located closer to friends and family. Others have chosen to move to smaller and easier to maintain homes, in areas that are closer to public transport and frequently used facilities. The choice is yours.

Sometimes we might be unable to immediately find you another public housing home in the area that you want to live in. If that this is the case we will offer you a home close by.

In some instances we may be able to delay needing to move you to a new home. If you really do not want to move from your current property you will need to advise your local Housing Officer.

It is possible that your home needs to be redeveloped to provide better and new housing on the block. In these circumstances you will have the option of returning to a new home at the same location once the construction is complete.

We understand that in some cases you may have developed links to your local community and that moving can be stressful. If you wish to come back to the area we encourage you to register your interest with your Housing Officer, and if there is a home available that is suited to your needs it is likely that you would be able to come back.

1. **If I move, will I be assisted financially to cover the costs of the move?**

You are not expected to be out of pocket for any costs associated with the move.

If you agree to move the Department will pay your electricity, gas and telephone connection fees, mail redirection fees and removalist fees.

If you have special and important features that you would like to take with you to your new home, then make sure that you let your Housing Officer know prior to the move.

1. **When will I need to move?**

We will work with you to arrange a suitable date and time for you to move into your new home. This generally occurs within three months of first being contacted about relocating.

It usually takes about three months to present you with housing options and to give you time to decide on where best to live.

1. **What do I do if I don’t want to move?**

It is important that you move to a more modern home that will meet your current and future housing needs.

In some instances we may be able to defer your move to a new home. If you wish to continue to live in your current property you will need to advise your local Housing Officer.

Some homes need to be disposed of because the site needs to be redeveloped in order to increase newer and better public housing. In these circumstances, if all our efforts to help residents find a new home have been rejected and exhausted, it may be necessary for us to take legal action and go to the Victorian Civil Administrative Tribunal to recover the property and relocate residents.

If you are one of these rare cases, you will have the option of returning to a new home at the same location once construction is complete.

1. **If I choose public housing, will I get the same type of home?**

The Department wants to work with you to ensure that your new home is in good condition, comfortable and well located.

By being able to choose a new home, you will have the opportunity to consider different factors that may be important to you. This includes living closer to friends or family, or being near to public transport and community facilities.

We will work hard to ensure that your new home meets your needs and is as close as possible to your preferred location.

1. **Where do I go for further information?**

If you wish to obtain further information, or have concerns about this process please make contact with your regional Housing Manager or equivalent.

1. **Can I come back if my property is redeveloped?**

If your home needs to be disposed of because the site needs to be redeveloped to build more new public housing, then you can register your interest to return with your local Housing Officer. This will provide you with the option of returning to a new home at the same location once construction is complete.

1. **Is this related to my rental payments?**

The need for you to move to a new home is not connected to your rental agreement.

An improvement program has been set up to move people who live in homes that are very old and outdated, to more modern and comfortable homes.

After careful consideration we have determined that your property is very old and no longer meets adequate quality of living standards. As a result we would like to move you to a new and more comfortable home.

1. **I have lived in my home for more than 10 years, why do I have to move now?**

We understand that having to move homes can be stressful.

This program will move residents from properties that are old and in very poor condition to new and more comfortable homes.

A recent review of public housing in the area has found that your property no longer meets acceptable quality standards and as a result you will be provided with the opportunity to move into a new home.

## Notice to vacate – covering letter

Dear «Tenantname2»

<**Sample Text**>

When we met on [date], I informed you of a program to improve the quality and quantity of public housing across Victoria, and provided you with a number of different housing options.

Your property was selected for the redevelopment because <reason for redevelopment – ie too old, expensive to maintain etc>.

As part of the process I explained that you would be offered a number of different housing options, however because of the redevelopment of [Property Address] there is need for you to move to another home. We have tried to find suitable accommodation and you have now been offered two homes to choose from that the Department believed were suitable to meet your household needs.

You have refused two valid offers of alternative accommodation. As a result, the Department can apply to the Victorian Civil and Administrative Tribunal (VCAT) to regain possession of your property.

The Department will be seeking possession of your property under [either Section

255 (renovate), Section 256 (demolition) or Section 259 (sold) please select which one and delete the rest] of the Residential Tenancies Act 1997. A Notice to Vacate is enclosed by way of service.

As part of the process, an application for a possession order will be made to VCAT, who will advise you of a hearing date. Once the application has been heard at VCAT an order may be made for you to leave the property.

If you accept an offer of housing from us before the termination date given in the Notice to Vacate, no further action will be taken at VCAT. We can continue to help you find suitable public housing during this period if you request.

If you vacate the premises after this 60-day period and still wish to be considered for public housing, you will need to reapply.

If you have any queries, or would like to reconsider your decision to decline the two offers of housing please do not hesitate to contact me at the <Office name> on <Office contact number>.

Yours sincerely

«User Name»  
«Position title»  
«Office Name»

## Notice to vacate (sample)

