

## PURPOSE

This policy explains the criteria Evolve Housing Vic Limited (EHVL) will apply when a social housing Tenant applies for a transfer to another Property due to a change in their circumstances or when EHVL needs to relocate a Tenant for management purposes.

<b>POLICY REFERENCE</b>	VHS024.1
<b>POLICY OWNER</b>	General Manager, Resident Services
<b>APPROVED BY</b>	Evolve Housing Ltd CEO
<b>APPROVAL DATE</b>	1 Mar 2022
<b>REVIEW DATE</b>	1 Mar 2025

## TRANSFER POLICY

### 1. SCOPE

This policy applies to all social housing Tenants and Residents of EHVL.

### 2. POLICY STATEMENT

EHVL is committed to providing social housing appropriate to the needs of all Tenants and Residents.

EHVL Tenants may apply for a transfer to another Property if a change in circumstances makes their existing Property or location no longer suitable.

Tenants who wish to transfer from existing social housing must complete a Victorian Housing Register transfer application or contact EHVL directly. EHVL may then submit the transfer applications through the Victorian Housing Register on your behalf.

#### 2.1 Eligibility for transfer

To be eligible or become eligible for a transfer, the Tenant must:

- Be eligible for social housing at the time they make the application for transfer. The eligibility criteria is determined by the Department of Families, Fairness and Housing, and is available of the Victorian Housing Register website; and
- Be eligible at the time of offer to transfer.

EHVL may assist with recommending and/or assessing transfer applications once submitted to the Victorian Housing Register.

Tenants who have been approved for a transfer on the Victorian Housing Register may then be offered a new social housing property through EHVL, Homes Victoria or another participating community housing organisation.

#### 2.2 Rental bonds

Where a Tenant is being transferred from a Property where they have lodged a Rental Bond, the bond cannot be transferred to a new Property. The Tenant will need to pay a Rental Bond for the new Property in accordance with EHVL's Rental Bonds Policy.

The existing Rental Bond will be refunded to the Tenant subject to:

- All debts from the current tenancy having been cleared including rent and non-rental debts;
- A successful Property inspection having been completed and it being reasonably assumed there will be no post-tenancy charges made against the Tenant.

All steps will be taken to ensure the bond is refunded to the Tenant within the shortest possible time. In matters where the Leasehold Property is subsequently being returned to a landlord, EHVL will wait for confirmation from the landlord of any likely charges prior to approving the refund of the bond to the Tenant.

### **2.3 Transfers given priority**

Tenants of EHVL may also be able to apply for a Priority Transfer via the Victorian Housing Register if one of the following circumstances can be demonstrated:

- safety issues - there are safety issues, for example, due to family violence, anti-social behaviour, threats to safety in a community-managed rooming house, risk of ex-prisoner tenant re-offending and so forth;
- manifestly unsuitable housing – the existing housing is manifestly unsuitable resulting in a situation where a person cannot continue to live there independently, for example, they need major disability modifications or level access, or they cannot accommodate a live-in carer;
- uninhabitable housing – the Property is uninhabitable, for example, because there has been a fire, flood or vandalism;
- family re-unification – a need to re-unify a family, for example, if a court has ordered that a child should visit and stay with their parent three nights a week and there is not enough bedrooms to accommodate the child;
- stock utilisation – a need to better match Tenants to properties that improves stock utilisation, for example, where a Tenant wishes to move from a four-bedroom house to a two-bedroom house;
- move out of a property and move back for redevelopments – a need to move a Tenant due to an expiry of a head-lease or to enable the sale, redevelopment or upgrade of the property.

### **2.4 Management Transfers**

#### 2.4.1 Management Transfers: Relocating Tenants for management

purposes A management transfer is any transfer that is initiated by EHVL.

The transfer of an EHVL Tenant to alternative housing may be in the interests of EHVL in circumstances such as:

- The household size has decreased and the Property is currently under-occupied and could be better utilised by an applicant or other EHVL Tenant;
- EHVL wishes or is required to return the Property to the owner/agent;
- EHVL wishes to redevelop the Property as part of its asset management and property improvement strategy.

EHVL may relocate Tenants of such properties where it is deemed to be in the interests of EHVL. EHVL will act with respect and fairness and within the provisions of all relevant legislation, in any discussions and arrangements made with such Tenants.

Where a Tenant is transferred for management purposes, the Tenant may apply to EHVL prior to relocating for financial assistance with removal costs relating to furniture and belongings. EHVL will assess the Tenant's individual situation and make a decision on the financial assistance to be offered. The amount offered will be reasonable taking into account the distance of the move and size of the household. Relocation costs will only be approved when the nominated removalist has a current ABN.

#### 2.4.2 Management Transfers: Under-occupancy

Under-occupying a Property occurs when a Tenant has more bedrooms than they require. It is usually the result of other household members moving out of the Property.

Where a Tenant's household size has reduced to an extent the Property is under-occupied, EHVL will transfer the Tenant to another more suitable Property.

#### **3.4.3 Management transfer from Leasehold Properties**

For the purpose of this Policy, Management Transfer is where the Tenant of a leasehold property can no longer continue the tenancy because the property owner has given notice to return the Property due to sale or for some other reason.

Every effort will be made to locate appropriate accommodation within the current Victorian Housing Register zone for the Tenant prior to the expiration of the Leasehold lease agreement. This is subject to the Tenant's eligibility.

A Tenant approved for transfer under management transfer from a leasehold Property who currently owes money, must demonstrate they have been making a consistent effort to pay off the debt.

Where a Tenant is transferred under management transfer from a leasehold Property, the Tenant may, prior to relocating, apply to EHVL for financial assistance with removal costs relating to furniture and belongings. EHVL may assess the Tenant's individual situation and make a decision on the financial assistance to be offered. The amount offered will be reasonable taking into account the distance of the move and size of the household. Relocation costs will only be approved when the nominated removalist has a current ABN.

#### **3.4.4 Management Transfers: Number of Offers to Approved Leasehold Transfer Applicants**

EHVL Tenants who are being transferred for management purposes will receive one offer of alternative accommodation.

EHVL has decided to offer one suitable offer of alternative housing to align with the strategic and operational business outcomes which may include:

- Specific timeframes which may not be achievable if the Tenant was entitled to a further offer of alternative accommodation;
- Financial impact on the leasehold program; or
- External reasons.

The offer of rehousing may be approved outside of these guidelines where the Tenant has demonstrated with supporting documentation that the Property does not match their social housing need.

## **2.5 Wait turn transfers: Moderate overcrowding**

Moderate overcrowding is when there is an increase in the size of the household that results in the household having fewer bedrooms than they would otherwise be entitled to, but is not severe. For example:

- Three children sharing a bedroom;
- An adult or couple sharing a bedroom with a child under three years of age;
- Two unrelated adults sharing a bedroom.

The Tenant will need to substantiate the moderate overcrowding by producing documents indicating the number of household members, their age, gender, size of the bedrooms and the size of the living area.

## **2.6 Number of offers to approved transfer Applicants**

A Tenant approved for a transfer will receive an offer, provided:

- They are still eligible for social housing at the time of the offer;
- The reasons for approving the transfer in the first instance still apply;
- The Tenant has no outstanding rent or non-rent charges owing to EHVL at the time of the offer.

If the Tenant rejects the first offer of a transfer, the reasons for the rejection must be in writing. Should the Team Leader deem the offer to be inappropriate considering the reasons for the rejection, a second offer may be made.

The offer of rehousing may be approved outside of these guidelines where the Tenant has demonstrated with supporting documentation an urgent need to transfer and has indicated a genuine intent to clear any debt.

If a social housing Tenant rejects two reasonable offers their social housing transfer application will be closed.

## **2.7 Notification of outcome of application**

When a decision has been made regarding an application for a transfer, EHVL will provide the applicant with written advice within 20 working days including the reason for EHVL's decision. If the application is declined, the Tenant will receive information about EHVL Appeals process.

## **2.8 Appealing decisions**

If a Tenant or applicant believes EHVL has made a wrong decision they should first discuss their concerns with a Housing Manager. If the Tenant or applicant continues to be dissatisfied after speaking with a Housing Manager, they have the right to lodge an Appeal which will be assessed in accordance with the EHVL Appeals Policy.

## **3. DEFINITIONS**

- **ABN** – Australian Business Number.
- **Affordable Housing** - offers a secure housing alternative for low to moderate income households who cannot afford private market rents and is priced so that they can afford other basic living costs such as food, clothing, transport, medical care and education.
- **Appeal** – a disagreement by a Resident or Applicant for social housing, with a decision made by EHVL that affects their tenancy or their application for housing, and which the Resident or Applicant has requested be reviewed.
- **Landlord** – the person who grants the right to occupy a property under the Residential Tenancy Agreement.
- **Leasehold Property** - A property leased from a private rental landlord (or real estate agent).
- **Non-rent Charges** - any charges that are not rent, for example water charges or charges to repair damage to property. Non-rent Charges are paid separately to rent.
- **Partner** – the person an individual is married to, or in a registered or de facto relationship with, as defined from time to time by Centrelink.
- **Property** – the property or residential premises described in the Residential Tenancy Agreement between the Landlord and the Tenant.
- **Rental Bond** - money paid by a Tenant at the start of a Tenancy Agreement as financial protection for the Landlord, in case the Tenant breaches the terms of the Tenancy Agreement.
- **Resident** – a person who resides on a permanent basis in a property which is owned or managed by EHVL under a Residential Tenancy Agreement (includes a Tenant).
- **Social housing** - secure, affordable housing for people on low incomes who need accommodation. Social housing includes public housing properties owned or managed by Department of Families, Fairness and Housing and the Aboriginal Housing Office, and community housing properties managed by not-for-profit, non- government registered housing agencies such as EHVL.
- **Tenant** – a person who signs the Residential Tenancy Agreement with EHVL and who has certain rights and obligations under that Agreement.

- VCAT - The Victorian Civil & Administrative Tribunal is an independent Victorian statutory body which resolves a wide range of disputes including tenancy and other residential property issues. VCAT decisions must be followed and are enforceable.
- Victorian Housing Register - the way applications for housing assistance are managed in Victoria. The Victorian Housing Register provides a single application process, common eligibility criteria for housing assistance, a standard assessment process and a single waiting list for use by Department of Families, Fairness and Housing and community housing organisation.

#### **4. RELATED RESOURCES**

- EHVL Appeals Policy
- EHVL Privacy Policy
- EHVL Rental Bonds Policy
- EHVL Visitors and Additional Occupants Policy
- EHVL Zero Tolerance to Violence Policy

*This policy is subject to change from time to time at the discretion of EHVL. Any approvals required under this policy will be granted in accordance with the Evolve Housing group Delegations of Authority Policy. If you have any specific questions regarding this policy, please contact EHVL on 1800 693 865 or email your enquiry to [myevolve@evolvehousing.com.au](mailto:myevolve@evolvehousing.com.au).*

#### **5. VERSION CONTROL**

VERSION	Date Approved	Author	Key Changes
1.0	1/03/2022	GAL	Policy adopted