

WINTRINGHAM HOUSING ASSIGNMENT POLICY

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Purpose	To detail the arrangements, processes and considerations for assignment of a tenancy from one renter to another household member.
Policy Statement	<p>Assignment (also known as succession) of tenancy occurs when the rights and responsibilities under a rental agreement are transferred from the existing renter/s to another household member or other household members.</p> <p>Applications for assignment may be made when an existing renter intends to vacate the property or passes away and other household member/s wish to remain living in the property.</p> <p>The existing renter/s are those whose names are on the Rental Agreement and who hold tenancy rights and responsibilities in line with that agreement with Wintringham Housing and the Residential Tenancies Act.</p> <p>If a household member wishes to seek permission for assignment, they should apply to Wintringham Housing as soon as possible. For example, if an existing renter is vacating, they should apply as soon as they are aware that the existing renter/s are intending to vacate.</p>
Commitment	<p>Wintringham is committed to:</p> <ul style="list-style-type: none">• providing long-term, secure housing to people who are eligible for our services• considering individual circumstances of anyone applying for assignment• ensure housing is made available in a fair and transparent manner to those in need of housing registered on the Victorian Housing Register (VHR) Priority Waitlist• complying with sector performance standards and demonstrating capacity to manage a viable social housing business.
Scope	<p>This policy applies to all long-term rental properties owned or managed by Wintringham Housing.</p> <p>This policy does not apply to circumstances where existing renter/s remain living in the property and remain on the rental agreement (e.g. if a second renter is added to the existing rental agreement, turning the agreement from a sole tenancy to a joint tenancy).</p> <p>This policy does not apply to properties managed by Wintringham Housing on behalf of other property owners, where the owner retains responsibility for allocation of housing.</p>



Definitions

Applicant: is a person who has applied for housing via the VHR or, with reference to assignment, a person who has applied directly to Wintringham Housing for assignment in line with this policy.

Assignment: (also known as succession) of tenancy, occurs when the rights and responsibilities under a rental agreement are transferred from the existing renter/s to another household member or other household members.

Existing Renter: is the person/s listed on the Rental Agreement, who hold tenancy rights and responsibilities in line with that agreement with Wintringham Housing and the Residential Tenancies Act.

Household Member: is any person other than the existing renter/s who has been living in the property.

Rental Agreement: is the lease under the Residential Tenancies Act 1997, which sets out the rights and duties of the renter/s and the rental provider.

Rental Provider: also known as the landlord, is the entity that owns or manages the property.

VHR: The Victorian Housing Register is the state-wide common application for people seeking public housing and community housing.

Responsibilities

Tenancy Manager

Ensures the property is being fully utilised based on suitability, modifications and housing programs.

Housing and Homelessness Manager

Ensures that a request for change of renter on the lease is a reasonable request.

General Manager Homelessness and Client Support Services

If the applicant sends an appeal in writing, the General Manager Homelessness and Client Support Services (GMHCSS) has the final decision.



Procedure

1. Any household member seeking to be assigned a tenancy may contact Wintringham Housing to make this request, either verbally or in writing. A written application should address each of the considerations in section 5.

If a verbal application is made, a staff member will interview the applicant and ask for details that relate to these considerations detailed in section 5.

2. To consider the application, the details of any other proposed household members will be required.
3. All personal circumstances of the applicant will be considered with reference to the considerations outlined below.

A response will be provided to the applicant within two weeks of an application being made.

The response will be in writing detailing the outcome along with reasons for the decision.

4. If the application is unsuccessful, Wintringham Housing will discuss other possible housing and support options with the applicant.

- 4.1 The applicant may appeal the decision by contacting the GMHCSS in writing, if the decision still stands they will be provided with details of relevant legal services and other support services as required.

- 4.2 If the application is unsuccessful and the renter/s is intending to vacate or is no longer living in the property, the applicant will also be expected to vacate.

5. **Considerations**

An application for assignment will be assessed with reference to the following factors:

- 5.1 Eligibility

The applicant will need to meet the [VHR eligibility criteria as a priority](#), in order to be considered for assignment.

Applicants who were formerly eligible but have since become ineligible, can be considered where they have been approved as an additional household member/s and whose income had been included in the assessment of household income for rent calculations prior to the application.

- 5.2 Connection to Property

The connection of the applicant to the property will be considered, including the length of time the applicant has been living in the property.



It is expected that any applicant will have already been approved as an additional household member and that their income will have been included in the assessment of household income for rent calculations prior to the application. If special circumstances exist, these circumstances will be considered.

5.3 Mission Alignment

If the applicant is not on the VHR and does not meet the [VHR eligibility criteria](#), Wintringham Housing will consider the impact that approving the application would have on their ability to meet the Wintringham mission, and obligations to the Housing Registrar and Homes Victoria to house eligible low-income households.

5.4 Property Suitability and Utilisation

Wintringham Housing follows housing size guidelines to ensure properties are well utilised, and the number of people occupying properties is appropriate for the property size. Some properties may also have a minimum rent required to support the financial viability of the housing program.

Further considerations in assessing property suitability will include whether the property is part of a particular targeted program (e.g. for older renters or renters with disabilities) and whether disability modifications have been made to the property that are not needed by the applicant.

5.5 Promoting Successful and Sustainable Tenancies

Wintringham Housing is committed to establishing successful and sustainable tenancies, therefore the applicant's ability to maintain the tenancy will be considered. This will include the commitment of the applicant to pay the rent, not be involved in antisocial behaviour and ability to take reasonable care of the property.

6. Evidence

Wintringham Housing will consider any evidence an applicant provides with an application related to the considerations above and may request further evidence to assist in assessing the application.

Related Documents

Residential Tenancies Act 1997 (Vic)
Housing Act 1983 (Vic)
Performance Standards for Registered Housing Agencies
Legal agreements between Wintringham Housing and the Director of Housing relating to the VHR
DHHS Victorian Housing Register Operational Guidelines
Wintringham Housing - Housing Transfers

TMM 1.7

Authorisation

This policy has been authorised by General Manager – Homelessness and Client Support Services on May 2021.

Review Date

May / 2024

