

POH2101

ASSIGNMENT POLICY & PROCEDURES

1. INTRODUCTION

The purpose of this policy is to detail the arrangements, processes and considerations for assignment of a tenancy from one renter to another household member.

2. POLICY SCOPE

This policy applies to all long-term rental properties owned or managed by Women's Property Initiatives (WPI).

This policy does not apply to properties managed by WPI on behalf of other property owners where the owner retains responsibility for allocation of housing.

3. POLICY STATEMENT

Assignment (also known as transfer) of a tenancy occurs when the rights and responsibilities under a Residential Rental Agreement are transferred from the existing renter/s to another household member or other household members.

Applications for assignment may be made when an existing renter intends to vacate the property or passes away and other household members wish to remain living in the property.

The existing renters are those whose names are on the Residential Rental Agreement and who hold tenancy rights and responsibilities in line with that agreement with WPI and the Residential Tenancies Act 1997 (Vic) (**RTA**).

A household member is any other person who has been living in the property.

This policy does not apply to circumstances where an existing renter/s remain living in the property and remain on the Residential Rental Agreement (for example if a second renter is added to the existing Residential Rental Agreement, turning the agreement from a sole tenancy to a joint tenancy).

If a household member wishes to seek permission for assignment, they should apply to WPI 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 is intending to vacate.

WPI provides long-term, secure housing to people in need in line with our charitable mission, vision and values. The individual circumstances of anyone applying for an assignment under this policy will be considered. Other considerations will include the need to ensure housing is made available in a fair and transparent manner to those in need of housing registered on the Victorian Housing Register (**VHR**) as well as the need to comply with sector performance standards and demonstrate capacity to manage a viable social housing business.

4. PROCEDURES

Any household member seeking to be assigned a tenancy may contact WPI to make this request in writing. A written application should address each of the factors outlined in the considerations section of this policy (see below). Evidence may be required, and all evidence submitted with an application will be considered.

To consider the application, the details of any other proposed household members will be required.



All personal circumstances of the applicant will be considered with reference to the factors outlined below. A response will be provided to the applicant within two weeks of an application being made. The response will be in writing and provide an outcome along with reasons for the decision.

If the application is unsuccessful, WPI will discuss other possible housing and support options with the applicant. The applicant may appeal the decision in line with WPI's appeal policy and will be provided with details of relevant legal services and other support services as required.

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.

4.1 Considerations

An application for assignment made in line with this policy will be assessed with reference to the following factors:

4.1.1 Eligibility

In most cases, the applicant will need to meet the [VHR eligibility criteria](#) in order to be considered for assignment.

However, applicants who were formerly eligible but have since become ineligible may still be considered. This is dependent on whether they have been approved as an additional household member/s whose income has been included in the assessment of the household income for rent calculations, prior to the application.

4.1.2 Impact on applicant and their family

Any negative impacts on the applicant and their family of not approving the request will be considered. This will include consideration of whether severe hardship will be caused and any impacts to health, the wellbeing of children, connection to family and connection to community and culture.

4.1.3 Connection to Property

The connection of the applicant and their family to the property will be considered including the length of time the applicant and their family have 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 for why this has not been the case, these circumstances will be considered.

4.1.4 Mission alignment

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

4.1.5 Property Suitability and Utilisation

WPI 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.

4.1.6 Promoting Successful and Sustainable Tenancies

WPI is committed to establishing successful and sustainable tenancies and 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 to take reasonable care of the property.

4.2 Evidence

WPI 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.

5. RELEVANT DOCUMENTATION

POH1804 Rent Setting and Rebate Policy
 PPH1841 Rent Setting and Rebate Procedures
 POH1803 Housing Allocation and Eligibility Policy
 PPH1831 Housing Allocation Procedures
 PPH1832 Eligibility for WPI Housing Procedures

6. RELEVANT LEGISLATION AND STANDARDS

This policy implements WPI's obligations under:

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

7. TRANSPARENCY AND ACCESSIBILITY

This policy will be available on the WPI website www.wpi.org.au.

8. DEFINITIONS

In this policy:

applicant	means a person who has applied for housing via the VHR or, with reference to an assignment of an existing Residential Rental Agreement, a person who has applied directly to WPI for an assignment in line with this policy.
assignment	means the assignment or transfer of rights and responsibilities under a Residential Rental Agreement from the existing renter/s to another household member or other household members.
existing renter	means the person or persons whose name(s) is on the Residential Rental Agreement.
DFFH	means the Department of Family, Fairness and Housing
household member	means any person other than the existing renter/s who has been living in the property.
Residential Rental Agreement	means an agreement under the <i>Residential Tenancies Act 1997</i> between the renter/s and the residential rental provider.

VHR means the Victorian Housing Register, the state-wide common application system for people seeking public housing and community housing

9. POLICY REVIEW AND VERSION CONTROL

Policy number	POH2101	Version	0.1
Approved by Board on	9 December 2021	Circular Resolution Number	12/21 1.4.9
Responsible Person	CEO	Person responsible for review	Operations Manager
		Schedule review date	8 December 2023