

<b>Policy name</b>	Midtown – Tenure Policy
<b>Policy date</b>	February 2024
<b>Authorisation</b>	General Manager, Operations
<b>Policy owner</b>	General Manager, Operations
<b>Policy type</b>	Mission Australia Housing Operational Policy
<b>Policy setting</b>	

## 1 Purpose

### 1.1 Overview

1.1.1 This policy outlines the principles to be followed in determining tenure and changes in tenure for properties managed by Mission Australia Housing (MAH) in Midtown MacPark.

### 1.2 Coverage

1.2.1 This document is a local policy and covers Midtown MacPark program for Mission Australia Housing (MAH). The policy is based on the MAH National Policy entitled Tenure.

1.2.2 This policy applies to all forms of housing at Midtown MacPark provided by MAH.

### 1.3 Information on procedures and other related policies

1.3.1 Other MAH policies and procedures affect tenure. To assist you, these are identified where relevant in this policy.

## 2 Scope

### 2.1 Parts of Mission Australia that this policy covers

2.1.1 This policy applies to MAH staff responsible for working with MAH clients, tenants and properties.

### 2.2 Definitions

2.2.1 Key terms used in this policy are defined in the following table.

Term	Definition
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<b>Affordable housing</b>	Housing for individuals or families on low to moderate incomes who are having difficulty affording housing in the private rental market. It is generally targeted at working households. Rent for affordable housing is usually calculated as a discounted market rent.
<b>Eligibility</b>	Criteria such as income limits that must be met by applicants to obtain housing through a specific program.
<b>Eligible applicant</b>	An applicant who meets the specific criteria applying to individual housing through a specific program.
<b>Fixed-term lease</b>	A lease/agreement entered into for a specific period of time with a defined end date.
<b>Head-leased properties</b>	Properties where MAH has entered into a lease with the owner, and then subleased to an eligible tenant.
<b>Over-occupancy</b>	Where the number of approved occupants in a property exceeds the number recommended under the <b>Allocation of Housing Policy</b> , resulting in varying degrees of overcrowding.
<b>Periodic or continuing tenancy agreement</b>	An agreement/lease that has no specific end date. If a fixed-term agreement ends and a new lease isn't signed, the tenant will automatically move to a periodic agreement.
<b>Residential tenancy agreement</b>	An agreement between a landlord and tenant governing the lease of a residential property.
<b>Social housing</b>	Subsidised housing for individuals and families on very low and low incomes. Social housing applicants are generally in receipt of Centrelink benefits
<b>Social housing Cohort</b>	Social Housing Cohort are the tenants living in social housing excluding the Transitional Cohort.
<b>Tenure</b>	The conditions under which land or buildings are held or occupied.
<b>Under-occupancy</b>	Where the number of approved occupants in a property is less than the number recommended under the <b>Allocation of Housing Policy</b> , resulting in a vacant bedroom or bedrooms.
<b>Transitions Cohort (also known as Compass Program)</b>	Transitions Tenants in Midtown MacPark are social housing eligible tenants who are formally participating in the Compass Program. This housing and support program includes: <ul style="list-style-type: none"> <li>- Signing a program participation agreement on intake</li> <li>- Developing and working towards a Personal Goal Plan with a focus on engaging with education and employment and</li> </ul>

	<p>planning to move into independent housing options. Transitions Tenants are selected for the program based on an assessment of their capacity, with support, to transition into affordable or private market housing within 2-3 years.</p>
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### 3 Policy

#### 3.1 Guiding principles

3.1.1 MAH is focused on the needs of tenants and their families:

- MAH recognises the importance of secure, affordable housing.
- MAH is responsive to the changing needs of tenants.

3.1.2 MAH protects the value of assets under its management:

- MAH’s approach to tenure seeks to ensure that the limited stock of social and affordable housing is put to best use.

3.1.3 The MAH process for managing tenure is fair and transparent:

- Staff explain the reasons for particular tenure arrangements and for subsequent reviews that may affect tenure.
- Tenants are given the opportunity to appeal organisational decisions in order to ensure fair and transparent outcomes.

3.1.4 The MAH process complies with relevant laws and procedures:

- Properties are managed in accordance with the requirements of residential tenancy and rooming accommodation legislation, taking property owner requirements into account.

#### 3.2 Introduction

3.2.1 This policy explains the type and length of residential tenancy agreements (leases) offered by MAH to tenants on the Midtown Estate, and how they are reviewed and changed.

3.2.2 Staff will explain to applicants and tenants the rules that apply to their particular property.

#### 3.3 Length of lease

3.3.1 The length of the lease offered by MAH to tenants at Midtown MacPark depends upon the Tenant Cohort.

- Transitions Tenants will be offered an initial 3- or 6-month fixed term lease followed by either a 6 month-or 12-month fixed-term lease.
- Affordable housing leases are generally 12 month fixed-term lease.
- Leases for Social housing Tenants may be fixed term or periodic. In general, MAH will offer an initial 3-month lease, followed by a move to a periodic (or continuing) lease.

- Where there are concerns about a tenant’s ability to sustain a tenancy, MAH may offer a shorter fixed-term lease, before moving tenants to a periodic lease.
  - In certain circumstances, such as the death of a tenant, MAH may agree to a short-term lease to assist other household members to establish eligibility or transition to alternative accommodation.
  - In general, excluding Transitions Tenants, supported housing programs and specialty funded housing programs, tenants in social housing are offered security of tenure through a continuing lease.
- 3.3.2 The specific lease details, that apply to the tenant should be explained to tenants at the time of offer of housing and again at the start of their tenancy.

### 3.4 Transitions Tenants

- 3.4.1 Transitional Tenants in Midtown are eligible for Social Housing, though are considered to be able to gain employment and use Social Housing as a transition to Affordable and Market Rental accommodation.
- 3.4.2 Transitions Tenants will largely be on the general social housing waitlist and could be on the waitlist for a long-time. As part of the offering of a property at Midtown MacPark a Transitions Tenant must sign a participation agreement that sets out the details of the program, what we can expect from them and what they should expect from us. Transitional Tenants must remain committed to the arrangement to remain in the property. See **Midtown Allocations Policy and Ending Tenancies Policy**.
- 3.4.3 The terms and conditions that apply to Transitions Tenants should be explained to tenants at the time of offer of housing and again at the start of their tenancy.

### 3.5 Maximum length of tenure

- 3.5.1 Social Housing Tenants have long-term, secure tenancies. For that reason, there is generally no maximum length of tenure. However:
- In some cases, MAH may need to dispose of a property that no longer meets the organisation’s needs or is too expensive to maintain. MAH will seek to place affected tenants in another suitable property. See the **Ending Tenancies Policy** for further details.
  - Where a property is over- or under-occupied, MAH may seek to place the tenant in a more suitable property. See the **Occupancy Policy** for further details.
  - The tenant may breach the terms of their tenancy agreement leading to the termination of their tenancy. See the **Ending Tenancies Policy** for further details.
- 3.6.2 The maximum tenure period for affordable housing is dependent upon the tenant’s continued eligibility for affordable housing and the continuing availability of the Affordable Housing program.
- Considerations relevant to the property in question are explained to tenants at the time of offer of housing and at signing the initial lease. See the **Affordable Housing Policy** for further details.
- 3.6.3 It is expected that over the first three-year period a Transitions Tenant will be able to

transition out of the Social Housing property, however flexibility may be applied on a case-by-case basis.

- 3.6.4 Considerations relevant to the property and program in question are explained to tenants at the time of offer and at signing the initial lease. See the **Ending Tenancy Policy** for further details.

### 3.6 Lease reviews and renewals

- 3.6.1 For social housing tenants, eligibility is reviewed at the start of the tenancy, and may be reviewed again should there be a change in household composition or circumstances.
- 3.6.2 There are regular income reviews as part of the rent review process. See the **Rents, Bonds and Other Charges Policy** for further details.
- 3.6.3 For the social housing tenants at Midtown MacPark, tenants will normally move to periodic (continuing) tenancies at the end of their first lease. MAH has adopted this policy because it is easier for tenants, provides security of tenure, while providing MAH with management flexibility.
- 3.6.4 In affordable housing, tenants eligible for renewal will be required to sign a new fixed-term lease, usually for a 12-month term.
- 3.6.5 Eligibility for affordable housing is assessed:
- At the start of a tenancy;
  - Annually, as part of the rent review process (as per the **Rents, Bonds and Other Charges Policy**); and
  - At the time a new lease is entered into.
- 3.6.6 Consideration for renewal of leases for Transitions Tenants will be based on the Tenants engagement with the Transitional program and their progress towards goals in Personal Support Plans.
- 3.6.7 A lease may not be renewed if a Transitions Tenant has not fully engaged with the Transitions Program and has not been working towards their Personal Goal Plan. Transitions Tenants who are no longer participating in the Transition Program would be supported to explore other options based on their circumstances which may include applying for a lease renewal under another stream if appropriate.
- 3.6.8 Leases for Transitions Tenants will be renewed for either a 3, 6 or 12-month fixed term lease, which is reviewed at each expiry date. MA Community Services should make a recommendation to Housing for the lease renewal, but a final decision will be the responsibility of the Housing team.
- 3.6.9 Reviews are explained to tenants at the time the initial tenancy is entered into.

### 3.7 Change in Tenure

- 3.7.1 If after three-years a Transitions tenant has not been able to transition out, then a continuing lease may be offered to the tenant if they have:

Been fully engaged in the **Transitions Program**, and unable to find suitable employment opportunities

- Been fully engaged in the **Transitions Program**, though their ability to find suitable employment has changed to health or personal reasons.

3.7.2 If after three-years the Transitional Tenant has not transitioned out of the program, their lease may not be renewed if they have:

- Not fully engaged with the Transitions Program
- Found suitable stable employment and are earning sufficiently to enter the affordable housing or market rent market. See **Ending a Tenancy Policy**.

### 3.8 Informed decision making

3.8.1 To assist applicants where cultural or communication barriers are identified, or where a tenant is unable to consent on their own behalf, staff will:

- Engage an interpreter and/or support service at no cost to the tenant; and/or
- Engage an advocate, guardian or family member to witness the signing of the agreement. Housing Officers will organise representation for tenants under 18 years of age where they are unable to nominate a representative for themselves.

### 3.9 Complaints & Appeals

3.9.1 If a tenant disagrees with a decision MAH has made about the tenure of their tenancy, they should discuss their concerns with a Housing Officer.

3.9.2 If the tenant continues to be dissatisfied after speaking with a Housing Officer, they have the right to lodge an appeal which will be assessed in accordance with the **Appeals Policy**

## 4 Responsibilities

### 4.1 Housing staff including Housing Officers and Client Service Officers are responsible for:

- Informing tenants of their rights and responsibilities in accordance with this policy.
- Recommending improvements to this policy.

### 4.2 Team Leaders/Regional Managers are responsible for:

- Assisting housing staff to implement this policy.
- Incorporating this policy into staff induction and training.
- Ensuring staff are aware of and have access to this policy.
- Escalating feedback about this policy to the policy owner and/or policy writer.

### 4.3 The Operations Manager and State Manager is responsible for:

- Ensuring that MAH complies with this policy.
- Recommending any changes to this policy.