

GOOD PRACTICE GUIDE

Registered agency ending a tenancy policy

This good practice guide provides information for registered agencies developing and revising their ending a tenancy policy. The information is consistent with compliance requirements against Performance Standards, gazetted under the *Housing Act 1983* (the Housing Act).

Introduction

The Housing Registrar issued a guidance note on 11 February 2019 requiring registered agencies to publish policies relating to tenancy management and rent setting online, including an ending a tenancy policy. Following this guidance note, the Housing Registrar is publishing a series of good practice guides containing compliance information and best practice approaches to developing and revising key policies.

This initiative was driven by the Housing Registrar's commitment to increasing transparency in the community housing sector, continuous improvement and enabling tenants and prospective tenants to better understand how tenancies are managed.

Compliance with performance standards

Registered agencies must have an ending a tenancy policy that demonstrates compliance with Performance Standards.

Performance Standard 1 (Tenant and Housing Services) requires registered agencies to be fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients.

This includes the requirements that:

- registered agencies make information about tenancy management policies and procedures available in a variety of formats;
- registered agencies have policies and procedures which strive to sustain tenancies, and
- enforced transfers are minimised and eviction is treated as a mechanism of last resort.

For compliance assessments, the Housing Registrar may request from registered agencies a tenancy management policy (and related procedures) that demonstrates compliance with Performance Standards.

Developing policies

The following factors should be taken into consideration when developing and revising an ending a tenancy policy.

Registered agencies must have policies that cover the range of circumstances in which a tenancy may cease. This information should be contained preferably in one consolidated policy, or alternatively where separate policies exist, clearly reference one another and be easy to locate.

Some of the circumstances where a tenancy may end include:

- tenant initiated exits (e.g. relocation, incarceration, hospitalisation);
- death of a sole tenant;
- property abandonment;
- evictions (i.e. for rent arrears, malicious damage to the premises/common areas, for putting neighbours in danger, unsafe or unfit premises);
- a tenant or landlord being served a notice of intention to vacate the rented premises, but vacant possession has not occurred; and
- when a tenant is no longer eligible for community housing or requires a transfer.

The ending a tenancy policy should include as a minimum:

- the nature of the event that may lead to ending a tenancy
- the steps and process required by the registered agency/tenant before the tenancy is ended;
- timelines and communication protocols involved to end the tenancy; and
- reference any support services or other options available to the tenant throughout the process.

The ending a tenancy policy should also reference compliance with Performance Standards and other sources of relevant internal/external information, which may include:

- the processes the agency applies to ensure decisions are made, and actions are taken, that are compatible with the requirements of the *Charter of Human Rights Responsibilities Act 2006*;
- other related internal policies/procedures; and
- Consumer Affairs Victoria, Victorian Equal Opportunity and Human Rights Commission, Department of Health and Human Services, CHIA Vic and Tenants Union Victoria.

Ending a tenancy also provides an opportunity for the registered agency to conduct an exit interview with the tenant to seek feedback to better understand a tenant's reasons for leaving and to support ongoing continuous improvements.

All policies should use plain language, be accessible and easy to understand. Policies should contain enough details to convey the registered agency's approach to tenancy management and deliver key information to tenants and prospective tenants.

Other sources of information

Refer to the below links for further information:

- Performance Standards
- Guidance Agency Publication of Online Policies
- Consumer Affairs Victoria
- *Residential Tenancies Act 1997* (Part 6: Termination)
- Victorian Equal Opportunity and Human Rights Commission
- Tenants Victoria
- CHIA Vic Model Goods Left Behind Policy and Procedures

Assistance with policy development

If you need assistance with policy or website development, please contact CHIA Vic.