

TENANT TRANSFER AND SUCCESSION POLICY

The co-operative's policies relating to tenant transfer and succession are detailed below in extracts from the current version of the Member Manual:

3.11 Transfers

A transfer application from existing members takes precedence over new applications. The transfer process is entirely voluntary. The steps in the allocation of a vacant house to a transferring renter are as follows:

Eligibility

- Transfer Applicants must be housed in the Co-op for at least two years before being considered for transfer. Exceptions may include, but not be limited to, applicants wishing to downsize, domestic violence, family feuding etc.
- The member seeking a transfer must not own real estate
- The member seeking a transfer must be up to date with their rent The member must meet the bedroom allocation criteria for the house to which they are transferring
- Any member with an impending or current VCAT order will not be eligible
- A full inspection of the property being vacated will occur prior to any transfer approval
- The property being vacated must be in a rentable condition.

Process

- All requests for transfers must be in writing to SouthEast prior to a property becoming vacant.
- An application to transfer houses will be considered in situations where there is a change in the number of household members. Transfers will be carried out in line with eligibility criteria and subject to new lease arrangements.
- Priority transfers will be considered by SouthEast in emergency circumstances and with appropriate documentation from agencies such as the police and medical professionals.
- When a vacancy in a Cooperative house occurs, a SouthEast staff member contacts the renter on top of the transfer waiting list for the particular area and house size and informs them of the vacant property. An inspection of the property by the renter is arranged. A renter can refuse the first offer and remain in place on the waiting list but refusing a second offer will result in the renter being taken off the list.

3.14 Death of a Member

1. Two Parent Families

In the event of the death of a member, the membership and lease on the deceased members property will be transferred to his/her spouse if the spouse was previously included as part of the household on the property lease.

2. Single Parent Families

In the event of the death of a sole parent member, the future membership and lease on the deceased member's property will be treated on a case by case basis as decided by the SouthEast in accordance with DHHS policies.

Process for ending tenancies following the death of a sole renter.

Under s91N, if a renter dies, the tenancy ends at the earliest of the following dates:

- The termination date specified in a notice of intention to vacate given by the deceased renter's legal representative or next of kin.
- The termination date specified in the notice to vacate given by the rental provider to the deceased renter's legal representative or next of kin.
- The termination date specified in the Tribunal order under subsection (5); or
- A date agreed in writing between the residential rental provider and the legal personal representative or next of kin of the deceased renter.
- The date in a notice of intention to vacate or notice to vacate to or from the legal representative or next of kin can be earlier than the end date of a fixed term agreement.

If a next of kin or legal representative cannot be located, a rental provider can apply to VCAT under s91N (4) for an order terminating the agreement.

These arrangements do not apply if there is more than one renter under a rental agreement.

3.15 Members Vacating Property

Where a Member vacates the property and his/her family remains in residence, SouthEast will seek vacant possession of the property through the provisions of the Residential Tenancies Act (1997), unless they can successfully seek transfer of membership.

In the situation of a marital breakdown where the member leaves the property, the partner who remains with responsibility for the children will be offered the opportunity to transfer the lease and membership.