

Renter Transfer and Succession Policy

Policy Description

SouthEast Housing Co-operative’s policies relating to renter transfer, death of a renter and succession are detailed below in extracts from the current version of the Member Manual.

Scope

All renters of properties owned or managed by SouthEast Housing Co-operative under all relevant programs who meet the eligibility criteria for transferring.

Definitions

RTA	Residential Tenancies Act 1997
VCAT	Victorian Civil and Administrative Tribunal

Relevant policy statements and/or principles

SouthEast Housing Co-operative supports and gives priority to internal transfers for member renters for the following reasons:

- Right sizing
- Family violence
- Manifestly unsuitable housing
- Family reunification
- Property development

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-operative for at least two years before being considered for transfer. Exceptions may include, but not be limited to, applicants wishing to right size, or due to family violence or safety related matters.
- The renter seeking a transfer must not own real estate
- The renter seeking a transfer must be up to date with their rent. The renter must meet the bedroom allocation criteria for the house to which they are transferring.
- Any renter with a current or impending 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 clean, and well-maintained condition.

Process

- All requests for transfers must be in writing to SouthEast Housing Co-operative 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 Housing Co-operative in emergency circumstances and with appropriate documentation from agencies such as the police and medical professionals.
- When a vacancy in a Co-operative house occurs, a SouthEast Housing Co-operative 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.
- The renter must be an active member of the Co-operative or exempt from participation due to retirement.

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 Housing Co-operative in accordance with the relevant legislation, policies, and regulations.

Process for ending tenancies following the death of a sole renter

Under s91N of the RTA, 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 VCAT 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) of the RTA for an order terminating the agreement.

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

Renters Vacating Property and leaving family members in residence

Where a Renter vacates the property leaving others in residence, SouthEast Housing Co-operative will seek vacant possession of the property through the provisions of the RTA, except for a known and previously declared household member who can apply to have the tenancy and membership transferred to them. This does not apply to adult household members who have not been declared to SEHC as household members, or those declared but not in a marriage like relationship with the renter.

Applicants for a transfer must be eligible under the Victorian Housing Registrar and each application will be dealt with on a case-by-case basis.

Related Legislation, SEHC Documents and Other Documents

Legislation / Standards:	Residential Tenancies Act 1997
Organisational Documents:	Member Manual

Policy Management

Policy owner (role title):	Board
Role responsible for implementing:	Board and CEO
Review arrangements:	Every 3 years via internal review
Next Review Date:	June 2027

Document History

Date	Controlled Version Number	Author	Approved by	Comment
24 June 2022	1.	S. Morrissey (CEO)	Board	Board approved version migrated for display on SEHC website
25 June 2024	2.	S. Morrissey (CEO)	Board	