

Establishing and maintaining tenancies

Managing uninhabitable properties policy

Policy section: 1.0

Section name: Establishing and maintaining tenancies

Policy: 1.2.20

Document name	Managing uninhabitable properties
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1 Purpose

1.1 There is a range of factors which may cause a property to become uninhabitable, including but not limited to:

- Natural disasters
- Fire/arson
- Asbestos or other chemical contaminations
- Extensive deliberate or negligent property damage.

1.2 This policy:

1.2.1 Provides guidance to staff responsible for managing **uninhabitable properties**.

1.2.2 Provides guidance to staff responsible for managing tenants of properties which have become uninhabitable.

1.2.3 Outlines requirements for tenants where their property is deemed uninhabitable.

1.3 This policy applies where the condition of a property poses significant health and safety risks for a tenant or reputational risks for Mission Australia Housing (MAH).

- 1.4** This policy does not apply to circumstances of minor property damage, or properties with damage that is contained to a specific area and which may still be habitable.

2 Related policies

- 2.1** This policy should be read in conjunction with the:
- 2.1.1** [Asbestos Management Policy](#), which sets out the way in which MAH manages asbestos in its properties.
 - 2.1.2** [Tenant Responsibility for Maintenance Policy](#), which outlines the responsibilities of tenants with regard to property care.
 - 2.1.3** [Work, Health and Safety Policy](#), which outlines measures which MAH staff should take to protect their health and safety and that of tenants.

3 Scope

- 3.1** This policy applies to staff responsible for managing tenants and properties of MAH.
- 3.2** This policy also applies to agents of MAH, such as maintenance contractors responsible for managing uninhabitable properties.

4 Guiding principles

- 4.1** Staff are required to report significant property incidents in accordance with the requirements of MAH, the Mission Australia Group, and in accordance with external contractual obligations where applicable.
- 4.2** The safety of tenants, staff, contractors and the community is promoted through the property and tenancy management processes of MAH.
- 4.3** Where a property is deemed uninhabitable, tenants are assisted to access an alternative MAH property wherever appropriate and possible.
- 4.4** Tenants are assisted to access support and assistance wherever required.

5 Policy

5.1 Reporting requirements

- 5.1.1** Staff will report all serious incidents involving properties of MAH to MAH as per the [Serious Incidents Reporting Policy](#). Staff must report these incidents as soon as they become aware of them.
- 5.1.2** Where required, Senior Managers will report any serious incidents involving properties to their state based housing authority or to the relevant property owner.

- 5.1.3 Staff must refer any external requests for information relating to properties or tenants of MAH to a Senior Manager.

5.2 Responsibility for deeming a property uninhabitable

- 5.2.1 Asset Managers, or staff with asset management responsibilities, will be responsible for working in collaboration with housing managers, tenants, community partners including government authorities and maintenance contractors, to determine whether a property is uninhabitable.

5.3 Risk management

- 5.3.1 Staff and tenants must not enter a property where they have received advice from an authorised third party against entering a property (including third party insurance providers, emergency service personnel, other government authorities).
- 5.3.2 Tenants will not be permitted to remain living in a property that has been deemed uninhabitable and MAH will be required to determine an appropriate course of action as per [5.5.1](#) and [5.5.2](#).
- 5.3.3 Properties that have been deemed uninhabitable will remain vacant and access to them will be restricted until MAH is assured of the suitability and safety of these properties.
- 5.3.4 Staff will work with community partners, government authorities and maintenance contractors of MAH wherever required in order to identify, assess and manage any risks associated with serious property incidents. A coordinated approach will determine the responsibilities of staff and MAH.

5.4 Recovering tenant belongings

- 5.4.1 MAH will, where possible, assist tenants to recover their personal belongings from properties that have been affected by a significant incident subject to authorised third party advice and/or assistance.
- 5.4.2 MAH will work with contractors and other third parties to wherever possible secure and store any tenant belongings.

5.5 Tenant transfer

- 5.5.1 The Senior Management Team of MAH is responsible for determining whether to transfer tenants to an alternative property where their property is deemed uninhabitable as per the [Transfers Policy](#).
- 5.5.2 Where a property has been deemed uninhabitable, the MAH Senior Management Team reserves the right to end the tenancy if:

- Tenants are identified to have intentionally or negligently caused a serious incident at their property. MAH may also seek to recover costs through a range of processes as per the [Debt Management Policy](#); or
- Tenants have seriously or repeatedly breached their agreement for housing as per the [Ending Tenancies Policy](#); or
- There is no alternative housing stock that meets the needs of the tenant.

5.6 Support

- 5.6.1 Staff will refer tenants to appropriate support services as per the [Referral to Agencies Policy](#).
- 5.6.2 Staff will support tenants to relocate and assist them to manage any requirements associated with their relocation wherever required.

5.7 Record keeping

- 5.7.1 Staff will store information relating to property incidents, remediation and development actions within the asset management drive.
- 5.7.2 Staff will store information relating to tenants of properties of MAH in the tenancy management system.

6 Definitions

Uninhabitable property: a property which has become unliveable due any number of causes, including but not limited to a natural disaster, serious deliberate or negligent tenant damage.