

Policy name	Tenure
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Authorisation	General Manager, Operations
Policy owner	National Manager, Housing Services
Policy type	Mission Australia Housing Operational Policy
Policy setting	

## 1 Purpose

### 1.1 Overview

- 1.1.1 This policy outlines the principles to be followed in determining tenure in properties managed by Mission Australia Housing (MAH).

### 1.2 Coverage

- 1.2.1 This document is a national policy and covers both Mission Australia Housing (MAH) and Mission Australia Housing Victoria (MAHV). All references to Mission Australia Housing, MAH and Housing include both MAH and MAHV unless specifically stated otherwise. Where state based variations exist in policies and procedures, these will be identified in the document.
- 1.2.2 This policy applies to all forms of housing provided by MAH including social, affordable and transitional housing.

### 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
<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>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>Transitional housing</b>	Short- to medium-term accommodation (generally three to twelve months) with access to support services. It acts as an interim step to more permanent public, community or private market housing.

## 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, and how they are reviewed.

3.2.2 Tenure arrangements vary between jurisdictions and programs. 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 depends upon the housing program.

- Transitional housing leases may be three or six months, depending on the program.
- Affordable housing leases are generally 12 months.
- Social housing leases may be fixed-term or periodic, depending on the program. 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 six-month term as a probationary 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 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 applying to a particular housing program should be explained to tenants at the start of their tenancy.

### 3.4 Renewal of leases

3.4.1 In social housing, tenants will normally move to 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.

3.4.2 In affordable housing, tenants eligible for renewal will be required to sign a new fixed-term lease, usually for a 12-month term.

### 3.5 Maximum length of tenure

3.5.1 Social housing provides long-term, secure tenancies for those on very low incomes who may also have particular support needs. For that reason, there is generally no maximum length of tenure. However:

- Where a property is headleased from a private owner for a fixed-term that is coming to an end, or where the owner wishes to terminate the arrangement, MAH will be required to terminate its sublease with the tenant. In such cases, MAH will seek to place the tenant in another suitable property where possible. See the **Headleasing Policy** for further details.
- 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 cease to be eligible for social housing as per the **Eligibility for Housing Policy**, or may breach the terms of their tenancy agreement leading to the termination of their tenancy. See the **Ending Tenancies Policy** for further details.

3.5.2 The maximum tenure period for affordable housing can vary depending upon the program:

- In some cases, there may be specific limits on the maximum length of time a tenant can occupy a property for either program or property reasons (eg National Rental Affordability Scheme [NRAS] properties).
- In all cases, tenure is dependent upon the tenant's continued eligibility for the program in question.

- Considerations relevant to the property in question are explained to tenants at the time of signing the initial lease. See the **Affordable Housing Policy** for further details.

### 3.6 Lease reviews

- 3.6.1 For social housing, eligibility is reviewed at the start of the tenancy, and may be reviewed again should there be a change in lease arrangements. There are regular income reviews as part of the rent review process. See the **Rents, Bonds and Other Charges Policy** for further details.
- 3.6.2 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.
- 3.6.3 Reviews are explained to tenants at the time the initial tenancy is entered into as per the **Starting Tenancies Policy**.

### 3.7 Appeals

- 3.7.1 Staff will inform tenants of their right to appeal organisational decisions and to complain about the services of MAH as per the **Appeals and Complaints 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 National Manager, Housing Services is responsible for:

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