

Registered Agency Ending Tenancy Policy

This good practice guide provides information for registered agencies developing and revising an '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 their policies relating to the provision of tenancy management and rent setting online.

This was driven by the Housing Registrar's commitment to increasing transparency in the community housing sector 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:

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

For compliance assessments registered agencies may be asked to provide up to date tenancy management policy and procedures and demonstrate performance against Performance Standards.

Developing Policies

The following factors should be taken into consideration when developing and revising an end of 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.

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

The ending a tenancy policy should also reference:

- compliance with Performance Standards;
- 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 sources of relevant internal/external information. This may include:
 - other related internal policies/procedures (such as what happens with property left behind/abandoned; what happens with rent/bond entitlements if tenants leave);
 - 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.

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.