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| 7. Offer of Housing |
| Operational Guidelines |

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# When do these operational guidelines apply?

These operational guidelines should be followed by designated service providers and social housing organisations when making decisions related to applications to the Victorian Housing Register (the register), in particular, to determine if an offer of housing is a reasonable offer.

Decisions in relation to allocation of social housing are to be made in accordance with the relevant social housing organisation’s allocations practices. However, a social housing organisation may have regard to these operational guidelines when making decisions about allocation.

The [*Offer of Housing* operational guidelines](https://fac.dhhs.vic.gov.au/offer-housing) <https://fac.dhhs.vic.gov.au/offer-housing> should be read in conjunction with the [*Clients with Special Accommodation Requirements* operational guidelines](https://fac.dhhs.vic.gov.au/clients-special-accommodation-requirements) <https://fac.dhhs.vic.gov.au/clients-special-accommodation-requirements>.

These operational guidelines form part of a set of guidelines that together sit under the [*Eligibility Policy Framework*](https://fac.dhhs.vic.gov.au/eligibility-policy-framework) <https://fac.dhhs.vic.gov.au/eligibility-policy-framework>.

# Purpose statement

The intent of these operational guidelines is to provide guidance to staff, by setting out criteria, in making decisions to best match people with housing, with a view to assisting social housing organisations to maximise the use of social housing properties in accordance with their allocations practices.

Matching a person to a property is typically based on the following:

* Housing Size Guidelines
* consideration of any Special Accommodation Requirements such as, access to particular location requirements, property access needs or property construction type for medical reasons
  + consideration of housing requests from specific client groups, such as transfer applicants and sponsored housing.

# Human rights considerations

In deciding what action to take, staff must give proper consideration to the relevant human rights in accordance with the Charter of Human Rights and Responsibilities Act 2006 s38(1) (the Charter). This consideration should include the potential impact the proposed action they are undertaking through these operational guidelines may have on the person’s (and their household’s) rights under the Charter.

For more information see [*Making Client Focused Decisions* operational guidelines](https://fac.dhhs.vic.gov.au/making-client-focused-decisions) <https://fac.dhhs.vic.gov.au/making-client-focused-decisions>.

# What is an offer of housing?

An offer of housing is the formal process that, if accepted, will result in the signing of a renters’ agreement for a household.

It does not include interviews, discussions with support workers, selection panels or other processes that are used by social housing organisations. These activities constitute ‘pre-offer’ activities.

Before making the formal offer, applicants will be offered the opportunity to walk through the property. After this has occurred, they can be formally offered the property.

If an applicant has Priority Access status they will be made a maximum of two reasonable offers of housing by social housing organisations.

If an applicant declines two reasonable offers of housing their application will be removed from Priority Access and placed on the Register of Interest.

If an applicant has Register of Interest status they will be made a maximum of two reasonable offers of housing.

Where an applicant chooses community housing only and they are made an offer by a participating registered agency, if they decline the offer because they only want to be housed by a particular social housing organisation, for example Aboriginal Housing Victoria, this should not be counted as an offer. Participating registered agencies are required to file note the outcome when the housing application becomes available.

When an applicant enters into a renters’ agreement with a social housing organisation their application will be removed from the register as their housing request is considered met.

## Key considerations in making a reasonable offer

When determining whether to make an offer, social housing providers consider the appropriateness of the property to the person’s expressed needs. This consideration will include the applicant’s connections and linkages to the community, including their need for access to particular support services, schools and medical facilities in the area.

Additional key considerations in making an offer of housing include:

* the number of bedrooms the household needs in accordance with the Housing Size Guidelines
* whether the location meets the household’s safety and access needs (the property may be in any suburb within the preferred area), for example, a location exemption was applied due to family violence
* any property modifications the applicant or household member was assessed as needing to meet disability requirements
* any other property features the applicant or household member was assessed as needing to meet serious health conditions, for example, level access
  + whether there has been any change in a household’s circumstances that has affected their housing outcome.

Where possible, the client should be given every opportunity to view the property prior to signing the Residential Tenancy Agreement.

## Mandatory Disclosures

Reforms to the *Residential Tenancies Act 1997* effective from 29 March 2021 changed the way rental providers offer vacant properties. Before potential renters accept properties, all rental providers must disclose certain known information required by s. 30D of the Residential Tenancies Act and regulation 16 of the *Residential Tenancies Regulations 2021*.

The aims of the mandatory disclosure reforms are to:

* provide the minimum information that potential renters should know when considering whether to enter into a rental agreement
* ensure that the information which could significantly impact on a potential renter is disclosed prior to the beginning of the rental agreement.

If an applicant does not accept a reasonable offer of housing due to a mandatory disclosure, they will not lose their place on the register. The offer will be recorded in HiiP as ‘Cancelled’.

The relevant mandatory disclosures include:

* mould (from 31 December 2021) – any mould or damp reported to the department by a renter and was caused by structural issues at the property offered in the last 3 years
* homicide – any known homicide that occurred in the property offered or its common areas in the last 5 years
* minimum standards – confirmation that the property offered complies with the rental minimum standards
* safety checks – the date of the most recent gas safety and electrical safety checks
* drugs – if the property offered is known to be contaminated due to trafficking or cultivation of a drug of dependence in the last 5 years
* asbestos – if the property offered is known to have friable or non-friable asbestos based on an inspection by a suitably qualified person
* owners corporations – to provide a copy of the owners corporations rules and to disclose any current dispute under Part 10 of the *Owners Corporations Act 2006*.

When making an offer, social housing organisations should draw the attention of the client to any factors which require mandatory disclosure.

## Housing for specific client groups

Sometimes social housing organisations only offer specific types of housing and will apply extra criteria to decide if an applicant will be offered a property. For example, a social housing organisation that only provides housing to people with a disability who require support will only select a person who needs this type of housing.

## Participating registered agencies

Participating registered agencies may apply specific criteria in an offer of housing under the following program:

## Nomination Rights

A support provider or other third party may have nomination rights to a social housing property. This means if a property becomes vacant, the support provider or other third party can nominate a suitable client to be offered the property.

The nomination process occurs where a support provider (or a housing organisation on their behalf) lodges a VHR application for properties to which they have the right to nominate a client. If this is signified on the application, it is recorded on HiiP with the Participating Registered agency being able to use filters to identify their client.

# Public housing

Public housing may apply specific criteria in an offer of housing under the following programs:

## Sponsored housing

Some designated service providers can sponsor applications for social housing. For example, if a council has given land to a social housing organisation they may be able to recommend applicants to be offered social housing.

When recommending applicants, the sponsoring body often considers:

* the length of time an applicant has lived in a local area
* family ties to a local area
* links with a local church, support service or other local community group
  + the criteria are listed in the sponsorship agreement between the sponsoring body and the social housing organisation.

Once approved to the register, applicants must request sponsorship from the relevant organisation. If they are granted sponsorship, the sponsor is required to send a letter to the social housing organisation responsible for the property. The sponsorship is then noted on the application in HiiP and linked to the sponsoring organisation.

## Housing and Support Program

Housing and Support Program has nomination rights for public housing properties.

Housing and Support Program (HASP) properties are managed under a nomination arrangement, which links housing and support for the Department of Health and Human Services clients.

When a vacancy comes up in a HASP property, the nominating agency provides the details of the applicant to be housed. Ideally, they will already be on the register, but in cases of high need, can be added to the register and then housed.

Alternatively, the vacant property can be moved from the HASP program and a new property provided to the nominating group.

## Singles housing

Bedsit accommodation is allocated to single people only.

Some bedsit and one-bedroom housing is for single people of a specified age only. The target groups are: youth aged under 25 years, singles aged 25 to 54 years, and the elderly aged 55 years and over.

The Tenancy Manager or equivalent can approve the allocation of housing to an applicant not within the target age group. The Tenancy Manager or equivalent considers:

* the difference between the target age range and the applicant’s age - ideally, the difference is only small
* the impact on other renters’
* the availability of housing for the applicant’s age group in their preferred area
  + the demand for singles housing in the preferred area.

# Decision Review

If an applicant feels an offer is not reasonable, the applicant should provide more information to the social housing organisation making the offer, to assess whether the application should be updated.

Applicants that did not accept a formal offer of housing where the offer was determined to be reasonable, may request to have the decision reviewed. For more information see the [*Complaints, Appeals and Feedback Processes* operational guidelines](https://fac.dhhs.vic.gov.au/complaints-appeals-and-feedback-processes)<https://fac.dhhs.vic.gov.au/complaints-appeals-and-feedback-processes>.

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| To receive this publication in an accessible format email the [Victorian Housing Register](mailto:VictorianHousingRegister@dhhs.vic.gov.au) <VictorianHousingRegister@dffh.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Department of Health and Human Services, March 2021.  ISBN 978-1-76069-253-7 (online)  Available on the [Victorian Housing Register](https://fac.dhhs.vic.gov.au/victorian-housing-register) website <https://fac.dhhs.vic.gov.au/victorian-housing-register>. |