

PRELIMINARY COMPARISON OF DEPARTMENT OF HEALTH AND HUMAN SERVICES AND HOUSING FIRST POLICIES

Policy	DHHS	Housing First	Notes
TRANSFER - GENERAL			
Tenant initiated - Household situation changes	✓	✓	
Tenant initiated - Home is not suitable to needs anymore	✓	✓	
TRANSFER – PRIORITY			
Tenant initiated - Family violence	✓	✓	
Tenant initiated - Health reasons	✓	✓	
Tenant initiated - Overcrowding	✓	✓	
RELOCATION			
Landlord initiated - Redevelopment of site	✓	✓	But Housing First policy provides no guidance about relocation process or tenants’ rights
Landlord initiated – Renovation of site	✓	✓	But Housing First policy provides no guidance about relocation process or tenants’ rights
Landlord initiated – “Under-utilisation” of property	X	✓	
Landlord initiated – “Overcrowding”	X	✓	
SUCCESSION/CREATION OF TENANCY (where sole or joint tenancy is terminated)			
Require assessment of human rights impact of decisions taken under policy	✓	X	
Approved resident with sufficient and continuous links to the property can apply to become tenant	✓	✓	But eligibility for succession/creation of tenancy substantially narrower under Housing First policy. DHHS policy provides detailed guidance about the assessment process including how to determine the

			<p>application by balancing the Director's objectives against the applicant's human rights and the potential negative impact of a decision to refuse an application.</p> <p>Housing First policy merely lists eligibility criteria which <i>must</i> be met or application will be refused.</p>
Occupant with sufficient and continuous links to the property can apply to become tenant	✓	X	
Consideration given to other options i.e. an offer of alternative housing before decision to refuse succession.	✓	X	
CHARGES			
Rent assessment	25% of household income (15% of family payments)	30% of household income (15% of family payments) + 100% of Commonwealth Rent Assistance	
Rent cap	Market Rent	74.99% of Market Rent	
<p>Some allowances not included as assessable income, including but not limited to:</p> <ul style="list-style-type: none"> - Pharmaceutical allowance - Mobility Allowance - Caregiver payments for foster children 	✓	X	
<p>Further rental subsidy can be applied in certain circumstances, including but not limited to:</p> <ul style="list-style-type: none"> - Severe difficulty meeting rent payment due to absence from property and having to pay for accommodation elsewhere 	✓	X	

- Temporary relocation to a property with higher market rent than former property - Property related circumstances preventing occupation of premises			
DISABILITY MODIFICATIONS			
Minor modifications	✓	✓	
Major modifications	✓	X	
Cost of modifications borne by landlord	✓	X	NB: Recent changes to DHHS policy alter this position in relation to NDIS participants
Installation of medical cooling (e.g. air-conditioning) where tenant or household members has qualifying medical condition	✓	X	
REPAIRS			
Timeframe: Urgent repair	24 hours	24 hours	But, unlike DHHS policy, Housing First policy does not provide detailed guidance about how to categorise urgency of repair
Timeframe: Priority	7 days	7 days	
Timeframe: Non-urgent	14 days	14 days	
After hours emergency repairs service available	✓	✓	
Contractor required to make appointment with tenant for access to property	✓	X	
Tenant “charged” called-out fee if contractor unable to gain access to property	X	✓	
Repair request “cancelled” if contractor unable to gain access	✓	X	
Includes pest control guidelines	✓	X	
DEBT RECOVERY - ARREARS			
	36 pages	2 pages	
Consideration of human rights impact of decisions taken under policy	✓	✓	But, unlike DHHS policy, Housing First policy provides no guidance or detail about which human rights might

			be impacted by a decision under the policy or how these should be considered in light of the policy aims.
<p>Consideration of tenant's circumstances when considering action to recover. Circumstances include:</p> <ul style="list-style-type: none"> - Payment history - Level of engagement with Housing Office - Level of debt - Previous tenancy history - Personal circumstances e.g. family violence, recent illness or death of family member 	✓	X	
Eviction only as last resort	✓	✓	But, unlike DHHS policy, Housing First policy does not provide any guidance about what actions/considerations must precede decision to proceed with eviction.
Rent repayment amount not to exceed 5% of weekly household income	✓	X	
Rent repayment and maintenance arrears payments not to exceed 30% of weekly household income	✓	X	
Application to VCAT withdrawn where rent arrears and rent in advance paid in full prior to hearing	✓	X	
<p>Application to VCAT adjourned where:</p> <ul style="list-style-type: none"> - Rent assessment or appeal pending - Tenant cannot attend due to serious health condition (including mental illness and substance use), death of family member or family violence 	✓	X	
APPEALS			

Dedicated appeals guidelines	✓	X	
Option to have appeal considered and determined by dedicated and independent appeals team	✓	X	
NEIGHBOURLY BEHAVIOUR/TENANCY BREACH	25 pages	4 pages	
Require assessment of human rights impact of decisions taken under policy	✓	✓	But, unlike DHHS policy, Housing First policy provides no guidance or detail about which human rights might be impacted by a decision under the policy or how these should be considered in light of the policy aims
Refers to principles of natural justice	✓	✓	But, unlike DHHS policy, provides little guidance about application of principles of natural justice to the process of investigating and assessing allegation of tenancy breach/ “anti-social behaviour”
“Anti-social behaviour” defined with specific reference to tenants’ obligations under the Residential Tenancies Act 1997 (Vic).	✓	X	
Action taken where tenant fails to comply with Residential Tenancies Act 1997 (Vic).	✓	✓	
Investigation/action taken following any reports of “anti-social behaviour”	X	✓	
Consideration of relocation as avenue to address anti-social behaviour	✓	X	
Contributing factors (e.g. mental health, disability or family violence issues) considered when determining course of action.	✓	X	
ALLOCATIONS			
Applicant must meet Housing Act eligibility criteria	✓	✓	
Allocations made strictly on the basis of: <ul style="list-style-type: none"> - Priority Access Categories - Property size/household composition 	✓	X	

- Special accom. requirements			
Applicant's expressed needs must be considered, e.g. links to community, support services schools	✓	X	
Additional criteria for specific property depending on the housing program	X	✓	
Accepts applicants not on the Victorian Housing Register	X	✓	Housing First will require prospective tenants not currently on the VHR to complete an application at the time of any offer of housing.
FINANCIAL HARDSHIP/ TEMPORARY ABSENCE	14 pages	2 pages	
Require assessment of human rights impact of decisions taken under policy	✓	X	
Temporary absence defined as:	between 6 weeks and 6 months	between 3 weeks and 13 weeks	
Approved temporary absence period can be extended in exceptional circumstances	✓	X	
Weekly rent amount reduced where special circumstances shown	to \$15	to 25% of total charge	
Recognition of family violence as special circumstance	✓	X	
Excludes from rent assessment the income of carer who moves into property to care for dependants when tenant absent because of special circumstances	✓	X	
Require tenant to notify landlord of temporary absence	✓	X	
TENANT PROPERTY DAMAGE	15 pages	2 pages	
Human rights impact assessment required before issuing Breach of Duty Notice or Notice to Vacate	✓	X	

"Tenant damage" defined in accordance with Residential Tenancies Act 1997 (Vic)	✓	X	
Precludes "charging" tenants for cost of repairing damage caused by perpetrators of family violence	✓	X	
Requires contact with tenant and investigation of circumstances prior to determination of responsibility for damage	✓	X	
Continuing tenancy: Apply to VCAT where tenant disputes responsibility for damage	✓	✓	NB: DHHS apply via s.78(1) and s.452 - cannot lead to eviction; Housing First via s. 209 and s.210 - can lead to eviction
Vacated tenancy: Apply to VCAT prior to recording repair costs as "debt" on tenant's account	✓	X	
Claim against tenant must account for age, condition, depreciation of item and fair wear and tear	✓	X	

This summary has been prepared by Inner Melbourne Community Legal and West Heidelberg Community Legal Service based on information publicly available as at 18 July 2019. Housing First's Rent Reduction Application Form, Reviewing Rent Policy, Paying Rent and Other Charges Policy, Family Violence Policy and Contractor Code of Conduct are remain unavailable. This information is intended as a guide only. We acknowledge that application of the policies will depend on each tenant's unique circumstances. For further advice please contact either of the above legal services.