

PROGRAM POLICY: PROGRAM RESPONSE TO A CO-OP MEMBER'S LOSS OF MEMBERSHIP

Policy number	PPOL019	Version	v1.0
Drafted by	Program Development Coordinator	Approved by Board on	18 December 2017
Responsible Person	Program Director	Scheduled Review Date	18 December 2019

1. PURPOSE

- 1.1. The purpose of this policy is to determine the Program obligation and response to a co-op member's loss of membership.

2. POLICY CONTEXT

Under the Co-operatives National Law Application Act 2013, co-ops have the right to cancel a membership and/or expel a member under their co-op rules. Co-ops are not obliged to manage the tenancy of an ex-member and, following the ending of a membership, a co-op will take appropriate steps to end the tenancy.

Where a co-op has ended a membership, an ongoing obligation to house the ex-member may exist due to the social housing obligations associated with the Program's housing stock. Where such an obligation exists, CEHL will manage it on behalf of the co-op.

The Program response to the loss of membership must take into account the Security Program Principle and Performance Standards for Registered Housing Agencies, including the requirement for agencies to strive to sustain tenancies.

3. POLICY STATEMENT AND PRINCIPLES

3.1 STATEMENT

- a. Co-ops have the right to end a membership in line with their co-op rules, active membership agreements and the Co-operatives National Law Application Act 2013.
- b. In the event of a loss of membership, CEHL will, where requested, assess whether there is an ongoing Program obligation to facilitate an appropriate housing outcome for the ex-member.
- c. Where an ongoing Program obligation to the ex-member exists, CEHL will seek to minimise the impact on the co-op, while balancing this with the impact on the wider Program, providing the co-op has met relevant Program Policies.

3.2 PRINCIPLES

- a. Before commencing proceedings that may end the membership of a co-op member the co-op will advise CEHL, to ensure that the co-op is aware of relevant legal and Program requirements.

- b. Following the ending of a membership, in order to end the tenancy with the co-op, a co-op will issue the ex-member a 120-day 'No Reason' Notice to Vacate or other relevant action under the RTA. CEHL will offer the co-op the usual assistance with this process.
- c. Following the loss of membership, CEHL will advise the ex-member of their right to request an assessment as to whether the Program has an ongoing obligation to support their housing needs.
- d. Where the ex-member requests an assessment, it will be determined that a Program obligation exists if:
 - i. ending of the membership was not consistent with Program Policy, or
 - ii. the ex-member meets social housing eligibility criteria, or
 - iii. the ex-member can evidence a specific issue that will result in extraordinary difficulty in accessing other housing options.
- e. Where a Program obligation to the ex-member exists, CEHL will determine what accommodation is appropriate based on the current needs of the ex-member and their household and in accordance with the Security of Tenure Program Policy (to be developed).
- f. If it is assessed that the household's needs cannot be met within the Program, CEHL will strive to facilitate the ex-member's access to appropriate support and housing agencies.
- g. If it is assessed that the household's needs can be met within the Program, CEHL will seek to identify a housing outcome that minimises the impact on the co-op, where Program Policy has been followed, including an appropriate alternative accommodation offer or a negotiated time-limited short-term handback of the tenant's current property where a suitable offer has been identified but is not yet available.
- h. Where there are no other viable Program options to meet the household's needs, CEHL will require the co-op to hand back the property. In these circumstances, the handback will result in the co-op receiving priority in future property allocations.
- i. Where the ending of the membership was not consistent with Program Policy, the co-op will be required to hand back the property. In these circumstances, the handback will not result in the co-op receiving priority in future property allocations.

4. SCOPE

- 4.1 This is a Program Policy. It applies to all Co-operative memberships within the CEHL Program.

5. DEFINITIONS

- 5.1 For all other definitions relating to this policy, please refer to the Program Glossary.

6. LEGAL REQUIREMENTS

6.1 This policy incorporates guidance provided by:

- a. Performance Standards for Registered Housing Agencies.
- b. Co-operatives National Law Application Act No. 9 of 2013.
- c. Charter of Human Rights and Responsibilities Act 2006.

7. PROGRAM REQUIREMENTS

7.1 This policy is consistent with:

- a. International Co-op Principles:
Voluntary and Open Membership
Democratic Member Control
Concern for Community.
- b. Program Principles:
Changing Needs
Membership and Growth
Security
Affordability and Financial Sustainability.

8. RELATED PROGRAM POLICY

8.1 This policy should be considered in conjunction with:

- a. Appropriate Alternative Accommodation Program Policy.
- b. Transfer to VicWide Program Policy.
- c. Internal Tenancy Transfer Program Policy.
- d. Referral to Support Agencies Program Policy.
- e. Ending a Tenancy (Landlord Initiated) Program Policy.
- f. Property Allocations to Co-ops Program Policy.
- g. Program Policy: Co-ops Developing Active Membership Requirements and Policy.
- h. Security of Tenure Program Policy (to be developed).

9. BOARD AUTHORISATION

Approved by	Karren Walker	Date of approval	18 / 12 / 2017
		
Position	CEHL Chair		