

## **PROGRAM POLICY: DEATH OF A TENANT**

Policy number	PPOL003	Version	v1.0
Drafted by	Program Director	Approved by Board on	28 September 2016
Responsible person	Program Director	Scheduled review date	28 March 2017

### **1. PURPOSE**

The purpose of this policy is to:

- a. ensure that, following the death of a tenant, the tenancy is finalised in a sensitive, fair and consistent manner.

### **2. POLICY CONTEXT**

The Residential Tenancies Act provides for a landlord to finalise a tenancy when notice has not been given. Further, the Performance Standards for Registered Housing Agencies require registered agencies to be fair, transparent and responsive in delivering housing assistance, and to be fair and equitable in the access and allocation of housing.

### **3. POLICY STATEMENT AND PRINCIPLES**

#### **3.1 STATEMENT**

- 3.1.1 In the event of a death of a tenant, continuing occupancy will only be available to household members with a marriage-like relationship with the deceased tenant.
- 3.1.2 Following the death of a tenant, family members or the estate's executor will be provided with a reasonable timeframe to make appropriate arrangements regarding the deceased tenant's affairs before the tenancy is finalised.

#### **3.2 PRINCIPLES**

- 3.2.1 Landlords will have in place documented procedures to finalise a tenancy following the death of a tenant, including, where applicable, timeframes for the departure of any remaining occupants, the removal of personal effects, and outstanding tenancy arrangements.
- 3.2.2 All tenancy allocations should be driven by the relevant Member Selection policy and Eligibility criteria set by CEHL and the member co-op.
- 3.2.3 There is no potential for bypassing eligibility criteria and referral lists processes.
- 3.2.4 Children of tenants cannot be offered membership and continuing tenancy as a direct result of a death of a parent; all vacancies will be filled as per Principle 3.2.2.
- 3.2.5 Remaining occupants not offered continuing occupancy may be offered a short-term tenancy to settle the deceased tenant's affairs and establish alternative accommodation.

3.2.6 As appropriate, CEHL will facilitate access to external support agencies for remaining occupants, following the death of a tenant.

## 4. SCOPE

4.1 This is Program Policy. It applies to all residential tenancies managed by CEHL or its member co-ops.

## 5. DEFINITIONS

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

## 6. LEGAL REQUIREMENTS

6.1 This policy adheres to and incorporates guidance from:

- 6.1.1 [Residential Tenancies Act 1997: section 228.](#)
- 6.1.2 [Performance Standards for Registered Housing Agencies: section 1 Tenant and Housing Services.](#)
- 6.1.3 [Victorian Charter of Human Rights and Responsibilities 2006.](#)

## 7. PROGRAM REQUIREMENTS

7.1 This policy is consistent with:

- 7.1.1 International Co-op Principles:  
Voluntary and open membership  
Concern for Community.
- 7.1.2 Program Principles:  
Participation  
Changing Needs.

## 8. RELATED PROGRAM POLICIES

8.1 This policy should be considered in conjunction with:

- 8.1.1 Terminating a Tenancy (Landlord Initiated) Program Policy.
- 8.1.2 Referral to Support Agencies Program Policy.

## 9. AUTHORISATION

Approved by	CEHL Board .....	Date of approval	28 / 09 / 2016
Position	CEHL Chair		Karren Walker
Position	Manager		Nicola Foxworthy