

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	28 September 2021
Responsible Person	Program Director	Scheduled review date	28 September 2026

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 (CNL) Act 2013, co-ops have the right to cancel a membership and/or expel a member under their co-op rules.

Where a co-op member has resigned from their co-op, or had their membership ended, an obligation to offer housing to the ex-co-op member may exist due to requirements of the Residential Tenancies Act (RTA), or the social housing obligations associated with the Program's housing stock. Where such an obligation exists, CEHL will manage it on behalf of the Program.

The Program's response to the loss of membership must take into account the Security Program Principle, the RTA, and the 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. Co-op members may wish to resign from their co-op, ending their membership.
- c. In the event of a loss of membership, the ex-co-op member will have an opportunity for their status as a Program Participant to be assessed, in line with the *Obligation to Program Participants Program Policy*.
- d. CEHL will provide all relevant tenancy and Program information to the renter within a reasonable timeframe.
- e. Where there is an obligation to house an ex-co-op member, CEHL will manage the tenancy and 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, the co-op will assign the tenancy to CEHL. CEHL will offer the co-op the usual assistance with this process.
 - c. The loss of co-op membership will not end the tenancy under the RTA. The co-op must complete the assignment of the tenancy to CEHL within 28 days of the ending of the membership. CEHL will offer the usual assistance with this process.
 - d. Following the loss of membership, CEHL will advise the ex-co-op member of their right to request an assessment to determine their Program Participant status, within 48 hours of CEHL being informed of the ending of their membership.
 - e. Where the ex-member requests an assessment, Program Participant status will be determined according to the principles of the *Obligation to Program Participants Program Policy*.
 - f. CEHL will communicate the outcome of this assessment explaining any tenancy or Program requirements within 28 days of the ending of the membership.
 - g. Where it is assessed that the renter is not a Program Participant CEHL will manage the tenancy in line with RTA requirements. Program Policy including assessed rent and security of tenure will no longer apply.
 - h. Where the ex-co-op member is found to be a Program Participant, CEHL will determine what accommodation is appropriate based on the current needs of the ex-co-op member and their household.
 - i. CEHL will work with the renter to identify a housing outcome that meets their housing needs while minimising the impact on the co-op. This may include an appropriate alternative accommodation offer, or a negotiated short-term handback of the renter's (tenant's) current property, where a suitable offer has been identified but is not yet available.
 - j. Where CEHL has been able to find appropriate alternative accommodation, the property will be transferred back to the co-op.
 - k. Where CEHL is not able to find appropriate alternative accommodation 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, or an allocation of the property back to the co-op should it become available for allocation.
 - l. 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.
 - m. Where the ending of the membership was not consistent with Program Policy, the co-op will be required to assign the tenancy to CEHL and 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.
- d. Residential Tenancies Act 1997

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 Residential Rental Agreement (Residential Rental Provider Initiated) Program Policy.
- f. Property Allocations to Co-ops Program Policy.
- g. Co-ops Developing Active Membership Requirements and Policy Program Policy.

9. BOARD AUTHORISATION

Approved by Heidi Lee Date of approval 28 / 09 / 2021

Position CEHL Chair