

# PROGRAM POLICY:

## OBLIGATION TO PROGRAM PARTICIPANTS

Policy number	PPOL028	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:

- a) define the obligations the Program has to Program Participants
- b) Provide a framework for how Program Participant status is established.
- c) Set out the circumstances where Program Participant status ends.
- d) Ensure that the process for determining whether Program Participant status exists is managed in a transparent, sensitive and fair manner.

### 2. POLICY CONTEXT

The primary goal of the CEHL Co-operative Housing Program (the Program) is to offer safe, secure, long-term tenure with co-op members offered housing choices that are appropriate to their needs and requirements.

The Program recognises obligations to member co-ops, which are enshrined in the Co-op-CEHL Agreement and reflected in Program Principles, Program Policy and practice. These obligations include a deep commitment to providing co-ops with the opportunity to influence the Program direction and decisions, enabling co-ops to thrive and partner in Program delivery. Importantly this obligation means that the Program seeks to allocate program properties to member co-ops wherever possible, and ensure that co-ops are able to select members appropriate to co-op needs and priorities, within the Program Framework.

The Program manages a referral and member selection process, endorsed by the Victorian State Government, that provides a fair and equitable access to Program property, consistent with associated social housing obligations, and ensures that co-ops can choose their own members. To maintain transparency and consistency, all member Co-ops are required to use the endorsed referral and selection process.

Where an applicant is selected by a co-op and an offer of membership and tenancy is formally made, the Program acknowledges the new member as a Program Participant, and accepts that the Program has obligations to the new Program Participant consistent with the Program Principles and Program Policies as they apply to individuals, including access to assessed rent and security of tenure within the Program while they remain a Program Participant.

Program Participant status is usually only triggered where an applicant has come through a CEHL approved selection process. To ensure that the Program can allocate properties to co-ops wherever possible, and protect co-ops' ability to choose their members, the Program does not recognise an obligation to other occupants of a Program Participant's household. The Program expects that anyone wishing to become a Program Participant will seek

membership through an application in their own right.

The circumstances where a person may be granted Program Participant status outside of the approved referral and member selection process, are very limited. They include where a person is an occupant within a Program Participant's household, but it is not feasible to apply to the Program in their own right, or where a person has been given a reasonable expectation of tenancy in error. This ensures that when a Program Participant leaves a property, a member co-op can expect the property to be vacated and available to offer to a new member chosen by the co-op.

The Program will cease to recognise Program Participant status where:

- the rental agreement has been legally ended due to a breach of tenancy
- the rental agreement has been voluntarily ended, without any clear CEHL commitment to future housing
- the renter has lost their co-op membership and no longer qualifies for social housing.

This ensures that the Program continues to meet its social housing obligations and ensure that the Program can allocate properties to co-ops wherever possible

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

#### **3.1 STATEMENT**

- a. The Program will enable co-ops to choose their members, within the approved referral and selection process.
- b. The Program will seek to allocate properties to member co-ops wherever possible
- c. The Program will only recognise program obligations to a Program Participant.
- d. The Program does not recognise program obligations to other household occupants in the Program Participant's household.
- e. Household occupants who wish to become Program Participants are encouraged to seek membership in their own right.
- f. Program Participant status will end where the Program Participant in question is not eligible for social housing at the point that their co-op membership ends.
- g. The Program will clearly advise all Program Participants and adult household occupants whether Program Participants status has been accepted by the Program at the start of any new rental agreement.

#### **3.2 PRINCIPLES**

- a. Program Participant status is established where the applicant is selected by a co-op through the CEHL approved referral process or in very limited other circumstances described in this policy.
- b. Where household occupants, other than the Program Participant, wish to be considered for co-op membership, they must apply via the CEHL approved referral process as outlined in the *Applications to the Program Program Policy* and the *Member Selection Program Policy*.
- c. The Program recognises that there are limited circumstances where it is not feasible for a household occupant to seek co-op membership in their own right. These include such instances as being in a married like relationship or being a full-time live-in carer. In these instances, the Program will allow a co-

op to consider whether they wish to offer co-op membership to the partner or carer of a Program Participant, provided the household member is eligible for the Program, where the Program Participant's tenancy has ended.

- d. Where the co-op has agreed to offer co-op membership to a partner or carer of a Program Participant, and the offer has been accepted, the partner or carer will be recognised as a Program Participant.
- e. The Program will recognise a renter who is not a co-op member as a Program Participant where:
  - i. Where, because of an error made by the Program, an applicant that meets eligibility criteria has ended their existing housing arrangements.
  - ii. the ending of the membership was not consistent with Program Policy, or
  - iii. the ex-co-op member can evidence a specific issue that will result in extraordinary difficulty in accessing other housing options.
- f. Where the error was caused by a member co-op:
  - i. the co-op will be unable to manage the tenancy due to the renter not having come through an approved referral process.
  - ii. the property will be handed back to CEHL to house the prospective renter.
  - iii. the co-op will not receive any priority for this handback in future allocations.
- g. The Program will cease to recognise Program Participant status where:
  - i. the rental agreement has been legally ended due to a breach of tenancy
  - ii. the rental agreement has been voluntarily ended, without any clear CEHL commitment to future housing
  - iii. the renter has lost their co-op membership and no longer qualifies for social housing.

## 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 *Program Obligation*: The program acknowledges an obligation to Program Participants to manage their housing provision according to the Program Principles and policies as they relate to individuals.
- 5.2 *Marriage like relationship*: married or in a registered relationship pursuant to the *Relationships Act 2008* or in a relationship that has been accepted by Centrelink as a de facto relationship.
- 5.3 *Carer*: Under the *Australian Government Carer Recognition Act 2010* is someone who gives care and support to a relative or friend who:
  - a. has disability
  - b. has a mental health problem
  - c. has a medical problem (including an ongoing problem or an illness that will end in death)
  - d. is frail because they are old (known as 'frail aged')

5.4 You are not considered to be a carer if you are employed to look after someone, if you work as a volunteer for an organisation, if you are doing work experience as part of a course, or unless you meet at least one of the requirements of 5.3

5.5 A Program Participant is:

- a. an individual or joint member of a Member Co-op with a property lease from the CEHL Program property portfolio or a CEHL approved temporary housing arrangement; or
- b. a person who is not a member of a Member Co-op but entered the Program through a CEHL approved process, with a property lease from the CEHL Program property portfolio or a CEHL approved temporary housing arrangement.

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

## **6. LEGAL REQUIREMENTS**

6.1 This policy adheres to and incorporates guidance from:

- a. [Residential Tenancies Act 1997: Section 228.](#)
- b. [Performance Standards for Registered Housing Agencies: section 1 Tenant and Housing Services.](#)
- c. [Victorian Charter of Human Rights and Responsibilities 2006.](#)
- d. [Australian Government Carer Recognition Act 2010](#)

## **7. PROGRAM REQUIREMENTS**

7.1 This policy is consistent with:

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

## **8. RELATED PROGRAM POLICIES**

8.1 This policy should be considered in conjunction with:

- a. Appropriate Alternative Accommodation
- b. Death of a Renter Procedure
- c. Establishing a Residential Rental Agreement
- d. Member Selection Policy
- e. Member Selection Procedure
- f. Program Response to the Ending of a Joint Membership
- g. Referral to Support Agencies Policy
- h. Referral to Support Agencies Procedure
- i. Non-Referral Renters

## 9. AUTHORISATION

Approved by	CEHL Board	Date of approval	28/09/2021
Position	CEHL Chair	Heidi Lee	