

Program Policy: Hardship

Policy number	PPOL016	Version	v1.0
Drafted by	Program Director	Approved by	29 September 2020
Responsible person	Program Development Manager	Board on Scheduled review date	29 September 2025

1. PURPOSE

1.1 The purpose of this Policy is to clarify

- a. when the Program will respond to hardship experienced by people who are living in a Program property and are not Program Participants:
- b. the extent of hardship provisions available to people who are not Program Participants.

2. POLICY CONTEXT

The CEHL Co-op Housing Program partners with member co-operatives to deliver an effective, sustainable co-operative housing program. Enabling Co-ops to meet the needs of their current and future members is a key Program objective. To meet Program Objectives, the Program Framework maximises the Program subsidy and CEHL property portfolio available for Co-op allocation wherever possible, while meeting the requirements of the RTA, the Victorian Housing Registrar's Performance Standards and the housing allocation protocol agreed between CEHL and the Housing Minister.

Program participants are the leaseholder for the property allocated to them. Program Participants are entitled to have other occupants live in the property allocated to them, consistent with the Bedroom Allocation Policy. However, other occupants are not entitled to Program benefits and Program Obligations do not apply to other occupants. Program Participants are required to return a property to the residential rental provider (landlord) with vacant possession at the end of the tenancy. Where a Program Participant has died, left or had to end a tenancy without warning, remaining occupants may need some time to transition to other accommodation suitable to their needs. Offering some limited hardship provision to remaining occupants who are or would experience financial hardship due to the ending of the tenancy in these circumstances, may enable Program objectives and legal and regulatory requirements to be balanced.

3. POLICY STATEMENT AND PRINCIPLES

3.1. STATEMENT

- a. Program Participants must ensure that all occupants are listed on the Household Information Form.
- b. Remaining occupants are not Program Participants and Program Principles and Obligations do not apply to these occupants.
- c. Hardship provisions are only available to occupants where the termination of the Program Participant's tenancy was unexpected, and the occupant can demonstrate that paying market rent would cause financial hardship.

- d. Hardship provisions will provide short term relief to a household occupant to enable them to transition to housing outside the Program.
- e. The extent of hardship provision available will be limited to a Hardship rebate that ensures that the housing cost is not more than 30% of the household income plus 100% of any Commonwealth Rent Assistance entitlement.
- f. Any remaining occupant will have access to CEHL's referral to Support Service to assist them in finding alternative housing and access financial or other required supports.
- g. A remaining occupant will be required to enter into a fixed-term residential rental agreement with CEHL to access hardship provisions.

3.2 PRINCIPLES

- a. The residential rental provider will inform remaining occupants in a property where the Program Participant is unexpectedly ending the tenancy:
 - i. That they can access CEHL's referral to support service to assist them to find alternative accommodation.
 - ii. That hardship provisions may be available to them, and
 - iii. where to find information about hardship provisions and how to apply.
- b. CEHL will assess any hardship application and determine whether an offer of hardship provision will be made to any remaining occupants and the conditions of that offer.
- c. An offer of a hardship provision will be limited to:
 - i. Providing a hardship rebate that ensures housing cost is not more than 30% of the household income plus 100% of any Commonwealth Rent Assistance entitlement, and
 - ii. a maximum of 6 months

unless an exemption to this policy has been approved due to extraordinary circumstance.
- d. If the property is allocated to a co-op, and a remaining occupant has been granted a hardship provision, the co-op is required to hand the property back to CEHL for the duration of the short-term tenancy. The property will be returned to the co-op at the end of the tenancy.

4. SCOPE

- 3.1 This policy applies to all Program Participants and any occupant of a CEHL program property who is not a Program Participant.

5. DEFINITIONS

5.1. Hardship is defined as having a housing cost higher than 30% of gross household income, plus 100 % of any Commonwealth Rent assistance the household is eligible for.

5.2. A Program Participant is:

- e. an individual or joint member of a Member Co-op who holds a CEHL approved tenancy of a CEHL Program property or has a CEHL approved temporary housing arrangement; or
- f. a person who is not a member of a Member Co-op but entered the Program through a CEHL approved referral process, who holds a CEHL approved tenancy of a CEHL Program property or has a CEHL approved temporary housing arrangement.

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.](#)

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. Program Response to the Ending of a Joint Membership.
- d. Referral to Support Agencies Policy
- e. Referral to Support Agencies Procedure.
- f. Non-Referred Renters

9. AUTHORISATION

Approved by
Position

CEHL Chair
Heidi Lee

Date of approval 29 / 09 / 2020