

# Leasehold Properties

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## 1. Purpose

The purpose of this policy is to:

- Guide decision making in respect of Housing Trust's leasehold portfolio management, including acquisition and allocation to leasehold properties
- Outline policies in respect of housing and re-housing tenants in the leasehold program
- Maintain and build the Trust's reputation in real estate sector
- Ensure that financial impacts on tenants are minimised

## 2. Acquisition of leasehold properties

Housing Trust will not acquire any leasehold properties without first having viewed the property and determined that it is suitable for the leasehold program.

## 3. Allocation of leasehold properties

In addition to Housing Trust's general requirements for allocation, when allocating to a leasehold property Housing Trust will consider a person's suitability for the program. This will be guided by an assessment of the following:

- Property care history of the tenant, particularly where it is poor
- Previous tenancy history, including any known complex or challenging behavioural factors and/or substantiated serious complaints
- Any history of former drug use or serious criminal behaviour
- Any history of recent domestic or family violence
- Advice of support agencies and / or worker

## 4. Termination notices

Under the *Residential Tenancies Act 2010*, termination notices may be issued by landlords for a range of reasons, including:

- No grounds notices
- Breach of lease
- End of fixed term
- Sale of Property

Where a notice is issued 'without grounds' Housing Trust will use its best endeavours to ascertain whether there were particular reasons for ending the tenancy to determine whether those reasons can be addressed by Housing Trust to enable the notice to be withdrawn.

## 5. Re-housing leasehold tenants

Where a private owner or agent has issued a termination notice in respect of the head-lease, Housing Trust will use its best endeavours to relocate tenants to an alternative suitable property within the timeframe specified in the notice. Prompt action is imperative.

## 6. Decision not to re-house a tenant

There are some circumstances where Housing Trust may choose not to re-house a tenant in the leasehold program. These circumstances are rare, but may include:

- Where the termination notice issued by the owner or agent is for a breach of lease and the breach can be reasonably substantiated by Housing Trust
- Where it is determined that the tenant does not meet Housing Trust's allocation guidelines for leasehold properties including being over income eligibility

## 7. Offers of accommodation

Where a leasehold tenant is being re-housed, they will be entitled to two offers of alternative accommodation. The tenant must have had the opportunity to view the property prior to an offer of accommodation being made. The offer must be *reasonable*, taking into account the tenant's circumstances as documented in their application.

If a 30 day or less notice has been issued one (1) offer will be made.

If an offer of suitable accommodation is rejected by a tenant and they wish to be re-housed, then the tenant must complete and return the Housing Trust Offer Response Form within seven (7) days. Housing Trust will then assess the reasonableness of the offer taking into account the tenant's concerns within 14 days.

If the offer is determined by Housing Trust to be reasonable, a tenant can request this decision be reviewed ('1<sup>st</sup> Tier Appeal') by management and, if required, then appeal to the Housing Appeals Committee