

Relinquishment

Policy

Date effective: 21 November 2016

1. Policy Statement

This policy outlines how a tenant may be removed from a tenancy agreement and the outcomes for remaining tenants and residents.

2. Purpose

There are many outcomes for a household when a tenant leaves, and it is important that these are managed in a standard and fair manner in accordance with other policies, especially regarding entitlement and eligibility.

3. References

Domestic and Family Violence Act

Housing Act

Residential Tenancies Act

Eligibility Policy

Entitlement Policy

Extended Absences and Caretaker Arrangements policy

Identification and Documentation policy

Public Housing Transfers policy

Termination of a Tenancy policy

4. Scope

This policy applies to all existing tenancies where a tenant leaves the dwelling permanently.

5. Roles and Responsibilities

Roles	Responsibilities
Front-line staff	<ul style="list-style-type: none">Inform tenants of the possible outcomes if and when a tenant leaves the dwelling permanently
Managers	<ul style="list-style-type: none">May authorise a new tenancy agreement with remaining tenants and residentsMay allow a tenant to relinquish their tenancy agreement and be reinstated in another dwelling within 12 months

6. Policy

Relinquishment occurs when a tenant leaves a dwelling permanently. This requires the tenant to be removed from the tenancy agreement, which may require the tenancy agreement to be terminated. It may also require other tenants and/or residents to vacate the dwelling.

6.1. The sole tenant leaves

If the only tenant on the tenancy agreement leaves the dwelling then the tenancy agreement is always terminated. The Manager may authorise a new tenancy agreement with the remaining residents provided that they are eligible for public housing and entitled to the type of dwelling. For more information, see the Termination of a Tenancy policy and the Extended Absences and Caretaker Arrangements policy.

6.2. One of the joint-tenants leaves

Sometimes one of the tenants on the tenancy agreement may decide to leave the dwelling permanently. If the remaining tenants are still eligible for public housing and entitled to the type of dwelling, then the Manager has the discretion to remove the tenant from the tenancy agreement and allow the tenancy to continue in the dwelling.

Marital / de facto Breakdown

The Department of Housing and Community Development ('the Department') must be advised in writing of the intentions from both parties regarding the dwelling. The party who retains custody of any children (see the Identification and Documentation policy) will generally be regarded as the new tenant on the tenancy agreement. The other party retains all wait time served for public housing as an individual. All new entitlements for both parties must conform to the Entitlement Policy.

6.3. Replacement Agreement

Under the conditions of the *Domestic and Family Violence Act*, the court may terminate a tenancy agreement and create a new one to the benefit of the protected person. This has the effect of forcing a tenant to be removed from the tenancy agreement. In these instances the Director will determine the appropriate actions for the Department.

6.4. Reinstatement

Tenants may apply to give up their tenancy for a period of three to 12 months and be allocated another dwelling upon their return. Reasons for this include:

- Seeking medical treatment
- Study or temporary employment
- A need to leave temporarily due to domestic violence
- Imprisonment

The tenant must apply prior to vacating the dwelling, although the Manager has discretion to excuse this in exceptional circumstances. It may be more appropriate for a caretaker tenancy to be established.

7. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
21/11/2016	1.01	Director Policy	all	Editorial amendments
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapter 9