

Transitional Accommodation

Policy

Date effective: 9 November 2018

1. Purpose

To outline transitional accommodation arrangements available to public housing tenants residing in public housing premises in remote communities, town camps and community living areas that are subject to upgrade or replacement works.

2. Objectives

Ensure public housing tenants residing in public housing premises in remote communities, town camps and community living area that are subject to upgrade or replacement works:

- have acceptable accommodation;
- are not displaced, made homeless or sleeping rough;
- are minimally impacted; and
- are not financially burdened or at a financial disadvantage.

3. Scope

This policy applies to public housing tenants residing in public housing premises in remote communities, town camps and community living areas. This policy does not apply to public housing tenants residing in urban locations.

4. Definitions

Community Accommodation Transitional Plan	Community specific document that identifies the transitional accommodation options available and includes transitional accommodation arrangements for each tenancy.
Displaced	A tenant is removed from their premises without acceptable Transitional Accommodation being available or accessible.
Essential Services	Electricity, ablutions and potable water.
Homeless/Sleeping Rough	Being without access to an adequate premises, including lack of: <ul style="list-style-type: none">• Shelter [“rooflessness”] e.g. in a park or in a motor vehicle• Security of tenure in a premises; or• Access to space for social relations, for example overcrowded houses.

Overcrowded	Households that require one or more extra bedrooms to meet the standard measure of household size and composition. The standard is based on the Canadian National Occupancy Standard and relates to usual residents; it does not include visitors.
Transitional Accommodation	An alternative and temporary place for tenants to live while, subject to any new tenancy agreement, the public housing premises they reside in is upgraded or replaced.
Transitional Accommodation Agreement	An agreement between the department and a tenant for the purposes of Transitional Accommodation. The Agreement is not bound by the <i>Residential Tenancies Act</i> as rent is not payable in return for the granting of a right to occupy premises for the purpose of residence.

5. Policy detail

The Department of Housing and Community Development, including parties contracted in the delivery of remote public housing programs, will offer transitional accommodation for public housing tenants residing in public housing premises in remote communities, town camps and community living areas that are subject to upgrade or replacement works. The arrangements for transitional accommodation will be detailed in a Community Accommodation Transitional Plan.

5.1. Transitional Accommodation options

Transitional accommodation options will be discussed with tenants to ensure consent to a preferred acceptable transitional accommodation option.

5.1.1. Acceptable Transitional Accommodation options

- Lodge with family or friends in already tenanted public housing premises, where reasonable space is available such that the premises will not be overcrowded.
- Vacant public housing premises, located in a community, town camp or urban centre.
- Vacant transportable accommodation (e.g. demountable or donga).
- Commercial accommodation (e.g. motel, hostel, lodge).
- It is also possible that clients may not choose any of the four options above, and may make their own personal arrangements (e.g. outstation or private house).

Where tenants make their own choice and decision of where to stay, the department should ensure the option does not displace tenants or make tenants homeless throughout the duration of upgrade or replacement works.

5.1.2. Unacceptable Transitional Accommodation options

- Any option that contributes to already overcrowded conditions.
- Any transitional accommodation that provides less bedrooms than the premises being upgraded or replaced, unless the household can be accommodated in the smaller transitional accommodation without overcrowding.
- Tents or 'sleeping rough.'
- Improvised premises or structures without essential services.
- Any option that is culturally inappropriate or unacceptable to the tenant or other affected parties.

5.2. Transitional Accommodation arrangements

The following transitional accommodation arrangements apply:

5.2.1. Termination of existing tenancy agreement

The existing tenancy agreement, relating to the premises to be upgraded, will be terminated by consent of both parties to the tenancy agreement (tenant and landlord). This is required for all transitional accommodation options.

5.2.2. Transitional Accommodation Agreement

A Public Housing Transitional Accommodation Agreement must be entered into where tenants choose to move into vacant public housing premises.

5.2.3. Bond

Bond is not payable for transitional accommodation. Bond relating to the existing tenancy will be returned in accordance with the requirements under the *Residential Tenancies Act*, or with tenant written consent transferred to a new tenancy agreement if executed within 7 business days.

6. Discretionary decision making

No discretion applies to this policy.

7. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the department, they can access the department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

The *Residential Tenancies Act* and the *Housing Act* do not apply to the Transitional Accommodation Agreement. The Northern Territory Civil and Administrative Tribunal (NTCAT) does not have jurisdiction over disputes relating to the agreement.

8. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly. This policy will be reviewed within two years of release.

9. References

Legislation

Contracts Act

Housing Act

Residential Tenancies Act

Policies

Access and Equity policy

Appeals policy

Community Development policy

Complaints policy

Discretionary Decision Making policy

Housing Reference Group policy

Remote Housing Leases policy

Visitor Management policy

Northern Territory Government Language Services policy

Key related documents

Community Accommodation Transitional Plan Template

Transitional Accommodation Guidelines

Transitional Accommodation Agreement

Individualised Tenancy Sub-Plan Template

10. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
9/11/2018	1.00	Chief Executive Officer	All	New