

PUBLIC HOUSING DEMOLITION



FAQ

Inner Melbourne Community Legal (IMCL) is aware that many questions have arisen about relocation following the class action. This information sheet addresses some of those concerns; however, it is not a substitute for legal advice.

We strongly encourage residents to seek independent legal assistance regarding their individual circumstances. You can call our office on (03) 9328 1885 or send an email to info@imcl.org.au. We are a free service.

Offers

What is a valid offer?

Homes Victoria will make you 2 valid offers of housing.

An offer is considered to be 'valid' if it meets your location catchment preferences and household requirements (e.g bedroom sizes and any Special Accommodation Requirements that have been accepted).

What happens if I don't accept 2 "valid" offers?

You will be issued with a 60 day Notice to Vacate. After this, you should continue to have valid offers of relocation made to you and in that period. Once the 60 day period ends, Homes Victoria can begin eviction proceedings against you. The eviction process can sometimes take a few months from start to finish (after the Notice to Vacate has expired). Once evicted you will no longer be on the priority waitlist.

Legal rights on relocation

Can I be evicted from my property?

The Victorian Civil and Administrative Tribunal (VCAT) is the legal body that will decide whether you can be evicted from your housing.

You can be evicted if you refuse to be relocated and VCAT decides at a hearing that you should be evicted. If your case goes to VCAT, it is important to speak to a lawyer.

How can I be evicted from my property?

You can be evicted if you refuse to be relocated and VCAT considers that your eviction would be 'reasonable' and 'proportionate' in the context of Homes Victoria's aims.

If you want to contest your eviction, you can make arguments at VCAT as to why you think your eviction wouldn't be reasonable or proportionate. What is 'reasonable' and 'proportionate' is a test that VCAT will use to think about whether eviction is fair in the circumstances. If VCAT agrees with you, they will not allow the eviction.

Your legal rights when engaging with with relocation officers

Can I have a lawyer, interpreter or support person present during interviews?

You can have a lawyer and/or support person present for meetings with Homes Victoria.

If you require an interpreter, you should ask for one and refuse to meet until there is one present/telephone conferenced in.

I was made to sign the relocation agreement without having an interpreter, is this valid?

You can ask to take back your consent to be relocated if you didn't understand the form that you signed.

Even though you signed the relocation form, it doesn't mean you have to move - especially if you didn't really understand what it was about.

I am feeling pressured to accept an offer - what can I do?

You should be given a reasonable timeframe to consider an offer, as well as the address of a home. If you want to check whether an offer is valid, or you would like to discuss your options, you can speak to a lawyer at IMCL by calling (03) 9328 1885.

Can I record the meeting or communications with the relocation officers?

If you want to record the meeting with Homes Victoria, you should ask them first if you are allowed to.

Public Housing v Community Housing

Is Public Housing being rebuilt on the estates?

The government have confirmed that there will be no public housing on the estates where the three towers are being demolished; it will be community housing only. If you want to return to the estates, you would have to become a community housing resident. The only way to remain in public housing is to be relocated to public housing elsewhere.

What will be different if I relocate to Community Housing?

Community housing providers are non-government organisations, unlike Homes Victoria. Their policies vary depending on the provider. If you move into community housing, this is a permanent change, and you would need to go on the waiting list to return to public housing. This could take longer than 10 years to happen.

Rent calculations - Public Housing v Community Housing

Community housing can charge you 30% of your income - in public housing they can only charge you 25%.

Even if community housing only charge you 25% at the beginning, this amount might increase after a while.

Utility/service charges

Community housing can charge you extra 'services charges' and increase the amount of service charges as their costs increase. You should ask about these charges before you agree to move into community housing. You should also ask whether there are hidden charges if you choose your own utility provider.

Disability modifications

Usually, community housing won't pay for any disability modifications, even if they have approved them. You will need to pay for modifications yourself, or get them through NDIS.

If you have moved into community housing and you are having problems, or if you would like more information on your options, call our office on (03) 9328 1885.

Inner Melbourne Community Legal

We provide free legal advice, information and assistance to people on low-incomes in the City of Melbourne area.

We can assist with the following:

- Problems with housing or a lease?
- Wanting to separate from a partner?
- Birth Registration
- Victim of a crime?
- Worried about safety or experiencing family violence?
- Needing help with children or parenting arrangements?
- Unpaid fines or debts?
- Need to go to court?
- Problems with Police?



Scan here for more information about our service!

Our offices:

North Melbourne Office

2/508 Queensberry Street, North Melbourne
Monday - Friday | 9am -5pm

Kensington Office

22 Bellair Street, Kensington
Tuesday-Thursday | 9am - 5pm

Please note: this publication is not legal advice. If you would like legal advice, contact IMCL on (03) 9328 1885.