

Succession of Tenancy Policy

1. Purpose

The purpose of this policy is to outline the circumstances in which HOME in PLACE may agree to transfer a social housing tenancy to another household member.

2. Scope

This policy applies to all HOME in PLACE social housing tenancies in New South Wales.

3. Policy Statement

HOME in PLACE is committed to addressing the changing needs of tenants in relation to the property they occupy and will endeavour to meet their need in the most appropriate way.

Succession of tenancy is when HOME in PLACE agrees to transfer a tenant's right to a tenancy to another person.

HOME in PLACE recognises that social housing is a limited resource and in high demand. The right to succeed a tenancy will be balanced against the needs of clients on the NSW Housing Pathways Register. HOME in PLACE will consider the personal circumstances impacting on the household when assessing an application for succession of tenancy.

Succession of tenancy can be considered when a tenant:

- Passes away;
- Relocates to an aged-care facility;
- Relocates to a residential rehabilitation facility;
- Is incarcerated;
- Permanently leaves the property to care for sick or frail family members;
- A final apprehended violence order is made prohibiting the tenant from accessing the property;
- In other circumstances approved by the Chief Operating Officer.

Applications

An application for succession of tenancy must be received by HOME in PLACE within 28 days of the change in household circumstances. An application must be provided on the 'Succession of Tenancy Application' form. HOME in PLACE staff can assist applicants to complete the form.

Eligibility

Unless otherwise stated, an applicant for succession of tenancy must:

- Meet the eligibility criteria for social housing in NSW;
- Already be an approved occupant of the household;
- Be included on current and previous rent reviews;
- Have resided at the property for at least two (2) years or 75% of the length of the tenancy if under two (2) years;
- Have had a satisfactory history of occupation during the current tenancy; and
- Have repaid any debt, in full, from any previous tenancies.

Who may be eligible for succession of tenancy?

Applications for succession of tenancy will only be accepted from the following:

- The tenant's spouse or de factor partner who has been living with the tenant as a couple and is an authorised occupant and who meets the eligibility criteria for social housing;
- The legal guardian or custodian of an authorised member of the household who is under 18 years of age. Succession will only be granted if the guardian agrees in writing to reside in the property and continue to provide housing for the children. If the guardian or custodian does not meet the social housing eligibility criteria the Chief Operating Officer may grant succession if this is in the best interest of the children;
- A member of the household over 18 years of age who meets the social housing eligibility criteria; has been an authorised household member for at least the past two (2) years or 75% of the tenancy if the tenancy is less than two (2) years; or
- Minors aged 16 or 17 years if the person can demonstrate that they are able to care for themselves and meet the eligibility criteria and meet the terms of the Residential Tenancy Agreement. A Living Skills Assessment may be required.

Circumstances where HOME in PLACE will not approve succession of tenancy

HOME in PLACE will not approve succession of tenancy if:

- The tenant vacates the property for personal reasons or of their own choice;
- The applicant is not an approved occupant, or has not been included on applications for rent subsidies;
- The applicant does not have a satisfactory history of occupation;
- The applicant is a sponsored migrant and holds a temporary visa, or they are an asylum seeking holding a temporary protection visa;
- Whilst an occupant of any HOME in PLACE property the applicant committed acts of violence, for example, physical attacks or serious verbal threats directed at neighbours or at HOME in PLACE employees or other workers such as contractors;
- The applicant was involved in illegal activities in a HOME in PLACE property whilst an occupant of that property; or
- The applicant has been convicted of arson or deliberate damage to any HOME in PLACE property.

Assessing applications

HOME in PLACE will assess all written applications fairly and in line with the eligibility criteria outlined. Applications will be finalised within 28 days of receipt and all parties will be notified in writing.

Entitlements of succession of tenancy

The approval of an application for succession of tenancy provides the applicant with the right to succeed the tenancy. This may be in the property in which they currently reside, or HOME in PLACE may require the successful applicant to transfer to a property more suitable to their needs.

Application for succession of tenancy approved

If the application for succession of tenancy is approved, HOME in PLACE will offer the applicant a tenancy in the property they are currently residing at, or a different property that matches the applicant's needs. The approval will be confirmed in writing.

Application for succession of tenancy is not approved

If the application for succession of tenancy is not approved, the applicant will be notified in writing and will be required to vacate the property. HOME in PLACE will take into consideration the circumstances of the applicant in determining a vacate date.

If the applicant does not vacate the property within the required timeframe, HOME in PLACE may take action in the NSW Civil & Administrative Tribunal (NCAT).

Review of decisions

This is a reviewable decision. If an applicant is not satisfied with the service provided by HOME in PLACE or does not agree with a decision it has made, they should first talk to a Tenancy Relations Officer. If they are still dissatisfied, they can ask for a formal review. To do this the applicant must complete a Review of Decision form.

4. Responsibilities

All HOME in PLACE NZ workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE NZ policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE NZ clients,
- inform HOME in PLACE NZ's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE NZ's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE NZ Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE NZ's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE NZ's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE NZ without approval. The policy is reviewed regularly and published on HOME in PLACE NZ's SharePoint intranet once approved. Employees receive communications and, if necessary, training on new and reviewed policies and procedures.

HOME in PLACE NZ complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE NZ's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE NZ Workers should refer to SharePoint Company Documents Policy and Procedure site for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- TEMP-012 Residential Tenancy Agreement
- FOR-057 Succession of Tenancy Application
- Rent Subsidy form
- POL-001 Review of Decisions (Appeals) Policy
- POL-025-38 Ending Tenancy Policy

Related legislation/standards

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations (NSW)
- Housing Act 2001 (NSW)

7. Definitions

Please refer to Home in Place Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Appeal	A request for a review of a decision made by Home in Place that the tenant is dissatisfied with
Appeals	A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’ An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;
Applicant	A person who makes a formal application for Succession of Tenancy
Approved additional occupant	A person, in addition to the tenant, who is approved by Home in Place to live in the property
Compass	Compass Housing Services Co. Ltd. Trading as Home in Place and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC) .
Complainant	Person with a Complaint ongoing with Home in Place.
Complaints	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: <ul style="list-style-type: none"> • Where Home in Place have failed to provide or there has been a delay or problem in providing a service; • Where Home in Place have failed to follow or have been unfair or inconsistent in applying our policies or procedures. • Where Home in Place have failed to keep Tenants informed, through lack of or insufficient information • Where there has been inappropriate behaviour or attitude from a Home in Place Employee or contractor.
Home in Place	Compass Housing Services Co. Ltd. Trading as Home in Place and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as Home in Place and Compass Housing Services Co (Victoria) Ltd Trading as Home in Place both of which are a wholly owned subsidiary of Compass registered in Australia.
Landlord	The person who grants the right to occupy a property under a Residential Tenancy Agreement
NSW Civil & Administrative Tribunal (NCAT)	An independent statutory body that resolves disputes including tenancy disputes. Orders made by the NCAT are enforceable
Residential Tenancy Agreement	The written agreement between Home in Place and the tenant

Term	Definition
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
Tenant	A person who signs the Residential Tenancy Agreement with Home in Place
Worker (Home in Place)	<p>has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.

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