

Tenant Transfer and Succession Protocol

1. Purpose

Uniting Housing Australia complies with all relevant legislative requirements, including the *Residential Tenancies Act 1997* in respect of its residential tenancy practices. This protocol provides an overview of Uniting Housing Australia's practices regarding tenant transfers and successions and outlines how eligible occupants of a Uniting Housing Australia property can be given the opportunity to be housed after the tenant dies or leaves the property permanently because of ill health, disability or imprisonment. This protocol applies to all employees working with Uniting Housing Australia properties.

2. Protocol

2.1 Tenant initiated transfer

Tenants can apply for a transfer to another property if a change in their circumstances makes their existing property or location no longer suitable. Reasons for a tenant-initiated transfer to another property may include:

- Escaping family violence
- Escaping harassment
- Removing themselves or another family from being at risk
- Separation/divorce
- Overcrowding due to birth of another child in the family or other children coming into the family's custody, etc.

When a tenant applies for a transfer, they must:

- Meet eligibility criteria as set out in the Allocations policy
- be able to show that their circumstances have changed and that their current property or location is no longer suitable for their housing needs, and
- provide the required documentation or evidence to support their application.

A transfer of tenancy involves the previous tenancy agreement terminating and a new tenancy agreement being signed by all eligible occupants.

Tenants who wish to apply for a transfer must apply in writing and provide supporting documentation to support their claim. Uniting Housing Australia will respond to applications for transfer in a timely and transparent manner.

The tenant is responsible for costs associated with any transfer. These would include costs to make the property they wish to vacate, ready for a new tenant to occupy. This may include cleaning, repainting and or replacement of floor coverings dependent on condition they are left in when the tenant vacates. This is because these surfaces were renewed or cleaned at the commencement of the tenancy and need to be restored before a new tenancy can be entered.

2.2 Non-tenant initiated transfer

Tenants who are ineligible for a tenant-initiated transfer may be eligible for an internal management transfer for the following reasons:

- In order to address a serious or protracted tenancy management issue,
- A tenant who is at risk of not being able to sustain a tenancy due to the location of the property they are in or the suitability of the area for that tenant.

Uniting Housing Australia may also initiate the transfer of a tenant to facilitate improved management of its property portfolio. The following reasons can lead to a transfer of a tenant for portfolio management purposes:

- Uniting Housing Australia intends to sell a property or a group of properties, demolish a property or group of properties or redevelop the land the property is on to provide more appropriate or additional housing;
- The property has been designated for occupation by a client group s and the tenant does not belong to this client group;
- The property is not owned by Uniting Housing Australia and the lease with the private landlord has been terminated;
- The property has features such as modifications for people with a disability, which are no longer needed by those living in the property;
- Uniting intends to carry out substantial upgrading work on the property and the property needs to be vacant for this work to be carried out;
- A property that Uniting Housing Australia does not own is deemed substandard and the owner of the property does not intend to improve the property.
- The property becomes damaged by accident or deliberate act and is assessed as unsafe or uninhabitable and it considered not viable to be repaired or rebuilt.

2.3 Offers for transfer of housing

- A reasonable offer is one that matches the number of bedrooms the household size requires, the preferred area (not suburb) and any special needs or medical/disability requirements that were included in the tenant's application for social housing, or independent living unit.
- Uniting Housing Australia does not consider factors such as preferences relating to a suburb, neighbours, the appearance of a property, or any other reason based on personal preference, to be valid reasons for rejecting an offer.

NOTE: Offers are restricted to type, size and location of properties Uniting Housing Australia has available.

2.4 Succession

Succession of a tenancy allows for an approved occupant to take over the tenancy if the tenant dies, or permanently leaves the property to:

- Live in a residential care facility e.g. residential aged care facility
- Serve a sentence in a custodial facility e.g. prison
- Care for sick or frail family members
- Relocate elsewhere, or

- Police reports that the tenant must leave and not access property or where a final apprehended violence order is obtained.

Tenants who wish to apply for succession must apply in writing and provide supporting documentation to support their claim. Uniting Housing Australia will respond to applications for succession in a timely and transparent manner.

2.5 Eligibility criteria for succession

The following are factors which may be considered in the assessment of a claim for succession:

- The tenant/resident's spouse or de facto has been an approved household member for the past 12 months continuously or since tenancy commencement if the tenancy is less than 12 months.
- The applicant must be eligible under eligibility and allocations policy.
- The applicant must have an income and be able to maintain the tenancy.
- The applicant must be an appointed/applied legal guardian of an authorised member of the household who is under 18 years of age. Succession will be granted if the guardian agrees in writing to reside in the property and continue to provide housing for the tenant's children. If the guardian does not meet social housing criteria the application may be granted for succession if this is assessed to be in the best interest of the tenant's children.
- A household member who is over 18 years of age and has been an approved household member for the past 12 months continuously or since tenancy commencement if the tenancy is less than 12 months.
- Any applicant who has a history of poor conduct, such as damage to property, rental arrears, neighbour complaints, will not be approved unless they can demonstrate to the satisfaction of Uniting Housing Australia that they have adequate support in place and they are able to maintain a satisfactory tenancy.

If the application is not approved a NTV will be issued ending the tenancy. If the applicant is approved for succession and offered a tenancy at a different location and refuses to relocate, an NTV will be issued ending the tenancy.

2.6 Property management considerations for succession

If the applicant is approved as eligible for succession, a decision will be made by Uniting Housing Australia to either:

- Offer a tenancy to the current property; or
- Offer a tenancy to a different property because of one or more of the following property management considerations:
 - The property falls within specialist housing program and the new tenant does not qualify for that program.
 - Property has modifications or adaptations and the successor does not require those modifications or adaptations
 - Property designated for a client group and the successor is not a member of that client group
 - Successor will be under-occupying the property
 - Management reasons (for example property is due for major work or redevelopment)

2.7 Complaints and appeals

A tenant who is not happy with a decision made by Uniting Housing Australia can complain in accordance with the **Managing Client Complaints** procedure.

3. Definitions

Term	Meaning
DHHS	Department of Health & Human Services Victoria
NTV	Notice to Vacate
RTA	Residential Tenancies Act 1997
Tenant	Resident or occupant of Uniting Housing Australia property, including residents of retirement villages
Transfer of tenancy	The transfer of tenancy rights from one individual or group of persons to another. The department creates a new tenancy account and signs a new tenancy agreement with eligible applicants.
TC	Tenancy Co-ordinator
TW	Tenancy Worker (includes Residential Tenancy Administrator and Housing Administrator)
UHA	Uniting Housing Australia (registered housing provider to the Uniting Church)
VCAT	Victorian Civil & Administrative Tribunal
VHR	Victorian Housing Register

4. Related Policy, Instructions and Advice

Consumer Affairs Victoria, *Renting a Home: a guide for Tenants and Landlords*

Consumer Affairs Victoria, *Rooming Houses: a guide for Residents, Owners and Managers*

Managing Client Complaints procedure

5. Related Legislation/Regulations

Residential Tenancies Act 1997 (Vic)

Housing Act 1983 (Vic)

Revision Record			
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