

Tenancy Reinstatement

1. Purpose

The purpose of this policy is to outline:

- The grounds for which former tenants may be approved for reinstatement to the NSW Housing Register, and
- How Housing Trust will treat applications from former tenants who have a debt from a former tenancy with Housing Trust or other social housing provider

2. Grounds for tenancy reinstatement

Housing Trust will apply the Housing Pathways policy in respect of applications for tenancy reinstatement. This policy is as follows:

Tenancy reinstatement can apply to former tenants who vacated their property because:

- They were under duress;
- They had to move into a residential care facility (including a psychiatric hospital, rehabilitation centre, hostel, nursing home) either voluntarily or under a court order;
- They were placed into a custodial facility; or
- Care needs of the tenant, a member of their household or a family member

To be eligible for tenancy reinstatement, former tenants must prove that:

- They meet the eligibility criteria for social housing;
- They meet the criteria for priority transfer;
- They vacated under duress, vacated to a residential care or correctional facility, or vacated because of care needs; and
- They made an application to their housing provider within six months of vacating the former property; or
- In the case of custodial sentences not longer than three years, they can also apply within six months of their release from custody.

Former tenants with custodial sentences longer than three years will need to re-apply for housing as they are not eligible for tenancy re-instatement.

Social housing providers define duress as having to vacate the property due to a critical incident and, under the circumstances, the decision to vacate was reasonable.

For example:

- Escaping domestic violence.
- Escaping harassment.
- Removing themselves or a household member from being at risk.
- Admittance to a supported care facility might include a refuge, rehabilitation centre, hospital, or respite centre.
- Serious medical/disability incident related to the tenant or a household member, or relative.

When assessing the decision to vacate the property, social housing providers will consider the following as applicable to particular situations:

- Was it a reasonable decision for the tenant to vacate without notice;
- Did the tenant consider options other than vacating;
- Whether the tenant previously contacted their housing provider about their situation, and
- Did the housing provider ask the tenant to relinquish their tenancy because they were going into residential care or into a correctional facility;
- Could the decision to vacate have been delayed;

Evidence requirements for tenancy reinstatement

Former tenant's applying for Tenancy Reinstatement must provide evidence in the form of documentation to substantiate reasons for vacating, for example vacating under duress, moving to residential care, being taken to a custodial facility, or harassment.

3. Debts from a former tenancy with Housing Trust

Tenants who have a debt from a former tenancy with Housing Trust are eligible for tenancy reinstatement to the Housing Register in accordance with the policy outlined above.

Where a tenant has a debt to Housing Trust and a tenancy reinstatement application has been approved, the client will be advised that their application will be suspended in the NSW Housing Register. The following guidelines apply in relation to managing suspended applications due to tenant debts:

- The debt must be acknowledged by the tenant
- The debt must be repaid in full or alternatively the tenant must enter into a formal repayment agreement with Housing Trust

A suspended application will be made 'live' in the Housing Register once the above conditions have been met. Tenants who are suspended in the Housing Register due to a former debt will be advised of avenues for financial assistance, including from local charities and other brokerage schemes.

4. Tenants from another housing provider

Applications from tenants who resided with another housing provider will be taken by Housing Trust and referred through the Housing Register to that housing provider for assessment.