

Housing Transfer Policy

Purpose

The purpose of this policy is to set out Housing Trust's eligibility criteria and assessment policies in relation to tenant transfers.

Scope

This policy applies to all Housing Trust social housing tenants who initiate a transfer request as well as management initiated transfers.

Note: This does not apply to Affordable Housing tenants or those housed under Home Purchase Assistance (HPA), both of which are not entitled to transfers under pathways.

Policy

A tenant can apply for a transfer to another property if a change in their circumstances makes their existing property or location no longer suitable. When a tenant applies for a transfer, they must:

1. Meet social housing eligibility criteria as set under the Housing Pathways guidelines.
2. Have lived in the current property for twelve (12) months or more.
3. Demonstrate the ability to maintain a successful tenancy, either with or without support.
4. Meet the relevant transfer assessment criteria for one of the following grounds:
 - at risk
 - under-occupancy due to excess bedrooms
 - medical condition and/or disability
 - serious and ongoing harassment
 - employment
 - compassionate grounds
 - severe overcrowding
 - family breakdown/separation
 - tenancy re- instatement
 - moderate overcrowding
5. Be able to provide the required documentation or evidence to support their application.
6. Have fully repaid any outstanding accounts from any former tenancy, be up to date with current tenancy accounts and demonstrate sound property care at the time a property is offered. Exceptions may apply if a tenant can demonstrate an urgent need for transfer.

Housing Trust will assess the application in line with the guidelines set out by NSW Housing Pathways, which can be located at www.facs.nsw.gov.au/housing/policies/transfer-policy

In instances of family breakdown, if the applicant is an approved authorised occupant of the property and not the tenant, their application will only be considered if they have resided in the property for two (2) years or more and contributed to the current rent of the household.

Policy Housing Trust Management Initiated Transfers

Housing Trust may initiate a housing transfer for a number of reasons including when:

1. Housing Trust intends to sell a property or a group of properties
2. A property is no longer considered habitable or the property presents ongoing health and safety risks to the tenant.
3. Substantial upgrading works to the property are scheduled and the property needs to be vacant so that full works can be carried out and completed.
4. A property is a leasehold property and the lease has expired or the landlord wishes to seek vacant possession.
5. A property is a leasehold property and the rent is exceeding the Housing Trusts allocated budget amount per property.
6. A property is a being under occupied.
7. A tenant provides medical reports recommending modifications to a property that cannot be undertaken and/or Housing Trust identifies a suitable alternative property
8. All management initiated housing transfers require the applicant to meet income and social housing eligibility criteria, as well as demonstrating sound property care and rental history. It may be identified during the process that the tenant exceeds the social or other applicable income eligibility limits. If this does occur a transition plan will be developed in consultation with the tenant.

Tenants being assessed for a management transfer will not be eligible for offers from Housing NSW or other community housing providers.

Decision and Offer

Housing Trust will advise the outcome of a transfer application in writing within twenty eight (28) working days of receipt of a fully completed application. Where the Housing Trusts requests further information or documentation from a tenant and this information is not provided within fourteen (14) days then the application will be assessed on the basis of the information provided.

Once a tenant is approved for a transfer, they will be placed on the NSW Housing Register. Housing Trust, NSW Family and Communities and other community housing providers participating in Housing Pathways will use this register to offer housing to the applicant when a property which matches the household's needs becomes available in the social housing sector.

Tenants who have been approved for a transfer will receive two (2) reasonable offers of alternate accommodation. If these reasonable offers are declined then the tenants transfer is deemed no longer valid and their application will be removed from the NSW Housing Register. However if the transfer falls within the Management Transfer guidelines then only one (1) offer will be granted if we have received a termination notice thirty (30) days or less.

Should the applicant/tenant decline the reasonable offers they will not be eligible for reapplication for a transfer for a period of twelve (12) months. This may be re-assessed if they are able to demonstrate that their original circumstances are different and varied to the original application within twenty one (21) days of the rejection.

Reporting and Review

The Housing Trust will maintain monthly operational reporting of all transfer applications received. All social housing transfer applications approved by the Housing Trust will be reviewed every six (6) months to ensure ongoing eligibility and the need for transfer, or when new information from either the tenant prompts a review.

Following a review, any changes to the tenant's situation impacting on the transfer approval will be assessed and this may result in the application being updated or removed from the NSW Housing Register. Management transfers will not be considered in this manner.

Right of Appeal

If a tenant believes Housing Trust has made a wrong decision a formal review of the decision should be requested. To do this, the tenant is required to complete a Housing Trust Appeals Form stating why they disagree with the decision. Housing Trust's Appeals Policy and form is available by contacting the Housing Trust office or alternatively, may be downloaded from our website at www.housingtrust.org.au

If the appellant is not satisfied with the outcome of the internal appeal they can make an appeal to the Independent Housing Appeals Committee (HAC). HAC is an independent appeals agency for all NSW Social Housing clients. Housing Trust will advise the appellant on how to lodge an appeal with HAC. Alternatively HAC may be contacted directly by visiting www.hac.nsw.gov.au or by calling 1800 629 794.

Reference or Related Documents

Internal Documents

1. Forms
 - 107016 Request for Transfer Declined
 - 107022 Transfer Assessment – Summary
 - 107030 Outcome for Request for Housing Assistance – Approved
2. Procedures
 - Housing Transfer – Tenant Initiated
 - Housing Transfer – Management Initiated
3. Appeals Policy
4. Form 106001 Review of decision and 1st tier appeal

External Documents

1. Residential Tenancies Act 2010
2. www.facs.nsw.gov.au/housing/policies/transfer-policy Children and Young Persons (Care and Protection) Act 1998

Policy Version Control

Version No	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy	16.09.2016	Approved for release by GM:C&C
V 2.0	Reviewed	2017	Approved for release by GM:C&C
V 3.0	Reviewed	17.09.2017	Approved for release by GM:C&C
V 4.0	Reviewed in line with current Residential Tenancies Act 2010 No 42 dated 01.07.18 and updated with no change to policy intent. Two (2) procedures developed for Housing Transfer types – Tenant Initiated and Management Initiated	21.11.2018	Approved for release by Amanda Winks Chief Housing Officer