

Succession

1. Purpose

The purpose of this policy is to outline Housing Trust's policy regarding eligibility and assessment of applications for succession of tenancy.

2. Guiding Principles

Succession of tenancy occurs when Housing Trust agrees to transfer a tenant's right to live in a Housing Trust property to another person. Housing Trust may approve succession when the tenant:

- Dies
- Permanently leaves the property to live in a residential care facility (e.g. nursing home or other supported accommodation)
- Permanently leaves the property to care for sick or frail family members
- In the case of Aboriginal people permanently leaves the property to fulfil cultural obligations
- Is incarcerated for a prison sentence longer than 3 months
- Is prohibited from accessing the property under an apprehended violence order

Succession of tenancy will only be approved if the person meets the eligibility criteria as outlined in this policy.

3. Eligibility for Succession

People who may be eligible for succession of tenancy are:

- The tenant's carer, spouse or defacto (including same sex partners who have been living with the tenant AND is an authorised occupant for more than five (5) years
- The legal guardian or custodian of an additional occupant of the household who is under 18 years of age and intends to reside in the property to care for the children.
- A member of the household over 18 years of age who:
 - Meets eligibility criteria for social housing
 - Has been an additional occupant of the household for at least the past five (5) years or
 - Has been an additional occupant of the household for the entire tenancy (if the tenancy has been less than (5) years

Succession will not be granted to a carer who does not reside in the property as an authorised additional occupant. Succession to a carer may only be granted if they are an approved additional occupant and have been living in the property for a continuous period of five (5) years or the whole of the tenancy if the tenancy has been less than five (5) years.

4. Entitlements of Succession

Succession of tenancy entitles the person to a tenancy with Housing Trust. It does not necessarily mean that that entitlement relates to a particular property the tenant is currently living in.

Where succession is approved, Housing Trust will review the bedroom entitlement and needs of the household. Housing Trust may require the new tenant to move to an alternative property that is better suited to the people in the new household, or to make better utilisation of the property concerned

5. Ending the tenancy

When a tenant dies or permanently leaves the property, Housing Trust will end the tenancy by issuing a notice of termination to the tenant in accordance with the *Residential Tenancies Act 2010* (see Ending a Tenancy Policy).

6. Timeframes for Applying for Succession

An application for succession must be made within 28 days of the tenancy being ended.

7. Assessment of Application for Succession

Applications for succession will be assessed within 28 working days from the date of receipt. Housing Trust may require a range of information / evidence to be submitted in support of an application.

All applications for succession are considered by the General Manager.

8. Unsuccessful applications

If an application for succession is declined by Housing Trust, any persons residing in the property will be given a reasonable period to vacate the property. This will generally be no longer than 14 days.

Unsuccessful applicants will also be advised of their right to appeal (see Appeals Policy).

¹ Succession will only be granted if the guardian agrees to reside in the property and continue to provide housing for the children. If the guardian does not meet social housing eligibility criteria, The HT may grant succession if this is in the best interests of the children. A person who is a minor between the ages of 16-18 may be considered for succession, subject to the consent of a person (over the age of 18) to have the knowledge and skills to explain the requirements of the legal contract, and the ability of the minor to care for themselves and to meet their obligations under a tenancy agreement.