

Succession of Tenancy Policy

Purpose

The purpose of this Policy is to outline how Housing Trust will assess and determine eligibility of applicants applying to succeed a tenant's tenancy.

Policy

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 will only consider an application to succeed a tenancy when the tenant:

- dies
- permanently leaves the property to live in a residential care facility (nursing home or other supported accommodation)
- permanently leaves the property to care for sick or frail family members
- permanently leaves the property to fulfil cultural obligations
- is incarcerated for longer than three months
- is prohibited from accessing the property under an Apprehended Violence Order (AVO)

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

Applications for Succession of Tenancy

Applicants wishing to succeed a Housing Trust tenancy must apply for succession within twenty eight (28) days of the tenant no longer residing at the property. Applications (including incomplete applications) made after this time frame may not be considered.

Applications for succession will be assessed within twenty eight (28) days from the date of receipt. Approved applicants will be advised of the outcome via phone and declined applicants will be advised of the outcome in writing.

Eligibility for Succession

People who may be eligible for succession of tenancy are:

- A member of the household (including tenants carer, spouse or de-facto) 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 two consecutive years or
- Has been an additional occupant of the household for the entire tenancy (if the tenancy has been less than two 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 children [1](#).

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

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. Refer to *Housing Trust's Appeals Policy*.

Right of Appeal

If an applicant 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 are available by contacting the Housing Trust office or alternatively, may be downloaded from our website: 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.

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, 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.

Reference or Related Documents

Internal

1. Appeals Policy
2. 105004 Application for Succession- of Tenancy
3. 107013 Succession of Tenancy Letter

External

1. Residential Tenancies Act 2010

Policy Version Control

| Version | Details of Improvements | Release Date | Approval/Release Details |
|---------|--|--------------|--|
| V 1.0 | Original Policy – Succession Policy - Policy ID # TM26 | 10.11.2014 | Approved for release by GM:C&C |
| V 2.0 | Reviewed Policy | 19.10.2016 | Approved for release by GM:C&C |
| V 3.0 | Reviewed Policy | 01.11.2017 | Approved for release by GM:C&C |
| V 4.0 | No change to Policy intent - Policy expanded to include detail on timeframes for applications to be submitted to HT. Policy renamed: Succession of Tenancy Policy Reviewed and endorsed by the Tenant Advisory Group between the period May – July 2020 (due to COVID-19) and the Executive Leadership Team (ELT) on 24.08.2020. | 04.09.2020 | Approved for release by Amanda Winks Chief Operations Officer |