

Transfer Policy

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1. Purpose

This policy explains the criteria Homes North will apply when a social housing tenant applies for a transfer to another property due to a change in their circumstances or when Homes North needs to relocate a tenant for management purposes.

2. Scope

This policy applies to all social housing tenants of Homes North.

Note: there are no provisions in our Affordable Housing program for transferring within the program or to a social housing tenancy.

3. Definitions

- **Applicant** – the person who makes the formal application for housing assistance
- **Tenant** – the person who signs the Residential Tenancy Agreement with Homes North
- **Resident** – a person who lives in the property on a permanent basis
- **Spouse** – a husband or wife considered in relation to their partner
- **Household members** – all people living in the home regardless of age or relationship

4. Policy statement

Homes North is committed to providing social housing appropriate to the needs of tenants and applicants.

Homes North tenants may apply for a transfer to another property if a change in circumstances makes their existing property or location no longer suitable.

Homes North applies Housing Pathways Transfer Policy - eligibility criteria to ensure state-wide equitable access to responding to changes in circumstances of tenants living in social housing.

In applying for a transfer the applicant must complete an [FACS Application for Housing Assistance](#) and [Transfer Supplement Community Housing Tenants Only](#) form.

This policy outlines Homes North's eligibility criteria for transfers, requirements for supporting documentation, circumstances that warrant priority consideration, rental bonds and relocation expenses.

Homes North's Transfer Policy outlines three types of transfer:

- Transfers given priority (4.2)
- Management transfers (4.3)

- Wait-turn transfers (4.4)

4.1 Eligibility for transfer

To be eligible or become eligible for a transfer, the tenant must:

- Be eligible for social housing at the time they make the application
- Be eligible at the time of offer
- Have fully repaid any outstanding accounts from any former tenancy at the time of offering a property
- Be up-to-date with their current tenancy accounts at the time of offering a property
- Have satisfactory property care and no tenant damage to property

When a tenant applies for a transfer, they must be able to:

- Show their circumstances have changed and that their current property or location is no longer suitable for their housing needs
- Show that moving will resolve or improve their current situation and
- Provide the required documentation or evidence to support their application.

A tenant can apply for a transfer if they owe money on their accounts, including money owed on a former tenancy if they are on a formal repayment plan such as a Specific Performance Order as directed from NSW Civil & Administrative Tribunal (NCAT) however Homes North will not make an offer of alternative housing until the tenant's current tenancy is up to date and any former debts are fully repaid.

In exceptional circumstances a tenant may be able to demonstrate an urgent need for a transfer even though the above eligibility criteria have not been fully met. The Operations Manager has the delegation to consider such exceptions on a case by case basis.

4.2 Transfers given priority

Homes North will give priority to transfer applications where the tenant or a member of their household requires alternative housing due to:

- Being at risk
- A serious medical condition or disability
- Serious or on-going harassment
- Gaining employment or changes to current employment
- Compassionate grounds
- Severe overcrowding
- Family breakdown
- Tenancy re-instatement

Below is a summary of each of these requirements. For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.1 Tenants at risk

The personal safety and/or mental health of a tenant or household member may be at risk in situations such as:

- Domestic violence
- Child abuse or neglect
- Assault
- Neglect
- Threatening behaviour
- Torture or trauma

If the tenant or other household member is at risk, the circumstances must be supported by police reports, Apprehended Violence Orders, medical reports and/or letters of support from community service providers.

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.2 Medical condition/disability

Tenants who develop a medical condition or disability or believe their existing condition is being adversely impacted by their present housing may apply for a transfer where:

- Their medical condition/disability is permanent or likely to be permanent.
- The current property and/or location no longer meet their housing needs, for example the property is unable to be modified to meet their physical needs.
- The relevant person no longer has the capacity to access necessary medical services from the property.

Tenants are required to provide supporting documentation from a registered specialist health professional regarding their condition and the need for alternative accommodation. Where relevant, tenants should provide supporting evidence regarding the property's unsuitability for modification.

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.3 Harassment

Harassment refers to a wide range of offensive behaviours that are threatening or disturbing, including:

- Verbal abuse
- Threats

- Intimidation
- Vilification
- Property damage

Where a tenant has complained of serious harassment (including racial or domestic violence, other vilification or threat of violence), Homes North will advise the tenant of external sources of assistance, including the police and local mediation services, such as Community Justice.

Where appropriate, tenants applying for a transfer should demonstrate that they have attempted to access external resolution. However, Homes North recognises that neither legal enforcement by police or other body, nor mediation may be successful or appropriate in some circumstances; therefore such tenants will be considered for immediate transfer approval.

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.4 Employment

A tenant can apply for a priority transfer due to the tenant or their partner gaining employment or experiencing changes to their current employment.

- A tenant applying for transfer due to employment must show the following:
 - The tenant or their partner are currently unemployed and have been offered a full time job that requires them to move in order to access or be eligible for their employment, or
 - They are currently employed and are required by their employer to move to keep their job
 - The offered employment is long term
 - They meet social housing income criteria

Such transfer requests will generally need to relate to the applicant demonstrating a serious and urgent need to have access to required services, such as public transport, in order to attend work. The application will need to be accompanied by a letter from their employer.

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.5 Compassionate grounds

Compassionate grounds for transfer may include:

- Being closer to a family member who needs the tenant's full time care
- Being closer to support networks or services not covered by medical or other factors

Applicants will need to provide a medical assessment, report or letter from a support agency, such as the Aged Care Assessment Team or occupational therapist, which clearly states the need for the transfer.

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.6 Severe overcrowding

Transfers due to severe overcrowding relate to additional permanent members of the household and would not include additional residents who could apply for housing in their own right.

The overcrowding should not be the result of approval having been given to other household members to reside at the property ([Homes North Visitors and Additional Occupants Policy](#)), however if the severe overcrowding is due to a full time carer being approved as an additional occupant, Homes North may give approval if the full time carer is receiving a Carer payment from Centrelink.

This is defined as providing financial support if the carer is unable to work in substantial paid employment because they provide full-time daily care for someone with a severe disability, medical condition, or frail aged.

Homes North will prioritise requests for properties with additional bedrooms where the existing accommodation is inappropriate i.e. there is or will be severe overcrowding.

Severe overcrowding may arise as a result of:

- A reunited family
- Being awarded custody of a child/children
- Marriage
- Birth of a child or adoption

Severe overcrowding includes:

- An adult or couple sharing a bedroom with a person aged over three years
- Four or more children sharing a bedroom
- Three or more unrelated adults sharing a bedroom

Severe overcrowding can also occur if children currently sharing a bedroom now need their own bedroom because of a specific need such as:

- A disability or special medical need
- Severe behavioural problems
- Children of different sexes sharing a room and one of them reaches puberty

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.7 Family breakdown/separation

If there is a serious breakdown in a family relationship, Homes North may consider providing separate accommodation for the household member who has left the property. Homes North seeks to ensure families who are affected by relationship breakdowns or separation are spared the additional trauma of a housing dilemma.

A serious breakdown includes:

- Separation or divorce between a tenant and spouse or de facto partner

In the case of divorce/separation, the spouse/partner who has moved out needs to prove:

- The spouse was a household member
- The de facto was a household member on a continuous basis for two or more years
- The spouse or partner was on Homes North 's records as living at the property
- The person is eligible for social housing
- The application is being made within six months of moving out of the property.

In the case of an application that requires housing for both parties, supporting documentation will be required such as:

- Legal evidence of the separation
- Documentation from Centrelink
- Letters from support workers
- Evidence of a new address for the person who moved out.

If there are couples with dependants or children involved, the tenancy entitlement belongs to the applicant who has the custody of the dependants.

If the parties involved in the relationship breakdown do not have dependants, they should nominate who will remain in the tenancy. If the other party meets the eligibility criteria, they may apply to Homes North for housing in their own right.

For a complete description please refer to Housing Pathways – [Transfer Policy](#)

4.2.8 Management transfer: relocating tenants for management purposes

A management transfer is any transfer that is initiated by Homes North.

The transfer of a Homes North tenant to alternative housing may be in the interests of Homes North in circumstances such as:

- The household size has decreased and the property is currently under-occupied and could be better utilised by an applicant or other Homes North tenant
- Homes North wishes or is required to return the property to the owner/agent
- Homes North wishes to redevelop the property as part of its asset management and property improvement strategy.

Homes North will encourage the relocation of tenants of such properties where it is deemed to be in the interests of Homes North. Homes North will act with respect and fairness within the provisions of all relevant legislation in any discussions and arrangements made with such tenants.

Where a tenant is transferred for management purposes, the tenant may apply to Homes North prior to relocating, for financial assistance with removal costs relating to furniture, belongings and utility transfers. Homes North will assess the tenants individual situation and make a decision on a case by case basis on the financial assistance to be offered.

4.3 Management transfer from leasehold properties

For the purpose of this policy, Management Transfer is where the tenant of a leasehold property can no longer continue the tenancy because the property owner has given notice to return the property due to sale or some other reason.

Every effort will be made to locate appropriate accommodation within the current Housing Pathways allocation zone for the tenant prior to the expiration of the Leasehold lease agreement. This is subject to the tenant's eligibility.

4.4 Wait-turn transfers

4.4.1 Moderate overcrowding

Moderate overcrowding is when there is an increase in the size of the household that results in the household having fewer bedrooms than they would otherwise be entitled to, but is not severe. For example:

- Three children sharing a bedroom
- An adult or couple sharing a bedroom with a child under three years of age
- Two unrelated adults sharing a bedroom.

The tenant will need to substantiate the moderate overcrowding by producing documents indicating the number of household members, their age, gender, size of the bedrooms and the size of the living area.

Aboriginal tenants may seek a transfer when wanting to take up an entitlement to an extra bedroom to meet family responsibilities. Such transfers will be on a case by case basis where:

- there is available housing stock

- there are no recorded breaches of the Residential Tenancy Act
- cultural need can be demonstrated.

4.4.2 Under-occupancy

Under-occupying a property is when a tenant has more bedrooms than they require. It is usually the result of other household members moving out of the property.

Where a tenant's household size has reduced to an extent the property is under-occupied, Homes North will encourage the tenant to transfer to smaller accommodation. Such matters will be handled sensitively and any decision to relocate will be at the discretion of the tenant. When a tenant requests a transfer because they are under-occupying their property Homes North will:

- Consider the impact on the tenant
- Review the benefits and costs to Homes North of transferring the tenant, including the demand for the current property
- Consider the tenant's requirements for an alternative property and how they can be best met.

Where a tenant has been asked to transfer due to under-occupancy the tenant may, prior to relocating, apply for financial assistance with removal expenses for furniture and belonging. Homes North will assess the tenants individual situation and make a decision on the financial assistance to be offered.

The amount offered will be reasonable taking into account the distance of the move and size of the household. Relocation costs will only be approved when the nominated removalist that has a current ABN number.

4.5 Number of offers to approved transfer applicants

Homes North applies [Housing Pathways Transfer Policy](#) – number of offers to ensure state-wide equitable access to responding to change in circumstances.

Generally, tenants who have been approved for a transfer will receive two reasonable offers of alternative accommodation. If a social housing tenant rejects two reasonable offers, Homes North will remove their name from the NSW Housing Register.

For further details refer to [FACS Matching and Offering a Property to a Client Policy](#).

Number of Offers to Leasehold Management Transfer Applicants

Homes North tenants who are being transferred for management purposes will receive two reasonable offers of alternative accommodation.

The Operations Manager may approve the offer of rehousing outside of these guidelines where the tenant has demonstrated with supporting documentation that the property does not match their social housing need.

4.6 Rental bonds

Where a tenant is transferring from a property where they have lodged a rental bond, the bond can be transferred to the new property.

The existing rental bond will be transferred to the new property if:

- All debts from the current tenancy having been cleared including rent and non-rental debts
- A property inspection having been completed and it being reasonably assumed there will be no post-tenancy charges made against the tenant.

In matters where a leasehold property is subsequently being returned to a landlord, Homes North will wait for confirmation from the landlord of any likely charges prior to transferring the bond.

4.7 Notification of outcome of application

Homes North will provide the applicant with written advice on the outcome of their application within 20 working days, including the reason for Homes North's decision. If the application is declined, the tenant will receive information about Homes North Appeals process.

4.8 Appealing decisions

If a client believes Homes North has made a wrong decision they should ask for a formal review of the decision. To do this, the client needs to complete an Homes North **Appeals Form** stating why they disagree with the decision. An Appeal Form is available from Homes North's office and can also be downloaded from our website <http://www.homesnorth.org.au>

If the client (known now as an appellant) is dissatisfied with the outcome of the Internal Appeal process they can proceed to make an appeal to the independent Housing Appeals Committee (HAC). Homes North will advise the appellant how to lodge an appeal with HAC. Alternatively, they may access the HAC on www.hac.nsw.gov.au or free call on 1800 629 794. The HAC is an independent appeals agency for all NSW social housing clients.

This policy is subject to change from time to time at the discretion of Homes North. Where an individual is observed to not be working within the scope of this policy, the breach will be addressed by a team leader.

5. Responsibilities

It is the responsibility of:

Chief Executive Officer to ensure this policy and associated procedures are applied and committed to by the Senior Management Team.

Operations Manager, Housing Managers, Asset Manager to ensure familiarity with this policy and related procedures, to commit to following them accordingly and where relevant, promote the policy to their teams.

Employees to ensure they comply with this policy, be responsible for their own behaviour and if required, attend relevant training as provided by the company from

6. Where to get more information

Contact Homes North on 67725133 or www.homesnorth.org.au

Relevant Legislation

Residential Tenancy Act (2010)

Related policies/documents

- Succession of Tenancy Policy
- Visitors and Additional Visitors Policy
- Appeals Policy
- Deceased Tenant Policy
- Appeals Factsheet
- FACS Application for Housing Assistance Form
- Transfer Supplement Community Housing Tenants Only Form

National Community Housing Standards

Standard 1.3 – Changing Needs of Tenants (in Social Housing)

Policy Information

Policy number: 1.3.1\1

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