



Deceased Tenant Policy

1. Purpose

This document defines Homes North’s approach to managing the tenancy of a property where the tenant is deceased. Homes North will deal with this regrettable matter in a compassionate and discreet manner.

2. Scope

This policy applies to Homes North tenants.

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 fair and effective management of tenancies in the regrettable scenario where a tenant has passed away.

This policy outlines the approach Homes North takes to compassionately and discreetly manage such cases.

On occasions, Homes North will be advised of the death of a tenant by a family member, a friend, neighbour, the police, next-of-kin or the executor of the estate.

4.1 Initial actions

When Homes North is advised of a tenant’s death, action will firstly be taken to ensure the property is secure and ascertain if there are additional approved occupants of the household or if the tenant was the sole occupant. If there are other members of the household, Homes North may

consider offering a succession of tenancy. If the tenant was the sole occupant, Homes North's actions will depend on whether the tenant had a valid will, that is, whether they were testate.

4.2 Sole testate occupant

Where Homes North determines the deceased tenant has a will and/or is informed of this by next-of-kin or executor the estate, the following action will be taken:

- Adjust the rent and non-rent balances up to the date the tenant passed away. This is regardless of any Allocation of Payment Agreement.
- If there is a credit balance, the balance will be forwarded to the executor of the estate.
- If there is a debit balance, the debit will be referred to the executor of the estate for payment.
- Ascertain when the property will be returned to Homes North.
- If the property is not returned to Homes North by the executor within fourteen days, Homes North may take action through the [NSW Civil & Administrative Tribunal \(NCAT\)](#) to seek possession in accordance with the Residential Tenancy Act 2010.

4.3 Sole intestate occupant

Where Homes North determines the deceased tenant did not have a valid will and there is no executor the following action will be taken:

- Liaise with the NSW Police to ascertain if the tenant has any next-of-kin.
- Advise the Public Trustee, who will manage the tenant's affairs in relation to wills, probate and administration of the deceased estate.
- Where there are no next-of-kin and goods have been left in the property, Homes North will dispose of the goods in accordance with the Residential Tenancies Act 2010.

4.4 Other approved household members

Where there are approved additional occupants of the household (i.e. declared on the lease), Homes North will advise the occupants of Homes North [Succession of Tenancy Policy](#) and offer them the opportunity to apply.

The other household member must have been an approved occupant, be eligible for social housing. Should the other household member be successful in their application for succession, they may be required to relocate to another property if the current property is found to exceed their needs or otherwise not suit their circumstances.

4.5 Consideration of wellbeing of other tenants and staff

The death of a tenant will invariably cause distress to other tenants. Neighbours and staff may also be affected. In severe circumstances Homes North's Operations Manager may consider the provision of counselling for affected tenants and neighbours. Affected staff will be encouraged to seek assistance through our Employee Assistance Program.

4.6 Authority

Approval for succession of tenancy where the tenant has passed away will be made by the Homes North Operational Manager.

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 the:

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

Senior Housing Managers & Asset Manager to provide the team with timely policy-related support and guidance, to ensure familiarity with this policy and related procedures, to commit to following them accordingly and where relevant, promote the policy to their team.

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 time to time.

6. Where to get more information

Contact Homes North on 67723155 or armidale@homesnorth.org.au

Relevant legislation

- [Residential Tenancy Act 2010](#)

Related documents/resources

- Appeals Policy
- Appeals Factsheet
- Succession of Tenancy Policy

National Community Housing Standards

Standard 1.4 – Ending Tenancies

Policy information

Policy no: 1.4.1\1

Adopted: March 2017