

POLICY

Succession of Tenancy

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 consider an application to succeed a tenancy when:

- The tenant dies.
- The tenant permanently leaves the property to:
 - live in a residential care facility (nursing home or other supported accommodation)
 - care for sick or frail family members
 - serve a sentence in custodial facility e.g. prison
 - fulfil cultural obligations.
- A final apprehended violence Order (AVO) is made prohibiting the tenant from accessing the property.
- Family breakdown / separation
- Other circumstances on a case-by-case basis

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. During this time, applicants will be granted a short-term residential tenancy agreement to allow the application for succession to be completed and considered.

Applications (including incomplete applications) made after this time frame may not be considered (refer Unsuccessful and Incomplete applications).



Applications for succession will be assessed within twenty-eight (28) days from the date of receipt of application. Applicants will be advised of the outcome in writing.

Where an application for succession is declined, Housing Trust will work with the tenant to develop a transition plan and agree an appropriate time frame for relocation.

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 approved 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)
- Demonstrates a satisfactory history of occupation within the tenancy.
- 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.

Legal guardian or custodian of minors

Housing Trust will consider succession of tenancy where the applicant has provided details/evidence of continued care for minors who reside in the property. Succession may 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 still grant succession if: -

- The applicant has been formally granted custody/guardianship of the children, and
- It is in the best interests of the children; and
- The applicant can demonstrate that no alternative accommodation is available that is suitable for the care of the tenants' children,

A person who is a minor between the ages of 16-18 may also be considered for succession, subject to the consent of a legal representative/custodian and the ability of the minor to care for themselves and to meet their obligations under a tenancy agreement.

These decisions will be carefully considered on a case-by-case basis, with the best interest of the children and minors at the centre of the decision.

Where specialist support services are actively engaged, and consent is provided, Housing Trust will ensure these services contribute to decision making and development of support plans to assist with ongoing tenancy sustainment.



Entitlements of Succession

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

Where succession is approved, Housing Trust will review the housing and locational needs including 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. In these circumstances, Housing Trust will ensure a supported relocation process to minimise the impact on the tenant.

Applications not considered

Applications will not be accepted if a person applying for succession has:

- Not been approved as a household occupant or has not been included on applications for rent subsidies.
- Been classified as an unsatisfactory occupant or former tenant. This includes but is not limited to: -
 - Damaged property
 - Rent or non-rent debt
 - Tenancy terminated due to breach of the residential tenancy agreement.
- Been involved in illegal or violent activities in any of our properties.

Unsuccessful or Incomplete 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 by way of a termination notice. As a guide this will normally be 30 days, considering current market conditions and individual circumstances.

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.



Reference or Related Documents

Internal

1. Abandonment Premises and Uncollected Goods Policy
2. Absence from Property Policy
3. Allocations Policy Social Housing
4. Death of a Tenant Policy
5. Social Housing Eligibility Policy
6. Appeals Policy
7. 105004 Application for Succession- of Tenancy
8. 107013 Succession of Tenancy Letter
9. Work Instruction - Steps on how to complete Succession of Tenancy in GT V02 20200707 (being updated)
10. Succession of Tenancy checklist

External

1. Residential Tenancies Act 2010
2. Residential Tenancies Regulation 2019

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
V 5.0	Policy reviewed and expanded to include granting a short term tenancy agreement for applicants applying for succession and including a transition plan for unsuccessful applications. Further detail also included around legal guardians and custodians of minors. Policy reviewed and supported by TAG.	27.02.2024	Approved for release by Amanda Winks Chief Operations Officer