



# TENANT TRANSFER POLICY

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# TENANT TRANSFER POLICY

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## 1. POLICY STATEMENT

Many Rivers is committed to providing housing appropriate to the needs of tenants and applicants.

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

For sector consistency, Many Rivers' aligns our Tenant Transfer Policy with the NSW Government Housing Pathways Transfer Policy.

## 2. PURPOSE

This policy explains the criteria Many Rivers applies when a tenant applies for a transfer to another property due to a change in circumstance or when a tenant needs to relocate for management purposes.

This policy outlines the eligibility criteria for transfers, requirements for supporting documentation, circumstances that warrant priority consideration and relocation expenses.

This policy outlines three types of transfer:

- Transfers given priority
- Management transfers
- Wait-turn transfers

## 3. SCOPE

Many Rivers tenants, excluding tenants housed in Affordable Housing and Employment Related Accommodation (ERA) Scheme.

## 4. DEFINITIONS

Owning Partner: An owner of community housing for whom Many Rivers provides property management services.

## 5. ELIGIBILITY FOR TRANSFER

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

- Be eligible for community 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 being offered a property
- Be up-to-date with their current tenancy accounts at the time of being offered 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.

## 6. TRANSFERS GIVEN PRIORITY

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

## **6.1 Being 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.

## **6.2 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.

## **6.3 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), Many Rivers 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, Many Rivers 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.

## **6.4 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 any relevant 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.

## **6.5 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.

## **6.6 Severe overcrowding**

Many Rivers 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

## **6.7 Family breakdown/separation**

If there is a serious breakdown in a family relationship, Many Rivers may consider providing separate accommodation for the household member who has left the property. Many Rivers 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 Many Rivers' records as living at the property
- The person is eligible for community housing
- The application is being made within six months of moving out of the

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

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 Many Rivers for housing in their own right.

## **7. MANAGEMENT TRANSFER: RELOCATING TENANTS FOR MANAGEMENT PURPOSES**

A management transfer is any transfer that is initiated by Many Rivers. The transfer of a Many Rivers tenant to alternative housing may be in circumstances such as:

- The household size has decreased and the property is currently under-occupied and could be better utilised
- Many Rivers wishes or is required to return the property to the owning partner
- The owner wishes to redevelop the property as part of its asset management and property improvement

Many Rivers 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 Many Rivers prior to relocating, for financial assistance with removal costs relating to furniture, belongings and utility transfers. Many Rivers will assess the tenant's individual situation and make a decision on a case by case basis on the financial assistance to be offered.

Every effort will be made to locate appropriate accommodation for the tenant prior to the expiration of the lease agreement. This is subject to availability and the tenant's eligibility for any available housing stock.

## **8. WAIT-TURN TRANSFERS**

### **8.1 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
- Unable to meet cultural and family obligations

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.

### **8.2 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, Many Rivers may 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 Many Rivers will:

- Consider the impact on the tenant
- Review the benefits and costs to the owning partner 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. Many Rivers will assess the tenant's 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.

## **9. FACILIATING TRANSFERS WITHIN ABORIGINAL COMMUNITY HOUSING AND NOTIFICATION**

Many Rivers endeavours to provide two reasonable offers of alternative accommodation.

The demand for Aboriginal community housing stock exceeds to supply. Additionally, there is limited movement of tenancies within Aboriginal Community Housing. Aboriginal community housing provides long-term tenancies, and, through successions of tenancy, it can happen that multiple generations reside in the same property.

This means that providing alternative accommodation options and transfers are not always possible

There can be multiple community housing waitlists operating in one area, for example the Housing Pathways List and the different lists of Local Aboriginal and Councils. Many Rivers works with all applicable sector partners to be able to offer options to tenants. This can include the Aboriginal Housing Office, Local Aboriginal Land Councils, and other Community Housing Providers operating in the region.

Many Rivers will provide the applicant with written advice on the outcome of their application within 20 working days, including the reason for Many Rivers decision.

If the application is declined, the tenant will receive information about Many Rivers' Appeals process.

## **10. OTHER DOCUMENTS**

Complaints and Appeals Policy

Housing Pathways – Transfer Policy [www.facs.nsw.gov.au/housing/policies/transfer-policy](http://www.facs.nsw.gov.au/housing/policies/transfer-policy)