

Tenancy Succession Policy

Version 2.2

This policy has been adopted by:

Name of Company	Adoption Date
Community Housing Ltd (CHL)	June 2023
Community Housing (Vic.) Ltd (CHVL)	June 2023
Community Housing (TAS) Ltd (CHTL)	June 2023
Community Housing (QLD) Ltd (CHQL)	June 2023
Community Housing (Cairns) Ltd (CHCL)	June 2023
Community Housing (Pathways) Ltd (CHPL)	June 2023

And any other entities within CHL which adopt this policy.

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1. INTRODUCTION

Community Housing Limited Group of Companies (CHL) seeks to ensure that existing householders of tenancies in which the primary renter/tenant is no longer able to remain in the property and/or in that capacity, are provided an opportunity, if appropriate, to continue occupying the home. CHL recognises that renters’/tenants’ needs and circumstances can change over time and is committed to ensuring existing householders are not displaced unnecessarily. CHL may approve requests from existing householders to succeed a tenancy and have the existing tenancy transferred to them, by signing a new lease agreement in their name.

2. AIM

The aim of this policy is to:

- Enable CHL to assist existing householders with housing stability
- Provide clarity on when CHL can facilitate tenancy successions
- Ensure CHL maintains quality allocation and eligibility processes for its housing portfolios

3. PRINCIPLES OF CHL’S TENANCY SUCCESSION POLICY

To ensure housing stock within Australia is appropriately utilised and meets the changing needs of renters/tenants, CHL may approve a request from an existing householder to have the tenancy transferred into their name should the primary renter/tenant be unable to remain in the property and/or in the capacity of primary renter/tenant.

Householders seeking a succession of tenancy must meet the eligibility criteria outlined in this document and comply with any program requirements that the property may be subject to.

3.1. Succession of tenancy

CHL can only facilitate succession of tenancies in particular and defined circumstances. This is to ensure that our allocation of available properties remains a fair and equitable process and supports all renters/tenants seeking housing through CHL.

Where a renter/tenant has a genuine request for a succession of tenancy, CHL will ensure they are supported to complete the succession request process and associated application forms for the house they are occupying. CHL will ensure renters/tenants understand the obligations and responsibilities they will be expected to undertake as the new primary renter/tenant, such as the condition of the home, all rent and outgoing charges, bond requirements, etc.

3.2. Succession of tenancy circumstance criteria

It is important that CHL maintain clear succession of tenancy circumstance criteria, which is readily communicated to householders wishing to request a succession, so that decisions regarding succession requests are transparent to all parties involved.

Succession of tenancy will only be granted in circumstances where the primary renter/tenant:

- Is deceased, or
- Has been incarcerated for a period of more than six months, or
- Is involved in a domestic or family violence order pertaining to the householder that excludes them from residing in the dwelling for a period of 6 months or more, or
- Has been permanently relocated to a residential care facility

3.3. Succession of tenancy eligibility criteria

It is important that CHL maintain clear succession of tenancy eligibility criteria, which is readily communicated to householders wishing to request a succession, so that decisions regarding succession requests are transparent to all parties involved.

Householders will only be eligible to request to succeed a tenancy if the person requesting the succession of tenancy:

- Is eligible for the accommodation type and housing program (this may include also being a registered housing applicant on a state based or approved waiting list), and
- Has been residing in the property immediately prior, as a declared householder and contributing to rent and payments if applicable, and for a period of twelve months or more, and
- Is over the age of 16 years, and
- Is an immediate relative, spouse or carer of the primary renter/tenant
- Has not been the subject of or involved in any significant validated anti-social behaviours, malicious tenant related damage or neighbourhood disputes relating to their occupation of the property for a period of at least six months prior to the succession application.
- Is in engaged or agrees to be in an active payment plan for any debt associated with the existing tenancy.

In instances where there are more than one existing householder requesting succession of a tenancy, preference will be given to spouses/declared partners of the existing primary renter/tenant and then to adult children of the existing primary renter/tenant. A needs-based assessment for the succession preference may also be conducted by the CHL housing services team to determine the preference of applicants.

3.4. Abandonment of property

A succession of tenancy will not be granted in instances where the primary renter/tenant has abandoned the property unless exceptional circumstances are evident. This decision would be reviewed by the appropriate manager who will regard such facts as:

- Length of time the property has been occupied by the requesting person
- If rent has been paid by requesting person
- Relationship to the exiting renter/tenant
- Need and eligibility for housing
- Whether they have a current application for housing registered

3.5. Requirements of new tenancy

If a succession of tenancy is granted to an existing householder, the nominated householder will be required to sign a new CHL lease and sign an acknowledgement that they will accept the original ingoing property condition report completed at the commencement of the original lease under the previous primary renter/tenant.

The renter/tenant will acknowledge that they are accepting the property in its current state including accepting responsibility for any damages to the dwelling. They will abide by all conditions of the tenancy outlined in the tenancy agreement as per the state Residential Tenancies Act.

The new renter/tenant must also acknowledge that, if rent is based on household income, that as a result the rent may be recalculated based on the new proposed household income.

4. PUTTING THESE PRINCIPLES INTO PRACTICE

CHL will require householders to make a request for a succession of tenancy and submit it with the required information. The request must be submitted by the person requesting succession. If the primary renter/tenant is in a correctional facility, written advice supporting the succession of tenancy is to be sought from the primary renter/tenant or state justice department.

Supporting documentation should be supplied including the following documentation:

- Proof of ID
- Proof of household income or completed CHL Centrelink Consent form (to verify income with Centrelink online for all householders in receipt of a Centrelink payment)
- Documents to support their reason for requesting to succeed the tenancy, where appropriate

Requests will be processed in line with CHL's policies and procedures. Notification of approval or decline will be made to the householder in writing, with specified details for the decision made by CHL. This will also include details of the next steps a householder can or will be required to make in relation to their application.

Related processes in the State Tenancy Operations Manual support CHL staff in their implementation of this policy.

5. APPEAL OF DECISION

Renter/tenants may appeal any decision that has been made by CHL regarding their request for succession of tenancy through CHL's Appeals Policy.

6. RELATED RESOURCES

6.1. CHL Group References

National Housing and Homelessness policies
Vacant Property Management Policy and Procedure
CHL Customer Promise
CHL Customer Feedback and Appeals Policies and Procedures

6.2. External References

National Regulatory Community Housing Standards
Victorian Community Housing Regulatory Framework
Western Australian Community Housing Regulatory Framework
Housing Assistance Act 1996 (COM)
State Housing Acts (NSW 2001, NT 1982, QLD 2003, SA 1995, TAS 2022, VIC 1983, WA 1980)
State Residential Tenancy and Rooming Acts (NSW 2010, NT 1999, QLD 2008, SA 1995, TAS 1997, VIC 1997, WA 1987)
Community Housing Providers National Law Acts 2013 (NT, NSW, QLD, SA and TAS)
The National Affordable Housing Agreement
NRSCH National Regulatory Code
Consumer Charter for Community Managed Housing and Homelessness Services (VIC)
NDIS Quality and Safeguarding Framework
National Disability and Insurance Scheme Act 2013
NDIS Code of Conduct and Rules
The Human Rights and Responsibilities Charter Act 2006 (VIC)
Human Rights Act 2019 (QLD)
Privacy Act 1988 (COM)
State Housing Program Contracts and Housing Management Agreements

7. MONITORING AND REVIEW

This policy is maintained and managed by the CHL Group's Chief Operations Officer.

This document should be reviewed and revised periodically and/or as required. The period between reviews must not exceed two years. This document remains valid until such time that a new version is published

Review History

Document reference	Date Approved	Version	Reason for review	Review frequency	Owner	Approver(s)
POLHOUAUSNATTSU202302	March 2024	2.2	Reformat	Existing	Chief Operations Officer	Executive
POLHOUAUSNATTSU202306	June 2023	2.1	NT Inclusions	Existing	National Manager Operations	Managing Director
POLHOUAUSNATTSU202302	April 2023	2.0	Scheduled review	Biennially	National Manager Operations	Managing Director
POLHOUAUSNATTSU202101	July 2021	1.0	New document*	Biennially	National Manager Operations	Managing Director

* Terminology change July 2021 – 'customer' to 'renter/tenant'