

Renter/ Tenant Transfer 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 its renters/tenants are appropriately housed, while maintaining appropriate utilisation of its housing portfolios throughout Australia. CHL recognises that Renters’/Tenants’ needs can change over time and is committed to ensuring renters/tenants are housed in suitable accommodation settings. CHL may approve requests from renters/tenants to transfer to an alternative property within its portfolio, subject to eligibility criteria, stock availability and program requirements.

2. AIM

The aim of this policy is to:

- Enable CHL to assist existing renters/tenants with housing mobility
- Provide clarity on when CHL can facilitate transfers
- Ensure CHL maintains quality utilisation of its housing portfolios

3. PRINCIPLES OF CHL’S RENTER/TENANT TRANSFER POLICY

To ensure housing stock within Australia is appropriately utilised and meets the changing needs of renters/tenants, CHL may approve a request from a renter/tenant to transfer to an alternative property. Renters/tenants seeking to transfer must meet the eligibility criteria outlined in this document.

3.1. Transfer eligibility

CHL cannot support all renters/tenants to transfer between properties, given the increased pressure placed on resources and the limited availability of housing stock to facilitate this process.

Where a renter/tenant has genuine need for a transfer, CHL will ensure they are supported to complete the transfer application. CHL will ensure renters/tenants understand the obligations and responsibilities that they may be expected to undertake for this process to occur (such as removalist costs, vacate cleaning requirements for the property they are leaving, requirements to ensure regular reviews of transfer applications are conducted, and that renter/tenant is contactable).

3.2. Transfer eligibility criteria

It is important that CHL maintain clear transfer eligibility criteria, which is readily communicated to renters/tenants wishing to transfer, so that decisions regarding approvals of transfer applications are transparent to all parties involved.

Renters/tenants will be deemed eligible for transfer in the following circumstances:

- The renter's/tenant's circumstances and/or needs have changed and as a result they are either under or over occupying their current property, or
- The renter's/tenant's circumstances and/or needs have changed and as a result their current property is no longer suitable i.e. for medical reasons and cannot be readily modified, or
- The renter/tenant is in a domestic or family violence situation whereby an order is in place and the renter/tenant is required to move
- The transfer cannot be in contradiction to any of the requirements specified in the relevant housing program or contract

To qualify for a transfer, a renter/tenant must have had no substantial breaches of tenancy for at least one year. The renter/tenant must be the primary renter/tenant of a CHL owned or managed property.

A substantial breach of tenancy includes the following:

- Rental arrears debt more than 14 days whereby no payment plan is in place
- Non-tenancy related debt more than \$200.00 (being for expenses other than rental debt, i.e. water usage owing) whereby no payment plan is in place
- The renter/tenant has been subject to complaints of antisocial or disruptive behaviour that have been validated
- The renter/tenant has been breached for unacceptable property standards or property damages that have not been rectified in accordance with the Residential Tenancy Act and where the renter/tenant has been appropriately informed of the concern and provided with an opportunity to remedy the issue

3.3. Transfer categories

When a renter/tenant has been approved for transfer by CHL, they will be assessed based on their circumstances and will be categorised based on the urgency of their need for transfer. This is undertaken by a review of the approved application using the CHL internal needs assessment process and any associated program and/or contractual requirements. The date that the application is received by Community Housing Limited will be the listing date, being the date that the application is listed on the internal transfer waitlist. CHL qualifies applications into 3 distinct categories of urgency:

3.3.1. Category 1 – urgent need

Renters/tenants placed in Category 1 will be deemed in need of an urgent transfer. This category may include renters/tenants leaving a domestic or family violence situation.

3.3.2. Category 2 – high need

Renters/tenants placed in Category 2 will be deemed in need of requiring a transfer soon – with moderate urgency. This category may include renters/tenants whose current property is no longer suitable for their needs as their personal circumstances and/or capacity has changed.

3.3.3. Category 3 – moderate need

Renters/tenants placed in Category 3 will be deemed eligible for transfer with low urgency. This category may include renters/tenants whose household structure has changed significantly.

3.4. Transfer costs

All renters/tenants are required to pay all costs associated with transferring their tenancy to a new dwelling.

These costs will include (but are not limited to):

- Two weeks assessed rent for the new accommodation being for rent in advance
- Any established renter/tenant liability cost or non-tenancy related debt charge incurred from the previous property from which they have transferred (i.e. any costs associated with cleaning the vacated property and outstanding service charges)
- Payment of any outstanding and final water consumption costs
- Removal and relocation of furniture and personal belongings
- Removal and repair of any modifications/alterations made to the previous dwelling
- Service connection fees from the previous to the new property
- Payment of bond for new accommodation where no bond has previously been held or cannot be transferred

If the renter/tenant has a bond held for the current property that they reside in, this may be transferred to the new property dependent on the total bond chargeable on the new property. There may be surplus or amounts owing. Surplus amounts will need to be refunded through the normal bond disposal procedures. Any additional amounts owing must be paid in full and/or arrangements to pay in place before the new tenancy can take effect. If the bond cannot be transferred, a new bond must be paid before the new tenancy can commence and the previous bond dispersed using the normal bond disposal procedures.

The renter/tenant must be aware that no deductions can be made from the bond held on the previous property for any cleaning or maintenance required to bring the property back to the required standard for vacating a property if the bond is to be transferred to the new property.

3.5. Vacating a property before transfer is received

If a renter/tenant who has been approved a transfer vacates their property prior to receiving a transfer, the transfer application will be deemed withdrawn and the transfer applicant will be notified accordingly. If the renter/tenant approaches CHL for assistance to source housing in the future, they will be required to undertake and adhere to normal registration procedures for people seeking housing assistance, as determined by state government and CHL policies, as their transfer application cannot be reinstated.

4. PUTTING THESE PRINCIPLES INTO PRACTICE

CHL will require renters/tenants to complete an application for transfer and submit it with the required information including:

- Proof of ID
- Proof of household income or CHL consent form to verify income with Centrelink online for all householders in receipt of a Centrelink payment
- Documents to support their reason for the transfer application
- If applicable, evidence required that the renter/tenant is eligible for the housing program they are seeking to enter

Applications will be processed in line with CHL policy and procedure. Notification of approval or decline will be made to the renter/tenant in writing, with specified details for the decision made by CHL. This will also include details of the next steps a renter/tenant 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.

4.1. Timeline for acceptance if a transfer offer is made

If a renter/tenant who has been approved a transfer receives an offer for an alternative property, the renter/tenant must advise CHL of their decision within 2 business days of the offer being made. CHL will take the offer to be rejected should a response not have been received within this time frame. These timeframes exist to ensure that CHL is maintaining its commitment to minimising vacancy rates and housing people.

5. APPEALS

Renters/tenants may appeal any decision that has been made by Community Housing Limited regarding their application for transfer through Community Housing Limited's Appeals process.

6. RELATED RESOURCES

6.1. CHL Group References

National Housing and Homelessness policies
Vacant Property Management Policy and Procedure
State based Program Contracts
Related processes in the CHL Tenancy Operations Manual in each State

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)

Related resources (cont.)

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)
Owners Corporations Act 2006
State Civil and Administrative Tribunal Acts
National Rental Affordability Scheme Act 2008 (National)

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)
POLHOUAUSNATTFR202402	March 2024	2.2	Reformat	Existing	Chief Operations Officer	Executive
POLHOUAUSNATTFR202306	June 2023	2.1	NT Inclusion	Existing	National Manager Operations	Managing Director
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POLHOUAUSNATTFR202101	June 2021	1.0	New document*	Biennially	National Manager Operations	Managing Director

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