

# DECEASED TENANT POLICY



## Purpose

From time to time, Affordable Community Housing Limited (ACHL) 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. This document outlines ACHL's policy for managing this situation with regard to the tenancy of the property. ACHL will deal with this regrettable matter in a compassionate and discreet manner.

## Initial Actions

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

## Sole testate occupant

Where ACHL 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 balance up to the date the tenant passed away
  - 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 cancelled and written off
- Ascertain when the property will be returned to ACHL
  - If the property is not returned to ACHL by the executor with fourteen days, ACHL may take action through the Consumer, Trader and Tenancy Tribunal (CTTT) to seek possession in accordance with the Residential Tenancy Act 2010.

## Sole intestate occupant

Where ACHL 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, ACHL will dispose of the goods in accordance with the Residential Tenancies Act 2010.

## Other approved household members

Where there are approved additional occupants of the household (i.e. declared on the lease), ACHL will advise the occupants of ACHL's policy on succession of tenancy and offer them the opportunity to apply.

The other household member must have been an approved occupant for the past two years and 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.

## Authority

Approval for succession of tenancy where the tenant has passed away will be made by the ACHL Housing Services Coordinator.

Deceased Tenant Policy - Adopted 19th October 2010

Providing secure, affordable housing to those most in need.

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