

# TRANSFER POLICY



## Purpose

Affordable Community Housing Limited (ACHL) tenants may apply for a transfer to another property if a change in circumstances makes their existing property or location no longer suitable. The application must be made on the approved form, which is available from any ACHL office. This policy outlines ACHL's eligibility criteria for transfers, requirements for supporting documentation, circumstances that warrant priority consideration, rental bonds, relocation expenses and which ACHL staff may make decisions regarding transfers.

## Eligibility for transfer

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

- Be eligible for ACHL housing at the time they make the application
- Be up-to-date with their current tenancy accounts
- Have fully repaid any outstanding accounts from any former tenancy.

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.

Exceptions may apply if the tenant's household can demonstrate an urgent need for a transfer and they have the approval of the Housing Services Co-ordinator.

ACHL will consider the degree of difficulties or severity of the circumstances being experienced. All approvals will be considered based on individual circumstances and ACHL resources. ACHL will consider all options (other than a transfer) to help resolve any problems being experienced by the tenant at their current property.

ACHL will not pay compensation for relocation expenses to tenants who are re-housed as a result of their application for a transfer.

## Priority Transfers

Clients may make a complaint verbally to an ACHL staff member in person or on the telephone. This would usually relate to minor matters and may be resolved to the client's satisfaction in this instance.

If talking does not resolve the matter, or if the client prefers, they also have the option of lodging a formal, written complaint. ACHL encourages written complaints in order to monitor client issues and ensure any possible improvements to ACHL processes are identified and appropriate action can be taken.

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

- Being at risk
- A medical condition or disability
- Harassment
- Gaining employment or changes to current employment
- Compassionate grounds
- Severe overcrowding
- Family breakdown
- Tenancy reinstatement

## 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.

Transfer Policy - Adopted 17 May 2011

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## 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, and
- The current property and/or location no longer meets their housing needs e.g. the property is unable to be modified to meet their physical needs, or
- 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 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.

## 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), ACHL 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, ACHL 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, including removal costs if necessary. Such costs are subject to the Housing Services Coordinator's approval.

## 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 job that requires them to move in order to access or be eligible for their employment
- They are currently employed and are required by their employer to move to keep their job
- Commuting from their current location is impractical or would involve undue hardship
- Their current or offered employment is long-term and at least three days per week.

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.

## Compassionate grounds

Compassionate grounds for transfer may include:

- Being closer to a family member who needs the tenant's care
- Being closer to support networks or services not covered by medical or other factors such as counselling for refugees, child abuse services, rehabilitation services, HACC services, educational programs, etc.

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, that clearly states the need for the transfer.

A tenant may also need to move due to cultural isolation impacting on their wellbeing, if there is a lack of local support to the applicant. Application for transfer in such cases must include a recommendation from the ACHL Tenant Support Worker.

## Severe overcrowding

Transfers due to severe overcrowding relate to additional permanent members of the household and generally would not include additional residents who could apply for housing in their own right. The overcrowding should not be the result of approval having been given to other household members to reside at the property (ACHL Visitors and Additional Occupants Policy).

As there is an extremely high demand for larger accommodation, ACHL 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:

- Family reunion
- 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

Children currently sharing a bedroom now need their own bedroom because of a specific need such as:

- A disability or special medical need
- Severe behavioral problems
- Children of different sexes are sharing a room and one reaches puberty.

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ACHL considers suitable bedroom size to be as follows:

Household size	Number of bedrooms
Single person	1-2
Couple	1-2
1 or 2 adults with 1-2 children	2-3
1 or 2 adults with 3-4 children	3-4
1 or 2 adults with 5 or more children	4-5
Two or more single adults	1 per adult
Extended families	1 per single adult or couple and 1-2 children per bedroom

### Family breakdown/Separation

If there is a serious breakdown in a family relationship, ACHL may consider providing separate accommodation for the household member who has left the property. ACHL 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
- Irreconcilable problems between a parent and child or children.

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 ACHL's records as living at the property
- The person is eligible for social housing
- The application is being made within six months of moving out of the property.

In the case of family breakdown, the estranged family member will need to prove:

- They are/were a permanent member of the household
- They are listed on ACHL's records.
- They have declared their income and it is accounted for in the rent subsidy.

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 out.

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 ACHL for housing in their own right.

### Tenancy re-instatement

ACHL recognises that tenants escaping domestic violence may make decisions in a crisis that places their long-term housing at risk, such as ending their tenancy with ACHL rather than applying for re-housing.

Tenancy reinstatement can apply to former tenants who vacated their property because:

- They were under duress
- They had to move to a residential care facility
- They were placed in a custodial facility
- The tenant or a household member had care needs.

To be eligible for tenancy reinstatement, former tenants must:

- Prove they meet eligibility criteria for social housing
- Reapply within six months of vacating or, in the case of a custodial sentence, within three years.

The former tenant must continue to meet the current ACHL selection criteria and hold no outstanding debts with ACHL. If the application is approved, ACHL will try to offer the household appropriate alternative housing as soon as a vacancy arises.

### Wait-Turn Transfers

#### 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.

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.

#### 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, the tenant will be encouraged to transfer to smaller accommodation. Such matters will be handled sensitively and any decision to relocate will be at the discretion of the tenant. ACHL will provide assistance with removal costs subject to the approval of the Housing Services Coordinator.

While tenants should be encouraged to move to smaller accommodation, this will be deemed to be in the interests of ACHL. When the tenant agrees to the move, ACHL will act with respect and fairness within the provisions of all relevant legislation in any discussions and arrangement made with the tenants of such properties.

### **Rental Bonds**

Where a tenant is being transferred from a property where they have lodged a rental bond, the bond cannot be transferred to a new property. The tenant will need to pay a rental bond for the new property in accordance with ACHL's Rental Bonds Policy.

The existing rental bond will be refunded to the tenant subject to:

- All debts from the current tenancy having been cleared, including rent and non-rental debts
- A property inspection having been completed and it being reasonably assumed there will be no post-tenancy charges made against the tenant.

All steps will be taken to ensure the bond is refunded to the tenant within the shortest possible time. In matters where the leasehold property is subsequently being returned to a landlord, ACHL will wait for confirmation from the landlord of any likely charges prior to approving the refund of the bond to the tenant.

### **Limit of Offers to Approved Transfer Applicants**

A tenant approved for a transfer will receive the first offer, provided:

- They are still eligible for housing at the time of the offer
- The reasons for approving the transfer in the first instance still apply
- The tenant has no outstanding rent or non-rent owing to ACHL at the time of the offer.

The Housing Services Coordinator may approve the offer of housing outside of these guidelines where the tenant has demonstrated an urgent need to transfer and has indicated a genuine intent to clear any debt.

If the tenant rejects the first offer of a transfer, the reasons for the rejection must be in writing. Should the Senior Housing Manager deem the offer to be inappropriate, considering the reasons for the rejection, a second offer may be made.

Should the second offer be rejected, a recommendation

will be made to the Housing Service Co-ordinator to remove the tenant from the transfer list. Alternatively, the Housing Services Coordinator has the authority to make an additional offer.

### **Forced Transfer from Leasehold Properties**

For the purpose of this policy, forced transfer is where the tenant of a leasehold property can no longer continue the tenancy because the property owner has given notice to return the property due to sale or some other reason.

Where a leasehold property is returned by ACHL, every effort will be made to locate similar, appropriate accommodation within the current allocation zone for the tenant prior to the expiration of the lease agreement. This is subject to the tenant's eligibility.

Where a tenant is transferred under forced transfer from a leasehold property, the tenant may apply to ACHL for financial assistance with removal costs relating to furniture and belongings.

### **Relocating Tenants for Management Purposes**

The transfer of an ACHL tenant to alternative housing may be in the interests of ACHL in circumstances such as:

- The household size has decreased and the property is currently under-occupied and could be better utilised by an applicant or other ACHL tenant
- ACHL wishes to return the property to the owner/agent
- ACHL wishes to redevelop the property as part of its asset management and property improvement strategy.

ACHL will encourage the relocation of tenants of such properties where it is deemed to be in the interests of ACHL. ACHL 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 ACHL for financial assistance with removal costs relating to furniture and belongings.

### **Compensation for relocation expenses**

Where a tenant is transferred as a result of ACHL's need to relocate them, they may apply to ACHL for financial assistance with removal and re-establishment costs. The General Manager Housing Services retains the right to use discretionary powers to award an amount greater than \$1500 for tenants transferred as a result of this request.

The tenant will need to produce proof of the total cost of relocation and a minimum of two quotes for removal expenses.

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### Notification of Outcome of Application

When a decision has been made regarding an application for a transfer, ACHL will provide the applicant with written advice including the reason for ACHL's decision. If the application is declined, the tenant will receive information about ACHL Appeals process.

### Authority to Determine Transfers

Situation	ACHL staff member
First offer of a property	Housing Manager
Approve priority transfer	Senior Housing Manager
Approve wait-turn transfer	Senior Housing Manager
Decline priority transfer	Senior Housing Manager
Decline wait-turn transfer	Senior Housing Manager
Locational needs	Senior Housing Manager
Second offer approval	Senior Housing Manager
Offers in excess of two	Housing Services Coordinator
Remove a tenant from the transfer list	Housing Services Coordinator
Relocation costs	Housing Service Coordinator
Relocation costs in excess of \$1,500	General Manager Housing Services