

Succession of Tenancy

Purpose

This policy explains how Cawarra Residential will manage applications for succession of tenancy.

Scope

This policy applies to all social housing tenancies managed by Cawarra Residential (we, our, us).

Policy overview

Succession of tenancy is when we agree to transfer a tenant's right to a social housing tenancy to another eligible member of the household.

This policy has been developed to ensure that a household member with a satisfactory history of living in one of our properties and who also meets the social housing eligibility is not made homeless or suffers undue hardship because the tenant has died or left the property.

The right to succeed to a tenancy is balanced against the needs of clients on the Housing Pathways Register, particularly those determined to be in very high need.

Eligibility criteria

We may consider succession of tenancy when:

- ❑ The tenant has died; or
- ❑ The tenant is unable to remain in the property for reasons beyond their control, including:
 - hospitalisation
 - moving into a nursing home or a rehabilitation facility
 - imprisonment or other circumstances assessed on a case-by-case basis

Assessing eligibility

Only one person of the household is eligible to succeed to the tenancy. Tenants approved for succession of tenancy may be required to relocate to another property that matches the households needs.

When assessing eligibility, we will consider the following factors:

- ❑ The tenancy history, and
- ❑ The ability of the applicant to otherwise meet their housing needs
- ❑ To be eligible for succession of tenancy, the applicant must satisfy the following:
 - ❑ Be an approved household member for at least two (2) years prior to the request for succession (or throughout the time of the tenancy if it has been in existence for less than

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two years). If a property has been transferred to us from another provider, the period that a household member was included in the previous tenancy will also be counted.

- ❑ Demonstrate a satisfactory history of occupation within the tenancy. A spouse or de facto partner may be entitled to succession even if they have temporarily moved away for reasons related to the illness of the tenant, care of an ill person or their own ill-health. In these circumstances, the applicant must provide us with evidence that the temporary absence was due to these reasons
- ❑ Be prepared to sign a Residential Tenancy Agreement and take on the responsibility of managing the property, with support if required
- ❑ Be prepared to move into another property that is better suited to the new approved occupants
- ❑ We may grant succession to minors aged 16 or 17 years, if they can demonstrate that they are able to meet the terms of the Residential Tenancy Agreement
- ❑ We will consider the personal circumstances impacting on the household when assessing an application for succession. Tenants and household members who have the means to provide for the housing of other household members are expected to do so

Other circumstances

Legal guardian or custodian of minors

We will consider succession if the applicant agrees in writing to live in the dwelling and continue to provide care for the children.

If the applicant has applied for the custody of children, we may grant succession on condition that the applicant agrees in writing that the tenancy will be relinquished if the custody application is unsuccessful.

If the applicant does not meet the eligibility criteria for community housing, we may grant succession if:

- ❑ The applicant has been formally granted custody/guardianship of the children
- ❑ It is in the best interests of the children, and
- ❑ The applicant can demonstrate that no alternative suitable accommodation is available for the care of the children

In these circumstances, we may liaise with the relevant community services agencies to ensure that this is the best option for the children involved.

Aboriginal and Torres Strait Islander applicants

Succession of tenancy may be granted to an Aboriginal and Torres Strait applicant who was not a member of the tenant's household at the end of their tenancy. The circumstances under which we will consider this include if the applicant:

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- ❓ Is the tenant's child or if the tenant was active in the applicant's upbringing
- ❓ Has grown up in the dwelling and has a long-term association with the dwelling and the area. In these circumstances, the applicant must still meet all the other eligibility requirements.

Applying for succession

An applicant must apply for succession as soon as possible and within 28 days of the changes in the household's circumstances. We will not consider applications that are lodged more than 28 days after the tenant has died or left the property. In these circumstances, we may issue the household with a notice to terminate the tenancy.

Applicants for succession will be required to provide supporting evidence of the household changes such as a death certificate where the tenant has died.

The person applying for succession will sign up to a three-month fixed term tenancy with us while their application is being assessed. This is to formalise the occupancy of the property and to give the household time to find alternative accommodation if their application is unsuccessful.

Applications not considered

Applications will not be accepted if a person applying for succession has:

- ❓ Been an unsatisfactory former tenant of ours or any other social housing provider. An unsatisfactory tenant includes one who has damaged a property, has rental and/or non-rent debt or whose tenancy was terminated due to a breach of the Residential Tenancy Agreement.
- ❓ Been involved in illegal or violent activities in any of our property or those managed by any other social housing provider.

Appeals and Review of Decision

Decisions made under this policy are appealable.

If a tenant is not satisfied with a service we have provided or does not agree with a decision we have made, they can ask for a formal review. Our [Complaints and Appeals Policy](#) outlines the many ways for tenants to make an appeal. This policy, and a helpful information brochure, is available from our office or they can be downloaded from our website www.cawarraresidential.com.au

If a tenant is unhappy with the outcome of the appeal, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.

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Related Documents and Resources

Type	Title
Legislation	Residential Tenancies Act 2010
Policy	NSW Community Housing Water Charging Guidelines
Policy	Arrears Management Policy
Policy	Complaints and Appeals Policy