

# Transfer of Tenancy

---

## Scope

Tenant transfers occur when a tenant moves from one property to another, maintaining their security of tenure. Transfers can occur across NSW Department of Communities and Justice (DCJ) properties and other Community Housing Provider properties. This policy applies to all social housing provided by Cawarra Residential. For affordable housing tenancies, please refer to Cawarra Residential's Affordable Housing Policy.

This policy outlines how Cawarra Residential manages:

- ☐ tenant initiated transfers and
- ☐ management initiated transfers.

## Purpose

The policy is intended to ensure that tenants understand how Cawarra Residential applies fair and consistent processes to all tenants, provides security of tenure for tenants and ensures transparent decision making in regard to the transfer of a tenant between properties.

Cawarra Residential will manage transfers in accordance with the Residential Tenancies Act 2010 (RTA) and in line with obligations within the National and State Regulatory frameworks and this policy. For information on transferring tenant responsibilities to another household member refer Cawarra Residential's Succession of Tenancy Policy. Mutual Exchange of housing between tenants is not offered by Cawarra Residential.

## Tenant Initiated Transfers

Any tenant can apply for a transfer to another property if their household circumstances change and their existing property or location is no longer suitable. Cawarra Residential recognises that tenants' needs may change in relation to the property they occupy and will provide options to those meeting the following criteria:

- ☐ meet eligibility requirements for social housing
- ☐ rent and non-rent accounts are up to date with Cawarra Residential
- ☐ have no current RTA notices, NSW Civil and Administrative Tribunal (NCAT) orders or other serious complaints.
- ☐ demonstrate need by providing evidence to support:
  - a change in household circumstances
  - how the transfer will resolve their current situation requiring the transfer. Priority of a tenant initiated transfer is determined by the following factors:
- ☐ 'At risk' of violence, abuse, or neglect
- ☐ Under or over-occupancy of a dwelling

# Transfer of Tenancy

---

current property prior to accepting a transfer request)

- ❓ Serious and ongoing harassment
- ❓ Employment
- ❓ Family breakdown/separation
- ❓ Compassionate grounds.

Tenants in breach of their current tenancy with Cawarra Residential, including rent owing in arrears, are not eligible for transfer and will be provided with a plan to restore the breach. Cawarra Residential will consider all transfers on a case by case basis and approval for transfers for exceptional circumstances or those not meeting the criteria above can only be approved by the Executive Manager, Operations or their delegate.

All tenant initiated transfers deemed eligible will be placed onto the DCJ Housing Pathways list and will be visible to other housing providers in the nominated area. Cawarra Residential will manage communications on the transfer and monitors current Pathways transfers in accordance with this policy.

Further information on the Housing Pathways evidence requirements and Transfer Policy is available at <https://www.facs.nsw.gov.au/housing/policies/transfer-policy>

## Management Transfers

Cawarra Residential aims to manage its tenancies and property portfolio effectively to maximise the benefit that social housing can provide to people in housing need. From time to time, Cawarra Residential may require a tenant to move to another property managed by Cawarra Residential. Cawarra Residential will utilise the RTA to ensure the property portfolio can be managed appropriately. Consideration of the needs of tenants will occur as part of the decision-making process.

Management transfers can arise due to requirements of the organisation to better manage the portfolio of properties, tenancy related issues such as under-occupancy or overcrowding, leasehold properties that are required to be handed back to the owner and tenants no longer meeting eligibility requirements for social or affordable housing. Other exceptional circumstances may be approved at the discretion of the Tenancy Coordinator and or their delegate.

Management Transfers may be listed on the Housing Pathways Register as priority applications.

Cawarra Residential will work with tenants to ensure up to 2 reasonable offers for alternative properties are made. Should a tenant refuse the 2 offers, Cawarra Residential will seek to terminate the tenancy. Cawarra Residential will continue to offer further opportunities to the tenant to transfer during this process and will ensure appropriate links to support services are identified and engaged throughout the transfer process. Cawarra Residential may cover appropriate costs in relation to the transfer. Approval of costs is at the discretion of the Tenancy Coordinator or their delegate.

# Transfer of Tenancy

---

relocated while the redevelopment project is undertaken and then a second relocation to return to the site after it is redeveloped. Cawarra Residential will consider requests from tenants to return after the property redevelopment has been completed on a case by case basis. Criteria that Cawarra Residential will take the tenant's housing needs into account when making its decision are:

- ❑ the property meets the housing needs of the tenant and any approved household members; and
- ❑ the tenant meets the eligibility criteria for the relevant policy or program for that property; and
- ❑ it would meet any internal or external contracted business objectives or targets.

## Handing back the previous property

Transferring tenants are responsible for returning their previous property to the condition that it was in at the start of that tenancy (excluding fair wear and tear). Refer to the Cawarra Residential End of Tenancy policy for more information. The keys for the original property must be returned to us within 48 hours of the tenant signing their new Residential Tenancy Agreement. We will charge the tenant a daily occupation fee if they don't return the keys to us within 4 days.

## Complaints and Appeals

If a tenant is not satisfied with a service provided by Cawarra Residential or does not agree with a decision it has made, they should first discuss their concerns with their Tenancy Coordinator. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

## Related Policies

Succession of Tenancy Policy  
Social Housing Policy