

Scope

This policy outlines how Pacific Link Housing Limited (PLH) considers applications from tenants for housing transfer known as *tenant initiated* transfers to either another PLH property or another social housing property. The policy also explains the circumstances and process where PLH initiates a transfer, known as *Management Transfers*. This policy applies to tenancies managed by PLH, including social housing, affordable housing, transitional housing and supported housing tenancies, where PLH is progressing the transfer for management purposes.

Purpose

The policy is intended to ensure that tenants understand PLH and FACS Housing Pathways policies and processes around tenant initiated transfers and Management Transfers. PLH will manage transfers in accordance with the NSW Housing Act 2001, the Residential Tenancies Act 2010 and Regulations (RTA). For information on transferring tenant responsibilities to another household member refer PLH's Succession of Tenancy Policy. Mutual Exchange of housing between tenants is not offered by PLH.

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. PLH recognises that tenants' needs may change in relation to the property they occupy and will make every endeavour to meet these needs in the most appropriate way.

Applying for a transfer

Tenants who want to request a transfer must complete an *Application for Housing Assistance* and a *Transfer Supplement*. If the tenant is applying for a transfer based on medical grounds, they must also complete a *Medical Assessment* form. All required documentation must be completed and returned to PLH so that the application can be assessed. Under Housing Pathways, the tenant can choose:

- only to be housed by their existing social housing provider, or
- to be housed by a different social housing provider (a 'cross provider' transfer).

Transfer Eligibility

Generally, for a tenant initiated transfer to be approved, a tenant must be eligible for social housing, including meeting the current income limit, be able to show that they can sustain their tenancy with or without support and meet the transfer assessment criteria. In exceptional circumstances PLH may, on a case by case basis approve an application for transfer from a tenant who does not meet the eligibility criteria.

When a tenant applies for a transfer they must:

- be able to show that their circumstances have changed and that their current accommodation or location is no longer suitable for their housing needs;
- be able to show that moving will resolve or improve their current situation;
- provide the required documentation or evidence to support their application;
- be up to date with rent and non-rent, unless otherwise approved by PLH; and
- have no NSW Civil & Administrative Tribunal (NCAT) orders or serious complaints against them, unless in exceptional circumstances.

Transfer applications will be considered on a case by case basis and may be approved for the following reasons, as long as the necessary documentary evidence is provided:

Category	Reason
Priority	<ul style="list-style-type: none"> • At risk of harm • Under-occupancy • A serious and ongoing medical condition/disability • Serious and on-going harassment • Employment • Compassionate grounds • Severe overcrowding • Family breakdown/separation • Tenancy re-instatement
Wait-turn transfer	<ul style="list-style-type: none"> • Minor/moderate medical condition/disability • Moderate overcrowding • Employment • Compassionate grounds

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

Some of examples of the reasons above are provided below:

- Under-occupancy - where there are more bedrooms than the household needs
- Employment – a tenant or their partner are currently unemployed and have been offered a job in or near the area to which they need to move, or are employed and are required by their employer to move in order to keep their job.
- Compassionate Grounds – a need to be closer to a family member who needs their care or to be closer to support networks
- Severe overcrowding –
 - 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 behavioural problems or children of different sexes are sharing a room and one of them reaches puberty.

Tenants in breach of their Residential Tenancy Agreement

If a tenant has a live application for a transfer and PLH obtains a Specific Performance Order (SPO) from the NCAT in relation to a breach of tenancy, we will suspend the application until the tenancy issue has been resolved or the SPO has expired. If we have already been given an SPO from the NCAT and the tenant applies for a transfer, the application will be assessed as normal. If the transfer is approved, the transfer will be suspended until the reason for the SPO has been resolved or the SPO has expired.

If a breach of tenancy (such as noise and nuisance or illegal activity) has been identified or is being investigated and the tenant applies for a transfer, the application will be assessed as

normal. If a transfer is approved and we apply for an SPO, the transfer will be suspended until the reason for the SPO is resolved or the SPO has expired.

A tenant has the right to apply for a transfer even if they owe money to PLH. However, we will not make an offer for housing unless the rent arrears or debt is paid in full or the tenant has shown that they are making a consistent effort to pay off the debt, complying with a Payment Plan and the debt is under \$500.

If a property care issue has been identified and the tenant's current property requires works to be completed to bring the property to standard, PLH will not make an offer for housing until the property care issue is resolved and the tenant has demonstrated that they can keep the property in a reasonable state. We may make exceptions where the tenant can show an urgent need for transfer and/or is at risk. We may also look into and offer other assistance that means the person doesn't need to transfer.

If a transfer is approved and there are rent arrears/debt owing at the time of transfer, we will get an order from the NCAT at the end of the current tenancy as per our End of Tenancy policy. An application for transfer will be refused if the tenant is in breach of their Residential Tenancy Agreement and we have started action to end the tenancy. If a tenancy has a live or suspended transfer application and their tenancy is ended, we will close their transfer application.

Transfer Process

All tenant initiated transfer applications are assessed and processed under Housing Pathways. For further information see www.facs.nsw.gov.au/housing/help/applying-assistance/housing-pathways

PLH can provide information and assistance on the transfer eligibility requirements and process and explain options and approximate waiting times in requested locations.

PLH will assess transfer applications using the current eligibility criteria. We will consider whether modifications to a tenant's existing property would allow the tenant and their household to remain in the property instead of transferring.

If a transfer application is approved, we will list the transfer request on the Housing Pathways Register as either a priority or wait turn transfer. If a tenant's circumstances change after being approved for a transfer, we will reassess their application and update their transfer request on the Housing Pathways Register. Management transfers may be handled outside of the Housing Pathways Register.

Our standards in responding to Transfer applications

When a tenant applies for a transfer, PLH will send a letter telling them whether their application has been approved. If their application is a priority application, we will tell the tenant within 21 days. For general applications, we will tell them within 60 days. If we decline a transfer request, we will tell the tenant about their right to appeal.

Review of transfer applications

PLH will review transfer applications every 6-12 months to make sure they are still current. As part of the review, we may request up to date information from the approved transfer applicant. We may close a transfer or update the priority of an application based on the updated information.

Management Transfers

PLH 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 PLH may require a tenant to move to another property managed by PLH. PLH has the legal right under the RTA to terminate a tenancy on the grounds that it has made an offer of alternative social housing.

We may ask a tenant to transfer to another property in the following circumstances:

<p>Portfolio Management</p>	<ul style="list-style-type: none"> • PLH intends to: <ul style="list-style-type: none"> ▪ sell a property or group of properties ▪ demolish a property or group of properties ▪ redevelop the land the property is on to provide more appropriate housing • The property has been designated for occupation by a particular client group, such as older people, and the tenant/tenant's household does not belong to this client group • The property is not owned by PLH and the lease with the private landlord has been terminated.
<p>Tenancy Management</p>	<ul style="list-style-type: none"> • Under-occupancy - i.e. the property has at least two bedrooms more than the household's minimum entitlement. Refer to PLH's Occupancy and Allocations policies • Overcrowding – too many people are living at the property • The property has features, such as modifications for people with a disability, which are no longer needed by those living in the property • PLH intends to carry out substantial upgrading work on the property and the property needs to be vacant so that this work can happen • Management of neighbour disputes or social disharmony that involves or affects the tenant • The property or its location is unsuitable for the tenant and their capacity to sustain a PLH managed tenancy is threatened • A shared living arrangement is no longer appropriate for the tenant's needs or it is no longer appropriate for the tenant to live with the other tenants. • Any other compelling reason relating to the management of a particular tenancy.

Management Transfers can still be undertaken if the tenant has been approved for a transfer under Housing Pathways or has been approved for succession and the property is unsuitable. Management Transfers may be listed on the Housing Pathways Register.

When we ask tenants to relocate, we will give them a Notice of Termination as per their Residential Tenancy Agreement. Offers of new housing for Management Transfers will be conducted in accordance with PLH's Allocation and Offer of Housing Policy. Tenants will be entitled to 2 suitable offers of alternative housing and we will try to meet any reasonable requirements. If the tenant declines two reasonable offers of alternative accommodation, we may take action to end the tenancy. If a tenant is in breach of their tenancy agreement and we have started action to end the tenancy, we will not offer alternative housing. If the breach of tenancy relates to arrears or debt, we will not make an offer for housing unless the rent arrears/debt is paid in full or the tenant has made, and is complying with, a repayment

agreement or SPO. PLH may make exceptions where the tenant can demonstrate an urgent need for transfer for social housing and/or is at risk.

PLH will take action through the NCAT in accordance with the RTA to terminate and repossess the property where a tenant refuses to relocate.

PLH will apply the following service standards when implementing this policy:

- providing clear and consistent communication to tenants throughout the process
- explaining the options available to the relocating tenant
- where possible, offering choices to the relocating tenant that meet housing and locational needs
- supporting the creation of a successful and sustainable tenancy in the new location, and
- identifying the points at which reviews of decision-making processes are available.

Rehousing Location

Tenants being relocated may nominate the location that they would like to be rehoused to in accordance with PLH's Allocation and Offer of Housing Policy. PLH will approve this location unless there are compelling policy or operational reasons to decline the tenant's nomination.

For example, PLH may restrict relocations to certain locations:

- in order to minimise the risk of serious anti-social behaviour; or
- because it has limited properties in the location; or
- because the relocating tenant's housing needs cannot be met in the location within a reasonable period of time; or
- because the relocating tenant's support needs cannot be met in the location within a reasonable period of time.

In addition, PLH will restrict relocations to certain locations if there is a compelling external reason to do so, for example:

- a legal restriction on the tenant or a member of their household living in a particular location, or
- a person, agency or entity external to PLH has made an assessment that a specific rehousing location would be inappropriate in specific circumstances and PLH has accepted that assessment.

Assistance with Relocation

PLH may provide practical assistance where it is assessed as appropriate and necessary for helping the tenant and their household to relocate. PLH will assess each tenant's situation on a case by case basis and make a decision based on the individual circumstances of the tenant. PLH's aim is to help the tenant establish a tenancy in the new location that is likely to be successful and sustainable. PLH will also work with the tenant to identify any support services that they may require in the new area and make appropriate referrals to those agencies.

Return to a Property

In a situation where PLH relocates a tenant from a property that is going to be redeveloped to provide social housing and PLH will continue to manage the property, the tenant can express interest in returning to live at the site after the property redevelopment has been completed. Doing this means being relocated while the redevelopment project is undertaken and then a second relocation to return to the site after it is redeveloped. PLH will consider requests from tenants to return after the property redevelopment has been completed on a case by case

basis. Criteria that PLH 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 PLH 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.

Relocation Assessment Criteria

The assessment criteria for the relevant relocation decisions are outlined below:

Relocation Assessment Criteria	
Decision	Criteria
Approval of the tenant's nominated rehousing location	<ul style="list-style-type: none"> • PLH considers that there is a reasonable prospect of the tenant's housing and/or support needs being met in the location and • If there is a history of serious anti-social behaviour associated with the tenancy, PLH considers that there will be minimal risk of anti-social behaviour occurring in the new location and • there is no compelling external reason why the tenant's choice of location should not be approved.
An offer of alternative housing made to a relocating tenant is reasonable	<p>An offer is reasonable if it will meet the client’s known housing and locational needs and allows continued access to services, based on the merits of the information provided by the client during the relocation process.</p> <p>Refer Allocation and Offer of Housing Policy.</p>
Extension of time to give written reasons why an offer of alternative housing was rejected	<p>PLH can extend this timeframe if:</p> <ul style="list-style-type: none"> • The tenant needs to obtain additional written documentation to support their decision to reject the offer, and it is not reasonably possible to get this documentation within the 7 day time period, and/or • Health or disability circumstances affecting the tenant or a member of their household mean that it is not reasonable to expect the tenant to provide written reasons within the timeframe.

<p>Decision to give the tenant notice that PLH intends to issue a Notice of Termination</p>	<p>PLH is satisfied that:</p> <ul style="list-style-type: none"> • The tenant's housing needs have been fully and correctly assessed, and • The offer(s) of alternative housing that have been made to the tenant were reasonable offers in accordance with PLH's Allocation and Offer of Housing Policy.
<p>Assistance with the relocation process (other than reimbursement for moving or improvements)</p>	<p>If the tenant is being relocated for Portfolio Management purposes: PLH is satisfied that the expense is:</p> <ul style="list-style-type: none"> • reasonable, and • incurred as a result of PLH requiring the tenant to relocate to another property. <p>If the tenant is being relocated for Tenancy Management purposes: PLH is satisfied that:</p> <ul style="list-style-type: none"> • if the assistance is not provided, the tenant is unlikely to be able to establish a successful and sustainable tenancy in the new location, and • if the assistance is provided, it will assist the tenant to establish and maintain a successful and sustainable tenancy in the new location.
<p>Eligible to request to return to a property after redevelopment</p>	<ul style="list-style-type: none"> • The tenant is being relocated so that their property can be redeveloped and • After redevelopment, properties on the site will be used to provide social housing
<p>Approval to return to a property after redevelopment</p>	<p>If the properties on the site will be managed by PLH after redevelopment: The housing needs of the tenant and their household match the property characteristics of a property to be built at the site including:</p> <ul style="list-style-type: none"> • Number of bedrooms • Specific features of the property such as modifications or ground floor access that must be required by the household • If relevant, the tenant or a member of their household belongs to the client group to be housed at the site and • There is no compelling operational or external reason why approval to return should not be granted • Reason why approval to return should not be granted.

Complaints and Appeals

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

Craig Brennan

Craig Brennan, CEO May 2019