

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 Pacific Link Housing Limited (PLH). For affordable housing tenancies, please refer to PLH's Affordable Housing Policy.

This policy outlines how PLH manages:

- tenant initiated transfers and
- management initiated transfers.

Purpose

The policy is intended to ensure that tenants understand how PLH 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.

PLH 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 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 provide options to those meeting the following criteria:

- meet eligibility requirements for social housing
- rent and non-rent accounts are up to date with PLH
- 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
- Medical condition and/or disability (consideration will be given to modifying the 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 PLH, including rent owing in arrears, are not eligible for transfer and will be provided with a plan to restore the breach. PLH 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. PLH 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

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 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 Manager Tenancy and Transitional Housing or their delegate.

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

PLH will work with tenants to ensure up to 2 reasonable offers for alternative properties are made. Should a tenant refuse the 2 offers, PLH will seek to terminate the tenancy. PLH 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. PLH may cover appropriate costs in relation to the transfer. Approval of costs is at the discretion of the Manager Tenancy and Transitional Housing or their delegate.

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.

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 Officer. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

Related Policies

Succession of Tenancy Policy
DCJ Social Housing Transfer Policy

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