

# Tharawal Housing Aboriginal Corporation

## Succession Policy

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Applies to:	Tharawal Housing Aboriginal Corporation Succession Policy
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### Scope:

This policy applies to all tenancies managed by Tharawal Housing Aboriginal Corporation. It explains the criteria for applying for succession of tenancy.

### Definition:

#### Succession of Tenancy:

Succession of Tenancy is when a household member or eligible family members with strong connections to a property apply to have the tenancy transferred into their name.

A Household member and/or family member over the age of 16 years can only apply for succession if:

- The head tenant is no longer residing in the property
- The head tenant has left the property due to imprisonment
- The head tenant has passed away
- The head tenant has left the property due to medical reasons such as nursing home, mental health unit, rehabilitation centre or a long-term care facility.

If the head tenant has left the property for any other reason than stated above, succession of tenancy will not be considered.

If the property is an Aboriginal Housing property, the remaining household member must have confirmation of Aboriginality to remain in the property. If succession of tenancy is approved to a non-Aboriginal person for the purpose of caring for a young Aboriginal child, once the child has left the property the tenant will need to agree to vacate, as they will no longer be eligible for Aboriginal Housing.

#### Approved Additional Occupant:

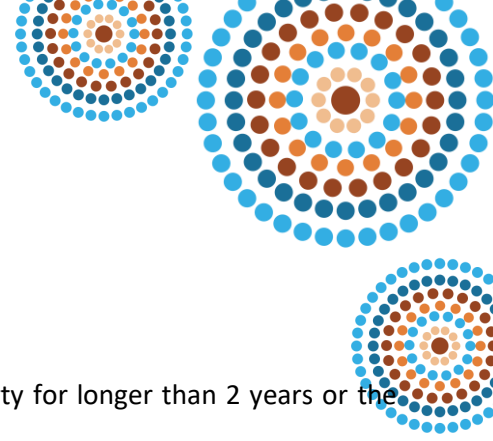
An additional occupant is a person approved in writing to be a household member.

#### Unauthorised Addition Occupant:

Is an additional occupant who can prove they have been residing in a property for longer than 2 years or the length of lease, whichever is the greater.

#### Cultural Connection:

Ability to prove a strong emotional/cultural connection to the property, for example the family home in which a child was raised. The applicant must have been an approved additional occupant throughout the tenancy. If the applicant has never been approved, additional occupant there application will be declined.



### **Who is Eligible to apply?**

Household members over the age of 16 years who have been residing in the property for longer than 2 years or the length of the lease, whichever is the greater.

Family members who can demonstrate a strong connection to a property will also be considered on a case-by-case assessment.

The standard criteria for social housing applies to all applications for succession of tenancy. The social housing income limits, however, will not be taken into account for a spouse or de facto partner over the age of 45 if Aboriginal or Torres Strait Islander and 55 for non-Aboriginal people.

### **How to apply:**

Tenants will need to complete the following forms which can be found on the Housing Pathways Website, links on Tharawal Housing Aboriginal Corporation Website or hard copies from your local housing office:

- Application for Housing Assistance
- Succession of Tenancy Form (Tharawal Form)
- Medical Assessment Form
- Confirmation of Aboriginality (for Aboriginal Housing Properties)

Before you lodge your documents, you will need to have the following supporting documents:

- Current income for all household members over the age of 18
- Four weeks bank statements for the head tenant
- ID for all occupants.
- Proof that the head tenant is no longer residing in the property.

All forms and documents need to be lodged at your local housing office for assessment.

### **Time Frame to Apply:**

Household members or family members must inform Tharawal Housing Aboriginal Corporation of their intent to apply for succession of tenancy as soon as possible.

If the head tenant has left the property due to imprisonment, medical reasons such as a nursing home, rehabilitation centre or long term care, the application for succession must be lodged within 6 weeks of the tenant leaving.

If the head tenant has passed away, household members or family members over the age of 16 years must lodge their application within 10 weeks.

Applications lodged outside of these time frames will not be considered unless there are extenuating circumstances. The decision to accept late application is at the discretion of the Housing Manager.

### **Rent and keeping of property:**

Tharawal Housing Aboriginal Corporation will cease charging rent for the head tenant as soon as advice is received. If there are occupant/s in the property, rent will continue to be charged based on the remaining household income. Rent and water charges need to remain up to date during the assessment process. The remaining household members or family members are required to maintain the property in a clean and safe manner. Failure to pay rent, water and maintain the property during the assessment process will have a negative impact on the application.



#### **Assessment Process:**

Applications for succession are assessed within 28 days of receipt. The applicant will be required to attend an office interview at their local office.

The applicant will be advised in writing of the outcome of their assessment and their rights of appeal.

#### **Criteria for Succession:**

The below outlines the grounds and evidence in which each applicant must meet for succession of tenancy:

##### ***Spouse or de facto partner over 45 years.***

Providing the spouse or de facto partner meet the eligibility criteria for social housing, excluding income limit, succession of tenancy will be approved. The spouse or de facto partner will need to lodge an application and attend the local office for sign up. If succeeding the tenancy to the spouse or de facto partner results in severe under occupancy, Tharawal Housing Aboriginal Corporation may ask the spouse or de facto partner to relocate at a later date.

##### ***Spouse or de facto partner under the age of 45 years.***

Spouse or de facto partners under the age of 45 years must meet the following criteria:

- Meet eligibility for succession.
- Be eligible for social housing excluding income limits.
- Demonstrate an inability to resolve their own housing needs in the private rental market.
- Agree to relocate to alternative housing if approval results in under occupancy.

##### ***Child/children over the age of 16 years whom is an approved household member.***

The child must be over the over 16 years and meet the following criteria:

- Meet eligibility for succession.
- Be eligible for social housing.
- Demonstrate an inability to resolve their own housing needs in the private rental market.
- Agree to relocate to alternative social housing if approval results in under occupancy.

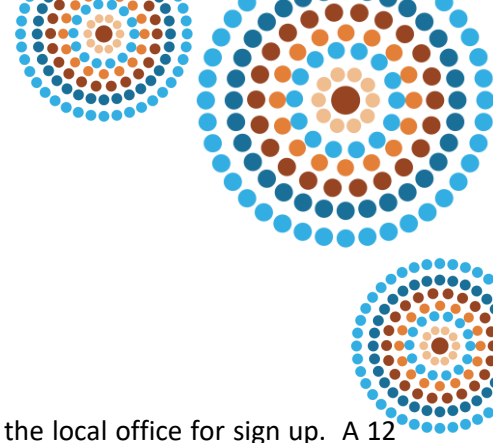
##### ***Child/children over the age of 18 years whom is not an approved household member at the time the application is lodged but can demonstrate strong links to the property.***

The child must be over 16 years and meet the following criteria:

- Meet eligibility for succession.
- Be eligible for social housing.
- Have been an approved additional occupant at the commencement of the tenancy.
- Demonstrate a strong cultural connection to the property.
- Demonstrate an inability to resolve their own housing needs in the private rental market.
- Meet the bedroom category for the property.

##### ***Other household members over the age of 16 years.***

- Meet eligibility for succession.
- Be eligible for social housing.
- Demonstrate an inability to resolve their own housing needs in the private rental market.
- Agree to relocate to alternative social housing if approval result in under occupancy.



**Approved Succession:**

When a succession of tenancy is approved the applicant will be required to attend the local office for sign up. A 12 month tenancy agreement will be issued at the time. The applicant will become the head tenant and will be responsible for all tenancy obligations.

**Declined Succession:**

When a succession of tenancy is declined, the applicant will be advised in writing as to why the application has been declined and their rights to appeal. After all avenues of appeal have been exhausted and the application is still declined, the applicant will have 21 days to vacate the property.

**Appeals:**

If a client does not agree with the decision made, they will need to have the decision reviewed by the social housing provider that made the original decision. Clients will need to refer to the review of decisions/appeal policy for that particular provider.

There is no formal review decision that a client is ineligible for social housing assistance because they are registrable person assessed as meeting the ineligibility grounds in accordance with the Eligibility for Social Housing Policy – Housing Pathways.

**Responsibility:**

Housing and Compliance Project Officer

Assist clients to completed Succession of Tenancy Application form and liaise with AHO.

Liaise and raise any concerns surrounding allocations with the AHO.

Manage the allocation and assessment of Succession of Tenancy Application in a timely manner

Monitor and review the allocation of properties to ensure policies are being adhered to.

Conduct annual reviews of policies and make any necessary changes in accordance with policy and legislation changes.

Advise applicant of outcome of application within 28 days.

Housing Manager

Ensure policies and procedures are being applied.

Provide training to staff where applicable.

Report to CEO any issues or matters that need to be escalated.

Review declined applications in accordance with policy.

Conduct and review any disputes or appeals lodged relating to Succession Application form.



Board

Monitor the policies efficiency and effectiveness to ensure improve practice and positive outcomes for Aboriginal people.

Report any findings and recommendation within its annual report.

**Reference:**

<b>Legislation:</b>	<b>Related Policy</b>
<i>Residential Tenancies Act 2010</i>	Housing Pathways - Social Housing Eligibility and Allocation Policy Supplement
<i>Aboriginal Housing Act 1998</i>	Housing Pathways - Manage The NSW Housing Register Policy
<i>Residential Tenancies Regulation 2010</i>	Housing Pathways - Matching and Offering a Property to a Client Policy
<i>Privacy and Personal Information Protection Act 1998</i>	Community Housing Resource Allocation Policy
	Aboriginal Housing Access Policy.
	AHO Confirmation of Aboriginality Policy.

**Tharawal Housing Aboriginal Corporation staff must always adhere to the Confidentially Policy and Privacy Policy.**