

Tharawal Housing Aboriginal Corporation

Transfer Policy

Version Number:	2
Applies to:	Tharawal Housing Aboriginal Corporation Transfer Policy
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Endorsed by board Date	06/08/2021
Date Last Reviewed:	27 July 2021
Next Review Date:	27 July 2022

Scope:

This policy applies to all tenancies managed by Tharawal Housing Aboriginal Corporation. This policy should be read in conjunction with the Housing Pathways Transfer Policy.

Who is Eligible:

Generally, to be eligible for a tenant-initiated transfer the tenant must be eligible for social housing, including meeting the current income limits set. The tenant must be able to demonstrate their capacity to successfully sustain their tenancy with or without supports. Each transfer application is assessed on its merit and in line with this policy.

A tenant must demonstrate why their current social housing accommodation no longer meets the household needs.

A tenant will not be transferred from their current social housing accommodation simply because they no longer like the area or the house.

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 Transfer Community Housing Tenants (CH3003)
- Medical Assessment Form

The above form can be found on the Tharawal Housing Website or NSW Community & Justice Page.

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

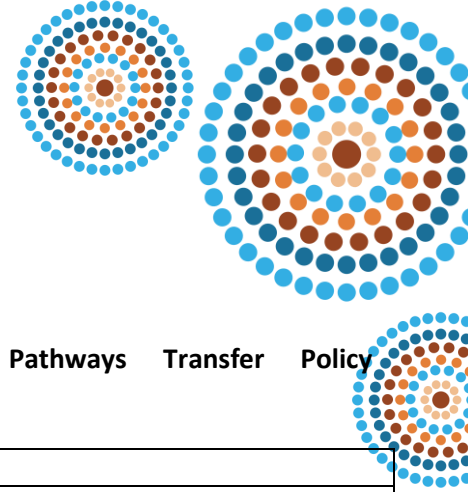
- Current income for all household members of the age of 18
- Four weeks bank statements for the head tenant
- ID for all occupants.

All form and documents can be lodged online or in person.

Grounds and evidence required for a Transfer:

- Tenants who apply for a transfer must be able to demonstrate
- That their current social housing accommodation or location is no longer suitable.
- That moving will resolve or improve their current situation.
- Grounds for transfer in line with this policy.
- Documentary evidence to support request for a transfer.

Below is a list of grounds in which a transfer may be approved:



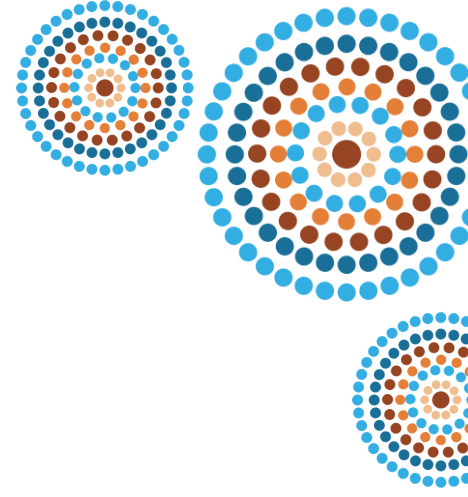
For a more detailed explanation, please refer to the Housing Pathways Transfer Policy <https://www.facs.nsw.gov.au/housing/policies/transfer-policy>.

Grounds	Evidence Required
At RISK - The tenant or household member's personal safety or mental health is at risk.	Police reports, AVO's, support letters from service providers that are aware of the situation and circumstances.
Medical or disability - The tenant or household member has an ongoing medical condition or disability that impacts their ability to remain in their current property.	Medical Assessment Form and medical documentation.
Employment – The tenant or their partner has secured permanent employment in an area not within reasonable access of their current property.	Confirmation from the employer.
Compassionate – When the tenant needs to relocate to help take care of an ill family member. When Aboriginal and Torres Strait Islander tenants demonstrate a need to return to country. A need to be closer to support services that are unable to be accessed elsewhere.	Documentation to confirm the need to relocate to take care of an ill family member or evidence to confirm access to support service is no accessible anywhere else.
Family breakdown or separation – When a relationship has broken down in the family and there are irreconcilable problems.	Court documents and/or support letters from service providers that are aware of the situation and circumstances.
Serious and ongoing harassment – When the tenant or household member is exposed to ongoing unacceptable behaviour that is threatening or disturbing.	Police reports, AVO's, support letters from service providers that are aware of the situation and circumstances.
Under-occupancy – Is when the household decreases and the number of bedrooms outweighs the amount of household occupants or entitlements.	Documentation to demonstrate that the property is too large and that the tenant is no longer able to maintain the property.
Moderate Overcrowding – When there is an increase in the household size that results in fewer bedrooms than the household would otherwise be entitled to, but does not result in severe overcrowding.	Birth Certificate, court documents or support letters from service providers that are aware of the situation and circumstances.
Severe Overcrowding – The tenant has reunited with family members, birth of a child or children, marriage or custody of children.	Birth Certificate, court documents or support letters from service providers that are aware of the situation and circumstances.
Child returning from out-of-home care or to prevent a child from entering out-of-home care	Documentation to confirm a child is returning from out-of-home care or may be at risk of entering out-of-home care.
Tenancy re-instatement – The tenant can demonstrate that they left the property due to duress, custodial sentence, care facility or left for care reasons.	Documentation to confirm the tenant left the property under duress, custody papers or support letters to confirm the tenant was in alternative care for medical reasons.

Wait Turn Transfers:

The below transfer, categories are considered wait turn transfer:

- Minor or moderate medical conditions
- Compassionate Grounds
- Moderate Overcrowding



Priority Transfers:

The below transfer categories are considered priority transfer:

- At RISK
- Major medical
- Family breakdown/separation
- Severe Overcrowding
- Employment
- Serious and ongoing harassment
- Child returning from out-of-home care or to prevent a child from entering out-of-home care Transfer

Wait time:

The wait time for a transfer is based on the date the application is received, the category in which the transfer was approved and stock availability. Tharawal Housing Aboriginal Corporation is unable to advise tenants of the expected wait time.

Tenants in breach of tenancy Agreement:

Tenants who are in breach of their tenancy agreement at the time they lodge a transfer application will still be assessed for a transfer, however their application for transfer will be suspended until the breach has been rectified. The only time an application for transfer will not be considered is if the process to terminate a tenancy has begun.

Breaches include, but are not limited to:

- Property Care
- Rent or Water arrears
- Investigations of Subsidy Fraud or Non-Disclosure
- Investigations into Nuisance and Annoyances
- Tribunal orders

The housing manager has discretion to approve a transfer for tenants in breach of their tenancy agreement in extenuating circumstances only.

Assessing Transfer Applications:

Transfer applications are generally processed within 28 days. Tenants will be contacted via phone to discuss their application or may need to attend the local office for an interview. Depending on the complexity of the transfer request. For priority transfers, tenants can expect a written response within 28 days and for non-urgent transfers, tenants can expect a written response within 60 days. If a transfer is declined, tenants will be advised of their right to appeal the decision. Senior officers review all transfer applications before a final decision is made.

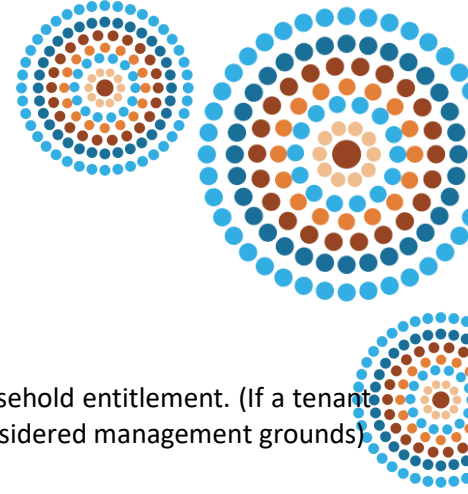
Review of Transfer Applications:

Tharawal Housing Aboriginal Corporation conducts a review of all transfer applications annually. At the time of the review, tenants may be contacted either by phone or in writing. There may be times in which tenants are required to provide additional supporting evidence to confirm their current social housing accommodation continues to remain unsuitable. Tharawal Housing Aboriginal Corporation reserves the rights to close or amend the priority of transfer at the time of the review. If any changes are made to a tenant's transfer application, the tenant will be notified within 14 days.

Management Ground Transfers:

A management ground transfer occurs when:

- The property is being sold or there are plans to sell the property



- Redeveloped or plans to redevelop
- Under occupied - when there is at least two bedrooms or more than the household entitlement. (If a tenant approaches Tharawal Housing Aboriginal Corporation to relocate, it is not considered management grounds)
- The property or program type is no longer suitable
- Modified property and the tenant no longer needs a modified property.

Tharawal Housing Aboriginal Corporation will approach tenants when a need for a management ground transfer occurs. If the tenant does not agree to relocation, Tharawal Housing Aboriginal Corporation will issue the tenant with a Notice of Termination section 148 Residential Tenancies Act 2010. If the tenant refuses to relocate after two reasonable offers of alternative housing have been offered, Tharawal Housing Aboriginal Corporation may seek an order to terminate the tenancy agreement section 151 Residential Tenancies Act 2010. Tharawal Housing Aboriginal Corporation will take all reasonable steps to relocate tenants in a fair and equitable manner. Terminating a tenancy agreement is the last resort.

If a tenant is in breach of their tenancy agreement and the property is required for management grounds, Tharawal Housing Aboriginal Corporation will not make offers of alternative housing. If the breach is in relation to rent or water arrears, once the arrears is cleared or the tenant has demonstrated capacity to adhere to a payment arrangement, Tharawal Housing Aboriginal Corporation may still consider offering alternative housing.

Cost associated with management ground transfers:

If a tenant has been approached to relocate due to management grounds, Tharawal Housing Aboriginal Corporation may assist with the following cost:

- Removalist
- Reconnection of gas, electricity and phone line
- Relocations of approved alterations and or improvements
- Tharawal Housing Aboriginal Corporation will not under any circumstance relocate swimming pools regardless if they were approved.

Each relocation is assessed on a case-by-case basis.

Return to properties:

If the tenant has been relocated due to redevelopment for social housing, the tenant may be asked if they would like to move back to the area/property after the redevelopment is finished.

Tenants will only be able to return if the new property/redevelop meets their social housing needs, and on the grounds it meets the business needs and objectives.

It is not always achievable or viable to return tenants back to their property or the redevelopment site. Each case will be assessed on a case-by-case basis. Tenants will be advised in writing if returning is an option.

Transfer Offers:

Tenants will be offered two alternative properties, when available, that meet their needs according to the grounds in which their transfer application was approved. If a tenant rejects both offers that are deemed reasonable, their transfer application will be closed. Tenants will be advised of their rights to appeal the decision.

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.



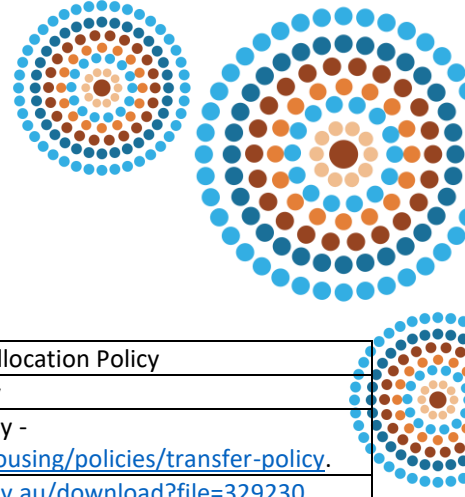
There is no formal review decision that the client is ineligible for social housing assistance because they are registrable person assessed as meeting the ineligibility grounds in accordance with the Eligibility for Social Housing Policy – Housing Pathways.

Responsibility:

Housing and Compliance Project Officer	<p>Assist clients to completed transfer application and liaise with DCJ Housing.</p> <p>Liaise and raise any concerns surrounding allocations with the AHO.</p> <p>Manage the allocation transfer in a timely manner</p> <p>Monitor and review the allocation of properties to ensure policies are being adhered to.</p> <p>Conduct annual reviews of policies and make any necessary changes in accordance with policy and legislation changes.</p> <p>Conduct annual review of transfer application and advised DCJ housing of outcome of assessment</p> <p>Advise applicant of outcome of application within 28 days.</p>
Housing Manager	<p>Ensure policies and procedures are being applied.</p> <p>Provide training to staff where applicable.</p> <p>Report to CEO any issues or matters that need to be escalated.</p> <p>Review declined applications in accordance with policy.</p> <p>Conduct and review any disputes or appeals lodged relating to transfer application.</p>
Board	<p>Monitor the policies efficiency and effectiveness to ensure improve practice and positive outcomes for Aboriginal people.</p> <p>Report any findings and recommendation within its annual report.</p>

Reference:

Legislation:	Related Policy
<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
	Housing Pathways Transfer Policy - https://www.facs.nsw.gov.au/housing/policies/transfer-policy .
	Form - https://www.facs.nsw.gov.au/download?file=329230 .

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