Hunter Community Housing - Social Housing Transfer Policy

Section 1 - Purpose

(1) This policy applies to all tenant-initiated requests for transfer from social housing tenants and management-initiated transfers requested by Hunter Community Housing.

Section 2 - Scope

(2) This policy applies to all tenants that live in property managed by Hunter Community Housing which are governed by an agreement between the Department of Communities and Justice (DCJ) for the provision of Community Housing.

(3) This policy complies with the DCJ Transfer Policy and the Managing the NSW Housing Register Policy.

(4) Community housing tenants can apply for a transfer if their home is no longer suitable for their housing needs due to a change in circumstances. This is referred to as a tenant-initiated transfer request.

(5) Hunter Community Housing may request a management-initiated transfer for tenancy or portfolio management needs.

(6) This policy excludes Affordable Housing.

Section 3 - Principles

Eligibility for transfer

(7) For a tenant-initiated request for transfer to be approved, a tenant must:

a. meet social housing eligibility criteria;
b. provide evidence that their circumstances have changed and that their current home is no longer suitable for their housing needs;
c. Meet the transfer assessment criteria for one of the following grounds:
    i. at risk;
    ii. medical condition and/or disability;
    iii. serious and ongoing harassment;
    iv. under-occupancy;
    v. employment;
    vi. compassionate grounds;
    vii. severe overcrowding;
    viii. moderate overcrowding;
    ix. family breakdown or separation; or

x. to meet the needs of a child to return from out-of-home care or to prevent children from entering out-of-home care.

Tenancy Debts

(8) A tenant can apply for a transfer if they owe money for their current or a previous tenancy however a social housing provider may not make an offer of alternate housing until the total of the debt owing is below $500.

(9) If a tenant has a debt under $500 and the transfer application is approved, a tenant is required to maintain repayment arrangements, or the social housing provider may suspend the transfer application for a period of 3 months.

(10) If the application was suspended due to non-repayment and a tenant repays the debt in full, the application will be made live on the NSW Housing Register following receipt of the payment. Otherwise, the application will be closed when it is reviewed after the 3-month suspension period.

Tenancy re-instatement

(11) Tenancy re-instatement can apply to a former tenant of Hunter Community Housing who vacated their property because:

a. they had to move into a residential care facility voluntarily or under a court order. This includes a nursing home, psychiatric hospital, rehabilitation centre or hostel.
b. they were under duress, escaping domestic violence, escaping harassment, or removing themselves from a household member from being at risk;
c. they were placed into a custodial facility; or
d. of the care needs of the tenant, a member of the household or a family member.

(12) To be eligible for tenancy re-instatement, a former tenant must prove that they:

a. meet the eligibility criteria for social housing;
b. meet the criteria for priority transfer;
c. vacated due to one of the reasons permitted in clause 11.
d. made an application to DCJ or a Community Housing Provider (CHP) participating in Housing Pathways within 6 months of vacating the property; or
e. have applied within 6 months of their release from custody, for former tenants where the custodial sentence was not longer than 3 years.

(13) A former tenant with a custodial sentence longer than 3 years will need to reapply for housing as they are not eligible for a tenancy re-instatement.

Applying for a transfer

(14) A tenant will be required to complete an Application for Transfer – Community Housing Tenants Only which is available from DCJ or a CHP participating in Housing Pathways.

(15) A tenant must meet the eligibility criteria for social housing.

(16) A tenant must provide evidence that the household income does not exceed the income limits for social housing.

(17) Supporting documentation must be provided to substantiate the transfer application.

(18) If there is a debt owing from a current or a previous tenancy, a tenant will be required to complete an Acknowledgement and agreement to repay debt form upon submission of the transfer application.

(19) An approved transfer request will be categorised as a priority transfer or a wait turn transfer, in accordance with the DCJ Transfer Policy.

Priority Transfers

(20) Tenants at risk:

a. A tenant must clearly establish that the personal safety and/or mental health of a tenant or a member of the household are at risk if the person/s remain in the current property.
b. Situations where a tenant or a household member may be at risk include:
    i. domestic violence;
    ii. assault;
    iii. sexual assault;
    iv. neglect;
    v. child abuse or neglect;
    vi. threatening behaviour; or
    vii. torture or trauma: the application must be supported by the inclusion of police reports, an Apprehended Violence Order (AVO), medical reports and/or supporting letters from community workers, to substantiate the risk the tenant or the household member is exposed to.

(21) Medical condition/disability:

a. A tenant may apply for a transfer based on a medical condition or disability of a tenant or a household member where:
    i. the medical condition and/or disability is permanent or is likely to be permanent;
    ii. their current property and/or location no longer meets their housing needs;
    iii. the relevant household member/s no longer have the capacity to access necessary medical services from the property;
    iv. a tenant will need to provide a medical assessment form completed by a health professional and any other relevant supporting documentation to substantiate that moving will assist in the management of the medical condition and/or disability. The medical assessment form is available from DCJ or a CHP participating in Housing Pathways.

(22) Serious and ongoing harassment:

a. A tenant or a household member who is suffering serious and ongoing harassment should firstly try to have the problem resolved by the police, Community Justice Centre, or other support agencies.
b. Harassment refers to a wide range of offensive behaviours that are threatening or disturbing including:
    i. verbal abuse;
    ii. threats;
    iii. intimidatory behaviour;
    iv. vilification; or
    v. property damage.
c. An application for transfer under the grounds of harassment, must provide evidence that a tenant or the household member has tried to remedy the problem in other ways.

d. A tenant will need to show that the harassment is having a serious effect on the tenant or the household member to be eligible for a transfer.

(23) Under-occupancy:

a. A tenant is considered to be under-occupying a property where there are more bedrooms than the household needs. This is usually the result of household members moving out of the property.
b. A tenant can request a transfer to a smaller property if the property is too large to maintain or if there are vacant bedrooms.

(24) Employment:

a. A tenant can apply for a transfer if the tenant or the partner of the tenant have gained employment or there have been changes to their current employment.
b. A tenant must show that the tenant or the partner of the tenant;
    i. are currently unemployed and have been offered a job in or near the area they are requesting to transfer to;
    ii. are not in full time employment and are required by their employer to move to sustain their employment;
    iii. has employment in a location that is impractical for them to travel to from their existing home; or
    iv. has employment that is long term and is at least 3 days per week.
c. A tenant will need to provide a letter from their employer to substantiate the criteria noted in 24(b).
d. Seasonal or temporary work is not considered to be a reason to transfer.

(25) Compassionate grounds:

a. A tenant can apply for a transfer under compassionate grounds.
b. Compassionate grounds that may be considered in the transfer application include:
    i. moving closer to a family member who needs their care; or
    ii. moving closer to support networks.
c. A tenant will need to provide supporting documentation such as a medical certificate and/or a report or letter from a support agency which substantiates the request for transfer.
d. If an application is requested due to the need to move closer to support networks, a tenant will need to show that the requirement cannot be met in their current property.

(26) Severe overcrowding:

a. Severe overcrowding relates to permanent occupants of the household that have been approved to reside in the property. This does not include visitors to the household.
b. Severe overcrowding may occur due to a family being reunited, an award of custody of children, marriage or the birth of a child or children.
c. Severe overcrowding is defined as having:
    i. an adult or couple sharing a bedroom with a child aged three years or over;
    ii. four or more children sharing a bedroom; or
    iii. three or more unrelated adults sharing a bedroom.
d. Severe overcrowding can also occur if children currently sharing a bedroom now require their own bedroom due to specific needs such as a disability or medical need, severe behavioural problems or children of different sexes sharing a room and one of them reaches puberty.
e. A tenant will need to provide evidence that the severe overcrowding is due to one of the acceptable reasons as

noted in 26(c)(i),(ii) or (iii).

(27) Family breakdown or separation:

a. Separate accommodation may be considered for the household member who has left the property due to a serious breakdown in the household.
b. A serious breakdown in a household includes:
    i. separation or divorce between a tenant and the partner of the tenant; or
    ii. irreconcilable problems between a tenant and their child or children or a tenant and their parent or parents, referred to as a family breakdown.
c. If the transfer application is requested due to a divorce or separation, the partner who has moved out of the property will need to prove that they:
    i. were an approved occupant of the household on a continuous basis for two or more years;
    ii. meet the eligibility criteria for social housing; and
    iii. applied for a transfer within six months of moving out of the property.
d. If the transfer application is requested due to a family breakdown, the child or the parent of the tenant will need to prove they:
    i. were an approved occupant of hte household on a continuous basis for two or more years;
    ii. meet the eligibility criteria for social housing; and
    iii. have provided evidence of their income which was recorded in a rent subsidy calculation for the current household.

(28) To meet the needs of a child to return from out-of-home care or to prevent children from entering out-of-home care:

a. A tenant can request a transfer if a tenant or member of the household needs safe and secure accommodation to have a child returned from out-of-home care or to help prevent children from entering out-of-home care.
b. A tenant will need to prove in their application that the current property is not able to provide safe and secure accommodation.
c. A tenant may be required to provide:
    i. written correspondence from a DCJ Community Services staff member;
    ii. a report or letter from Corrective Services NSW or a social worker; or
    iii. notices from court.

Wait turn transfers: moderate overcrowding:

(29) Moderate overcrowding relates to permanent occupants of the household that have been approved to reside in the property. This does not include visitors to the household.

(30) Moderate overcrowding is when there has been an increase in the size of the household which has resulted in the household having fewer bedrooms that they would otherwise be entitled to, however is not classified as severe overcrowding.

(31) Moderate overcrowding is defined as having:

a. three children sharing a bedroom;
b. an adult or a couple sharing a bedroom with a child under three years of age; or
c. two unrelated adults sharing a bedroom.

(32) A tenant will need to produce documents to show that there is moderate overcrowding in their household, such as:

a. the number of household members;
b. the age of the household members;
c. the gender of the household members;
d. the size of the bedrooms; and
e. the size of the living areas.

(33) if a transfer is approved on the grounds of moderate overcrowding, a tenant will need to wait their turn for housing in their preferred area. Moderate overcrowding is not considered as a priority transfer in accordance with the DCJ Transfer Policy.

Management Transfers:

(34) Hunter Community Housing may require a tenant to transfer to another property if the existing property is:

a. under-occupied;
b. being returned to the owner or landlord;
c. no longer suitable for the tenant as they are no longer eligible to be housed in the property or under that program;
d. equipped with disability modifications and the occupants do not require these modifications;
e. being sold; or
f. being redeveloped.

(35) A management transfer is considered a priority transfer and may be listed on the NSW Housing Register.

(36) A tenant must meet the criteria for social housing to be eligible to be transferred.

(37) If the tenancy is in breach of their Residential Tenancies Agreement and Hunter Community Housing has commenced action to terminate the tenancy, alternative housing will not be offered to the tenant.

(38) If the breach relates to arrears, an offer of alternate housing will not be made until the arrears have been repaid in full or there is an existing payment arrangement under a Specific Payment that is being adhered to.

Notification of outcome of application

(39) Tenants will be advised in writing of the outcome of the transfer application.

(40) If the application has been declined, a tenant will be advised the reason for declining and provided information about the relevant housing provider's Appeals and Internal Review process.

Placement on the NSW Housing Register

(41) If a transfer application is approved, the relevant housing provider will place the tenant on the NSW Housing Register as either a wait turn or priority transfer.

(42) Tenant transfer approved due to the following reasons will be listed as priority:

a. at risk;
b. medical condition and/or disability;
c. serious and ongoing harassment;

d. under-occupancy (DCJ Housing managed properties)
e. employment;
f. compassionate grounds;
g. severe overcrowding;
h. family breakdown or separation;
i. to meet the needs of a child to return from out-of-home care or to prevent children from entering out-of-home care; or
j. tenancy re-instatement.

(43) Waiting times will vary depending on the area selected. The DCJ website provides a guide to expected waiting times for social housing.

Tenants in breach of their Residential Tenancy Agreement

(44) If a tenant has a live transfer application and has rental arrears, tenancy breaches or any antisocial behaviour that is currently under investigation the housing provider will suspend the application until the issue has been resolved or the Specific Performance Order has expired.

Number of offers to transfer applicants

(45) An applicant approved for a transfer will receive a maximum of 2 offers.

(46) If an applicant declines the offer, their reasons for declining must be in writing. A second offer may only be made if management deem the first offer was inappropriate and the grounds for declining were reasonable.

(47) If an applicant declines the offer/s and the offer is deemed appropriate, the transfer application will be closed, and the applicant will be expected to resolve their own housing needs.

Review of priority transfer applications

(48) CHP's participating in Housing Pathways will review priority transfer applications every six months or when new information prompts a review to ensure that a transfer application continues to reflect the tenant's current housing situation.

(49) On completion of the review, a CHP may change the priority of an approved transfer if there are any differences in the level of urgency of the tenant's circumstances.

(50) DCJ will review complete an annual housing eligibility review on behalf of all social housing providers to confirm that clients want to remain on the NSW Housing Register.

(51) DCJ or a CHP participating in Housing Pathways may suspend an application for any of the reasons outlined in the DCJ Managing the NSW Housing Register Policy. Suspended applications will be reviewed after the applicable timeframe for the reason the application was suspended.

a. After the application has been reviewed, DCJ or the CHP participating in Housing Pathways will either make the application live on the NSW Housing Register, close the application, or suspend the application for a further timeframe in accordance with the DCJ Managing the NSW Housing Register Policy.

(52) DCJ or a CHP participating in Housing Pathways may close an application for the following reasons:

a. at the tenant's written request;
b. the tenant has been housed or rehoused by a social housing provider;

c. the tenant has Specialist Disability Accommodation (SDA) approved in their National Disability Insurance Scheme (NDIS) support plan;
d. the tenant has become ineligible to remain on the NSW Housing Register;
e. the tenant has previously seriously threatened or abused social housing staff or intentionally engaged in conduct that caused social housing staff to feel intimated or harassed and the tenant has not demonstrated a change in those behaviours;
f. the tenant does not respond to a request for contact from the relevant housing provider;
g. the tenant rejected their allocated number of reasonable offers;
h. the tenant accepted an offer but did not sign the Residential Tenancy Agreement; or
i. following a review of a suspended application where the tenant did not resolve the issue which resulted in the application being suspended within the permitted timeframe.

Section 4 - Appeal and Internal Review

(53) If a tenant disagrees with a decision made by DCJ or a CHP participating in Housing Pathways, they should firstly discuss their concerns with a staff member from Hunter Community Housing.

(54) If the tenant is still dissatisfied, they have the right to request an appeal which will be assessed in accordance with the Hunter Community Housing – Appeals and Internal Review policy.

(55) A tenant cannot appeal:

a. the length of time they have waited for social housing;
b. the availability or lack of accommodation in an area; or
c. a decision to house someone ahead of them on a priority basis.

Section 5 - Responsibilities

(56) The General Operations Manager – Housing is responsible for implementation of this policy.

(57) Staff are responsible to ensure they have read, understood, and comply with the policy.

(58) The Diocese Governance Department is responsible for managing the review process and publication of this policy.

Section 6 - Document Review

(59) This policy will be reviewed when there is a legislative change, organisational change, delegations change or at least every 3 years to ensure it continues to be current and effective.

Status and Details

Status	Current
Effective Date	27th May 2024
Review Date	24th February 2028
Approval Authority	Head of Governance
Approval Date	24th June 2022
Expiry Date	To Be Advised
Unit Head	Ray Bowen Director Property and Housing
Enquiries Contact	Hunter Community Housing