

Housing Transfer

Overview

This policy explains the types of transfers, the eligibility criteria for transfers, and how we manage requests for transfers.

Scope

This policy applies to all tenancies managed by Muslim Care, except for affordable housing and transitional tenancies.

Guiding Principles

- All tenants may apply for a transfer.
- We will adopt a fair and transparent approach to assessing requests for transfers.
- We aim to give tenants a choice about the location of housing in order to meet the tenant's/households' housing needs.
- Tenant transfers will be managed using this policy and Housing Pathways policies and processes.

Definitions

Transfer

A transfer is when we approve or request a tenant to relocate to another property that meets their current household needs.

Tenant Transfer

A tenant transfer is any transfer that the tenant initiates including transfers from other housing providers and internal transfers.

Management Transfer

A management transfer is any transfer that we initiate.

Tenant 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.

Applying for a transfer

Tenants who want to 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 completed and required documentation must be returned to us so that their application can be assessed.

Under Housing Pathways, a tenant may choose to apply for all social housing options available or public housing and Aboriginal Housing Office properties only, or community housing only. However, tenants are not able to choose to be housed by a specific community housing provider, e.g. Muslim Care.

Eligibility criteria

Generally, for a tenant-initiated transfer to be approved, a tenant must be eligible for social housing, including meeting the current income limit, being able to show that they can sustain their tenancy with or without support, and meeting the transfer assessment criteria. In exceptional circumstances we 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 is no longer suitable.
- Show that moving will resolve or improve their current situation.
- Provide documentation or evidence to support their transfer application.

Transfer applications will be considered on a case-by-case basis and may be approved for the following reasons:

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

Tenants in breach of their tenancy agreement

If a tenant has a live application for a transfer and we get a Specific Performance Order (SPO) from the NSW Civil and Administrative Tribunal (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 a 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 us. 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, 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, we will not make an offer for housing until the property care issue is resolved and the tenant has shown us that they can keep the property in a reasonable state.

If a transfer is approved and there are rent arrears/debt owing at the time of transfer, we will get an order from the Tribunal 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 tenancy agreement and we have started action to end the tenancy. If a tenancy has a live or suspended transfer application and the tenancy is ended, we will close the transfer application.

Note: We may make exceptions where a tenant is in breach of their tenancy but 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.

Assessing transfer applications

We will assess transfer applications using the current eligibility criteria. We will consider whether modifications to the tenants 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 on the Housing Pathways Register as either a priority or wait-for-turn transfer. Management transfers may be handled outside of the Housing Pathways Register.

If a tenant's circumstances change after being approved for a transfer, we will reassess their application and update their transfer on the Housing Pathways Register.

Our standards in responding to transfer applications.

When a tenant applies for a transfer, we will send them 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

We 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 might close a transfer or update the priority of an application based on the updated information.

Management Transfers

We might ask a tenant to transfer to another property if the current property is:

- Under occupied (i.e. the property has at least two bedrooms more than the household's minimum entitlement. Refer to our Occupancy and Allocations policies).

- Being returned to the landlord (e.g., a property being leased through the private rental market)
- Being redeveloped, or there are plans to redevelop.
- Being sold, or there are plans to sell the property.
- Modified and the occupants don't need a modified property.
- The property or program type is no longer suitable.

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.

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 might 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 Specific Payment Order. We might make exceptions where the tenant can demonstrate an urgent need for transfer for social housing and/or is at risk.

Costs associated with moving.

If we ask the tenant to transfer for any of the following reasons, we will contribute to the cost of moving:

- The property is under-occupied.
- The property is being returned to the landlord.
- The property is being demolished for redevelopment.
- The property is modified, and the occupants don't need a modified property.

Our contribution will be based on the size of the household.

On a case-by-case basis, we might arrange and pay for the removalist, if approved by a Team Leader or Manager. Some of the reasons we may offer this assistance could be where a tenant or any member of their household:

- is aged or frail.
- has a serious health issue or disability (including physical, mental or intellectual disability)
- are experiencing domestic violence

In exceptional circumstances, the Head or General Manager may approve other assistance.

Return to Properties

When we ask a tenant to move from a property that is being redeveloped for social housing, we may ask the tenant if they want to move back after the redevelopment is complete if:

- 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.

We will assess whether a tenant is able to return to the site on a case-by-case basis, at or before the time the developed property is ready to be allocated.

Transfer offers

Transferring tenants will receive 2 reasonable offers when properties are available that meet their needs. If a tenant rejects an offer that we think is reasonable, we will tell them about their right to appeal our decision. If a tenant rejects 2 reasonable offers, we will not make any more offers.

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 our End of Tenancy policy for more information.

The keys for the original property must be returned to us within 4 days of the tenant signing their new Residential Tenancies Agreement. We will charge the tenant a daily occupation fee if they don't return the keys to us within 4 days.

Relevant laws, regulations, and standards

- Residential Tenancies Act 2010 (NSW)

Policy Information

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