

Changing needs of tenants

Transfers policy

Policy section: 1.0

Section name: Changing needs of tenants

Policy: 1.3.1

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1 Purpose

- 1.1 To outline requirements for tenants who require a transfer to an alternative property to better meet their needs.
- 1.2 To outline the responsibilities of staff involved in overseeing and approving transfer applications.
- 1.3 To outline circumstances that may require Mission Australia Housing (MAH) to request tenants to transfer from their property to an alternative property.
- 1.4 To detail state based requirements relating to transfers.

2 Related policies

- 2.1 This policy should be read in conjunction with the:
 - 2.1.1 Mutual Exchange Policy, which details requirements and process for tenants who wish to exchange their properties.

3 Scope

This policy applies to staff responsible for managing tenants and properties of MAH.

4 Guiding principles

- 4.1 Tenants are assisted to remain living at their property wherever possible.

- 4.2 Transfers are approved for applicants where changes in circumstances require this and they are able to provide evidence.
- 4.3 The processes of MAH facilitate responsive, fair and timely transfers wherever required.
- 4.4 MAH complies with the requirements of operating states through its transfer processes.
- 4.5 Applicants receive an explanation for the outcome of their transfer application wherever required.
- 4.6 MAH takes an evidence-based approach to assessing applications for transfer.
- 4.7 Tenants are given a choice as to their preferred location and property size wherever possible.
- 4.8 Tenants are assisted to access support and assistance wherever required or requested in order to vacate from their property or access alternative accommodation.
- 4.9 Tenants are given opportunities to appeal organisational decisions in order to ensure fair and transparent outcomes.
- 4.10 The record keeping practices of MAH ensure accountability and transparency.

5 Policy

5.1 Tenant initiated transfers

Note: *relevant primarily to NSW and Queensland, where MAH has responsibility for assessing and approving transfer applications.*

- 5.1.1 MAH is committed to meeting the changing needs of tenants wherever possible, through assisting them to transfer to an alternative property if their current housing arrangements have become unsuitable for their needs and they are able to provide evidence of this.
- 5.1.2 MAH is responsible for assessing and determining the transfer applications of tenants of MAH in Queensland and New South Wales, and for providing application assistance to tenants who require a transfer in Tasmania.
- 5.1.3 Transfers are generally intended for long term tenants of social housing programs in genuine need and MAH will generally not approve a transfer or assist in a transfer application where the reason for transfer is a change of individual preference or where the tenant has been in their property for less than 12 months.
- 5.1.4 MAH will only approve a transfer for tenants who have lived in their property for less than one year in exceptional circumstances. MAH will, where possible in the first instance, assist tenants to identify strategies that may help them to live in their property and participate in their community as per the [Referrals to Agencies Policy](#).

- 5.1.5 Transfer applications must be made in writing, using the appropriate state based transfer forms. Applications may be made by tenants themselves; tenant guardians; or by support services which work with tenants with tenant consent.
- 5.1.6 Wherever MAH assesses applications in NSW and Queensland or assists in transfer applications in Tasmania, applicants will be expected to meet the following criteria as well as the specific transfer eligibility requirements of their state jurisdiction as per [5.2.1](#):
- Have a good tenancy history
 - Show cause for a transfer
 - Have treated their property appropriately (fair wear and tear excluded)
 - Are able to demonstrate ongoing ability to live independently, with or without support services
 - Demonstrate their continuing eligibility for social housing against the criteria of their state jurisdiction in accordance with the [Eligibility Policy](#)
 - Not owe any money to MAH for a rent or non-rent debt, or have paid any outstanding debts owing to MAH by the time they request to transfer
 - Not have received a third and/or final notice to end their tenancy and vacate their property as per the [Ending Lease and Rooming Accommodation Agreements Policy](#).
- 5.1.7 Senior Management may use discretion to waive these requirements if the tenant or household member who has requested the transfer is at risk of harm.
- 5.1.8 The National Operations Manager may, in NSW or Queensland, approve a tenant transfer request irrespective of any tenant debts owing where an urgent need for a transfer has been identified. The National Operations Manager may require tenants in these jurisdictions to enter into a payment plan as per the [Debt Management Policy](#) before a request is considered or approved.
- 5.1.9 Wherever tenants apply to transfer, or request assistance with an application for a transfer, they will be required to submit evidence in support of their application. Any evidence must:
- Be no more than six months old and dated
 - Be supported by expert or professional opinion where required.
- 5.1.10 Tenants in Queensland and NSW will be permitted to update an existing application they have made for a transfer if their situation changes or deteriorates.
- 5.1.11 MAH may be unable to approve a transfer application in Queensland and New South Wales where:

- There is limited available housing stock which meets the identified needs of a tenant
- There is high demand for housing in a particular geographical area
- The needs of housing applicants or other tenants are given a higher priority
- They are unable to provide evidence to support their application.

5.1.12 Where MAH is unable to approve a transfer application, MAH will work with state government housing authorities in order to maximise the prospect of obtaining an efficient transfer which meets the needs of the tenant and applicants.

5.1.13 MAH reserves the right to cancel transfer requests where tenants unreasonably decline two offers to transfer to a more suitable property of MAH in New South Wales and Queensland.

5.1.14 MAH will generally not contribute money to or pay for the transfer of tenants who initiate their own transfer and these tenants will be required to pay in full for their transfer should approval be granted.

5.2 Tenant initiated transfers (specific requirements of operating states)

5.2.1 Tenants, whether applying to transfer within MAH or seeking assistance with their application, must be able to meet the transfer assessment criteria on one or more of the following grounds:

5.2.2 All States

- At risk (factors including but not limited to: domestic violence; risk of homelessness; child abuse or neglect; community violence/risk of violence from members of the community or neighbourhood; ongoing or serious harassment; assault; sexual assault; neglect; and threatening behaviour)
- Medical condition, disability, requirement to access essential services, or inappropriate design of current housing for household needs
- Domestic violence
- Over-occupancy (severe or moderate)
- Under-occupancy
- Employment.

5.2.3 New South Wales only

- Torture or trauma
- Compassionate grounds
- Family breakdown/separation
- Tenancy re-instatement.

5.2.4 *Queensland only*

Requirement to live in a particular location to meet cultural obligations; gain access to children; or to access informal support

Unaffordable rent (this only applies to requests to transfer from a property under an affordable housing program to a property under a social housing program).

5.2.5 *Tasmania only*

Overcrowding associated with kinship care and family reunification.

5.3 **Management transfers**

5.3.1 In all operating states MAH may require tenants of social housing programs to transfer from their current property to an alternative property where:

- Their property requires significant maintenance or upgrades
- Their property is to be demolished or redeveloped
- Their property has become uninhabitable
- Their property is no longer available to MAH. This may occur where MAH is issued with notice to leave a property (leasehold properties), or where a property is reclaimed by state based housing authorities (capital properties)
- There is severe overcrowding or under occupancy as per Occupancy Policy
- There are persistent neighbourhood and/or community disputes
- There are severe health and safety issues at a property
- A tenant or their household no longer requires the modifications included at their property.

5.3.2 Tenants of affordable housing programs who are requested to transfer from their property will be informed if they are eligible to apply for the MAH affordable housing waiting list.

5.3.2 In situations where tenants are required to transfer from their current property, MAH will:

- Provide tenants and where applicable their household, advocate and/or guardian with information about why their transfer is required
- Provide adequate notice to the tenant and where applicable their household
- Explore all suitable alternative housing options
- Involve tenants in and consult them on relocation matters
- Support tenants and where applicable their household to remain connected to essential services and informal support.

- 5.3.3 Wherever possible, tenants who are required to transfer from their property will be offered an alternative property which matches their identified needs, locational preference and which supports them to sustain a successful tenancy.
- 5.3.4 Tenants who owe a rent or non-rent debt associated with a property that they have been requested to transfer from will still be required to pay their debt to MAH irrespective of their relocation to an alternative property as per the [Arrears Management](#) and [Debt Management Policy](#).
- 5.3.5 Where appropriate or required, MAH will provide financial assistance to tenants who are required to relocate from their property under a management transfer arrangement. Any financial assistance or reimbursement will be subject to an initial assessment of tenancy history, relocation need and a Senior Manager may request evidence of expenditure, relevant quotes and/or negotiate a contribution.
- 5.3.6 MAH may seek to end a tenancy where a suitable offer/s of alternative housing is refused, or where a tenant refuses to leave their property subsequent to a management transfer request.

5.4 Requirements relevant to all transfers

- 5.4.1 Staff will inform tenants of their right to appeal organisational decisions and to complain about the services of MAH as per the [Appeals and Complaints Policy](#).
- 6.4.2 Staff will hold any information provided by tenants and where applicable, their advocates and guardians in strict confidence unless consent to disclose information has been provided by the person subject of that information or otherwise required under law as per the [Privacy and Confidentiality Policy](#).
- 5.4.3 Staff will keep records of:
- Any documents completed or supplied by tenants, and where applicable their advocates and guardians in relation to transfers
 - Any documents completed or supplied by MAH in the process of approving, actioning, or assisting with transfer applications.

6 Definitions

Tenant initiated transfer: is a transfer which is initiated by tenants in relation to their perceived or actual needs. These transfers occur generally where the needs of a tenant have changed and they require a property with different specifications.

Management transfer: is a transfer which is initiated by management for reasons which often differ to tenant initiated transfers. A management transfer may occur because a property is no longer available or viable.