

Policy name	Making Changes to Your Tenancy
Policy date	August 2020
Authorisation	General Manager, Operations
Policy owner	National Manager, Housing Services
Policy type	Mission Australia Housing Operational Policy
Policy setting	

1 Purpose

1.1 Overview

1.1.1 This policy outlines the principles to be followed where Mission Australia Housing (MAH) or its tenants wish to vary tenancy arrangements. It covers:

- Tenants who wish to transfer to an alternative property that better meets their needs;
- Circumstances in which MAH may request that tenants transfer from their property to an alternative property;
- The exchange of properties between tenants (known as mutual exchange) where this will better meet the needs of both parties; and
- Succession of tenancy, where a household member takes over a tenancy.

1.2 Information on procedures and other related policies

1.2.1 This document is a national policy and covers both Mission Australia Housing (MAH) and Mission Australia Housing Victoria (MAHV). All references to Mission Australia Housing, MAH and Housing include both MAH and MAHV unless specifically stated otherwise. Where state based variations exist in policies and procedures, these will be identified in the document.

1.2.2 This policy focuses on why certain things need to be done. It is supported by procedures that provide more detail on the “what” to do.

1.2.3 Other MAH policies also need to be considered in managing variations to tenancies. To assist you, these are identified where relevant in this policy and supporting procedures.

2 Scope

2.1 Parts of Mission Australia that this policy covers

2.1.1 This policy applies to MAH staff responsible for working with MAH clients, tenants and properties.

2.2 Definitions

2.2.1 Key terms used in this policy are defined in the following table.

Term	Definition
Affordable housing	Housing for individuals or families on low to moderate incomes who are having difficulty affording housing in the private rental market. It is generally targeted at working households. Rent for affordable housing is usually calculated as a discounted market rent.
Allocation principles	The rules and standards which govern the provision of properties to applicants and tenants of MAH.
Eligibility	Criteria such as income limits that must be met by applicants to obtain housing through a specific program.
Housing Connect	The Tasmanian system providing a single assessment process for all housing and support needs.
Housing Pathways	The way in which applications for social housing assistance are managed in New South Wales. It may also include help to set up a tenancy in the private rental market, or temporary accommodation if someone is homeless.
Management transfer	A transfer initiated by management, usually for tenancy or asset management reasons. For example, a property may no longer be available or viable.
Mutual exchange	The exchange of properties between tenants, where this will better meet the needs of both parties.
Social housing	Subsidised housing for individuals and families on very low and low incomes. Social housing applicants are generally in receipt of Centrelink benefits.
Succession of tenancy	The transfer of tenancy of a property from the main tenant to a household member.

Term	Definition
Tenant initiated transfer	A transfer initiated by a tenant. These transfers generally occur where the needs of the tenant have changed, and they require a property with different specifications.
Transfer	A move from one property to another. Transfers may be initiated by a tenant (tenant initiated transfer) or by MAH (management transfer).

3 Policy

3.1 Guiding principles

3.1.1 MAH is focused on the needs of tenants and their families:

- MAH seeks to match tenants with properties in a way which best meets the tenant's needs.
- MAH recognises that needs change as the circumstances of tenants and their households change, and seeks to develop approaches that will best accommodate these changes.

3.1.2 The MAH process for managing changes in tenancies is fair and transparent:

- The rules for applying for any changes and the subsequent decisions are fully explained to tenants.
- Tenants and their households are supported throughout the process.
- Tenants are given the opportunity to appeal organisational decisions in order to ensure fair and transparent outcomes.

3.1.3 The MAH process complies with relevant laws and procedures.

3.2 Introduction

3.2.1 MAH seeks to match tenants with properties in a way which best matches the needs of tenants and their households. As tenant needs and circumstances change, changes may need to be made to tenancy arrangements.

3.2.2 This policy and the associated procedures explain how these changes are managed, recognising that there are variations between jurisdictions and housing programs. The processes involved can seem complex, and may be taking place at a time when the tenant or family members are under stress. Therefore, staff should:

- Be sensitive to the concerns of applicants;
- Clearly explain the steps involved, including constraints, options and timelines; and
- Arrange for assistance from interpreters or support services where necessary.

3.3 Tenant initiated transfers (affordable housing)

- 3.3.1 Affordable housing tenants wanting to move from one affordable property to another will need to apply for the new property following the normal affordable housing application process. See the **Affordable Housing Policy** for further details.
- 3.3.2 Affordable housing tenants wishing to transfer to social housing will need to apply following the normal social housing application process holding in their state or territory. See the **Eligibility for Housing Policy** and **Housing Applications Policy** for further details.

3.4 Tenant initiated transfers (social housing)

- 3.4.1 Tenants may apply for a transfer to another property where changes in their circumstances or that of their household make their existing property or location no longer suitable.
- 3.4.2 While responsibilities and processes for handling transfer applications vary to some degree between jurisdictions, all assessments have to answer two questions:
- Is the tenant eligible to apply for a transfer?
 - If so, what priority should be accorded to the application? This will determine the subsequent allocation.
- 3.4.3 In general, to be eligible for a transfer a tenant must:
- Be eligible for social housing at the time they make the transfer application and at the time of offer;
 - Have fully repaid any outstanding accounts from any former tenancy, and be up to date in their current tenancy or be following a debt repayment plan. A tenant may apply with outstanding debts, but MAH can only make an offer of alternative housing where all debts are fully repaid;
 - Have been a tenant for a minimum of 12 months and have an acceptable tenancy record;
 - Demonstrate that their circumstances have changed and that their current property or location is no longer suitable;
 - Demonstrate that moving will resolve or improve their current situation; and
 - Provide the required documentation to support their application.
- 3.4.4 In exceptional circumstances, a tenant may be able to demonstrate an urgent need for a transfer even though the above eligibility criteria have not been fully met. Staff should refer such cases to the National Manager, Housing Services, who has the delegation to consider such exceptions on a case-by-case basis.
- 3.4.5 Changed circumstances that might support an application for transfer include but are not limited to:
- A change in household size, leading to under- or over-occupancy;
 - The requirement for a modified property (where the current property is not suitable for modification);
 - The tenant requiring ongoing support in a specific location;
 - Harassment or abuse issues in the current property or location;
 - Domestic or family violence; and
 - The need to be closer to medical facilities.

- 3.4.6 Because social housing is in short supply, applications for transfer have to be prioritised based on need. In general, transfer applications are ranked as priority and waitlisted. Factors which influence the priority of a transfer include:
- Tenants being at risk;
 - A serious medical condition or disability;
 - Serious or ongoing harassment;
 - Gaining employment or changes to current employment;
 - Compassionate grounds;
 - Severe overcrowding;
 - Domestic violence;
 - Family breakdown; and
 - Tenancy reinstatement.
- 3.4.7 Recognising variations between jurisdictions, where a tenant wishes to lodge an application for a transfer of tenancy staff should:
- Establish the reasons for the transfer request;
 - Explain the exact requirements and processes holding in that particular jurisdiction; and
 - Arrange for the tenant to fill out the required application and provide supporting evidence.
- 3.4.8 Following a decision on the application, staff should advise the tenant of the decision and the reasons for that decision.
- 3.4.9 For further information on the processes holding in each jurisdiction, see the **Making Changes to Your Tenancy Procedure**.

3.5 Management transfers

- 3.5.1 A management transfer is a transfer initiated by MAH, for tenancy or asset management reasons. Examples include where:
- The tenants reside in a leasehold property that MAH is required to return to the owner;
 - The property has become uninhabitable, is to be demolished or redeveloped, or requires significant maintenance or upgrades;
 - There are safety concerns for the tenant or a household member;
 - The household size has changed and the property is now under- or over-occupied; and
 - There are persistent neighbourhood disputes.

3.5.2 Where a management transfer is proposed, MAH will:

- Provide tenants and their household, advocate and/or guardian (where applicable) with information about why their transfer is required;
- Explore all suitable alternative housing options;
- Make offers of properties that match the current needs of the household;
- Provide adequate notice to the tenant and their household;
- Involve tenants on relocation matters; and
- Support tenants and their household (where applicable) to remain connected to essential services and informal support.

3.5.3 MAH will also, as appropriate, provide financial assistance for removal costs to tenants who are required to relocate under a management transfer arrangement.

3.6 Mutual exchange

3.6.1 Mutual exchange involves the exchange of properties between tenants, where this will better meet the needs of both parties. An exchange may take place between MAH tenants or, in appropriate circumstances, between an MAH tenant and that of another provider.

3.6.2 Mutual exchange is generally not possible in affordable housing. In social housing, it provides a mechanism that can enhance flexibility in matching properties to tenant needs.

3.6.3 To be eligible for a mutual exchange, tenants must:

- Be long-term tenants who have lived in their property for at least six months;
- Demonstrate their continuing eligibility for housing;
- Not be housed in a property that has been specifically modified to meet their needs;
- Have an up to date rental account and not owe any non-rent debts (tenants must pay any debts they owe in full before a mutual exchange may proceed);
- Have maintained their current property to a suitable standard (fair wear and tear accepted) as required under the lease or rooming accommodation agreement the tenant signed at the start of their tenancy;
- Have had a successful tenancy with minimal breaches of tenancy;
- Demonstrate that the number of bedrooms contained in the alternative property matches their needs (as set out in the **Allocation of Housing Policy**); and
- Demonstrate that a mutual exchange will improve their safety, increase their access to essential services and education or work opportunities, or otherwise better meet the needs of their household.

- 3.6.4 Tenants wishing to be considered for mutual exchange will be required to fill out a mutual exchange application form and lodge it with their local MAH office. The application will then be assessed and, if approved, placed on the mutual exchange list until a suitable exchange property becomes available.
- 3.6.5 Where MAH is unable to facilitate a suitable mutual exchange, or where a tenant wishes to move to a location where MAH does not operate, a tenant may wish to be considered for mutual exchange with a tenant of another provider. In such cases, MAH will contact a relevant community housing provider to advise them of the possible exchange. Tenants may need to comply with additional requirements as set out by the other provider.
- 3.6.6 Once a mutual exchange has been agreed, whether with another MAH tenant or a tenant from another provider, staff will make the necessary transfer arrangements in collaboration with the tenants and the other provider (where applicable).

3.7 Succession of tenancy

- 3.7.1 Succession of tenancy occurs where MAH grants approval for a household member to take over the tenancy of a property from the main tenant. Such arrangements are intended to reduce the chances of homelessness where the main tenant:
- Deceases;
 - Is relocated to a nursing home or health facility, or has been incarcerated;
 - Has moved overseas or interstate; or
 - Decides to move out of the property on a permanent basis.
- 3.7.2 Affordable housing household members are not eligible to apply for succession. However, recognised household members can fill out an application for affordable housing and if eligible, may apply to take over the tenancy.
- 3.7.3 In social housing, a household member will be considered for succession of tenancy where they are:
- An approved occupant who has been living in the property for at least 12 months, and have been included in any household rent assessments for the entire period;
 - Eligible for the specific housing program they are applying for; and
 - Able to live independently and sustain a tenancy, either with or without support.
- 3.7.4 Where there have been tenancy management issues during a tenancy such as noise complaints, rental arrears or anti-social behaviour, whether caused by a tenant or household members, MAH may decide not to approve an application for succession of tenancy. Such applications will be considered on a case-by-case basis.
- 3.7.5 MAH may not be able to approve a succession of tenancy application where:

- The household composition does not match the property configuration as set out in the **Allocation of Housing Policy**; or
- Housing applicants with a higher assessed priority require a property.

3.7.6 Where succession of tenancy is not possible, staff will work with household members to explore alternative housing options.

3.8 Appeals

3.8.1 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**.

4 Responsibilities

4.1 Housing staff including Housing Officers and Client Service Officers are responsible for:

- Informing tenants of their rights and responsibilities in accordance with this policy.
- Implementing the various processes involved in making changes to tenancies, including the assessment of applications.
- Keeping records of the process in the relevant systems.
- Recommending improvements to this policy and associated procedures.

4.2 Team Leaders/Regional Managers are responsible for:

- Assisting housing staff to implement this policy.
- Ensuring good management of evidence in the tenancy management system.
- Incorporating this policy and associated procedures into staff induction and training.
- Ensuring staff are aware of and have access to this policy and associated procedures.
- Escalating feedback about this policy to the policy owner and/or policy writer.

4.3 The National Manager, Housing Services is responsible for:

- Ensuring that MAH complies with this policy and associated procedures.
- Recommending any changes to this policy and associated procedures.