

Tenancy Management: Changing Needs of Tenants

Policy No.	T-6		
Version No.	3	Date:	July 2017
Board meeting date of acceptance	July 2018		
Effective date	August 2018		
Review date	July 2022		
Related policies and documents	Allocation Policy		

Scope

This policy applies to tenants, staff and contractors of Amélie Housing.

Policy Statement

It is the policy of Amélie Housing to:

- Recognise the changing needs of tenants and how this impacts on the size, location and type of property they are eligible for or live in
- Manage under and over occupancy in the through accurate allocation processes, supported by up to date information from the tenant and household
- Minimise emerging under or over occupancy of premises wherever possible by requesting a tenant move to another property, known as a management transfer
- Respond to transfer requests through Housing Pathways transfer processes on the NSW Social Housing Register
- Respond to and act upon written requests for succession on tenancy in a compassionate and timely manner.

Compliance

This policy assists Amélie Housing to comply with:

Compliance Document	Section/Number	Area
National Community Housing Standards	1.3	Tenancy Management – Changing needs of tenants
National Regulatory Code Evidence Guidelines	1.a	Tenancy Management – Changing needs of tenants Tenancy and Housing Services

Responding to Changing Needs of Tenants

Management Transfers

Any tenant may apply for a transfer, providing they meet existing eligibility criteria for the type of housing applied for.

Amélie Housing will treat all applications transfers with sensitivity and confidentially and will assess them in a timely manner. Transfers can be managed internally, known as a Management Transfer in response to changing needs of tenants.

Emergency Management Transfers

Amélie Housing will assist the tenant with immediate transfer in emergency such as:

- Where a property becomes unsafe or uninhabitable
- Where a dangerous situation can be resolved by rehousing.

Where appropriate, Amélie Housing will act to solve problems causing the tenant to seek a transfer, for example by:


- Undertaking maintenance, renovations or home modification
- Resolving a neighbourhood dispute
- Facilitating support or practical help
- Taking action through the NSW Civil and Appeals Tribunal to evict a violent partner.

Ageing in place and disability modifications

Where possible Amélie Housing will assist a tenant, who is ageing or living with a disability to remain living in their home by undertaking home modifications. To assess if a modification is possible, Amélie Housing will consider

- The cost of the required modifications
- Whether Amélie Housing has alternative suitable housing available

- The effectiveness of proposed modifications.

Amélie Housing may refer the tenant to another housing provider which may be better able to meet the tenant's long-term housing needs. In NSW, Amélie Housing will assist this process through supporting the tenant to apply for a transfer on the [NSW Social Housing Register through Housing Pathways transfer process](#). 

Rehousing applications may be refused or approval withdrawn where:

- The tenant is in rent arrears
- There are no urgent medical or social reasons for rehousing
- The tenant is currently in breach of their tenancy and legal action has commenced to end the tenancy
- Rehousing will not permanently solve the problem.

Over and under occupancy

Amélie Housing will define under occupancy as having one or more bedrooms permanently under occupied, without demonstrated need for the additional bedroom.

Amélie Housing will define over occupancy as:

- having unrelated adults sharing a bedroom,
- adults sharing a bedroom with children,
- children of different genders over the age of 11 sharing a bedroom,
- adults sharing a bedroom who for medical reasons need a separate bedroom,
- or a situation where the number of children sharing a bedroom is causing excessive wear and tear

In these circumstances tenants will be made an offer of alternative housing and every effort will be made to meet their requirements.

Occupancy issues are considered as part of the allocation process. However, if issues arise after allocation Amélie Housing will request the tenant to consider rehousing to a more appropriate property, by emphasising:

- Safety, health and hygiene for over occupancy
- Cleaning and utility costs such as heating, cooling and yard maintenance – if applicable
- Precedent setting to other tenants
- Waiting list demands and
- Amélie Housing's approach to maximum use of existing properties to meet and respond to applicants and tenants demonstrated housing needs
- Under and over occupancy issues are assessed together with income reviews.

Reasonable Offers of Housing

For a voluntary transfer requested by the tenant, two reasonable offers of properties will be made. A reasonable offer includes:

- The number of bedrooms the household requires;
- The area requested
- Any other property features the client has been assessed as demonstrated housing needs for example: requirements relating to level access, stairs or steps; distance from support services or medical facilities

In some circumstances where a tenant is relocating for management purposes, or when a client has been approved for emergency temporary accommodation, they may receive only one reasonable offer.

Amélie Housing follows the guidelines set out by Housing Pathways NSW policies [in matching clients to properties – reasonable offers](#).

Succession

Under the Residential Tenancies Act (2010), succession is the right of a member of a tenant's household (including a joint tenant) to take over the tenancy when the tenant dies, leaves permanently or will be in hospital, prison or absent for an extended period. The applicant for succession must:

- Be the tenant's partner, an adult child or other household member who wishes to remain living in their home, and
- Have lived at the property for a 'reasonable' period of time or have an 'established pattern of occupation' which will be assessed by consideration of the circumstances of the situation, and
- Not be responsible for tenancy breaches leading to action to end the previous tenancy.

Amélie Housing will consider applications for succession taking into account:

- The eligibility of the applicant under the right of succession
- The applicant's eligibility for social housing and ranking based on housing need
- Allocation issues, including over and under occupancy
- Any special circumstances including the death of a tenant, the return of a former spouse, commitment to an institution, imprisonment of a tenant, household breakdown and domestic violence

Community stability and security of tenure for all household members.

Complaints and Appeals

If a tenant is not satisfied with a service provided by Amélie Housing or does not agree with a decision it has made, they can ask for a formal review. To do this, the tenant can complete a **review of decision** form.

Details on how to make a complaint, provide feedback or lodge an appeal are found in Amélie Housing Complaints and Appeals policy.

Additional Information for tenants in NSW

If a tenant is unhappy with the outcome of an appeal to Amélie Housing, they can lodge an appeal Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.