

TRANSFER

POLICY

1. PURPOSE

This Policy explains the criteria Evolve Housing will apply when a social housing Tenant applies for a transfer to another Property due to a change in their circumstances or when Evolve Housing needs to relocate a Tenant for management purposes.

2. SCOPE

This Policy applies to all social housing Tenants and Residents of Evolve Housing.

3. POLICY STATEMENT

Evolve Housing is committed to providing social housing appropriate to the needs of all Tenants and Residents.

Evolve Housing Tenants may apply for a transfer to another Property if a change in circumstances makes their existing Property or location no longer suitable.

The applicant must complete an Application for Housing Assistance form and a Transfer Supplement Community Housing Tenants Only form, both of which are available from Evolve Housing's office.

This Policy outlines Evolve Housing's eligibility criteria for transfers, requirements for supporting documentation, circumstances that warrant priority consideration, rental bonds and relocation expenses.

3.1 Eligibility for transfer

To be eligible or become eligible for a transfer, the Tenant must:

- Be eligible for social housing at the time they make the application;
- Be eligible at the time of offer;
- Have fully repaid any outstanding accounts from any former tenancy at the time of being offered a Property;
- Be up-to-date with their current tenancy accounts at the time of being offered a Property;

- If the Tenant has been or is currently in a Property, the care of the Properties by the Tenant must be satisfactory and must have not damaged any Properties.

When a Tenant applies for a transfer, they must:

- Have been living in their current Property for a minimum of 12 months;
- Be able to show their circumstances have changed and that their current Property or location is no longer suitable for their housing needs;
- Be able to show that moving will resolve or improve their current situation; and
- Be able to provide the required documentation or evidence to support their application.

A Tenant can apply for a transfer if they owe money on their accounts, including money owed on a former tenancy if they are on a formal repayment plan such as a Specific Performance Order as directed from NSW Civil and Administrative Tribunal (NCAT) however Evolve Housing will not make an offer of alternative housing until the Tenant's current tenancy is up to date and any former debts are fully repaid.

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. Exceptions will be considered on a case by case basis.

3.2 Rental bonds

Where a Tenant is being transferred from a Property where they have lodged a Rental Bond, the bond cannot be transferred to a new Property. The Tenant will need to pay a Rental Bond for the new Property in accordance with Evolve Housing's Rental Bonds Policy.

The existing Rental Bond will be refunded to the Tenant subject to:

- All debts from the current tenancy having been cleared including rent and non-rental debts;

- A successful Property inspection having been completed and it being reasonably assumed there will be no post-tenancy charges made against the Tenant.

All steps will be taken to ensure the bond is refunded to the Tenant within the shortest possible time. In matters where the Leasehold Property is subsequently being returned to a landlord, Evolve Housing will wait for confirmation from the landlord of any likely charges prior to approving the refund of the bond to the Tenant.

3.3 Transfers given priority

Evolve Housing will give priority to transfer applications where the Tenant or a member of their household requires alternative housing due to:

- Being at risk;
- A serious medical condition or disability;
- Serious or on-going harassment;
- Gaining employment or changes to current employment;
- Compassionate grounds;
- Severe overcrowding;
- Family breakdown;
- Tenancy reinstatement.

3.3.1 Tenants at risk

The personal safety and/or mental health of a Tenant or household member may be at risk in situations such as:

- Domestic violence;
- Child abuse or neglect;
- Assault;
- Neglect;
- Threatening behaviour;
- Torture or trauma.

If the Tenant or other household member is at risk, the circumstances must be supported by police reports, Apprehended Violence Orders, medical reports and/or letters of support from community service providers.

3.3.2 Medical condition/disability

Tenants who develop a medical condition or disability or believe their existing condition is being adversely impacted by their present housing may apply for a transfer where:

- Their medical condition/disability is permanent, and
- The current Property and/or location no longer meets their physical needs, or
- The relevant person no longer has the capacity to access necessary medical services from the Property.

Tenants are required to provide supporting documentation from a registered specialist health professional regarding their condition and the need for alternative accommodation. Where relevant, Tenants should provide supporting evidence regarding the Property's unsuitability for modification.

3.3.3 Harassment

Harassment refers to a wide range of offensive behaviours that are threatening or disturbing, including:

- Verbal abuse;
- Threats;
- Intimidation;
- Vilification;
- Property damage.

Where a Tenant has complained of serious harassment (including racial or domestic violence, other vilification or threat of violence), Evolve Housing will advise the Tenant of external sources of assistance, including the police and local mediation services, such as Community Justice.

Where appropriate, Tenants applying for a transfer should demonstrate that they have attempted to access external resolution. However, Evolve Housing recognises that neither legal enforcement by police or other bodies, nor mediation may be successful or appropriate in some circumstances, therefore such Tenants will be considered for immediate transfer approval.

Where a Tenant has been approved for a priority transfer due to being at risk, for medical reasons or because of serious harassment; Evolve Housing may approve an EVOloan to assist with removal costs.

3.3.4 Employment

A Tenant can apply for a priority transfer due to the Tenant or their Partner gaining employment or experiencing changes to their current employment.

A Tenant applying for transfer due to employment must show the following:

- They meet social housing income criteria; and
- The Tenant or their Partner are currently unemployed and have been offered a full time job that requires them to move in order to access or be eligible for their employment; or
- They are currently employed and are required by their employer to move to keep their job; or
- The offered employment is long term.

Such transfer requests will generally need to relate to the applicant demonstrating a serious and urgent need to have access to required services such as public transport, in order to attend work. The application will need to be accompanied by a letter from their employer.

3.3.5 Compassionate grounds

Compassionate grounds for transfer may include:

- Being closer to a family member who needs the Tenant's full time care;
- Being closer to support networks or services not covered by medical or other factors.

Applicants will need to provide a medical assessment, report or letter from a support agency, such as the Aged Care Assessment Team or occupational therapist, which clearly states the need for the transfer.

3.3.6 Severe overcrowding

Transfers due to severe overcrowding relate to additional permanent members of the household and would not include additional individuals who could apply for housing in their own right.

The overcrowding should not be the result of approval having been given to other household members to reside at the Property (refer to the Evolve Housing Visitors and Additional Occupants Policy), however if the severe overcrowding is due to a full time carer being approved as an additional occupant, Evolve Housing may give approval if the full time carer is receiving a Carer payment from Centrelink.

This is defined as providing financial support if the carer is unable to work in substantial paid employment because they provide full-time daily care for someone with a severe disability, medical condition, or is frail or aged.

As there is an extremely high demand for larger accommodation, Evolve Housing will prioritise requests for properties with additional bedrooms where the existing accommodation is inappropriate i.e. there is or will be severe overcrowding.

Severe overcrowding may arise as a result of:

- A reunited family;
- Being awarded custody of a child/children;
- Marriage;
- Birth of a child or adoption.

Severe overcrowding includes:

- An adult or couple sharing a bedroom with a person aged over three years;
- Four or more children sharing a bedroom;

- Three or more unrelated adults sharing a bedroom.

Children currently sharing a bedroom now need their own bedroom because of a specific need such as:

- A disability or special medical need;
- Severe behavioural problems;
- Children of different sexes are sharing a room on reaching puberty.

3.3.7 Family breakdown/separation

If there is a serious breakdown in a family relationship, Evolve Housing may consider providing separate accommodation for the household member who has left the Property. Evolve Housing seeks to ensure families who are affected by relationship breakdowns or separation are spared the additional trauma of a housing dilemma.

A serious breakdown includes separation or divorce between a Tenant and Partner.

In the case of divorce/separation, the Partner who has moved out needs to prove:

- The person is eligible for social housing;
- The spouse was a household member;
- The de facto was a household member on a continuous basis for two or more years;
- The spouse or Partner was on Evolve Housing's records as living at the Property;
- The application is being made within six months of moving out of the Property.

Where an application requires housing for both parties, supporting documentation will be required such as:

- Legal evidence of the separation;
- Documentation from Centrelink;
- Letters from support workers;
- Evidence of a new address for the person who moved out.

If there are couples with dependants or children involved, the tenancy entitlement belongs to the applicant who has the custody of the dependants.

If the parties involved in the relationship breakdown do not have dependants, they should nominate who will remain in the tenancy. If the other party meets the eligibility criteria, they may apply to Evolve Housing for housing in their own right.

3.3.8 Tenancy re-instatement

Evolve Housing recognises that Tenants escaping domestic violence may make decisions in a crisis that places their long-term housing at risk, such as ending their tenancy with Evolve Housing rather than applying for re-housing.

Tenancy reinstatement can apply to former Tenants who vacated their Property because:

- They were under duress;
- They had to move to a residential care facility;
- They were placed in a custodial facility;
- The Tenant or a household member had care needs.

To be eligible for tenancy reinstatement, former Tenants must:

- Prove they meet eligibility criteria for social housing;
- Reapply within six months of vacating.

In the case of custodial sentences not longer than three years, the former Tenant will need to apply within six months of their release from custody.

Former Tenants with custodial sentences longer than three years will need to re-apply for housing as they are not eligible for tenancy re-instatement.

The former Tenant must continue to meet the current Evolve Housing selection criteria and hold no outstanding debts with Evolve Housing.

3.4 Management Transfers

3.4.1 Management Transfers: Relocating Tenants for management purposes

A management transfer is any transfer that is initiated by Evolve Housing.

The transfer of an Evolve Housing Tenant to alternative housing may be in the interests of Evolve Housing in circumstances such as:

The household size has decreased and the Property is currently under-occupied and could be better utilised by an applicant or other Evolve Housing Tenant;

- Evolve Housing wishes or is required to return the Property to the owner/agent;
- Evolve Housing wishes to redevelop the Property as part of its asset management and property improvement strategy.
- Evolve Housing will relocate Tenants of such properties where it is deemed to be in the interests of Evolve. Evolve Housing will act with respect and fairness and within the provisions of all relevant legislation, in any discussions and arrangements made with such Tenants.

Where a Tenant is transferred for management purposes, the Tenant may apply to Evolve Housing prior to relocating for financial assistance with removal costs relating to furniture and belongings. Evolve Housing will assess the Tenant's individual situation and make a decision on the financial assistance to be offered. The amount offered will be reasonable taking into account the distance of the move and size of the household. Relocation costs will only be approved when the nominated removalist has a current ABN.

3.4.2 Management Transfers: Under-occupancy

Under-occupying a Property occurs when a Tenant has more bedrooms than they require. It is usually the result of other household members moving out of the Property.

Where a Tenant's household size has reduced to an extent the Property is under-occupied, Evolve Housing will transfer the Tenant to another more suitable Property.

3.4.3 Management transfer from Leasehold Properties

For the purpose of this Policy, Management Transfer is where the Tenant of a leasehold property can no longer continue the tenancy because the property owner has given notice to return the Property due to sale or for some other reason.

Every effort will be made to locate appropriate accommodation within the current Housing Pathways allocation zone for the Tenant prior to the expiration of the Leasehold lease agreement. This is subject to the Tenant's eligibility.

A Tenant approved for transfer under management transfer from a leasehold Property who currently owes money, must demonstrate they have been making a consistent effort to pay off the debt.

Where a Tenant is transferred under management transfer from a leasehold Property, the Tenant may, prior to relocating, apply to Evolve Housing for financial assistance with removal costs relating to furniture and belongings. Evolve Housing will assess the Tenant's individual situation and make a decision on the financial assistance to be offered. The amount offered will be reasonable taking into account the distance of the move and size of the household. Relocation costs will only be approved when the nominated removalist has a current ABN.

3.4.4 Management Transfers: Number of Offers to Approved Leasehold Transfer Applicants

Evolve Housing Tenants who are being transferred for management purposes will receive one offer of alternative accommodation.

Evolve Housing has decided to offer one suitable offer of alternative housing to align with the strategic and operational business outcomes which may include:

- Specific timeframes which may not be achievable if the Tenant was entitled to a further offer of alternative accommodation;
- Financial impact on the leasehold program; or
- External reasons.

The offer of rehousing may be approved outside of these guidelines where the Tenant has demonstrated with supporting documentation that the Property does not match their social housing need.

3.5 Wait turn transfers: Moderate overcrowding

Moderate overcrowding is when there is an increase in the size of the household that results in the household having fewer bedrooms than they would otherwise be entitled to, but is not severe. For example:

- Three children sharing a bedroom;
- An adult or couple sharing a bedroom with a child under three years of age;
- Two unrelated adults sharing a bedroom.

The Tenant will need to substantiate the moderate overcrowding by producing documents indicating the number of household members, their age, gender, size of the bedrooms and the size of the living area.

3.6 Number of offers to approved transfer Applicants

A Tenant approved for a transfer will receive an offer, provided:

- They are still eligible for social housing at the time of the offer;
- The reasons for approving the transfer in the first instance still apply;
- The Tenant has no outstanding rent or non-rent charges owing to Evolve Housing at the time of the offer.

If the Tenant rejects the first offer of a transfer, the reasons for the rejection must be in writing. Should the Team Leader deem the offer to be inappropriate considering the reasons for the rejection, a second offer may be made.

The offer of rehousing may be approved outside of these guidelines where the Tenant has demonstrated with supporting documentation an urgent need to transfer and has indicated a genuine intent to clear any debt.

If a social housing Tenant rejects two reasonable offers their social housing transfer application will be closed.

3.7 Notification of outcome of application

When a decision has been made regarding an application for a transfer, Evolve Housing will provide the applicant with written advice within 20 working days including the reason for Evolve Housing's decision. If the application is declined, the Tenant will receive information about Evolve Housing Appeals process.

3.8 Appealing decisions

If a Tenant or applicant believes Evolve Housing has made a wrong decision they should first discuss their concerns with a Housing Manager. If the Tenant or applicant continues to be dissatisfied after speaking with a Housing Manager, they have the right to lodge an Appeal which will be assessed in accordance with the Evolve Housing Appeals Policy.

4. DEFINITIONS

- ABN – Australian Business Number.
- Affordable Housing – offers a secure housing alternative for low to moderate income households who cannot afford private market rents and is priced so that they can afford other basic living costs such as food, clothing, transport, medical care and education.
- Appeal – a disagreement by a Resident or Applicant for social housing, with a decision made by Evolve Housing that affects their tenancy or their application for housing, and which the Resident or Applicant has requested be reviewed.
- Housing Pathways – the way applications for housing assistance are managed in NSW. Housing Pathways provides a single application process, common eligibility criteria for housing assistance, a standard assessment process and a single waiting list known as the NSW Housing Register.
- Landlord – the person who grants the right to occupy a property under the Residential Tenancy Agreement.
- Leasehold Property – A property leased from a private rental landlord (or real estate agent).
- NCAT – NSW Civil & Administrative Tribunal is an independent NSW statutory body which resolves a wide range of disputes including tenancy and other residential property issues. NCAT decisions must be followed and are enforceable.
- Non-rent Charges – any charges that are not rent, for example water charges or charges to repair damage to property. Non-rent Charges are paid separately to rent.
- Partner – the person an individual is married to, or in a registered or de facto relationship with, as defined from time to time by Centrelink.
- Property – the property or residential premises described in the Residential Tenancy Agreement between the Landlord and the Tenant.
- Rental Bond – money paid by a Tenant at the start of a Tenancy Agreement as financial protection for the Landlord, in case the Tenant breaches the terms of the Tenancy Agreement.
- Resident – a person who resides on a permanent basis in a property which is owned or managed by Evolve Housing under a Residential Tenancy Agreement (includes a Tenant).
- Social housing – secure, affordable housing for people on low incomes who need accommodation. Social housing includes public housing properties owned or managed by Housing NSW and the Aboriginal Housing Office, and community housing properties managed by not-for-profit, non-government registered Community Housing Providers such as Evolve Housing.
- Tenant – a person who signs the Residential Tenancy Agreement with Evolve Housing and who has certain rights and obligations under that Agreement.

5. RELATED RESOURCES

- Evolve Housing Appeals Policy
- Evolve Housing Privacy Policy
- Evolve Housing Rental Bonds Policy
- Evolve Housing Visitors and Additional Occupants Policy
- Evolve Housing Zero Tolerance to Violence Policy

This Policy is subject to change from time to time at the discretion of Evolve Housing. Any approvals required under this Policy will be granted in accordance with the Evolve Housing Limited Delegations of Authority Policy. Further information on this Policy and other topics, is available on the Evolve Housing website www.evolvehousing.com.au. If you have any specific questions regarding this Policy, please contact Evolve Housing on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.