

Transfer: Criteria and Evidence Required

Contents

[NCCH Policy Statements](#)

[Tenant requests for transfer \(Pathways\)](#)

[Management transfers](#)

[Special information - Relinquished Headlease Housing \(Management Transfers\)](#)

[Reimbursement of relocation expenses](#)

NCCH Policy Statement

NCCH recognises the changing needs of tenants and household members when managing long term housing. NCCH will strive to meet the changing needs of tenants by approving households for transfer when a property can be demonstrated as no longer suitable.

National Standard

The changing housing needs of tenants are responded to fairly and flexibly within the capacity of the organisation.

Housing Pathways and the NSW Housing Register

NCCH is a participating social housing provider under Housing Pathways and is bound to follow the prescribed social housing eligibility and allocation policies and processes including, where relevant, the relocation of NCCH tenants.

Conflict of interest

All NCCH employees must declare any relevant Conflict of Interest in relation to a transfer request from a tenant in a manner detailed in all relevant agreed Codes of Ethics or Behaviour adopted by NCCH and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process for requests for transfer from tenants where such a conflict has been declared.

Tenant requests for transfer (Pathways)

In the case that a NCCH tenant makes an application for a transfer, Housing Pathways policies and procedures will be applied (this does not include management transfers).

Applications will only be approved for a priority transfer for the following reasons:

- At Risk Factors - Domestic Violence, Sexual Assault, Child Abuse, or Threatening Behaviour by one or more household members against another occupant
- Harassment
- Medical condition or disability
- Employment
- Family Breakdown/Estrangement
- Compassionate reasons
- Severe overcrowding
- Tenancy reinstatement

Applications may be approved for a 'wait turn' transfer for the following reasons;

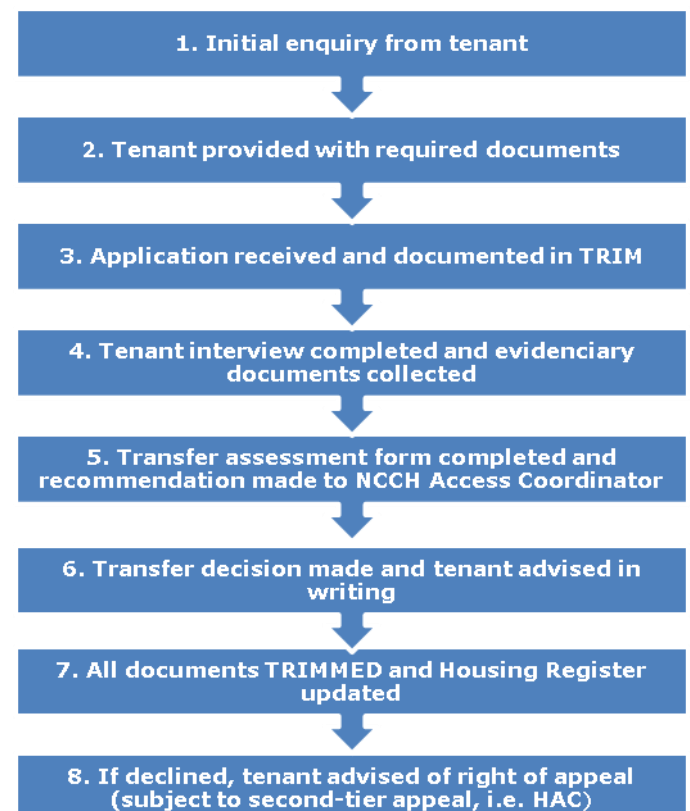
- Moderate overcrowding
- Under-occupancy where the tenant has requested the transfer due to excess bedrooms (see Special Conditions section below for more information about NCCH policy on Under-occupancy)

For further information about tenant transfer policies, see <http://www.housingpathways.nsw.gov.au/NR/exeres/06CAD0CC-41AA-4554-88A6-FE7D4A34D6CD.htm>

See [Schedule 1](#) for detailed information about transfer criteria and evidence requirements

Transfer Receipt, Assessment and Approval Process

Transfers requests will be received and processed in the following manner by NCCH.



Tenant moves to alternative housing prior to NCCH offer

Where a transfer request from a tenant has been approved, and the tenant later vacates their current NCCH tenancy and moves to alternative accommodation, the approved transfer application will be withdrawn and the tenant will not receive any further offers of housing from NCCH.

Under-occupancy

As outlined above, Pathways policy regards “under-occupancy” as a wait-turn transfer only (i.e. not to be listed on a priority basis). However, NCCH regards the under occupancy of our properties as a serious matter, necessitating a priority response.

Therefore, matters of under-occupancy will be:

- Assessed as required according to the above procedures. If approved, this will mean the tenant will be listed on a wait-turn basis, for suitable alternative accommodation with all social housing providers in their preferred area; and
- Assessed as a Management Transfer under the Portfolio Management grounds. This will mean that the tenant will also be listed for an internal transfer within NCCH and allows such a transfer to be handled as a priority matter.

Relinquished headleases

See [Management Transfer](#) section below for information concerning circumstances in which a tenant of a relinquished NCCH headlease property may also be listed on the Housing Register as an approved priority transfer.

Management transfers

Often NCCH, for management reasons, will seek to relocate tenants who do not otherwise meet the Housing Pathways policy for a transfer, including situations where:

- **(Tenancy Management)** The transfer of the tenant is justified on tenancy management or community improvement grounds. Examples would include:
 - The tenant has caused or been the victim of severe nuisance and annoyance involving their neighbours and NCCH has exhausted all other reasonable action to resolve the issue. It may be considered in this circumstance that relocation of the tenant is an appropriate measure.
 - Relocating the tenant/s is deemed to be the only reasonable solution to social or cultural dismay within the neighbourhood that directly affects the tenant/s.
 - It is in the best interests of a formal supported housing agreement (with an external support service provider) for the client/tenant subject to transfer to alternative housing;
 - A tenant has been forced to relinquish a series of headlease tenancies (through no fault of their own) and the provision of NCCH accommodation (e.g. a capital property) will assist in establishing tenure security for the household.
 - The tenant no longer meets the criteria of a NCCH Local Allocation Strategy in place for the dwelling or local precinct
- **(Portfolio Management)** The transfer of the tenant assists NCCH to respond to changing property (type or locational needs) or assists the organisation to improve its portfolio management:
 - A headlease property needs to be relinquished, either upon request of the current property agent/owner or where a property fails to meet the standard of accommodation required by NCCH;

- It is in the best business interests of the organisation to effect a tenant transfer, including in situations where a tenant seeks to move to a higher demand to lower demand accommodation or where a current tenant is willing to accept a “Hard To Let” property;
- The household size at a tenancy has decreased and the property is currently under-occupied and could be better utilised by an applicant or other tenant of NCCH;
- It is the objective of NCCH to return or redevelop the tenant’s current property as part of its asset management and property improvement strategy.

Responsibility

Management Transfers will be managed and co-ordinated internally and generally will result in the tenant being transferred to an alternative NCCH social housing property on a priority basis.

Additional Information for Management Transfers

Transfer of Supported Housing Tenants

NCCH can assist tenants of its Housing Partnerships Program (i.e. tenancies provided under a formal agreement with a local support service provider) with a management transfer, where the client has established a need for alternative housing. By rehousing the client within the organisation, NCCH is able to sustain its relationship with both the client and the support provider. However, HPP tenants retain the right to lodge a request for a transfer under the Housing Pathways protocols, where they consider it is in their best interests to do so.

Acting with Fairness, Due Process and Natural Justice

It is recognised that some management transfers are approved because it is, primarily, in the best interests of NCCH for the current tenant to be relocated.

However, NCCH tenants must agree to such relocation and NCCH will act with respect and fairness and within the provisions of all relevant legislation in any discussions and arrangements made with the tenants where such circumstances exist.

Special information - Relinquished Headlease Housing (Management Transfers)

NCCH is committed to providing long-term and secure accommodation. However, it is recognised that as NCCH has a high proportion of housing stock as headlease accommodation; NCCH has a limited capacity to ensure an ongoing tenancy for most of its headlease tenants.

Where a headlease property needs to be relinquished by NCCH, NCCH will endeavour to locate appropriate accommodation for the tenant that meets their current housing need prior to the expiration of the agreement for the previous property.

Maximum Rent Payable

The maximum rent payable for any replacement property will be within median rents for the relevant local government area, according to the latest Housing NSW Rent and Sales Report.

Eligibility

Transfer: Criteria and evidence

Generally, where NCCH is required to relinquish a headlease tenancy, the tenant does not need to be eligible for social housing prior to being offered relocation (i.e. an alternative tenancy with NCCH). This policy considers the ongoing need for a broad social and income mix of NCCH tenants and also recognises that for some tenants their "ineligibility" may only be temporary.

Exclusions

NCCH reserves the right to deny rehousing a tenant of a headlease property due to be relinquished in the following circumstances;

- The tenant owns a residential property, which could be used to satisfy the tenant's housing needs.
- NCCH has an order issued by the NSW Civil and Administrative Tribunal to terminate the agreement as required by law.
- NCCH has determined that the tenant's unlawful behaviour (including property damage or neglect) was the principal reason for the requirement of NCCH to relinquish the tenancy and the termination of the tenancy is considered by NCCH to have been a reasonable response by owner/agent of the property being relinquished.
- The tenant has rejected an offer of alternative housing for reasons not considered to be valid (see below for more information)

Other relevant information

- If the tenant has a current outstanding debt with NCCH prior to being rehoused, a repayment arrangement must be in place and approval for the transfer can only be given by the person with the appropriate delegated authority.
- In order to promote the allocation of a suitable dwelling, the tenant may assist in the search for a replacement headlease property. However, this assistance is entirely at the discretion of each tenant and at no time shall NCCH accept it as the tenant's responsibility to either acquire or assist in acquiring a replacement for a relinquished* headlease property. For those tenants willing to assist, NCCH will make available written information to them in order to promote a successful outcome.
- A tenant in a headlease property, which is being relinquished, may be offered a capital property for the relocation.

Rejection of one (1) suitable offer

If a tenant rejects one appropriate offer of replacement headlease housing from NCCH without a valid reason, they may be deemed to be not in need of housing assistance and removed from the transfer waiting list.

In such cases:

- The circumstances of the matter and the decision will be fully documented and a copy placed on the tenant's file; and;
- Such a decision must be made in accordance with the agreed delegated authorities of NCCH; and
- The tenant will be notified in writing of the decision and advised of the current NCCH Appeals process

Failure to Relocate

Should NCCH not be able to secure the renting of a replacement property, and the tenant has not been made any

reasonable offers of a replacement headlease property, this may lead to the unavoidable legal termination of the secondary residential tenancy agreement between NCCH and the tenant. If this occurs the now former tenant will remain eligible for relocation for any period where the tenant remains eligible for NCCH housing.

Housing Register priority entry

On most occasions, the rehousing of tenants of headlease properties being relinquished will be handled internally by NCCH. However, in some circumstances, it may be appropriate that the tenant be approved for a priority transfer on the NSW Housing Register, where it is unlikely that NCCH will be able to meet the reasonable alternative housing needs of the tenant/s, and it is known that other social housing providers may be in a better position to assist meeting the tenant's needs.

In such circumstances, the tenant will need to complete the required Pathways documentation (see Initial Enquiries and Required Documentation above) and the relevant transfer assessment procedures will need to be followed.

For the purposes of completing the Transfer Assessment (Pathways) form, complete information for section 4.8 Tenancy Reinstatement.

Reimbursement of relocation expenses

All tenants transferred within NCCH are eligible to claim a single payment from NCCH, not exceeding \$250, to assist in their relocation.

Tenants making such a claim are not required to substantiate any actual costs incurred in their relocation.

This reimbursement is not available to a tenant who is not being transferred from one NCCH managed property to another NCCH property.

Document information

Title	Transfers
Section	Housing & Communities
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.3 Changing needs of tenants
Last review	27/5/2015
Next review	27/5/2015

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Transfer: Criteria and Evidence Required

Schedule 1: Transfer Criteria & Evidence Requirements (Housing Pathways)

Criteria	Evidence Required
<p>1. At Risk Factors</p> <p>Includes (but not limited to)</p> <ul style="list-style-type: none"> • Domestic violence. • Child abuse or neglect. • Assault. • Sexual assault. • Neglect. • Threatening behaviour. • Torture or trauma <p>Tenants need to show that:</p> <ul style="list-style-type: none"> • The risk is serious and ongoing. • The risk means they cannot remain in the current dwelling and/or location beyond a medium length of time. • The property and/or location significantly increase the risk and reduces their safety. • Apart from transferring, there are no practical steps that can be taken by the tenant's household to lower or remove the risk. • Being relocated will help or resolve the situation and remove or significantly decrease the risk 	<p>NCCH will expect the tenant to provide current supporting documentation, substantiating the risk they are exposed to. This may include:</p> <p>Current police reports.</p> <ul style="list-style-type: none"> • A current Apprehended Violence Order (AVO). • A current Domestic Violence Order. • Current reports or letters from Community Services. • Current reports or letters from Corrective Services NSW. • Current reports or letters from a social worker. • Current reports or letters from a community support agency, such as a refuge, community centre or neighbourhood centre worker. • Current reports or an assessment from a medical practitioner or health professional (including a mental health case manager). • Current reports or letters from a school principal or school counsellor.
<p>2. Medical Condition or Disability</p> <p>The client must show that the current dwelling or location is having a negative effect on their health or wellbeing (or other household members). For example, the client may need to be closer to essential medical services, may now need ground floor access because of decreased mobility or may need to be closer to a carer. The Company will consider:</p> <ul style="list-style-type: none"> • The severity of the person's condition • Whether the medical condition is permanent or likely to be permanent • The mobility of the person affected • The impact of the current dwelling and/or location on the client's health or wellbeing • How often the person needs to visit medical services or specialists • If, and how easily, the person can travel to these services • If, and how easily, these services can be accessed in other areas. 	<p>NCCH will expect the tenant to substantiate the medical condition and/or disability. This may include reports from:</p> <ul style="list-style-type: none"> • A general practitioner or specialist doctor. • A health worker such as a community nurse, occupational therapist or physiotherapist. • A mental health case manager or psychiatrist. • Brain injury rehabilitation program. • Attendant care program. • ADAHPT (AIDS, dementia and HIV psychiatry team service). • High needs pool (care program). • Lifetime care and support. • Community aged care package. • EACH package (Extended aged care at home). • Ventilator dependent quadriplegic program. • Support organisations such as Home Care Service, Home Nursing Service, Aged Care Assessment Team, community centre or neighbourhood centre.

3. Harassment

Harassment refers to a wide range of offensive behaviour. It refers to unacceptable behaviours that are threatening or disturbing. Harassment includes:

- Verbal abuse.
- Threats.
- Intimidatory behaviour.
- Vilification.
- Property damage.

Tenants will need to show that:

- The harassment is serious and ongoing, and
- They have attempted to resolve the harassment themselves, with any necessary assistance and support, and
- Their current property and/or location significantly increases the risk of harassment, and
- The harassment means they cannot remain in their current dwelling and/or location beyond a medium length of time, and
- Relocation will help to resolve the situation and remove or significantly decrease the harassment.

The tenant will need to substantiate their claim of harassment by providing documentation such as:

- Current police reports.
- Current reports or letters from the Community Justice Centre (CJC).
- Current reports or letters from a community support agency, such as a refuge, community centre or neighbourhood centre worker.
- Current reports or letters from a mediation service.
- Letters or reports from a general practitioner, specialist doctor, mental health services worker.
- Letters or reports from neighbours substantiating the harassment.
- A record that the incidents are ongoing.
- Evidence that the incidents are escalating in seriousness.

4. Employment

A tenant can apply for a priority transfer due to the tenant or their partner gaining employment, or changes to the tenant's or partners current employment. A tenant must show that the:

Tenant or their partner are currently unemployed and have been offered a job in or near the area to which they need to move, or

The tenant or their partner are not in full time employment and are required by their employer to move in order to keep their job, and

The employment is in a location that is impractical for them to travel to from their existing location, and

Employment is long term and is at least three days work per week. In some circumstances, such as where there are medical factors or care of dependents, the minimum number of working days may be reduced to two.

The tenant will need to establish the need to move for employment reasons by providing documentation such as:

- Letter of offer of employment from employer.
- Letter confirming location of employment.
- Letter confirming permanent employment.
- Letter confirming number of hours to be worked.
- Letter confirming change of employment location from employer.
- Letter from employer confirming loss of employment if unable to relocate/change location.

5. Compassionate

There are a number of compassionate grounds social housing providers will consider. These include:

- Being closer to a family member who needs their care.
- Being closer to support networks which are not covered by the medical, disability or other factors described above, such as counselling services for refugees, child abuse services, family support services, rehabilitation services, Home and Community Care services, cultural services or educational services (specialised schools).

Tenants will be asked to:

- Show why they need to move, and
- Provide information about the family member needing care, or
- Provide information about the services the tenant or the family member requires.

The tenant will need to prove their need for a transfer by providing current documentation such as a:

- Medical assessment or report/letter from a doctor or specialist confirming the family member's medical condition and/or disability.
- Report or letter from a service providing care or support to the family member.
- Report or letter from a specialist educational service.
- Report or letter from a cultural support service.
- Report or letter from a family support service.
- Report or letter from a rehabilitation service.
- Report or letter from a counselling service.

6. Severe Overcrowding

Severe overcrowding may arise as the result of:

- A family reunion.
- An award of custody of children.
- Marriage.
- The birth of a child or children.

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.

Severe overcrowding can also occur if 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 sharing a room and one of them reaches puberty.

Tenants will be required to prove that the severe overcrowding is the result of one of the above reasons and explain why the current dwelling is unsuitable.

The tenant will need to prove that severe overcrowding exists and the reasons for it by providing current documentation such as:

- Age of all household members.
- Gender of all household members.
- Marriage certificate.
- Legal documents confirming family reunion.
- Legal documents confirming placement of children.
- Legal documents confirming custody of children.
- Centrelink family payment income statement.
- Court orders.
- Immigration papers.
- Medical assessment or report/letter from doctor or specialist confirming disability or special needs.
- Letter or reports from support agencies confirming severe behavioural problems.
- Reports or letters from Community Services.
- Letter or reports from health professionals, including mental health case managers.

7. Family Breakdown/Separation

If there is a serious breakdown in a family relationship, social housing providers may consider providing separate accommodation for the member who has left the property. A serious breakdown in a household relationship includes:

- Separation or divorce between a tenant and spouse or de facto partner.
- Irreconcilable problems between a parent and child or children (including an adult child or children).

In the case of divorce or separation the spouse or partner who has moved out will need to prove that:

- The spouse was a member of the household, or
- The de facto partner was a member of the household on a continuous basis for two or more years, and
- The spouse or partner was on the housing provider's records as having lived in the property, and
- The spouse or partner is eligible for social housing, and
- The spouse or partner applies for a transfer within six months of moving out of the property.

In the case of a family breakdown the family member will need to prove that:

- They are a permanent member of the household, and
- They are listed on the housing provider's records as living in the property (e.g., approved additional occupant), and
- They have declared their income to the housing provider and it is recorded in a rent subsidy (if the tenant receives a rent subsidy).

The tenant will need to confirm the family breakdown by providing supporting documents such as:

- Evidence of a legal separation.
- Letters or reports from a social worker, community worker, or neighbourhood centre.
- Letters or reports from Community Services.
- Income statement from Centrelink.
- Family payment confirmation from Centrelink.
- Letters or reports from a general medical practitioner or specialist doctor.
- Evidence of new residential address (e.g. driver's license, mobile phone bill, Centrelink income statement).

8. Tenancy Reinstatement

Tenancy reinstatement can apply to former tenants who vacated their property because:

- They were under duress, or
- They had to move into a residential care facility (including a psychiatric hospital, rehabilitation centre, hostel, nursing home) either voluntarily or under a court order, or
- They were placed into a custodial facility, or
- Of the care needs of the tenant, a member of their household or a family member.

To be eligible for tenancy reinstatement, former tenants must prove that:

- They meet the eligibility criteria for social housing, and
- They meet the criteria for priority transfer, and
- They vacated under duress, vacated to a residential care or correctional facility, or vacated because of care needs, and
- They made an application to their housing provider within six months of vacating the former property, or
- In the case of custodial sentences not longer than three years, they can also 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.

Social housing providers define duress as having to vacate the property due to a critical incident and, under the circumstances, the decision to vacate was reasonable. For example:

- Escaping domestic violence.
- Escaping harassment.
- Removing themselves or a household member from being at risk.
- Admittance to a supported care facility might include a refuge, rehabilitation centre, hospital, or respite centre.

Tenants may need to vacate their property due to:

- Serious medical/disability incident related to the tenant or a household member.
- Serious medical/disability incident related to a family member and/or relative.

When assessing the decision to vacate the property, housing providers will consider the following as applicable to particular situations:

- Was it reasonable for the tenant to vacate without notice, and
- The urgency of the need to vacate without notice, and
- Did the circumstances of the incident force the tenant to vacate without notice, and
- Did the tenant consider options other than vacating, and
- Whether the tenant previously contacted their housing provider about their situation, and
- Did the housing provider ask the tenant to relinquish their tenancy because they were going into residential care or into a correctional facility, and
- Could the decision to vacate have been delayed, and
- Was it a reasonable decision under the circumstances

The tenant will need to substantiate their reason to vacate the dwelling without giving notice to their housing provider. That is, they will need to prove that they vacated under duress or to move to a residential care or custodial facility.

The evidence the tenant must supply will be dependent upon the reason they vacated the property. If, for example, a tenant vacated without notice due to having been at risk, they will be required to supply supporting documentation as stated in the evidence criteria for at risk priority transfers.

If a tenant vacated without notice due to harassment, they will be required to supply supporting documentation as stated in the evidence criteria for harassment.

9. Moderate Overcrowding (wait-turn only)

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

Examples of moderate overcrowding are:

- 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.

Aboriginal tenants may seek a transfer when wanting to take up their entitlement to an extra bedroom to meet family responsibilities

The tenant will need to substantiate the moderate overcrowding by producing documents indicating the:

- Number of household members.
- Age of household members.
- Gender of household members.
- Size of the bedrooms.
- Size of the living areas

10. Under-occupancy (wait-turn only)

Under occupying a property is when a tenant has more bedrooms than they require. It is usually the result of household members moving out of the property.

When a tenant applies for a transfer because of under occupancy, housing providers will:

- Consider the impact on the tenant, and
- Review the benefits and costs to the provider of transferring the tenant, including the demand for the current property, and
- Consider the tenant's requirements for an alternative property and how these can best be met.

The tenant will need to substantiate the under occupancy by producing documents indicating the:

- Number of household members.
- Number of bedrooms in the property

Document information

Title	Transfers: Criteria and Evidence Required
Section	Housing & Communities
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.3 Changing needs of tenants
Last review	27/5/2015
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