

Housing Operating Policies Procedures and Guidelines

Section 7

Changing needs of tenants

Policy statement

7.01 Tenant requests for transfer

7.02 Recognition as a tenant

7.03 Transfer of tenancy agreement

7.04 Uninhabitable properties

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Document history

| Version | Date | Changes and updates |
|------------|---------------|---|
| Version 1: | November 2018 | Consolidation of existing procedures into new document. New procedures written to cover: <ul style="list-style-type: none"> • Transfer of tenancy agreement • Uninhabitable properties |
| Version 2: | August 2019 | Revised policy statements, as endorsed by the Board of Directors |

Policy statement

Momentum will respond to the changing housing needs of tenants in a way that is fair, flexible and consistent with current legislation and complies with all relevant conditions of the NSW State Government's Community Housing Access Policy in relation to the transfer of social housing tenants.

Tenant requests for transfer

All long term social housing tenants can make an application for a transfer to alternative housing.

As participants in the NSW State Government's Housing Pathways system, all requests by long term social housing tenants will be managed according to the expected protocols.

If the tenant has a current outstanding debt with Momentum prior to being rehoused (including an assessed liability for tenant responsible maintenance at their current property), a repayment arrangement must be in place and approval for the transfer can only be given by the person with the appropriate delegated authority.

Management transfers

Momentum may seek to relocate tenants (within the Momentum property portfolio) who do not otherwise meet the Housing Pathways policy:

- for tenancy management reasons; or
- to improve outcomes for the local neighbourhood and community; or
- where it assists Momentum to respond to changing property (type or locational) needs; or
- where it assists the organisation to improve or offer advantage to its overall portfolio management.

Conflicts of interest

All Momentum employees must declare any relevant Conflict of Interest in relation to a transfer request from a tenant, in a manner detailed in relevant Momentum governance policies and must not participate 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.

Succession of tenancy

Succession of tenancy occurs when Momentum agrees to transfer a tenant's right to live in a Momentum property to another household member. Momentum may approve an application for succession when a tenant dies or vacates the property for a reason other than a relationship breakdown.

Household members can seek to be recognised as a tenant if they are:

- a spouse or de facto partner and aged 55 years or older (including same sex partners), or 45 years or older if Aboriginal or Torres Strait Islander;
- a custodian or legal guardian of children in the household;

- an existing household member who are assessed by Momentum as meeting priority housing criteria.

In order to receive recognition as a tenant, the person must be eligible for social housing and be an approved additional occupant of the property, with a satisfactory history of occupation for at least two years.

7.01 Tenant requests for transfer

Purpose

To provide guidance and instructions to staff on how to manage tenant requests for a transfer and internal management transfers initiated by the organization.

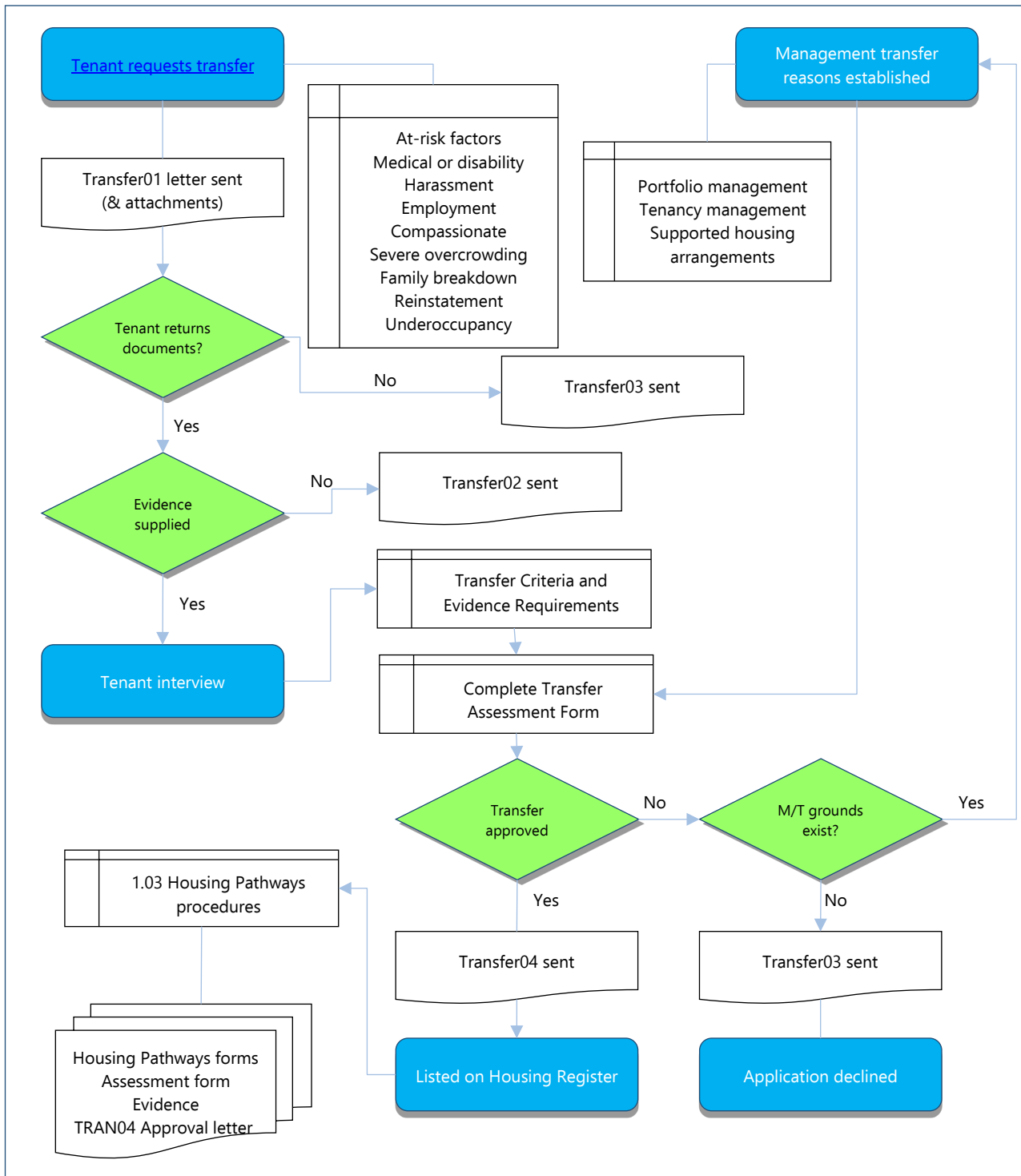
Definitions

| | |
|--|---|
| GMH | Momentum's General Manager Housing |
| MH | Momentum Housing |
| Management transfer or internal transfer | These transfers driven by MH because the relocation of a tenant may lead to improved overall property portfolio management outcomes, produce better outcomes for tenants or the local community; or may assist MH to implement specific programs to benefit tenants |
| SHO | Momentum's Senior Housing Officer |
| Tenant-initiated transfer | A transfer request from a tenant arising as a result of their changed household needs and handled according to Housing Pathways procedures |
| TO | Momentum's Tenancy Officer/s |

Responsibilities

| | |
|-------------------------|---|
| All tenancy staff | Responding to tenant transfer requests, HOMES & Chintaro system documentation, filing of transfer documentation |
| Tenancy Officer | Tenant transfer assessments. collecting evidence, interviewing tenants, system documentation |
| Senior Housing Officer | Transfer application decision-making |
| General Manager Housing | Management transfer approval, tenant appeals, approval of ineligible tenants |

Procedures



Tenant-Initiated Transfers and Management Transfers

The following table provides information to assist in understanding the difference between a “tenant-initiated transfer” and a “management transfer”

| | Tenant-initiated Transfer | Management Transfer |
|---------------------------------------|---|---|
| General information: | These transfers are usually initiated by the tenant, as a result of their changed household needs | These transfers are usually driven by MH because the relocation of a tenant may lead to improved overall property portfolio management outcomes, produce better outcomes for tenants or the local community; or may assist MH to implement specific programs to benefit tenants |
| Reasons for transfer: | <p>The tenant has changed housing needs under one (or more) following categories:</p> <ul style="list-style-type: none"> • At-risk factors • Medical or disability • Harassment • Employment • Compassionate • Severe overcrowding • Family breakdown • Reinstatement • Underoccupancy • Out-of-home care | <p>MH believes:</p> <p>The transfer of the tenant is justified on tenancy management or community improvement grounds.</p> <p>The transfer of the tenant assists MH to respond to changing property (type or locational needs) or assists the organisation to improve its portfolio management:</p> <p>See Management Transfers section for examples under each of these categories.</p> |
| Also known as: | Pathways transfer | Internal transfer |
| Housing Register issues: | Approved transfers are listed on the NSW Housing Register, which means that the tenant may receive an offer of alternative housing from any local social housing provider | Where approved, tenants can only be transferred to another property managed by MH |
| General procedural issues: | The MH procedures are primarily determined by Housing Pathways policies, procedures and protocols in relation to “tenant-initiated transfers”. Adhering to these protocols is a requirement of MH’s CHLP (funding) agreement with Government. | MH determines its own management transfer policies and related procedures. However, it is a requirement of Community Housing Access Policy that these policies and procedures are documented and published. |
| Using the MH transfer assessment form | The use of this form helps ensure that MH supplies all of the information that is required both by Housing Pathways and a future social housing landlord of the tenant | The use of this form ensures that all management transfers are assessed, approved and documented as required by MH |
| Conflict of interest issues | Staff conflict of interest issues, arising from their involvement in any part of the assessment/approval process for tenant, APPLY | Staff conflict of interest issues, arising from their involvement in any part of the assessment/approval process for tenant, APPLY |

Tenant-initiated transfer request

Handling enquiries

All tenants can make an application for transfer. Upon request, a tenant will be provided with:

- a copy of the Housing Pathways Application for Housing Assistance form;
- a copy of the [Housing Pathways Transfer Supplement: Community Housing Tenants Only form](#); and
- a copy of the MH Transfer factsheet; and
- Use the TRAN01 covering letter to send these documents to the tenant

Upon an initial enquiry by the tenant, it is important that no assessment be conveyed to the tenant of their “likelihood” of being approved for a transfer. Certainly, no verbal transfer request should ever be rejected.

MH will only make decisions about transfer requests, once the required documentation has been submitted and the assessment process has been completed. However, the tenant should be provided with information about the transfer assessment process, including the criteria used and the need to provide supporting documentation.

Evidence requirements

- Housing Pathways requires that all transfer approvals are supported by evidence to substantiate the reasons given by the tenant.
- A copy of the criteria is available from Housing Pathways website.
- If the tenant does not provide the required evidence to support the application, the application should be declined (use the Transfer03 letter).

Failure to return documents

- If the tenant has supplied only part of the required documents (e.g. only the Housing Pathways application form has been supplied, contact the tenant by telephone or use the Transfer02 letter to seek return of the outstanding documentation.
- If, following their initial enquiry, the tenant does not return any of the documents sent to them, MH staff will contact the tenant by telephone to enquire about their continuing interest in a transfer. This communication and its outcome will be documented.

Interview

- All transfer applicants will be interviewed, preferably by telephone. See **Transfer evidence and criteria** for sample questions that can be used (relevant to the reasons provided for a transfer) to guide the interview.
- The interview will also be used to provide information to the tenant about any further evidence or supporting documentation that will be required to support their transfer application. Tenant should also be informed about the transfer assessment process including that, if approved, the tenant would need to accept an offer of social housing from any social housing provider.
- The interview is documented in the **Transfer Assessment form** (see next section).

Required system entries for requests

- If a letter was sent (e.g. TRAN01, save a copy of the letter to the tenants file (there is no need to attach copies of any documentation attached to the letter)
- Make a note against the tenancy record (or change the note that was created when the TRAN01 letter was sent)
 - Use “Transfer request” as the Note Type
 - Enter any relevant details in the body text section (e.g. if the tenant provided any details about the reasons for their transfer request)
 - Use the add/edit link to make a link to the save letter copy

- Datestamp your entry
- Refer the matter to the Tenancy Officer, for information purposes only.

Note: The Tenancy Officer will choose to take appropriate action given the transfer reasons raised by the tenant, e.g. the issues raise sustaining tenancies issues or are behaviours of concern.

Transfer assessment form

Tenancy Officer is to:

- Complete the MH Transfer Assessment form.
- This will require a **social housing eligibility check** to be completed in addition to providing relevant information about the history of the current tenancy. Unless otherwise done so in the past 30 days, the tenant will need to provide proof of their household income (the primary reason for requiring this information is that the HOMES system will not enable the loading of their details on to the NSW Housing Register without a current proof of income document).
- The tenant not need to provide proof of income documents if they have an ICS consent authority in place (that covers all household members and income), as this document can be downloaded by MH.
- If there is any doubt about likely Tenant Responsible Maintenance upon vacation, a full property inspection must be completed, prior to commencing with the transfer assessment.
- See **Transfer criteria and evidence requirements** for sample questions that can be used (relevant to the reasons provided for a transfer) and to guide the information to be provided by the assessor in the assessment form.

Where more than one category may apply (e.g. there are both medical and harassment grounds), select the primary reason and complete the relevant section. Includes information about all other reasons in the "Other grounds" section.

The assessor (Tenancy Officer) is required to make a recommendation (based on application of the relevant criteria) and then send the completed form to the GMH for a final decision.

Assessments must be completed within 14 days of having received all of the required documents and evidence from the tenant.

Locational needs assessment

A **locational needs assessment** is required if the tenant is requesting to move to a high-demand area. Typically, you will need to answer the following questions to substantiate the level of need:

- Why does the tenant need to live in this area?
- Are there any reasons the tenant cannot move to another location?
- Are there any restrictions on where the tenant can live?
- Has the tenant considered moving to other areas?
- Does the tenant own a car? Is public transport available?
- Employment related: What type of work? How many days per week? Why is there a need to live close to work? Could the tenant get work in other areas? How long does it take to travel to work?
- Support related: What type of support does the tenant require? Is this currently in place and what frequency is it? How has the tenant been managing to date? Are similar services available in other areas?

Documentation and referrals for decisions

Tenancy Officer:

- Package all documentation into a single document, in the following order:
 - Completed transfer assessment form, with recommendation
 - Copies of evidence provided
 - Copies of correspondence

- Save the package to the tenant's file as "yyyymmdd Transfer request"
- Make a note against the tenancy record:
 - Use "Transfer decision" as the Note Type
 - Enter any relevant details in the body text section (e.g. if the tenant provided any details about the reasons for their transfer request)
 - Use the add/edit link to make a link to the saved documentation
 - Datestamp your entry
 - Refer the matter to the Senior Housing Officer, for information purposes only.

Transfer decisions

Transfer decisions must be made by the SHO within 7 days of receipt of the completed Transfer Assessment form.

Senior Housing Officer should:

- Make decision based on transfer criteria and evidence supplied.
- Update the Transfer Assessment form with decision (in the package) and resave.
- **If transfer approved**, send the tenant TRAN04 letter and save copy to file
 - Organize for all documentation to be TRIMmed and necessary Pathways procedures to be followed (see 1.03 Housing Pathways procedures)
 - Update the original Transfer Decision note with the decision and refer back to the Tenancy Officer for information only.
- **If the transfer is declined, but the tenant may qualify for an internal management transfer**, refer the matter to the GMH:
 - Update the original Transfer Decision note with the decision being declined and refer to the GMH for consideration for management transfer
- **If the transfer is declined, and the tenant does not meet the internal management transfer**, send TRAN03 letter
 - Update the original Transfer Decision note with the decision and refer back to the Tenancy Officer for information only.

It is not necessary for an application for transfer that has been declined to be updated to HOMES or the documents uploaded to TRIM.

Ineligible applicants

Generally, tenants who are no longer eligible for social housing are not eligible for a transfer to alternative social housing accommodation. However, the SHO has discretion to approve transfers of ineligible tenants in matters where there are extreme extenuating circumstances.

The transfer assessment form to fully detail the reasons for any such approvals.

Transfer Assessments Procedure (Pathways requirements)

How to apply for a Transfer

1. Collect the following documentation to support the tenants request for transfer:
 - Evidence around the reason the tenant is requesting the transfer, such as:
 - Support letters
 - Medical assessments
 - Police event numbers
 - AVO's
 - Proof of ID
 - Bank statement
 - Centrelink income statement
 - Application for Housing Assistance form
 - Transfer Supplement form
 - Change of Circumstances form
 - Consent to Exchange Information form
2. TRIM all supporting evidence to the tenants TRIM file under a new sub-folder called "Community Housing Transfer Application" (*see TRIM Procedure*)
3. Create an advice case for the tenant through their HOMES file, include CHTR instructions (*see HOMES Procedure*)
4. Advise transfer request with SHO
5. SHO to sign and approve decision
6. Finalise Managers level data entry/approval on HOMES

Management transfers

The following provide some examples of where a transfer can be approved on either important tenancy management or portfolio management grounds.

| Tenancy management | Portfolio management |
|--|--|
| <ul style="list-style-type: none"> The tenant has caused or been the victim of severe nuisance and annoyance involving their neighbours and MH 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 under the same tenancy management conditions (i.e. with MH as the landlord); The tenant no longer meets the criteria of a MH Local Allocation Strategy in place for the dwelling or local precinct | <ul style="list-style-type: none"> 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 MH; It is in the clear best business interests of the organisation to effect a tenant transfer because it will enable MH to better utilise its existing housing stock, e.g. a tenant seeks to move from 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 MH; It is the objective of MH to return or redevelop the tenant's current property as part of its asset management and property improvement strategy. |

Where management transfer reasons exist (as above), there is usually no requirement (or need) to interview the tenant, provide supporting documentation nor request any additional information from the tenant.

However, the **MH Transfer Assessment form** must still be completed, outlining the grounds for the management transfer recommendation, then sent to the GMH for approval.

Where management transfers are approved, it is at the discretion of the GMH as to whether the tenant needs written notice of this (if so, use the Transfer05 letter).

To recommend a management transfer:

- Save the completed transfer assessment form, with recommendation, to the tenant's file as "yyyyymmdd Management transfer"
- Make a note against the tenancy record:
 - Use "Management transfer" as the Note Type
 - Enter any relevant details in the body text section
 - Use the add/edit link to make a link to the saved assessment form
 - Datestamp your entry
 - Refer the matter to the GMH, for decision.

The GMH will document the decision and return the action note to the Tenancy Officer, with any required actions in relation to notifications to the tenant.

No entries to the Housing Register are to be made.

Supported housing tenants

MH can assist tenants of its supported housing programs with a management transfer, where the client has established a need for alternative housing. By rehousing the client within the organisation, MH is able to sustain its relationship with both the client and the support provider. However, supported housing 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.

Underoccupancy

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

Therefore, matters of under-occupancy should be:

- Assessed as required according to the tenant-initiated transfer request 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 MH and allows such a transfer to be handled as a priority matter.

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 MH for the current tenant to be relocated.

However, MH tenants must agree to such relocation and we 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.

Standard letters

| Letter title | Text |
|---|--|
| TRAN01 – Tenant enquiry | <p>TRANSFER ENQUIRY</p> <p>I am writing in relation to your recent request for a transfer from your current home. In order for your request to be considered, you need to complete the following enclosed documents:</p> <ul style="list-style-type: none"> • Application for Housing Assistance • Transfer Supplement <p>You will also need to provide MH with:</p> <ul style="list-style-type: none"> • any documents that provide relevant evidence or otherwise support your application; • proof of your current household income <p>I have also included a copy of the MH “Transfers” factsheet which provides information about how your application will be assessed.</p> <p>Once the documents are returned to our office, we will commence the assessment process.</p> <p>Please contact me at the office if you require my assistance.</p> |
| TRAN02– Evidence required | <p>DOCUMENTS REQUIRED</p> <p>Thank you for your recent application for a transfer.</p> <p>In order to further consider your application, we require the following documents:</p> <ul style="list-style-type: none"> • <p>We require the above documents within the next fourteen (14) days. If these are not provided, MH will be unable to further consider your request.</p> <p>Please feel free contact me if you would like to discuss this matter further.</p> |
| TRAN03 – Transfer declined Note: <Add appeals right footer to letter> | <p>APPLICATION FOR TRANSFER</p> <p>I am writing to advise you that your application for a transfer has not been approved.</p> <p>This decision has been made because <list reasons here></p> <p>Please feel free contact me if you would like to discuss this matter further.</p> |

| | |
|---|--|
| <p>TRAN04- Transfer approved</p> | <p>TRANSFER APPROVED</p> <p>I am writing to advise you that your application for transfer has been approved. Your name has been added to the Housing Register with the following details:</p> <p>Date: <Date> Allocation zone: <Zone></p> <p>You may receive an offer from any provider of social rental housing in the allocation zone you have been registered for.</p> <p>When it is your turn, and a relevant organisation is in a position to make you an offer of housing, you will be contacted again. In the meantime, it is important that you maintain your rental account with MH and continue to abide by the terms of your residential tenancies agreement with us. Failure to do so could result in another provider not proceeding with any offers of alternative housing for you.</p> <p>You must let us know if there are any changes in your situation while you are waiting for an offer of housing. This includes a change in the health condition of a household member or if there is a change in your household income.</p> <p>Please feel free contact me if you would like to discuss this matter further.</p> |
| <p>TRAN05 – Management transfer approved</p> | <p>MANAGEMENT TRANSFER</p> <p>I am writing to advise you that MH has approved a transfer for you to alternative housing.</p> <p>It is not possible at this time to indicate when you may receive an offer of housing; however your transfer is being managed as a matter of priority. When we are in a position to assist you, you will be contacted again.</p> <p>In the meantime, it is important that you maintain your rental account and continue to abide by the terms of your residential tenancy agreement with us. Failure to do so could result in MH not proceeding with any offers of alternative housing for you.</p> <p>Please feel free contact me if you would like to discuss this matter further.</p> |

7.02 Recognition as a tenant

Purpose

To provide guidance for staff in handling matters where a request is made by a client to assume the tenancy rights of a Momentum tenant who is no longer living at the property.

Definitions

Recognition as a tenant (“succession of tenancy”) is the situation where a household member or another eligible person connected to the household applies to continue living in the property in circumstances where the head tenant is no longer residing at the premise. Examples of when this may occur includes if the tenant dies or leaves the property due to imprisonment, ill health or disability.

This does not include situations where the existing tenant is to remain at the property and is seeking either a reduction in or an addition to the signatories of their residential tenancy agreement with Momentum. For these situations, see 3.03 Transfer of Tenancy Agreement procedures.

Responsibilities

Senior Housing Officer – approvals and decision-making

Tenancy staff – handling applications, establishing tenancies, ending tenancies

Principles

Momentum aims to ensure that household members will not be made homeless or forced to suffer undue hardship because the tenant has died or left the property, whilst also acknowledging that social housing is a scarce resource and must be made available to those most in need.

When deciding whether to recognise a tenant, Momentum will balance the rights of access to social housing through the succession of the tenancy against the need to make our housing available to clients on the social housing register, particularly those determined to be “priority” or in very high need.

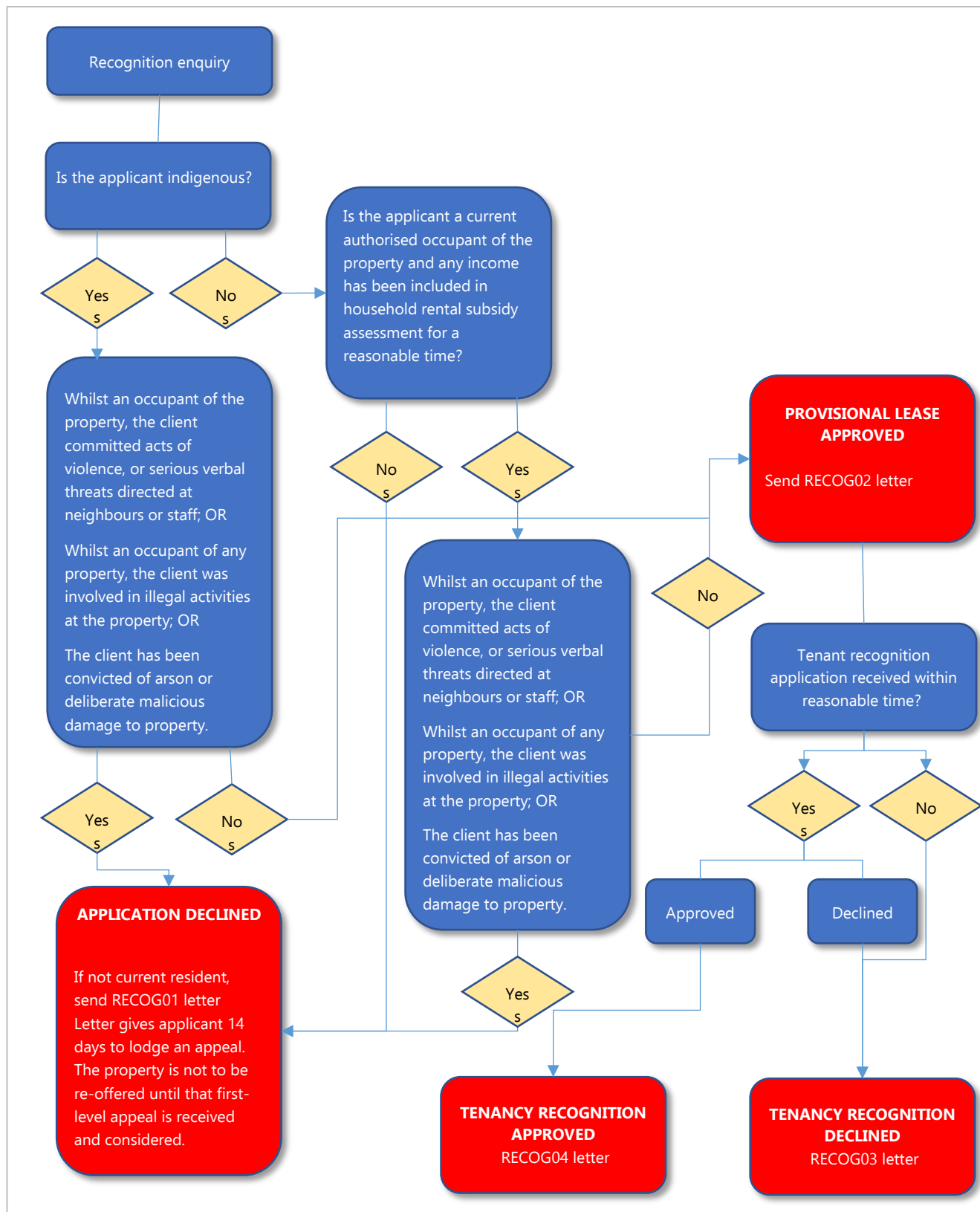
All applicants for succession must:

- complete the required Recognition as a Tenant application form
- prove social housing eligibility
- provide required evidence to support their application

Momentum will not consider applications submitted more than six weeks (nonindigenous) or 10 weeks for aboriginal and Torres Strait islander clients after the tenant has died or left.

Where the applicant is in residence and application for succession has been made, or is likely to be made, the tenant will be clearly advised that any payments made to Momentum in the period until a decision is made, will not be regarded as rent but as an “occupation fee”.

Procedures



The succession process for Momentum comprises 2 parts A and B.

Part A is the process when a tenant notifies Momentum that there has been a change in the household. Momentum will then assess if the clients/s are eligible for a provisional lease. If eligible the client will be offered a 6 month provisional lease.

Part B occurs when the client makes an application for succession. Momentum will then assess the information provided to determine if the client is eligible to continue living at a property managed by Momentum.

General criteria

Unless otherwise stated, an applicant for succession of tenancy must:

- Be an approved additional occupant of the household and have had a satisfactory occupation within the tenancy for a period of two or more years or the entire tenancy if less than two years (Except for custodians and legal guardians of minors living in the property)
- Be an Australian citizen or permanent resident, and;
- Be able to satisfy Momentum that they can sustain a tenancy
- Be included on existing and previous applications for rent subsidies
- Repay any debts from previous tenancies. Momentum will negotiate a repayment plan before approving succession
- Be eligible for social housing and be able to demonstrate that, if succession was not approved, they would be in high housing need, commensurate with the general level of need or disadvantage currently being experienced by priority listed social housing register clients.

Where the tenant has debts from previous tenancies. Momentum will negotiate a repayment plan before approving succession.

Momentum will generally not approve succession of tenancy if:

- The applicant has not been a declared household member, or included on applications for rent subsidies.
- The applicant is a sponsored migrant and holds a temporary visa, or they are an asylum seeker holding a temporary protection visa.
- Whilst an occupant of any Momentum property the client committed acts of violence, or serious verbal threats directed at neighbours or Momentum staff
- Whilst an occupant of any Momentum property, the client was involved in illegal activities at the property
- The client has been convicted of arson or deliberate malicious damage to a Momentum property.

Decisions concerning requests for succession will be made in accordance with the current agreed Momentum delegated authorities.

A new Property Condition Report will be completed prior to the creation of a new tenancy agreement with the applicant.

Accounts of the previous tenant

Succession of tenancy creates a new tenancy with a new tenancy agreement and debts of the former tenant cannot be passed on to the new tenant. If the tenant dies Momentum will write off any debts that they owe. If the tenant is in credit, Momentum will pay any money owed to their estate.

Succession is not approved

In cases where succession has not been approved:

- Momentum will ensure that the applicant has access to any existing housing products or alternative options that could be accessed in order locate alternative housing.
- The applicant will be dealt with sensitively and, where required, Momentum will ensure that a reasonable time, not exceeding 28 days, is given for the applicant to vacate the premises (ie in those cases where the tenant has already left the property)

If the tenant has left the property and Momentum decides to regain possession of the property because it has declined succession and the remaining household members have not vacated, Momentum will issue a Termination Notice under section 95 of the Act.

Provisional leases

When a client notifies Momentum that there has been a change in the household, and they have submitted an application for succession within the 6 weeks (non-indigenous clients) or 10 weeks for aboriginal and Torres Strait Islander clients they will be offered a 6 month provisional lease.

The application for Succession will be assessed during the period of the provisional lease and the client will be notified if they are approved to continue to live at the property under a succession of tenancy.

If the client is not eligible for a provisional lease Momentum will decline any application for succession of tenancy that has been lodged.

Momentum will not approve a provisional lease if;

- Whilst an occupant of any Momentum property the client committed acts of violence, or serious verbal threats directed at neighbours or Momentum staff
- Whilst an occupant of any Momentum property, the client was involved in illegal activities at the property
- The client has been convicted of arson or deliberate malicious damage to a Momentum property.
- They have not had a reasonable occupation period in the tenancy and/or have not been included in rent subsidies for the property.

Aboriginal clients

Aboriginal clients must submit their application for succession of tenancy within 10 weeks after the date of change to the household.

There are circumstances where an application for succession may be approved if the applicant is an Aboriginal client who was not a member of the tenant's household at the end of their tenancy. Momentum will consider this if the applicant is the tenant's child or the tenant was active in their upbringing, they have grown up in the dwelling and have a long-term association with the dwelling and the area. Applicants must meet all other eligibility requirements for social housing.

Consistent with our aim to make culturally appropriate decisions concerning Aboriginal people, staff are encouraged to consult local indigenous agencies wherever appropriate in relation to decisions in such cases.

Spouses

If the applicant is the tenant's spouse (i.e. married), Momentum will approve succession if:

- They are a citizen of Australia or permanent resident; and
- They can demonstrate they are married or in a common law relationship with the tenant
- They are currently residing in the property
- They meet the general assessment criteria for all applicants detailed in this policy

A spouse will be entitled to succession even if they have temporarily moved away for reasons related to the illness of the tenant, care of an ill person or their own ill-health. The spouse must provide evidence that their temporary absence was due to these reasons. The spouse is not required to meet the social housing income eligibility limits or asset eligibility criteria.

When it is difficult to determine the nature of the relationship, an appropriate Momentum employee may ask to interview the applicant.

Minors

If the applicant is a minor aged 16 or 17 years, they may be granted succession if they demonstrate that they are able to care for themselves and can meet the terms of the tenancy agreement.

Carers

If the applicant is a carer, Momentum will not approve succession if the carer has maintained their own accommodation, separate to that of the tenant's dwelling, regardless of whether it is in the social housing or private rental market. If the applicant has relinquished a social housing tenancy to act as a carer to another person, then succession to that tenancy may be granted even if they have not been part of that household for the past two years.

Custodians of children and legal guardians

Momentum will approve succession of tenancy if the client is the custodian or legal guardian of minors and:

- They were not part of the household at the time that the event occurred
- They would not otherwise be able to provide suitable housing therefore leaving them at risk of homelessness.
- They agree in writing to continue to live in the property to provide care for the children
- They are eligible for social housing

In the situation that the custodian or legal guardian does not meet the eligibility criteria for social housing, Momentum may decide to grant succession if;

- The client has been formally granted custody/legal guardianship of the children , and;
- It is in the best interest of the children and
- The client can demonstrate that no alternative accommodation is available that is suitable for the care of the children.

In such circumstances, it may be necessary for Momentum to liaise with relevant community services agencies to ensure that this is the best option for the children involved.

If the applicant has applied for custody, Momentum may approve succession on the condition that the applicant agrees in writing that, if their custody application is not successful, they will relinquish the tenancy

Recently released from prison

If the applicant was recently released from prison or institutionalised care, and they used to live in the tenancy, they must meet the eligibility criteria for succession previously indicated. Momentum will assess the application on its merits, but will not decline it on the basis that the applicant was not living with the tenant while in prison or institutionalised care.

Factors that Momentum will consider are the likelihood of the applicant living in the household if they were not in prison or institutionalised care, the tenancy history and their ability to otherwise meet their housing need.

Alternate accommodation

Where succession is approved, approval can be subject to the applicant agreeing in writing to move to an alternate, more suitable property. For example, the current property may be too large for the household complement, or it may be modified and required for a client with specific needs. In these circumstances Momentum will offer the approved applicant another suitable property in a similar location, if available.

System requirements (Chintaro)

- Initial enquiry: Add a note to the current/former tenant's record:
- Use 'Recognition as a tenant (succession)' as the Note Type
 - Enter name of applicant in the note body and supply information that responds to key questions of tenancy history and residency (see Procedural Map in this document)
 - Direct the note to the Senior Housing Officer
- Application for succession: Save the application to the applicant's tenant file
- Add a note to the current/former tenant's record:
- Use 'Recognition as a tenant (succession)' as the Note Type
 - Enter name of applicant in the note body and supply information that responds to key questions of tenancy history and residency (see Procedural Map in this document)
 - Add a link to the application
 - Direct the note to the Senior Housing Officer

Letters

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| <p>RECOG01 – Succession application declined</p> | <p>APPLICATION FOR RECOGNITION</p> <p>I am writing to advise you that your application to be recognised at the above tenancy has not been approved.</p> <p>This decision has been made because <></p> <p>Momentum will expect that you have left the premises by <>. I have enclosed a Termination Notice under section 95 of the Residential Tenancies Act (NSW) 2010.</p> <p>If you have not vacated the premises by the due date, we will begin proceedings through the NSW Civil and Administrative Tribunal (NCAT) for possession of the property.</p> <p>We may be able to help you gain financial assistance from Housing NSW with establishing a tenancy in the private rental market.</p> <p>If you wish to appeal against our decision, you must do so in writing within 14 days.</p> <p>Please feel free contact me if you would like to discuss this matter further.</p> |
| <p>RECOG02 – Provisional lease approved</p> | <p>PROVISIONAL LEASE</p> <p>I am writing in relation to your recent enquiry concerning tenancy succession.</p> <p>Any persons seeking to take over your tenancy needs to complete the attached Recognition as a Tenant application form. This application will need to be returned to Momentum within 14 days.</p> <p>We are pleased to offer you a provisional lease for a period of six (6) months. This fixed-term lease will provide a reasonable period of time for you to return the application and for your application to be fully assessed by Momentum. It will also ensure that you will have a reasonable period of time to relocate if your application is not successful.</p> <p>Until your provisional lease has been signed by you, any payment received for your current residence will be regarded as an occupation fee for the current tenancy.</p> <p>To finalise your new provisional agreement, I intend to complete a new and full Property Condition Report on <>. If is not convenient for you or if you require any further information about your provisional lease with Momentum, please contact me at the office.</p> |

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| <p>RECOG03 – Recognition declined</p> | <p>RECOGNITION APPLICATION</p> <p>I am writing to advise you that your application to succeed the above tenancy has not been approved.</p> <p>This decision has been made because <></p> <p>Your current provisional lease is due to expire on <> and we will expect that you have left the premises by that date.</p> <p>I have enclosed a Termination Notice under section 84 of the Residential Tenancies Act (NSW) 2010.</p> <p>We may be able to help you gain financial assistance from Housing NSW with establishing a tenancy in the private rental market.</p> <p>If you do not reply to this letter, we will assume you have no additional evidence or material to submit and you will have to vacate the premises. If you have not vacated the premises by the due date, we will begin proceedings through the NSW Civil and Administrative Tribunal (NCAT) for possession of the property.</p> <p>Please feel free to contact me if you would like to discuss this matter further.</p> |
| <p>RECOG04 – Recognition approved</p> | <p>RECOGNITION APPLICATION</p> <p>I am writing to advise you that your application to succeed the above tenancy has been approved.</p> <p>Your provisional lease is due to expire on <> . At that time, your residential tenancies agreement with Momentum will be placed on a continuing arrangement.</p> <p>Please contact me if you require any further information.</p> |

7.03 Transfer of tenancy agreement

Purpose

To provide guidance for staff in handling matters where a request is made by an existing tenant for either a reduction in or an addition to the signatories of their residential tenancy agreement with Momentum. This includes ensuring an adequate response by Momentum to situations where the client is claiming rights under the domestic violence protections of NSW tenancy legislation.

Definitions

These procedures cover situations where the existing tenant is to remain at the property and is seeking either a reduction in or an addition to the signatories of their residential tenancy agreement with Momentum.

It does not include the situation where a household member or another eligible person connected to the household has requested to continue living in the property in circumstances where the tenant (and all of the co-tenants) is/are no longer residing at the premises. This is regarded as “tenancy succession”. For these situations, see 3.02 Recognition as a Tenant procedures.

NCAT – NSW Civil and Administrative Tribunal

AVO – Apprehended Violence Order or Personal Violence Order

RTA – Residential Tenancies Act (NSW) 2000

TRM – Tenant responsible maintenance

PCR – Property condition report

- Request types - [Type 1](#) Existing tenant and non-tenant
Where existing tenant(s) apply for non-tenant(s) to join the tenancy agreement, including their spouse.
- [Type 2](#) Reduction in tenants
The number of tenants under a joint tenancy is to decrease because one or more of the tenants wish to vacate the premises or one or more of the tenant(s) dies but all other tenant(s) wish to remain tenants.
- [Type 3](#) Domestic violence
A tenant or other member of the household has an AVO against a tenant (or co-tenant) and is claiming the protection offered by s.79 of the RTA in seeking that the co-tenant be removed from the agreement.

Responsibilities

Senior Housing Officer – approvals and decision-making

Tenancy and support staff –establishing tenancies, terminating tenancies, attendance/representation at NCAT hearings

Procedures (Type 1 – Existing tenant and non-tenant)

This can occur in the following two ways:

- existing tenant(s) to a tenancy agreement (sole or joint) wish to remain in the premises as tenants but apply for other people (resident or occupant) to become tenants with them.
- This may occur where the number of tenants in a joint tenancy decreases, and the remaining tenant(s) would like other people to become tenants with them. Here, at least one party to a joint tenancy intends to remain as a tenant in the premises. This could arise when there is a death of the one of the original joint tenant(s) or one of the original tenant(s) wishes to vacate.

The existing tenant(s) must submit an application or request, naming any other parties (resident or occupant) who they would like to become tenant(s) of the premises with them.

All income earning household members, including non-tenant applicants, must provide evidence of their current income.

The request should be made in writing by the tenant. Where the applicant/s are additional/unauthorised residents, an Additional Resident form should also be completed. See 6.04 Unauthorised Residents procedures.

Eligibility

When assessing a transfer of tenancy request under Type 1, Momentum focuses on whether the other parties are entitled to become tenants with the existing tenants. These parties may be residents or occupants.

The existing tenant and/or the applicants must meet all of the following criteria:

- the non-tenant applicants have sufficient and continuous links with the premises (i.e. the property is their home)
- all the parties to the application must meet the general social housing eligibility criteria (according to the income details they have provided)

- the property is not currently and, if the application is approved, will not remain underoccupied (i.e. there are/will be two or more unused bedrooms at the property)
- The current tenancy has no rental or other debts owing to Momentum, nor do the non-tenant applicants have any social housing debts

Notes:

Momentum generally considers that a non-tenant applicant who has resided at the premises for a minimum of 12 months has sufficient and continuous links to the property. However this could be a lesser period in some circumstances. It is important to note that the non-tenant applicant does not have to be an authorised resident during this time, however the absence of this may raise Failure to Disclose issues and the tenant may be liable for a backdating of their rental subsidy increase. See 6.06 Failure to Disclose procedures.

An applicant with a social housing debt could be approved if a satisfactory repayment arrangement has been maintained for a period of six (6) months.

Others considerations

In addition to meeting all of the eligibility criteria above, an application by the existing tenant(s) which requests other persons to become tenants with them should be determined by considering a range of additional factors:

- balancing any negative impact on the non-tenant applicants (and the existing tenants wishing to remain) which could arise by not approving the application
- how the change may affect any supported housing arrangements that may exist at the tenancy
- whether the new household could reasonably be expected to comply with the terms of the tenancy agreement i.e. pay the rent, not be involved in behaviour that would result in a breach notice and or subsequent action under the *RTA* (note: evidence is required before a determination can be made that an applicant cannot be reasonably expected to comply)
- ensuring the fair and equitable allocation of social housing stock (e.g. Momentum will need to ensure that applicants meet the social housing eligibility criteria and that the tenancy is not overcrowded)
- other relevant individual circumstances of the applicant and their household.

Required system entries and actions for Type 1 requests

Against the current tenancy, add a tenancy note:

- Type: Transfer of agreement request
- In the body of the note, add the applicant details and all relevant information to the request
- Make a recommendation, based on the Eligibility and Other Considerations information above
- Direct the note to the Senior Housing Officer (SHO)

The SHO will record the decision and issue any necessary instructions (see below)

Request declined

If the request is declined, the tenant is advised, preferably in writing explaining the reasons. The advice to the tenant (or a copy of the letter) is recorded in the Note and the matter is marked as "Completed".

Applicants for a transfer of tenancy must be advised of their right to appeal the decision to not approve the request.

Request approved

If the request is approved in principle, the decision is recorded in the note and the matter directed to the Tenancy Officer.

The following steps should be taken:

- Where the tenant has any current debts owing to Momentum, the tenant is advised that these must be paid in full prior to the transfer of the agreement.
- Re-assess the rental subsidy based on the income details provided by all household members.
- Where there has been any Failure to Disclose of the residency of the additional resident (non-tenant applicant), which has now been admitted by the tenant, the rental subsidy is reassessed for the period and any rent increase backdated. The tenant must pay any resulting debt from this in full prior to the transfer of tenancy agreement.
- A property inspection report is completed. If there are outstanding matters of repair regarded as TRM, then the tenant is provided with a reasonable time to have the matters attended to.
 - If the tenant is unable to bring the property to a reasonable standard, with no TRM items outstanding, then the request for the tenancy to be transferred is declined.
 - If the tenant brings the property to a reasonable standards, with no TRM items outstanding (or if there are no matters of TRM outstanding), a full PCR is completed.
- Advise the non-tenant applicant/s that any social housing application listed on the NSW Housing Register will be withdrawn.

Subject to the above requirements being met:

- Advise the tenant that the application for a transfer of tenancy has been approved. Make an appointment with the tenant and non-tenant applicant/s to sign a new tenancy agreement. Record the outcome and all relevant details in the original "transfer of agreement request" tenancy note.
- From the date of the agreed sign-up date, terminate the current tenancy:
 - Use the termination Leaving Reason "Re-sign"
 - Use the Where Next code as 'Not applicable'
- Ensure there are no debts or surpluses from the current tenancy (any surplus should be transferred to the new tenancy).
- Transfer the tenant's rental bond to the new tenancy (see 2.02 Rental bonds procedures).
- Establish a tenancy for the tenant and non-tenant applicants. See 2.01 Establishing tenancies procedures.

Procedures (Type 2 – Reduction in tenants)

The number of tenants under a joint tenancy is to decrease because one or more of the tenants wish to vacate the premises or one or more of the tenant(s) dies but all other tenant(s) wish to remain tenants.

Note: Where a tenant may benefit from claiming the protections offered by s.79 of the RTA in seeking that the co-tenant be removed from the agreement for reasons of family violence, please refer to the procedures for Type 3 – Domestic violence.

A transfer of tenancy request of this nature does not require an assessment of any remaining tenant(s)' eligibility to remain as tenants.

Underoccupancy

In cases where any remaining tenant(s) no longer require all of the bedrooms in the property, Momentum may offer to relocate these tenant(s) to a property with the suitable bedroom size. However, refusal to accept an alternative property should not lead to their application for a transfer of tenancy being refused.

Debts

Transfer of tenancy applications cannot be declined on the basis of any outstanding rental or maintenance arrears owed by the departing tenant or any tenants who wish to remain as tenants. This is because the outstanding debt is generally attributable (at law) to the parties to a tenancy at the relevant time. However, where possible the HSO should arrange for the vacating tenant/s to sign an Acknowledgement and Agreement to Repay Debt form.

Note: Parties to a tenancy agreement are jointly and severally responsible for any rental arrears that accrued during a tenancy.

Eligibility

Although Type 2 requests do not require an assessment of eligibility for the remaining tenant in terms of tenancy rights, supporting documentation may be required in order to ensure the departing tenant's tenancy has been correctly terminated and correct rent is charged to the remaining household members. The following documentation should be provided:

- income statements and asset details of all remaining household members
- in the case of the tenant departing, written notification (a statutory declaration or a Tenants Notice to Vacate form) from the departing tenant or an appointed legal guardian advising that the tenant is surrendering all tenancy rights and will not be returning to the property
- if the previous tenant/s has moved to a nursing home or hospice a letter from the nursing home or tenant's doctor stating that the tenant will not be returning to the property. This information is required in addition to the statutory declaration or Tenants General Notice of Termination) from the departing tenant or an appointed legal guardian
- in the case where a tenant has died, appropriate written notification of death from the Legal Personal Representative or Next of Kin supported with a copy of the death certificate
- any other supporting documentation that is relevant and necessary as part of the applicant's claim.

Note: In the event of a deceased tenant, staff must ensure that appropriate notification of death has been obtained from the Legal Personal Representative or Next of Kin prior to making a transfer of tenancy assessment. See 9.06 Deceased tenancies procedures

Tenants who are successful in their application for a transfer of tenancy do not have to meet the criteria under Momentum's bedroom size entitlement guidelines.

Required system entries and actions for Type 2 requests

- Against the current tenancy, add a tenancy note:
 - Type: Transfer of agreement request
 - In the body of the note, detail the change circumstances
 - Complete the note
- Seek updated income information from all income-earning residents and then re-assess the rental subsidy based on the income details provided by all household members (see 3.01 Rental subsidy assessment procedures).
- Advise the tenant that the application for a transfer of tenancy has been approved. Make an appointment with the tenant to sign a new tenancy agreement. Record the outcome and all relevant details in the original "Transfer of agreement request" tenancy note.
- From the date of the agreed sign-up date, terminate the current tenancy:
 - Use the termination Leaving Reason "Re-sign"
 - Use the Where Next code as 'Not applicable'
- Apportion any outstanding debt equally amongst all former agreement signatories (all former tenants are joint and severally liable for the debt).
- Transfer the tenant's portion of the existing rental bond to the new tenancy (see 2.02 Rental bonds procedures).
- Establish a tenancy for the tenant and non-tenant applicants. See 2.01 Establishing tenancies procedures.

Type 3 – Domestic violence orders

This relates to situations where the NCAT orders Momentum to enter into a tenancy agreement with a person or persons by order under the *RTA* (s.79) relating to change of tenants after AVO.

Note: it is important that decisions concerning such matters are made by the NCAT. Whilst Momentum would support and advocate for the rights of any tenant at risk of violence, Momentum has no legal authority to exclude tenants from a tenancy, including to transfer tenancy agreements without the approval of all parties. The NCAT can also provide clear binding orders in relation to the liability of parties for any outstanding debts.

Section 79 Of the RTA

A tenant may apply to the NCAT for an order:

- terminating the existing tenancy agreement
- requiring the landlord of the premises to enter into a tenancy agreement with a person and other persons (if any) specified in the application

Each of the following persons is a party to any NCAT proceeding brought by a protected person

- the tenant applicant
- the landlord (Momentum)
- the excluded tenant
- any other tenants

The protected person may or may not already be a party to the tenancy agreement.

NCAT may make orders:

- An order under this section may vest a tenancy over the residential premises in an occupant on such of the terms of the previous residential tenancy agreement as the Tribunal thinks appropriate having regard to the circumstances of the case.
- An application for an order under this section may be made at the same time as any other application or during proceedings before the Tribunal or independently of any such other application or proceedings.
- A Tribunal may not make an order under this section in respect of a social housing tenancy agreement unless the remaining occupant meets any applicable eligibility requirements of the social housing provider for tenancy of the premises.

In most instances, Momentum will not seek to influence the outcome of person's application under Section 79. Momentum may make submissions opposing an order if granting a tenancy:

- is not consistent with Momentum's policy objectives concerning eligibility for social housing ; or
- an order would contravene any applicable program funding requirements.

If NCAT grants the application, the existing tenancy agreement is terminated at law. Momentum is then required to enter into a new tenancy agreement with the person in accordance with the requirements of NCAT's orders. Staff must obtain a copy of the order from NCAT immediately and ensure they comply with the time requirements and any requirements which note conditions for the new tenancy.

A new tenancy agreement is only signed by verifying and sighting the NCAT order terminating the existing tenancy, and requiring Momentum to enter into a new tenancy agreement with the protected person.

NCAT may determine the liabilities (for example, damage to the property or utility charges) of the excluded tenant or any other tenants under the existing tenancy agreement. It is critical that Momentum seeks orders from the NCAT for all matters concerning the liability for all rent and non-rent (at the time of the s.79 hearing). Ideally, staff should seek to determine this issue prior to the hearing at NCAT so as not to delay the hearing. If this is not possible, then staff should seek an adjournment of the hearing to deal with it.

Identified property damage is managed in accordance with the Momentum's TRM procedures.

No obligation to re-house excluded person

A person excluded from a property by order of NCAT is not automatically eligible to be rehoused. However, an excluded person may apply for social housing assistance. An excluded person can also access support and crisis housing assistance through existing crisis housing providers.

Lock change request from tenant

If a tenant is excluded from the property by an exclusion condition (in an interim or final family violence intervention order or family violence safety notice), the applicant (irrespective of whether they are a party to the tenancy agreement) who resides at the premises as their principal place of residence may change the locks to the property.

Momentum arranges a lock change at the protected person's request at no cost to that person or the registered tenant.

Debt

Momentum cannot refuse to enter into a tenancy agreement on the basis of outstanding debt on the current account or of the new applicant when NCAT has ordered a change in tenancy.

Documentation

Although documentation is not required for an assessment as such, documentation must be provided to confirm the situation. Staff must ensure at all times that NCAT's order requiring a new tenancy is complied with, even if relevant documentation has not been signed.

The following documents can, where relevant, be requested in support of a transfer of tenancy of this nature:

- proof of identity documents for any new household members;
- income statements and asset details of all clients subject to the order;
- a copy of the AVO;
- a copy of the NCAT ruling and orders;

Identifying property damage

If a home visit was not conducted prior to the hearing and if it is appropriate, seek an adjournment of the hearing pursuant to allow for an inspection of the property within 24 hours to assist with determination of liability for any property damage.

Immediately after the inspection (in cases where required) raise a Debit Note against the tenant, if tenant responsibility property damage is identified, and present the maintenance evidence when the matter reverts back to NCAT after the adjournment period.

Ensure that notes are taken of NCAT's determinations with respect to liability for maintenance charges and outstanding rent.

Required system entries and actions for Type 3 requests

Against the current tenancy, add a tenancy note:

- Type: Transfer of agreement order (AVO)
- In the body of the note, add the applicant details and all relevant information to the request
- Attach copies of any supporting documentation
- Notify the General Manager Housing and the Senior Housing Officer
- Complete the note

Seek updated income information from all income-earning residents and then re-assess the rental subsidy based on the income details provided by all household members (see 3.01 Rental subsidy assessment procedures).

Make an appointment with the tenant to sign a new tenancy agreement. Record the outcome and all relevant details in the original "Transfer of agreement order (AVO)" tenancy note.

From the date of the agreed sign-up date, terminate the current tenancy:

- Use the termination Leaving Reason "Re-sign"
- Use the Where Next code 'Not applicable'

Apportion any outstanding debts according to the NCAT orders and finalise the vacated account accordingly.

Establish a new tenancy according to the NCAT orders. See 2.01 Establishing tenancies procedures.

7.04 Uninhabitable properties

Purpose

Guidelines for Momentum management and staff in responding to situations where a property is either temporarily or permanently uninhabitable through fire, storm, flood or for public health reasons.

These procedures relate to a Momentum Housing Response and need to be read in conjunction with Momentum's general Emergency Preparedness and Response Plan.

Definitions

RTA – Residential Tenancies Act (NSW) 2010

CEO – Momentum's Chief Executive Officer

Senior manager – a member of the Momentum Executive team

Responsibilities

Upon notification of a property becoming uninhabitable, Momentum (as landlord and/or property owner) is responsible for:

- Inspecting the property and ascertaining the amount of damage;
- Assessing the rectification and remedial works required to return the property to a habitable state and establishing a likely timeframe for the completion of such works;
- Where required, seeking independent specialist advice where the structural integrity of the building has been or may be compromised;
- Liaising with Momentum's insurers, where relevant, to:
 - ensure that any restorative works are organised in accordance with Momentum's insurances policies and in line with the insurer's expectations; and
 - seek guidance on coverage in relation to the relocation and/or alternative housing costs of tenants;
- Immediately making the property safe to minimise any risk to the health or safety of tenants, neighbours or the community;
- Acting in accordance with the RTA in ending the tenancy (it is most likely when a property is partly or wholly uninhabitable, the tenancy is terminated by law immediately). Ensure that the ending tenancy processes used by Momentum are completed as a matter of urgency so that the tenant has immediate access to any surplus rent paid and the return of their rental bond;
- In the event of flood or storm damage or other natural disaster:
 - Immediately cleaning and removing any debris, in liaison with any cleaning program that may already be in place by local authorities or the NSW Emergency Services;
 - Working in accordance with any co-ordinated disaster relief/management plans being implemented by Federal, State or Local Governments, including Local Recovery Committees;

- Immediate notification of the event to (providing relevant details, including all current and planned actions):
 - National Community Housing Registrar (where required, under the NRSCH notification guidelines and/or according to existing Momentum policy)
 - NSW Family and Community Services (Community Housing and Pathways)
 - Momentum's insurers (as above), according to the requirements of existing policies
 - Local authorities or the Department of Health, where the reason for the property being uninhabitable raises a public health or environmental risk for the community
 - National Disability Insurance Agency (for specialist disability accommodation)
 - Other funding bodies, where the uninhabitable property affects the provision of externally funded services
- Consulting with and assisting tenants affected to:
 - ascertain their immediate and short-term alternative housing options and the subsequent development of a plan to meet their rehousing needs
 - seek and access any external services, funds or programs that may be available to assist them or to assist them, wherever possible, in implementing their own personal emergency plan.

The Momentum Chief Executive Officer (CEO) must be immediately notified of the event.

In the event of a natural disaster, the CEO will nominate a senior manager to develop and oversee a co-ordinated response to the event/s. This role will include liaison with all relevant external bodies and for the development of an individual response for each property and household affected by the events.

The tenant is generally responsible for:

- Liaising with their own insurers about the loss of personal goods or equipment;
- Accessing any external services, funds or programs that may be available to assist them or to assist them;
- Implementing their own personal emergency plan;
- Working collaboratively with Momentum, in efforts made to ensure continuity of service and/or the provision of alternative housing assistance.

Alternative housing strategies

The need to respond to the urgent alternative housing needs of tenants when their property becomes uninhabitable takes precedence over all Momentum's agreed policies, procedures and protocols concerning the relocation of tenants.

A plan must be developed in collaboration with each tenant affected. Each plan should include immediate, short-term and longer term housing options, be documented and should include the following considerations:

- **Identifying vacant Momentum properties** that may be appropriate as either temporary or long term alternative housing solutions. Momentum can consider varying its agreed occupancy standards (i.e. bedroom entitlements) in order to ensure that each tenant has immediate access to safe temporary housing.
- **Priority housing assistance** – immediately ensuring that the tenant is listed on the NSW Housing Register for a priority transfer, thereby providing them with an option for alternative accommodation provision by other local social housing providers.
- **Urgent housing assistance referrals and advocacy** – direct liaison with other local housing providers to identify properties that could be used to provide solutions. Other housing providers could include public housing, Aboriginal housing, community housing, disability service providers, crisis shelters and refuges;
- **Social housing products** – Consider, facilitate access to and advocate for financial assistance and accommodation provision through existing Government social housing assistance products, such as Rentstart Bond Loans, Emergency Temporary Accommodation and Temporary Accommodation products.

- **Private rental options** – Consider the provision of lower-cost private rental options such as caravan parks, movable dwellings or hotel/motel accommodation. Momentum’s housing, homelessness and disability services units should collaborate in identifying and accessing all potential accommodation possibilities for our social housing tenants.
- **Relocation assistance** – subject to Momentum’s delegated authorities, approve funds to be used to directly assist tenants to meet relocation or alternative accommodation costs.

Where a plan is being developed for a tenant where the property is temporarily uninhabitable, we must ascertain the intention of the tenant to return to the property when it is available for reletting.

In the event of natural disasters, it is likely that the NSW Family and Community Services will enact their own existing disaster response and management plan for the area/region affected by the events. It is critical that Momentum liaise with any disaster relief plans or efforts being made by Government or other local community service organisations, particularly in relation to alternative housing provision.

Deliberate acts by tenants

It is important to note that if a property has become uninhabitable due to a deliberate or reckless act by a tenant, the matter should be referred to the Momentum Chief Executive Officer. In accordance with existing social housing protocols for community housing providers, the Momentum CEO reserves the right to classify tenants as being “ineligible for further assistance” as a result of extreme breaches of their tenancy, including acts of arson or for serious anti-social behaviour.

Whilst this means that a tenant being classified as ineligible for further assistance will not be able to access direct housing or financial assistance from Momentum, the former tenant may still be eligible for other social housing products (as detailed above).

Preparedness and risk mitigation

In relation to our preparedness for predicted storm or flood or fire event, refer to Momentum’s overall Property Emergency Preparedness and Response Plan.

The Housing team will also ensure that:

- Property insurance coverage is adequate for our purposes
- Housing and property team staff are familiar with these procedures
- Maintaining our cyclical maintenance program of works and inspections in relation to smoke alarm testing and the provision of fire safety statements
- Information is provided to tenants about the development of personal emergency plans in preparedness for fire, flood or storm

Emergency response resources

[Local Recovery Toolkit: A Resource Guide for Local Communities Recovering from an Emergency](#)

[NSW State Emergency Plan](#)

[Home Emergency Plan \(SES\)](#)

References

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|-----------------------------------|--|
| Legislation or other requirements | Residential Tenancies Act 2010 (NSW) Residential Tenancies Regulation 2010 (NSW) Community Housing Access Policy National community housing standards Housing Pathways (facilitation of social housing products) |
| Related Documents | 1.01 Housing Allocations (Momentum Occupancy Standards) 1.04 Social housing products facilitation 2.01 Establishing tenancies 2.02 Rental bonds procedures 3.01 Rental subsidy assessment procedures 4.04 Planned and cyclical maintenance 4.08 Property insurances 6.06 Failure to Disclose 7.02 Recognition as a tenant procedures 8.05 Tenant responsible maintenance procedures 9.02 Termination procedures 9.03 Ending tenancies procedures 9.06 Deceased tenancies procedures Emergency Preparedness and Response Plan Emergency Evacuation Drill Checklist Mandatory Reporting Procedures Transfer assessment form Recognition as Tenant Application form Notice to Vacate form Acknowledgement and Agreement to Repay Debt form |

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