

Policy Manual Policy 3.15

Establishing and Maintaining Tenancies Succession

Policy Title: Succession
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Approved by: Wentworth Board of Directors
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1 Purpose

- 1.1 The succession of tenancy policy outlines the circumstances when we will permit household members to succeed to a tenancy.
 - 1.2 Wentworth's housing is a scarce resource in high demand so we must ensure that it is made available to those in need. The succession of tenancy policy is not intended to remove people from their home, particularly if they have a long-term association with the dwelling.
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2. Policy

- 2.1 Succession of tenancy occurs when we agree to transfer a tenant's right to live in a Wentworth property to another household member. In most cases the other household member must have been living with the tenant when the tenant leaves.
- 2.2 The tenant is the person who is named on the Residential Tenancy Agreement, and in whose name the tenancy is held.
- 2.3 Succession of tenancy ensures that if a person is a household member with a history of satisfactory occupation, and can demonstrate an ongoing need for assistance, then they will not be made homeless or forced to suffer undue hardship as a result of the tenant leaving the property under particular circumstances.
- 2.4 Rights of access to community housing through succession of tenancy are balanced against the needs of clients on the Housing Register. Succession will only be approved in cases where the tenant dies or is unable to remain in the premises for reasons of ill-health, disability or imprisonment. The household member applying for succession will have to demonstrate an ongoing need for assistance and have a history of satisfactory occupation. Tenants who vacate their tenancy by choice and have the means to provide for the housing of other household members are expected to do so.
- 2.5 If the tenant leaves due to a breakdown in the household relationship, a household members future housing need will be considered under the Family Breakdown section of the Transfers Policy. See also the policy on Transfers.
- 2.6 The legal rights of a person to succeed a tenancy are laid out in section 75 of the Residential Tenancies Act 2010. S75(1) "On the death of a co-tenant leaving one or more other co-tenants under a residential tenancy agreement, the remaining co-tenants may continue the tenancy or give the landlord a termination notice that has a termination date not earlier than 21 days after the day on which the notice is given." S75(2) "If a tenancy is

continued under this section, the remaining co-tenants are taken to be the only tenants under the residential tenancy agreement on [redacted] and from the death of the deceased tenant."

- 2.7 We will consider all relevant factors when making a decision to approve or reject an application for succession. Each application for succession is considered on merit.
- 2.8 Decisions about applications for succession will be in writing. If we reject the [redacted] application we will outline the reasons for the decision.
- 2.9 If a household member meets the criteria and is approved for succession, then they [redacted] will be offered a tenancy with Wentworth Community Housing. However, the [redacted] dwelling where the household member has been living may not be suitable. For [redacted] example, it may be too large for the current household complement, or it may be [redacted] modified and required for a client with specific needs. In these circumstances, the [redacted] household member granted succession will be offered another suitable dwelling [redacted] and, if available, in a similar location. Agreement to this will need to be obtained in [redacted] writing before the granting of final approval for succession.

3. Responsibility

Client Service Officers	Effectively apply the Succession policy
Housing Services Manager and Client Services Manager	Monitor the consistent and fair application of the Succession policy
Chief Executive Officer	Monitor and report to the Board as required

4. Definitions and References

RTA	<ul style="list-style-type: none">• Residential Tenancy Agreement
NCAT	<ul style="list-style-type: none">• NSW Civil and Administrative Tribunal• Residential Tenancies Act 2010
Related Policy	<ul style="list-style-type: none">• Transfer Policy
