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CITY WEST
HOUSING

SUCCESSION (OF A TENANCY)

OPERATIONAL POLICY



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DOCUMENT AND AMENDMENT HISTORY

VERSION NUMBER	DATE	SUMMARY OF CHANGES
1.0	25 August 2021	First publication

This document can be downloaded from www.citywesthousing.com.au

All correspondence should be directed to:

City West Housing Pty Ltd

PO Box 141, Pyrmont NSW 2009

For Enquiries:

Email address: enquiries@citywesthousing.com.au

Phone number: (02) 8584 7500

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1. PURPOSE

The Policy explains the criteria City West Housing (CWH) will use to determine whether a tenancy can be succeeded to another person.

2. SCOPE

This Policy is applicable to CWH tenancies who have a lease under the NSW Residential Tenancies Act 2010.

3. BACKGROUND AND INTRODUCTION

Succession occurs where the tenant no longer resides at the property and another eligible person/s connected to the household applies to continue living in the property as the tenant. City West Housing (CWH) will consider such applications where existing household members are under threat of homelessness or do not have access to safe, secure and affordable housing when they are made to leave the home as a result of the tenant no longer living there. However, when assessing eligibility, CWH will balance the needs of the household against the priority needs of other applicants requiring long term accommodation.

Generally, CWH will only consider succession where the tenant is deceased or has left the tenancy for reasons that they could not control such as incarceration, hospitalisation or admittance to an aged care facility.

4. ELIGIBILITY

In order to be assessed for succession the applicant must meet the following criteria:

- Applied within twenty-eight days of the former tenant vacating the property;
- Meet the eligibility criteria for housing under the CWH eligibility criteria.
- Already be an Approved Occupant of the household.
- Be included for rent subsidies on existing and previous applications by the current tenant.
- Other than in 3 above, if the applicant is the legal guardian or custodian of someone living in the household who is under 18 years of age they must demonstrate that they intend to reside in the property to care for the child/children.
- Have repaid any debts in full from previous tenancies with CWH. If money is outstanding from previous tenancies this must be paid in full before succession can be considered.
- Have had a satisfactory history of occupation during the current tenancy for a period of two years prior to the request for succession or the whole of the tenancy if it is less than two years old.
- Demonstrate that they can sustain a tenancy with or without support.
- If the applicant is aged 16 or 17 years, CWH may grant succession if the person can demonstrate that they are able to meet the terms of the Residential Tenancy Agreement. This will be at the discretion of CWH.

If the applicant is the tenant's spouse CWH will automatically approve succession if they can demonstrate the appropriate above criteria and that they are married or in a common law relationship with the tenant.

CWH may grant succession to an Aboriginal applicant who was not a member of the tenant's household at the end of their tenancy if the applicant:

- Is the tenant's child (over the age of 16 years) or if the tenant was significantly active in the applicant's upbringing.
- Has grown up in the dwelling and has a long-term association with the dwelling and the area.
- Has repaid any debts (in full) from previous tenancies with CWH. If money is outstanding from previous tenancies this must be paid in full before succession can be considered.
- If the applicant is the legal guardian or custodian of someone living in the household who is under 18 years of age, they must demonstrate that they intend to reside in the property to care for the child/children.
- Demonstrate that they can sustain a tenancy with or without support.
- If the applicant is aged 16 or 17 years, CWH may grant succession if the person can demonstrate that they are able to meet the terms of the Residential Tenancy Agreement.

Generally, an applicant for succession will not be approved if:

- The applicant has committed acts of violence or been verbally abusive to neighbors in this or any other CWH property or to CWH staff;
- Has maliciously damaged CWH property; or,
- Is a sponsored migrant holding a temporary visa, or an asylum seeker holding a temporary protection visa.

5. APPROVAL PROCESS

Applicants seeking succession must apply within twenty-eight days of the tenant relinquishing their tenancy. The Succession Application Form must be accompanied by all necessary supporting documentation. CWH will acknowledge receipt of the application within two days, and advise the applicant of its decision within twenty-eight days.

Where approval is granted, the applicant will be required to sign a new Residential Tenancies Agreement including a new Condition Report. As this is a new agreement and any monies owed by the previous tenant will not be transferred to the new tenancy.

Whilst their application is being processed, the applicant will be offered a three-month fixed term lease and they will be advised that they should continue to pay for living at the premises but that this will be deemed an Occupancy Fee and not rent. The fee will be calculated based on City West Housings' current Rent Policy. Where succession is not granted, vacant possession is required at the end of this period. CWH will seek redress through NCAT if vacant possession is not given.

6. APPEALS

This policy is appealable.

7. POLICY APPROVAL



Mark Reader
Head of Housing Services
25 August 2021