

# Housing Transfer Policy

## 1. Purpose

This policy explains how Compass Housing Services Co Ltd (Compass) will manage social housing tenant applications for transfer due to a change in their circumstances or when Compass needs to relocate a tenant for management purposes.

## 2. Scope

This policy applies to all Compass social housing tenants.

## 3. Policy Statement

Compass is committed to providing social housing appropriate to the needs of tenants and other household members. Transfers can occur when:

- At the request of a tenant when their circumstances change;
- At the request of Compass for management purposes

Compass will assess applications for transfer in a fair and transparent manner and applications will be managed in accordance with this policy and Housing Pathways policies. As part of the assessment process, Compass will also consider options other than transfer, for example, if undertaking minor modifications to the property would allow the tenant and other household members to stay in the current property.

Compass will review all transfer applications every 6 – 12 months to make sure they are still current. Applicants may be asked to provide up to date information to ensure the transfer is still required. Based on the information, Compass may change the priority of the application or close the application.

### Eligibility

The following eligibility criteria applies to tenant initiated transfers, a tenant must:

- Be eligible for social housing at the time they make the application;
- Be eligible at the time of offer;
- Have fully repaid any outstanding accounts from any former tenancy at the time of being offered a property;
- Be up to date with their current tenancy accounts at the time of applying and when a property is offered; and
- Have no recorded issues with property care/damage or antisocial behaviour.

## Tenant initiated transfer applications

When a tenant wants to transfer to another property they are required to:

- Complete an Application for Housing Assistance form and a Transfer Supplement (Community Housing Tenants only) form. These forms are available from any Compass office;
- Meet the eligibility criterium listed in 3.1;
- Show their circumstances have changed and that their current property or location is no longer suitable for their housing needs;
- Show that relocating will resolve or improve their current situation; and
- Provide the required documentation or evidence to support their application.

## Assessing applications for transfer

Compass will assess all tenant applications for transfer fairly and transparently.

A tenant can apply for transfer if they owe money on their accounts, including money owed on a former tenancy.

If a tenant owes money on their current or a previous tenancy, the transfer application will be assessed but, if approved, the application will be suspended until such time as any outstanding money is paid in full or the tenant enters into a repayment plan and the debt reduces to less than \$500.

In assessing applications Compass will review the current tenancy, if there have been incidents of antisocial behaviour or property care/damage, the application will be declined. A tenant may lodge a fresh application for transfer when all breaches have been remedied.

## Application for transfer approved

When an application for transfer is approved, the tenant will be notified in writing, tenants are advised to notify Compass of any changes in their circumstances that impact on their approved application. The approved application will be listed on the Housing Pathways Register. Due to the high demand for social housing, Compass is unable to provide a timeframe on the availability of an alternative property.

## Application for transfer declined

If Compass declines the application for transfer, the tenant will be notified in writing and provided reasons for declining the application.

Tenants will be advised of the review/appeal process if they are dissatisfied with the outcome.

## Transfer given priority

Compass will give priority to transfer applications where the tenant or a household member can demonstrate, by providing relevant supporting documentation, because of:

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

Applications seeking to be listed as priority for transfer must be provide documentation that supports the application.

## Wait turn transfer

Applications that are not approved for priority transfer will be placed on the NSW Housing Pathways Register and will be offered alternative accommodation when a suitable property becomes available. Compass cannot provide a timeframe on the availability of suitable alternate accommodation.

## Number of offers to approved transfer applicants

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

- They are still eligible for social housing at the time of the offer;
- The reasons for approving the transfer still apply; and
- The tenant has no outstanding rent or non-rent charges owing to Compass at the time of the offer.

If a tenant declines the offer of a transfer, the reasons for declining must be in writing. A second offer will only be made if the Executive Manager - Housing Access Team decides the reasons for declining the offer are valid and the offer was not appropriate.

If a tenant declines the offer of transfer, and the offer is deemed suitable, their social housing transfer application will be closed.

The offer of rehousing may be approved outside of this policy in exceptional circumstances.

## Management transfers

A management transfer is a transfer that is initiated by Compass. Compass may ask a tenant to transfer to another property if the current property is:

- Under occupied – where a property has more bedrooms than the tenant needs;
- Hand back of leasehold property – property owner has given notice to return the property;
- Property is being redeveloped;
- Property is being sold;
- The property has disability modifications and the occupants do not need these modifications; or
- The tenant is no longer eligible for the type of property.

Compass will relocate tenants of such properties where it is deemed to be in the interest of Compass. Compass will act fairly and comply with the requirements of the *Residential Tenancies Act 2010*. Compass will assist tenants to complete a transfer application and may be listed on the NSW Housing Pathways Register.

## Leasehold handback

A leasehold handback occurs where a tenant of a leasehold property can no longer continue in the tenancy because the property owner has given Compass a notice of termination to return the property. Compass will make every effort to relocate the tenant prior to the expiration of the notice of termination. The tenant must:

- Be eligible for social housing;
- Have good property care and no property damage issues; and
- Not be in arrears with their rent or non-rent accounts or making consistent payments to pay off the debt.

## Transfer for other management purposes

When Compass requires a tenant to transfer for other reasons, Compass will endeavour to relocate the tenant within their current allocation zone.

Compass will always comply with the requirements of the Residential Tenancies Act 2010 when requiring a tenant to transfer for management purposes.

## Number of offers

Tenants approved for transfer due to leasehold handback will be eligible for one (1) reasonable offer of alternative housing. If a tenant declines the offer, their reasons for declining must be in writing. A second offer will only be made if the Housing Access Team Executive Manager decides the reasons for declining the offer are valid and the offer was inappropriate.

If the tenant declines the offer, and the offer is deemed suitable, their social housing transfer application will be closed, and the tenant must resolve their own housing requirements.

Tenants required to relocate for management purposes will be eligible for one (1) reasonable offer of alternative housing. If a tenant declines the offer, this will be managed in accordance with the provisions of the *Residential Tenancies Act 2010*.

The offer of rehousing may be approved outside of this policy in exceptional circumstances.

### Review of decisions

This is a reviewable decision. If an applicant is not satisfied with the decision Compass has made, they should first speak with a Tenancy Relations Officer. If the tenant is still dissatisfied, they have the right to lodge an Appeal Request which will be assessed in accordance with Compass Appeals Policy.

## 4. Responsibilities

All Compass workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of Compass policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to Compass clients,
- inform Compass clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of Compass policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about Compass Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved Compass Policy and Procedures to be reported and managed.

## 5. Implementation and Review

This policy is listed on Compass Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside Compass without approval.

The policy is reviewed regularly and published on Compass SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

Compass complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of Compass Group Executive Services ([governance@compasshousing.org](mailto:governance@compasshousing.org)) to maintain and update the Compass Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

Compass Workers should refer to [SharePoint Company Documents Policy and Procedure site](#) for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information

## 6. Resources and related documents

### Related documents

- Compass Appeals Policy
- Compass Ending Tenancy Policy
- NSW Housing Pathways Policies
- Transfer Applications forms

### Related legislation/standards

- Housing Act 2001 (NSW)
- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations 2010 (NSW)
- Community Housing Providers Nations Law (NSW)
- Community Housing Providers (Adoption of National Law) Act 2012 (NSW)
- Any jurisdictional housing and tenancy Acts and Regulations as may apply
- The terms of the residential tenancy agreement
- Compass policies

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## 7. Definitions

Please refer to Compass Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

| Term   | Definition   |
|--|--|
| <b>Appeal</b>                                  | A request for a review of a decision made by Compass that the tenant is dissatisfied with  |
| <b>Compass</b>                                 | Compass Housing Services Co. Ltd   |
| <b>Compass Group</b>                           | The corporate structure that includes Compass (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.  |
| <b>Director</b>                                | Has the same meaning as defined in the <a href="#">Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> in New Zealand   |
| <b>Housing Pathways</b>                        | The way applications for housing assistance, including transfer applications, are managed. Housing Pathways is a single application process, common eligibility criteria for housing assistance, standard assessment process and a single waiting list known as the NSW Housing Register |
| <b>Landlord</b>                                | The person who grants the right to occupy a property under a Residential Tenancy Agreement   |
| <b>Leasehold property</b>                      | A property Compass leases from the private rental market and sublets to a tenant eligible for social housing   |
| <b>NSW Civil &amp; Administrative Tribunal</b> | An independent statutory body that hears and determines tenancy disputes. Order made by the NCAT are enforceable   |
| <b>Non-rent charges</b>                        | Are any charges that are not rent, for example, water usage charges or maintenance charges   |
| <b>Officer</b>                                 | Has the same meaning as defined in the <a href="#">Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> in New Zealand   |
| <b>Parent Board</b>                            | The current directors of Compass.  |
| <b>Parent Company</b>                          | Compass Housing Services Co Ltd (Compass)  |
| <b>Property</b>                                | The residential premises described in the Residential Tenancy Agreement between Compass and the tenant   |
| <b>Subsidiary Boards</b>                       | The appointed board of directors of a Subsidiary Company.  |
| <b>Subsidiary Company</b>                      | A company in which Compass owns all or at least a majority of the shares.  |
| <b>Tenant</b>                                  | A person who signs the Residential Tenancy Agreement with Compass  |

| Term                           | Definition  |
|--------------------------------|---|
| <b>Worker</b><br>(Compass)     | has the same meaning as defined in the <a href="#">NSW Work Health and Safety Act 2011 No 10</a> Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> <li>an employee, or</li> <li>a contractor or subcontractor, or</li> <li>an employee of a contractor or subcontractor, or</li> <li>an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>an outworker, or</li> <li>an apprentice or trainee, or</li> <li>a student gaining work experience, or</li> <li>a volunteer, or</li> <li>a person of a prescribed class.</li> </ul> |
| <b>Worker</b><br>(Compass QLD) | is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.   |