

# Application Succession Policy

<b>Location</b>	Operations NSW/ACT
<b>Policy Type</b>	Social Housing Policy
<b>Version</b>	3.2
<b>Issue Date</b>	December 2023
<b>National Regulatory Code</b>	Performance Outcome 1 – Tenant and Housing Services

## 1. Objective

- 1.1 This policy outlines Argyle Housing’s policy regarding the circumstances under which it will consider transferring a social housing tenancy to another household member.

## 2. Background and Scope

- 2.1 Argyle Housing promotes and respects the human rights and fundamental freedoms of all persons with a disability and provides a service to Clients in line with the principles of the NSW Disability Inclusion Act 2014, Disability ACT and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).
- 2.2 Argyle Housing supports and encourages a person-centred and culturally sensitive approach to service delivery.
- 2.3 Argyle Housing promotes and respects the rights and freedoms of Aboriginal and Torres Strait Islander peoples.
- 2.4 This policy applies to all social housing tenancies.

## 3. Policy Definitions

### Succession

This means the right of a member of a Client’s household (including a joint Client) to take over the tenancy when the Client dies, leaves permanently, or will be in hospital, prison, or away for a very long period.

## 4. Policy Details

- 4.1 Argyle Housing may approve succession of tenancy when:
- the Client dies or
  - the Client leaves the property to -
    - live in a residential care facility e.g., nursing home
    - serve a long sentence in a custodial facility; or
    - care for sick or frail family members

- a final apprehended violence order is made prohibiting the Client from accessing the property.

#### 4.2 An applicant for succession must -

- Be the partner, an adult child (see section 4.5), or other household member of the Client, who wishes to remain living in their home and who meets the eligibility criteria for social housing, or
- Be an approved additional occupant of the property with a satisfactory history of occupation for at least two years including contributing to rent payments – this will be assessed on a case-by-case basis. Where the tenancy is less than two years old then the person seeking the succession must have lived in the home for the duration of the lease
- Not have been responsible for tenancy breaches leading to action to terminate the current or a previous tenancy with Argyle Housing.

#### 4.3 In addition, where the applicant is the custodian or legal guardian of children in the household but does not meet the social housing eligibility criteria, Argyle Housing may grant succession if this is in the best interest of the children.

#### 4.4 Argyle Housing will not grant a succession in the following circumstances:

- the tenant vacates the property for personal reasons or their own choice
- the applicant is deemed not able to sustain a tenancy with or without support
- the applicant is a temporary resident, or they are an asylum seeker holding a temporary protection visa
- the applicant is a previous Client or occupant of an Argyle Housing property with a former Client classification of Less than Satisfactory, Unsatisfactory, or Ineligible.

#### 4.5 Minors between the ages of 16 and 18 may be considered for succession and if successful will fall under The Minors (Property and Contracts) Act.

#### 4.6 To be considered for succession, you must complete an 'Application for Succession of Tenancy' form and lodge with Argyle Housing within 28 days of the Client leaving the property or passing away. During this period, you will be charged a daily occupation fee based on your income.

#### 4.7 If the application is approved, the applicant may be offered either a tenancy for the current property under the same terms and conditions as for the previous tenancy, or a new tenancy in a more appropriate property. Decisions regarding applications for succession of tenancy will be made by the relevant Client Support Lead.

#### 4.8 Applicants will be advised of the outcome in writing that clearly states the reason for the decision and will outline avenues for appeal.

#### 4.9 If an applicant is not successful in applying for succession of tenancy and is currently living in the property, Argyle Housing will offer a three-month fixed term lease to allow the applicant to source alternative accommodation.

## 5. Related Policies and Documents

### 5.1 Delegation of Authority Schedule

### 5.2 Application Procedures – including Housing Access System

### 5.3 Argyle Housing Applications Policy

### 5.4 Application for Succession Form

### 5.5 Property-specific Policies, Procedures and Tools.

- 5.6 Argyle Housing Complaints and Appeals policies
- 5.7 Argyle Housing Definitions Policy
- 5.8 <http://www.dhcs.act.gov.au/hcs/socialhousing/eligibilityforpublichousing>
- 5.9 National Community Housing Standards Reference - 1.3 Changing needs of Clients
- 5.10 End of Tenancy Policy

## Version Control

Version	Review Date	Author	Positions	Next Review Date
1.0	10/3/2014	D. Skelton	GM BD&R	9/3/2015
2.0	20/5/2015	M. Ward	Operations Manager NSW	19/5/2016
2.1	1/5/2016	M. Ward	GM Operations	1/5/2017
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3.1	14/4/2020	C. Doherty	Housing Services Manager	14/6/2022
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