

# Application to Transfer (Reinstatement Policy)

<b>Location</b>	Operations NSW/ACT
<b>Policy Type</b>	Social Housing Policy
<b>Version</b>	4.2
<b>Issue Date</b>	July 2022
<b>National Regulatory Code</b>	Performance Outcome 1 - Tenant and housing services

## 1. Objective

- 1.1 This policy outlines how Argyle Housing will manage Client requests for housing transfers, and the criteria applied when assessing those requests.
- 1.2 Transfer requests initiated by Argyle Housing are covered by Argyle Housing's Management Transfer Policy. Succession to an Argyle Housing policy is covered by the Application for Succession Policy.

## 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 If a social housing Client has a change in their circumstances that affects their housing needs, they can request to transfer to another property managed by Argyle Housing, FACS Housing NSW or another community housing provider. This is called a client-initiated transfer. For Ainslie Village please refer to Ainslie Village Transfers or Room Change Policy.

## 3. Definitions

<b>Housing Pathways NSW</b>	Housing Pathways is the way applications for housing assistance are managed in NSW. It is a partnership between the Department of Family and Community Services and 25 participating community housing providers including Argyle Housing.
<b>Social Housing</b>	Means secure, affordable housing for people on low to moderate incomes who meet certain eligibility requirements and who have a housing need. Can include public housing owned and managed by Government Housing

	Authorities, Community Housing Organisations (Argyle Housing), and other eligible organisations including Aboriginal Housing organisations.
<b>Appeal</b>	Occurs when a service user asks for a decision made by Argyle Housing to be formally reviewed.

## 4. Policy Details

Where an Argyle Housing Client requests a transfer, eligibility criteria apply. A Client can choose to:

- only be housed by Argyle Housing or
- be housed by a different social housing provider (a 'cross provider' transfer) where applicable.

It is Argyle Housing's responsibility to assess the application of any of its Clients who apply for transfer. Assessments will be completed within 28 working days. A letter will be sent advising the Client of the outcome and their right of appeal if they disagree with our decision.

### Transfer Eligibility

**4.1** Argyle Housing Clients can apply for a transfer to another property if a change in their circumstances makes their current property or location no longer suitable. When a Client applies for a transfer, they must:

- Meet social housing eligibility criteria including the ability to sustain a tenancy with or without support; and
- Be able to show that their circumstances have changed and that their current property or location is no longer suitable for their housing needs; and
- Be able to meet the transfer assessment criteria for one of the following grounds:
  - a. at risk
  - b. medical condition
  - c. serious and ongoing harassment
  - d. employment
  - e. compassionate grounds
  - f. severe overcrowding
  - g. tenancy re-instatement
  - h. no debt owed to Argyle Housing
  - i. former Client categorisation supports rehousing

Documentation or evidence must be supplied to support the transfer application.

More details on these grounds for transfer can be found in the NSW Housing Pathways Transfer Policy website on the FACS Housing Pathways <http://www.housingpathways.nsw.gov.au/additional-information/policies/transfer-policy>. Transfers are approved by the Client Support Team, Team Lead.

**4.2** When a Client with a disability requests a transfer due to Argyle Housing's inability to modify their existing property, Argyle Housing will make every effort to enable the Client to make a decision or assist families, carers, and advocates to come to an agreement in regard to the transfer before a substitute decision maker is engaged.

Once a Client is approved for a transfer, Argyle Housing will place them on the NSW Housing Pathways Register for NSW or the ACT housing waiting list for the ACT. As a Housing Pathways provider, Argyle Housing uses the NSW Housing Register to offer housing when a property that matches an applicant's needs becomes available in the social housing sector.

When a social housing Client from another provider is approved for a transfer by that provider, and is then offered alternative housing by Argyle Housing, we will offer a lease length and other entitlements based on Argyle Housing's policies and procedures.

#### **Locational Needs**

- 4.3** In NSW, there are a number of allocation areas considered high demand by Housing Pathways. Argyle Housing Staff will inform the Client of the possible lengthy wait for an allocation to that particular area. For more information, go to NSW Housing Pathways website at [www.housingpathways.nsw.gov.au](http://www.housingpathways.nsw.gov.au)

#### **Tenancy and Non-Rent Debts**

- 4.4** A Client can apply for a transfer even if they owe money on their tenancy accounts, including money owed from a former tenancy. However, Argyle Housing will decline a transfer where there are debts to Argyle Housing, which cannot be cleared within six months of transfer application. Once the debts are brought within six months of being cleared, the Client may reapply for transfer and if approved, be placed on the Social Housing register for transfer, with the application suspended until all debts are cleared.

#### **Managing Urgent Transfers**

- 4.5** After approving a transfer application, Argyle Housing will assess the urgency of the Client's need to move out of their current property or location. This assessment will generally occur in two situations:
- when considering an initial transfer application
  - if the Client's situation worsens after having been approved for a transfer.
- 4.6** If there is sufficient risk to the Client or members of their household, Argyle Housing will give transfer applicants the same priority on the NSW Housing Register as priority needs applicants.

#### **Reviewing and Approved Transfer Application**

- 4.7** Argyle Housing conducts regular reviews of transfer applications to ensure they continue to reflect the Client's current housing situation. Reviews are conducted:
- every six months; or
  - when new information from either the Client or a social housing provider is received

Argyle Housing may request information from a Client approved for transfer to conduct this review. If the reviewed information is not received within 28 working days, the transfer application may be removed from the Housing Register. A letter will be sent advising the Client of the outcome and their right of appeal if they disagree with Argyle Housing's decision.

After a review, Argyle Housing may change the priority of an approved transfer to take account of any change in the urgency of the Client's circumstances. Argyle Housing will close a Client's transfer application if they no longer meet the eligibility criteria for a transfer.

#### **Number of Transfer Offers**

- 4.8** Clients approved for a transfer receive two reasonable offers of alternative accommodation. If the Client rejects two reasonable offers, Argyle Housing will remove their name from the Housing Register.

#### **Paying Rent after Transfer**

- 4.9** Argyle Housing will calculate the rent for the new tenancy in accordance with the Rent and Rebates Policy.

### **Tenancy Reinstatement**

**4.10** Argyle Housing Tenancy reinstatement can apply to former Clients who vacated their property because:

- They were under duress; or
- They had to move into a residential care facility (including a psychiatric hospital, rehabilitation centre, hostel, nursing home) either voluntarily or under a court order; or
- They were placed in a custodial facility; or
- The care needs of the Client, a member of their household or a family member required it.

To be eligible for tenancy reinstatement, former Clients must prove that:

- They meet the eligibility criteria for social housing; and
- They meet the criteria for priority transfer
- They vacated under duress, vacated to a residential care, or correctional facility, or vacated because of care needs
- They made application to their housing provider within six months of vacating the former property; or
- In the case of custodial sentences not longer than three years, they applied within six months of their release from custody.

## **5. Appeals**

If a Client believes Argyle Housing has made a wrong decision, they can ask for a formal review of the decision. To do this, they can complete an Appeals Form stating why they disagree with the decision. An appeal can be lodged by completing the 'I Want to Appeal Form' found on the Argyle website [www.argylehousing.com.au](http://www.argylehousing.com.au) or available from any Argyle Housing office. The form, or a letter, can be emailed, posted, or delivered in person to any Argyle Housing office or submitted online via the Argyle Housing website.

If the appellant remains unsatisfied with the outcome of the first appeal, they can appeal to the Housing Appeals Committee (HAC) which is an independent appeals body specifically set up to consider appeals made by social housing Clients in NSW. An appellant can access HAC by calling free call 1800 629 794 or can get more information from their Client Support Specialist.

Matters that the NSW Civil and Administrative Tribunal (NCAT) or the ACT Civil and Administrative Tribunal (ACAT) can resolve are not able to be appealed. For example, if Argyle Housing issues a Notice of Termination for breaches of the tenancy agreement.

See Argyle Housing's Appeal Policy for further information.

## **6. Related Policies and Documents**

- 6.1** Delegation of Authority Schedule
- 6.2** Argyle Housing Policy Definitions Policy
- 6.3** Argyle Housing Procedures
- 6.4** Argyle Housing Appeal Policy
- 6.5** Modifications Policy
- 6.6** Your Rights at Argyle Housing Policy

- 6.7 NSW Housing Pathways Transfer Policy
- 6.8 Property-specific Complaints Policies Procedures and Tools National Community Housing
- 6.9 Housing Standard Reference
- 6.10 Changing Needs of Clients

## 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	3/6/2015	M. Ward	Operations Manager NSW	2/6/2016
3.0	21/8/2015	M. Ward	Operations Manager NSW	20/8/2016
3.1	1/3/2016	M. Ward	Operations Manager NSW	1/3/2017
3.2	1/5/2016	M. Ward	GM Operations	26/4/2017
4.0	18/12/2017	M Reader	GM Operations	18/12/2018
4.1	11/2/2020	C. Doherty	Housing Services Manager	11/2/2022
4.2	18/7/2022	M. Ostojic	GM Operations	18/7/2024