



# National Affordable Housing Consortium Victoria

## Succession of Tenancy policy

### Policy Statement

Succession of tenancy occurs when NAHCV agrees to transfer a tenant's right to live in a NAHCV property to another household member. The tenant is the person who is named on the Residential Tenancy Agreement, and in whose name the tenancy is held. A household member is any other person who is approved by NAHCV to be living in the property and is included in the rent calculation.

### Purpose

The purpose of this policy is to provide a consistent approach to managing applications for succession of tenancy to another household member.

### Scope

This policy applies to all long-term Targeted and Non-Targeted Social Housing properties owned or managed by NAHCV.

### Human Rights Considerations

In deciding what action to take, NAHCV employees must give proper consideration to the relevant human rights in accordance with the Charter of Human Rights and Responsibilities Act 2006 s38(1) (the Charter). This consideration should include the potential impact the proposed action they are undertaking through this policy may have on the person's (and their household's) rights under the Charter.

### Succession Eligibility

The eligibility criteria for applicants to succession will differ depending on their relationship with the tenant. The following criteria must be met regardless of the type of relationship.

- They meet eligibility criteria for social housing as determined by the Department of Health and Human Services Eligibility Criteria Operational Guidelines
- It will not result in underutilisation of the dwelling
- Must be an approved additional occupant of the household for at least 12 months. While 12 months is the minimum length of time the applicant must have belonged to the household there may be occasions when NAHCV will accept a shorter period. Any exceptions will be at the discretion of the Property and Tenancy Management Team Leaders.
- They have not caused any anti-social behavioural issues
- They have no rent or non-rent arrears
- They have not caused damage to any NAHCV property
- NAHCV is satisfied that they will be able to sustain a tenancy and comply with the Residential Tenancy Agreement
- They would be likely to suffer severe hardship if they were compelled to leave the property and that hardship would be greater than the hardship experienced by the landlord.

NAHCV cannot guarantee that the household member applying to succeed the tenancy will be able to stay in the same property and may be another property that is more appropriate to their housing needs.

NAHCV will provide details of other housing options or assistance which may be available to the household if a succession of tenancy application is declined.

If the tenant has left the property and the succession application is declined, and the remaining household members have not vacated, NAHCV will seek and order of possession from the Victorian Civil and Administrative Tribunal to obtain possession of the property.



### Application for a Succession of Tenancy

Household members are required to request a succession of tenancy in writing. NAHCV will assess the application and inform the household member of the outcome within 10 business days. The household members can continue living in the property at this time and will be liable for the weekly rent payment.

The household member should apply for succession as soon as possible and preferably at least four weeks before the tenant leaves.

### Transparency and Accessibility

This procedure will be available on the NAHCV website [www.nahc.org.au/NAHCV](http://www.nahc.org.au/NAHCV)

NAHCV may from time to time implement changes to this policy. The revised policy will apply to all tenancies on and from the date of the changes.

### Relevant Legislation

- Housing Act 1983 (Vic)
- Residential Tenancies Act 1997 (Vic)
- Charter of Human Rights and Responsibilities 2006 (Vic)
- Victorian Housing Registrar Performance Standard 1 (Tenant and housing services)
- Guidelines for Registered Housing Agencies published by DHHS

### Related Policies and Procedures

- NAHCV Rent setting and Rental subsidy procedure
- NAHCV Allocations Policy
- NAHCV Rent setting and Rental subsidy Policy
- NAHCV Rent Arrears Policy
- NAHCV Financial Hardship and Temporary Absence Policy
- NAHCV Complaints and Appeals Policy

### FOR INTERNAL USE ONLY

#### Policy Approval and Review Details

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