

1 Purpose

This policy outlines the circumstances under which YourPlace Housing (YPH) will approve an application from a person residing in a YPH property to succeed a tenancy.

2 Context

Succession of tenancy occurs when YPH agrees to offer a tenancy in a YPH property to an existing occupant who is not named on the tenancy agreement, after the exiting tenant moves out or has died.

A succession of tenancy is not intended to be a mechanism to bypass exiting pathways to enter community housing. Succession may be granted to prevent long-term occupants of community housing properties being exited to homelessness if the tenant dies or must permanently leave the property for a reason that is beyond their control such as:

- Permanent hospitalisation
- Moving to residential aged care, assisted living, disability or other supported accommodation
- Incarceration; or
- A South Australian Civil and Administrative Tribunal (SACAT) ordered transfer of tenancy due to domestic violence.

3 Scope

This policy applies to all occupants of YPH properties.

4 Definitions

Tenant

A tenant is a person named on a Residential Tenancy Agreement.

Existing Occupant

An exiting occupant is usually an immediate family member known to reside at the property but is not specifically named on the Residential Tenancy Agreement, for example, this could include:

- An adult child of the tenant who has resided with their parent continuously since they were a minor or since the commencement of the tenancy
- A domestic partner of a tenant who has continuously resided at the property since the commencement of the tenancy.

Approved Additional Occupant

An approved additional occupant is a person who is not a tenant named on the Residential Tenancy Agreement but has been approved to reside at the property by YPH at the request of the tenant. Generally, additional occupants joined the household after the tenancy commenced. Approved additional occupants may be a domestic partner, adult child or other relative, or an unrelated person.

Income Exempt Carer

An income exempt carer is a person known to be residing at the property as their principal place of residence and has been exempt from having their income included in determining the rent as their purpose for occupancy is to provide care to a tenant. An income exempt carer will also either be an existing or approved additional occupant.

Unapproved Occupants

An unapproved occupant is a person who is not named on the Residential Tenancy Agreement has not been approved by YPH to reside at the property or was not known to be residing at the property by YPH (e.g. approval was not sought by the tenant or approval was declined).

5 Applicant Eligibility

To be eligible to apply for succession the applicant must:

- Meet the base eligibility criteria for public and community housing as outlined in the Community Housing Eligibility Policy of its successor and,
- Be an existing occupant or approved additional occupant at the property, as per the definitions, who has continuously resided at the property for two (2) or more years.

6 Lodgment and Assessment of Applications

If a tenant is vacating an existing or approved additional household occupant wishing to seek succession must apply in writing at least four (4) weeks before the tenant leaves. YPH will not consider applications lodged after the tenant was vacated.

If the tenant is deceased, the additional household occupant seeking succession must apply in writing within 21 days of the tenants passing. YPH will not consider applications lodged more than 21 days after a tenant has passed away.

- An application for succession will not be approved if:
 - The applicant is not eligible to apply for succession under this policy
 - The tenant is vacating because of a breach of the tenancy agreement
 - The applicant has had an unsatisfactory history of occupation prior to the request for succession. This means they caused or participated in neighbourhood disruptions, damage to the property or contributed to any other behaviour that would be considered to be a breach of the conditions of the tenancy agreement

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- The applicant is an income exempt carer who has maintained their own accommodation separate to that of the tenant, regardless of the type of housing i.e. public or private rental
 - The applicant does not meet the specific housing program requirements that are applicable to the dwelling
 - The property has specific features for accommodating a person with disability that is not required by the applicant or the applicant's household
 - A succession of tenancy would result in significant under or over occupation of the property
 - The property has been flagged for development or sale as part of the YPH asset management strategy
 - The exiting tenancy was established via a previously approved succession application.

If an applicant meets the criteria to apply for succession and none of the above circumstances apply, they may be offered a tenancy with YPH. The applicant must agree to any conditions of the offer and enter into a written tenancy agreement. All chargeable repairs, rent arrears or other amounts payable relating to the tenancy being succeeded must be resolved prior to approval being granted.

If an application is declined due to the housing program, property features, over or under occupation or future development, the applicant may be offered a tenancy at an alternative property if one is available. If an alternative property is not available or the applicant is not willing to accept an offered alternative, YPH does not have any further obligation to the applicant in relation to their future housing and they must vacate the property on the date specified by YPH.

All applications will be assessed by the YPH Tenancy Officer responsible for managing the existing tenancy with the decision to be approved by the Senior Manager, Services. A decision to approve or reject an application for succession will be made and communicated to the applicant by YPH within ten (10) business days.

7 Exceptional Circumstances

Succession to the legal guardian or custodian of minors





Succession may be granted to the Legal Guardian or Custodian of a minor who is an existing occupant who does not otherwise meet the criteria to apply, if they agree in writing to live in the dwelling, continue to provide care to the minor, sign a Tenancy Agreement and can supply the evidence of the following:

- The applicant has been formally granted custody/guardianship of the minor(s); and
- It is in the best interest of the minor(s) to remain at the property for continuity of schooling, friendships, family, and community connections; and
- The applicant can demonstrate that they cannot otherwise supply suitable alternative accommodation for the care of the minor(s).

8 Dispute Resolutions

Applicants have the right to request a review of a decision or lodge and appeal against a decision made by YPH that is not consistent with this policy. Please refer to the YourPlace Housing Appeal Policy. Visit the website www.yourplacehousing.com.au

Related Documents:

-  Residential Tenancies Act 1995
-  Community Housing Eligibility Policy and Guideline
-  Appeals Policy and Procedure
-  Tenancy Succession Application Form

Document Information

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| Approved By | CEO |
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