

# Transfer: Criteria and Evidence Required

Tenants may apply for a transfer based on the dwelling becoming unsuitable for one of the following reasons:

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| <b>1. At Risk Factors</b>                 | <b>6. Severe overcrowding</b>                    |
| <b>2. Medical condition or disability</b> | <b>7. Family breakdown/separation</b>            |
| <b>3. Harassment</b>                      | <b>8. Tenancy Reinstatement</b>                  |
| <b>4. Employment</b>                      | <b>9. Moderate overcrowding (wait-turn only)</b> |
| <b>5. Compassionate</b>                   | <b>10. Under-occupancy (wait-turn only)</b>      |

Criteria	Evidence Required
<b>1. At Risk Factors</b>	
<p>Includes (but not limited to)</p> <ul style="list-style-type: none"> <li>▪ Domestic violence.</li> <li>▪ Child abuse or neglect.</li> <li>▪ Assault.</li> <li>▪ Sexual assault.</li> <li>▪ Neglect.</li> <li>▪ Threatening behaviour.</li> <li>▪ Torture or trauma</li> </ul> <p>Tenants need to show that:</p> <ul style="list-style-type: none"> <li>▪ The risk is serious and ongoing.</li> <li>▪ The risk means they cannot remain in the current dwelling and/or location beyond a medium length of time.</li> <li>▪ The property and/or location significantly increase the risk and reduces their safety.</li> <li>▪ Apart from transferring, there are no practical steps that can be taken by the tenant's household to lower or remove the risk.</li> <li>▪ Being relocated will help or resolve the situation and remove or significantly decrease the risk</li> </ul>	<p>NCCH will expect the tenant to provide current supporting documentation, substantiating the risk they are exposed to. This may include:</p> <p>Current police reports.</p> <ul style="list-style-type: none"> <li>▪ A current Apprehended Violence Order (AVO).</li> <li>▪ A current Domestic Violence Order.</li> <li>▪ Current reports or letters from Community Services.</li> <li>▪ Current reports or letters from Corrective Services NSW.</li> <li>▪ Current reports or letters from a social worker.</li> <li>▪ Current reports or letters from a community support agency, such as a refuge, community centre or neighbourhood centre worker.</li> <li>▪ Current reports or an assessment from a medical practitioner or health professional (including a mental health case manager).</li> <li>▪ Current reports or letters from a school principal or school counsellor.</li> </ul>
<b>2. Medical Condition or Disability</b>	
<p>The client must show that the current dwelling or location is having a negative effect on their health or wellbeing (or other household members). For example, the client may need to be closer to essential medical services, may now need ground floor access because of decreased mobility or may need to be closer to a carer. The Company will consider:</p> <ul style="list-style-type: none"> <li>▪ The severity of the person's condition</li> <li>▪ Whether the medical condition is permanent or likely to be permanent</li> <li>▪ The mobility of the person affected</li> </ul>	<p>NCCH will expect the tenant to substantiate the medical condition and/or disability. This may include reports from:</p> <ul style="list-style-type: none"> <li>▪ A general practitioner or specialist doctor.</li> <li>▪ A health worker such as a community nurse, occupational therapist or physiotherapist.</li> <li>▪ A mental health case manager or psychiatrist.</li> <li>▪ Brain injury rehabilitation program.</li> <li>▪ Attendant care program.</li> <li>▪ ADAHPT (AIDS, dementia and HIV psychiatry team service).</li> </ul>

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<ul style="list-style-type: none"> <li>▪ The impact of the current dwelling and/or location on the client's health or wellbeing</li> <li>▪ How often the person needs to visit medical services or specialists</li> <li>▪ If, and how easily, the person can travel to these services</li> <li>▪ If, and how easily, these services can be accessed in other areas.</li> </ul>	<ul style="list-style-type: none"> <li>▪ High needs pool (care program).</li> <li>▪ Lifetime care and support.</li> <li>▪ Community aged care package.</li> <li>▪ EACH package (Extended aged care at home).</li> <li>▪ Ventilator dependent quadriplegic program.</li> <li>▪ Support organisations such as Home Care Service, Home Nursing Service, Aged Care Assessment Team, community centre or neighbourhood centre.</li> </ul>
<h3>3. Harassment</h3>	
<p>Harassment refers to a wide range of offensive behaviour. It refers to unacceptable behaviours that are threatening or disturbing. Harassment includes:</p> <ul style="list-style-type: none"> <li>▪ Verbal abuse.</li> <li>▪ Threats.</li> <li>▪ Intimidatory behaviour.</li> <li>▪ Vilification.</li> <li>▪ Property damage.</li> </ul> <p>Tenants will need to show that:</p> <ul style="list-style-type: none"> <li>▪ The harassment is serious and ongoing, and</li> <li>▪ They have attempted to resolve the harassment themselves, with any necessary assistance and support, and</li> <li>▪ Their current property and/or location significantly increases the risk of harassment, and</li> <li>▪ The harassment means they cannot remain in their current dwelling and/or location beyond a medium length of time, and</li> <li>▪ Relocation will help to resolve the situation and remove or significantly decrease the harassment.</li> </ul>	<p>The tenant will need to substantiate their claim of harassment by providing documentation such as:</p> <ul style="list-style-type: none"> <li>▪ Current police reports.</li> <li>▪ Current reports or letters from the Community Justice Centre (CJC).</li> <li>▪ Current reports or letters from a community support agency, such as a refuge, community centre or neighbourhood centre worker.</li> <li>▪ Current reports or letters from a mediation service.</li> <li>▪ Letters or reports from a general practitioner, specialist doctor, mental health services worker.</li> <li>▪ Letters or reports from neighbours substantiating the harassment.</li> <li>▪ A record that the incidents are ongoing.</li> <li>▪ Evidence that the incidents are escalating in seriousness.</li> </ul>
<h3>4. Employment</h3>	
<p>A tenant can apply for a priority transfer due to the tenant or their partner gaining employment, or changes to the tenant's or partners current employment. A tenant must show that the:</p> <p>Tenant or their partner are currently unemployed and have been offered a job in or near the area to which they need to move, or</p> <p>The tenant or their partner are not in full time employment and are required by their employer to move in order to keep their job, and</p> <p>The employment is in a location that is impractical for them to travel to from their existing location, and</p> <p>Employment is long term and is at least three days work per week. In some circumstances, such as where there are medical factors or care of dependents, the minimum number of working days may be reduced to two.</p>	<p>The tenant will need to establish the need to move for employment reasons by providing documentation such as:</p> <ul style="list-style-type: none"> <li>▪ Letter of offer of employment from employer.</li> <li>▪ Letter confirming location of employment.</li> <li>▪ Letter confirming permanent employment.</li> <li>▪ Letter confirming number of hours to be worked.</li> <li>▪ Letter confirming change of employment location from employer.</li> <li>▪ Letter from employer confirming loss of employment if unable to relocate/change location.</li> </ul>

<h2>5. Compassionate</h2>	
<p>There are a number of compassionate grounds social housing providers will consider. These include:</p> <ul style="list-style-type: none"> <li>▪ Being closer to a family member who needs their care.</li> <li>▪ Being closer to support networks which are not covered by the medical, disability or other factors described above, such as counselling services for refugees, child abuse services, family support services, rehabilitation services, Home and Community Care services, cultural services or educational services (specialised schools).</li> </ul> <p>Tenants will be asked to:</p> <ul style="list-style-type: none"> <li>▪ Show why they need to move, and</li> <li>▪ Provide information about the family member needing care, or</li> <li>▪ Provide information about the services the tenant or the family member requires.</li> </ul>	<p>The tenant will need to prove their need for a transfer by providing current documentation such as a:</p> <ul style="list-style-type: none"> <li>▪ Medical assessment or report/letter from a doctor or specialist confirming the family member's medical condition and/or disability.</li> <li>▪ Report or letter from a service providing care or support to the family member.</li> <li>▪ Report or letter from a specialist educational service.</li> <li>▪ Report or letter from a cultural support service.</li> <li>▪ Report or letter from a family support service.</li> <li>▪ Report or letter from a rehabilitation service.</li> <li>▪ Report or letter from a counselling service.</li> </ul>
<h2>6. Severe Overcrowding</h2>	
<p>Severe overcrowding may arise as the result of:</p> <ul style="list-style-type: none"> <li>▪ A family reunion.</li> <li>▪ An award of custody of children.</li> <li>▪ Marriage.</li> <li>▪ The birth of a child or children.</li> </ul> <p>Severe overcrowding includes:</p> <ul style="list-style-type: none"> <li>▪ An adult or couple sharing a bedroom with a person aged over three years.</li> <li>▪ Four or more children sharing a bedroom.</li> <li>▪ Three or more unrelated adults sharing a bedroom.</li> </ul> <p>Severe overcrowding can also occur if children currently sharing a bedroom now need their own bedroom because of a specific need such as:</p> <ul style="list-style-type: none"> <li>▪ A disability or special medical need.</li> <li>▪ Severe behavioural problems.</li> <li>▪ Children of different sexes sharing a room and one of them reaches puberty.</li> </ul> <p>Tenants will be required to prove that the severe overcrowding is the result of one of the above reasons and explain why the current dwelling is unsuitable.</p>	<p>The tenant will need to prove that severe overcrowding exists and the reasons for it by providing current documentation such as:</p> <ul style="list-style-type: none"> <li>▪ Age of all household members.</li> <li>▪ Gender of all household members.</li> <li>▪ Marriage certificate.</li> <li>▪ Legal documents confirming family reunion.</li> <li>▪ Legal documents confirming placement of children.</li> <li>▪ Legal documents confirming custody of children.</li> <li>▪ Centrelink family payment income statement.</li> <li>▪ Court orders.</li> <li>▪ Immigration papers.</li> <li>▪ Medical assessment or report/letter from doctor or specialist confirming disability or special needs.</li> <li>▪ Letter or reports from support agencies confirming severe behavioural problems.</li> <li>▪ Reports or letters from Community Services.</li> <li>▪ Letter or reports from health professionals, including mental health case managers.</li> </ul>

## 7. Family Breakdown/Separation

If there is a serious breakdown in a family relationship, social housing providers may consider providing separate accommodation for the member who has left the property. A serious breakdown in a household relationship includes:

- Separation or divorce between a tenant and spouse or de facto partner.
- Irreconcilable problems between a parent and child or children (including an adult child or children).

In the case of divorce or separation the spouse or partner who has moved out will need to prove that:

- The spouse was a member of the household, or
- The de facto partner was a member of the household on a continuous basis for two or more years, and
- The spouse or partner was on the housing provider's records as having lived in the property, and
- The spouse or partner is eligible for social housing, and
- The spouse or partner applies for a transfer within six months of moving out of the property.

In the case of a family breakdown the family member will need to prove that:

- They are a permanent member of the household, and
- They are listed on the housing provider's records as living in the property (e.g., approved additional occupant), and
- They have declared their income to the housing provider and it is recorded in a rent subsidy (if the tenant receives a rent subsidy).

The tenant will need to confirm the family breakdown by providing supporting documents such as:

- Evidence of a legal separation.
- Letters or reports from a social worker, community worker, or neighbourhood centre.
- Letters or reports from Community Services.
- Income statement from Centrelink.
- Family payment confirmation from Centrelink.
- Letters or reports from a general medical practitioner or specialist doctor.
- Evidence of new residential address (e.g. driver's license, mobile phone bill, Centrelink income statement).

## 8. Tenancy Reinstatement

Tenancy reinstatement can apply to former tenants 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 into a custodial facility, or
- Of the care needs of the tenant, a member of their household or a family member.

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

- They meet the eligibility criteria for social housing, and

The tenant will need to substantiate their reason to vacate the dwelling without giving notice to their housing provider. That is, they will need to prove that they vacated under duress or to move to a residential care or custodial facility.

The evidence the tenant must supply will be dependent upon the reason they vacated the property. If, for example, a tenant vacated without notice due to having been at risk, they will be required to supply supporting documentation as stated in the evidence criteria for at risk priority transfers.

If a tenant vacated without notice due to harassment, they will be required to supply supporting documentation as stated in the evidence criteria for harassment.



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- They meet the criteria for priority transfer, and
- They vacated under duress, vacated to a residential care or correctional facility, or vacated because of care needs, and
- They made an 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 can also apply within six months of their release from custody.

Former tenants with custodial sentences longer than three years will need to re-apply for housing as they are not eligible for tenancy re-instatement.

Social housing providers define duress as having to vacate the property due to a critical incident and, under the circumstances, the decision to vacate was reasonable. For example:

- Escaping domestic violence.
- Escaping harassment.
- Removing themselves or a household member from being at risk.
- Admittance to a supported care facility might include a refuge, rehabilitation centre, hospital, or respite centre.

Tenants may need to vacate their property due to:

- Serious medical/disability incident related to the tenant or a household member.
- Serious medical/disability incident related to a family member and/or relative.

When assessing the decision to vacate the property, housing providers will consider the following as applicable to particular situations:

- Was it reasonable for the tenant to vacate without notice, and
- The urgency of the need to vacate without notice, and
- Did the circumstances of the incident force the tenant to vacate without notice, and
- Did the tenant consider options other than vacating, and
- Whether the tenant previously contacted their housing provider about their situation, and
- Did the housing provider ask the tenant to relinquish their tenancy because they were going into residential care or into a correctional facility, and
- Could the decision to vacate have been delayed, and
- Was it a reasonable decision under the circumstances



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## 9. Moderate Overcrowding (wait-turn only)

Moderate overcrowding is when there is an increase in the size of the household which results in the household having fewer bedrooms than they would otherwise be entitled to, but the overcrowding is not severe.

Examples of moderate overcrowding are:

- Three children sharing a bedroom.
- An adult or couple sharing a bedroom with a child under three years of age.
- Two unrelated adults sharing a bedroom.

Aboriginal tenants may seek a transfer when wanting to take up their entitlement to an extra bedroom to meet family responsibilities

The tenant will need to substantiate the moderate overcrowding by producing documents indicating the:

- Number of household members.
- Age of household members.
- Gender of household members.
- Size of the bedrooms.
- Size of the living areas

## 10. Under-occupancy (wait-turn only)

Under occupying a property is when a tenant has more bedrooms than they require. It is usually the result of household members moving out of the property.

When a tenant applies for a transfer because of under occupancy, housing providers will:

- Consider the impact on the tenant, and
- Review the benefits and costs to the provider of transferring the tenant, including the demand for the current property, and
- Consider the tenant's requirements for an alternative property and how these can best be met.

The tenant will need to substantiate the under occupancy by producing documents indicating the:

- Number of household members.
- Number of bedrooms in the property

### Document information

Title	Transfers: Criteria and Evidence Required
Section	Housing & Communities
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.3 Changing needs of tenants
Last review	27/5/2015
Next review	27/5/2015

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NCCH acknowledges the Bundjalung, Arakwal, Gumbaynggir and Yaegl peoples who are the traditional custodians of the land that comprises the Northern Rivers.