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## Transfer and Mutual Exchange Policy

### Category: Operations

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#### 1 PURPOSE

This Policy explains how Stellar Living will assist tenants to move properties.

#### 2 OBJECTIVE

This Policy recognises that the housing needs and preferences of tenants change over time, as do our business needs. We aim to provide tenants with more flexibility and choice to respond to their changing needs, and to provide fair processes for tenants who may be impacted by the changing needs of Stellar Living.

The purpose of this policy is to provide a fair, sympathetic and transparent process for decision making and management in relation to Transfers, Mutual Exchanges and Relocations.

#### 3 SCOPE

This Policy applies to all tenancies under the Residential Tenancies Act 1987 (RTA) owned and/or managed by Stellar Living. It does not apply to where there is a tenancy linked to a support program ie. CFAS, ReSET, CDHP.

#### 4 TRANSFERS

A transfer may occur if the tenant believes the property no longer meets their needs and Stellar Living agrees. Stellar Living will try to identify suitable alternative in consultation with the tenant.

There are 3 types of transfer:

- **Internal transfer** – the tenant moves to another Stellar Living property;
- **Community Housing Organisation (CHO) transfer** – if the tenant agrees, Stellar Living may refer the transfer application to other CHOs who may be able to meet the tenant's needs. Stellar Living will also accept transfer applications from eligible tenants who are currently housed by other CHOs.
- **Housing Authority (HA) to CHO** – as per the Community Housing Allocations Policy (CHAP), current public housing tenants may apply to the HA to transfer to a community housing property.
- **CHO to Housing Authority** – when Stellar Living **agree** that the tenant requires a move but cannot assist with in existing stock in a reasonable time frame, the tenant can apply to the Joint Wait List. Stellar Living would need to support the application.

#### 5 Relocation

When Stellar Living requires a tenant to be moved from their current property to another property for compliance, safety or other business reasons they will provide the tenant with a Notice of Relocation. A Notice of Relocation may be issued for any property and tenancy. However, the process may vary depending on the conditions of the tenancy agreement.

## 5 Mutual Exchange

A mutual exchange occurs when two tenants agree to exchange properties by mutual agreement and Stellar Living agrees to the exchange.

Mutual exchanges are choice-based and are not assessed on need. Stellar Living does not play an active role in negotiation of exchanges but must provide written approval. Tenants must rectify any non-fair wear and tear damages prior to the move and complete bond and Tenancy Agreement processes with Stellar Living prior to moving.

## 6 Policy Requirements and Provisions

### a. Application for Transfer or Mutual Exchange

Tenants wishing to apply for a transfer and/or mutual exchange shall apply in writing to Stellar Living on an application form, with interpreter services and/or advocate assistance if required.

Transfer applications must include reasons and evidence as to why the accommodation is no longer suitable for their needs, which may including the following grounds:

- The property is too large or too small for the household;
- Need to move to another locality to be closer to family/support/work/education/transport/health care, or to get away from people or activities which are impacting on safety and well-being (for example domestic violence);
- A member of the household has a specific health, mobility or behaviour issue which is not accommodated in the existing property or is made worse by the existing house or location.

Mutual exchange applicants must also complete an application form but do not need to provide a reason for wanting to exchange.

All applicants shall provide information about their housing needs and preferences to assist in identifying a suitable option.

### b. Eligibility

Transfer and Mutual Exchange Applicants must be eligible for affordable housing and must, in the past 12 months:

- have a good history of paying rent and other debt;
- have no tenancy issues for which they have received a Breach Notice;
- have maintained good property standards.

Assessment of transfer applications will include consideration of exceptional circumstances and the extent to which a transfer may resolve problems with the tenancy. Some dispensation may also be provided for tenants who are given a Notice of Relocation.

The occupancy standards will be taken into account when determining if an application will be approved.

### c. Transfer List and Mutual Exchange Register

Approved transfer applicants will be assessed as either a Priority Transfer or General Transfer. Priority status applies to applicants who need to move on grounds of safety, significant physical or mental health risk or physical mobility, or have been given Notice of Relocation. Tenants with Priority status may be transferred ahead of non-urgent transfer applicants who have been on the wait list longer. However tenants with Priority status who decline property offers without reasonable grounds may lose their Priority status.

Stellar Living will maintain a separate register of tenants wishing to mutually exchange. Tenants may also identify mutual exchange opportunities via their own networks or social media but the approval of Stellar Living and satisfaction of eligibility criteria is still required.

Approved applicants may be deemed ineligible and removed from the Transfer List or Mutual Exchange Register if they:

- are deemed ineligible during the annual Rent Review process (note that failure to return requested documentation may result in a tenant being deemed ineligible);
- incur rent or non-rent debt and do not make prompt arrangements to repay that debt; or
- receive a Breach Notice for nuisance, anti-social behaviour and/or property standards.

#### **d. Transfer Offers**

Transfer offers will be made on the basis of priority, most suitable property and then time on the list. This means that where the property meets the needs of the tenant, an offer may be made regardless of time on the list.

When an suitable property is identified, but prior to the offer being formalized, current property standards will be checked and an assessment undertaken to confirm eligibility (unless a rent review assessment has been undertaken in the prior 3 months). All property damages and outstanding debt must be rectified by the tenant before an offer is made.

#### **e. Mutual Exchange Process**

Tenants who identify a potential tenant exchange via their own means must both contact Stellar Living, who will confirm the eligibility of both parties.

Following confirmation of eligibility and interest, the tenants must negotiate directly with each other to agree the terms of the exchange. No offer of financial reward or otherwise must be made by either tenant wishing to exchange.

When an agreement is reached it must be discussed with and approved by Stellar Living. Approval will be subject to Stellar Living confirming that both tenants still meet the eligibility criteria and are eligible for the property type and size, and the agreement being fair and reasonable for both tenants.

Stellar Living will undertake Property Condition Reports on both properties. Any property damage and outstanding debt must be rectified by the outgoing tenants before the exchange can take place.

The tenants must enter into a new Tenancy Agreement and organize transfer of bonds. The bond payable may increase according to the new rent charged.

Stellar Living will consider mutual exchange arrangements between one of our tenants and a tenant housed by another CHO, subject to the approval of that organisation and all eligibility criteria has been met.

#### **f. Relocation Process**

Relocations may occur when:

- the tenant is no longer eligible for the house in accordance with the Eligibility and Rent Review Policy, Occupancy Policy or the particular requirements of the housing program;
- the property becomes uninhabitable and/or requires major maintenance;
- a business decision is made to sell the property or re-allocate it to another purpose or program.

Stellar Living will advise the tenant of the reason for the relocation and issue at least 60 days Notice of Relocation, except in the following circumstances:

- a) the property is under a contract for sale and the tenant has been advised they will receive no less than 30 days Notice of Termination under Section 63 of the RTA;
- b) the house is deemed uninhabitable or unsafe and no less than 7 days Notice of Termination will be issued under Section 69 of the RTA;
- c) an emergency has rendered the property uninhabitable, in which case Stellar Living will make reasonable effort to assist the tenant to find emergency accommodation and to secure the property and the tenant's belongings.

Tenants who have been given notice of relocation will be requested to fill in a Transfer Application and given Priority Transfer status. All reasonable efforts to find a suitable alternative property within the same or the relocating tenant's preferred area will be made, however an exact equivalent property or a property in the same suburb or school catchment cannot be guaranteed.

Tenants who choose not to complete a Transfer Application will not be offered alternative accommodation but will be issued the appropriate Notice of Termination to end the tenancy as per the RTA.

Where the relocation is due to maintenance works and it is practicable to do so, consideration will be given for the tenant to return to the property when the works are completed, if this is requested. In these circumstances, financial relocation assistance may be limited.

#### **g. Costs of Moving**

The Tenant is responsible for all costs of moving under a voluntary transfer or a mutual exchange.

Stellar Living may offer financial and practical assistance to tenants who are required to relocate. This matter will be determined by the CEO on the basis of the particular circumstances of each case.

Tenants who have initiated a property move by submitting a transfer or mutual exchange application prior to the relocation process and who are offered a priority move due to relocation, are not eligible for financial or practical assistance, unless there are exceptional circumstances as determined by the CEO.

If the property is uninhabitable because of the actions of a tenant, a household member or person whom the tenant has permitted to be at the property, the tenant may not be eligible for relocation, and, in the event they are relocated, will not be offered financial relocation assistance.

#### **h. Appeals**

Tenants may appeal decisions made in relation to Transfers and Mutual Exchanges under the Complaints and Appeals Policy. The decision to relocate a tenant cannot be appealed.

### **7 Right of Appeal**

If an applicant and tenant does not agree with any of our decisions or actions, they can appeal under our appeals Policy.



<b>Effective date:</b>	01/10/2019
<b>External references:</b>	<ul style="list-style-type: none"> <li>• Residential Tenancies Act 1987</li> <li>• Residential Tenancies Regulations 1989</li> <li>• Community Housing Income and Asset Limits Policy 2013</li> <li>• Privacy Act 1988</li> <li>• Community Housing Agreement</li> </ul>
<b>Version:</b>	2

<b>Custodian:</b>	CEO
<b>Internal references:</b>	<ul style="list-style-type: none"> <li>• Appeals policy (under review)</li> <li>• Eligibility Policy</li> <li>• Privacy policy</li> <li>• Occupancy Standards (to be developed)</li> <li>• Information and Records Management Policy (to be developed)</li> </ul>
<b>Review:</b>	01/10/2024

### Version Notes

This policy is to be reviewed following legislative or organisational changes, or as a minimum, every five years.

Date of Change	Changes	Reason for Change	Author	Authorised
1/10/19	1.	Review	K Moorey	CEO

