143 Succession Policy

1. Policy

Link Housing’s succession policy has been established to enable an eligible household member with a satisfactory history of living in a Link Housing property the opportunity to be housed after the tenant dies or leaves the property permanently because of ill health, disability or imprisonment. This policy relates to social housing tenancies only.

Approval for succession entitles the household member to a Link Housing tenancy in the same or a different property.

2. Definition

Succession of the tenancy provides for an approved household member to take over the tenancy if:

- The head tenant dies
- The head tenant permanently leaves the property to:
  - Live in a residential care facility e.g. residential aged care facility
  - Serve a sentence in a custodial facility e.g. prison
  - Care for sick or frail family members
  - Relocate elsewhere
- NSW Police reports that the head tenant must leave and not access property or where a final apprehended violence order is obtained.

3. Eligibility

- The following eligibility criteria must apply to the household member for her/his application to be approved:
  - The tenant’s spouse or de facto has been an approved household member for the past 12 months continuously or since tenancy commencement if the tenancy is less than 12 months.
  - The applicant must be eligible under Social Housing eligibility criteria.
  - The applicant must have an income and be able to maintain the tenancy.
  - The applicant must be an appointed/applied legal guardian of an authorised member of the household who is under 18 years of age. Succession will be granted if the guardian agrees in writing to reside in the property and continue to provide housing for the tenant’s children. If the guardian does not meet social housing criteria the application may be granted for succession if this is assessed to be in the best interest of the tenant’s children.
  - A household member who is over 18 years of age and has been an approved household member for the past 12 months continuously or since tenancy commencement if the tenancy is less than 12 months.
  - Any applicant who has a history of poor conduct as part of the household will not be approved unless they can demonstrate to the satisfaction of Link Housing that they have adequate support in place and they are able to maintain a satisfactory tenancy.

If the application is not approved a Termination Notice will be issued ending the tenancy.
4. Allocation

If the applicant is approved as eligible for succession, a decision will be made by one of Link Housing’s Team Leaders to either:

- Offer a tenancy to the current property; or
- Offer a tenancy to a different property because of one or more of the following property management considerations:

4.1 Property Management Considerations

- The property falls within specialist housing program and the new tenant does not qualify for that program. For example:
  - Older person housing – successor does not qualify for older persons program
  - Supported housing program – successor does not qualify for support from that agency
- Property has modifications or adaptions and the successor does not require those modifications or adaptions
- Property designated for a particular client group and the successor is not a member of that client group
- Successor will be under-occupying the property
- Management reasons (for example property is due for major work or redevelopment)

5. Refusal of Successor to Relocate

If the applicant is approved for succession and offered a tenancy at a different location and refuses to relocate, a termination notice will be issued ending the tenancy and no further assistance provided under the Succession Policy.

6. Procedure

Applicants must:

- Apply in writing within 28 days from the day circumstances changed
- Provide supporting documentation to support the claim for succession within 21 days.

Link Housing will:

- Respond to applications for succession within 21 days
- Deal with all requests for succession sensitively

7. Legislative Framework and Related Policies

- Residential Tenancies Act 2010
- Domestic Violence Policy
- Eligibility for Social Housing Programs
- Housing NSW Pathways Policies and Eligibility Criteria
- Matching Applicants to Properties Policy

8. Quality Assurance

The Succession Policy will be formally reviewed every two years or when necessitated through a sufficient change in circumstances.
9. Privacy and Confidentiality
Link Housing will keep applicants’, tenants’ and residents’ information and feedback confidential, in line with privacy laws and standards.

10. Complaints and Appeals
A tenant or applicant who is not happy with a decision made by Link Housing or who believes that Link Housing has not followed policy can complaint or appeal using the complaints and appeals policies. These can be obtained from www.linkhousing.org.au or by phoning Link Housing on 9412 5111.