

## C1.4 Recognition as a Tenant Policy and Procedure



### 1. Purpose

- 1.1. To provide the guidelines in situations when a tenancy is transferred to another eligible member of the household. This occurs when the tenant has left the property due to health reasons (for example has entered a nursing home or an institutionalised care facility), has been imprisoned or has died. The Landlord provides recognition as a tenant to ensure that eligible members of the household will not be made homeless or must face hardship because the tenant has died or left the property.

### 2. Scope

- 2.1. Applies to all staff
- 2.2. Applies to Co-operatives

### 3. Exceptions

N/A

### 4. Definitions

- 4.1. **Landlord** - the person who grants the right to occupy residential premises under a residential tenancy agreement.
- 4.2. **Tenant** - the person who has the right to occupy residential premises under a residential tenancy agreement.
- 4.3. **Co-op** governance structure where residents become 'members' of the Co-operative and play an active part in running the organisation.
- 4.4. **Recognition of Tenancy** –a tenancy is transferred to another eligible member of the household. This occurs when the tenant dies, leaves permanently or will be in hospital, prison or away for a very long period. This right will only apply if the applicant has been living in the property with the tenant as their only (or principal home) at the time.

### 5. Responsibilities

#### 5.1. Chief Executive Officer (CEO)

- 5.1.1. Providing resources
- 5.1.2. Oversight of process

#### 5.2. Manager

- 5.2.1. Staff competency
- 5.2.2. Monitoring

#### 5.3. Quality Coordinator (QC)

- 5.3.1. Review the policy with relevant staff as per

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schedule or when required

### 6. Procedure

#### 6.1. Household members can ask to be recognised as a tenant if they are:

- 6.1.1. eligible for housing under the NSW Co-operative Housing Program or eligible for social housing.
- 6.1.2. an approved additional occupant of the property with a satisfactory history of occupation for at least two years – exceptions may apply.
- 6.1.3. a spouse of de facto partner 55 years of age or older (including same sex partners)
- 6.1.4. a custodian or legal guardian of children in the household.
- 6.1.5. a tenant who relinquished a CENSW / Co-op tenancy to act as a live in carer to the tenant of another household member.
- 6.1.6. another household member who have been assessed by the landlord as meeting priority housing criteria.
- 6.1.7. a member of the co-ops target group, where the landlord is a Co-op.
- 6.1.8. The landlord must:
  - Ensure that privacy and confidentiality of all parties involved is always respected.
  - Provide members/tenants and applicants with information outlining how to apply for recognition as a tenant.
  - Ensure that those dealing with application for recognition as a tenant do not have a conflict of interest

#### 6.2. Recognition as a Tenant Steps

Steps	Task owner	When
<b>1. Provide an applicant with an application form, the information flyer, the copy of Selection and allocation policy.</b>	Tenancy Committee or Co-op Development Officer	When an inquiry is made
<b>2. Process application with consideration of privacy and confidentiality</b>	Tenancy Committee or Co-op Development Officer	When an application is received

### 7. External References


- 7.1. Residential Tenancies Act 2010 (NSW)
- 7.2. Privacy Amendment Act 2012

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### 8. Internal Associated Documents

- 8.1. C1.14 Complaints Policy
- 8.2. C1.14 Complaints Flowchart
- 8.3. C1.25 Appeals Policy

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<b>Contact/Responsible Delegation</b>	Mirjana Kreiselmaier, Co-op Development Manager
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