

T 4.16 Recognition as a Tenant (Succession) Policy

1. Purpose

This policy outlines the circumstances under which Common Equity NSW (CENSW) may formally recognise a new tenant from within an existing household.

2. Scope

This policy applies to all social housing tenancies managed by CENSW.

3. Policy

Sometimes the person who holds the tenancy agreement (the head tenant) is no longer able to live in the property. This could happen for several reasons, including:

- death of the tenant
- moving into permanent aged care or hospital
- long-term imprisonment
- family breakdown

In these situations, someone else living in the property, such as a partner, carer, or family member, may apply to have the tenancy changed to their name. This is called recognition as a tenant or succession of tenancy.

Being recognised as a tenant is not automatic. Each request is assessed carefully to make sure the applicant:

- has a genuine need to remain in the property
- meets the eligibility rules for social housing
- has lived in the property as their main home
- can manage the responsibilities of a tenancy

CENSW's aim is to provide stability for people already living in the home while continuing to follow fair housing allocation processes.

a. Eligibility for Recognition

To be considered for recognition as a tenant, the applicant must:

- be an approved occupant of the household time at the time of the original tenant's departure or death
- be able to demonstrate a satisfactory history of residence, normally a minimum of two years (exceptions may be considered where there are compelling circumstances)
- be eligible for social housing under NSW Community Housing policies

Priority is given to:

- spouses or de facto partners aged 55 and over
- legal guardians or custodians of children in the household
- approved additional occupants listed in the tenancy agreement.
- carers who relinquished their own tenancy to live with and care for the original tenant
- other household members who meet priority housing criteria due to vulnerability or risk.

b. How to Apply

To apply, the household member must complete the Recognition as a Tenant Application Form and provide:

- identification (e.g. driver licence, Medicare card)
- proof of residence (e.g. utility bills, Centrelink statements)
- any support letters (e.g. medical practitioners, community workers)
- details about their current role in the household.

The form is available by contacting CENSW and should be submitted within 14 days of the original tenant leaving the home. If the form is not provided within this timeframe, CENSW may seek to terminate the tenancy. Extensions may be granted in some cases, upon request.

c. Assessments and Timeframes

CENSW will review the application and decide within 7 calendar days of receiving all required documents. We will consider:

- the applicant's connection to the household
- whether they meet housing eligibility rules
- their ability to sustain a tenancy
- the suitability of the property (e.g. overcrowding, modifications). If the property is no longer suitable, for example, if it is too large for the new household or has features the household doesn't need, CENSW may offer a management transfer to a more appropriate home as per our Transfer Policy.

If more than one person applies, CENSW will decide who is best suited to take over the tenancy. In some cases, we may help the applicant explore other appropriate housing options.

d. Outcomes and Next Steps

If approved, the applicant will be asked to sign a new tenancy agreement. If not approved, the person will be informed in writing, with reasons for the decision and information on how to appeal.

CENSW may also refer the applicant to other housing or support services if appropriate.

4. Appeals

Tenants have the right to appeal decisions made under this policy. The CENSW Appeals Policy has more information on appeals.

5. Related Legislation, Documents and Policies

- Residential Tenancies Act 2010 (NSW)
- Appeals Policy
- Eligibility and Allocations Policy
- Transfer Policy
- Recognition as a Tenant Application Form

6. Variations

Name and Designation of Approver	Head, Co-operative Services
Contact/Responsible Delegation	Co-operative Services Team Manager
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