

PURPOSE: 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 have to face hardship because the tenant has died or left the property.

1. SCOPE

- 1.1. Applies to all staff
- 1.2. Applies to co-operatives

2. EXCEPTIONS:

NA

3. DEFINITIONS

- 3.1. **Landlord** -the person who grants the right to occupy residential premises under a residential tenancy agreement.
- 3.2. **Co-op** - governance structure where residents become 'members' of the cooperative, and play an active part in running the organisation.
- 3.3. **Tenant** -the person who has the right to occupy residential premises under a residential tenancy agreement.
- 3.4. **Recognition of Tenancy** – is when 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.

4. RESPONSIBILITIES

4.1. Chief Executive Officer (CEO)

- 4.1.1. Providing resources
- 4.1.2. Oversight of process etc

4.2. Manager

- 4.2.1. Staff competency
- 4.2.2. Monitoring

4.3. Board

4.4. Quality Coordinator (QC)

4.4.1. Review the policy with relevant staff as per schedule or when required

5. CONTENT

Who is eligible for Recognition as a Tenant? Household members can ask to be recognised as a tenant if they are:

- 5.1. Be eligible for housing under the NSW Co-operative Housing Program or be eligible for social housing.
- 5.2. Be an approved additional occupant of the property with a satisfactory history of occupation for at least two years – exceptions may apply.
- 5.3. A spouse of de facto partner 55 years of age or older (including same sex partners)
- 5.4. A custodian or legal guardian of children in the household.
- 5.5. A tenant who relinquished a CENSW / Co-op tenancy to act as a live in carer to the tenant of other household member.
- 5.6. Other household member who are assessed by the landlord as meeting priority housing criteria.
- 5.7. Where the landlord is a co-op, be a member of the co-ops target group.

The landlord must:

- 5.8. Ensure that privacy and confidentiality of all parties involved is respected at all times
- 5.9. Provide members/tenants and applicants with information outlining how to apply for recognition as a tenant.
- 5.10. Ensure that those dealing with application for recognition as a tenant do not have a conflict of interest

6. REFERENCES

- 6.1. Residential Tenancies Act 2010 (NSW)
- 6.2. Privacy Amendment Act 2012

7. ASSOCIATED DOCUMENTS

- 7.1 C1.14 Complaints and Appeals Policy and Procedure

8. PROCEDURE

8.1. Recognition as a Tenant Procedure

Procedure Title	RECOGNITION AS A TENANT PROCEDURE
Purpose	

Steps	Who is responsible	When
1. Provide an applicant with an application form, the information flyer, the copy of Selection and allocation policy.	Tenancy Committee or Field Officer	When an inquiry is made

2. Process application with consideration of privacy and confidentiality		When an application is received
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