

Transfer Policy – Number 114

Edited August 2023

1. Policy

Pacific Community Housing may initiate the transfer of a tenant to facilitate improved management of its property portfolio. In exceptional circumstances a tenant may be transferred for tenancy management purposes.

2. Scope

This policy relates to affordable housing tenants.

Pacific Community Housing will only require a tenant to relocate for valid reasons related to the management of a tenancy or the property portfolio.

This policy will apply to any tenant asked by Pacific Community Housing to relocate for management purposes, including a tenant who:

- has been approved for a transfer
- is seeking a mutual exchange
- has a household income that is over the eligibility limit. For more information, go to eligibility for Affordable Housing Policy 101.

3. Reasons for Transfer

3.1 Portfolio Management

The following reasons can lead to a transfer of a tenant for portfolio management purposes:

- Pacific Community Housing intends to sell a property or a group of properties, demolish a property or group of properties or redevelop the land the property is on to provide more appropriate or additional housing;
- The property has been designated for occupation by a particular client group such as people over 55 and the tenant/s in the household do not belong to this client group;
- The property is not owned by Pacific Community Housing and the lease with the private landlord has been terminated;
- The property has features such as modifications for people with a disability, which are no longer needed by those living in the property;
- Pacific Community Housing intends to carry out substantial upgrading work on the property and the property needs to be vacant in order for this work to be carried out;
- A property that Pacific Community Housing does not own is deemed substandard and the owner of the property does not intend to improve the property.

3.1.1 Ending a Tenancy

The Residential Tenancy Act provides for a landlord to give the following notice periods for ending a tenancy:

- 30 days – if the fixed term of the tenancy agreement is due to end
- 30 days – if the premises have been sold after the fixed term has ended and vacant possession is required by the buyer under the terms of the sale contract
- 90 days – if the fixed term period has expired and no new agreement has been signed.

Where Pacific Community Housing has received a notice of termination from a landlord for one of Pacific Community Housing's Headlease properties, Pacific Community Housing will similarly issue a corresponding notice of termination to the affected tenant. Pacific Community Housing will then work

with such tenants to find alternative accommodation and, where possible, tenants will be encouraged to be actively involved in the sourcing of replacement properties.

In the event that a tenant is unwilling to relocate following the issuing of a notice of termination in accordance with the Residential Tenancy Act 2010, Pacific Community Housing will follow the NCAT process in relation to a termination of the tenancy.

3.2 Tenancy Management

Tenants who are ineligible for a tenant initiated transfer may be eligible for an internal management transfer for the following reasons:

- In order to address a serious or protracted tenancy management issue,
- A tenant who is at risk of not being able to sustain a tenancy due to the location of the property they are in or the suitability of the area for that tenant.

4. Offers

Once approved for a management transfer, tenants will be given 2 reasonable offers of alternative housing. A reasonable offer is one that matches the number of bedrooms the household size requires, the preferred area (not suburb) and any special needs or medical/disability requirements that were included in the tenant's application for social housing. Pacific Community Housing does not consider factors such as preferences relating to a suburb, neighbours, the appearance of a property, or any other reason based on personal preference, to be valid reasons for rejecting an offer.

NOTE: Offers are restricted to type, size and location of properties Pacific Community Housing has available.

5. Legislative Framework and Related Policies

- Residential Tenancies Act 2010
- Eligibility for Affordable Housing Policy 101

6. Privacy and Confidentiality

Pacific Community Housing will keep applicants', tenants' and residents' information and feedback confidential, in line with privacy laws and standards.

7. Complaints and appeals

A tenant who is not happy with a decision made by Pacific Community Housing or who believes that Pacific Community Housing has not followed this policy can complain or appeal using the complaints and appeals policies that are available on the Pacific Community Housing website.