

Tenancy Succession Policy

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1. Application

This policy applies to tenancies and customers housed by BCVL in social housing property portfolios only.

2. Introduction

Building Communities (Vic) Ltd (BCVL) seeks to ensure that existing householders of tenancies in which the primary renter is no longer able to remain in the property and/or in that capacity, are provided an opportunity, if appropriate, to continue occupying the home. BCVL recognises that renters' needs and circumstances can change over time and is committed to ensuring existing householders are not displaced unnecessarily. BCVL may approve requests from existing householders to succeed a tenancy and have the existing tenancy transferred to them, by signing a new lease agreement in their name.

3. Aim

The aim of this policy is to:

- Enable BCVL to assist existing householders with housing stability
- Provide clarity on when BCVL can facilitate tenancy successions
- Ensure BCVL maintains quality allocation and eligibility processes for its housing portfolios

4. Principles

To ensure housing stock within Australia is appropriately utilised and meets the changing needs of renters, BCVL may approve a request from an existing householder to have the tenancy transferred into their name should the primary renter be unable to remain in the property and/or in the capacity of primary renter.

Householders seeking a succession of tenancy must meet the eligibility criteria outlined in this document and comply with any program requirements that the property may be subject to.

3.1 Succession of tenancy

BCVL can only facilitate succession of tenancies in particular and defined circumstances. This is to ensure that our allocation of available properties remains a fair and equitable process and supports all renters seeking housing through BCVL.

Where a renter has a genuine request for a succession of tenancy, BCVL will ensure they are supported to complete the succession request process and associated application forms for the house they are occupying. BCVL will ensure renters understand the obligations and responsibilities they will be expected to undertake as the new primary renter, such as the condition of the home, all rent and outgoing charges, bond requirements, etc.

3.2 Succession of tenancy circumstance criteria

It is important that BCVL maintain clear succession of tenancy circumstance criteria, which is readily communicated to householders wishing to request a succession, so that decisions regarding succession requests are transparent to all parties involved.

Succession of tenancy will only be granted in circumstances where the primary renter:

- Is deceased, or
- Has been incarcerated for a period of more than six months, or
- Is involved in a domestic or family violence order pertaining to the householder that excludes them from residing in the dwelling for a period of 6 months or more, or
- Has been permanently relocated to a residential care facility

3.3 Succession of tenancy eligibility criteria

It is important that BCVL maintain clear succession of tenancy eligibility criteria, which is readily communicated to householders wishing to request a succession, so that decisions regarding succession requests are transparent to all parties involved.

Householders will only be eligible to request to succeed a tenancy if the person requesting the succession of tenancy:

- Is eligible for the accommodation type and housing program (this may include also being a registered housing applicant on a state based or approved waiting list), and
- Has been residing in the property immediately prior, as a declared householder, and for a period of twelve months or more, and
- Is over the age of 16 years, and
- Is an immediate relative, spouse or carer of the primary renter

In instances where there are more than one existing householder requesting succession of a tenancy, preference will be given to spouses/declared partners of the existing primary renter and then to adult children of the existing primary renter. A needs-based assessment for the succession preference may also be conducted by the BCVL housing services team to determine the preference of applicants.

3.4 Abandonment of property

A succession of tenancy will not be granted in instances where the primary renter has abandoned the property unless exceptional circumstances are evident. This decision would be reviewed by the appropriate manager who will regard such facts as:

- Length of time the property has been occupied by the requesting person
- If rent has been paid by requesting person
- Relationship to the exiting renter
- Need and eligibility for housing
- Whether they have a current application for housing registered

3.5 Requirements of new tenancy

If a succession of tenancy is granted to an existing householder, the nominated householder will be required to sign a new BCVL lease and sign an acknowledgement that they will accept the original ingoing property condition report completed at the commencement of the original lease under the previous primary renter.

The renter will acknowledge that they are accepting the property in its current state including accepting responsibility for any damages to the dwelling. They will abide by all conditions of the tenancy outlined in the tenancy agreement as per the state Residential Tenancies Act.

The new renter must also acknowledge that, if rent is based on household income, that as a result the rent may be recalculated based on the new proposed household income.

5. Putting these principles into practice

BCVL will require householders to make a request for a succession of tenancy and submit it with the required information. The request must be submitted by the person requesting succession. If the primary renter is in a correctional facility, written advice supporting the succession of tenancy is to be sought from the primary renter or state justice department.

Supporting documentation should be supplied including the following documentation:

- Proof of ID
- Proof of household income or completed BCVL Centrelink Consent form (to verify income with Centrelink online for all householders in receipt of a Centrelink payment)
- Documents to support their reason for requesting to succeed the tenancy, where appropriate

Requests will be processed in line with BCVL’s policies and procedures. Notification of approval or decline will be made to the householder in writing, with specified details for the decision made by BCVL. This will also include details of the next steps a householder can or will be required to make in relation to their application.

Related processes in the Victorian Tenancy Operations Manual support BCVL staff in their implementation of this policy.

4.1 Customer Feedback and Appeal of Decisions

BCVL welcomes its renters to query any decisions it makes and/or ask questions about our work practices. If a renter wishes to provide feedback to BCVL and/or believes a decision made by BCVL is incorrect, they can lodge customer feedback and/or an appeal using the BCVL Customer Feedback Policy or the BCVL Appeals Policy.

6. Related legislation, frameworks, policies and procedures

5.1 Legislation

Housing Assistance Act 1996 (COM)
Housing Act 1983 (VIC)
Residential Tenancies Act. 1997 (VIC)
Residential Tenancies Amendment Regulations 2021 (Vic)
Planning and Environment Act 1987 (Vic)
Charter of Human Rights and Responsibilities Act 2006 (VIC)
National Disability Insurance Scheme

5.2 Codes, frameworks and agreements

The National Affordable Housing Agreement
OOH, Homelessness Assistance Program Guidelines and Conditions Funding 2006-2009 (VIC)
Consumer Charter for Community Managed Housing and Homelessness Services
Victorian Community Housing Regulatory Framework
National Community Housing Standards
Department of Human Services Standards
NDIS Practice Standards and Quality Indicators
NDIS Code of Conduct

5.3 BCVL related policies and processes

Housing and Homelessness Policies and Procedures
Customer Feedback and Appeals Policy and Procedures
Privacy Policies and Procedures

7. Monitoring and review

This document should be periodically reviewed and revised. Revisions should be made as and when required. The period between reviews must not exceed two years. The date for review of this document is on or before April 2025. Training will be provided to each staff member and the Board as a component of their induction.

Review history

Date and version	Reason for review	Review frequency	Owner	Approver
Version 1.0, April 2023	New	Every two years	Company Secretary	Chief Executive Officer

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