

Tenancy Succession Policy

Applies to Property and Housing

Rental Housing

Policy Statement

On the death or departure of an approved tenant, a household member or resident carer may be eligible to apply for succession of the tenancy. This Policy outlines eligibility to apply for succession and explains Uniting's approach to succession applications.

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1 Purpose

Uniting appreciates the impact of a death or departure of an approved tenant on the tenancy arrangements of the remaining members of a household. A family member or carer who is an approved occupant of the dwelling may therefore be permitted to apply for succession, that is, to become the primary tenant. This succession policy is designed to address this situation in a consistent, fair and open way.

This Policy applies to all Uniting tenancies.

2 Scope

All relevant Rental Housing and Seniors staff must comply with this policy.

3 Compliance

This policy forms part of Rental Housing suite of documents.

4 Policy principles

4.1 Application of Policy

Succession of a tenancy will normally only be considered when:

- The tenant has died, or
- The tenant permanently leaves the property in order to:
 - Live in a residential care facility, such as a nursing home
 - Move into a rehabilitation facility
 - Serve a sentence in a custodial facility, for example prison
 - Care for sick or frail family members
 - Meet the requirements of a final Apprehended Violence Order.

4.2 Eligibility of Succession

The following persons are eligible to apply for succession of a tenancy:

- The previous tenant's spouse or de facto spouse (including same sex partners) who has been living with the resident as an authorised occupant.
- An authorised occupant who is a household member over 18 years.
- A carer who is an approved occupant. Carers who are not approved occupants are not eligible for succession.
- In all the above cases, this will be subject to the approved cohort for any site – noting many housing sites are designated for 55+, in these cases any succession of tenancy must be an approved household member, 55 years and over.

An applicant must meet all the following criteria:

- Have been living as an approved occupant in the property for two years previous to the request for succession or throughout the time of the tenancy if it has been in existence for less than two years.

- Meet the relevant eligibility criteria for the property program applicable to the tenancy.
- Have a satisfactory history of occupation within the tenancy.
- Be willing and able to sign a Residential Tenancy Agreement and take on tenancy occupation responsibilities, with support if required and available.

4.3 Other Provisions

- Succession will not normally be permitted in a Village where the age of the applicant is not consistent with retirement village living and/or the ability to live independently with or without support is not consistent with retirement village living.
- Only one person in the household may succeed the tenancy.
- Where succession of tenancy is approved by Uniting, this will not necessarily be to the property presently occupied. It may be necessary to move to another property better suited to the number of people remaining in the household.
- Note that the cost of relocation is normally the responsibility of the new tenant, and that Uniting will not consider any requests for additional occupants until succession is finalised.

5 Roles and responsibilities

Village Managers and Housing Managers are all responsible for tenancy succession. Approval will be given by the Tenancy Management Lead.

6 Legislation and standards

Legislation provides for succession of a tenancy only with the consent of the landlord:

- [Residential Tenancies Act 2010](#) (NSW)
- [Residential Tenancies Act 1997](#) (ACT)

7 Related Policy Documents and references

- Tenancy Succession Procedure – Rental Housing
- Starting a Tenancy Policy – Rental Housing
- Ending a Tenancy Policy – Rental Housing

8 Definitions

Capitalised terms are defined below, or if not defined below, in the *Uniting Policy Framework Glossary*.

Term	Definition
Succession	Succession of tenancy refers to situations where the right to a tenancy with Uniting is transferred from the tenant named on a Residential Tenancy Agreement to another eligible member of the household.