

Succession of Tenancy Policy

Purpose

The purpose of this policy is to detail the arrangements for succession of a tenancy to another household member.

Scope

This policy applies to tenants and household members who live in properties owned and/or managed by HousingFirst.

Policy Statement

Succession of tenancy occurs when HousingFirst agrees to transfer a tenant's right to live in a HousingFirst property to another household member. The tenant is the person who is named on the Residential Tenancy Agreement, and in whose name the tenancy is held. A household member is any other person who is approved by HousingFirst to be living in the property and is included in the rent calculation.

Household members are required to request a succession of tenancy in writing to HousingFirst. A household member can apply for succession if they are not party to a Residential Tenancy Agreement and the tenant has:

- abandoned the property;
- given a notice of intention to vacate
- delivered vacant possession of the property
- an application for possession of the property has been made
- the tenant has died or is unable to remain in the property for reasons beyond their control, such as hospitalisation, moving to a nursing home or rehabilitation facility, or if they are incarcerated.

The household member should apply for succession as soon as possible and preferably at least four weeks before the tenant leaves.

Succession eligibility

The eligibility criteria for applicants to succession will differ depending on their relationship with the tenant. The following criteria must be met regardless of the type of relationship:

- they meet eligibility criteria for social housing as determined by the [Department of Health and Human Services Eligibility Criteria Operational Guidelines](#)
- it will not result in underutilisation of the dwelling
- must be an approved additional occupant of the household for at least 12 months. While 12 months is the minimum length of time that the applicant must have belonged to the household there may be occasions when HousingFirst will accept a shorter period. Any exceptions will be at

- the discretion of the General Manager, Housing Services
- they have not caused any anti-social behavioural issues
- they have no rent or non-rent arrears
- they have not caused damage to HousingFirst property
- HousingFirst is satisfied that they will be able to sustain a tenancy and comply with the Residential Tenancy Agreement
- they would be likely to suffer severe hardship if they were compelled to leave the property and that hardship would be greater than the hardship experienced by the landlord.

HousingFirst cannot guarantee that the household member applying to succeed the tenancy will be able to stay in the same property and may be transferred to another property that is more appropriate to their housing needs.

If the tenant has left the property and HousingFirst decides to regain possession of the dwelling, because succession is declined and the remaining household members have not vacated, HousingFirst will seek an order for possession from the Victorian Civil and Administrative Tribunal to obtain possession of the property.

Related information

- HousingFirst Transfer policy
- HousingFirst Allocations policy
- HousingFirst Significant Links Policy
- Housing Act 1983 (Vic)
- Victorian Housing Registrar Performance Standard 1 (Tenant and housing services)
- Department of Health and Human Services Victorian Housing Register Operational Guidelines

Transparency and accessibility

This policy will be available at www.housingfirst.org.au

Version control

Version	3	Review frequency	24 months
Date	May 2019	Next review	May 2021