

2.2.2.1 Change of Name



Preamble

Women's Housing Company (WHC) is a community housing association as part of the social housing system in NSW. WHC provides long term housing for single women and medium term housing through support partnerships.

We recognise the residential tenancy agreements as the framework for all service delivery of our organisation. Residential Tenancy Agreements must be in the correct name of the tenant to be considered a legal document.

Name changes of tenants must be reflected in the tenancy agreement.

POLICY

Women's Housing Company recognises that residential tenancy agreements are only valid as long as they have the correct spelling of the name of the tenant.

To obtain a government rental subsidies, which is based on income, and for external auditing purposes all leases, income verification documentation i.e. pay slips, Centrelink income statements must all have same name. This is to prevent government rental subsidy fraud and guarantees random auditor checks on names, income details and leases are matching.

Tenants who decide to change their name are required to resign a new tenancy agreement. All conditions of the tenancy agreement in the old name are upheld in the tenancy agreement with the new name.

WHC recognises that since 1 April 1996, the Registry of Births, Deaths and Marriages assumed the administrative responsibility for registering all changes of name in New South Wales. That all changes of name are registered in accordance with provisions contained in Part 5 of the Births, Deaths and Marriages Registration Act 1995.

Women's Housing Company will request the tenant to resign a new tenancy agreement within 14 days of the evidence of the name change being received at the WHC office.

In the absence of the tenant fulfilling this requirement, WHC will terminate the tenancy agreement in the old tenant's name and if necessary apply to the Consumer Trader and Tenancy Tribunal to ensure a new tenancy agreement can be resigned with the tenant's new name.

PROCEDURE

At times a tenant informs Women's Housing Company that they have changed their name for personal reasons.

When this occurs the housing worker needs to explain to the tenant that WHC requires a certificate from NSW Registry of Birth, Death and Marriages to verify this name change.

The tenant needs to be informed that they are required to resign a new tenancy agreement with the same conditions as they apply at the given time.

The housing worker will request an appointment within 14 days after the receipt of the certificate at the WHC office.

If the tenant fails to provide the certificate, WHC cannot establish that a name change has taken place and will not act on this information.

If the tenant provides the certificate but fails to make themselves available to resign a new tenancy agreement WHC will terminate the tenancy agreement with the old name, and apply to the CTTT if necessary to obtain the necessary authority to enter into a new tenancy agreement with the tenant's new name.

Once a new tenancy agreement has been signed with the tenant's new name the housing worker will alter the name on the TMS database accordingly.

Date developed: 2000

Date/s policy was ratified and/or changed by Board: 31/1/05; 28/8/07

Note: Procedures are designed to guide the implementation of a policy and will be updated on a regular basis as part of ongoing best practice service improvement.