

2.3.8 Succession Rights



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.

WHC guarantees the following of all landlord responsibilities as stated in the NSW Residential Tenancy Act 1987.

WHC recognises that applicants and tenants needs differ greatly based on past experiences, independent living skills, cultural and language backgrounds, age, health which are all factors contributing to differing expectations. As a social housing provider we are committed to provide best quality services at all times. It is recognised that needs and expectations may not always be possible to meet by WHC.

WHC understands that tenants' circumstances can change over time. We aim to provide flexible service provision within the limitations of our eligibility criteria, funding guidelines and tenancy law. When WHC is unable to continue long term housing for existing tenants we aim to minimise housing hardship to the best of our abilities.

POLICY

The vast majority of all WHC tenancies, and all tenancies since 2006, are tenancies of single women without dependants, partners etc, in which case succession rights are not relevant.

In the few cases where Women's Housing Company has housed an additional occupant, in addition to the main tenant, the additional occupant may apply for succession of the tenancy if the main tenant is no longer able to continue their tenancy.

Any separate tenancy agreements in place with such a person, overrides succession rights, e.g. a carer on a fixed term lease.

PROCEDURE

Succession rights for existing occupants are relevant if the main tenant:

- Dies
- Goes to a nursing home
- Has another permanent absence from the property and will not return – for instance prison sentence, medical facility

The occupant wishing to take over the tenancy must be eligible for Women's Housing Company, see [Eligibility Criteria](#) 2.1.1 and meet any other program requirements of the property if applicable.

If the property is a special program and they are not eligible for the program but eligible for another program of Women's Housing Company, then they may be granted housing with WHC but at another more appropriate property, providing a vacancy is available.

Any such offer of housing will be facilitated via a management transfer.

The person must apply for succession in writing, addressed to the Senior Housing Manager.

The person must demonstrate they have a proven history (paying rent to WHC) and residing in the property as their main residence for a reasonable period of time, that is 12 months or more.

- A succession of tenancy creates a new tenancy record and new tenancy agreement.
- Debts of the former tenant will be written off.
- If it is clear that an applicant has no rights to succession, they will be given 60 days to vacate the property. Vacant possession of the property will be pursued through the CTTT.

Date developed: 1/1/06

Date/s policy was ratified and/or changed by Board: 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.