

### Purpose

This policy explains the circumstances under which Pacific Link Housing Limited (PLH) will initiate a social housing management transfer and how these transfers will be managed. This policy supports PLH to manage its tenancies and property portfolio and maximise the benefit social housing can provide to people in housing need.

### Scope

This policy applies to tenancies managed by PLH where we have initiated a transfer for management purposes.

This policy does not apply to tenant-initiated transfers – see policy on Tenant Initiated Transfers. For affordable housing tenancies, please refer to PLH’s Affordable Housing Policy.

### Policy Overview

From time to time, PLH will need to initiate a transfer for tenancy or portfolio management reasons. This is known as a management transfer. As a social housing landlord, PLH will manage these transfers in accordance with its responsibilities under the Residential Tenancies Act 2010, Residential Tenancy Regulations 2019, and in accordance with policy.

We will clearly communicate the steps in the process and timeframes associated with the management transfer and provide as much notice as possible. We will source a suitable property that meets the household’s demonstrated needs in line with our Allocation Policy.

### Reasons for Management Transfer

A Management Transfer may be initiated in the following circumstances:

Reason	Circumstances
Portfolio Management	<ul style="list-style-type: none"> <li>• PLH leases the property from the private market and the landlord terminates the lease</li> <li>• PLH needs to carry out substantial upgrading work; and/or health and safety risk has been identified and property needs to be vacant so that this work can be undertaken</li> <li>• PLH intends to sell, demolish, or redevelop a property or group of properties to provide more appropriate housing</li> <li>• Any other compelling reason relating to the management of PLH tenancy and portfolio management</li> </ul>
Tenancy Management	<ul style="list-style-type: none"> <li>• Underoccupancy – the household size of a tenancy has decreased, and the property is under-occupied</li> <li>• Severe overcrowding – PLH determines that larger accommodation is required for the health and safety of the household</li> <li>• The property has features such as modifications for people with a disability, which are no longer needed by those living in the property</li> <li>• PLH determines that urgent relocation is needed due to ongoing tenancy management issues or domestic violence, which compromise a tenant’s immediate safety</li> <li>• The property is designated for a particular client group (for example senior living) and the tenant does not match this client group.</li> </ul>

## Relocation Process

### Advising tenants

When we initiate a management transfer, we will:

- Contact the tenant as soon as possible to let them know that they need to relocate and the reason for the management transfer;
- As soon as practical, visit the tenant to discuss the management transfer process, assess housing and support needs and provide a general timeframe for the relocation.

If the tenant lives in a leasehold property and the landlord intends on terminating the lease, we will also issue the tenant a Notice of Termination (NOT). The NOT period will correspond with that given by the landlord. In these circumstances, tenants will maintain their right to a social housing tenancy with us.

### Assess housing and support needs

Decisions relating to the type of property that tenants will be approved for will be consistent with the Allocation Policy. Wherever possible and appropriate, we will take the tenant's household and locational needs into consideration. This is subject to our property portfolio, the availability of properties and in the case of leasehold properties, subject to the appropriate funding benchmarks.

Once the housing assessment is complete, we will write to the tenant confirming:

- the bedroom size and allocation zone of the property approved for
- that one offer of alternative accommodation will be made
- the steps we will take if a reasonable offer of accommodation is rejected; and
- what to expect during and after the relocation.

### Relocation Timeframes

Tenants need to prepare for their move as soon as they are notified of the requirement to relocate, as an alternative property can become available at any time. For more information see End of Tenancy Policy.

Once an alternative property has been identified, tenants must:

- View the property and respond to the offer within two working days of receiving the offer
- Sign a new tenancy agreement within three working days of accepting the offer
- Relocate, clean and return the keys to the vacated property within three days of signing their new lease.

PLH expects tenants to meet these relocation timeframes. We understand that some tenants may require support to meet these timeframes. In such instances we will:

- support tenants to engage with services that can provide practical assistance where it is necessary for helping the tenant and their household to relocate within the timeframes.
- consider extensions on the timeframes above on a case-by-case basis for tenants with additional support needs who are proactively engaging with services.

### Offer process

Tenants approved for management transfer will receive one (1) offer of alternative accommodation.

An offer by PLH is considered reasonable if it will meet the tenant's known housing and locational needs, and allows continued access to services, based on the merits of the information provided by the tenant during the relocation process. PLH does not consider factors such as, not liking a particular suburb, the neighbourhood, the look of the property, or reasons based on personal preference to be valid reasons for rejecting an offer.

Once an offer is made, tenants are expected to view the property and respond to the offer within two working days of receiving the offer.

#### Accepting an offer

Tenants will need to sign a new tenancy agreement within three working days of accepting an offer of alternative accommodation. Once the property is accepted and a new lease is signed, we provide three days for tenants to relocate, clean their old property and return their keys. For more information see End of Tenancy Policy.

#### Rejection of a reasonable offer for relocation

If a tenant rejects a reasonable offer of alternative social housing, their reasons for declining must be in writing. A second offer will only be made if the Executive Manager, Operations or their delegate decides the reasons for declining the offer are valid and the offer was inappropriate.

If a tenant rejects the offer, and the offer is deemed suitable ie it was consistent with the tenant's known housing and locational needs and with the Allocation Policy, the tenant's social housing transfer application will be closed, and the tenant must resolve their own housing requirements.

PLH has the legal right to terminate a tenancy on the grounds that we have made a reasonable offer of alternative social housing. This legal right is set out in Section 148 of the NSW Residential Tenancies Act 2010. The processes that we are legally required to follow when relying on Section 148 to terminate a tenancy, including the review processes, are set out in Sections 149 and 150 of the NSW Residential Tenancies Act 2010.

If we intend to seek termination of a tenancy under Section 148, we will provide the tenant with a notice of intention to issue an NOT under Section 148 and provide them with the opportunity to apply for a review of this decision within fourteen days. If a review is requested:

- A Team Leader will undertake a first level review within seven days,
- Ensure that if the tenant applies for a second level review by the Housing Appeals Committee (HAC) we will provide requested information within seven days, and
- Ensure that the recommendation by the HAC is reviewed by the Executive Manager, Operations or their delegate for a final decision.

#### Return to a Property

In a situation where PLH relocates a tenant from a property that is going to be redeveloped to provide social housing and PLH will continue to manage the property, the tenant can express interest in returning to live at the site after the property redevelopment has been completed. Doing this means being relocated while the redevelopment project is undertaken and then a second relocation to return to the site after it is redeveloped. PLH will consider requests from tenants to return after the property redevelopment has been completed on a case by case

basis. Criteria that PLH will take the tenant’s housing needs into account when making its decision are:

- the property meets the housing needs of the tenant and any approved household members; and
- the tenant meets the eligibility criteria for the relevant policy or program for that property; and
- it would meet any internal or external contracted business objectives or targets.

**Related Policies**

Residential Tenancies Act 2010  
 Residential Tenancies Regulations 2019  
 Allocation Policy  
 End of Tenancy Policy  
 Complaints and Appeals Policy

Policy Owner	Executive Manager, Operations
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