

GETTING a TRANSFER

There are several ways you can get a transfer from one Housing ACT property to another, including:

1. Applying for a transfer;
2. Organising a mutual exchange; **or**
3. Through a management-initiated transfer.

TRANSFER BY APPLICATION

Applications for transfer are treated in the same manner as all other applications for housing assistance. This means that provided you are eligible for housing assistance (that is, you continue to meet the income and assets tests), you will be placed on the applicant waiting list.

To apply and be registered for a transfer you must lodge a 'Registration to Apply for Public Rental Housing Assistance' form and all necessary documentation with the Applicant Services Centre of Housing ACT. The sooner you lodge your application the sooner your transfer can take place.

Unless you show special reasons, your application will be placed in the slowest moving category on the waiting list (the 'Standard' category). This means that you may have to wait many years until you are offered another house. Waiting periods vary depending on the location and type of housing you are seeking.

If your need for a transfer is urgent, it is important that you ask Housing ACT to put your application for a transfer in the category of Priority or High Needs (these categories are also known as early allocation categories).

Your transfer application will be given early allocation status if you can show that:

Priority housing: You need to be re-housed because you have exceptional, urgent and critical needs that cannot be resolved by any reasonable means other than an early transfer. You need to demonstrate a range of complex needs and evidence of significant risk factors that an early transfer would alleviate; or

High Needs: You have a serious need for re-housing due to significant needs demonstrating one or more risk factors (similar to Priority but to a lesser degree).

Risk factors may include severe overcrowding placing children at risk; medical or mental health issues; disability, including frail aged; and domestic violence. The degree and combination of any of these and other factors will determine the classification of your transfer.

If you wish to have your application put in the Priority or High Needs category, you will need to supply Housing ACT with evidence of your special needs. This may mean providing such things as:

- A birth certificate or other evidence of an increase in household size which means your current housing is overcrowded;
- A letter from your doctor that shows why you need alternative accommodation (eg, a letter explaining the effect on the family unit of

the overcrowding or a letter explaining why you have a medical reason for a particular kind of accommodation);

- A written statement from the police supporting your application for transfer on the basis of safety concerns; or
- A letter from a social or support worker supporting your application for transfer and giving reasons.

See **Applications for Housing Assistance** (WRLC Fact Sheet 1) for more detail on the requirements and process for getting Priority or High Needs housing.

If your application is not approved for early allocation and you wish to appeal the decision see **The Appeals Process** (WRLC Fact Sheet 9).

MUTUAL EXCHANGE

A potentially faster method of obtaining a transfer is to apply for a mutual exchange with another Housing ACT tenant. If you find another tenant who is willing to swap houses with you, Housing ACT may agree to the exchange, provided:

- Both households are still eligible for housing assistance;
- Both households are eligible for the house size they wish to swap to;



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- Neither household owes a debt to Housing ACT; and
- Both households pass inspection by Housing ACT and any Tenant Responsible Maintenance ('TRM') is complete.

To organise a mutual exchange you must first register with Housing ACT. Contact the Applicant Services Centre at Housing ACT to arrange your registration. Once you are registered with Housing ACT, your name will be placed on their list of all tenants seeking mutual exchange.

You need to renew your registration every three months, otherwise your name will be removed from the mutual exchange listing. You can collect updated copies of the mutual exchange list as often as you like from the Applicant Services Centre.

It is important that you follow the Housing ACT guidelines for transfer which include an application process, interview and inspection before final approval.

Do not exchange houses without Housing ACT approval, as you will be in breach of your tenancy agreement. Legal action may be taken to terminate your tenancy at your original house and you will not have a valid tenancy or any legal right of occupation in the new house.

MANAGEMENT-INITIATED TRANSFER

The Commissioner for Social Housing has the power to require you to transfer from your house where:

- The condition of your current housing is likely to cause serious harm to the health and safety of the occupants or the public;
- A member of the household should be transferred in the interests of community harmony;
or

- The Commissioner wishes to repair, renovate, dispose of, or redevelop your house.

If you believe that there are strong reasons why you should **not** have to transfer, it is important that you immediately seek legal advice, because it is likely that the Commissioner for Housing will commence eviction proceedings against you if you refuse to transfer.

If you believe your house is likely to cause serious harm to your health and safety, and you wish to be transferred, you should ensure Housing ACT is aware of the condition of your house. If Housing ACT refuse to transfer you, see **The Appeals Process** (WRLC Fact Sheet 9) and consider getting legal advice.

COMMON PROBLEMS WITH GETTING A TRANSFER

Some common problems people have in achieving a transfer and possible solutions include:

1. You have a debt with Housing ACT. Housing ACT can remove your name from the applicant waiting list when you are about to get a transfer if you have an outstanding debt. However, there is discretion to still allocate housing to you in these situations. See **Debts from a Previous Tenancy** (WRLC Fact Sheet 3).

2. You breached a previous Housing ACT tenancy. Housing ACT can remove your name from the applicant waiting list when you are about to get a transfer if you have breached a previous tenancy agreement. However, there is discretion to still allocate housing to you in these situations. You may argue that you did not breach a previous tenancy agreement or that there are particular circumstances at the time which should excuse the breach. See **The Appeals Process** (WRLC Fact Sheet 9).

3. You are no longer eligible for Housing Assistance. If you no longer meet the Housing ACT eligibility criteria because your income or assets have increased, you will only be able to get a transfer if you can qualify for an exemption or you are in a situation where you are suffering severe hardship that cannot be alleviated by any other means. See **The Appeals Process** (WRLC Fact Sheet 9).

4. You have been waiting years to be transferred. If your circumstances have changed in any way, you may now be eligible for an early allocation transfer (see above). It may also be worth exploring mutual exchange options.

5. Housing ACT refuses to put you on an early allocation list. If you think Housing ACT has wrongly rejected your application for an early allocation transfer, you can appeal this decision. See **Applications for Housing Assistance** (WRLC Fact Sheet 1) and **The Appeals Process** (WRLC Fact Sheet 9).

6. You are not happy with the house/s being offered to you. Housing ACT must offer you a house that meets your established medical and household needs. This is called a 'valid offer'. Housing ACT describes a valid offer as one which corresponds with:

- The applicant's reasonable housing preferences, including location.
- The Housing ACT policy on Housing Size Guidelines.
- Any confirmed medical or special needs of the household that affect housing requirements.

Housing ACT will give you two valid offers before they remove your name from the applicant list. You can appeal a decision to remove your name from the applicant list. See **The Appeals Process** (WRLC Fact Sheet 9).

Disclaimer

This fact sheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact the Welfare Rights and Legal Centre's advice line on 6247 2177. The Welfare Rights and Legal Centre is entirely independent of Housing ACT. All assistance is free.

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