



Change of Tenancy Policy

Responsible Manager	Manager, Housing
Head of power	<i>Local Government Act 2009 Local Government Regulation 2012 Housing Act 2003 Housing Regulation 2003 Residential Tenancies and Rooming Accommodation Act 2008 Social Housing Policy</i>
Authorised by	Council
Authorised on	30 June 2021
Implemented from	July 2021
Last reviewed	2021
Review history	2017
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Change of Tenancy Policy.

1.1. Overview

This policy sets out the principles to be followed when a change of tenancy can occur for eligible applicants. Our aim is to ensure:

- a) Torres Strait Island Regional Council will undertake a “change of tenancy” when there is a change in the household circumstances that require a change to the legal tenant on the original general tenancy agreement.

2. Application

This policy applies to all tenants, Council Officers, and applicants of Council’s Social Housing Register.

3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003 and Residential Tenancies and Rooming Act 2008*. This Policy is to be applied in conjunction with *Change of Tenancy Procedures*.

4. Under Occupancy

Where properties are under occupied, council must:

- a) engage with tenants to determine whether transferring the tenant/s to a more appropriate dwelling size is appropriate; and / or
- b) encourage the best use of resources to address under-utilisation of its housing assets.

5. Provisions

- 5.1. A change of tenancy means terminating the existing tenancy agreement and creating a new agreement for the same property, listing the new legal tenant/s in order to:
 - a) provide household members with security of tenure;
 - b) prevent ineligible applications having a direct interest in the tenancy; and
 - c) assist Council with future debt recovery, as the legal tenant/s responsible for all debts are clearly identified.
- 5.2. A change of tenancy must be approved where the applicant meets the eligibility criteria stated in *Social Housing Application Policy*, under the following circumstances:
 - a) removing of a joint tenant;
 - b) death of a joint tenant;
 - c) death of a sole tenant;
 - d) adding a new tenant; and
 - e) in any other circumstances at the discretion of Council.

- 5.3. In addition to meeting social housing eligibility criteria the following circumstances require Councillor endorsement:
- a) death of a sole tenant;
 - b) adding a new tenant; and
 - c) in any other circumstances at the discretion of Council.
- 5.4. Council may use its discretion to approve applicants who are impacted by domestic violence who may not meet the social housing eligibility criteria.
- 5.5. A tenancy will only be succeeded in accordance with Ailan Kastom practiced widely in the community concerned.
- 5.6. Requests for a succession of tenancy where a new tenant is being added will only be considered when rental debts on the current tenancy are being repaid through a payment plan agreement with Council.
- 5.7. A succession of tenancy is not required when a tenant changes name after marriage, by deed poll or reverts to their maiden name.

Manager Responsible for Review:

Manager, Housing



Adoption: 30 June 2021

Due for Revision: 30 June 2023

Hollie Faithfull

A/Chief Executive Officer