

Recognition as a Tenant

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Policy context: This policy relates to Sections 74-75 of the *Residential Tenancies Act 2010* and the Housing Pathways Transfer Policy

POLICY STATEMENT

I. Purpose

The purpose of this policy is to guide SCH staff on assessing applications for recognition as a tenant by occupants of a social housing property.

II. Definitions

- Recognition as a Tenant is when the right to a social housing tenancy is transferred from the tenant named on a Residential Tenancy Agreement to another eligible member of the household.

III. Coverage

This policy applies to all SCH social housing tenancies.

IV. Principles

Under Section 74 of the *Residential Tenancies Act 2010*, a tenant may transfer their tenancy to another person or sub-let the premises to another person if the landlord gives written consent to the transfer or sub-letting. SCH has the right to withhold consent.

SCH will consider a Recognition as a Tenant when the tenant named on the Residential Tenancy Agreement dies, leaves permanently or will be in hospital, prison or absent from the property and would otherwise need to relinquish their tenancy under the SCH Absence from Property policy.

Recognition as a Tenant will only be considered if the person was living in the property with the tenant as their principal home for at least 12 months before the request, or was listed on the original Tenancy Agreement as an occupant.

This policy considers approval of an occupant as a tenant, but the property size, location, facilities and other aspects must be suitable for the household. If the current property is not suitable but the occupant is approved for recognition as a tenant, they will be placed on the Housing Pathways transfer list.

Recognition as a Tenant will not be approved if the applicant was responsible for tenancy breaches leading to action to terminate the previous tenancy, or the issue of a Strike Notice, or if the tenancy is in arrears.

Responsibilities

Regional Managers are responsible for approving Recognition as a Tenant applications.

DOCUMENTATION

Documents related to this policy	
Related policies	Absence from Property Under Occupancy
Other related documents	Housing Pathways Application for Housing Assistance Form