



Fact Sheet 6: Getting a Transfer

1. How do I get a transfer?

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

- By applying for a transfer;
- By organising a mutual exchange;
- Transfer to a dwelling with fewer bedrooms;
- Through a management initiated transfer.

1.1. Method 1—Transfer by Application

A transfer application is treated in the same way as all other applications for housing assistance. In fact, the same form is used for both new applications and transfer requests. This form, *Registration to apply for Social Housing Assistance in the ACT*, can be requested from Gateway Services (133 427).

Once you submit your application, provided that you are still eligible for housing assistance (for example, you continue to meet the income and assets test), it will be initially be assigned to the High Needs Housing or Standard Housing list. If you are assigned to the High Needs category, you should check with your assessing officer whether you are being considered for a Priority Housing transfer and offer any further supporting documentation that might help your application. Usually, the decision to allocate to the Priority Housing transfer category is made a committee called the Multi-Disciplinary Panel (MDP) following a recommendation by the assessment team.

Unless you show special reasons, your application will be added to the slowest moving waiting list: Standard Housing. The type and location of the housing you are seeking could impact how long you have to wait, but if your application is placed on the Standard Housing list, you are likely to wait many years before being offered a transfer to another house. The waiting time for High Needs Housing is also very long (although shorter than the Standard Housing List).

If your need for a transfer is urgent, you should try to have your application approved for the Priority Housing List. To achieve this, you will need very strong evidence which demonstrates that you have exceptional, urgent and critical needs which cannot

be resolved by any reasonable means other than the early provision of a housing transfer.

Letters from medical professionals and support workers can provide evidence of your significant risk factors, such as:

- Homelessness (for example, where you have a Housing ACT home but for particular reasons you cannot live in it, or you are exiting specialist homelessness services, incarceration or another facility);
- Families with children in some circumstances (for example, where children have moved multiple times, have specific school needs and children up to 5 years in large multi-unit properties)
- Formally diagnosed mental health issues;
- Serious and chronic health issues;
- Disability including frail-aged;
- Aboriginal and/or Torres Strait Islander persons;
- Women with or without children escaping domestic violence; and
- Children at risk of abuse or neglect.

Additionally, your evidence may demonstrate how your current housing is unsuitable. 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 (e.g. a letter stating that you can no longer use the stairs in your two-storey house);
- A written statement from the Police supporting your application for transfer based on safety concerns.

If your application is not placed on the Priority List and you wish to appeal the decision, see Fact Sheet 10: *The Appeals Process*.

1.2. Method 2—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 Housing ACT tenant who is willing to swap houses with you, Housing ACT may agree to the exchange providing that:

- Both households are still eligible for housing assistance;
- Both households are eligible for the size and type of property they wish to swap to;
- Neither household owes a debt to Housing ACT; and
- There is no damage to either property and both properties are in a reasonable state of repair.

Housing ACT has a register of tenants who are looking to swap houses. If you wish to be added to this register an application form and more information can be obtained through Gateway Services. You may also be able to find a household to exchange with by doing your own advertising in the paper or at your local shops.

Do not exchange without Housing ACT approval, as you will be in breach of the law.

1.3. Method 3— Transfer to a dwelling with fewer bedrooms

An application under this method is treated as if it were an initial application for housing assistance. However where an application is made under this method, the standard housing eligibility criteria and the provisions relating to needs categories and waiting lists do not apply on the basis that such transfer promotes the efficient use of housing stock.

In considering an application under this method, Housing ACT may take into account the following issues:

- Your current circumstances;
- Household composition, including your age and the number and age of your children;
- Your tenancy history with Housing ACT, including the length of time in their current property;
- Any caring and access arrangements, including care of grandchildren and foster caring;
- Property requirements, including the need for disability modifications;
- Requirements for access to a specific school or educational institution;

- Your connections with social networks and supports;
- Emotional and mental health of you, other tenants and residents;
- Requirements for access to medical and other health and community services;
- Pets;
- Housing requirements;
- Future plans and aspirations; and the
- Availability of suitable alternatives.

There are some other key differences under this method of transfer:

- Housing ACT's Housing Size Guidelines do not apply to a rental transfer;
- You will be able to nominate areas of locational preference and will be offered up to three properties in your nominated area of preference taking account the issues outlined above; and
- Housing ACT may offer assistance up to the value of \$2500 paid direct to the supplier to cover expenses such as removalist's costs, reconnection fees for utilities and other services, cleaning, tenant responsible maintenance (eg gardening); and packing and unpacking.

1.4. Method 4 -Management Initiated Transfer

The Commissioner for 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.

You cannot appeal a decision of the Commissioner to require a transfer in these circumstances.

If you believe that your house is likely to cause serious harm to your health and safety, and you wish to be transferred, you should ensure that Housing ACT is aware of the condition of your house and clearly explain the reasons.

2. Common Problems with Getting a Transfer

Here are some common problems people have in achieving a transfer, and the possible solutions.

2.1. You have a debt to Housing ACT

Housing ACT can remove your name from the applicant waiting list at the time you are about to get a property if you owe a debt to Housing ACT. However, there is discretion which may be exercised for Housing ACT to allocate you despite the debt. See Fact Sheet 9: *Debts from a Previous Tenancy*.

2.2. You are no longer eligible for Housing Assistance

If you no longer meet the Housing ACT eligibility criteria your application for transfer will usually be refused or cancelled. Exceptions may be if you want to “downsize” and move to a dwelling with fewer bedrooms, or if Housing ACT initiates the transfer.

You may also no longer be eligible for Housing Assistance if you owe a debt to Housing ACT (see above) or have breached a term or condition of a tenancy agreement with Housing ACT. If this applies to you, you can ask Housing ACT to agree you are still eligible.

2.3. You have been waiting years to be transferred

You should check with Housing ACT to ensure that your application is still active and to find out what needs category list your application has been assigned to. If your application is on either the High Needs Housing or Standard Housing list and your circumstances have changed so that your need for transfer is more urgent, you may now qualify for the Priority Housing list. You can request in writing that you would like your application to be reassessed and lodge new evidence to support your application for transfer. It may also be worth exploring a mutual exchange.

2.4. Housing refuses to put you on the Priority Housing list

You can appeal a decision to refuse Priority—see Fact Sheet 10: *The Appeals Process*.

2.5. You are not happy with the house/s being offered to you

Housing ACT must offer you a house that meets your documented medical and household needs. This is called a ‘valid offer.’ Usually, Housing ACT must give you two valid offers. If you refuse both offers, your application is likely to be cancelled. You may be able to appeal if you believe an offer was not valid, but you should seek legal advice about this, especially before refusing a second offer.

Access to Interpreters

The ACT Government is committed to ensuring that all Canberra residents, regardless of their background, have equal access to its programs and services. It is ACT Government policy to use professional interpreters when speaking with people who have difficulty communicating in English.

You are entitled to an interpreter free of charge when dealing with an ACT Government directorate or agency (such as schools, hospitals and Shopfronts).

Simply ask the staff member you are dealing with to arrange an interpreter.

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 Canberra Community Law’s advice line on 02 6218 7900.

Canberra Community Law is entirely independent of Housing ACT. All assistance is free.

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