



SAHT Transfer Program (BPSC/ROSAS) Guidelines

Table of Contents

Definitions	2
Abandoned Goods	3
Allocation, Transfers and Relocation	3
Appeals	4
Bond/Deposits and the Private Rental Assistance Program.....	4
Caretakers	5
Antisocial behaviour	5
Domestic Family Abuse and Intervention Orders	6
Electricity supply to common areas (public lighting).....	6
Home Visits	6
Tenure.....	6
Maintenance and Assets	7
Mandatory Child Protection.....	7
Overcrowding.....	7
Portable sleep outs	7
Property purchase by tenants.....	8
Rates and Taxes.....	9
Pets	9
Rent.....	10
Running a business from home.....	11

SAHT Transfer Program (BPSC/ROSAS) Guidelines

These Program Guidelines describe how community housing providers in the SAHT Transfers (ROSAS/BPSC) program will manage properties and tenancies to ensure tenants are not disadvantaged. These guidelines are subject to change in line with SAHT policy, legislative change and other influencing factors. The SA Housing Authority (the Authority) will advise community housing providers of any changes in a timely manner.

Definitions

Community Housing Provider (CHP) – An entity that provides community housing and is registered under the [Community Housing Providers \(National Law\) \(South Australia\) Act 2013](#).

Conditions of Tenancy (COT) – The conditions stipulated in a tenant’s lease with the SAHT or the Authority.

Commonwealth Rent Assistance (CRA) – A non-taxable income supplement payable to eligible people who rent in the private or community housing rental markets. Pensioners, allowees and those receiving more than the base rate of Family Tax Benefit Part A may be eligible for Rent Assistance.

Consumer and Business Services (CBS) – A division of the South Australian Attorney General’s Department that ensures laws affecting consumers, traders and businesses are fairly and effectively administered.

Portable Sleep Out (PSO) – A relocatable building structure that is capable of being transported to and sited in the yards of properties and is separate to the main dwelling.

SAHT Transfer Program – The South Australian program under which approximately 5,000 public housing properties had their tenancy and property management transferred to CHPs. This is also known as Better Places Strong Communities (BPSC) and Renewing our Streets and Suburbs (ROSAS).

Single Housing Register - The Authority’s web-based register of people who have registered interested in community housing, used by community housing providers when selecting eligible tenants.

SA Housing Authority (the Authority) – The Authority assists people to secure and maintain affordable and appropriate housing and meets housing needs by providing houses or supporting programs in the not-for-profit and private sectors. Formerly known South Australian Housing Trust. The public housing part of the Authority is known to the public as [Housing SA](#).

South Australian Housing Trust (SAHT) - The SA Government entity that owns the public housing dwellings.

Type 1 Tenancies – Tenants who are on an ongoing current Housing SA (HSA) or SAHT tenancy agreement at the time of transfer to the CHP.

Tenants who are relocated through the SAHT Transfer program or other renewal programs may sign an **ongoing lease** with the CHP, however, will still need to be considered a Type 1 tenant as the policies that apply to them will be on a “no disadvantage” basis.

OFFICIAL

Type 2 Tenancies – Tenants who have a fixed term Housing SA or SAHT tenancy agreement that will expire at or after the time management is transferred to the CHP and may be offered a CHP lease if eligible.

Type 3 Tenancies – Tenants housed in vacancies, (b) existing tenants that have agreed to sign a new tenancy agreement, or (c) same address transfers, *after management is transferred to the CHP*.

Type 4 Tenancies – Transferring tenants housed in properties under the Aboriginal Rental Housing Program. They may have a fixed or ongoing tenancy agreement, in which case provisions for the relevant tenant type (e.g.1 or 2) also apply.

Abandoned Goods

Type 1, 2 and 4 tenants

CHPs must meet the requirements under Section 11 of the SAHT Regulations 2010 regarding goods left on premises, available at www.legislation.sa.gov.au.

Type 3 tenants

Refer to [Residential Tenancy Act 1995](#) – Division 6 Abandoned property.

Allocation, Transfers and Relocation

Allocations

When allocating tenants into vacant properties:

- CHPs will utilise the Single Housing Register (SHR), to register applicants in categories 1, 2 or 3 and make allocations according to key KPI targets and the Community Housing Core Operating Policy – [Community housing Allocations policy](#).
- Relocation of public housing tenants impacted by SAHT Transfer program renewal programs is prioritised.
- CHPs will ensure that no less than 90% of new allocations (after SAHT Transfer program relocations have been considered) are made to category 1 applicants on the SHR.

Allocation information for special housing programs including Aboriginal and Torres Strait Islander outcomes.

- Refer schedule 7 of the relevant deed for additional policy information. Policy and guidelines relating to special support programs are also found on the [Extranet](#).
- Aboriginal and Torres Strait Islander outcomes should be allocated to people who verify they are of Aboriginal or Torres Strait Islander descent. The Confirmation of Aboriginality form is located at [Proof of income, identity and rent | SA Housing Authority](#).

Transfers

All tenant types.

CHPs will be required to develop a transfer policy that responds to over/under occupancy and facilitate greater property utilisation. Transfers should not occur against tenant wishes.

CHPs will offer tenants the ability for intra CHP portfolio transfers and transfers to other appropriate CHPs, so far as is practicable and transfers will be prioritised based on tenant household need.

A CHP is not required to accept a transfer application from a tenant who has been housed in his/her current property for less than 3 years, unless the transfer is sought on the basis of need.

OFFICIAL

Where a tenant transfer is not appropriate or realistic the CHP should support the tenant to make application to the Authority for housing or for private rental assistance.

Note: The Authority, at time of transfer to CHP management, converted all existing, eligible transfer applications to normal wait list applications for public housing.

Tenancy succession / Same Address Transfer

New [Tenancy succession policy](#) and guidelines have been developed. These replace the Same Address Transfer policy and guidelines and reflect language changes in line with Business Systems Transformation (BST) Connect.

Type 1, 2 and 4 tenants

A Tenancy Succession occurs where, through separation or death of the tenant, their tenancy is terminated and the property is re-allocated to the tenant's spouse/partner who remains in the home. The tenancy may also be transferred to a son, daughter or other relative of the tenant if the tenant dies or becomes frail and incapacitated and can no longer reside at the property.

Tenancy Successions will only be considered for spouse/partners or other family members and only where they have resided at the property for at least 12 months prior to the application for transfer.

Only one Tenancy Successions will be permitted e.g. from a last surviving parent to a child or other family member, but not from that child or family member to another person.

Tenant Relocations

All tenant types

Relocation refers to the process of moving a tenant to an alternative location at the instigation of the landlord. If the relocation is required at the CHPs instigation (for example significant upgrade or maintenance work) the CHP should have a policy to minimise financial impact on the tenant and retain similar tenancy conditions and protect existing tenure.

Appeals

All Tenancy Types:

The CHP will be required to represent itself in appeals for matters that relate to the period of CHP management.

Where an appeal occurs about a matter that incorporates both the Authority and CHP management periods, the CHP and the Authority will collaborate around matters of attendance and submissions to the appeal.

Bond/Deposits and the Private Rental Assistance Program

Bonds for tenants

Type 1, 2 and 4 tenants

The *Residential Tenancies Act 1995 (SA)* requires that all bonds be registered with Consumer and Business Services. The Gazette Notice on 19 September (page 4096) was published exempting CHPs from this requirement for **existing tenant bonds** only at management transfer of properties.

Bonds (deposits) received from SA Housing Trust may be retained in trust by the CHP rather than lodged with CBS. Refer to the Variation of Deed - Schedule 6 for details on the management of these bonds.

Private Rental Assistance Program

The Private Rental Assistance Program (PRAP) is not provided for public housing properties that are transferred to, and managed by, community housing providers. This includes both existing and new tenants. See the [Private Rental Assistance Program policy | SA Housing Authority](#).

Caretakers

Type 1, 2 and 4 tenants

The Authority may give permission for a caretaker to occupy premises where an Authority tenant intends to be temporarily absent from their property. Existing caretaker arrangements in place at the time of the management transfer will be honoured by CHPs for the duration of the approved period. Information about existing caretakers was provided by the Authority at time of transfer. The following conditions apply:

- Tenants remain responsible for all Conditions of Tenancy including rent payment during the full period of their absence.
- Rent chargeable during the period the Caretakership is approved is to be based on the tenant's gross household income at the time of approval.

CHPs may enter into new caretaker arrangements based on their own policy.

Note 1: Rent is calculated based on the tenant's household income. The Authority may calculate the rent based on the caretaker's income if the tenant has no or limited income – eg due to imprisonment.

Note 2: The Authority policy is now called the [Temporary Absences policy](#).

Antisocial behaviour

Type 1, 2 and 4 Tenants

As part of their Conditions of Tenancy, tenants agree not to disrupt the peace, comfort or privacy of any person residing in the vicinity of the premises.

All tenant types

The following should be taken into account by CHPs when managing disruptive behaviours:

- Provide opportunities for tenants to address behaviour through provision of verbal and written warnings as a result of substantiating a complaint.
- Place a priority on informing complaining parties about the status, progress and outcome of their complaints to the CHP.
- Consider cultural issues that may have contributed to the behaviour.

The Authority provided the CHPs with information about formal disruptive management processes being undertaken with tenants at the time of transfer.

The Authority policy is called the [Antisocial behaviour policy](#).

Domestic Family Abuse and Intervention Orders

All tenant types

Community housing providers must provide reasonable assistance to tenants who are victims of domestic/family abuse, which may include the provision of security items, writing-off the cost of repairs attributable to abuse or assisting a tenant to transfer in specific verified circumstances.

The South Australian Government's Family Safety Framework is an integrated service approach that responds to families experiencing domestic violence who are at high risk of serious injury or death. Community housing providers are required to utilise the Family Safety Framework, which is available at <https://officeforwomen.sa.gov.au/womens-policy/womens-safety/family-safety-framework>

Community housing providers must also meet the requirements of the Intervention Order (Prevention of Abuse Act) 2009, available at www.legislation.sa.gov.au. An intervention order is issued either by the South Australian Police or the courts and prohibits a defendant from doing certain things, for example assaulting or harassing the protected person(s) or entering the vicinity of the protected person(s) place of residence or employment.

Community housing providers must follow the Community Housing Core Operating Procedure [Intervention Order Notifications](#), which outlines the process for communicating and managing notifications of intervention orders.

Note: The CHP will not charge the tenant the cost of repairs attributable to substantiated incidents of domestic abuse by another person.

Electricity supply to common areas (public lighting)

CHPs are responsible for the costs of providing electricity supply to common areas in group sites (i.e. public lighting). CHPs must arrange to connect the power supply with their preferred electricity provider, effective from the date of management transfer. All efforts must be made to ensure minimal disruption or no discontinuation of supply.

Home Visits

All Tenant Types

CHPs must conduct home visits to assess tenant support needs, adherence to tenancy agreement and any property related issues with a focus on sustaining tenancies with vulnerable tenants.

Tenure

Tenure-Existing tenants

Type 1, 2 and 4 Tenants

Tenancies will be transferred via a concurrent lease. CHPs are bound by the tenancy agreements in place between SAHT or the Authority and the tenants. This means that there will be no disadvantage to tenants.

Tenure – New Tenancy Agreements

Tenancy Type 3

Any new tenancy agreement should be offered in line with the [Community Housing Core Operating Policy – Community housing allocations policy and guideline](#).

Lease Reviews and outcomes

Type 1, 2 and 4 Tenants

Probationary and fixed term tenancy agreements must be reviewed using the same criteria that the Authority apply. Refer to the relevant SAHT lease policy for further details:

- [Probationary and fixed term lease agreements policy](#)
- [Short term housing program policy](#)

Maintenance and Assets

The Authority's [Maintenance Policy](#) provides details on how SAHT Transfer Program properties will be maintained including the provision of planned (backlog, capital, programmed/cyclical and vacancy) and responsive maintenance.

Mandatory Child Protection

Every child has the right to be safe from harm and to be cared for in a way that allows them to reach their full potential. CHP staff and volunteers are Mandatory Notifiers as described in Section 11 (1) and (2) of the Children's Protection Act 1993 (SA), available at www.legislation.sa.gov.au. CHP staff and volunteers must be made aware of their responsibilities to make a notification if they have a suspicion on reasonable grounds that a child has been, or is being, abused or neglected. Notifications are made to the Child Abuse Report Line on 131 478.

Overcrowding

The Authority define overcrowding as when there aren't enough bedrooms in the property for the number of people in the household in line with the Authority's [Occupancy Standards](#).

The household is defined as the tenant and other occupants. Another occupant's anyone living in the property who isn't the tenant or a visitor. Their income's included when calculating rent in line with the Authority's [Rent policy](#).

A person is considered a visitor if they have their own residential address, separate from the tenant's address and they're staying at the property for 12 weeks or less. A visitor's income isn't included when calculating rent and are not considered when assessing overcrowding.

For new and existing tenants, CHPs must work with households experiencing overcrowding to determine other viable options, including but not limited to transfers within the CHP portfolio or a tenant transfer to another CHP. CHPs will liaise with the Authority regarding private rental assistance and/or applications for alternative housing options. Cultural issues should be taken into account when determining the extent to overcrowding.

Portable Sleep Outs (PSO) are available to assist with overcrowding and must be used for accommodation purposes only and must not be used as a playroom, workshop, storage room or for any other purpose. The conditions of use can be found below in Section 16 of this guide.

Portable sleep outs

CHPs will maintain and manage existing Portable Sleep Outs (PSO) that are located in properties at the time of transfer according to their individual operating policies/procedures and at their own expense.

Where no demand for the PSO exists, the CHP will notify the Authority who will relocate back to an Authority tenancy, at the Authority's expense.

OFFICIAL

Where it is unfeasible to relocate a PSO due to poor condition (i.e. PSO would not survive being moved) or contains asbestos, the CHP will demolish and remove the PSO at the CHPs expense.

Refer to the Authority's [Visitor's, other occupants and overcrowding policy](#), Portable sleepouts and relocatable buildings section for eligibility.

The tenant is to immediately advise the CHP of any change in their household circumstances.

The CHP will review the tenant's ongoing need for the PSO during each home visit or upon advice of a change in household circumstances and may remove the PSO.

Property purchase by tenants

All Tenant Types

Sales to sitting tenants will continue for eligible properties. Tenant sale enquiries to their CHP will be discussed with the Authority. The Authority will determine eligibility for sale on a case by case basis and the Tenant Sales and Commercial Leasing Officer will coordinate any sale process directly with the tenant and in liaison with the CHP. Replacement properties are not provided nor is the CHP eligible for any proceeds from the sale of the property purchased by a tenant.

Eligibility for sale

Not all properties are eligible for sale and sale is at the discretion of the Authority.

The final decision about whether a property is able to be offered for sale will always remain with the SA Housing Authority.

Only the individual who has signed the lease is eligible to purchase their rental property. This individual must be a signatory to the contract for sale of the property and must be registered on the property's Certificate of Title as a sole proprietor or joint tenant. Other household occupants, or other persons nominated by the tenant, are not eligible to apply to purchase the property but may be joint purchasers on the contract for sale. Where tenants have signed a lease with the CHP, at least one person on the CHP tenancy agreement must be on the property title when sale occurs. No assignment to other parties is permissible at settlement.

Tenants with an outstanding debt to either Housing SA or the CHP may not be eligible to purchase their property until the debt is cleared unless the financial institution has included the debt within their approved finance. Tenants must purchase their property in full as there is no facility to purchase progressively or in part.

Process for purchase

To be considered for purchase, the tenant must:

- Advise the CHP of their intention to request purchase of the property.
- Complete a [SAHT Transfer Program - Property sales Request form \(not part of development\)](#)
- Provide written verification from a financial institution confirming eligibility for finance ('approved in principle' finance letter) or proof of cash funds.

The CHP is required to:

- Provide completed [SAHT Transfer Program - Property sales Request form \(not part of development\)](#), proof of finance/funds and details of tenant improvements made to the property during the time the property has been managed by the CHP.
- Provide information (if any) that the CHP would like to be considered by the Authority when making the decision to sell.
- Send all documentation to the Authority, Housing Partnerships via housingpartnerships@sa.gov.au

OFFICIAL

The sales price will be determined in line with the [SA Housing Authority Real Property Transaction Policy](#).

The request will be considered in line with normal procedure for public housing tenants ie the [SA Housing Authority Real Property Transaction Policy](#). Any queries contact the Tenant Sales and Commercial Leasing Officer housingsalesandacquisitions@sa.gov.au.

Rates and Taxes

CHPs are responsible for paying all water, sewerage, rates, taxes and levies (e.g. emergency services levy, natural resource management levy) as appropriate.

Emergency Services Levy (ESL)

Revenue SA has confirmed they will continue to assess the properties transferred as 'public housing'. This means the remission of the Emergency Services Levy will continue and no charges will be billed.

Water Charges

Tenant Types 1, 2 and 4:

The Authority retains title on the property and the CHP is recorded as the managing agent for SA Water accounts.

CHPs must meet requirements under Section 9 (Responsibility for payment of water rates) of the SAHT Regulations 2010, available at www.legislation.sa.gov.au.

The CHP must also ensure that any tenants housed by the Authority at the date of transfer are not financially worse off than if they remained a tenant of the Authority.

The Authority's [Water policy](#) sets out how water is charged and paid in relation to SAHT Transfer properties.

CHPs must provide assistance to tenants in applying for concessions available through [ConcessionsSA](#).

Tenancy Type 3:

CHPs must manage in line with their policies for other community housing in their portfolio.

Pets

Tenancy Type 1, 2 and 4:

Tenants do not need to apply for permission for pets provided the pet is permitted by the appropriate local authority.

Tenancy Type 3:

CHP will apply their own pet policy which may require that tenants apply for a pet to reside at the property. The CHP's policy will allow for a pet to reside at the Property unless there is a compelling reason not to approve this.

Rent

Tenant Account credits

The Authority requires tenants to pay their rent at least one week in advance. In many cases tenants pay two weeks or more in advance and keep their rent payments aligned with their income such as Centrelink benefits or wages. Depending on the timing of rent payments, a tenant's account may at any given time be in debit or have one or two weeks rent in advance.

Any rent in advance remaining with the Authority at the time of the management transfer was transferred to the CHPs. Some tenants make additional payments to Housing SA to build up a credit, for example, to cover future water charges. Tenants have been advised that the Authority will refund any credit however this did not occur until the final water accounts were processed and charged to tenants' accounts. The Authority, Accounts Receivable audited tenant accounts and arranged refunds.

There are still a number of credits remaining; please inform those of your tenants that have credits and contact your relevant Account Officer in Housing Partnerships to reimburse the tenant's money. Contact housingpartnerships@sa.gov.au

Rent Charges for Existing and New Tenants

Tenancy type 1, 2 and 4:

CHPs will adopt a rent setting methodology that maximises eligible tenant access to CRA based on what the tenant's equivalent Authority approved non CRA rent would be. Rent charges (excluding bedsits and cottage flats) are calculated based on income at 25% in-line with [existing SAHT rent setting practice](#) plus CRA, up to a maximum of the property's market rent.

Cottage flat rates:

- Bedsit flat with no separate bedroom is calculated at 19% of the tenant's total assessable household income before tax
- One bedroom flat is calculated at 21% of the tenant's total assessable household income before tax for a bedroom flat.

Rents increase by:

- 1.5% of the tenant's total assessable household income before tax, in November 2018 and November 2019
- 1% of the tenant's total assessable household income before tax twice a year in line with subsidised rent reviews from late 2020 to late 2021.

Increases occur until the subsidised rent in the cottage flat is 25% of the tenant's total assessable household income before tax.

Increases won't be more than \$10 per week, unless there is a change in the tenant's household income.

If there is a change in the tenant's household income, rent is assessed at the rate that applied at the most recent increase.

CHPs will charge and manage this rent (including CRA), even where the tenant does not elect to apply for CRA. CHPs will support tenants to apply for and manage ongoing CRA access to make this as administratively simple as possible for tenants.

Ensure any variance by the CHP to SAHT approved rent setting practices, or the inclusion of CRA in rents, does not result in any financial disadvantage to tenants.

Tenancy type 3:

CHPs are required to align to community housing core operating policy – [Community housing rent policy](#).

Debt management

A key principle of the management transfer is that existing tenants who were housed at the time of the transfer must not be financially worse off than had they remained under Housing SA management. Further, their debt repayments must not contribute to financial hardship meaning the tenant must be left with sufficient funds to meet other essential living cost. Also an appropriate number of affordable arrangements to repay rent/debt will be given prior to legal action being taken.

Customer payment systems

CHPs are to offer a wide range of payment options to all tenants, including:

- At least 1 electronic payment option at no cost to the tenant; and
- At least 1 non electronic (physical) payment option at no cost to the tenant (for example to suit working tenants unable to use Centre Pay).

Running a business from home

Tenancy type 1, 2 and 4:

The Authority requires a tenant to obtain permission to operate a trade or business from the premises. A tenant is required to complete an [Application to run a business from home](#). Refer to the Authority's [Running a business from home policy](#) for further information.

Tenancy type 3:

CHPs are to refer to their own policy.