

Reviewed: March 2014

CHAPTER 7 TRANSFERS

- 7.0 [INTRODUCTION: RULE 71](#)
- 7.1 [TRANSFER POLICY](#)
- 7.2 [ACCESS TO THE TRANSFER LIST](#)
- 7.3 [REGISTRATION PROCEDURE](#)
- 7.4 [ARREARS/REVIEWS](#)
- 7.4.1 [REGULAR REVIEWS](#)
- 7.4.2 [EXCEPTIONS](#)
- 7.5 [PAST TENANT ARREARS](#)
- 7.6 [ASSESSMENT/POINTING OF TRANSFER APPLICANTS](#)
- 7.7 [TRANSFERS AND SECONDARY HOUSEHOLDS](#)
- 7.8 [PROCEDURE FOR TRANSFER REQUEST AFTER TENANT HAS DIED](#)
- 7.9 [HOMELESS TENANTS: FDA STATUS](#)
- 7.10 [MANAGEMENT TRANSFER CATEGORY](#)
- 7.11 [ALLOCATIONS TO TRANSFERS: RULE 72](#)
- 7.12 [MUTUAL EXCHANGES](#)

Reviewed: March 2014

CHAPTER 7 TRANSFERS

7.0 INTRODUCTION: [RULE 71](#)

A Transfer takes place when a tenant is offered and accepts a move from one dwelling to another dwelling within a landlord's own housing stock, or to a dwelling belonging to another landlord participating in the Housing Selection Scheme. Landlords pursuing an active transfer policy are able to make better use of their stock and to meet the changing needs of their tenants over time.

7.1 TRANSFER POLICY

The Transfer Policy only applies to requests for re-housing from tenants in accommodation owned by a participating landlord, which has been let on a permanent basis. All requests for re-housing from accommodation *not* let on a permanent basis should be treated as 'Applications' (see Boundaries of the Scheme, Chapter 1, paragraph 1.8).

All Tenants seeking a transfer will be issued with a Transfer or Exchange Application Form by their Landlord. The form will be identical to that used by other Participating Landlords. The tenant will return the completed transfer form to the relevant Landlord for assessment under the Housing Selection Scheme.

Separate arrangements currently exist for the tenants from Abbeyfield and Wesley, Grove, Newington, and St. Matthews Housing Association – the Housing Executive will carry out the housing needs assessment and forward the assessment to the relevant Housing Association for keying and maintaining the housing aspect of the case on HMS – **See Appendix 7.3**

Transfer applicants will be assessed, pointed and ranked on the Waiting List in a similar way to general applicants. Transfer applicants may similarly be considered for up to two Common Landlord Areas of their choice. Participating Landlords will consider transfer applicants, in conjunction with all other applicants appearing on the Waiting List, for vacancies arising within their housing stock.

7.2 ACCESS TO THE TRANSFER LIST

Tenants holding Housing Executive or Housing Association tenancies who wish to be considered for a Transfer need to meet certain access criteria, except where these criteria have been waived. They must at time of application have:

1. Held a secure tenancy for at least two years i.e. their name will not be placed onto the transfer list until 2 years after the commencement of the tenancy, *and*

Reviewed: March 2014

2. Have a clear rent account or, if there are any arrears the amount owed should be less than 4 weeks rent / rate arrears, (gross charges), *and*
3. The tenant's existing property should be in a good state of repair and the tenant should not owe any recoverable charges (for repairs), *and*
4. The tenant should not be guilty of any other serious breach of the tenancy conditions.

While these Access Criteria will generally apply in most situations there will be occasions when they **may** or **must** be waived.

The Access Criteria **must** be waived where the tenant is an eligible Full Duty Applicant (FDA), i.e. has been accepted as being homeless and is owed a duty, by the Housing Executive, under Article 10(2) of the Housing (NI) Order 1988.

The Access Criteria **may** be waived where:

- i. The Applicant is eligible for points across a range of health or social factors within the Health and Social Well Being Section of the Scheme e.g.:
 - scores points for one or more Primary Social Needs Factor (20 points or more);
 - scores points for two or more Other Social Needs Factors (20 points or more);
 - scores 6 or more points on the Functionality Matrix;
 - is eligible for Unsuitable Accommodation points;
 - exceptionally where the Designated Officer is satisfied that a transfer is needed on Health and Social Well Being grounds (e.g. where the tenant needs to move to take up a new job/full time course of study or where the tenant has been awarded staying or weekend access to dependent children and his/her current accommodation is unsuitable to facilitate this access. Note either of these factors will only entitle the transfer case to 10 OSN Factor points); or
- ii. The Applicant is living in permanent shared accommodation and is seeking a transfer to self-contained accommodation, or
- iii. The Applicant has been awarded points for one of the "Other Homeless" categories e.g. leaving hospital, or
- iv. Where a transfer is recommended for good housing management reasons, e.g:
 - (a). Where the tenant has to be decanted due to major works;

Reviewed: March 2014

- (b). Where there has been a change in family size resulting in the accommodation no longer meeting the tenant's needs i.e. results in overcrowding;
- (c). Where there are children under 10 years of age resident in the tenant's household and the accommodation occupied is multi-storey accommodation, i.e. comprises more than 4 storeys;
- (d). Under occupation of existing accommodation. Where the accommodation occupied has 2 or more bedrooms in excess of the tenant's requirements and there is substantial demand for this type of accommodation within the local area;
- (e). Where the tenant is seeking to move to an area where housing need has been met and the tenant's landlord agrees to the move;
- (f). Where the tenant is unable to meet the combined costs of both his / her current rent / rates and district heating charges.

7.3 REGISTRATION PROCEDURE

Tenants seeking a transfer will make an application to their own Landlord completed application forms to their own Landlord (see exceptions listed in paragraph 7.2). The relevant Landlord, upon receipt of a properly completed transfer application form, will register all requests for transfer onto **HMS** system. Participating Landlords will then visit, assess and point their respective transfer cases in accordance with the Selection Scheme and, subject to the tenant meeting the access criteria, record these details onto the Waiting List.

Where a tenant does not meet the criteria for access to the Selection Scheme, and where the access criteria is not to be waived, the case will be withdrawn from **HMS**, using the relevant code as set out in the **HMS** User Guide, and the tenant informed in writing of the reason why this has been done.

7.4 ARREARS / REVIEWS

7.4.1 REGULAR REVIEWS

It is necessary to carry out regular reviews of transfer applicants to identify debtors, and to remove from the Waiting List those tenants who have accrued arrears of 4 weeks or more for rent and rates, or who have accrued recoverable charges for repairs. Tenants must be notified in writing of the reason why their application has been withdrawn.

Designated Officers within the Housing Executive should check the weekly Crystal H008 critical date report (over 4 weeks arrears), for details of tenants accruing four or more week's arrears for rent and rates and should take whatever action is appropriate. For Housing Association officers, manual quarterly reviews are generally considered to be adequate for checking rent accounts.

Reviewed: March 2014

Recoverable charges should be reviewed on an annual basis. Additionally, prior to any offers of accommodation being made, properties should be checked for damage that is deemed to be a recoverable cost from the tenant.

7.4.2 EXCEPTIONS

Where the Transfer applicant is a tenant of a Participating Landlord and is a Full Duty Applicant (FDA), i.e. has been accepted as being homeless and is owed a duty, by the Executive, under Article 10 (2) of the Housing (NI) Order 1988, the Applicant's name *will not* be removed from the Waiting List.

Similarly, Designated Officers may retain on the Waiting List those applications from tenants who have accrued arrears, where the access criteria to the transfer list *may* be waived, as described in paragraph 7.2, "ACCESS TO THE TRANSFER LIST".

7.5 PAST TENANT ARREARS

If a tenant of a Participating Landlord is accepted on the Waiting List and is subsequently transferred to another dwelling within that landlord's housing stock, the arrears on his / her rent account should be transferred to the current account of his / her new address. An agreement should also be made to clear both rent and district heating arrears.

7.6 ASSESSMENT / POINTING OF TRANSFER APPLICANTS

All Participating Landlords, with the exceptions of those listed in paragraph 7.1, will assess and point their respective transfer cases as it is recognised that the relevant landlord is best placed to deal with any associated landlord duties and management issues.

All transfer applications will be pointed using the same Points Schedule as that used for general Waiting List Applicants. Additionally, transfer applicants will also be eligible for an award of Under Occupation points, subject to capping, where the size of their current accommodation is in excess of their needs. These points will apply to all transfer applicants, regardless of age or household type (see UNDEROCCUPATION: paragraph 3.10).

During the transfer visit the Designated Officer of the relevant landlord will discuss desired / available housing options with the tenant. This will include, as appropriate, transfer to General Needs / Sheltered accommodation, transfer to a Supported Housing scheme, and the option of remaining in his / her current accommodation with adaptations to the dwelling or the provision of support as necessary.

Reviewed: March 2014

7.7 TRANSFERS AND SECONDARY HOUSEHOLDS

Circumstances may arise where a separate household is resident with the transfer applicant and also appears on the Waiting List. In these circumstances the visiting Designated Officer should stress the need for vacant possession if a transfer is approved. It may also be necessary to complete a general housing application for the secondary household.

Where the secondary household has applied for re-housing, details of this application should be included on the on-line Notepad and Preference Comments of the transfer case. Similarly, details of the transfer request should be included on the Notepad and Preference Comments of the secondary family's application.

7.8 PROCEDURE FOR TRANSFER REQUEST AFTER TENANT HAS DIED

Cases may arise where the original Tenant has died and the tenancy has been transferred to a member of the immediate family. Where a transfer exists and is still required, the transfer request should be re-registered back to the original Date of Application. A revisit should be carried out and the points altered accordingly.

7.9 HOMELESS TENANTS: F.D.A. STATUS FOR HOUSING ASSOCIATION

In the course of a transfer assessment it may become apparent that a tenant's circumstances are such that he / she is potentially homeless. Where this situation arises and the assessment is being carried out by a Housing Association officer, for one of that association's own tenants, the transfer assessment should be completed and the transfer applicant referred to the nearest Housing Executive District Office for a homelessness investigation and decision (see Chapter 10, para 10.6).

Where a Housing Association tenant initially contacts his / her Landlord to present as homeless he / she should be directed to the nearest Housing Executive office for consideration under the homelessness legislation. A transfer application must first be completed and keyed by the Housing Association, except where the tenant terminates the tenancy, in which case the Housing Executive will treat the person as an ordinary Applicant.

When a Housing Association tenant presents as homeless and they have a transfer registered, the local office responsible for carrying the assessment out will register a homeless application on HMS.

In both sets of circumstances the Housing Executive will consider any relevant information already collected by the Housing Association before making a decision on homelessness.

Reviewed: March 2014

Where the decision is to accept the person as being a Full Duty Applicant (FDA) i.e. homeless as defined in the legislation, then the Housing Executive will notify the transfer applicant that FDA has been awarded.

The Housing Executive will notify the Housing Association responsible for maintaining the case on HMS of the FDA decision. ~A copy of the decision letter should be forwarded to the relevant HA, either by post or scan and send by e-mail. In addition the HA should be advised to carry out the following:

1. Award Management Transfer status by changing the application type to (HA TFER-Man = code HM)
2. Update the management transfer action date and reason on the circumstance table
3. Key 70 FDA points on the circumstance table and issue the choice and points letter

Where the decision is not to award FDA points the Housing Executive will notify both the transfer applicant and his / her Landlord of the decision, offer advice and assistance and will take no further action with regard to Homelessness.

7.10 MANAGEMENT TRANSFER CATEGORY

In addition to the main body of pointed transfer applications, assessed on the basis of "housing need", there is a second category within the Transfer Policy designed to allow Designated Officers the flexibility to make best use of their housing stock. This Management Transfer category allows Designated Officers the discretion to transfer tenants, under certain circumstances, without reference to their points level.

The circumstances where Designated Officers can exercise their discretion and create Management Transfers are where:

- (a) The tenant is a Full Duty Applicant, i.e. the Executive owes the tenant a duty under Article 10 (2) of the Housing (NI) Order 1988. (This criterion for access to the Management Transfer category also recognises the implied higher duty of a Landlord to re-house, as quickly as possible, those tenants who for whatever reason have physically lost their homes or who are unable to continue to live in the homes provided to them by their Landlord.)
- (b) Transferring one of the parties concerned could alleviate a deteriorating neighbour dispute between tenants.

Reviewed: March 2014

- (c) A transfer is imperative to facilitate on going redevelopment.
- (d) A transfer is imperative for decanting purposes. This category applies to transfer applicants seeking permanent re-housing out of stock where major repairs / adaptations are being carried out. It does not refer to those tenants who are being temporarily displaced due to major repairs / adaptations and who will be returning to the property after these works are completed.
- (e) A transfer is imperative to facilitate the demolition or transfer of purpose built stock.
- (f) A transfer may prevent a District Heating debt from increasing further.
- (g) By transferring a tenant in a sheltered unit to another unit within the same development / scheme, the resulting vacancy would then be offered to an Applicant on the Common Waiting List. This category will not apply to a transfer applicant seeking to move to a separate development / scheme, even if owned by the same Participating Landlord.
- (h) The transfer relates to the tenant(s) or members of their household requiring specially adapted or specially purpose-built housing, having regard to their special and specific needs for such accommodation and where an allocation outside the general rule can be justified (see Chapter 5.2: Rule 48). Close liaison between the assessing and allocating landlords is essential in such cases.

Ground floor flats and bungalows are not regarded as adapted or purpose – built housing per se, therefore this category will not apply to transfer applicants seeking such general ground floor accommodation.

Transfer applicants residing in purpose – built or adapted accommodation, who no longer have a need for such accommodation, may also be awarded Management Transfer status under this category.

NOTE: In the latter case, the Participating Landlord may make a payment under Article 39 of the Land Acquisition and Compensation (NI) Order 1973.

Designated Officers will continue to assess and point Management Transfer applicants in the same manner as all other transfer cases. If it is determined that they are a management transfer the following action should be taken

The Application Type of the Management Transfer should be amended to EM (NIHE TFER-Man) or HM (HA Tfer Man)

The appropriate Reason and Action Date must be keyed against each Management Transfer in the circumstance table. Keying of the Action Date

Reviewed: March 2014

should occur as quickly as possible after Management Transfer status has been approved.

7.11 ALLOCATIONS TO TRANSFERS: [RULE 72](#)

All allocations to Transfer applicants will be made, with the possible exception of Management Transfers, in accordance with the Rules of the Selection Scheme.

Allocations to Management Transfers will be made as and when necessary (bearing in mind the appropriate critical date by which the tenant needs to be transferred) with Designated Officers taking into account critical vesting / decanting requirements alongside the overriding needs of Intimidation cases.

Landlords will use the following principles when making allocations to Transfer applicants:

1. Allocations should be made as fairly and impartially as allocations to Waiting List Applicants.
2. A Transfer applicant should not be re-housed less quickly than if he / she were an Applicant under the Selection Scheme.
3. The granting of a transfer should not lead to a reduction in the amount of suitable accommodation available for new Applicants.
4. The total benefit of any transfer (or a series of transfers) should be greater than if a dwelling were to be allocated to a new Applicant.
5. A ratio of one transfer allocation for every two Waiting List allocations should be employed, however, where this principle is not achievable, landlords should use an appropriate ration paying due regard to relative housing need of Waiting List and transfer applicants.

Allocations to Management Transfers will be made bearing in mind the critical date for moving the tenant i.e.

- critical vesting requirements
- critical decanting requirements
- over-riding needs of Intimidation cases.

When considering offering a property to a tenant of another landlord, rather than to the highest pointed Applicant on the Waiting List, the offering landlord may wish to be advised as to the status of the Applicant who will be allocated the resulting re-let so that, in allocating to the transfer applicant, there will be no reduction in the amount of suitable accommodation available for new Applicants.

This information should be requested via the Allocation Enquiry (Appendix 7.1). It is important to note that this only indicates the highest pointed Applicants for the re-let at that particular time. It does *not* mean that these Applicants will be offered the re-let e.g. a higher pointed Applicant may subsequently move to the top of

Reviewed: March 2014

the Waiting List, or the re-let may be offered to another transfer applicant (thus creating a further re-let).

Where a transfer applicant of one landlord accepts an offer of tenancy from another landlord, the new landlord should complete a Termination of Tenancy (see Appendix 7.2) at the sign-up stage. This should be forwarded to the landlord of origin for their records.

7.12 MUTUAL EXCHANGES

An Exchange takes place when one secure tenant agrees with another secure tenant (who may or may not be a tenant from any participating Landlord), to exchange dwellings. Such Exchanges are treated as Assignments of Tenancy (see CHAPTER 8 SUCCESSION / ASSIGNMENT / CREATION OF JOINT TENANCIES).

Any tenant who is seeking a mutual exchange must complete a transfer form. This should be registered, onto HMS, which will automatically place the tenant on the Direct Exchange register. Each tenant should be visited in the normal way to inspect the property to identify recoverable costs against the outgoing tenant and any other outstanding repairs. A housing need assessment is not necessary at this stage, and the transfer can be keyed on to the Waiting List with Nil points. Should the Mutual Exchange not subsequently materialise, however, a housing need assessment must be completed should either party wish to remain on the waiting list. Designated Officers may prefer to complete the Visit Report fully at the initial visit to avoid having to revisit.

Once an assignment by way of exchange (Direct Exchange) has been agreed an offer letter will be produced through HMS, please note if more than one housing executive office is involved in the exchange an agreement must be reached on who should process the exchange through HMS. If it is an exchange between a Housing Executive office and a Housing Association, the Housing Executive office should take the lead in processing the exchange. If the exchange is between 2 Housing Association Offices they have to agree which Association should take the lead in processing the case.

In order to complete the assignment of the tenancy the tenant(s) should sign (*Appendix 8.4*) advising of the terms and conditions of the Assignment.

Reviewed: March 2014

APPENDIX 7.1**ALLOCATION ENQUIRY**

FROM: _____ TO: _____

 Phone _____ Phone _____
 Fax _____ Fax _____

I am considering offering accommodation to the following tenants of your property:

| Name | Address | Tenants Property Type (e.g. 3 BTH) |
|------|---------|------------------------------------|
| 1. | | |
| 2. | | |
| 3. | | |

Please advise as to the ranking of Applicant who would be offered the above address (es) if currently vacant.

Signed: _____ Position _____ Date _____

FROM: _____ TO: _____

Further to your enquiry dated _____, I can advise that the ranking of applicants who would be offered the addressees listed, where they currently available, is as follows:-

Address Ranking Points (Protected if Applicable/ Group/Date of Priority)

1. _____
2. _____
3. _____

Signed _____ Position _____ Date _____

Reviewed: March 2014

APPENDIX 7.2

NOTICE OF TERMINATION OF TENANCY

I _____ (name) wish to give notice today
_____ (date)

that I intend to terminate the tenancy of
_____ (address)

with effect from Monday _____ (date).

My forwarding address will be

I/We are aware that an inspection will take place to determine any recoverable repair charges that may be recovered from me/us.

SIGNATURE _____

WITNESSED _____

DATE _____

I/We authorise the disposal of any belongings left in the vacated premises and am/are aware that any charges incurred in doing so will be recoverable from me/us.

SIGNATURE _____

WITNESSES _____

DATE _____

FOR OFFICE USE ONLY

Telephone no. _____

Rent Account _____

Type of Accommodation _____

Viewing Arrangements _____

Reviewed: March 2014

Appendix 7.3

| |
|--|
| Process Map for accessing transfer requests for the following Housing Associations |
|--|

The following Housing Associations do not currently assess their own tenants transfer requests:

Abbeyfield and Wesley, Flax, Grove, Newington, Open Door, St Matthews

When a tenant from one of the above Housing Associations phones the NIHE requesting a transfer the following action should be taken by the CSU: The dropdown box in share points contains the names of the associations CSU Staff should record their basic details using the template, make an appointment and E –mail same to relevant District Office.

On receipt of the template the **District** should make a transfer file and keep the appointment to assess the transfer request. Prior to the visit the assessing officer should contact the Housing Association to check when their tenancy started and if they have any rent arrears and record the information on file. After completing the visit they should forward a copy of the application and assessment form (either by recorded delivery, or by hand and keep a record of the file transfer) **to the relevant housing association as they are responsible for keying and maintaining the housing aspect of the case on HMS.**

If there are any issues in relation to access to the transfer list (rent arrears, tenancy less than 2 years) the District should discuss the same with the Housing Association and record the decision on Page5 of the assessment form under the transfer access/waiver criteria. The District should retain the original form.

In order to register a homeless case on HMS for one of the above Housing Associations the following procedures should be followed:

If the case is not registered on HMS e.g., it has been assessed by the NIHE and the Housing Association has not yet received the completed assessment, staff in the District Office will have to wait until the Housing Association has registered the case in line with the above process before registering the Homeless application.

If the tenant is awarded FDA the Housing Association should be e mailed and advised to key the appropriate amendments e.g. 70 FDA points and add Management Transfer status in the circumstance Table and also amend Application type on “Main Details “to “HM”.

The above relates to a transfer request via telephone the same process should be used if the NIHE receive a transfer application form. If one of the above Housing Associations receives a transfer form directly they should make up a file, retain a copy of the form on file, send the original form to the District with a cover note detailing tenancy start and rent account details and register the case on HMS.