



Visitor and Additional Occupants Policy

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1. Purpose

This document defines Homes North's approach to tenants' visitors and additional occupants in Homes North properties.

2. Scope

This policy applies to all Social Housing tenants of Homes North.

3. Definitions

- **Applicant** – the person who makes the formal application for housing assistance
- **Tenant** – the person who signs the residential tenancy agreement with Homes North
- **Resident** – a person who lives in the property on a permanent basis
- **Spouse** – a husband or wife considered in relation to their partner
- **Household members** – all people living in the home regardless of age or relationship

4. Policy statement

This policy applies to social housing properties where rent is charged as a percentage of household income. Social housing rents are based on the capacity of the household to pay rent. Therefore it is necessary for Homes North to know who is living in our social housing properties in order to calculate rental payments.

Homes North is committed to understanding the changing circumstances of our tenants and ensuring tenants comply with the terms of their Residential Tenancy Agreement and the NSW Government's Community Housing Rent Policy.

This policy outlines the conditions tenants must comply with when there are visitors or additional occupants staying in a Homes North property.

Homes North tenants are welcome to have visitors stay at their property for up to four weeks. However, tenants are required to obtain prior written permission from Homes North for any additional occupants to live at their property on a longer term basis. This policy ensures Homes North can fairly apply tenancy charges and ensure adherence to lease conditions:

- Generally, all tenants living in dwellings owned or managed by Homes North are required to pay rent, water usage and other tenancy charges. These charges vary depending on the number of persons occupying the dwelling and their income (refer to Homes North Rent Policy).
- The Residential Tenancy Agreement signed by the tenant at the start of the tenancy specifies the maximum number of persons who may occupy the premises. This number is determined by a range of factors relative to the type and location of the property, including health and safety issues, potential overcrowding and household composition.
- Clause 15.5 of the Agreement states that the tenant is "not to cause or permit more people to reside in the residential premises than is permitted by this agreement."
- Any additional lease condition requiring notification of details of occupants of the property

4.1 Visitors

A visitor is any person or persons temporarily staying with the tenant for up to four weeks (28 days). If a tenant wants their visitor to stay for longer, the tenant must apply to Homes North in writing before the four-week period has elapsed or as soon as possible after this:

- For visitor stays longer than 4 weeks, the tenant must apply to Homes North for an extension of visiting time.
- For intended stays longer than four weeks the visitor is considered an additional occupant and the tenant must apply to Homes North in writing for the visitor to be approved as an additional occupant.
- For visitors staying with a tenant for longer than three nights per week for a period longer than four weeks, they will be considered an additional occupant and will be required to obtain permission from Homes North to become an additional occupant.

Visitors are not required to pay rent for the period of their stay. The tenant is responsible for the behaviour of all visitors to their property. Tenants have an obligation to abide by the conditions of their tenancy agreement, including being responsible for their own conduct as well as the behaviour of their visitors.

(See Homes North Antisocial Behaviour Management and Wellbeing Policies for further details).

4.2 Assessing requests for additional occupants

A tenant may apply to Homes North for approval of an additional occupant by completing an Homes North Application for Rental Subsidy form with the additional person listed and their proof of income supplied.

Homes North may approve an application for an additional occupant if:

- The tenant's rent account is up to date
- Approval will not cause overcrowding (The tenant cannot apply for re-housing based on overcrowding if this is due to the additional occupant.)
- The additional occupant meets the criteria to live in social housing
- The additional occupant does not have a history of breaches of tenancy with Homes North
- The additional occupant is not a former unsatisfactory or ineligible former public or community housing tenant
- There is no evidence identifying the additional occupant as a party in anti-social behaviour
- The new household composition is suitable for the type of property, for example, if an additional occupant wishes to live in a senior communities property, the composition must remain consistent with the objectives of senior communities
- The additional occupant does not owe any money to Homes North from a previous tenancy, or has made acceptable arrangements to repay the debt to Homes North
- The additional occupant does not have a current tenancy with a social housing provider.

If the proposed additional occupant needs housing in their own right, they will need to apply for housing separately to be placed on the housing waiting list.

A Senior Housing Manager has the authority to approve or decline the application to house additional occupants. The Operations Manager has the authority to approve out of guidelines applications where it is deemed necessary for care or medical needs or to benefit the family culture. If the application is approved the tenant is to submit an updated rent assessment application. Homes North will re-calculate the rent subsidy based on the new household income. The tenant will be notified in writing within 20 working days of the outcome of the application. If the application is declined, the applicant may appeal the decision (refer to Homes North Appeals Policy).

4.3 Failure to notify Homes North of an additional occupant

A non-approved additional occupant is any person or persons the tenant allows to live in their property who is not listed with Homes North as an additional household member. This includes visitors who live in the property for more than four weeks without prior approval from Homes North.

If the tenant does not apply in writing for permission to house an additional occupant and Homes North has reasonable grounds to believe there are non-approved additional occupants living at the property, Homes North may cancel the tenant's rental subsidy and may proceed to terminate the tenancy.

The Operations Manager has the authority to cancel a rental subsidy, based upon possible rental subsidy fraud. Homes North will notify the tenant in writing of the intention to take such action in accordance with Homes North's Rent Policy. The CEO has the authority to proceed to NCAT to terminate a tenancy for rent fraud.

If the rental subsidy is cancelled, the tenant will be required to pay market rent until such time as they provide original documents showing income details for each member of their household, aged 18 years and over. This will enable Homes North to re-calculate the rent and the rental subsidy, assuming the additional occupant is approved. Homes North may backdate the re-calculation in cases where this is supported by evidence.

Proof of income must be original. Refer to [Community Housing Rent Policy](#)

Tenants, who fail to supply income details by the due date for return, as stated in Homes North's written request for information, will not be eligible for a rent subsidy and will be required to pay market rent.

This policy is subject to change from time to time at the discretion of Homes North.

5. Responsibilities

It is the responsibility of the:

Chief Executive Officer to ensure this policy and associated procedures are applied and committed to by the Senior Management Team.

Senior Housing Managers & Asset Manager to provide the team with timely policy-related support and guidance, to ensure familiarity with this policy and related procedures, to commit to following them accordingly and where relevant, promote the policy to their team.

Employees to ensure they comply with this policy, be responsible for their own behaviour and if required, attend relevant training as provided by the company from time to time.

6. Where to get more information

Contact Homes North on 67725133.

Related legislation

Residential Tenancy Agreement

Related documents/policies

- Succession of Tenancy Policy
- Antisocial Behaviour Management Policy

- Appeals Policy
- Appeals Factsheet
- NSW Community Housing Rent Policy
- Absence from Property Form

National Community Housing Standards

Standard 1.3.1 Changing Needs of Tenants

Policy Information

Policy number: 1.3.1\3

Adopted: 13 July 2017