

Occupancy Policy

Purpose

The purpose of this Policy is to outline Housing Trust's approach to additional occupants moving into a tenant's property as well as over occupancy and under occupancy.

Policy

At the commencement of every tenancy, Housing Trust will identify the tenant and any additional occupants who are authorised to reside at the property. The number of authorised occupants will be recorded on the tenant's tenancy agreement.

Applicants are allocated properties according to their household size and once they become a tenant are charged rent based on their household income. For further information in regards to bedroom entitlements, refer to *Housing Trust's Allocation Policy*.

Where it is alleged that an unauthorised occupant is residing at a Housing Trust property, an investigation will occur in accordance with *Housing Trust's Rental Fraud and Non-Disclosure Policy*.

If it is found that an unauthorised occupant is residing at the property, Housing Trust may give the tenant the opportunity to apply to add the occupant to the household.

Over Occupancy

Over occupancy is when the household size and composition changes resulting in the household having fewer bedrooms than they are entitled to, but the over occupancy is not considered to be severe. Please refer to *Housing Trust's Allocations Policy* for bedroom entitlement and accommodating children. Examples include:

- Three (3) children sharing a bedroom
- An adult or couple sharing a bedroom with a child over two (2) years of age
- Two (2) unrelated adults sharing a bedroom

Severe Over Occupancy

Severe over occupancy is when the household size and composition changes resulting in the household having fewer bedrooms than they are entitled to, and the over occupancy is considered to be severe. Examples include:

- Four (4) or more children sharing a bedroom
- Three (3) or more unrelated adults sharing a bedroom

Under Occupancy

Under occupancy is when the household size is such that the property has one or more bedrooms unoccupied than the household is entitled to.

Where a household is under occupying the property Housing Trust may request the tenant to transfer to a more suitable property. If the tenant refuses to relocate, Housing Trust may take action under the Residential Tenancies Act 2010 to relocate the tenant to a more suitable property.

Visitors

Tenants may have visitors stay at their property for short periods of time. Visitors are allowed to stay at a Housing Trust property for up to twenty one (21) days within a six (6) month period without the tenant notifying Housing Trust.

Visitors who are staying more than twenty one (21) days must have approval from Housing Trust to reside in the property. For more information, refer to the section below on **Additional Occupants** and also *Housing Trust's Review of Rent Subsidies Policy*.

Housing Trust understands that some tenants may require visitors to reside in the premises for longer (but still temporary) periods. Examples may include:

- Providing temporary respite or medical support and care
- Family or cultural support
- Other reasons such as employment or relocation to a new area

These situations will be assessed on a case by case basis and require Housing Services Manager approval, after receiving supporting evidence.

Additional Occupants

Tenants seeking to have additional occupants reside at their property must seek approval from Housing Trust before the additional occupant moves in.

Tenants are required to complete a Rent Subsidy Application Form and an Application for Additional Occupant Part A Form.

Each person the tenant is applying to add to the tenancy must complete the Application for Additional Occupant Part B Form.

Housing Trust will assess the request for an additional occupant within twenty one (21) days and the tenant will be notified in writing of the outcome of their application.

When submitting an application for an additional occupant, tenants can expect Housing Trust to:

- Make enquiries about the person(s) seeking approval as additional occupants, including whether they have been part of a prior social housing tenancy
- Ensure the tenant is aware that, if approved, their household rent will be recalculated taking into account the additional occupants income. For further evidence please refer to the relevant *Housing Trust's Review of Rent Subsidies Policy*.
- Consider the suitability of the home for the additional occupant, particularly where they have medical or other needs (disability)
- Consider the impact on neighbours
- Ensure the approval does not cause severe over-crowding at the property
- Ensure the tenant is aware that additional occupants moving into the property will not be accepted as a sufficient reason to be transferred to a larger dwelling

Former Tenants

Where a person has been a former tenant of Housing Trust, the previous tenancy history will be considered as part of any application to be an additional occupant. This will include whether there were previous complaints, history of arrears, or other behavioural concerns during the tenancy.

Housing Trust will generally decline an application if the person is a former social housing tenant who has an outstanding debt with either another community housing provider or Housing NSW, unless:

- The person has acknowledged that debt, and
- Can demonstrate consistent repayments of the debt over a six (6) month period

Approved Additional Occupants

Once an additional occupant has been approved, Housing Trust will advise the tenant in writing. Housing Trust will also reassess the tenants rent in accordance with *Review of Rent Subsidies Policy*. Tenants will be notified of a change in their rent in writing including the date the new rent is to take effect.

Declined Additional Occupants

If a tenants request for additional occupant(s) is declined Housing Trust will inform the tenant of this decision in writing. If the person is already residing with the tenant, Housing Trust will provide reasonable opportunity for the person to find alternative accommodation. This will generally be no longer than twenty one (21) days from date of decline letter. The tenant is responsible for providing proof of alternative accommodation for the declined occupant to prove they have vacated the property.

If the person continues to reside at the property, Housing Trust may place the tenant on market rent due to being unable to determine the tenant's eligibility for a subsidised rent. Housing Trust may also issue the tenant a breach letter or Notice of Termination.

Right of Appeal

If an applicant believes Housing Trust has made a wrong decision a formal review of the decision should be requested. To do this, the tenant is required to complete a Housing Trust Appeals Form stating why they disagree with the decision. *Housing Trust's Appeals Policy* and form are available by contacting the Housing Trust office or alternatively, may be downloaded from our website: www.housingtrust.org.au

If the appellant is not satisfied with the outcome of the internal appeal they can make an appeal to the Independent Housing Appeals Committee (HAC). HAC is an independent appeals agency for all NSW Social Housing clients.

Housing Trust will advise the appellant on how to lodge an appeal with HAC. Alternatively HAC may be contacted directly by visiting www.hac.nsw.gov.au or by calling 1800 629 794.

Reference or Related Documents

Internal

Policy

1. Rental Fraud and Non-Disclosure Policy
2. Allocation Policy
3. Review of Rent Subsidies Affordable Housing Policy
4. Review of Rent Subsidies Social Housing Policy
5. Appeals Policy

Form:

1. 102001 Rent Subsidy Application form
2. 105012 Application for Additional Occupant Part A
3. 105013 Application for Additional Occupant Part B
4. 106001 Review of Decision and 1st Tier Appeal
5. 107009 Application for Additional Occupant Outcome

External

1. Residential Tenancies Act 2010

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy - Policy ID # TM20	10.11.2014	Approved for release by GM:C&C
V 2.0	Reviewed Policy	25.10.2017	Approved for release by GM:C&C
V 3.0	<p>A change in Policy intent has been identified throughout the review:</p> <ul style="list-style-type: none">• change in the time a visitor is allowed to stay at a property from 28 days to 21 days to align with HT's Review of Rent Subsidies Policy• inclusion of a maximum timeframe of visitors in a six (6) month period• Introduction of an Additional Occupant application form to ensure HT captures all required information to enter them into GT <p>Reviewed and endorsed by the Tenant Advisory Group between the period May – July 2020 (due to COVID-19) and the Executive Leadership Team (ELT) on 24.08.2020.</p>	04.09.2020	Approved for release by Amanda Winks Chief Operations Officer