

### Scope

This policy outlines how certain tenancy matters are conducted by Pacific Link Housing Limited (PLH) according to legal requirements of the Residential Tenancies Act 2010, the Residential Tenancy Agreement and NSW Department of Communities and Justice (DCJ) policies. This policy applies to all subsidised rental tenancies.

### Purpose

The policy is intended to ensure that tenants understand the rules around additional occupants and visitors at PLH properties.

### 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.

PLH understands that tenants may have visitors stay in their house for periods of time. However, to be fair to everyone, tenants are responsible for ensuring that:

- members of their household and visitors to their property meet the standards of behaviour required by PLH under the Residential Tenancy Agreement,
- they get approval from PLH before new people join the household or visitors stay more than the periods set out below, and
- if they receive a rent subsidy, the income of all people living in the household is declared to PLH.

If your visitor does something that breaches the tenancy agreement such as interfering with the quiet enjoyment of neighbours or damaging the property your tenancy may be at risk.

### Visitor

A visitor is a person who temporarily stays at one of our properties but lives elsewhere and has a different address on their documents. Visitors can stay for up to 28 days or less than 3 days per week. When a visitor stays longer than 28 days or 3 days or more per week tenants must seek permission for the person to become an additional occupant.

### Additional occupant

On a case by case basis, the Housing Officer may approve a visitor to become an additional occupant. An additional occupant is a person who we have approved, in writing, to live in the property and have included their income in the rent calculation.

### Unauthorised occupant

If a person stays longer than 28 days, or 3 days or more per week, without our approval, they are an unauthorised occupant. PLH may take action under the Residential Tenancies Act 2010 if we decide it is not appropriate for the additional person to continue living at the property. .

### Additional Occupants – Applying for Approval

Tenants are allocated properties based on their household size and are charged rent and water usage based on their household income i.e. the income of all approved occupants. Because of this, our tenants must apply for our approval before allowing additional people to live at their property.

When applying for approval for additional occupants, the tenant and additional occupant/s need to be aware that:

- housing additional occupants is generally not a sufficient reason to be transferred to a larger dwelling
- if additional occupants are approved, we will reassess the household rent and the additional occupant's income will be included in the new rent assessment.

### Assessing Applications for Additional Occupants

PLH will assess applications for additional occupants fairly and transparently and will consider whether:

- relevant policies, guidelines, legislation or leases that relate to the property
- the tenant's rent and non-rent accounts are up to date, otherwise we may ask the tenant to enter into a repayment agreement before we assess the application
- approval of the application will not cause overcrowding
- the proposed additional occupant meets the criteria to live in the property having regard to the program or requirements for a specific property.
- the proposed additional occupant does not have a poor record of tenancy with PLH or another housing provider
- the proposed additional occupant is not an unsatisfactory former tenant or ineligible former tenant
- a nuisance or annoyance will not occur by approving the additional occupant
- the proposed new household composition is suitable for the type of property and the property meets the needs of the proposed additional occupant
- the proposed additional occupant does not owe money to PLH from a previous tenancy, or has made acceptable arrangement to repay the debt; and
- the proposed additional occupant has finalised any current tenancy they may have with another social housing provider (if applicable).

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

### Response to Applications for Additional Occupants

We will send the tenant a letter advising them the outcome of their application within 10 business days of all requested information being provided. The letter will also tell the tenant about their right of appeal if they disagree with our decision.

### What happens if an Application is approved?

If PLH approves a tenant's application to have additional occupant/s, we will:

- notify the tenant in writing outlining their responsibilities for the additional occupant; and
- recalculate the rent based on the income of all household members.

If the additional occupant is on the NSW Housing Register for housing and they no longer require a property of their own, we will ask them for approval to remove their name from the NSW Housing Register and document their approval.

### What happens if an Application is declined?

If PLH declines a tenant's application for additional occupant/s, we will:

- inform the tenant in writing
- provide reasons for declining the application; and
- provide information on PLH's review of decisions process.

If the additional occupant/s is already living with the tenant, we will formally ask the person/s to move out of the property within 14 days.

### Unauthorised Occupant Consequences

Tenants are provided with a rental subsidy calculated on the basis of their household income. Tenants are obliged to tell PLH of any changes in their household make up. If a tenant has additional occupants living in a dwelling without the permission of PLH, they are breaching the conditions of their subsidised rent and this may be considered rental subsidy fraud.

If we receive reports of unauthorised occupants living at a PLH-managed property, we will investigate the report. If unauthorised occupants are found to be living in the property, we will give the tenant 14 days to either make an application for the person/s to become an additional occupant or for the person/s to move out of the property. If the unauthorised occupant doesn't leave the property, the tenant does not apply for them to be an additional occupant within 14 days or the application is not approved by PLH, we will cancel the tenant's rent subsidy and market rent will be charged.

We cannot legally intervene if a tenant wants another occupant removed from their dwelling. Tenants who need assistance with removing occupants from their dwellings should contact the Police.

### Visitor Sanction

PLH can apply a visitor sanction to an individual tenancy if there is evidence that:

- previous visitors to the tenancy have not met the standard of behaviour required by PLH under the Residential Tenancy Agreement, or
- the tenant or members of their household are not meeting the standard of behaviour required under the Residential Tenancy Agreement, or
- new people have joined the household (including visitors who are staying more than 28 days) and the tenant has not asked for approval from PLH, or
- in the case of tenants who receive a rent subsidy, the income of all people living in the household (including visitors who are staying more than 28 days) is not being declared to PLH.

PLH can apply a visitor sanction to a group of tenancies within a complex, precinct or area if there is a strategy within PLH directed to combating anti-social behaviour in that complex, precinct or area based on:

- evidence of serious or repeated instances of criminal behaviour or anti-social behaviour that pose a risk to neighbours, PLH staff, others in the community or PLH property and cannot be addressed by applying a visitor sanction to one or more individual tenancies in the complex, precinct or area, or
- evidence of serious or repeated instances of behaviour that are unacceptable in a PLH managed tenancy and cannot be addressed by applying a visitor sanction to one or more individual tenancies in the complex, precinct or area.

If a visitor sanction is applied to a tenancy or group of tenancies, PLH will tell the tenant in writing:

- that the sanction has been applied
- the reasons why the sanction has been applied when the sanction will be reviewed, and
- that while the sanction applies, they must seek approval from PLH before allowing any visitor to the property to stay more than 3 consecutive days.

### Complaints and Appeals

If a tenant is not satisfied with a service provided by PLH or does not agree with a decision it has made, they should first discuss their concerns with their Housing Officer. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

### Related Documents

Residential Tenancies Act 2010  
Residential Tenancies Regulation 2010  
Allocations Policy

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