

141 Policy on Visitors and Other Occupants

Link Housing understands that tenants will have changes in their situation where additional people may stay in their house for varying periods of time. However, to be fair to everyone, Link Housing also needs to ensure that tenants comply with the terms of the Residential Tenancy Agreement and Link Housing's rent policy.

Under the terms of their tenancy agreement a tenant must advise Link Housing within 28 days of any change of household membership.

1. Policy

When a visitor stays for a few days or weeks from time to time, tenants do not need to let Link Housing know.

Generally, tenants living in Link Housing properties pay rent, water usage and other tenancy charges. The charges depend on the number of people living in a property and what their income is.

When a person signs up for a tenancy with Link Housing they sign a Residential Tenancy Agreement that states how many people can live in the property.

When a visitor stays longer than 28 days, the tenant is required to seek approval for the visitor to become an 'additional occupant' and, if approved, income from the 'additional occupant' will be assessed in the calculation of the household's rent.

2. Definitions

2.1 Visitors

A visitor is a person who temporarily stays with a tenant for less than one month and who lives elsewhere and has their home address on their documents.

2.2 Additional Occupants

An additional occupant is a person who was not a member of the household at the commencement of tenancy and has since obtained written approval from Link Housing to become a member of the household and their income is assessed for rent subsidy purposes.

3. Procedure

3.1 Additional Occupants

If a tenant has an additional occupant, that is, someone who is staying for more 28 days the tenant needs to apply for permission for an additional occupant to stay at their property by submitting a Change of Circumstances and Additional Occupants form to Link Housing.

The following will be considered when assessing additional occupant applications:

- Whether the tenant's rent account is up-to-date,
- Whether there are any particular guidelines or leases that relate to the property and which state how many people can live in the property,

- Whether there are any locational restrictions or other factors that make the person unsuitable for the property,
- Whether an additional person will cause severe over-crowding,
- Whether the additional person owns a property in which they can live,
- Whether the additional person has a poor record of tenancy with any social housing provider (including FACS),
- Whether an extra person might impact on noise, or other social issues,
- Whether there is a need for the extra person because the tenant or one of the existing residents is unwell and needs regular assistance,
- Whether the household composition is suitable for the type of property,
- If the additional person has an existing tenancy with Link Housing or another community housing provider, evidence must be shown that the tenancy is finalised,
- Whether the tenant has tenant debts with Link Housing and a repayment agreement has been entered into and is being complied with.

Link Housing will assess all applications as quickly as possible and within less than 28 days. Link Housing will send a letter to the tenant about the decision that has been made.

If approved, the new person will become an approved member of the tenant's household and the rent subsidy will be re-calculated based on the new household income.

An approved occupant does not have the same rights as a tenant.

If the application is declined, and the proposed additional occupant is already living with the tenant and has exceeded a period of 28 days, the proposed additional occupant will become an unauthorised occupant. Link Housing will then formally request that the person vacate the property and, if necessary take relevant action under the Residential Tenancies Act 2010.

Note: Tenants cannot apply for a transfer based on overcrowding if an additional occupant has been approved.

3.2 Unauthorised Occupants

If Link Housing receives reports of an additional person who has not been approved to live in a Link Housing property, Link Housing will contact the tenant to discuss the matter and try to find a solution.

However, if Link Housing decides that it is not appropriate for the additional person to remain living in the property, Link Housing may take action under the Residential Tenancies Act 2010.

3.3 Squatters

Link Housing will contact the police if squatters are found to be staying in a Link Housing property.

4. Legislative Framework and Related Policies

- Residential Tenancies Act 2010
- Rental Subsidies

5. Privacy and Confidentiality

Link Housing will keep applicants', tenants' and residents' information and feedback confidential, in line with privacy laws and standards.

6. Complaints and Appeals

A tenant who is not happy with a decision made by Link Housing or who believes that Link Housing has not followed this policy can complain or appeal using the complaints and appeals policies available on the Link Housing website or by phoning Link Housing on 9412 5111.

7. Quality Assurance

The Occupants Policy will be formally reviewed every two years or when necessitated through a sufficient change in circumstances.