

Occupancy

Overview

This policy explains our rules for occupants in our properties and how we manage requests for additional household members.

Scope

This policy applies to all tenancies managed by Muslim Care

Definitions

Over occupancy

Over occupancy is when a household has less bedrooms than our minimum standard for the household (as explained in our Allocations policy).

Examples of over occupancy include:

- 3 children sharing a bedroom.
- An adult or couple sharing a bedroom with a child over 2 years of age.
- Adults who aren't related or partners sharing a bedroom.
- Children of different genders sharing a bedroom when one of the children is 10 years of age or older.

Severe over occupancy

Severe over occupancy is worse than over occupancy.

Examples severe over occupancy include:

- 4 or more children sharing a bedroom.
- 3 or more adults sharing a bedroom

Under occupancy

Under occupancy is when a household has more bedrooms than our minimum standard for the household as outlined in our Allocations policy.

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.

Visitor

A visitor is a person who temporarily stays at one of our properties. Visitors can stay for up to 28 days or less than 3 days per week. If a tenant wants their visitor to stay longer than 28 days or 3 days or more per week they must ask us for permission for the person to become an additional occupant. On a case by case basis, a Head of Region may approve a visitor to stay at a property for more than 28 days. If a person stays longer than 28 days, or 3 days or more per week, without our approval, they are an unauthorised occupant.

Unauthorised occupant

An unauthorised occupant is a person who has lived in our property for more than 28 days, or 3 days or more per week, and we haven't given them approval to become an additional occupant.

Asking for approval for an additional occupant

Tenants are allocated properties based on their household size and are charged rent based on their household income. Because of this, our tenants must get our approval before allowing additional people to live at their property.

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

- We will not approve a request for an additional occupant if it will result in over occupancy or if the property won't meet the needs of the proposed additional occupant.
- 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 requests for additional occupants

When we assess requests for additional occupants, we will consider:

- Relevant policies, guidelines, legislation or leases that relate to the property.
- Whether additional occupant/s will result in the property being over occupied.
- Whether the dwelling will have a negative impact on the health and wellbeing of the current and/or additional occupants.
- Whether the approval of additional occupants will create noise, nuisance or other social issues.

If the tenant has rent arrears or tenant debt, we may ask the tenant to enter into a repayment agreement before we assess the application.

If the proposed additional occupant/s owes money to us from a previous tenancy, they must arrange to pay off their debt before the application can be approved.

If the proposed additional occupant/s has an existing tenancy with Family and Community Services (FACS) Housing or another community housing provider, this tenancy must be finalised before the application to join another household can be assessed. They must give us evidence to show that the other tenancy has been finalised.

We will consider requests for additional occupants that are outside of this policy on a case by case basis, as approved by the Head of Region.

Our response to requests for additional occupants

We will send the tenant a letter advising them the outcome of their request within 28 working days, unless further documentation has been requested. The letter will also tell the tenant about their right of appeal if they disagree with our decision.

What happens if a request is approved?

If we approve a tenant's request to have additional occupants, we will reassess the rent based on the income of all household members.

An additional occupant may be eligible to remain on the NSW Housing Register for a property of their own whilst living with another tenant. 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 a request is declined?

If we decline a tenant's request to have additional occupants and 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 occupants

If we receive reports of unauthorised occupants living at our property, we will investigate the report. If unauthorised occupants are found to be living in our property, we will give the tenant 14 days to either submit a request 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 or the tenant doesn't apply for them to be an additional occupant within 14 days, we will cancel the tenant's rent subsidy and they will be charged market rent.

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.

Occupants leaving the household

If a household member has left the household, the tenant must provide documentation showing that the person no longer lives at the property. The types of documents we will consider as evidence include:

- A Residential Tenancy Agreement
- Recent utility or telephone bills
- Recent bank statements
- A current Driver's Licence or government issued Photo Card (ID card)
- Statutory Declaration

Note: A statutory declaration on its own will not be accepted and must be provided with another type of evidence.

Policy information

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