

# Tharawal Housing Aboriginal Corporation

## Occupancy Policy

<b>Version Number:</b>	2
<b>Applies to:</b>	Tharawal Housing Aboriginal Corporation Occupancy Policy
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<b>Next Review Date:</b>	26 July 2022

### Scope:

This policy applies to all tenancies managed by Tharawal Housing Aboriginal Corporation. This policy should be read in conjunction with Housing Pathways Tenancy Policy Supplement.

### Definitions

#### Occupancy

It is expected that tenants personally occupy their residential premises at all times when practical. The payment of rent, water and other tenant-related charges does not substantiate personal occupancy.

#### Over occupancy

Is when the household size and composition changes and results in the household having less bedrooms than they are entitled to, but is not considered severe.

#### Severe over occupancy

Is when the household size and composition changes and results in the household having less bedrooms than they are entitled to, but is considered severe.

#### Under occupancy

Is when the household size and composition changes and results in there being more bedrooms than they are entitled to.

#### Additional occupants

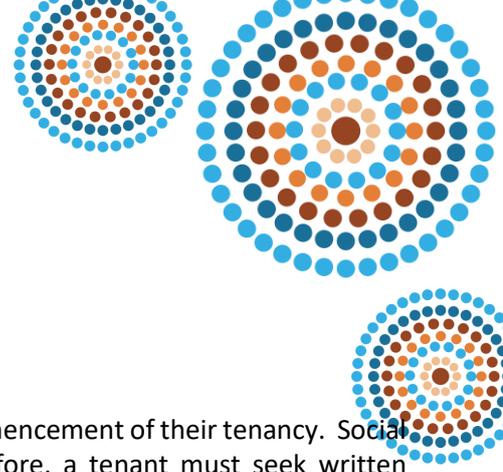
Is a person who was not a member of the household at the start of the tenancy agreement and who has since obtained written approval from Tharawal Housing Aboriginal Corporation to become a member of the household and, if applicable, charged rent.

#### Unauthorised additional occupants

Is a person who has not been approved as an additional occupant/s, who stays in a property for more than 28 days consecutively or 3 days or more per week.

### Visitors

A visitor is a person who comes and stays in a property for less than 28 consecutive days or less than 3 days per week. If a tenant wants a visitor to stay for more than 28 days, they will need to seek written permission outlining the need for the visitor to remain beyond 28 days. Each case is assessed on its own merit. Tharawal Housing Aboriginal Corporation reserves the right to decline a visitor to stay, and may request the visitor be listed as an additional occupant.



### **Request for Additional Occupant**

Tenants are allocated properties based on their household complement at the commencement of their tenancy. Social housing tenants are charged rent based on the total household income. Therefore, a tenant must seek written permission before allowing additional persons to live in their property.

When a tenant puts in a request for an additional occupant, the tenant and the additional occupant need to be aware of the following:

- Approval will not be granted if it results in overcrowding of the property, except in circumstance of: birth, custody arrangements or to take care of children at risk of entering care.
- If approval is given, the rent will be reassessed and the additional person's income will be taken into account.
- The additional occupant will have no rights to the tenancy.

Tenants will need to complete an Application for Additional Occupant Form and provide identification, and proof of income and assets.

### **Assessing Request for Additional Occupants**

Tharawal Housing Aboriginal Corporation have 28 days to assess an Application for Additional Occupant Form. When assessing an application, the following factors will be taken into account:

- Whether approval of additional occupant/s will result in overcrowding of the property.
- Any medical needs and/or social and emotional impacts approval may have on the tenant or the additional occupant/s.
- Relevant policies, guidelines, legislations or leases that relate to the property.
- Whether approval of additional occupant/s will create noise, nuisance or any other social issues.
- Whether the tenant has a previous history with social housing.
- If the property meets the needs of the additional occupant/s.

If the additional occupant/s have any monies owed to Tharawal Aboriginal Housing they will have to enter into a payment arrangement to pay off their debt before an application can be approved.

### **Request Approved**

If a request for additional occupant/s is approved, the tenant and the additional occupant will be advised in writing. The additional occupant/s will have no legal rights to the tenancy.

### **Request Declined**

If a request for additional occupant/s is declined, the tenant and the additional occupant will be advised in writing along with the reason why the request was declined. The tenant will be advised of their right to appeal the decision.

### **What to do if an Additional Occupant leaves the property**

When an additional occupant/s no longer resides in the property, it is the responsibility of the tenant to advise Tharawal Housing Aboriginal Corporation within 28 days. The tenant will need to complete a new Rental Subsidy Application and provide evidence that the occupant has left.

### **Being away from your home**

Tharawal Housing Aboriginal Corporation will approve tenants to be absent from their property, providing:

- The tenant has arranged for all tenancy charges to be kept up to date.
- The property will continue to be maintained.
- The tenant has reasons to be absent from the property.
- The tenant has appointed someone to look after the property in their absence.



Tenants will need to complete an Appointment of an Agent Form, giving Tharawal Aboriginal Housing permission to discuss any tenancy relating issue in the absence of the tenant.

**Acceptable absences**

Acceptable reasons for tenants to be absent from the property for up to six months:

- Caring for sick/frail family members.
- Hospitalisation, institutional care, respite, nursing home care or rehabilitations.
- Escaping domestic violence, harassment or threats of violence.
- Assisting with immigration matters in the country of origin.
- Holidays.
- Employment, education or training.

Tenants will not be approved for repeated absences relating to holidays, assisting with immigration matters in the country of origin or employment/training.

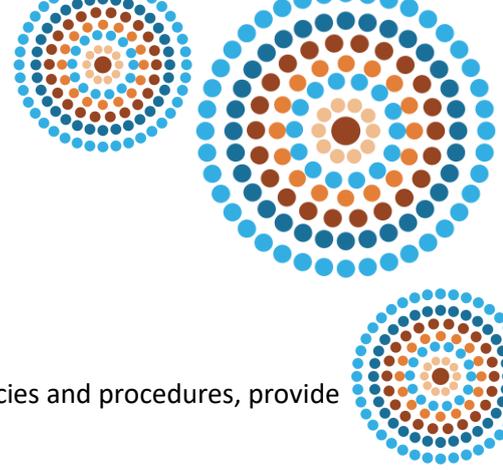
**Appeals:**

If a client does not agree with the decision made, they will need to have the decision reviewed by the social housing provider that made the original decision. Clients will need to refer to the review of decisions/appeal policy for that particular provider.

There is no formal review decision that the client is ineligible for social housing assistance because they are a registrable person assessed as meeting the ineligibility grounds in accordance with the Eligibility for Social Housing Policy – Housing Pathways.

**Responsibility:**

Housing Officer	<p>Review and assess tenancies in accordance with Occupancy Policy.</p> <p>Escalate any matters to senior for review and/or tribunal action.</p> <p>Ensure tenants understand their obligations and rights.</p>
Housing and Compliance Project Officer	<p>Review any irregular patterns and report to senior management.</p> <p>Conduct annual review of occupancy policy to ensure any amendments are made in line with legislations and external policies.</p> <p>Ensure staff are adhering to policies and procedures and provide necessary training.</p> <p>Assess and review any appeals in accordance with police and provide written report to Housing Manager.</p> <p>Prepare and undertake any tribunal action that maybe required.</p>
Housing Manager	<p>Review decision in line with THAC Policies and Procedures.</p>



Ensure all staff understand THAC policies and procedures, provide necessary training where required.

Determine outcome of appeals and advised tenant and CEO.

CEO

Review recommendations to policies and procedures before submission to board.

Board

Monitor the policies efficiency and effectiveness to ensure improve practice and positive outcomes for Aboriginal people.

Report any findings and recommendation within its annual report.

**Reference:**

<b>Legislation:</b>	<b>Related Policy</b>
<i>Residential Tenancies Act 2010</i>	Community Housing Access Policy and Eligibility Policy
<i>Residential Tenancies Regulation 2010</i>	Housing Pathways Policy – Tenancy Policy Supply
<i>Aboriginal Housing Act 1998</i>	Housing Pathways Policy – Social Housing Eligibility Allocation Policy Supplement
<i>Privacy and Personal Information Protection Act 1998</i>	Housing Pathways Policy – Transfer Policy
	THAC – Eligibility Policy
	THAC – Transfer Policy
	THAC – Allocation Policy

**Tharawal Housing Aboriginal Corporation staff must always adhere to the Confidentially and Privacy Policy.**