

H19. DURING A TENANCY - OCCUPANTS AND VISITORS

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	2.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

People living in the home

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

If a tenant fails to advise the IAC within 28 days of a change of household membership, the IAC will take the appropriate action against the tenant under the Residential Tenancies Act 2010 and/or this policy.

Authorised Additional Occupants

If a tenant wants a person to become an authorised additional occupant in their IAC property they will need to submit a "Request for Additional Occupant(s)" form.

An authorised additional occupant is any person that the tenant has applied for and received approval from the IAC for that person to reside in the property.

Where approval is given to an additional occupant, the IAC will reassess the rent based on the new household income effective from the date the additional occupant commenced residence in the property.

In most cases, the IAC will approve applications for additional occupants if:

- It does not cause severe overcrowding, and
- The additional occupant does not have a poor record of tenancy with the IAC, and
- The household composition is suitable for the type of property, and
- The additional occupant has made arrangements to repay a debt if they owe any money to the IAC from a previous tenancy, and
- The additional occupant finalises any current tenancy with the IAC, and
- The additional occupant is not an unsatisfactory or ineligible former tenant

Authorised Additional Occupants (c)

An additional occupant may not be approved if it is likely that the presence of that occupant will cause nuisance and annoyance. Furthermore, the IAC may not approve the additional occupant if he or she has a history of having committed registrable offences and it is likely that the presence of that applicant in IAC housing will:

- Cause nuisance and annoyance, or
- Present an unacceptable risk of harm to the client, to other social housing occupants or to neighbours.

The IAC may defer approval for an additional occupant if the tenant's rent account is in arrears.

Unauthorised additional occupants

If a person is residing in an IAC or IAC managed property and the IAC has not given approval for the person to be an authorised additional occupant, the IAC will consider that person to be an unauthorised occupant. This includes circumstances where the tenant has made application for an additional occupant and the IAC has declined that request.

If a tenant has unauthorised additional occupants living in their property, they will be in breach of the terms of their tenancy agreement and the IAC will take the appropriate action against the tenant under the Residential Tenancies Act 2010 and/or this policy.

Discretion on Cultural Grounds

The IAC will use its discretion in applying the additional occupant and visitor rules allowing for cultural concerns, funerals and the like. The IAC will ensure that such discretion avoids any conflicts of interest and will note in writing the reason for discretion being applied.

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Visitors

Tenants may have a person stay as a genuine short term visitor at their property. To be regarded as a visitor the person must provide evidence acceptable to the IAC that he or she permanently resides at an alternative address. Such evidence might include a current driver's licence, identity card, current Centrelink statement and/or utility bills in that person's name.

Any person who visits an IAC property for any length of time and who cannot provide evidence acceptable to the IAC that they permanently reside at an alternative address is considered to be an unauthorised additional occupant and the IAC will take the appropriate action against the tenant under the Residential Tenancies Act 2010 and/or our this policy.

Visitor Sanctions

A visitor sanction requires the tenant to apply for approval from the IAC if a visitor wishes to stay at the property for more than 3 days. The IAC will tell the tenant in writing if a visitor sanction has been applied and the reason why the sanction has been applied.

A visitor sanction will be applied if there is evidence that:

- Previous visitors to the tenancy have not met the standard of behaviour required by the IAC 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 the IAC

COMPLIANCE

This policy complies with:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

REFERENCES

This policy should be read with:

- **Housing NSW** "During a Tenancy Policy"
- **National Regulatory Code** - 1. Tenant and housing services