

## PURPOSE

This document defines Evolve Housing Vic Limited's (EHVL) approach to visitors and additional occupants in EHVL Properties.

<b>POLICY REFERENCE</b>	VHS011.1
<b>POLICY OWNER</b>	General Manager, Resident Services
<b>APPROVED BY</b>	Evolve Housing Ltd CEO
<b>APPROVAL DATE</b>	1 Mar 2022
<b>REVIEW DATE</b>	1 Mar 2025

## VISITORS OR ADDITIONAL OCCUPANTS POLICY

### 1. SCOPE

This policy applies to all Tenants and additional occupants of EHVL Properties.

### 2. POLICY STATEMENT

EHVL understands the changing circumstances of property tenancies and is committed to ensuring Tenants comply with the terms of their Residential Tenancy Agreement. This policy outlines the conditions with which Tenants must comply when there are visitors or additional occupants staying in an EHVL Property.

EHVL Tenants are welcome to have visitors stay at their Property for up to four weeks. However Tenants are required to obtain prior written permission from EHVL for any additional occupants to live at their Property. This policy ensures EHVL can fairly apply tenancy charges and ensure adherence to lease conditions.

#### 2.1 Requirement for approval

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.

Rent, water usage and other tenancy charges vary depending on the number of persons occupying the Property and their combined income. Consequently, approval for additional occupants is required to allow tenancy charges to be fairly applied, and to ensure the terms of a Tenant's Residential Tenancy Agreement are met.

Any visitor to an EHVL Property for any length of time above 4 weeks, who cannot provide acceptable evidence on request that they permanently reside at an alternative address, will be considered to be an unauthorised additional occupant and the Tenant will therefore be in breach of their Residential Tenancy Agreement.

Tenants have an obligation to abide by the conditions of their Tenancy Agreement, which includes being responsible for the conduct and behaviour of the occupants of their Property and their visitors.

#### 2.2 Visitors

Any person who stays with a Tenant on a genuinely short-term basis is considered to be a Visitor. If a Visitor stays for no more than four weeks, no approval is required from EHVL.

If a Visitor wishes to continue their visit longer than four weeks, the Tenant must apply to EHVL in writing for approval to extend the visit for a short time. This application must be submitted to EHVL before the end of the four-week period. All requests for an extension to a visit will be assessed by EHVL on a case-by-case basis.

### 2.3 Additional Occupants

If a person is intending to stay on a longer-term basis, the Tenant must apply to EHVL in writing for the person to be approved as an Additional Occupant. All requests for approval of an additional occupant will be assessed by EHVL on a case-by-case basis.

### 2.4 Assessing requests for additional occupants

A Tenant may apply to EHVL for approval of an additional occupant by completing the request form available from EHVL. EHVL may approve an application for an additional occupant in its discretion if that additional occupant meets eligibility criteria to live in social housing and is approved through the Victorian Housing register and the property is appropriate for an additional occupant.

If the application to house an additional occupant is approved, EHVL will re-calculate the rent subsidy based on the new gross assessable household income and this could alter the rent required to be paid for the property. The Tenant will be notified in writing of the outcome of the application and of the reassessed rental subsidy within twenty (20) working days of receipt of the application.

If the application for an additional occupant is declined, the Tenant has the right to appeal the decision in accordance with the EHVL Appeals Policy. If the proposed additional occupant needs housing in their own right, they will need to apply for housing separately and be placed on the Victorian Housing Register.

### 2.5 Failure to notify EHVL of an additional occupant

If the Tenant does not apply in writing for permission to house an additional occupant, and EHVL has reasonable grounds to believe a non-approved additional occupant is living at the Property, EHVL may cancel the Tenant's rental subsidy based on the possibility that rental subsidy fraud may have occurred.

EHVL will notify the Tenant in writing of the intention to take such action in accordance with EHVL's Charging Rent Policy. (Any investigation relating to potential fraud will be conducted in accordance with the EHVL Tenant and Applicant – Fraud and Non-Disclosure Policy.)

If the rental subsidy is cancelled, the Tenant may be required to pay market rent until such time as they provide original documents showing current income details for each member of their household who is aged 18 years and over. This will enable EHVL to re-calculate the rent and the rental subsidy, assuming the additional occupant is approved. More detail on rent and rental subsidies is available in the EHVL Rent (Social Housing) Policy.

## 3. DEFINITIONS

- Appeal - a disagreement by a Resident or Applicant for housing assistance, with a decision made by EHVL that affects their tenancy or their application for housing, and which the Resident or Applicant has requested be reviewed.
- Applicant – a person who makes a formal application for housing assistance.
- Approved Occupant (or Approved Additional Occupant) - a person, in addition to the Tenant, who is approved in writing by the Landlord to reside in the Property.
- Landlord – EHVL (as it grants the right to a Tenant to occupy a Property under a Tenancy Agreement).
- Property – the property or residential premises as described in the Residential Tenancy Agreement between EHVL and the Tenant.
- Resident – a person who resides on a permanent basis in a property which is owned or managed by EHVL under a Residential Tenancy Agreement (includes a Tenant)
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between EHVL (as Landlord) and a Tenant, which governs the terms on which that Tenant occupies the property described in the Agreement.
- Tenant – a person who signs the Residential Tenancy Agreement with EHVL and who has certain rights and obligations under that Agreement.
- Victorian Housing Register - a single list of approved applicants waiting for social housing. When a social housing provider approves an applicant for social housing, the provider places them on the Victorian

Housing Register. DFFH housing and community housing organisations use this register to offer housing when a suitable property becomes available.

#### 4. RELATED RESOURCES

- EHVL Appeals Policy
- EHVL Applicant and Tenant – Fraud and Non-Disclosure Policy
- EHVL Rent (Social Housing) Policy
- EHVL Neighbour Dispute Policy
- EHVL Zero Tolerance Policy
- *Housing Act 1983*
- Residential Tenancy Agreement
- *Residential Tenancies Act 1997* (Vic)
- [www.dffh.vic.gov.au](http://www.dffh.vic.gov.au)

*This policy is subject to change from time to time at the discretion of EHVL. Any approvals required under this policy will be granted in accordance with the Evolve Housing group Delegations of Authority Policy. If you have any specific questions regarding this policy, please contact EHVL on 1800 693 865 or email your enquiry to [myevolve@evolvehousing.com.au](mailto:myevolve@evolvehousing.com.au).*

#### 5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/03/2022	GAL	Policy adopted