

Policy name	Occupancy
Policy date	August 2020
Authorisation	General Manager, Operations
Policy owner	National Manager, Housing Services
Policy type	Mission Australia Housing Operational Policy
Policy setting	

1 Purpose

1.1 Overview

1.1.1 This policy outlines the approach to be adopted in varying occupancy in Mission Australia Housing (MAH) tenancies, including:

- Over- and under-occupancy;
- Additional occupants (including unauthorised occupants); and
- Visitors.

1.2 Coverage

1.2.1 This document is a national policy and covers both Mission Australia Housing (MAH) and Mission Australia Housing Victoria (MAHV). All references to Mission Australia Housing, MAH and Housing include both MAH and MAHV unless specifically stated otherwise. Where state based variations exist in policies and procedures, these will be identified in the document.

1.2.2 This policy applies to all forms of housing provided by MAH including social, affordable and transitional housing.

1.3 Information on procedures and other related policies

1.3.1 This policy focuses on why certain things need to be done. It is supported by procedures that provide more detail on the “what” to do.

1.3.2 Other MAH policies and procedures also need to be considered in managing variations in occupancy. To assist you, these are identified where relevant in this policy and supporting procedures.

2 Scope

2.1 Parts of Mission Australia that this policy covers

2.1.1 This policy applies to MAH staff responsible for working with MAH clients, tenants and properties.

2.2 Definitions

2.2.1 Key terms used in this policy are defined in the following table.

Term	Definition
Additional occupant	A member of a household approved by MAH to live in a property with a tenant after a tenancy has started.
Approved occupant	A household member approved by MAH to live in a particular property.
Overcrowding	Where a household would require one or more additional bedrooms to meet the minimum number of bedrooms allocated to applicants under the Allocation of Housing Policy .
Over-occupancy	Where the number of approved occupants in a property exceeds the number recommended under the Allocation of Housing Policy , resulting in varying degrees of overcrowding.
Unauthorised occupant	A person living in an MAH property without providing the necessary disclosure and seeking the permissions required in accordance with MAH policy.
Under-occupancy	Where the number of approved occupants in a property is less than the number recommended under the Allocation of Housing Policy , resulting in a vacant bedroom or bedrooms.
Visitor	Any person (e.g. friends, children, family, associates, partners) who visits a tenant as a guest either on a full-time basis for no more than 28 days, or on a part-time basis for no more than three nights per week over a longer term. Visitors are not required to pay rent and are not included on Household Declaration Forms. Tenants are responsible for the conduct and behaviour of their visitors, including any property damage caused by them.

3 Policy

3.1 Guiding principles

3.1.1 MAH is focused on the needs of tenants and their families:

- MAH aims to ensure that each tenant and their household are able to enjoy an appropriately sized property wherever possible.
- MAH is responsive to the changing needs of tenants.

3.1.2 MAH protects the value of assets under its management:

- MAH addresses occupancy concerns in order to ensure that housing assets are put to best use.

3.1.3 The MAH process for managing occupancy is fair and transparent:

- MAH has consistent processes to manage requests for additional occupants and changes to household composition.
- MAH charges rent consistently and fairly based on household type, composition and housing program.
- MAH informs tenants of its decision to initiate a management transfer, and wherever possible seeks the input of tenants for mutually beneficial outcomes.
- MAH has clear and consistent requirements for managing visitors.
- Tenants are accountable for the actions and inactions of visitors to their property.
- Tenants are given the opportunity to appeal organisational decisions in order to ensure fair and transparent outcomes.

3.1.4 The MAH process complies with relevant laws and procedures:

- Properties are managed in accordance with the requirements of residential tenancy and rooming accommodation legislation, taking property owner requirements into account.

3.2 Occupancy

3.2.1 MAH seeks to ensure that a property provides appropriate living space for a tenant and, where applicable, their household. To this end, MAH:

- Sets allocation standards through the **Allocation of Housing Policy** to ensure appropriateness by allocating properties that are neither too large nor too small for tenants and household members; and
- Uses information provided by housing applicants during the housing allocation process to match applicants to suitable properties.

3.2.2 MAH recognises that household composition may change during a tenancy for a range of reasons, including:

- Divorce/separation;
 - Remarriage;
 - Birth of a child;
 - Cultural obligations;
 - Death or illness; or
 - A tenant requiring or no longer requiring a live-in carer.
- 3.2.3 When the number of people in a household changes, MAH may determine that a property has become over- or under-occupied.
- Where there is more than one spare bedroom in a property, MAH will generally determine that the property is under-occupied.
 - Conversely, where a lounge room is used as a bedroom; where an adult shares a bedroom with one or more children; or where three or more children share a bedroom, MAH will generally determine that a property is over-occupied.
- 3.2.4 In reaching judgements about under- or over-occupancy, only members of a household who have been approved to live at a property are considered for the purpose of allocating properties of appropriate size. Any possible visitors are excluded.
- 3.2.5 Where a property is identified as over- or under-occupied, MAH will seek to transfer the tenant and any household members to a more suitably sized property. Where MAH has been unable to identify an alternative suitable property for a tenant and their household, staff will work with the tenant as necessary to complete any transfer forms which may assist them to obtain housing with an alternative provider. See the **Making Changes to Your Tenancy Policy** for further details.
- 3.2.6 Where a tenant refuses to acknowledge and address occupancy concerns, or refuses to transfer to an alternative, more suitable property, staff may seek to end the tenancy where over- or under-occupancy is severe.

3.3 Additional occupants

- 3.3.1 Tenants who wish to have another person live with them must apply in writing and provide MAH with income details for the additional person/s and their household.
- 3.3.2 In assessing applications, staff should consider:
- Property size (an application may be declined if it leads to overcrowding);
 - The characteristics of the neighbourhood, existing tenants and occupants;
 - Any current tenancy issues including anti-social behaviour instances or allegations about tenants or their guests
 - Whether all internal and external accommodation options have been explored; and

- Whether a household change would affect the eligibility of the tenant as per the **Eligibility for Housing Policy**.

3.3.3 Tenants should be advised that where an additional occupant has been approved, the amount of rent they pay for their property may increase as per the **Rent, Bonds and Other Charges Policy**.

3.4 Unauthorised occupants

3.4.1 Tenants who are identified as having failed to inform MAH of an additional occupant living at their property, either intentionally or unintentionally, are in breach of their residential tenancy or rooming accommodation agreement and staff will take action in line with MAH policy and state-based legislation. The additional occupant will be considered unauthorised and any allocated rental rebate may be cancelled, resulting in a rent increase.

3.4.2 Should squatters be discovered to be living in a property, staff should respond immediately in accordance with the **Managing Vacant Properties Procedure**.

3.5 Visitors

3.5.1 MAH understands that tenants may want to have a friend or relative stay at their property from time to time. As long as it does not result in overcrowding, tenants will be permitted to have guests and visitors at their property for:

- A period of up to 28 days, where a visitor stays at the property on a full-time basis; or
- No more than three nights per week, where a visitor stays at the property on a casual or part-time basis.

3.5.2 For boarding house and supported accommodation services tenants should follow the house rules regarding conditions relating to visitors.

3.5.3 Tenants will not be required to inform MAH where they have a visitor who complies with the requirements outlined in **3.5.1**. Tenants are required to inform MAH and seek approval for an additional occupant if they want a visitor to stay for more than 28 days, or for more than three nights per week on a regular basis.

3.5.4 Tenants are responsible for their visitors, and for ensuring that their visitors follow tenancy requirements. Where a visitor breaches a lease or rooming accommodation agreement, the tenant will be responsible.

3.5.5 Tenants will be responsible for the costs of any property damage, cleaning, repairs or maintenance work required as the result of a visitor.

3.6 Record keeping

3.6.1 Staff will ensure that proper records are kept and recorded in the relevant systems.

3.7 Appeals

- 3.7.1 Staff will inform tenants of their right to appeal organisational decisions and to complain about the services of MAH as per the **Appeals and Complaints Policy**.

4 Responsibilities

4.1 Housing staff including Housing Officers and Client Service Officers are responsible for:

- Informing tenants of their rights and responsibilities in accordance with this policy.
- Identifying over- or under-occupied properties.
- Assisting tenants to complete and lodge an Application for Transfer Form where required.
- Issuing a notice for breach of tenancy where required.
- Keeping records of the process in the relevant systems.
- Recommending improvements to this policy and associated procedures.

4.2 Team Leaders/Regional Managers are responsible for:

- Assisting housing staff to implement this policy.
- Ensuring good management of evidence in the tenancy management system.
- Incorporating this policy and associated procedures into staff induction and training.
- Ensuring staff are aware of and have access to this policy and associated procedures.
- Escalating feedback about this policy to the policy owner and/or policy writer.

4.3 The National Manager, Housing Services is responsible for:

- Ensuring that MAH complies with this policy and associated procedures.
- Recommending any changes to this policy and associated procedures.