

	VISITOR AND EXTRA PERSON POLICY		Policy Number	TM06
			Version	2
			Date	August 2019
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1. Purpose

This policy provides information on how Access 2 Place Housing (A2P) will:

- distinguish the difference between a visitor and an extra person.
- assess applications for an extra person(s) at an A2P property.
- navigate situations where there is an unauthorised extra person at a property.

2. Context

A2P understands that tenants have the right to have visitors in their home and choose to have an extra person(s) live with them. A2P supports tenants' rights to request an extra person(s) to live with them, however A2P also has a responsibility to ensure that tenancy configurations are safe, appropriate and do not compromise the sustainability of a tenancy agreement, before an extra person moves in.

To support tenant safety and wellbeing, A2P has an obligation as a social landlord to ensure that all extra person(s) in an A2P property are assessed and approved. To maintain safety and sustainability within A2P tenancies there is also a need for A2P to resolve situations, in a timely manner, where a tenant has not sought approval and there is an unauthorised extra person(s) residing in an A2P property.

This policy supports A2P staff in the following:

- Consistent and equitable assessment of extra person(s) applications;
- Evidence based decision making about approval or non-approval of extra person applications;
- Ensuring that tenants are fully informed of potential changes, and or consequences, that an extra person may have on their current tenancy agreement;
- Effective resolution strategies where A2P tenants have an unauthorised extra person(s) residing at their property.

3. Scope

This policy applies to all A2P tenants who have signed a Tenancy Agreement for an A2P owned or leased property.

4. Risk

The absence of a Visitor and Extra Person(s) Policy may leave tenants at risk of household overcrowding and this could have an adverse effect on the health, safety or welfare of the tenancy household. It also leaves A2P at risk of being unaware of extra person(s) living at an A2P property and/or charging incorrect rent payable amounts.

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5. Policy Detail

5.1. Visitors and Extra Persons

A visitor is a person or persons who has been invited by the tenant to temporarily stay at their A2P property for a period of up to 12 weeks. A visitor is defined as a person who has their own residential address (separate from the address they are currently visiting) and who intends to return to reside in that property.

A2P tenants are able to have visitors stay with them for up to 12 weeks without it affecting their rent¹.

A visitor will be considered to be living at an A2P property if they:

- Do not have their own residential; or
- Have their own residential address, but will not/does not know if they will be returning to reside in that property; or
- Use the property they are visiting as a residential address for a local, state or federal authority (e.g. is registered for income support payments from Centrelink).

Where a visitor(s) stays longer than 12 weeks, A2P will consider them to be an extra person and their income must be included in the rent assessment. The tenant must immediately apply for approval of an extra person using a, A2P [Request For an Extra Person Application Form](#). Proof of identity and income for the extra person(s) must be supplied with the Request.

5.2. Responsibility for an A2P Property

A2P tenants are responsible for the behaviours and actions of any visitors and extra person(s) to their property and should their behaviours or actions breach the A2P Tenancy Agreement or policies, A2P may choose to take action.

5.3. Extra Person Assessments

A2P will assess all applications for an extra person(s) in accordance with the procedure set out in section 6.1 and 6.2 of this policy.

Assessments of extra person(s) will take into consideration:

- Tenant household wellbeing and safety;
- The needs of children and other vulnerable household members, and
- The suitability of the property to house extra people without causing overcrowding.

Where approval is given for an extra person(s), A2P will reassess the household rent payable in accordance with the standard rent assessment process identified in the *A2P Rent Policy*.

¹ sa.gov.au: <https://www.sa.gov.au/topics/housing/public-and-community-housing/community-housing-rents-and-other-charges>

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5.4. Unauthorised Extra Person(s)

Where a visitor stays in an A2P property and exceeds the maximum time period allowable for a visitor (see section 5.1 of this policy) and the tenant does not submit an A2P [Request For an Extra Person Application Form](#), A2P will consider the visitor to now be an unauthorised extra person.

A2P will not allow unauthorised extra person(s) to stay at an A2P property. The tenant will be encouraged to submit an A2P [Request For an Extra Person Application Form](#) immediately or A2P will be required to take further action.

Where an unauthorised extra person continues to stay at an A2P property, A2P will consider that the tenant is breaching their Tenancy Agreement and will take further action.

Staff are required to refer to the Identification of an Unauthorised Extra Person Procedure in section 6.3 of this policy for further guidance.

5.5. Extra Persons, Overcrowding and Internal Transfer Applications

Where a Request to house an extra person application is not approved due to risk of overcrowding, the tenant can apply for a transfer to a larger A2P property, if there is a suitable vacancy. A2P does not guarantee that such transfer applications will be approved, and all applications would be subject to the standard assessment processes to support sustainable tenancy matching. Refer to the *Internal Transfer Policy (to be developed)*.

5.6. Appealing a Request

Where a tenant believes A2P has made a wrong decision in relation to a Request For an Extra Person Application, they have the right to ask for a formal review of the decision. Refer to the *Appeals Policy* for further information.

5.7. Squatters

A squatter is someone who lives in a vacant A2P property where no lease agreement is in place.

Squatters are the responsibility of the police. If the police do not remove the squatters, A2P may commence action in the Supreme Court to remove them. The South Australian Civil and Administrative Tribunal (SACAT) does not have jurisdiction regarding this matter as there is no residential relationship and/or agreement between A2P and the squatter(s).

If a person(s) is detected and confirmed to be squatting in an A2P property, A2P will contact the police and request they are removed from the premises. At this point the premises will be secured by changing locks on doors and windows and boarding up any unsecured windows or openings.

6. Procedure

6.1. Extra Person(s) Application Procedure

Step 1: Assessing a Request For an Extra Person

Staff are required to check that an A2P [Request For an Extra Person Application Form](#) has been completed by the tenant and identify the following:

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- Is the current property suitable for an additional person(s) and there will not be a risk of overcrowding?
- Does the current tenant owe rent arrears or have an outstanding non-rent debt with A2P?
 - If there is an outstanding debt, an arrangement must be entered into to repay the outstanding amount as prescribed in the *Rent Management Policy*.
- Does the potential extra person owe rent arrears or have an outstanding non-rent debt with A2P.
 - If there is an outstanding debt, an arrangement must be entered into to repay the outstanding amount as prescribed in the *A2P Rent Policy*.
- Has proof of identity and income for the potential extra person(s) been provided?
 - Where a potential extra person(s) is providing verified care to a tenant, the extra person income (from all sources) is disregarded when assessing a reduced rent. Where the caregiver is the tenant or the tenant's partner, their income (including Carer Payment) is included as assessable income.
 - It must be noted that verification of the caring arrangement is required. Where the extra person is in receipt of Centrelink Carer Payment this will be accepted as sufficient proof that the caring arrangement exists as long as it also details who they are caring for. If Carer Payment is not received, a letter from a health professional with direct knowledge of the circumstances is required. Verification must be retained on the tenant's customer file.
- Will the rent change as a result of an extra person(s)?
- Does the potential extra person(s) have a pet and will they be seeking approval to have it at the property?

Step 2: Property Inspection

Once staff have documented the factors identified in Step 1, staff are required to contact the tenant and arrange an inspection of the property. The purpose of the inspection is:

- To ensure that the property is currently being maintained at an acceptable standard and to confirm that allowing an extra person(s) will not create overcrowding.
- To provide the tenant with information regarding their rights and responsibilities of the extra person(s) residing with them. This includes any changes to rent charges that will result if the application is approved.
- To inform the tenant that the extra person(s) is not a signatory on the Tenancy Agreement and therefore the tenant will be responsible for any conduct by person/s in the house that cause damage or poses a breach of tenancy. The tenant must be informed of this before approving an application.

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Step 3: Decision Making Process

Staff are required to respond to the tenant with a decision within 14 days of the application being submitted unless there is an unavoidable reason for a delay (for example, information requested from the tenant and/or the potential extra person(s) has not been received in time to make a decision).

Where there is a delay A2P staff will communicate with the tenant and give reasons for the delay and:

- if the delay is due to an A2P reason will inform the tenant of when a decision is likely to be reached, or
- if the delay is due to the tenant, A2P will inform them of the need to supply the information required as soon as possible or risk non-approval of the request. Where there is delay of 21 days or more due to the tenant, A2P will inform the tenant that the request has been denied, give the specific reasons and ask that the unapproved extra person(s) move out immediately.

Staff will contact tenants by telephone and writing to inform them of the decision and to confirm the rental amount for the property.

The decision to approve or not approve an A2P [Request For an Extra Person Application Form](#) will be made on a case by case basis. Staff will consider the following when making decisions regarding an additional person:

- Will the current tenant(s) wellbeing and safety be supported by approving the extra person(s)?
- Will there be overcrowding that may put the tenancy at risk?

Staff are required to consider the following factors (but not limited to) as sufficient to not approve an application:

- There is a significant risk that overcrowding could put the tenancy at risk.
- The tenant or potential extra person(s) have not submitted all information and/or paperwork required within the timeframe allowed.
- The potential extra person(s) is a former serious disruptive tenant or a household member who contributed to the disruption.

6.2. Where a Request For an Extra Person is not approved

There may be cases where it is in the best interest of the tenant(s) and/or A2P to not approve a Request For an Extra Person (i.e. risk of overcrowding, may put tenant wellbeing at risk). Where a Request is not approved tenants may be eligible for an internal transfer to a larger A2P property, if there is a suitable vacancy. Refer to section 5.4 of this policy for more information.

Where the presence of the potential extra person places the tenant at risk, staff will advise the tenant that the unauthorised extra person must vacate the premises immediately.

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6.3. Identification of an Unauthorised Extra Person Procedure

Where an extra person is residing in an A2P property exceeding 12 weeks without approval via the *Request For an Additional Person Application*, staff are required to contact the tenant to:

- Check that the occupants living at the property match the Tenancy Agreement for the household,
- Discuss the circumstances regarding any unauthorised extra person(s) and determine the length of time that this person has/intends to reside at the property,
- Advise the tenant, where an unauthorised extra person(s) is identified, that approval must be obtained from A2P prior to accommodating the person(s) at the property,
- Request that the tenant complete an A2P [Request For an Extra Person Application Form](#) and return it to A2P immediately (along with Proof of Identity and Proof of Income for all parties).

Staff will then assess the application as per this policy as soon as possible.

Where a tenant fails to comply with the request to submit an A2P [Request For an Extra Person Application Form](#), staff will inform the tenant that they are breach of their Tenancy Agreement and this may result in their rent being charged at Market Rent or the tenant being evicted for failure to being in breach of their Tenancy Agreement.

7. Definitions

Extra person is defined as a person who is not a signatory on the Residential Tenancies Agreement and has been residing at an A2P property for more than 12 weeks. Note: tenants' children will only be considered to be an extra person if they are in receipt of an independent income.

Extra person (Approved) is defined as any person(s) who is residing in an A2P property at the request of a current A2P tenant. This person/s is not a signatory on the residential tenancy agreement but has been given approval by A2P to reside at the property through a formalised additional occupant approval process.

Extra person (Not Approved) is defined as any person(s) who is not on the Residential Tenancies Agreement or an approved additional occupant and has been residing at an A2P property longer than 12 weeks.

Household includes any person residing at the property and listed on the Tenancy Agreement regardless of age or relationship.

Overcrowding is defined as households that exceed occupancy standards. Refer to section 5.1.1.2 of the *Tenant Allocation and Tenure Policy* for more information.

Visitor – refer to section 5.1 of this policy.

8. Reference Documents and Links

8.1 Directive Documents

Residential Tenancies Act 1995 (SA)

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8.2 Related Documents and Resources

A2P [Request For an Extra Person Application Form](#)

A2P Residential Tenancy Agreement

A2P Tenant Allocation and Tenure Policy

A2P Rent Policy

A2P Internal Transfer Policy (to be developed).

Extra Persons Standard Operating Procedures (to be developed)

9. Policy Approval

Content Author:	Delegated Authority: CEO
Date: July 2019	Date: 7 th August 2019
Name: Rebecca Chapman Position: Policy Advisor	Name: Jonathan Lardner Position: CEO

10. Revision History

Date	Version	Author / Amended By	Comments / Review History
May 2016	1	Lyndi Gepp	Original Draft of G316 Additional Occupants Policy and G315 Visitor Policy
July 2019	2	Rebecca Chapman	Review of G316 & G315, transfer to new policy template with decision made to combine both into one policy. Changes made to content to reflect current policy and practice.