

Policy

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| Policy Title | Changes To Household |
| Policy Number | TEN011 |
| Department | CHP, Habitat for Humanity Australia |
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| Authorised By | B Tasker |
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Objective

This policy explains HFHA's approach when there is a change in the number of people living in a household. This policy applies to all tenants of HFHA.

Policy

HFHA tenants are provided with a rental subsidy calculated on the basis of their household income. Tenants are required to tell HFHA of any changes in their household. If someone joins or leaves the household, the tenant must advise HFHA and provide updated details, including revised income.

Tenants are responsible for informing HFHA of any changes in their household. Where a tenant fails to do so, they are breaching the conditions of their Residential Tenancy Agreement.

Tenants need to notify HFHA of any changes to their household within 28 days of the person joining the household. HFHA will review the suitability of adding an additional person to a household and provide a decision to the tenant in writing. In most circumstances, HFHA will approve additional occupants except when it leads to overcrowding, or it doesn't meet the allocation requirements of the property. Additional occupants who have been part of a household for more than 28 days must be included on an [Application for a Rental Subsidy](#) and their income included when assessing the tenant's rent.

HFHA tenants can have a visitor for up to 28 days at any one time. A visitor is not required to pay rent during this time. The person is viewed as an additional household occupant after 28 days. The tenant will then need to provide an additional person information form and personal identification for any new household members including evidence of income if over the age of 18 years.

Factors that affect a change in household

Tenants are allocated a property based on their household size at the time of allocation. HFHA acknowledge that circumstances can change and can result in changes to a household, either by an addition of a household member or the departure of a household member.

Changes in income and rent

The tenant will need to advise HFHA and provide identification details of the new household member and proof of income for any person over the age of 18 years. HFHA will then recalculate the tenant's rent and water charges and update the household details for the tenancy.

Breaches of the Residential Tenancy Agreement

In signing the Residential Tenancy Agreement, the tenant has agreed that they understand their rights and responsibilities under *the Residential Tenancies Act 2010*. If a tenant refuses to provide details of any changes of those living in their household, they are in breach of their Tenancy Agreement. HFHA can apply to the NSW Civil and Administrative Tribunal (NCAT) for a breach order against the tenant for exceeding the occupancy of the property as listed in the agreement and can also remove the tenant's eligibility for a rental subsidy.

Unauthorised occupants

An unauthorised occupant is a person living in a HFHA property who has not been identified as a member of the household. Since tenants are provided with a rental subsidy calculated based on their household income, they have a responsibility to inform HFHA of any changes in their household. If a tenant has an additional occupant living in their property and has not informed HFHA or refuses to add the person to the household, they are breaching the conditions of their Tenancy Agreement. HFHA will advise the tenant and where necessary act through the NSW Civil and Administrative Tribunal (NCAT).

Behaviour of Household Members and Visitors

The tenant is also responsible for the actions of their household members and visitors. This means it is the tenant's responsibility to ensure all household members and visitors respect the right of their neighbours to peaceful enjoyment of their property, not allow their property to be used for illegal purposes or cause nuisance to other neighbours. HFHA cannot intervene if a tenant wants a member of the household removed. This is a Police matter.

Subletting

Subletting happens when a tenant agrees to transfer the tenancy or part of the tenancy to another person. For example, creating a different lease for the occupation of a bedroom.

HFHA does not allow tenants to sublet, take in boarders or set up a share house in a HFHA property.

Illegal Occupant

If the tenant has left the property and a person remains in the property, HFHA will apply for a possession

order through the NSW Civil and Administrative Tribunal (NCAT).

Squatting

A squatter or trespasser is a person who occupies a HFHA property without the consent of HFHA and without the consent of the tenant. Since there is no landlord and tenant relationship between HFHA and a squatter, the NSW Civil and Administrative Tribunal (NCAT) has no jurisdiction.

In accordance with the *Inclosed Lands Protection Act 1901 (NSW)*, HFHA will contact the local NSW Police and request that the Police remove any squatters from dwellings.

Complaints and appeals

This is an appealable policy.

If a tenant is not satisfied with a service provided by HFHA or does not agree with a decision it has made, they can ask for a formal review. To do this, the tenant can complete either a **“I want to complain form”** or a **“I want to appeal form”**, details of which appear in the HFHA's Complaints and Appeals Policy. This policy, and a helpful information leaflet, is available from HFHA's office or they can be downloaded from our website www.habitat.org.au.

If a tenant is unhappy with the outcome of an appeal to HFHA, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.

Related documents

Legislation

- *Residential Tenancies Act 2010*
- *Residential Tenancies Regulation 2010*
- *Inclosed Lands Protection Act 1901 (NSW)*

Documents supporting this policy

- Rent Setting Policy
- Rent Setting Procedure
- Allocations Policy
- Complaints and Appeals Policy