

## Occupancy

### Overview

This policy explains our rules for occupants in our properties and how we manage requests for additional household members.

### Scope

This policy applies to SGCH Homes Victoria and its subsidiaries (**we, our and us**).

### Definitions

#### Over occupancy

Over occupancy is when a household has less bedrooms than our minimum standard for the household (as explained in our Allocations policy).

Examples of over occupancy include:

- three children sharing one bedroom
- an adult or couple sharing a bedroom with a child over 2 years of age
- adults who are not related or are not partners sharing one bedroom
- children of different genders sharing a bedroom when one of the children is 10 years of age or older.

#### Severe over occupancy

Examples of severe over occupancy include:

- Four or more children sharing one bedroom
- Three or more adults sharing one bedroom.

#### Under occupancy

Under occupancy is when a household has more bedrooms than our minimum standard for the household (as outlined in our Allocations policy).

#### Additional occupant

An additional occupant is a person who we have approved, in writing, to live in the property and have included their income in the rent calculation.

#### Visitor

A visitor is a person who temporarily stays at one of our properties. Visitors can stay for up to 28 calendar days or up to 2 nights per week. If a renter wants their visitor to stay longer than 28 calendar days or 3 nights per week they must ask us for permission for the person to become an additional occupant. On a case by case basis, a Lead may approve a visitor to stay at a property for more than 28 days.

If a person stays longer than 28 calendar days or 3 nights or more per week without our approval, they are an unauthorised occupant. A person can only stay for up to 28 calendar days three times in any 12 months.

#### Unauthorised occupant

An unauthorised occupant is a person who has lived in our property for more than 28 days, or 3 nights or more per week, and we have not provided approval for them to become an additional occupant.

## Asking for approval for an additional occupant

Renters are allocated properties based on their household size and are charged rent based on their household income. Because of this, our renters must receive our approval before allowing additional people to live at their property.

When requesting approval for additional occupants, the renter and additional occupant/s need to be aware that:

- we will not approve a request for an additional occupant if it will result in over occupancy or if the property does not meet the needs of the proposed additional occupant
- housing additional occupants is generally not a sufficient reason to be transferred to a larger dwelling
- if additional occupants are approved, we will reassess the household rent and the additional occupant's income will be included in the new rent calculation.

## Assessing requests for additional occupants

When we assess requests for additional occupants, we will consider:

- relevant policies, guidelines, legislation or leases that relate to the property
- whether additional occupant/s will result in the property being over occupied
- whether the dwelling will have a negative impact on the health and wellbeing of the current and/or additional occupants
- whether the approval of additional occupants will potentially create noise, nuisance or other social issues or locational restrictions.

If the renter has rent arrears or debt, we may ask the renter to enter into a repayment agreement before we assess the application.

If the proposed additional occupant/s owes money to us from a previous tenancy, they must arrange to pay off their debt before the application can be approved.

If the proposed additional occupant/s has an existing tenancy with Homes Victoria or another community housing agency, this tenancy must be finalised before the application to join another household can be assessed. They must give us evidence to show that the other tenancy has been finalised.

## Our response to requests for additional occupants

We will send the renter a letter advising them the outcome of their request within 28 days, unless further documentation has been requested. The letter will also inform the renter about their right of appeal if they disagree with our decision.

## What happens if a request is approved?

If we approve a renter's request to have additional occupants, we will reassess the rent based on the income of all household members.

An additional occupant may be eligible to remain on the Victorian Housing Register (VHR) for a property of their own whilst living with another renter. If the additional occupant is on the VHR for housing and they no longer require a property of their own, we will ask them for approval to remove their name from the VHR and document their approval.

## What happens if a request is declined?

If we decline a renter's request to have additional occupants and the additional occupant/s is already living with the renter, we will formally ask the person/s to move out of the property within 14 days.

## Unauthorised occupants

If we receive reports of unauthorised occupants living at our property, we will investigate the report. If unauthorised occupants are found to be living in our property, we will give the renter 14 calendar days to either submit a request for the person/s to become an additional occupant or for the person/s to move out of the property. If the unauthorised occupant/s does not leave the property or the renter does not apply for them to be an additional occupant within 14 calendar days, we will cancel the renter's rental rebate and they will be charged market rent.

We cannot legally intervene if a renter wants another occupant removed from their dwelling. Renters who need assistance with removing occupants from their dwellings should contact the Police.

## Occupants leaving the household

If a household member has left the household, the renter must provide documentation showing that the person no longer lives at the property within 21 calendar days. The types of documents we will consider as evidence include:

- a Residential Rental Agreement
- recent utility or telephone bills
- recent bank statements
- a current Driver's Licence or government issued Proof of Age card (ID card)
- statutory declaration.

Note: A statutory declaration on its own will not be accepted and must be provided with another type of evidence.

## Relevant legislation, regulations or standards

- [\*Charter of Human Rights and Responsibilities Act 2006 \(Vic\)\*](#)
- [\*Housing Act 1983 \(Vic\): Performance Standard 1 \(Tenant and housing services\)\*](#)
- [\*Residential Tenancies Act 1997 \(Vic\)\*](#)

## Related documents/resources

- Form: [Additional Occupant request](#)
- Policy: Allocations
- Policy: Rent
- Policy: Rental Fraud
- Policy: Succession

## Policy information

Version:	1
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