

# Urban Visitor Management

## Policy

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## 1. Policy Purpose

The purpose of this policy is to provide guidelines to tenants and the CEO (Housing) in relation to the management of visitors to public housing premises. The intent of the policy is to support tenants to maintain positive community relationships, protect the quiet enjoyment of the property and the neighbourhood, and to assist the CEO (Housing) to protect and manage public housing assets.

## 2. Scope

The CEO (Housing) when entering into public housing tenancies under the *Residential Tenancies Act 1999* and the *Housing Act 1982* provides tenants with exclusive possession of the premises, and the right to quiet enjoyment without interference with their reasonable peace and privacy. The tenant is required to adhere to the terms of their tenancy agreement, including managing the number of visitors to the premises and the visitor's behaviour, in accordance with community expectations and the law in general.

This policy applies to all urban public housing tenants, recognised occupiers and visitors to public housing premises whether the premises is owned or leased by the CEO (Housing). The policy does not apply to other housing programs that are managed by agents on behalf of the CEO (Housing), such as affordable housing.

## 3. Definitions

<b>Antisocial behaviour</b>	Behaviour is antisocial if it involves abusive or violent behaviour directed to a person, creates alarm or fear in, or annoyance to, neighbours or others in the vicinity, or involves graffiti, littering or vandalism.
<b>CEO</b>	The Chief Executive Officer of Territory Families Housing and Communities constitutes the Chief Executive Officer (Housing).
<b>CEO (Housing)</b>	Chief Executive Officer (Housing) is an entity by that name, a body corporate sole with perpetual succession, has a common seal, and is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.
<b>Extended Term Visitor</b>	A visitor staying at a tenanted public housing premises longer than two weeks
<b>Notice of Direction</b>	A written notice issued to any person on public housing premises (including a tenant, recognised occupant, visitor or any other person) directing that person not engage in specific conduct, or to cease the conduct, which the officer reasonably believes to be a prescribe offence or antisocial behaviour.
<b>Recognised Occupier</b>	All persons (including children) that the tenant has notified the CEO (Housing) are occupying the premises and the CEO (Housing) has made a notation in the lease about the occupancy.
<b>Temporary visitor</b>	A visitor to a tenanted premises for the day or evening or staying no longer than two weeks.
<b>Tenant</b>	The person/s specified in the lease for the public housing premises as the tenant of those premises.

## 4. Policy Statement

### 4.1. Permitted temporary visitors (overnight)

Temporary visitors are permitted in public housing dwellings for up to two weeks without prior approval providing:

- The tenant has reasonable and sufficient sleeping arrangements to accommodate overnight visitor/s, beyond the number of people already occupying the premises;
- The number of overnight visitors is restricted to no more than two visitors per bedroom, or a maximum of six visitors, at the premises at any one time;
- The CEO (Housing) has not issued a 'Notice of Direction' to a tenant or visitor under the *Housing Act 1982*;
- Police have not issued a Trespass Notice under the *Trespass Act 1987* excluding the visitor/s from the premises;
- The visitor/s are not engaging in conduct on the premises, or permitting conduct to occur, that constitutes a breach of a prescribed offence or antisocial behaviour causing disruption to the tenant/s, recognised occupiers, other visitors or neighbours; and
- The visitor/s can, on request, provide evidence that their primary place of residence is elsewhere.

The tenant does not have to inform the CEO (Housing) about temporary visitors.

Where it is apparent that a visitor is frequently returning to the premises over a 12 month period, the CEO (Housing) may request the visitor to provide evidence that they have a primary place of residence elsewhere. If this evidence is not provided, or the CEO (Housing) determines through other inquiries, that the person is not a genuine temporary visitor they may be asked to leave the premises.

### 4.2. Extended term visitors (staying longer than two weeks)

The tenant must request permission from the CEO (Housing) to have a visitor stay for longer than two weeks. The CEO (Housing) may allow extended stays where the visitors are gathered for an extended cultural or community event, where access to or from a community has been cut off, or for medical or family reasons.

In determining whether to allow extended term visitors to a residence consideration will be given to the likelihood that sustained or significant overcrowding may cause excessive wear and tear to the property. Request for permission to allow extended term visitors will be assessed on a case by case basis. Requests for significant visitor numbers, which could reasonably be considered to cause excessive wear and tear, will not be approved, and the visitors will not be permitted to remain after two weeks.

The CEO (Housing) will generally not allow visitors to stay for longer than two weeks if:

- Their presence will cause overcrowding, particularly where the tenant is unable to adequately provide sleeping arrangements beyond this period (see 4.1.2 below);
- The visitor cannot provide evidence of having a permanent place of residence elsewhere;
- The visitor is a former tenant or recognised occupant of a CEO (Housing) tenancy which has been terminated and/or repossessed by the CEO (Housing) within the last two years; or

- A Red Card demerit point has been issued to a tenancy when, as a result of the conduct of a visitor or visitors, antisocial behaviour has been substantiated.

### 4.3. Overcrowding

The CEO (Housing) limits the number of tenants who can live in a public housing premises to prevent overcrowding. This limit is dependent upon how many bedrooms the dwelling has and how many people normally reside there. The CEO (Housing) has discretion to vary the number of people permitted to reside in a household, taking into account a range of factors, including the number, age, relationship and gender of the occupants.

The CEO (Housing) recognises that short term visitors may cause temporary overcrowding. The CEO (Housing) will not object to a reasonable number of temporary visitors in accordance with section 4.1 of this policy.

### 4.4. Designated complexes

Some CEO (Housing) public housing properties are designated for specific community cohorts, for example, aged pensioners. While visitors do not have to be in the same community cohort as residents (i.e. visitors to aged pensioner complexes need not themselves be aged pensioners), tenants in designated complexes are encouraged to be mindful of the peace, privacy and quiet enjoyment of their neighbours when considering having temporary or extended term visitors. Refer to the *Designated Complexes policy*.

## 5. Managing Visitors

### 5.1. Assistance to manage visitors

The CEO (Housing) will support a tenant to manage their visitors, where necessary.

Where a tenant is finding it difficult to limit the number of visitors, or control the visitor's behaviour, the tenant seek assistance from the CEO (Housing) and should be encouraged to do so. The assistance provided may include speaking directly with visitors, issuing statutory notices to request the visitors to move on, assessing the number of people staying at the premises to decide if a premises is overcrowded, and providing referral to support services.

In areas where they patrol, Public Housing Safety Officers can assist tenants to manage antisocial behaviour associated with visitors. The *Housing Act 1982* enables Public Housing Safety Officers to investigate and take action relating to antisocial behaviour on public housing premises. Northern Territory Police can provide further assistance in locations that do not have Public Housing Safety Officers.

### 5.2. Notice of Direction

Public Housing Safety Officers have the delegated authority to issue a 'Notice of Direction' under section 28E and 28F of the *Housing Act 1982* if there is sufficient evidence to suggest that a person on public housing premises (including a tenant, recognised occupier, temporary or extended term visitors or any other person) is engaging in conduct on the premises, or permitting conduct to occur, that constitutes a prescribed offence or antisocial behaviour.

Failure to comply with a Notice of Direction is an offence under the Act and may result in enforcement action being taken.

### 5.3. Trespass notices

The CEO (Housing) may, with the tenants consent, liaise with Police to issue Trespass Notices under the *Trespass Act 1987*. Under the Act, a person commits an offence if they wilfully enter a premises once a notice to leave the premises or to stay off the premises has been issued to that person.

Trespass Notices may be issued for either an individual premises at the request of the tenant, or to any common area of a complex.

## 6. Red Card Policy

Tenants are responsible for the actions of visitors who are at the premises with the consent of the tenant. The CEO (Housing) may issue a demerit point/s to a tenancy where an incident of antisocial behaviour is substantiated and constitutes a breach of the tenancy agreement. The number of points issued relates to the severity of the antisocial behaviour. If a tenancy receives six demerit points the CEO (Housing) may initiate action to terminate the tenancy and take possession of the premises. See the *Red Card policy*.

## 7. Rental rebate calculation

A visitor's income is not assessed as part of the household income, so it does not affect the rent payable. Where a visitor applies, and is accepted, to become a permanent member of the household (a recognised occupier), their income will be assessed for public housing eligibility and rental rebate purposes.

Additional household income will be included in calculating the household's eligibility for public housing, the amount of rental rebate the household may receive, and the net rent payable by the household. Refer to the *Rental Rebate policy* and *Eligibility for Public Housing policy*.

## 8. Decision making (delegation and discretion)

The CEO (Housing) may delegate a power or function under the *Housing Act 1982* (or any other legislation that confers delegable powers and responsibilities to the CEO (Housing)). Delegated officers may make decisions on behalf of the CEO (Housing) in accordance with their delegated authority. Refer to the *Housing Delegations* and *Financial Management Delegations*.

A discretionary decision may be made outside the general application of this policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in accordance with the relevant Delegations and legislative obligations. Refer to the *Discretionary Decision Making policy*.

## 9. Complaints and Appeals

If a client is not satisfied with a decision or action of the CEO (Housing) they should be advised of their right to make a complaint or to appeal the decision. The client should be provided with information about how they can make a complaint, how to appeal a decision and the support services available to them.

The information must be provided to the client in a manner and language they will understand. For further information, please refer to the *Complaints policy* and *Appeals policy*.

## 10. Review of the policy

The policy is subject to review or amendment at any time to maintain alignment with legislation, agency direction, operational requirements, agency systems, and to support continuous improvement and contemporary practice.

## 11. References

### 11.1. Legislation

*Housing Act 1982*

*Residential Tenancies Act 1999*

*Trespass Act 1987*

### 11.2. Policies

Allocation and Commencement of a Tenancy policy

Appeals policy

Complaints policy

Designated Complexes policy

Discretionary Decision Making policy

Eligibility for Public Housing policy

Red Card policy

Rental Rebate policy