

# Occupants and unauthorised residents

## Definitions

Table 1: Definition of terms used

Term	Definition
<b>Additional occupant</b>	<p>A person who:</p> <ul style="list-style-type: none"> <li>Is living in a NCCH property who is not a member of the household as approved by NCCH at the beginning of or during the tenancy</li> <li>has been granted the right to live at the property by the tenant and the tenant is believed to be in residence</li> <li>has been in residence of the tenancy for less than 4 weeks without NCCH approval or has been in residence for more than 4 weeks with the approval of NCCH.</li> </ul>
<b>Unauthorised occupant</b>	<p>A person who:</p> <ul style="list-style-type: none"> <li>Is living in a NCCH property who is not a member of the household as approved by NCCH at the beginning of or during the tenancy</li> <li>has been granted the right to live at the property by the tenant and the tenant is in residence</li> <li>who has been in residence of the tenancy for 4 weeks or more and where approval has not been granted for a further period of residency by NCCH*</li> </ul> <p>(* A resident who is not residing at the tenancy for any continuous period of 4 weeks, but resides regularly at the property over a longer period of time, may also be considered as an unauthorised resident)</p>
<b>Illegal occupant</b>	<p>A person who:</p> <ul style="list-style-type: none"> <li>Is living in a NCCH property who is not a member of the household as approved by NCCH at the beginning of or during the tenancy</li> <li>has been granted the right to live at the property by the tenant but the tenant is not in residence (or where, on the balance of probabilities, the tenant is believed not to be in residence)</li> <li>who has been in residence of the tenancy for 4 weeks or more and where approval has not been granted for a further period of residency by NCCH</li> </ul>
<b>Squatter</b>	<p>A person who:</p> <ul style="list-style-type: none"> <li>Is living in a NCCH property who is not a member of the household as approved by NCCH at the beginning of or during the tenancy</li> <li>Is living at the property without the consent of the current (or previous) NCCH tenant</li> </ul>

## Approval of additional occupants upon request

In most cases NCCH will approve applications for additional household members provided that:

- The tenant understands that under the Act, they as tenant are responsible for the actions of the additional occupants, and NCCH will hold the tenant liable for any property damage that may be caused by the additional occupants for any noise and nuisance issues which may be caused by the visitors.
- The visitors do not cause the property to become highly overcrowded. (Highly overcrowded shall be defined as 'where two or more additional bedrooms would be needed to satisfy the 'occupancy standards' [NCCH OCCUPANCY STANDARDS](#))
- The tenant understands and agrees that approval of an additional occupant will result in the occupant's income being considered as part of the household incomes, for the purposes of the tenant's rental subsidy application
- If the additional occupant owes money to NCCH from a previous tenancy, the additional occupant must repay the debt prior to the application for additional occupant being approved

If the tenant's rent or non-rent account is in arrears, NCCH may defer the application for an additional occupant until the rent account is up to date

The tenant must:

- (in conjunction with the additional occupant) complete and sign the prescribed application form for approval of an additional resident [ADDITIONAL RESIDENT FORM](#)
- complete a new [APPLICATION FOR RENTAL SUBSIDY FORM](#) for the proposed household, including the provision of proof of all forms of income usually required by NCCH (any resulting rental increase will take effect from the fifth Monday following the occupation of the approved additional resident)

For the full procedures concerning the management of additional, unauthorised and illegal occupants (including references to standard letters and notices to be used), see [PROCEDURE: ADDITIONAL, UNAUTHORISED AND ILLEGAL OCCUPANTS](#)

## Unauthorised occupants

According to the Housing Act, all public housing tenants must advise of changes to their circumstances within 28 days of the change occurring, including details of changes to household composition, household income and assets. This is a responsibility of all NCCH tenants under the terms of their residential tenancy agreement.

Where it is considered that a tenant has failed to disclose any of this information, NCCH will regard this as non-disclosure and may withdraw the tenant's right to a rental subsidy.

# Occupants and unauthorised residents

The benefit of receiving a social housing rental subsidy based on deceitful acts (including by deliberate omission or through a false, misleading or incomplete statement) may also be considered as fraud. Under the Crimes Act, all citizens have a responsibility not to commit fraud. See [NON-DISCLOSURE AND RENTAL SUBSIDY FRAUD](#)

For the full procedures concerning the management of additional, unauthorised and illegal occupants (including references to standard letters and notices to be used), see [PROCEDURE: ADDITIONAL, UNAUTHORISED AND ILLEGAL OCCUPANTS](#)

## Illegal Occupants

In matters where the tenants have left the property and illegal occupants remain in residence, legal action for their removal will be taken by NCCH in accordance with s.95 of the Residential Tenancies Act 2010.

For information concerning succession of tenancy, see [SUCCESSION OF TENANCY](#)

For the full procedures concerning the management of additional, unauthorised and illegal occupants (including references to standard letters and notices to be used), see [PROCEDURE: ADDITIONAL, UNAUTHORISED AND ILLEGAL OCCUPANTS](#)

## Squatters

Persons who occupy NCCH properties without the consent of NCCH and without the consent of the tenant are regarded as trespassers or squatters. NCCH obtains Police assistance for the immediate removal of squatters in accordance with the Inclosed Lands Protection Act (NSW).

For the full procedures concerning the management of additional, unauthorised and illegal occupants (including references to standard letters and notices to be used), see [PROCEDURE: ADDITIONAL, UNAUTHORISED AND ILLEGAL OCCUPANTS](#)

INFORMATION	
Title	Occupants and unauthorised residents
Section	Housing Services
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.2 Establishing and maintaining tenancies
Last review	30 July 2015
Next review	30 July 2017
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NCCH acknowledges the Bundjalung, Arakwal, Gumbaynggir and Yaegl peoples who are the traditional custodians of the land that comprises the Northern Rivers.