

Visitor Management

Policy

Date effective: 19 December 2019

1. Purpose

To provide guidelines for the management of public housing visitors, support tenants to maintain positive community relationships, manage their private space and protect the quiet enjoyment of their properties and the neighbourhood, and to help the Department of Local Government, Housing and Community Development (the Department) to manage its assets.

2. Scope

This policy applies to all public housing tenants, recognised occupiers and visitors to public housing.

3. Policy detail

3.1. Permitted visitors

Temporary visitors are permitted in public housing dwellings for up to two weeks provided the following:

- the tenant allows the visitor to stay in their home;
- the Department has not issued a Notice of Direction under the *Housing Act 1982* or a Trespass Notice under the *Trespass Act 1987* excluding the visitor(s) from the dwelling;
- the visitor(s) does/do not cause or permit antisocial behaviour or unreasonable disruption; and
- the visitor can, on request, provide evidence that their primary place of residence is elsewhere.

The tenant does not have to inform the Department about these visitors.

Where it is apparent that a visitor is returning to the dwelling frequently throughout any given year, the Department may seek evidence that that person has a primary place of residence elsewhere. The visitor may be asked to leave if, in the view of the Department, it appears that the person is not a genuine temporary visitor.

3.1.1. Visitors staying longer than two weeks

The tenant must request permission from the Department to have a visitor for longer than two weeks.

While the Manager ultimately has discretion in considering requests for visitors to stay longer than two weeks, circumstances in which the Department may choose to allow extended stays include 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.

The Department will generally not allow visitors to stay for longer than two weeks if:

- their presence will cause overcrowding (see 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 Department tenancy which has been terminated and/or repossessed by the Department within the last two years; or
- a Red Card demerit point has been issued to a tenancy as a result of a substantiated incident caused by a visitor.

3.1.2. Overcrowding

The Department limits the number of tenants who can live in a public housing dwelling to prevent overcrowding. This limit is dependent upon how many bedrooms the dwelling has and how many people normally reside there. See the Allocation and Commencement of a Tenancy policy for more information. The Department has discretion to vary the number of people permitted in a household if appropriate, taking into account such factors as the number, age, relationship and/or sex of residents.

The Department recognises that short term visitors may cause temporary overcrowding. While the Department has no objection to visitors causing overcrowding if they stay for two weeks or less, the Department will generally not agree to visitors remaining after two weeks if their presence causes overcrowding.

3.1.3. Designated complexes

Some Department 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 pensioners 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 visitors. See the Designated Complexes policy.

3.2. Managing visitors

3.2.1. Notice of Direction

The Department may issue a Notice of Direction under section 28E and 28F of the *Housing Act 1982* if there is sufficient evidence to suggest that visitors are causing antisocial behaviour as defined in the *Housing Act 1982*. Notices of Direction are issued by Public Housing Safety Officers and can be applied to any person (including a visitor). Failure to comply with a Notice of Direction is an offence under the Act and may result in enforcement action being taken.

3.2.2. Assistance to manage visitors

Where a tenant is finding it difficult to limit the number or control the behaviour of visitors, the Department can assist. Tenants can contact the Department for any assistance, which may include the Department speaking directly with visitors, issuing a letter to ask visitors to move on, assessing the number of people in the household to decide if the dwelling is overcrowded, or providing referral to a support program.

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

3.2.3. Trespass notices

The Department may issue Trespass Notices under the *Trespass Act 1987*. Under the Act, it is an offence to wilfully enter prohibited premises without good reason. Trespass Notices may be issued for either an individual tenancy at the request of the tenant, or to any common area of a complex.

3.2.4. Red Card policy

Tenants are responsible for the actions of visitors who are at the premises with the consent of the tenant. The Department may issue a demerit point to a tenancy where an incident of antisocial behaviour is substantiated and constitutes a breach of the tenancy agreement. See the Red Card policy.

3.3. Rent payments

Visitors' incomes are not assessed as part of the household, so they do not affect the rent payable. Where a visitor applies, and is accepted, to become a permanent member of the household, their income will be assessed for eligibility and rent purposes. This may change the rent due for the household.

4. Discretionary decision making

Discretion can be applied to this policy using the Discretionary Decision Making policy.

5. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the Department, they can access the Department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

6. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

7. References

7.1. Legislation

Housing Act 1982

Residential Tenancies Act 1999

Trespass Act 1987

7.2. Policies

Allocation and Commencement of a Tenancy policy

Appeals policy

Complaints policy

Designated Complexes policy

Discretionary Decision Making policy

Red Card policy

Discretionary Decision Making policy

8. Document change control table

Release date	Version number	Approved by (position)	Section amended	Category
20/12/2019	3.04	Director Policy	3.2.1	Editorial amendments
20/08/2019	3.03	Director Policy	5.3	Editorial amendments
10/07/2017	3.02	Director Policy	all	Editorial amendments
21/11/2016	3.01	Director Policy	all	Editorial amendments
1/08/2016	3.00	Chief Executive Officer	all	Revised
29/05/2015	2.00	Chief Executive Officer	all	Revised
Nov-11	1.00	Director Housing Operational and Client Support	all	New