

T 4.04 During a Tenancy Policy

1. Purpose

The purpose of this policy is to:

- provide clear guidelines on how properties are to be used and accessed during the tenancy
- outline tenants' rights and responsibilities relating to occupancy, visitors and household changes
- ensure antisocial behaviour is addressed promptly and fairly
- support tenants to sustain tenancies and adapt to changing needs where possible
- set out Common Equity NSW's (CENSW) obligations to manage properties and tenancies in accordance with the *Residential Tenancies Act 2010 (NSW)*, ensuring tenants' rights to quiet enjoyment, safety, privacy and security are upheld

2. Scope

This policy applies to all tenancies managed by CENSW.

3. Policy

CENSW provides safe, secure, and well-maintained housing for tenants and meets our obligations under the *Residential Tenancies Act 2010 (NSW)*. Tenants have the right to be treated with respect, fairness, privacy, and dignity. Tenants are also expected to look after their homes and live in a way that supports positive and harmonious communities.

3.1 Property Use

CENSW properties must be used as the primary place of residence of the household. The tenancy agreement and the *Residential Tenancies Act 2010 (NSW)* set out rules about how properties can be used. These include:

- using the property only for residential purposes
- not using the property for illegal purposes or allowing illegal activity to take place
- not causing nuisance or interfering with neighbours
- keeping the property clean and safe, and reporting maintenance issues promptly
- getting written approval before making any modifications (see *Disability Modifications Policy*).

3.2 Visitors and Additional Occupants

Housing is provided to approved tenants and household members listed on the tenancy agreement. Any requests for additional household members must be made in writing.

If a person lives in the property for more than 28 days in total, or more than 4 days in any week, they are considered part of the household. These changes must be reported to CENSW, and written approval is required before additional occupants move in. Visitors should not become household members without approval.

Applications for additional occupants are assessed fairly, taking into account issues such as overcrowding, whether the property is suitable, and the household's tenancy history.

CENSW will reassess the rent subsidy if household income or size changes (see *Rent Charges Policy*). If there is evidence that someone is living in the property without written approval, the rent subsidy will be cancelled and market rent applied. In these cases, CENSW may also take action to end the tenancy (see *Ending a Tenancy Policy*).

3.3 Smoking

CENSW recognises that tenants have the right to enjoy their home, but smoking should not cause harm, nuisance or discomfort to others.

Tenants are expected to:

- ensure smoking does not interfere with the peace, comfort or privacy of neighbours
- never smoke in enclosed common areas such as stairwells, lifts, laundries or hallways
- dispose of cigarette butts and waste safely to prevent fire hazards and litter
- be mindful of the impact of second-hand smoke, especially in multi-unit dwellings
- CENSW manages smoking issues by:
 - addressing smoking that causes nuisance, safety risks or breaches of the tenancy agreement
 - working with tenants to resolve complaints, including using mediation where needed
 - using processes under the *Residential Tenancies Act 2010 (NSW)* if smoking seriously affects other tenants or common property.

3.4 Entry to a Property

Entry to a property follows the *Residential Tenancies Act 2010 (NSW)*. At least 7 days' written notice is given for inspections and 2 days' notice for non-urgent repairs or maintenance. Entry without notice only occurs in emergencies where health, safety or property is at risk.

Staff and contractors are expected to act respectfully and professionally. Tenants are expected to allow access in line with notice requirements, keep entry points clear and contact CENSW if a scheduled visit needs to be changed.

3.5 Behaviour and Being a Good Neighbour

Tenants, household members and visitors are expected to act in ways that support a respectful and safe community. This includes treating others with courtesy, respecting privacy, keeping noise to a reasonable level, and making sure pets, vehicles and visitors do not cause problems.

Unacceptable behaviour includes harassment or discrimination, threats or intimidation, damage to property, illegal activity, and repeated noise or disruption. Tenants are responsible for the behaviour of their visitors.

CENSW aims to resolve neighbour issues early through communication or mediation. Where serious or ongoing problems occur, action may be taken under the *Residential Tenancies Act 2010 (NSW)*.

3.6 Changing Needs of Tenants

CENSW recognises that tenants' needs change over time. CENSW will work with tenants to identify solutions where their current home is no longer suitable and doesn't meet the future needs of the household.

CENSW will:

- consider transfers where households are under-occupying or overcrowded.
- support modifications where appropriate to assist tenants with disability or ageing (see Disability Modifications Policy).

4 Appeals

Tenants have the right to appeal decisions made under this policy. The CENSW Appeals Policy has more information on appeals.

5 Related Legislation, Documents and Policies

- Residential Tenancies Act 2010 (NSW)
- Rent Charges Policy
- Disability Modifications Policy
- Ending a Tenancy Policy
- Appeals Policy

6 Variations

Name and Designation of Approver	Head, Co-operative Services
Contact/Responsible Delegation	Co-operative Services Team Manager
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