

Absence from Property Policy

Purpose

The purpose of this policy is to outline Housing Trust's approach to tenants being absent from their properties and to ensure properties are not left vacant for long periods of time.

Policy

Housing Trust expects tenants to live in their property, however recognises that from time to time tenants may need to be absent from their home for a range of reasons.

Tenants who will be away from their home must notify Housing Trust and give reasonable notice for their absence. While absent from their property a tenant is still responsible for meeting their tenancy obligations under the Residential Tenancy Agreement.

The following reasons are considered a reasonable absence from the property:

- Caring for sick/frail family members
- Hospitalisation, institutional care, nursing home or rehabilitation
- Escaping domestic violence, harassment or threats
- Assisting with immigration matters in their country of origin
- Employment, education or training
- Walkabout for Aboriginal tenants
- Holidays
- Incarceration (excluding instances where imprisonment is related to a breach of the tenancy)

Housing Trust will not approve absences totalling more than three (3) months within a twelve (12) month period or twelve (12) months within a five (5) year period.

Any breaches of the Tenancy Agreement while the tenant is away may result in Housing Trust taking action through the NSW Civil & Administrative Tribunal (NCAT).

Absence for two (2) to six (6) weeks

If a tenant is going to be absent from their property for between two (2) and six (6) weeks they must notify Housing Trust so we can record details of the planned absence. The tenant must also provide their contact details whilst they are away in case of any emergencies.

If a tenant is unable to be contacted while away from their property they must appoint, in writing, an agent to be the main point of contact for any tenancy issues. The agent must be willing to be contacted about any tenancy issues and prepared to take responsibility for maintaining the property while the tenant is absent.

Absence for six (6) weeks or more

If a tenant is going to be absent from their property for six (6) or more weeks the tenant must seek approval from Housing Trust twenty one (21) days prior to being absent. The tenant is required to complete an Absence from Property Request Form (107011) regardless if there are other household members still in the property.

The tenant must also appoint an agent to be the main point of contact for any tenancy issues. The agent must be willing to be contacted about any tenancy issues and prepared to take responsibility for maintaining the property while the tenant is absent.

Appointing an Agent

If the tenant is required to appoint an agent while they are absent from the property the agent:

- must be over 18 years of age
- must inspect the property regularly and ensure it is maintained
- can be a member of the household, a family member, friend or a support provider

If the agent is not a member of the household however wants to live in the property while the tenant is away, the tenant must complete a Rent Subsidy Application Form (102001) to add the agent to household. The agent will be charged rent while living in the property as per *Housing Trust's Review of Rent Subsidies Policy*.

Accessing the Property

Housing Trust may need to access the tenant's property while they are absent. Housing Trust will contact the tenant and/or appointed agent to advise access is required. Where Housing Trust cannot get in contact with the tenant and/or appointed agent, Housing Trust will gain access to the property in accordance with the Residential Tenancy Act 2010.

Absence without Approval

If a tenant is absent from the property without approval from Housing Trust or does not return to the property after the approval period, Housing Trust will contact the tenant to discuss the matter. Housing Trust may decide to treat the property as abandoned and will follow *Housing Trust's Abandoned Premises and Goods Policy*.

Eligibility for Rent Abatement

If a tenant is required to pay a fee for hospitalisation, nursing home care, rehabilitation or institutional care or if they will not be able to access an income (incarcerated) Housing Trust will reduce the tenants rent payments to a minimum of \$5 per week for a maximum of twelve (12) weeks in each twelve (12) month period.

The tenant is required to provide evidence of fees or income reduction.

Rental Subsidy Review while Absent

When a tenant applies to be absent from the property, Housing Trust will assess the need for a Rent Subsidy Application to be completed.

If Housing Trust is going to complete a Housing Trust Initiated Rent Review under the appropriate Review of Rent Subsidised Policy, Housing Trust will require the tenant to complete the necessary paperwork prior to being absent from the property.

If the tenant does not complete the required paperwork, they may be placed on market rent as per the appropriate Review of Rent Subsidies Policy.

Tenants who are Incarcerated

If a tenant is incarcerated for three (3) or less months, they can apply to retain their tenancy. If the reason for the tenant being incarcerated is in relation to a breach of their tenancy Housing Trust will seek Termination and Possession through the NCAT.

If Housing Trust is reasonably satisfied that the tenant will be incarcerated for more than three (3) months, Housing Trust may ask the tenant to relinquish their tenancy immediately.

If the tenant has not been released from prison at the end of the three (3) months and there are remaining occupants in the household, Housing Trust will consider an application for succession of tenancy providing they meet all the requirements of *Housing Trust's Succession Policy*.

If an application for succession is not successful or there are no occupants remaining in the premises, Housing Trust will seek termination of the tenancy through NCAT.

Right of Appeal

If an applicant believes Housing Trust has made a wrong decision a formal review of the decision should be requested. To do this, the tenant is required to complete a Housing Trust Appeals Form stating why they disagree with the decision. Housing Trust's Appeals policy and form is available by contacting the Housing Trust office or alternatively, may be downloaded from our website: www.housingtrust.org.au

If the appellant is not satisfied with the outcome of the internal appeal they can make an appeal to the Independent Housing Appeals Committee (HAC). HAC is an independent appeals agency for all NSW Social Housing clients.

Housing Trust will advise the appellant on how to lodge an appeal with HAC. Alternatively HAC may be contacted directly by visiting www.hac.nsw.gov.au or by calling 1800 629 794.

Reference or Related Documents

Internal

Policy

1. Review of Rent Subsidies – Affordable Housing Policy
2. Review of Rent Subsidies – Social Housing Policy
3. Abandoned Premises and Goods Policy
4. Succession Policy
5. Appeals Policy

External

1. Residential Tenancies Act 2010

Policy Version Control

| Version | Details of Improvements | Release Date | Approval/Release Details |
|---------|---|--------------|---|
| V 1.0 | Original Policy | 20.09.2016 | Approved for release by GM:C&C |
| V 2.0 | Review and update of Policy with improvements to the length of time that a tenant can be absent from the property and additional rules around providing notification to Housing Trust. Reviewed and endorsed by Tenant Advisory Group (TAG) on 14.08.2019 and Executive Leadership Team (ELT). | 19.08.2019 | Approved for release by Amanda Winks Chief Housing Officer |