

Absence from Property Policy

1. Purpose

This policy defines HOME in PLACE approach to ensuring properties are not left vacant for long period of time and how HOME in PLACE manages absences from HOME in PLACE properties.

2. Scope

This policy applies to all tenants of HOME in PLACE.

3. Policy Statement

HOME in PLACE recognises that social housing is a limited resource and in high demand. HOME in PLACE expects tenants to live in their property in accordance with their obligations under the Residential Tenancies Act 2010. To ensure HOME in PLACE meets its obligations as a social housing provider it is essential that properties are not left vacant by tenants for long periods of time.

Tenants who will be away from their home must notify HOME in PLACE and give reasonable notice of their absence even if other members of the household remain in the property. Tenants who will be away for up to four (4) weeks do not need HOME in PLACE approval.

HOME in PLACE will not approve absences of more than twelve (12) months in total in any five (5) year period.

Reasons for absence

Tenants who are away from their property for longer than four (4) weeks need approval from HOME in PLACE. HOME in PLACE will approve an absence if it is satisfied that the tenant has an acceptable reason for being away.

Acceptable reasons for an absence up to three (3) months include:

- Caring for sick/frail family members.
- Hospitalisation, respite care, rehabilitation, aged care.
- Escaping domestic violence, harassment or threats of violence.
- Assisting with immigration matters in the tenant's country of origin.
- Holidays;
- Employment, education or training; and
- Incarceration (apart from when the reason for imprisonment is related to a breach of the Residential Tenancy Agreement).

Tenants will be required to provide evidence for an absence. Tenants are expected to meet their obligations of their Residential Tenancy Agreement during their absence.

HOME in PLACE will not automatically approve repeat absences relating to holidays, employment, training or immigration matters. Each request will be considered on its merit.

Obtaining approval for absences

The tenant must obtain written approval from HOME in PLACE to be away from their property for four (4) weeks or longer. HOME in PLACE may approve a tenant being absent from their property for up to three (3) months under certain circumstances, including if it is satisfied all rental and non-rental accounts are paid up to date at the time of the request and that the rent and non-rent charges will continue to be paid during the absence.

The tenant must also appoint an agent during their absence. This person will be HOME in PLACE's main point of contact for inspections, repairs and ensuring the property is maintained and is secure while the tenant is absent. The agent is usually another member of the household. Where the tenant lives alone, or is not contactable, HOME in PLACE will require the tenant to provide contact details of someone who is prepared to act as an agent during the absence.

Absence without approval or in excess of agreed time limit

If the tenant is away from their property without HOME in PLACE approval, or away for longer than the approved time, HOME in PLACE will try to contact the tenant to discuss the matter including any action HOME in PLACE may take, this includes:

- Charging market rent from the time the absence was noted or from the date the approved absence expired;
- Apply to the NSW Civil & Administrative Tribunal (NCAT) for an order to terminate the tenancy.

Tenants who are incarcerated

If a tenant is going to prison, they can apply to retain their tenancy for up to three (3) months. If the term of imprisonment is longer than three (3) months, HOME in PLACE may ask the tenant to relinquish their tenancy. An absence due to incarceration may be extended on review of the tenant's circumstances at the end of the three (3) month period, however, any extension will be for a maximum of six (6) months in total.

If the reason for imprisonment is related to a breach of the Residential Tenancy Agreement, HOME in PLACE will take action to immediately terminate the tenancy.

If the tenant is not released from prison at the end of three (3) months and does not seek to extend the approval, HOME in PLACE may consider an application for Succession of Tenancy from a remaining household member, any applicant for Succession of Tenancy must meet all the requirements of the HOME in PLACE Succession of Tenancy Policy.

If an application for Succession of Tenancy is not successful, HOME in PLACE may seek to terminate the tenancy through the NCAT.

Tenants moving into an aged care facility

If a tenant moves into an aged care facility, HOME in PLACE will request the tenant relinquish their tenancy unless the stay in the facility is for short term respite care.

HOME in PLACE may consider an application from another household member for Succession of Tenancy.

Eligibility for reduced rent

In situations where a tenant is required to pay a fee to stay in an aged care facility (respite), hospital, rehabilitation or refuge accommodation or where they will not be able to access an income during the stay, HOME in PLACE will consider applying a reduced rent. The tenant will be required to provide evidence of any fees or reduced income.

Where a tenant is in prison for a period of three (3) months or less (except where the reason for imprisonment is related to a breach of the Residential Tenancy Agreement), HOME in PLACE may also recalculate the rent payments to a reduce amount. Where a tenant is in prison for longer than three (3) months they will be asked to relinquish their tenancy unless an extension is approved.

Care of the property during absences

The tenant has obligations during any absences. The tenant:

- Is required to continue to pay their rent and any other non-rent charges such as water usage;
- Must ensure the property is secure during the absence;
- Must plan for the property to be maintained during the absence, for example, lawns & gardens are maintained.

The tenant is required to appoint an agent to act on their behalf during the absence and provide HOME in PLACE with the name and contact details of the person, the agent

- Must be over 18 years of age;
- May be another household member, family member, friend, support provided or solicitor;
- Must inspect and maintain the property during the tenant's absence.

Tenancy Reinstatement

Where a tenant has had to relinquish their tenancy because of being in prison or rehabilitation for up to twelve (12) months they may be eligible for tenancy reinstatement on their release, tenants will be required to maintain contact with HOME in PLACE and provide supporting documents confirming the reasons for their absence.

In some circumstances a tenant may have left their property without notification and HOME in PLACE has terminated their tenancy. Where a tenant has an unapproved absence for serious health and or safety reasons such as domestic violence or illness, the former tenant may be eligible for tenancy reinstatement. The former tenant must apply for housing assistance within six (6) months of the termination of their tenancy and must be able to substantiate the reasons for the unapproved absence.

Tenancy reinstatement is determined on a case by case basis.

Review of decisions

If a tenant's application for absence from the property is declined, the tenant should first discuss this with a Tenancy Relations Officer. If the tenant is still dissatisfied, they have the right to lodge an appeal for a formal review of the decision. Appeal Request form are available on the HOME in PLACE website or by contacting a HOME in PLACE branch.

4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to SharePoint for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- POL-025-39 Succession of Tenancy Policy
- POL-025-38 Ending Tenancy Policy
- POL-001 Appeals and Internal Review Policy

Related legislation/standards

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations (NSW)
- Housing Act 2001

7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Agent	A person who is at least 18 years of age who the tenant has authorised to act on the tenant's behalf while the tenant is absent from the property.
Appeal	A request for a review of a decision made by HOME in PLACE that the tenant is dissatisfied with
Appeals	A Community housing appeal is defined as 'any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user's dissatisfaction of a decision made by the organisation.' An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;
Approved additional occupant	A person, in addition to the tenant, who is approved by HOME in PLACE to live in the property
Compass	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC) .
Complainant	Person with a Complaint ongoing with HOME in PLACE.

Term	Definition
Complaints	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: <ul style="list-style-type: none"> • Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service; • Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures. • Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information • Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.
HOME in PLACE	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001 (Cth)</i>). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.
Landlord	The person who grants the right to occupy a property under a Residential Tenancy Agreement
NSW Civil & Administrative Tribunal (NCAT)	An independent statutory body that resolves disputes including tenancy disputes. Orders made by the NCAT are enforceable
Residential Tenancy Agreement	The written agreement between HOME in PLACE and the tenant
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
Tenant	A person who signs the Residential Tenancy Agreement with HOME in PLACE
Worker (HOME in PLACE)	has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.

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