

# 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 Agree 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. Definitions and Acronyms Glossary

For clarification of any definitions or acronyms contained within this document, please click on the [Glossary](#) for information.

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