

## Policy

<b>Policy Title</b>	<b>Absence From Property</b>
<b>Policy Number</b>	<b>TEN010</b>
<b>Department</b>	<b>CHP, Habitat for Humanity Australia</b>
<b>Version</b>	<b>1.1</b>
<b>Authorised By</b>	<b>B Tasker</b>
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### Objective

HFHA understands that tenants may need to be away from their property for medical, family, cultural and other reasons. The Absence from Property Policy outlines the circumstances where an absence can be approved as well as the eligibility criteria for reduced rent. This policy applies to all tenants of HFHA.

### Policy

HFHA expects tenants to live in their property in accordance with their obligations under the *Residential Tenancies Act 2010*. To ensure that HFHA meets its obligations as a social housing provider and the security of HFHA properties, 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 HFHA and give reasonable notice for their absence. This must be sought even if other members of the household remain in the property. This is because the tenant is still responsible for meeting their tenancy obligations under the Residential Tenancy Agreement.

HFHA will expect the tenant to return to the property within the agreed timeframe. Approved absence is reviewed on a case by case basis. HFHA will generally allow up to three months absence and tenants will be expected to meet all rental charges during this time. Any additional requests for an extension of this period will be individually assessed.

The following are considered by HFHA as (valid) reasons for absence:

- Hospitalisation, institutional care, nursing home care or rehabilitation
- Escaping domestic violence, harassment or threats of violence
- Caring for sick/frail family members
- Assisting with immigration matters in the country of origin

- Prison (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 will be expected to meet the requirements of their Residential Tenancy Agreement in their absence.

### Notifying of absence

The tenant must provide their contact details while away from the property. This is in the event of any emergencies that may arise while they are away.

When a tenant is away from the property for more than four weeks, an agent will be appointed by the tenant as HFHA's main point of contact for inspections, repairs and ensuring the property is maintained and secure while the tenant is away. The agent will usually be another member of the household. Where the tenant lives alone or is not contactable, the HFHA will require the tenant to provide contact details of someone who is prepared to act as an agent in their absence.

### Eligibility for reduced rent

In situations where a tenant is required to pay a fee for institutional care, nursing home care, hospitalisation, rehabilitation or a refuge or where they will not be able to access an income during the period, HFHA will reduce the tenant's rent payments.

The tenant will need to provide evidence of any such fees or income reduction.

Where the tenant is in prison for a period of three months or less (apart from when the reason for imprisonment is related to a breach of the Residential Tenancy Agreement) HFHA may also recalculate their rent payment to a reduced weekly payment. Where a tenant will be in prison for over three months, they will be asked to relinquish their tenancy.

### Succession

HFHA will end a tenancy and, where appropriate, grant succession to another household member. Where a tenant is in prison for more than three months or where a tenant is away from the home for longer than the approved absence or where the tenant advises HFHA that they are unable to return to the tenancy.

Any household member applying for succession must meet the criteria outlined in HFHA's Succession Policy.

### Reinstatement

A tenant who has had to relinquish their tenancy because of being placed in or providing, long term care, prison, or rehabilitation for up to 12 months, may be reinstated as a tenant or offered a new tenancy upon their return based on their eligibility for social housing.

HFHA will ask that the tenant maintains contact while they are away and provides supporting documents confirming the reasons for their absence. If the person has left the tenancy because of a breach, it is unlikely that that the tenancy will be reinstated.

In some instances, a tenant may have to leave their home without making appropriate arrangements and HFHA has terminated their tenancy. In cases where the tenant has an unapproved absence for serious health and/or safety reasons such as domestic violence, violence, or illness, HFHA will seek to rehouse the former tenant. The former tenant must apply for housing assistance within six months of the termination of their tenancy and must substantiate in writing the reasons for the unapproved absence.

Reinstatement and the offer of a new tenancy are determined on a case by case basis.

### Unapproved absences

Where the tenant has left the property without notifying HFHA or the approved absence has expired without the tenant contacting HFHA, an application will be made to the NSW Civil and Administrative Tribunal (NCAT) to end the tenancy.

If the tenant fails to establish any reasonable intention to return and/or there is reasonable evidence that the tenant is not using the property as their primary residence, HFHA will either ask the tenant to relinquish their tenancy or HFHA will apply a 'no grounds' termination notice for the tenancy. HFHA may take this action even if the rent is being paid and the property maintained. This approach is based on the principle that our properties are a limited resource and a valuable asset for those in need and so must be fully utilised.

### Complaints and appeals

#### This is an appealable policy.

If a tenant is not satisfied with a service provided by HFHA or does not agree with a decision it has made, they can ask for a formal review. To do this, the tenant can complete either a **"I want to complain form"** or a **"I want to appeal form"**, details of which appear in the HFHA Complaints and Appeals Policy. This policy, and information leaflet, is available from HFHA's office or downloaded from our website [www.habitat.org.au](http://www.habitat.org.au).

If a tenant is unhappy with the outcome of an appeal to HFHA, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to [www.hac.nsw.gov.au](http://www.hac.nsw.gov.au).

### Related documents

#### Legislation

- *Residential Tenancies Act 2010*
- *Residential Tenancies Regulation 2010*

#### Documents supporting this policy

- Absence from Property Form
- Domestic Violence Policy
- Succession Policy
- Ending a Tenancy Policy
- Rent Policy