

## C 1.6 Absence from Property Policy



### 1. Purpose

The purpose of this policy is to provide clarity and guide decision making for CENSW and Co-ops when a tenant seeks approval for absence from their property for longer than 6 weeks.

### 2. Scope

Applies to all tenancies either directly managed by Common Equity or by a Housing Cooperative.

### 3. Definitions

**3.1. CENSW** – Common Equity NSW Ltd

**3.2. Landlord** -the person or organisation who grants the right to occupy residential premises under a residential tenancy agreement.

**3.3. Co-op** - governance structure where tenants become 'members' of the cooperative and play an active part in running the organisation.

**3.4. Tenant** -the person who has the right to occupy residential premises under a residential tenancy agreement.

**3.5. Agent**- a person that is appointed by the tenant as the caretaker of the property while they are absent.

### 4. Policy Statement

**4.1.** CENSW is committed to maintaining tenancies.

**4.2.** Social housing is a scarce resource and a valuable asset for those in need. CENSW balances the specific needs of tenants with the need to maximise property usage as homes and not to leave properties vacant for long periods.

**4.3.** Tenants are required to advise of any absence over 5 days.

**4.4.** CENSW will not approve absences of more than twelve months in total, in any 5-year period.

**4.5.** CENSW recognises that there are a number of circumstances that may require a tenant to be away from their home.

**4.6.** If a tenant will be away from their home for more than 6 weeks, they must advise the Landlord in writing. The absence must be approved by the CENSW or the Co-op.

**4.7.** The Landlord may approve absences of up to six months if it is satisfied that:

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- The rent will be paid- either prepaid or paid through Centrepay (depending on whether payments will continue during the entire absence) or by direct debt.
- The property will be looked after
- There is a good reason for going away

**4.8.** Tenants will need to provide evidence to support their application

**4.9.** The Tenant must tell the Landlord where they are going and when they expect to return.

**4.10.** The landlord may approve absences from the property for up to 6 months for the following reasons:

- Caring for sick /frail family members
- Hospitalisation, institutional care, nursing home care or rehabilitation
- Escaping domestic violence, harassment or threats of violence
- Assisting with immigration matters in the country of origin
- Employment, education or Training
- Holidays - The landlord will not approve repeat absences relating to holidays, assisting with immigration matters in the country of origin or employment / training. You cannot be absent for more than 12 months in total over a five-year period.
- Going to prison. Note: If the reason for going to prison relates a breach of the Residential Tenancy Agreement, The Landlord may seek to end the tenancy.

**4.11.** Maintaining Membership and Tenancy Obligations

An absence is approved where the tenant has a valid reason for going away and when arrangements have been made for the payment of rent and care of property.

The tenant is responsible for meeting their obligations under the Tenancy Agreement. Any breaches of the Agreement while the tenant is away may result in the landlord taking action if breaches have occurred. Breaches of the Tenancy Agreement may result in termination of the tenancy.

The tenant is responsible for meeting their tenant participation obligations unless they have been exempted from them for the period of absence.

**4.12.** Appointing an Agent

Tenants are required to appoint a caretaker who is over 18 years old that

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can act on behalf of the tenant in their absence.

The Agent can be a current household member that resides at the property or someone who lives elsewhere and drop into the property to allow access in an emergency, collect mail etc.

The Agent (if not a current household member) is not allowed to stay at the property without the approval of CENSW/Co-op.

**5. Procedure**

CENSW/Co-op receives a request for Absence from Property from a Tenant	Request is considered based on following factors:	CENSW response and/or evidence required
	How long is the absence for?	Up to 3 months can be approved by the Co-op Development Team Manager.  3+ months can be approved by the Operations Manager  Evidence is required to confirm return date- i.e airplane tickets, letter from respite services, notice of incarceration etc
	Reason for the absence	Refer to policy for valid reasons
	Has an Agent been appointed to act on the behalf of the tenant and maintain property in the absence of the tenant?	Contact details of the Agent including name, address, phone number and relationship to the tenant need to be provided.
	Are there measures	Rent is required to be up to

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	put in place to ensure rent is paid?	date and payments set up so that payments continue during absence.
	Is approval required for the Agent to stay at the property?	Apply for an Additional Occupant. See Visitors and Additional Occupants Policy for eligibility.
	Application outcome is communicated to tenant in writing- email, post or text.	CENSW- Details of absence and the Absence from Property Form is updated in Greentree  Co-ops- are to advise CENSW of the absence approval so that Greentree can be updated accordingly
	Co-ops are to	
	Monitoring- to ensure the tenant has returned to the property	Co-op Development Officer will monitor the return of the tenant. Once this is confirmed, they will remove the pop-up note from Greentree.

**6. Breach**

Breaches of this policy may result in action such as termination of tenancy agreement or loss of rental subsidy, these include:

- Not living in the property (that is, being absent for extended periods without approval).
- Rent --- in all cases of approved absence rent will be maintained at the existing level. If a rent review falls into the period when a

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tenant is absent, a new rent advice will still apply. The tenant is then responsible to make arrangements for the new rent to be paid from the due date.

- **Extended Absences** – longer than 6 months. The tenant may apply for approval to extend the absence beyond six months but no longer than 12 months, where there are unusual circumstances, for example regular treatment at a location or hospital which cannot be accessed from the tenant's home. If the tenant does not return to their home after an approved absence the tenancy may be terminated.
- **Unapproved Absences**. If a tenant has stayed away from their home for more than 6 weeks without telling the Landlord, or has stayed away longer than the time the Landlord has approved, The Landlord will make reasonable efforts to contact the tenant to clarify the situation before taking the next steps- these may include:
  - Cancelling a rental subsidy and charging the market rent from the time the tenants absence is discovered, or from the date the approval expired and/or
  - Commence proceedings to terminate the tenancy

## **7. Data Collection**

Any data collected will be securely stored on the Greentree database and will be used solely to support the tenant to meet any tenant obligations during their absence.

### **1. Responsibilities**

#### **7.1. Operations Manager**

- Review requests for absence over 3 months

#### **7.2. Co-op Development Manager**

- Review requests for absence up to 3 months

#### **7.3. Co-op development Officers (CDO)/ Co-op Boards**

- Provide tenants with appropriate information in relation to absence from property
- Support tenants to choose an appropriate Agent to appoint in their absence
- Liaise with tenants and to ensure measures are in place to help the

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tenant meet their membership or tenant obligations.

- Monitoring approved absences to ensure that the tenant returns to the property as agreed

### **7.4. Staff**

- Adhere to this policy and refer tenants requesting absence from their property to a CDO or the Co-op Board for further advice.

## **8. External References**

- NSW Residential Tenancy Act 2010

## **9. Internal Related documents/resources/forms**

- Tenants Handbook
- Induction Kit for Co-op Tenant
- Rent Policy
- Terminating a Tenancy Policy
- Rent Subsidy Policy
- Absence from Property Form
- Visitors and Additional Occupants Policy

Name, Designation and Signature of Approver	<b>Operations Manager</b>
Contact/Responsible Delegation	<b>Co-op Development Manager</b>
Date	<b>June 2020</b>
Date Committee/Board Approved	<b>n/a</b>
Date Staff Informed	<b>30 June 2020</b>
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