

Scope

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 for all tenancies.

Purpose

Pacific Link Housing Limited (PLH) understands that tenants may need to be away from their property for medical, family, cultural and other reasons. However, housing provided by PLH is a limited resource and a valuable asset for those in need. To ensure we meet our obligations as a social housing provider and the security of PLH properties, we will apply this policy so that our properties are used as homes and not left vacant for long periods.

Absence from Property

PLH expects tenants to live in their property in accordance with their obligations under the Residential Tenancies Act 2010 (RTA). Tenants who will be away from their home for more than 6 weeks must notify PLH in writing and give reasonable notice for their absence. Tenants will be required to provide evidence for an absence.

Approval 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, including payment of rent, water charges and care of the property.

PLH will expect the tenant to return to the property within the agreed timeframe. If a further period of absence is required, application must be made for the continuing absence. The maximum total absence that may be approved is 6 months. Absences of no more than 12 months in total over a 5 year period can be approved. Absences, and any extensions, are approved on a case by case basis.

If a tenant is away from the property for over 6 weeks without approval, PLH may take steps to terminate the tenancy as soon as we become aware of the unapproved absence. For tenants on a fixed term Residential Tenancy Agreement we may decide not to offer a further tenancy, when the fixed term expires. We do this to make the dwelling available to other people in need of housing.

Acceptable Absences

Acceptable reasons for absences include:

- Hospitalisation, institutional care, nursing home care or rehabilitation
- Escaping domestic violence, harassment or threats of violence
- Holidays,
- Employment, education or training.
- Assisting with immigration matters in the country of origin and
- Imprisonment, except where related to a breach of the Residential Tenancy Agreement.

More than one absence of over 6 weeks during a tenancy that relates to holidays, employment, education or training or assisting with immigration matters in the country of origin will not be approved. Where an absence is longer than the maximum 6 months, PLH will take steps to terminate the tenancy.

Arrangements during the Absence

PLH will approve the absence if we are satisfied that:

- Arrangements have been made to pay the rent and water usage charges while the tenant is away as outlined below,
- The property will be adequately cared for while the tenant is away. The tenant will be responsible for any costs to repair vandalism while they are away,
- The tenant remains responsible for the behaviour of all other household members, visitors and pets, and
- The tenant must provide a contact number or nominate another person aged over 18 years as an agent that PLH can contact in relation to repairs, inspections or emergencies. If the tenant is going to be away for more than 3 months, we will ask them to nominate a second person to contact about their tenancy.

Rent during Absence

The rent and water charges or any debt owed must continue to be paid while the tenant is away. Rent and water usage charges may be pre-paid or can be paid through the rent deductions scheme or by direct debit. Rent and water charges will be the same during absences, unless PLH approves a reduced rent. More information about rent during approved absences can be found in our Rent Policy. We will continue to review rents during absences. Tenants are responsible for making sure that they provide income details when requested even if they are absent from their property.

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, PLH will reduce the tenant's rent payments. The tenant will need to provide evidence of any such fees or income reduction.

For remaining household members aged 18 years or older, the rent subsidy is reassessed based on their income.

Where the tenant is in prison for a period of 6 months or less (apart from when the reason for imprisonment is related to a breach of the Residential Tenancy Agreement) PLH may also recalculate their rent payment to a reduced weekly payment. Where a tenant will be in prison for over 6 months they must relinquish their tenancy.

In cases where the tenant is absent for holidays, employment, education or training or assisting with immigration matters in the country of origin, rent will be maintained at the existing level and the reduced rent policy does not apply.

Succession

If a tenant does not return to their home after an approved absence the tenancy will either be terminated or PLH may grant succession to another household member in the following circumstances:

- where a tenant is in prison for more than 3 months or
- where a tenant is away from the home for longer than the approved absence or
- where the tenant advises PLH that they are unable to return to the tenancy.

Any household member applying for succession must meet the criteria outlined in PLH'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. PLH 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 because of a breach of the tenancy, 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 PLH 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, PLH 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 PLH or the approved absence has expired without the tenant contacting PLH, we will make reasonable efforts to contact the tenant to clarify the situation. We may charge market rent to the tenant (ie there is no rent subsidy) from the time we discover the tenant has left, or from the date the approval expired.

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, PLH will either ask the tenant to relinquish their tenancy or PLH will end the tenancy in accordance with the RTA. PLH may take this action even if the rent is being paid and the property maintained.

Complaints and Appeals

If a tenant is not satisfied with a service provided by PLH or does not agree with a decision it has made, they should first discuss their concerns with their Housing Manager. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

Craig Brennan

Craig Brennan, CEO April 2019