

Scope

This Policy outlines the circumstances that Pacific Link Housing (PLH) will consider in approving an absence from a property and outlines the eligibility criteria for reduced rent. This policy applies for all social housing tenancies.

Purpose

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 scarce resource and we expect tenants to live in their property in line with their obligations under the Residential Tenancies Act 2010 (the Act). To ensure we meet our obligations as a social housing provider and for 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 – Application for Approval

Tenants who will be away from their home for more than 4 weeks must apply to PLH in writing and give reasonable notice for their absence. Tenants will be required to provide evidence with their application for approval of an absence.

Approval must be sought even if other members of the household remain in the property. This is because the tenant continues to be responsible for meeting their tenancy obligations under the Residential Tenancy Agreement, including payment of rent, water charges and care of the property during their absence.

PLH will expect the tenant to return to the property within the agreed timeframe. If an additional period of absence is required, a further application must be made for the continuing absence. The maximum consecutive absence that may be approved is 3 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.

Acceptable Absences

Acceptable reasons for absences include:

- hospitalisation, institutional care, nursing home care or rehabilitation
- escaping domestic violence, harassment or threats of violence
- caring for sick or frail family members
- 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.

PLH will not automatically approve repeat absences relating to holidays, employment, education or training or assisting with immigration matters in the country of origin. Each request will be considered on a case by case basis.

Arrangements during the Absence

PLH will approve the absence if we are satisfied that:

- all rent and non-rent accounts are paid up to date at the time of the request and that all rent and non-rent charges will continue to be paid during the absence.
- the property will be adequately secured and cared for while the tenant is away eg lawns and gardens are maintained
- 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

Information about rent during approved absences and the circumstances where rent can be reduced during an absence, is outlined in PLH's Rent and Rent Subsidy Policy. PLH 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.

Succession

In the event of an extended absence or where the tenant does not have approval for an absence, PLH may grant succession to another household member in accordance with the Succession of Tenancy Policy.

Tenancy Reinstatement

Tenants who have relinquished 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 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. Tenancy 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 discuss the matter including any action PLH may take, this includes:

- charging market rent (ie there is no rent subsidy) from the time the absence was noted or from the date the approval expired;
- applying to the NSW Civil & Administrative Tribunal (NCAT) for an order to terminate the tenancy.

PLH may take this action even if the rent is being paid and the property maintained. We do this to make the dwelling available to people in need of housing.

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 Officer. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

Related Documents

Residential Tenancies Act 2010
Rent and Rent Subsidy Policy

Succession of Tenancy Policy

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