



Absence from Property Policy

1. Purpose

This document defines Homes North's approach to ensuring tenancies are not left vacant for long periods of time.

2. Scope

This policy applies to all tenants of Homes North.

3. Definitions

- **Applicant** – the person who makes the formal application for housing assistance
- **Tenant** – the person who signs the Residential Tenancy Agreement with Homes North
- **Resident** – a person who lives in the property on a permanent basis
- **Spouse** – a husband or wife considered in relation to their partner
- **Household members** – all people living in the home regardless of age or relationship

4. Policy statement

Homes North is committed to maintaining tenancies.

This policy outlines the circumstances and timeframes where an absence can be approved.

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

This document outlines Homes North's policy on tenants being absent from their homes for more than six weeks.

Homes North will not approve absences of more than twelve months in total, in any 5 year period.

4.1 Acceptable tenant absence from their property

When Homes North provides a property for a client, they are expected to live in the property. Homes North will approve an absence from the property if it is satisfied that the tenant has maintained a successful tenancy for 12 months or more and has an acceptable reason for being away and all rental and non rental accounts are paid up to date. Acceptable reasons for absences of up to three months include:

- 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
- Holidays
- Employment, education or training
- Tenants who are incarcerated

Homes North will not approve repeat absences relating to holidays, assisting with immigration matters in the country of origin or employment or training.

4.2 Obtaining approval for absences

The tenant must obtain written approval from Homes North to be away from their home for more than six weeks. Homes North may approve for a tenant to be absent from their dwelling in excess of six weeks and up to three months if it is satisfied that the property will be maintained, rent and water charges will continue to be paid during the absence.

- The tenant must provide documentation to support their absence, for example, a passport, airline tickets showing the date of return, letter from respite services, notice of incarceration, and a contact address for both the tenant and if relevant, their agent.
- Approval is required even if other people will be staying in the home while the tenant is away.

4.3 Absence without approval or in excess of agreed time limit

If a tenant is away without approval, or has stayed away for longer than the time approved, Homes North may decide to:

- Charge market rent from the time the tenant's absence is discovered, or from the date the approval expired to apply to the [NSW Civil & Administrative Tribunal \(NCAT\)](#) to terminate the tenancy.

4.4 Tenants who are incarcerated

- If a tenant is going into prison, they can apply to retain the tenancy for up to three months. However, if Homes North is reasonably satisfied the imprisonment will be in excess of three months; Homes North can ask the tenant to relinquish the tenancy immediately.
- If the reason for imprisonment is related to a breach of the tenancy agreement, Homes North will take action to terminate the tenancy. Homes North will consider each case on its merit.
- If the tenant has not been released from prison at the end of three months, Homes North will consider an application for succession of tenancy from a remaining household member, provided they meet all the requirements of the Homes North Policy on Succession of Tenancy.
- If an application for succession is not successful, Homes North may seek termination of the tenancy through the NSW Civil & Administrative Tribunal (NCAT).

4.5 Tenants moving into a nursing home

If the tenant is to enter a nursing home, Homes North will not approve requests for absence beyond the initial three months. The tenant should relinquish the tenancy or ask Homes North to consider an application for succession of tenancy from a remaining household member.

4.6 Care of the property while the tenant is away

- The tenant is required to make arrangements to pay their tenancy charges, such as rent and water usage, while they are away.
- Rent and water charges will remain the same during the entire absence as it was prior to the absence.
- The property must be adequately cared for while the tenant is away
- The tenant must appoint an agent to act on their behalf while they are away
- The agent must be over 18 years of age and could be another household member, a family member, friend, support provider or a solicitor
- The agent must inspect the property regularly and maintain it to the standard stated in the tenancy agreement.

If the agent is not currently a member of the household and wants to live in the property while the tenant is away, they must apply to Homes North to become an authorised additional occupant. Although the tenant must appoint an agent for the time they are away, the tenant is still legally responsible for meeting their obligations under the tenancy agreement.

Any breaches that occur while the tenant is away may result in Homes North taking action in the NSW Civil & Administrative Tribunal (NCAT) to take possession of the property.

4.7 Succession to appointed agents

Tenants who intend being absent from their home must appoint an agent to care for the property while they are away. Homes North will not approve succession of tenancy to an appointed agent unless they are already an authorised additional occupant, or they are the tenant's spouse or de-facto partner currently living in the property.

Homes North will consider each case on its merit. The application for succession must meet all requirements of the Homes North Policy for Succession of Tenancy. If an application for succession is not successful and the tenant does not return to the property, Homes North may seek termination of the tenancy through the [NSW Civil & Administrative Tribunal \(NCAT\)](#).

This policy is subject to change from time to time at the discretion of Homes North. Where an individual is observed to not be working within the scope of this policy, the breach will be addressed by a team leader.

5. Responsibilities

It is the responsibility of the:

Chief Executive Officer to ensure this policy and associated procedures are applied and committed to by the Senior Management Team.

Senior Housing Managers & Asset Manager to provide the team with timely policy-related support and guidance, to ensure familiarity with this policy and related procedures, to commit to following them accordingly and where relevant, promote the policy to their team.

Employees to ensure they comply with this policy, be responsible for their own behaviour and if required, attend relevant training as provided by the company from time to time.

6. Where to get more information

Contact Homes North on 67725133 or armidale@homesnorth.org.au. For further information on Appeals see our [Appeals Policy](#) and [Appeals Factsheet](#).

Relevant legislation

- [Residential Tenancy Act 2010](#)

Related documents/resources

- Succession of Tenancy Policy
- Appeals Policy
- Appeals Factsheet
- Absence from Property Form

National Community Housing Standards

Standard 1.3.2 - Utilisation of Housing Stock

Policy information

Policy no: 1.3.2\1

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