

# Absence from a Property Policy

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## Purpose

This policy outlines the criteria that Cawarra Residential will use to approve an absence from property.

## Scope

This policy applies to all tenants of Cawarra Residential (we, our us).

## Policy overview

Social housing is a scarce resource and we expect tenants to live in their property in line with their obligations under the Residential Tenancies Act 2010.

We understand that from time to time, tenants may need to be away from their property for medical, family, cultural and other reasons. Tenants who will be away from their home must notify us and give reasonable notice for their absence. This notice must be provided even if other members of the household remain in the property.

Tenants are still responsible for meeting their tenancy obligations under the Residential Tenancy Agreement while they are away. This includes ensuring that rent and water charges are paid and the property is looked after.

Requests for approved absence are reviewed on a case-by-case basis. We will generally allow up to three months absence and tenants will be expected to meet all tenancy obligations. We expect the tenant to return to the property within the agreed timeframe. Any additional requests for an extension of this period will be individually assessed.

## Reasons for absence

We consider the following as acceptable 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
- Holidays
- Employment, education or training
- Prison (apart from when the reason for imprisonment is related to a breach of the Residential Tenancy Agreement)

## Notification 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 two weeks, they must complete a Request for absence from property form and a contact person must be nominated.

The contact person will be our main point of contact for inspections, repairs and ensuring the property is maintained and secure while the tenant is away. The contact person will usually be

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another member of the household. Where the tenant lives alone or is not contactable, we will require them to provide contact details of someone who is prepared to act as a contact person in their absence.

### Eligibility for reduced rent

We may reduce the tenant's rent where the tenant provides evidence of the following:

- ☐ they are required to pay a fee for institutional care, nursing home care, hospitalisation, rehabilitation or a refuge; or
- ☐ they will not be able to access an income during the period.

We may also reduce the rent when a 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). More information on how we assess rent during absences can be found in our [Rent Policy](#).

Where a tenant will be in prison for over three months, they will be asked to relinquish their tenancy.

### Succession of tenancy

We may consider succession of tenancy to another household member when a tenant:

- ☐ is away from home longer than the approved absence period, or
- ☐ advised us that they are unable to return to the tenancy; or
- ☐ is in prison for more than three months or away from the home for longer than the approved absence

The household member must meet eligibility criteria for succession of tenancy. More information on succession of tenancy is outlined in our [Succession of Tenancy Policy](#).

### Tenancy Reinstatement

Tenants who have relinquished their tenancy because they have been placed in long term care, prison or rehabilitation for up to 12 months, may apply to be reinstated as a tenant or offered a new tenancy upon their return, based on their eligibility for social housing.

The tenant will need to maintain contact while they are away and provide supporting documents confirming the reasons for their absence. If the person has left the tenancy because of a tenancy breach, 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 we have terminated their tenancy. In cases where a tenant has needed to leave their tenancy for serious health and/or safety reasons such as domestic violence, violence or illness, we 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.

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## Unapproved absences

Where the tenant has left the property without notifying us or the approved absence has expired without the tenant contacting us, 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, we will either ask the tenant to relinquish their tenancy or apply to terminate the tenancy. We 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.

## Appeals and Review of Decision

Tenants can appeal decisions made under this policy.

If a tenant is not satisfied with a service we have provided or does not agree with a decision we have made, they can ask for a formal review. Our [Complaints and Appeals Policy](#) outlines the many ways for tenants to make an appeal. This policy, and a helpful information brochure, is available from our office or they can be downloaded from our website

[www.cawarraresidential.com.au](http://www.cawarraresidential.com.au)

If a tenant is unhappy with the outcome of the appeal, 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 and Resources

Type	Title
Legislation	<u><a href="#">NSW Housing Act 2001</a></u>
Legislation	<u><a href="#">Residential Tenancies Act 2010</a></u>
Legislation	<u><a href="#">Residential Tenancies Regulations 2010</a></u>
Policy	<u><a href="#">Rent Policy</a></u>
Policy	<u><a href="#">Succession of Tenancy Policy</a></u>
Policy	<u><a href="#">Ending a Tenancy Policy</a></u>
Policy	<u><a href="#">Domestic &amp; Family Violence Policy</a></u>
Policy	<u><a href="#">Complaints and Appeals Policy</a></u>
Form	<u><a href="#">Request for absence from property form</a></u>