

H20. DURING A TENANCY - TENANT ABSENCES

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	1.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

Tenant Absences

IAC housing is a scarce resource and a valuable asset for those in need. The IAC maximises the benefit gained from this resource by making sure that properties are used as homes and not left vacant for long periods.

How long can a tenant be away from their property?

When the IAC provides a property for a client, they are expected to live in it. Tenants must obtain approval from the IAC to be away from their home for more than six weeks, even if other people will be staying in the home while the tenant is away. When a tenant applies to be away from their property, the IAC will ask the tenant for the date that they expect to return.

The IAC will approve an absence from the property if it is satisfied that:

- The tenant has made arrangements to pay their tenancy charges, such as rent and water usage, while they are away. In some cases, the minimum rent may apply.
- The property will be adequately cared for while the tenant is away
- The tenant has an acceptable reason for going away

See the During a Tenancy - Charging Rent Policy

The IAC may approve acceptable absences for up to six months. The IAC will not approve absences of more than 12 months in total over a five year period.

Tenant Absences (cont)

Acceptable reasons for absences up to six months include:

- Caring for sick/frail family members.
- Hospitalisation, institutional care, nursing home care or rehabilitation.
- Escaping domestic violence, harassment or threats of violence.
- Holidays.
- Employment, education or training.

The IAC will not approve repeat absences relating to holidays or employment, education and training.

Tenant Incarceration

If a tenant is going into prison, they can apply to retain the tenancy for up to three months. However, if the IAC is reasonably satisfied that the imprisonment will be in excess of three months, the IAC can ask the tenant to relinquish the tenancy immediately.

See the Ending a Tenancy Policy

The IAC will consider each case on its merits. However, if the reason for imprisonment is related to a breach of the tenancy agreement, the IAC will take action to terminate the tenancy. If the tenant has not been released from prison at the end of three months, the IAC will consider an application for recognition as a tenant from a remaining household member, or terminate the tenancy.

H20. DURING A TENANCY - TENANT ABSENCES

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	1.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

Tenant Absences (cont)

Tenants in Nursing Homes

If the tenant is in a nursing home, the IAC will not approve requests for absence beyond the initial six months. The tenant should relinquish the tenancy or ask the IAC to consider an application for recognition as a tenant from a remaining household member.

See the Ending a Tenancy Policy

Extensions of Absence Period

The tenant may apply for an approval to extend the absence beyond six months where there are unusual circumstances, for example medical conditions which require regular treatment at a location that cannot be accessed from the tenant's home.

Unapproved Absences

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

- Charge market rent from the time the tenant's absence is discovered, or from the date the approval expired
- Terminate the tenancy.

Tenant Absences (cont)

Property care during absences

The tenant must appoint an agent to act on their behalf while they are away. The agent must be over 18 and could be another household member, a family member, friend, support provider or 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 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 the IAC taking action in the NSW Civil and Administrative Tribunal.

Rent charges during absences

The IAC will use its discretion when considering the amount of rent that will be charged while the tenant is absent. Minimum rent should not be less than the IAC's ownership expenses including rates, water charges and other relevant fees and charges. The absent tenant will be notified of any change to the rent charged and is responsible for organising their rent payments and keeping their rent up to date.

COMPLIANCE

This policy complies with:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

REFERENCES

This policy should be read with:

- **Housing NSW** "During a Tenancy Policy"
- **National Regulatory Code** - 1. Tenant and housing services - (b) determining and managing rents, (c) setting and meeting relevant housing service standards, (e) facilitating access to support for social housing applicants and tenants with complex needs