

Absence from Property Policy

Location	Operations NSW/ACT
Policy Type	Social Housing Policy
Version	3.2
Issue Date	April 2022
National Regulatory Code	Performance Outcome 1- Tenant and housing services

1. Objective

- 1.1 This policy outlines how Argyle Housing manages Client absence from dwellings in such a way that meets the needs of our Clients and maximises the use of our property stock. The policy includes circumstances under which an absence will be approved and the conditions which may apply during the absence.

2. Background and Scope

- 2.1 Argyle Housing promotes and respects the human rights and fundamental freedoms of all persons with a disability and provides a service to Clients in line with the principles of the NSW Disability Inclusion Act 2014, Disability ACT and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).
- 2.2 Argyle Housing supports and encourages a person-centred and culturally sensitive approach to service delivery.
- 2.3 Argyle Housing promotes and respects the rights and freedoms of Aboriginal and Torres Strait Islander people.
- 2.4 Argyle Housing recognises that at times Clients will need to be absent from their property for medical, family, cultural and other reasons and seeks to maximise use of scarce housing resources and ensure that properties are occupied to meet housing need.
- 2.5 This policy applies to all Argyle Housing social housing tenancies.

3. Policy Definitions

Advocate

A person over 18 years of age who could be another household member, a family member, friend or support person

4. Policy Details

- 4.1 Clients need approval from Argyle Housing to be away from their home for more than four weeks, even if other authorised members of the household remain in the home while the Client is away. Argyle Housing will give approval if it is satisfied that:

- The rent and water charges (if applicable) will continue to be paid. Rent and water charges will remain the same during absence unless the Client is approved for reduced rent.
- Good property care is maintained.
- There are acceptable grounds for being away from the property. (Listed below)

4.2 Acceptable grounds for absence up to three months:

- 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
- employment, education, or training
- going to prison

(If the reason for imprisonment is related to a breach of the Tenancy Agreement, Argyle Housing will commence action to terminate the tenancy).

4.3 Argyle Housing encourages Clients who expect to be absent for more than three months to relinquish their tenancy. Refer to Argyle Housing's Eligibility (Tenancy Reinstatement) Policy.

4.4 Argyle Housing can decide to allow an absence for longer than three months, however the Client must be able to show cause and produce evidence. Argyle Housing will consider extension of absences:

- rehabilitation
- caring for sick/frail family
- hospitalisation, institutional care, respite
- escaping domestic violence
- assisting with immigration matters in the Client's country of origin
- Sorry business

An approval beyond three months will not be granted for the following reasons; includes but is not limited to:

- holiday
- going to Prison
- permanent residential care

4.5 An extension of an absence of a Client's property will be subject to the Client ensuring that their tenancy

Maintaining tenancy obligation while the Client is away

4.6 The Client must appoint an advocate and notify Argyle Housing as soon as possible, to act on their behalf while they are away.

4.7 The advocate must inspect the property regularly and maintain it to the standard stated in the Tenancy Agreement.

4.8 If the Client will be away more than 28 days and the advocate is not currently a member of the household but wants to live in the dwelling while the Client is away, they must apply to be authorised as an additional occupant. Argyle Housing may ask for the advocate's income details and other information to determine eligibility for housing.

- 4.9** Although the Client must appoint an agent for the time they are away, the Client is still legally responsible for meeting their obligations under the tenancy agreement. Any breaches that occur while the Client is away may result in Argyle Housing taking action in the NSW Civil and Administrative Tribunal against the Client.

Rent

- 4.10** Rent and water charges remain the same during absence unless the Client is already approved for reduced rent. For further details about rent refer to the Rent and Rebates Policy.

Extended absence without approval

- 4.11** Argyle Housing will make reasonable efforts to contact a Client who has stayed away from their home for more than four weeks without informing Argyle Housing, or has stayed away for longer than the time Argyle Housing approved, Argyle Housing may:
- Charge market rent for the property from the time the client has left, or from the date the approval expired, and
 - Take action to end the tenancy under the relevant section of the relevant leasing agreement.

5. Appeals

If a Client believes Argyle Housing has made a wrong decision, they can ask for a formal review of the decision. To do this, they can complete an Appeals Form stating why they disagree with the decision. An appeal can be lodged by completing the 'I Want to Appeal Form' found on the website www.argylehousing.com.au or available from any Argyle Housing office. The form, or a letter, can be emailed, posted, or delivered in person to any Argyle Housing office or submitted online via the Argyle Housing website.

If the appellant remains unsatisfied with the outcome of the first appeal, they can appeal to the Housing Appeals Committee (HAC) which is an independent appeals body specifically set up to consider appeals made by social housing tenants in NSW. An appellant can access HAC by calling free call 1800 629 794 or can get more information from their Client Support Specialist.

Matters that the NSW Civil and Administrative Tribunal (NCAT) or the ACT Civil and Administrative Tribunal (ACAT) can resolve are not able to be appealed. For example, if Argyle Housing issues a Notice of Termination for breaches of the tenancy agreement.

See Argyle Housing's Appeals Policy for further information.

6. Related Policies and Documents

- 6.1** Delegation of Authority Schedule
- 6.2** Eligibility and Applying for Housing Policy
- 6.3** Rent and Rebates Policy
- 6.4** End of Tenancy Policy
- 6.5** Argyle Housing Appeal Policy

- 6.6 Argyle Housing Procedures
- 6.7 Property-specific Complaints Policies, Procedures and Tools
- 6.8 National Community Housing Standards Reference – 1.3 Changing needs of tenants

Version Control

Version	Review Date	Author	Positions	Next Review Date
1.0	10/3/2014	D. Skelton	GM Client Services	9/1/2015
2.0	20/5/2015	M. Ward	Operations Manager NSW	19/5/2016
2.1	1/5/2016	M. Ward	GM Operations	1/5/2017
3.0	18/12/2017	M. Reader	GM Operations	18/12/2018
3.1	14/4/2020	C. Doherty	Housing Services Manager	14/4/2022
3.2	26/4/2022	C. Tizzoni	Operations Manager	26/4/2024
1.0				