



THE BUTTERY

ENRICHING LIVES

ABSENCE FROM PROPERTY POLICY

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1. POLICY STATEMENT

The Buttery understands that tenants may need to be away from their property for medical, family, cultural and other reasons. The Absence from Property Policy outlines the circumstances where an absence can be approved as well as the eligibility criteria for reduced rent.

2. SCOPE

This policy applies to all tenants of The Buttery.

3. DEFINITIONS

Housing Appeals Committee	The independent agency that deals with appeals from people who are unhappy with a decision/s made by social housing providers in accordance with the Housing Appeals Charter .
Housing Pathways	The way applications for housing assistance are managed in NSW. It is a partnership between the NSW Department of Communities and Justice and participating community housing providers. Housing Pathways provides: <ul style="list-style-type: none"> • coordinated information about housing assistance, • a single application process, • common eligibility criteria for housing assistance, • a standard assessment process, and • a single waiting list known as the NSW Housing Register.
NSW Housing Register	The single list of approved applications waiting for social housing operated and maintained by the NSW Department of Communities and Justice.
Residential Tenancy Agreement	An agreement made under section 13 of the <i>Residential Tenancies Act 2010 (NSW)</i> between the tenant and The Buttery as Landlord.

4. PRINCIPLES

The Buttery expects tenants to live in their property in accordance with their obligations under the *Residential Tenancies Act 2010*. To ensure that The Buttery meets its obligations as a community housing provider and to maintain the security of Buttery properties, it is essential that properties are not left vacant by tenants for long periods of time.

Tenants who will be away from their home must notify The Buttery and give reasonable notice for their absence. This must be sought even if other members of the household remain in the property. This is because the tenant is still responsible for meeting their tenancy obligations under the Residential Tenancy Agreement.

The Buttery will expect the tenant to return to the property within the notified and agreed timeframe. Approved absence is reviewed on a case-by-case basis. The Buttery will generally allow up to three months absence and tenants will be expected to meet all rental charges during this time. Any additional requests for an extension of this period will be individually assessed.

5. POLICY

The following are considered by The Buttery as 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).

Tenants will be required to provide evidence for an absence. Tenants will be expected to meet the requirements of their Residential Tenancy Agreement in their absence.

6. NOTIFYING OF ABSENCE

The tenant must provide their contact details while away from the property so they can be contacted 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, an agent will be appointed by the tenant as The Buttery's main point of contact for inspections, repairs and ensuring the property is maintained and secure while the tenant is away. The agent will usually be another member of the household. Where the tenant lives alone or is not contactable, The Buttery will require the tenant to provide contact details of someone who is prepared to act as an agent in their absence.

7. ELIGIBILITY FOR REDUCED RENT

In situations where a tenant is required to pay a fee for institutional care, nursing home care, hospitalisation, rehabilitation, or a refuge or where they will not be able to access an income during the period, The Buttery may reduce the tenant's rent payments.

The tenant will need to provide evidence of any such fees or income reduction.

Where the 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), The Buttery may also recalculate their rent payment to a reduced weekly payment. Where a tenant will be in prison for over three months, they will be asked to relinquish their tenancy.

8. SUCCESSION

The Buttery will end a tenancy and, where appropriate, grant succession to another household member where a tenant:

- is in prison for more than three months,
- is away from the home for longer than the approved absence, or
- advises The Buttery that they are unable to return to the tenancy.

Any household member applying for succession must meet the criteria outlined in The Buttery's Succession of Tenancy Policy.

9. REINSTATEMENT

A tenant who has had to relinquish 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 community housing.

The Buttery 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 the tenancy because of a 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 The Buttery has terminated their tenancy as a result. In cases where the tenant has an unapproved absence for serious health and/or safety reasons such as domestic violence, violence or illness, The Buttery 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.

Reinstatement and the offer of a new tenancy are determined on a case-by-case basis.

10. UNAPPROVED ABSENCES

Where the tenant has left the property without notifying The Buttery or the approved absence has expired without the tenant contacting The Buttery, 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, The Buttery will either ask the tenant to relinquish their tenancy or The Buttery will apply a 'no grounds' termination notice for the tenancy. The Buttery 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.

11. COMPLAINTS AND APPEALS

This is an appealable policy.

If a tenant is not satisfied with a service provided by The Buttery or does not agree with a decision it has made, they can ask for a formal review. To do this, the tenant can lodge a complaint pursuant to The Buttery Tenant Feedback Policy. This policy and the Tenancy Feedback Form are available from The Buttery's office or can be downloaded from our website www.buttery.org.au.

If a tenant is unhappy with the outcome of an appeal to The Buttery, 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.

12. RELATED DOCUMENTS

12.1. Internal

Document#	Document
GEN.FORM.042	Absence from Property Form
GEN.FORM.045	Tenancy Feedback Form
GEN.POL.019	Rent Policy
GEN.POL.020	Tenant Feedback Policy
GEN.POL.022	Ending a Tenancy Policy
GEN.POL.025	Succession of Tenancy Policy

12.2. Legislation

- *Residential Tenancies Act 2010 (NSW)*
- *Residential Tenancies Regulations 2019 (NSW)*

13. REVISION HISTORY

Version	Date	CQI #	Lead author/ reviewer	Consultative panel	Significant changes
1	11/04/2023	#40	Ari Soemardi	QA Committee	New document