



## Absence from Tenure Policy

### Setting Background

Public housing is a scarce resource and a valuable asset. Housing Tasmania maximises the benefit gained from this resource by ensuring public housing properties are used as homes and not unoccupied for long periods. Most public housing tenants receive a rental subsidy to make housing more affordable than would be the case if they were renting in the private market. Properties that are not occupied also present a risk from an asset management perspective.

### Policy Intent

The policy outlines Housing Tasmania's position on limiting the amount of time a tenant can be absent from their property without jeopardising their tenancy. It also recognises that there will be occasions when an extended absence (in excess of eight weeks) is reasonable or unavoidable. Housing Tasmania will work with the client to establish a mutually acceptable outcome that falls within the confines of the Lease. In some cases tenants will be required to relinquish their tenancy.

### Who are our clients?

Clients consist of those who are current tenants and their household members. However any negotiations and approval for absences must be done so with the tenant and confirmed in writing to the tenant.

### What does the Tenancy Agreement say?

The Tenancy Agreement signed by tenants requires them to occupy the property as their principal place of residence. Clause 3.6 (a) states:

*3.6 Your use of the premises is limited.*

*(a) You must use the premises as your principal residence.*

This precludes tenants from subletting, retaining the property as a holiday home or alternative residence, taking extended holidays or retaining the property while undertaking a lengthy prison sentence or rehabilitation program as examples. However, permission may be given to vary the conditions of the lease in exceptional circumstances.

### Our Approach

Requests seeking permission for an absence of longer than eight will be processed efficiently and with an awareness and consideration for the sensitive nature of both the request and any supporting documentation provided.

### How long can a tenant be absent from the property?

It is reasonable for tenants to have a period of up to eight weeks away from the property. During this period it should be made clear to the tenant that the responsibility for payment of rent and the condition of the property remains their responsibility. It is not reasonable to have ongoing absences separated by short periods of occupancy, a guideline may be occupying for at least nine months of a 12 month period.

Tenants do not require permission to be absent for less than eight weeks but should notify Housing Tasmania that they will be away from the

1



property and provide alternative contact details. This will assist Housing Tasmania if there are any problems with the tenancy and avoid uncertainty about whether or not a property has been abandoned.

## **Who remains in the property?**

Tenants may wish to be absent from the property and leave household members in residence. This is problematic in cases where the household members may be children of the legal tenant but under the age of 16 years. In these cases the tenant must make provision for a live in agent or contact Child and Family Services for alternative care arrangements.

It is the responsibility of the tenant to appoint an agent and if this does not occur Child and Family Services should be immediately notified.

## **Appointing an Agent**

Housing Tasmania encourages tenants to consider the use of an agent to help protect their property from vandalism and squatters. The agent must be over 18 years and could be a household or family member, friend or solicitor.

## **What if a tenant is away for longer than eight weeks?**

Area Managers must approve absences in excess of eight weeks.

In general if the absence is over 12 weeks, approval will not be given and the tenant will be required to surrender their tenancy.

In very exceptional circumstances the Area Manager may approve a longer absence. Such discretion may be applied where it can be demonstrated that the absence is required to mitigate serious health or well being impacts on the tenant or a member of their household. Where the Area Manager has applied discretion a Director's Briefing must be provided.

## **What should the rent be during an absence?**

Tenants are required to pay the full amount of rent payable as calculated according to the total household income. The exceptions to this are if Housing Tasmania charges the tenant a special or reduced rent or an Agent who is maintaining an alternative residence resides in the property.

In approving a long absence consideration may be given to whether the tenant is eligible to continue receiving public rental housing assistance.

## **Subletting**

As a general rule, during a tenant's absence a subletting arrangement will not be entered into.

In exceptional circumstances, (eg where the current tenant and the person who will sublet are long term household members), Housing Tasmania may agree to the tenant subletting the premises. Housing Tasmania must be directly involved in negotiation of the sublet arrangement. A sublet can only be established with Housing Tasmania's permission. Further advice on subletting should be sought from the Operational Policy Unit.



An agent in residence is classified as a household member and their presence does not constitute a subletting arrangement. The tenant remains legally responsible for the rent and condition of the property and this should be confirmed in writing to the tenant.

**Abandoned properties or extended unapproved absences**

If the tenant appears to have abandoned the property or is away from the property for longer than was approved, the matter should be treated in the same way as any other breach of the Lease.