



# Tenant Absence Policy

<b>Responsible Manager</b>	Manager, Housing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Social Housing Policy</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	30 June 2021
<b>Implemented from</b>	July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2018
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## **1. Purpose**

Council is strongly committed to ensuring that the local government principles are reflected in the Tenant Absence Policy.

### **1.1 Overview**

This policy sets out the principles to be followed when a tenant is absent from property for extended periods of time. As a social housing provider under the *Residential Tenancies and Rooming Accommodation Act 2008*, Torres Strait Island Regional Council aims to ensure:

- a) Supportive tenancy management services to successfully sustain long-term tenancies;
- b) Compliance with relevant RTA regulations; and
- c) Tenant situations are considered and not disadvantaged through council's decision making.

## **2. Application**

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

## **3. Legislation/Policies**

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with Abandoned Properties Policy.

## **4. Incarceration**

Where a tenant is incarcerated, tenant must:

- a) Continue to comply by GTA responsibilities;
- b) Ensure there are arrangements for yard maintenance; and
- c) Ensure Council is aware of period of absence to avoid any suspect of abandonment.

If the tenant is incarcerated for six months and over, the tenancy will be terminated immediately. Consultation will be had with appropriate Councillor and PBC if needed, to identify appropriate household member to succeed the tenancy or appropriate applicant from Council needs register to become tenant.

If the tenant is incarcerated for less than six months, a tenant absence application will be required for completion with incarceration advice attached. Councillors of appropriate division is to be notified.

## **5. Provisions**

- a) Tenant can be away from their property for up to eight weeks without obtaining approval.
- b) During any period of absence, tenants are required to keep paying their rent.
- c) Absences eight weeks or more (maximum of six months), tenants must seek prior approval from Council's Housing Unit and provide evidence to support their requests, regardless of the reason of absence.
- d) Each request will be assessed on a case-by-case basis and tenants will be required to provide evidence to substantiate the need for absence.

- e) Tenant Absence requests are based on individual circumstances and may be declined provided the decision is justified and documented.
- f) Council will reassess the tenants need for ongoing housing assistance where the tenant is absent from property for unreasonable periods (beyond approved absent period / more than three months or in total a six-month period).
- g) The tenant can appoint a caretaker in tenant's absence. A caretaker is not automatically entitled to live in the house. Tenants must receive written approval from Council for a caretaker to live in the house.
- h) Tenants are encouraged to provide interim contact details or caretaker details to ensure Council is aware of tenant whereabouts should any damage to property is reported, or abandonment is suspected.
- i) A temporary absence of longer than 6 months will not be approved unless for exceptional circumstances.
- j) If Council has still not heard from tenant, the house will be deemed abandoned and Council will commence the abandonment process – refer Abandoned Properties Policy.
- k) In some cases, Council will consider applying reduced rent or minimum rent.

Manager Responsible for Review:

Manager, Housing



**Adoption:** 30 June 2021

**Due for Revision:** 30 June 2023

Hollie Faithfull

A/Chief Executive Officer