

Absence from Property Policy

REVISION NO. 1.0
ISSUED 01/01/2024

Our vision is that **Aboriginal Victorians secure appropriate, affordable housing as a pathway to better lives and stronger communities**. We believe that achievement of our vision is through the provision of housing services which enhance the dignity of our clients and renters and which respects and celebrates their cultural beliefs, values and practices.

Our policies and procedures are designed so that our practice and service delivery is in accord with this cultural statement.

1 Policy Objectives

This policy outlines Aboriginal Housing Victoria's (AHV) approach to temporary absence of renters from the rented premises.

AHV understands that from time to time a renter may need to be temporarily absent from their property. There are special circumstances where it is accepted that a genuine need to be absent exists beyond the renter's control, and this should not jeopardise their ongoing tenancy with AHV.

2 Scope

This policy applies to all social housing properties owned or managed by AHV. This policy does not apply to transitional housing properties.

3 Temporary absence

3.1 Approval of temporary absence

AHV generally allows temporary absence from a property without it impacting on the tenancy.

For the purposes of this policy, temporary absence is defined as up to 12 weeks. The period applies from the date the sole renter or entire household left the property, regardless of when AHV was informed and can only be applied once within a 12 month period

AHV will generally not give approval for a sole renter or entire household to be absent from the property for more than twelve weeks, given the significant demand for AHV housing, and the need for secure, affordable housing demonstrated by many applicants on the waiting list.

An extension to a temporary absence may be considered in extenuating circumstances, eg, if a renter can provide evidence that they will be released from prison within four weeks of the expiration of the 12 week time period.

If renters are absent from the AHV property for longer than 12 weeks and do not formally vacate the premises, AHV will take action to regain possession of the property at Victorian Civil and Administrative Tribunal (VCAT).

3.1.1 Temporary absence for other reasons

AHV may approve the temporary absence of renters from their property for reasons other than those outlined above, eg, the renter is visiting family for an extended period.

In these circumstances, rent continues to be charged on the income of the renter and any other remaining household members.

Where a remaining renter is a partner of the absent renter, and has provided documentation from Centrelink confirming that they have been granted an income at a single rate, the remaining renter's income is used to calculate the rental subsidy entitlement.

3.2 Rent setting during a temporary absence

In special circumstances that necessitate the temporary absence of a renter, AHV will not seek to terminate the tenancy and may approve the charging of a minimum rent of \$15 per week. These special circumstances apply when the sole renter:

- is temporarily residing in a nursing home and is required to pay accommodation costs, or
- is required to undergo drug or alcohol rehabilitation treatment that

necessitates living away from home for a period of time and is required to pay accommodation costs, or

- has entered respite care and is required to pay accommodation costs, or
- is serving a prison sentence, including renters on remand.

Where a renter is temporarily absent due to one of the special circumstances outlined above and there are remaining renter(s) and/or residents, AHV will reassess a household's rental subsidy entitlement on the income of the remaining renter(s) and any other remaining household members.

Where a person moves into the property to care for children while the parent is temporarily absent, and the person can demonstrate their usual place of residence is elsewhere, the income of the person caring for the children is not included in the calculation of rent for the household.

The Manager Community Housing (or equivalent role) has delegation to approve the reduced rent during the absence period.

3.3 Subletting during temporary absence periods

Renters are not permitted to sublet their property while they are temporarily absent from their property.

If a renter advises that a friend or relative will be residing in their property while they are away, they must add this person's income for subsidised rent calculation purposes, unless the friend/relative is only moving in to care for the renter's dependent children.

If the special circumstances outlined above apply, rent is calculated on the income of the friends/relatives who will be residing at the property in the renter's absence.

If the special circumstances outlined above do not apply, rent is calculated on the renter(s)' and resident(s)' incomes according to the AHV Rent Setting Policy.

4 Relevant Documents

4.1 Policies and procedures

Related policies, procedures

Eligibility and Allocations Policy

Rental Setting Policy

4.2 Legislation

Legislation, standards, guidelines

Charter of Human Rights and Responsibilities 2006

DHHS Victorian Housing Register Operational Guidelines.

Family Violence Protection Act 2008

Housing Act 1983 (Victoria)

Performance standards for registered housing agencies 2015 (Victoria Housing Registrar)

Registered Agency Agreement between AHV and the Director of Housing relating to participation in the VHR

Residential Tenancies Act 1997

Document control

Revision	Date
Policy name: Absence from Property	01.2024
Version number: 1.0	
Adoption Authorised	
Supersedes:	
Date effective from:	
Review date:	
Responsible Service/Department: Housing Services	

Document history

Revision	Approval date	Approved by	Changes	Review date
1	2008	AHV Board of Directors		
2	July 2013	AHV Board of Directors		July 2014
3			New policy format	June 2015
4	24 Sept 2015	AHV Board of Directors	Consolidation and re-formatting of Tenancy Services manual	September 2015
5	4 December 2018	AHV Board	VHR transition	2020
6	June 2023	AHV Board of Directors	Housing Policy Refresh	