

04.12 HOUSING & HOMELESSNESS SERVICE ABSENCE FROM DWELLING POLICY

SCOPE

RQ Tenants and Property Portfolio (LTCH and CMSU only)

POLICY

RQ has a framework for managing absences from its properties and not left vacant for extended periods.

PURPOSE

Housing provided by RQ is a limited resource and a valuable asset for those in need. RQ maximises the benefit gained from this resource by making sure our properties are used as homes.

DEFINITION/S

RQ	Roseberry Qld
General Manager	Also refers to Acting General Manager
Workforce	Refers to all individuals providing service on behalf of RQ, such as Staff, Volunteers, Independent Clinicians, Consortium.
Staff	Refers to paid staff, graduates and student placements.
RTA	Residential Tenancies Authority
LTCH	Long Term Community Housing
CMSU	Community Managed Studio Units
QCAT	Queensland Civil and Administrative Tribunal

PROCEDURES

04.12.01 Applicable Programs

This policy is only relevant to the LTCH and CMSU property types. All other property types are time limited. Therefore, extended absences will not be approved.

04.12.02 Application for Approval to be Absent from Dwelling

1. If a RQ tenant/s will be away for more than 6 weeks, they must advise RQ in writing. The absence must be approved by RQ even if other members of the household remain in the home while the tenant is away.
2. Tenants are to complete the following forms to notify RQ:
 - a) Absence from Dwelling – Application Form
 - b) Appointment of Agent – Form
3. RQ will approve the application if satisfied that:
 - a) Arrangements have been made to pay the rent and any other charges while the tenant is away,
 - b) The property will be adequately cared for while the tenant is away
 - c) There is a valid reason for going away – evidence may be required to support their application
 - d) The tenant can pay rent even if they are not receiving an income while they are away
 - e) The tenant must also advise RQ where they are going and when they are expected to return
 - f) An agent has been appointed to act on the tenant's behalf while they are away and the contact details have been provided to RQ

04.12 HOUSING & HOMELESSNESS SERVICE ABSENCE FROM DWELLING POLICY

04.12.03 Length of Absence

1. Tenants can be away from their home for up to 6 weeks and no more than 3 months as long as they make application to RQ, it is approved and they appoint an agent.
2. Any longer length of absence will be assessed on a case by case basis, and will depend on the reasons for the absence, the suitability of the agent and payment of rent and charges.

04.12.04 Acceptable Reasons

1. Acceptable reasons for absences for up to three (3) months include:
 - a) Caring for sick/frail family members
 - b) Hospitalisation, nursing home care, rehabilitation or incarceration
 - c) Escaping domestic/family violence, harassment or threats of violence, assisting with immigration matters in the country of origin
 - d) Employment, education or training

04.12.05 Prison (Incarceration)

1. If a tenant is going to prison, they can apply to retain the tenancy for up to three months. Each case will be considered on a case by case basis on its merit
2. If the offence that was the cause of the tenant being incarcerated was against RQ property, occurred on RCS property, was against another RQ tenant or staff member, RQ reserves the right to not approve the request for an absence from the dwelling.
3. If the reason for the imprisonment is related to a breach of the tenancy agreement RQ will commence action to terminate the tenancy
4. If the tenant reoffends after an initial period in prison and is incarcerated again, RQ will seek to terminate the tenancy
5. If the tenant is not released from prison at the end of three months consideration will be given to transferring the tenancy to another household member as per the 04.10 RQ Housing Services Changing Needs of Tenants Policy, or the tenancy may be terminated.

04.12.06 Rehabilitation and/or Respite Care

1. Tenants who require rehabilitation or respite care must be able to substantiate this need, and will only be charged the minimum rent for this period (of up to 3 months, longer on a case by case basis).
2. If there are other household members residing at the property, their income will continue to be used to calculate the household rent.

04.12.07 Maintaining Tenancy Obligations while Tenant is Away

The tenant is responsible for meeting their obligations under the Tenancy Agreement. Any breaches of the tenancy agreement may result in RQ applying to QCAT for action to be taken, including termination of the tenancy. Examples of reasons that would pre-empt RQ applying to QCAT are:

- Sub-letting the property
- Not paying rent in full and on time
- Permitting a household member, the agent, pet or visitors/guests to cause damage to the property
- Not keeping the premises reasonably clean
- Using the property for illegal purposes

04.12.08 Rent

1. In some cases of absences from dwellings, a minimum rent charge can apply.

04.12 HOUSING & HOMELESSNESS SERVICE

ABSENCE FROM DWELLING POLICY

2. As per the 04.07 Housing Rent Settings and Rent Review Policy - the minimum rent providers charge should be based on 10% of the youth allowance at home rate.
3. This information is provided to RQ through the regular updates of the Electronic Rent Calculation Tool.

04.12.09 Appointing an Agent

1. The tenant must nominate an agent to act on their behalf while they are away. The agent must be over 18 years of age and could be another household member, a family member, friend, support worker or significant adult in the tenant's life.
2. The agent is expected to inspect and check the property regularly and to maintain it to the standard as stated in the Tenancy Agreement.
3. If the agent is not currently a member of the household and wants to live in the dwelling while the tenant is away, they must apply to be an additional occupant and pay the required rent.

04.12.10 Unapproved Absences

If a tenant has stayed away from their home for more than 6 weeks without advising RQ, or has stayed away longer than the time RQ has approved, RQ will make reasonable efforts to contact the tenant to clarify the situation. RQ may then respond by:

- Charging market rent on the property from the time RQ discovers the tenant has left, or from the date the approval expired, and
- Taking action to terminate the tenancy despite the rent being paid and the property being maintained in an adequate manner.

04.12.11 Appealing the Decision

If a tenant believes that RQ has made a wrong decision, they should appeal the decision as per 02.17 Complaints, Appeals and Disputes Policy. RQ Housing Officers shall provide the tenant a copy of the RQ Housing Services Information Sheet – How to Make a Complaint... How to Appeal a Decision.

ACCOUNTABILITY

RQ General Manager, RQ Housing Staff, Tenants

EVALUATION METHOD

Review of RQ policies as per [01.10 Policy and Procedure Development and Review Policy](#).
[02.23 Quality Evaluation & Improvement Policy](#)

Tenant Surveys

Tenant Exit Interviews

Complaints and appeals register

LEGISLATIVE COMPLIANCE

[Queensland Housing Act 2003](#)

[Queensland Housing Regulation 2015](#)

[Residential Tenancies and Rooming Accommodation Act 2008](#)

RELATED DOCUMENTS

[DCHDE Social Housing Program Specifications](#)

[DCHDE Housing Services Social Housing Eligibility Criteria](#)

[Community Housing Rent Policy \(DCHDE\)](#)

[02.17 Complaints Appeals and Disputes Policy](#)

[03.04 Privacy and Confidentiality of Information Policy](#)

[04.02 Housing and Homelessness Service Application and Allocation Process Policy](#)

[04.03 Housing and Homelessness Service Eligibility Policy](#)

04.12 HOUSING & HOMELESSNESS SERVICE ABSENCE FROM DWELLING POLICY

[04.11 Housing and Homelessness Service Referral Policy](#)

[04.13 Housing and Homelessness Service Ending Tenancies Policy](#)

DOCUMENT CONTROL

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