

## Extended Absences and Caretaker Arrangements

### Policy

Date effective: 30 January 2017

#### 1. Policy Statement

This policy sets out how the Department of Housing and Community Development ('the Department') manages extended periods of absences in public housing.

#### 2. Purpose

To minimise under-utilisation and damage to public housing dwellings, the Department requires extended absences to be managed equitably through formal arrangements between tenants and the Department.

#### 3. References

*Residential Tenancies Act*  
Housing Reference Groups policy  
Public Housing Transfers policy  
Relinquishment policy  
Tenancy Agreement Breach policy  
Tenancy Agreements for Public Housing policy  
Termination of a Tenancy policy  
Visitor Management policy

#### 4. Scope

Definition and management of responsibilities of tenants, caretakers, and tenants subletting public housing is captured under this policy. Repossession and under-utilisation of public housing is minimised through the rights of tenants to reinstate their tenancy upon return from an extended absence.

#### 5. Roles and Responsibilities

Role	Responsibilities
Front-line staff	<ul style="list-style-type: none"><li>Decide whether to allow an extended absence</li></ul>
Manager	<ul style="list-style-type: none"><li>Decide whether to allow a caretaker tenancy</li><li>May terminate a tenancy if the tenant does not return from an extended absence</li></ul>
Director	<ul style="list-style-type: none"><li>May approve a sub tenancy longer than six (6) months</li></ul>

## 6. Policy details

### 6.1. Extended absences

In accordance with the *Residential Tenancies Act*, tenants are required to notify the Department if they are absent from their dwelling for more than 30 days.

Tenants are required to inform the Department of extended absences in order to avoid repossession on the assumption the dwelling is abandoned. Refer to the Termination of a Tenancy policy for further information.

Tenants who seek permission to be absent from the dwelling for an extended period of time have the right to give up the tenancy and be reinstated in another dwelling upon their return. Refer to the Relinquishment policy for further information.

### 6.2. Tenant responsibilities

The tenant retains all responsibilities under the conditions of the *Residential Tenancies Act* and their tenancy agreement, even if absent from the dwelling, unless the responsibilities have been temporarily transferred to a subtenant.

### 6.3. Assigning a caretaker to the dwelling

Under the tenancy agreement a tenant may not assign a Caretaker or sublet the dwelling without the written permission of the Department. The tenant may apply to install a Caretaker for up to four weeks at the discretion of the Manager. The period a Caretaker can be assigned to a dwelling cannot exceed the period remaining on the original tenancy agreement.

If the tenant is absent and there are no other signatories to the tenancy agreement, or it is a joint tenancy and any of the signatories to the tenancy agreement are absent for an extended period of time, Caretaker policy options may be considered for periods up to 6 months, depending on the circumstances. This may be appropriate where there are 'others' (OT) resident in the household who aren't signatory to the tenancy agreement, or children to consider. Refer to the Public Housing Transfers policy.

Caretakers must meet the following conditions:

- must not have been evicted or left sufficient evidence for eviction from a Department dwelling;
- must not have an outstanding debt with the Department, unless an Agreement to Pay is entered.

During the Caretaker period the tenant retains all responsibilities for the dwelling as per the *Residential Tenancies Act* and signed tenancy agreement, including maintenance and payment of the rent. The Department cannot charge rent to a Caretaker as the arrangement is not that of a subtenant as defined in the *Act*.

If the tenant does not return at the end of the agreed Caretaker period, the Manager has the discretion to allocate the dwelling to the Caretaker, subject to the meeting public housing tenancy eligibility and entitlement requirements. If the Caretaker does not meet the requirements they must vacate the dwelling and the tenancy agreement will be terminated.

For tenancies in remote communities and town camps, the Department may consult with the Housing Reference Group before approving an application.

#### 6.4. Subletting the dwelling (Subtenants)

The tenant may apply to the Manager to sublet the dwelling to a Subtenant for up to six months. Longer periods are at the discretion of the Director and cannot be longer than the period remaining on the tenancy agreement. As with the Caretaker policy, a prospective Subtenant will not be approved if they hold an outstanding debt with the Department.

The Subtenant takes possession of the dwelling as is, and takes on all responsibilities for the dwelling, including the payment of rent. The rent will be Market Rent, although the Manager has discretion to ensure that the Subtenant is not placed under undue financial pressure.

Transferring the bond between the tenant and Subtenant is the responsibility of the tenant. The Department will not instigate the original bond to be returned under a Subtenancy arrangement and a bond will not be sought for the Subtenant while the tenancy agreement is continued. Where the tenant does not return at the end of the subtenancy, the Manager will return the bond to the Subtenant where sufficient evidence is provided that the bond had been transferred between the original tenant and Subtenant.

If the tenant does not return at the end of the subtenancy, the Manager may allocate the dwelling to the Subtenant, provided the Subtenant meets the eligibility and entitlement requirements for public housing.

### 7. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
30/01/2017	1.01	Director Policy	all	Editorial amendments
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapter 9