

# Temporary Absence and Rental Hardship Policy



**Owner:** Kate Ogilvie  
**Version:** 1  
**Endorsed by:** Judy Line  
**Issue date:** 22 November 2023  
**Review date:** 22 November 2025

## 1. Purpose

The purpose of this policy is to outline how Women's Housing Ltd (WHL) can assist renters experiencing rental hardship or requiring a temporary absence from their property.

## 2. Statement of commitment

WHL is committed to:

- ensuring that it fulfils its duties as a rental provider and upholds the rights of its renters under the Residential Tenancies Act 1997
- setting rents that balance affordability for renters and financial viability for WHL
- fairness and transparency in the interpretation of the hardship policy
- provision of clear and accessible information to renters about the hardship policy
- assisting and supporting renters experiencing financial or other hardship where possible

## 3. Scope

This policy applies to all WHL housing programs and to all employees whose work and duties relate to management of rental accounts.

## 4. Financial hardship

For the purposes of this policy the term 'hardship' is broadly defined as an occurrence where unforeseen events occur that place a renter's tenancy at risk due to unavoidable change in a renter's financial position and an inability to pay rent.

## 5. Reduction of rent payable

WHL will always attempt to work with renters who are experiencing financial hardship to make suitable flexible rental payments.

WHL will also attempt to provide referrals to other agencies that may be able to assist clients with financial counselling and/or financial assistance.

### 5.1 Transitional Housing

In line with current DFFH policy, WHL will reduce a renter's rent if the renter is absent from their property for a brief period due to being in:

- prison
- hospital
- rehabilitation or respite care

In these cases, the renter's support worker will be asked to provide documentation as to when the renter has entered the facility and the anticipated date of returning to their property. In the case of being in hospital, rehabilitation or respite care, the renter must demonstrate that she is paying a fee for the accommodation therein.

Rent may be reduced to \$15 per week for the period of absence, per DFFH guidelines.

## **5.2 General Lease Properties**

WHL cannot provide a reduction to the rent charged. However, WHL can offer a reduction or waiver of any service charge that is set on a property.

A waiver of the service charge component of the inclusive rental can be provided to renters where a resident is experiencing:

- loss of job or reduction of hours due to illness or injury
- income changes if somebody leaves the household
- temporary absence with special circumstances (see section 6)

To receive this benefit, the renter will provide WHL with a statement from their support worker, hospital etc outlining the circumstances and the period for which the waiver is requested.

## **5.3 Community Housing**

WHL will review each request for a reduction of rent based on its merit.

A reduction of rent may be available to renters when:

- they lose their job
- a child or partner vacates the property affecting the overall income of the household
- illness results in a change of household income
- a renter passes away
- temporary absence with special circumstances (see section 6)

To receive this benefit, the renter will provide WHL with a statement outlining the circumstances and the period for which the rent reduction is requested. All requests will be prepared by the Tenancy Officer and the following paperwork will be provided to the OM:

- a copy of the request and rationale for the request.
- copies of reviewed rent with calculations of rent based on a 25% and 30% formula

The OM will review and develop a recommendation and supporting argument for the CEO.

This will then be reviewed by the CEO with the CFO and approval of a rent reduction will be granted for a three-month period only.

All rent reductions will be reviewed every three months.

## **6. Temporary absence**

A temporary absence is when a renter is required to be absent from their home and reside in temporary accommodation. This may arise when renters are incarcerated, attending a rehabilitation facility, in respite or have sought alternative accommodation due to family violence.

Renters are not permitted to sublet their property or room without prior approval by WHL.

Renters are entitled to be absent from their properties but must continue to pay rent unless they apply for an exception due to special circumstances, as outlined below.

It is important to notify your Tenancy Officer if you plan to be absent from your property for an extended time so that welfare concerns are not raised if WHL can't contact you.

### **6.1 Notification of temporary absence**

Renters can notify their Tenancy Officer of a temporary absence via phone, email, SMS or in person.

The Tenancy Officer will need to ascertain:

- the proposed departure and return dates
- any caretaking arrangements made for the property or remaining household members
- contact details for the temporarily absent renter, and
- whether a change to rental payment requirements is appropriate.

Renters who are temporarily absent are still liable for their property and the behaviour of any visitors who they permit on the property. This can still result in VCAT action where breaches of the Residential Tenancies Act are occurring.

### **6.2 Special circumstances**

There are sometimes temporary absences which are beyond the control of the renter or other household members, usually involving hardship. WHL is committed to supporting and sustaining these tenancies in the longer term.

Special circumstances include:

- where a renter or household member is a victim of family violence and is forced to leave the property,
- when a renter or household member is ill and temporarily residing in a nursing home, hospital or other treatment or rehabilitation facility
- when a renter or household member is incarcerated

If these or other special circumstances apply, WHL will engage with the renter and, if applicable, a support worker or other renter representative to gather information relevant to the situation.

WHL will assess individual circumstance and may exercise discretion in order to support and sustain the tenancy.

These discretionary actions may include:

- reducing rental costs for a period during the temporary absence.
- waiving service charges
- renegotiating any debt repayment requirements during the temporary absence period
- working with the renter and their support workers to identify an alternative housing option

All requests and rent reviews relating to special circumstances will be raised by the Tenancy Services Manager at an Operational Management Group meeting.

### **6.3 Caring for dependants**

A person who moves into a WHL property to care for dependants remaining in the property will not be included in the household income assessment if:

- the renter is temporarily absent due to special circumstances, and
- the carer can demonstrate they live elsewhere permanently.

If the person cannot demonstrate they live elsewhere permanently, housing staff will add the person as a resident to the household composition and include their income in the rent calculation.

### **6.4 Extending the temporary absence period**

WHL does not generally support periods of temporary absence longer than three months unless there are exceptional reasons.

Renters must request an extension in writing. When considering this request WHL will consider whether the renter is absent due to special circumstances and the impact should the extension not be approved. Renters can submit an extension to their Tenancy Officer who will escalate it to the Operational Management Group.

### **6.5 Friends and family**

If a renter notifies WHL that a friend or relative will reside in their property while they are away, this person must be added to the rental assessment as a resident. The rebate entitlement is then assessed on both the renter's and new household's income.

The absent renter remains responsible for ensuring rent payments are met.

If the renter is temporarily absent due to special circumstances, the rebate entitlement will be assessed on the household member's income only.

### **6.6 Failure to return**

If a renter fails to return to their property after the temporary absence period elapses, WHL will make attempts to contact them. Where this fails, WHL may initiate VCAT proceedings to regain possession for the property. This may include pursuing an abandonment application, addressing rental arrears or other relevant matters.

### **6.7 Family violence**

If the absent renter was a perpetrator of family violence and the remaining household member is the victim survivor of family violence and is eligible to stay in the property, action may be taken alter the residential rental agreement so the victim survivor can become a sole renter.

## **7. Related policies and documents**

- WHL Rent Policy
- WHL Privacy Policy
- WHL Complaints and Appeals Policy
- WHL Rent Policy
- WHL Arrears Policy

## 8. Relevant legislation

- The Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Residential Tenancies Act 1997 (Vic)

## 9. Definitions

Term	Definition
Community Housing	Long-term housing owned by WHL
Dependant	A person under 18 years of age, not receiving an independent income and who is living in an applicant's household in the care of the renter, spouse or resident.
Director of Housing	A statutory entity existing under the <i>Housing Act 1983</i> responsible for all public, community and home finance programs funded by the Department of Health and Human Services (DHHS).
General Lease Properties	Properties (including rooming houses) owned by DoH and leased to WHL to manage
Household members	People who are included in the application as people who will reside in the household if allocated to social housing, but are not the primary applicant.
Independent income	An income paid directly to the person for their use and which is not subject to a parental income or parental assets test.
Transitional Housing (THM)	Supported short term accommodation with access to support services