

PROGRAM POLICY: LEAVE OF OCCUPANCY BY THE RENTER

Policy number	PPOL017	Version	v1.0
Drafted by	Program Development Coordinator	Approved by Board on	29 June 2021
Responsible Person	Program Director	Scheduled review date	29 June 2026

1. PURPOSE

- 1.1. The purpose of this Policy is to specify the circumstances in which a renter may be granted a leave of occupancy from their property.

2. POLICY CONTEXT

Renters should be given the opportunity to take a leave of occupancy, for a set time and under certain circumstances, without the risk of losing their Security of Tenure. A decision regarding a leave of occupancy must take into consideration and balance the needs of the co-op and the Program with that of the renter. Further, the Performance Standards for Registered Housing Agencies require registered agencies to be sensitive to clients with complex needs in the allocation of housing assistance and to ensure its policies and procedures strive to sustain tenancies.

3. POLICY STATEMENT AND PRINCIPLES

3.1 STATEMENT

- a. Renters may take a leave of occupancy where that leave of occupancy is time limited, there is clear evidence that they will return, and balances the need of the renter with those of the co-op and the Program.
- b. Where the renter is a member of a co-op, prior agreement must be made between the co-op and the member regarding their leave of absence and their participation requirements.

3.2 PRINCIPLES

- a. A renter may take a leave of occupancy up to a maximum of 90 days without notifying their residential rental provider.
- b. A renter must request a leave of occupancy from their residential rental provider for a period longer than 90 days and up to a maximum of six consecutive months. The renter must make this request no less than 30 days prior to departure.
- c. The total cumulative leave of occupancy for a renter cannot be greater than 12 months within any five-year period.
- d. A residential rental provider may grant a leave of occupancy where the following conditions are agreed to by the renter:
 - i. the period of leave requested is no longer than six months
 - ii. the renter will continue to pay the current rent throughout the period of the leave

1. a renter may apply to CEHL for an exemption to the above clause,

- 3.2(c)ii, if they can provide suitable evidence of financial hardship and that the circumstances of the requested leave are beyond their control
- 2. where a renter's rent has been reduced, as per 3.2 (c)ii1, and the residential rental provider is a co-op, the co-op may apply to the CEHL Program Director for an adjustment to the first schedule, where the co-op can show that the reduced rent causes financial hardship to the co-op.
 - iii. the renter remains responsible for their tenancy obligations and must provide a contact address to the residential rental provider, where communications regarding the property can be received.
 - iv. the renter may nominate a contact person who can liaise between the renter and the residential rental provider regarding property issues, if the renter will not be easily contactable.
 - v. the renter or their representative must supply written evidence that they are returning to the property.
- e. Written approval of the leave request must be issued to the renter (and minuted at a co-op meeting, where relevant), clearly detailing the dates of leave approved and the responsibility of the renter to make contact on their return.
- f. A leave of occupancy of longer than six consecutive months must be approved by CEHL.
- g. In considering a request for a leave of occupancy longer than six consecutive months, the Program Director will consider:
 - i. the circumstances of the requested leave
 - ii. whether there are circumstances outside of the control of the renter requiring their extended absence – for example compassionate grounds, external events preventing the renter's return, or hardship, may be grounds considered by the Program Director in granting an exemption to 3.2 (b)
 - iii. Whether granting the request would be to the Program's detriment, granting the request would prevent a more appropriate alternative use of the property or program subsidy consistent with co-op planning, and whether required rent should be calculated at a different rate to benefit the co-op and the Program.
- h. Where a leave of occupancy is not approved, CEHL will consider a request by the co-op for the person to become an unhoused member.
- i. Any leave of absence not sanctioned by the conditions outlined in this policy may result in proceedings to end subsidy and/or the residential rental agreement.

4. SCOPE

- 4.1 This is a Program Policy. It applies to all residential tenancies managed by CEHL or its member Co-ops.

5. DEFINITIONS

- 5.1 For all definitions relating to this policy, please refer to the Program Glossary.

6. LEGAL REQUIREMENTS

- 6.1 This policy adheres to and incorporates guidance from:

- a. [Residential Tenancies Act 1997.](#)
- b. [Performance Standards and evidence guidelines](#)
- c. [Victorian Charter of Human Rights and Responsibilities 2006.](#)

7. PROGRAM REQUIREMENTS

7.1 This policy is consistent with:

- a. International Co-op Principles:
 - Open & Voluntary Membership
 - Democratic Control by Members
 - Co-operation among Co-operatives
 - Concern for Community.
- b. Program Principles:
 - Security
 - Affordability & Financial Sustainability
 - Participation
 - Membership & Growth
 - Changing Needs
 - Working Together.
- c. CCA.

8. RELATED PROGRAM POLICIES

8.1 This policy should be considered in conjunction with:

- a. Appropriate Use of Property Program Policy
- b. Household Rent Program Policy
- c. Property Allocation for Unhoused Members Program Policy
- d. Co-ops Developing Active Membership Requirements and Policy Program Policy

9. BOARD AUTHORISATION

Approved by	CEHL Board	Date of approval	29 / 07 / 2021
Position	CEHL Chair		Heidi Lee