



IT'S TIME TO END
HOMELESSNESS

Rights and Responsibilities of Landlords and Tenants

Residential Tenancies Act Review

Launch Housing Submission

May 2016

A merger between



Launch Housing

Launch Housing was established in July 2015 following a merger between Hanover Welfare Services and HomeGround Services. We have an unambiguous mission – to end homelessness in Melbourne and beyond.

Launch Housing is Melbourne’s largest independent provider of homelessness services, delivering programs and support across 14 Melbourne sites. This includes crisis accommodation; transitional housing; support for people experiencing homelessness; Education First Youth Foyers; and *HomeGround Real Estate*, one of the first not-for-project real estate agencies in Australia.

Structure of this submission

Launch Housing’s submission on the *Rights and Responsibilities of Landlords and Tenants* addresses the major themes outlined in the Issues Paper¹, rather than responding to each question individually.

¹ Consumer Affairs Victoria, *Rights and Responsibilities of Landlords and Tenants*, Residential Tenancies Act Review, 2016.

Before a tenancy

Discussion paper	Launch Housing recommendation
<p>3.1.1 Discrimination against prospective tenants</p> <p><i>(Questions 1, 2 and 3)</i></p>	<ul style="list-style-type: none"> The Residential Tenancies Act should explicitly state that landlords and agents cannot discriminate against prospective tenants. Anti-discrimination provisions should be consistent with the <i>Equal Opportunity Act 2010</i>. Consumer Affairs Victoria should work with landlords and agents to ensure they understand their responsibilities to comply with anti-discrimination provisions in the Act.
<p>3.1.2 Other screening practices during the application process</p> <p><i>(Questions 4, 5, 6 and 7)</i></p>	<ul style="list-style-type: none"> The Residential Tenancies Act should prohibit landlords and agents from withdrawing a tenancy offer when the prospective tenant uses a Department of Housing bond loan to pay their bond. All tenancies should have the option of at least one fee-free method of rental payment. This would reduce the risk of discrimination against tenants who propose to use Centrepay for rental payments.
<p>3.1.3 Tenancy databases</p> <p><i>(Questions 8, 9 and 10)</i></p>	<ul style="list-style-type: none"> As a general rule, tenants should have free access to tenancy databases, however, this right should be balanced against their right to privacy. The Residential Tenancies Act should be amended so people escaping family violence can prevent their personal details from being added to the residential tenancy database, or be removed from the database, as per Recommendation 116 from the Royal Commission into Family Violence.

Beginning a tenancy

Discussion paper	Launch Housing recommendation
<p>3.2.1 Form of agreement</p> <p><i>(Questions 11 and 12)</i></p>	<ul style="list-style-type: none"> Consumer Affairs Victoria should work with the Tenants Union of Victoria to ensure that forms of agreement are written in plain English and are accessible to people from disadvantaged groups and culturally and linguistically diverse backgrounds.
<p>3.2.2 Adequacy of disclosure</p> <p><i>(Questions 11 and 12)</i></p>	<ul style="list-style-type: none"> Launch Housing agrees with the proposal that prospective tenants be given three business days to seek independent advice to consider a tenancy agreement.
<p>3.2.3 Form of documents and manner of service</p> <p><i>(Question 13)</i></p>	<ul style="list-style-type: none"> Documents such as the tenancy agreement, the Red Book and two copies of the condition report should still be given to the tenant in hard copy. Electronic copy can complement but not replace this. Notices to Vacate should be served via registered post. Electronic delivery is not an adequate substitute.

During a tenancy

Discussion paper	Launch Housing recommendation
4.1 Duties and breaches of duty <i>(Question 14)</i>	<ul style="list-style-type: none"> As a guiding principle, any amendments to the Residential Tenancies Act should ensure that the rights and responsibilities of landlords and tenants are balanced. This is particularly important in a tight rental market.
4.1.1 Breaches of duty <i>(Questions 15, 16, 17 and 18)</i>	<ul style="list-style-type: none"> The Residential Tenancies Act should be amended so compliance orders have a time limit of 12 months.
4.1.2 Form of the tenancy agreement and breaches of additional terms <i>(Questions 19 and 20)</i>	<ul style="list-style-type: none"> Launch Housing does support changes to the Residential Tenancies Act that would increase the number of obligations prescribed in the Act, as per the NSW example. Launch Housing supports changes to the Residential Tenancies Act that would make it an offence to include in any tenancy agreement a term that attempts to exclude, restrict or modify the operation of the Act.
4.1.3 Pets in rented premises <i>(Question 21)</i>	<ul style="list-style-type: none"> Launch Housing does not support the introduction of a 'pet bond'. Launch Housing believes pets should be allowed in rented properties and any nuisance or damage should be dealt with as damage or a breach, as below. The Residential Tenancies Act does not need to be amended to address damage, and subsequent breach notices, caused by pets. Tenants' responsibilities regarding damage is already covered in the Act and explicit reference to pets does not need to be added.
4.2 Entry to premises <i>(Question 22)</i>	<ul style="list-style-type: none"> Launch Housing believes that 24-hours' notice to enter a property is too short (except in exceptional circumstances such as concern for the wellbeing of occupants or suspected dangerous activities). Notice to enter should be extended to seven days written notice.
4.2.1 Entry to premises where premises are to be sold <i>(Question 23)</i>	<ul style="list-style-type: none"> Launch Housing agrees with the approach in Queensland (outlined on page 26 in the Issues Paper) that prohibits a landlord from using an image that shows a tenant's possession to promote or advertise the property unless the tenant gives written consent for it to be used.
4.3.1 Issues with sub-letting <i>(Questions 24 and 25)</i>	<ul style="list-style-type: none"> The Residential Tenancies Act should prohibit sub-letting and unauthorised sharing in social housing, including the use of Airbnb and similar services.
4.3.2 Issues with assignment <i>(Questions 24 and 25)</i>	<ul style="list-style-type: none"> Launch Housing supports the proposal that the Residential Tenancies Act should make it easier for tenants to assign their lease to another party.
4.4 Violence in managed properties <i>(Question 26)</i>	<ul style="list-style-type: none"> The Residential Tenancies Act should be amended to reflect Recommendation 116 made by the Royal Commission into Family Violence.

At the end of a tenancy

Discussion paper	Launch Housing recommendation
5.1.2 Termination by tenant <i>(Question 27)</i>	<ul style="list-style-type: none"> • Launch Housing supports the proposal that tenants be able to give a reduced notice to vacate (14 days) if offered social or community housing.
5.1.3 Notices to vacate <i>(Questions 28, 29 and 30)</i>	<ul style="list-style-type: none"> • Consumer Affairs Victoria should work with the Tenants Union of Victoria to ensure that notices to vacate are written in plain English and are accessible to people from disadvantaged groups and culturally and linguistically diverse backgrounds. • Launch Housing believes that as a general principle, landlords should be required to provide the tenant with a reason to vacate. However, there are times when agencies such as Launch Housing are required to issue a 120 day notice to vacate, such as when a headleased property is returned to the landlord. When this happens, the tenant should be provided another social housing property. • Launch Housing agrees with the proposal in the Issues Paper (p. 32) that the terminology around notices to vacate be clarified to reflect their true meaning
5.1.4 Lease breaking <i>(Questions 31 and 32)</i>	<ul style="list-style-type: none"> • In relation to family violence, Launch Housing recommends: <ul style="list-style-type: none"> ○ VCAT processes be strengthened to better apportion bond refunds between co-tenants in situations of family violence. ○ The Residential Tenancies Act be amended to reflect Recommendation 116 made by the Royal Commission into Family Violence.
5.2 Goods left behind <i>(Questions 33 and 34)</i>	<ul style="list-style-type: none"> • No changes recommended.
5.3 Tenancies and family violence <i>(Questions 35 and 36)</i>	<ul style="list-style-type: none"> • Launch Housing recommends that VCAT processes be strengthened to better apportion bond refunds between co-tenants in situations of family violence. • Launch Housing recommends the Residential Tenancies Act be amended to reflect Recommendation 116 made by the Royal Commission into Family Violence.

Conduct of agents

Discussion paper	Launch Housing recommendation
6. Conduct of agents	<ul style="list-style-type: none"> • No recommendation.