

Fairer, Safer Housing: Residential Tenancies Act Review Laying the Groundwork – Consultation Paper

A Submission from the Community Housing Federation of Victoria

The Community Housing Federation of Victoria (CHFV) welcomes the opportunity to make a submission to the review into the Residential Tenancies Act 1997 (Vic) (**RTA**).

CHFV is the peak body that represents the not-for-profit community housing sector in Victoria. CHFV's member community housing organisations (CHOs) are committed to providing secure, affordable and decent housing for people on low to middle incomes. Members include the CHOs registered as housing associations or housing providers under the Victorian regulatory framework for non-profit housing providers plus other organisations and individuals interested in housing.

About community housing

As acknowledged in the Consultation Paper, CHOs now form a vital part of Victoria's social housing system, complementing the system of public housing operated by the Victorian Department of Health and Human Services (DHHS). CHOs provide housing at subsidised rent (usually based on a proportion of household income) to applicants from the public housing waiting list or those who meet the eligibility criteria for public housing.

What was not acknowledged by the Consultation Paper is that CHOs also offer what is commonly termed "affordable housing" – secure rental housing offered to low-income households. This is usually a smaller form of rental subsidy than in traditional social housing, but provides assistance to low income households struggling in an increasingly challenging private rental market.¹ Indeed, the Victorian government's own guidelines for eligibility for community housing set broader income eligibility limits than for public housing. The National Rental Affordability Scheme (NRAS) is a further example. NRAS is a Commonwealth Government Scheme which paid an annual subsidy for ten years for newly-constructed dwellings let at less than 80% of market rent. In Victoria, CHOs own or manage over 3,500 rental dwellings subject to an NRAS allocation.²

¹ The current eligibility criteria for registered agencies can be found at: <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/guidelines-for-registered-housing-agencies>

² As at 31 December 2014. Australian Government, National Rental Affordability Scheme Quarterly Performance Report, page 6.

CHOs are a diverse sector. Some focus on particular local communities or clients with particular needs, such as people with a disability, women escaping family violence or people experiencing or at risk of homelessness.

Most (but not all) CHOs in Victoria are registered under an opt-in regulatory scheme established under the *Housing Act 1983* (Vic). This is usually a pre-requisite for government financial support and contracts. Registered CHOs own and/or manage over 18,000 properties in Victoria, used for crisis, transitional and long-term housing programs. CHOs operate 130 rooming houses in Victoria which are home to about 1,800 residents.

As acknowledged in the Consultation Paper, CHOs receive government financial support for social and affordable housing from the Director of Housing (DoH), the state body established to own and manage public housing in Victoria and part of DHHS. Support is provided under a range of programs, which adapt and evolve along with government's priorities in social and affordable housing. It can be either operational (recurrent) funding, head leases of DoH-owned housing stock or one-off capital grant funding.

Attachment 1 contains an overview of the key funding arrangements. Importantly, under most long-term housing programs, no recurrent government financial assistance is provided, and CHOs are expected to provide for the full cost of such housing programs via the payment of subsidised rental by tenants. This means that changes to the RTA may have financial implications for CHOs who bear risks associated with damage to properties, non-payment of rent or extended vacancies.

Why the RTA matters

As social housing landlords, CHOs interact with the RTA on a daily basis. The RTA provides the principal formal framework under which CHOs relate to their tenants and residents. CHOs are required by regulation to seek to sustain social housing tenancies wherever possible. The RTA is used as a tool by CHOs to sustain tenancies by:

- providing a frame of reference for the rights and responsibilities of tenants;
- the utilisation of enforcement mechanisms through the Victorian Civil and Administrative Tribunal (VCAT) – not as a method of ending tenancies but principally as a means to ensure tenants comply with their obligations and fully appreciate the consequences of not doing so.

Evictions for non-payment of rent or repeated breaches of duty provisions of the RTA are required by regulation and by CHO's policies to be used as a last resort only. This approach, coupled with a rent-setting approach that keeps rent at or below affordability benchmarks (being those outlined in the Consultation Paper) and a greater ability to link tenants with support offers tenants a measure of security of tenure not seen in the private rental market. In 2013-2014, 87% of tenants in CHO properties maintained their tenancy, and only 7% of tenancies that ended did so as a result of the eviction process under the RTA.³

CHFV believes that the RTA has a role to play in ensuring that the rental housing market operates fairly for tenants and ensures continued investment in private rental dwellings by landlords.

³ Housing Registrar, Sector Performance Report 2013-2014

Obviously, the RTA is not on its own able to address the severe issues of housing affordability and availability in Victoria to any meaningful extent, and to that end we look forward to engaging with the Victorian Government on the other initiatives mentioned in the Consultation Paper, including:

- implementing the *Plan for Fairer, Safer Housing*, including:
 - piloting inclusionary zoning for land sold by government for development;
 - improving accessibility standards for elderly people and people living with a disability through improved domestic building regulations;
 - improving the alignment of relevant regulatory requirements under the Building and Public Health and Wellbeing Acts; and
 - investment in services so that people with complex social and health needs stay off the streets;
- a broad review of housing affordability, examining taxation, regulation, and the full suite of grants and concessions that are available to property purchasers. The findings of the review will guide future housing affordability reforms;
- a formal refresh of Plan Melbourne and review of Residential Zones.

CHFV has already made a submission to the Royal Commission into Family Violence.

Without a supply response, it is difficult for the social housing system to mitigate the impact of the private rental market, even with reforms to the RTA to improve outcomes for tenants. For that reason, CHFV refers the review to its policy blueprint, *Making Social Housing Work*. CHFV produced this in collaboration with a range of organisations interested in our housing system. In summary, *Making Social Housing Work* calls for:

- An investment of \$200 million per year for 20 years in new social housing.
- Transfer of stock from public housing to community housing to introduce new revenue while maintaining existing stock and current tenants.
- Making the National Affordable Housing Agreement work better by including other Commonwealth housing programs in it.
- Making the National Rental Affordability Scheme a permanent program as it contributes to the supply of new affordable housing stock.
- Reforms to Commonwealth taxes so that the \$45 billion in indirect tax assistance each year to investors and home owners contributes to the supply of new dwellings.

Making Social Housing Work is available on the CHFV website.

Issues CHFV considers should be examined in the review

CHFV understands that the purpose of Phase 1 of the RTA review is to identify relevant issues for a series of Issues Paper to be released later this year or early next year. In our submission we focus on issues that are unique to the community housing sector in Victoria. Our submission focuses on the following questions in the Consultation Paper:

What issues would you like examined in the Review of the current Act?

What is working well about the current Act and what needs to be improved?

What considerations need to be given to the regulation of rooming houses, caravan parks and residential parks?

What situations trigger issues of affordability in the rental housing sector, and how do these affect tenants and the choices they make?

Are the current arrangements for resolving disputes and providing access to redress for both landlords and tenants sufficient, or are other mechanisms needed?

We also take the opportunity as set out in the Consultation Paper to make suggestions for other questions or issues that should be considered in the Issues Papers to be developed during the next stage of the Review.

In Attachment 2 we provide suggested changes to the text of the RTA by way of illustration of the issues raised. We appreciate that the review is currently looking at the issues to be examined in later stages, but we nevertheless thought it may be useful to articulate the changes to the legislation to frame the discussion.

1. Safety and security

The review should consider whether the RTA adequately protects the health and safety of employees and contractors of landlords (in particular social housing landlords) and provides certainty for landlords who co-operate with law enforcement officials

Threats to health and safety of community housing workers and contractors

CHOs owe duties under OHS legislation to, so far as is reasonably practicable, provide and maintain for employees and contractors a working environment that is safe and without risks to health.

Many of CHFV's members report challenges in circumstances where the conduct of a tenant poses an unacceptable risk to the health and safety of employees and contractors. In multi-unit complexes or rooming houses in particular, adhering to this paramount responsibility may inhibit the CHO from carrying out duties such as maintenance, cleaning and tenancy management which benefit all tenants.

The RTA contains provisions relating to tenant conduct which:

- create a breach of duty if a tenant interferes with the peace, comfort or privacy of neighbours or peaceful occupation of other residents (sections 60 and 113);

- allow a landlord to serve a notice to vacate if the tenant/resident (or their visitor) endangers the safety of occupiers of neighbouring premises or any person in the rooming house (sections 244 and 279).

These provisions tend not to be of assistance in circumstances where a tenant causes a danger to the landlord or the landlord's employees, contractors or agents. This is a serious concern for CHOs who are left without legal remedies under the RTA where tenants or rooming house residents pose a safety risk to staff and contractors. We are aware of at least one recent instance where a tenant of a CHO made a series of persistent and serious threats to the safety of a tenancy worker of a CHO. These threats took place outside of the rented premises and the building. As the RTA did not provide any remedy in respect of this behaviour, the CHO and staff member were subject to 12 months of police and Magistrates' Court proceedings resulting in a Community Corrections Order against a tenant. It seems anomalous that there can be no consequence for a tenant under the RTA in these circumstances which would have been much quicker, cheaper and less stressful for all concerned and consistent with the CHO's OHS obligations.

Co-operation with law enforcement officials

CHFV's members are at times requested by police to provide keys to rented premises where the police have a search warrant to enter the particular premises. Many CHOs wish to work constructively with police to ensure the safety of staff and other residents and tenants, particularly when the CHO has grounds to believe that rented premises are being used for an illegal purpose. Forced entry by police can cause costly damage to properties and disruption to neighbours. Recovering such costs from tenants on very low incomes is difficult and may in itself cause tenancies to become financially unsustainable.

A CHO's actions in providing keys to the police in such circumstances could potentially comprise a breach of the landlord's duty to provide quiet enjoyment under section 67 of the RTA. On the other hand, to refuse to do so may also expose the landlord to claims for failing to provide reasonable assistance to police in the course of their duties. CHFV believes it is important that the RTA provide clarity on the circumstances when a CHO may provide keys to law enforcement officials. There should be appropriate safeguards for tenants – the landlord should have to verify the request and sight a copy of the warrant, and police should be required to comply with standing orders on announcing their entry.

2. Consistent treatment of all forms of social housing – both public and community housing

The review should consider whether both forms of social housing – public and community – should be treated the same

Certain provisions of the RTA acknowledge the attributes of social housing which set it apart from private market housing. However, these provisions often refer only to the Director of Housing. In other cases, they can also apply to CHOs but use inconsistent terminology to describe CHOs. The establishment of a dedicated regulatory system for CHOs under the Housing Act means that it should be simple to describe what community housing is (and is not).

The Consultation Paper states that social housing comprises both public and community housing and the two systems fulfil a similar purpose. Therefore, the RTA should treat both consistently. These provisions include the following:

Provision of RTA	Description of provision	Description of social landlord
Section 19(3)	The Minister, at the request of the Director of Housing, may declare a building owned or leased by the Director of Housing and containing one or more self-contained apartments to be a rooming house for the purposes of this Act	Buildings owned or leased by the Director of Housing. Does not include buildings owned by CHOs
Section 83	It is not unreasonable for a landlord to withhold consent to an assignment or sub-letting of rented premises if— (a) the landlord is the Director of Housing; and (b) the ground for withholding that consent is that the assignment or sub-letting would disadvantage persons on a public housing waiting list.	Director of Housing only. Does not include properties owned or leased by CHOs, or tenants on a register of interest maintained by a CHO.
Section 252(1)	A landlord which is a public statutory authority engaged in the provision of housing may give a tenant a notice to vacate rented premises if the authority was induced to enter the tenancy agreement by a statement by the tenant— (a) which related to a matter on which eligibility to rent the premises depended; and (b) which the tenant knew to be false or misleading.	Landlord which is a public statutory authority. Does not include CHOs
Section 250A	The Director of Housing may give a notice to vacate in respect of drug-related conduct on rented premises or common areas	Does not include CHOs
Section 262(1)	(1) A landlord which is a public statutory authority engaged in the provision of housing may give a tenant a notice to vacate rented premises if— (a) the rented premises are premises only available to be let to persons who meet the eligibility criteria for housing published by the public statutory authority under subsection (3); and (b) the tenant ceases to meet one or more of the eligibility criteria.	Landlord which is a public statutory authority. Does not include CHOs
57 and 109A	The Director of Housing may impose a service charge on a tenant/resident for any water, central heating, laundry or utility services or facilities made available to the tenant/resident	Will include most CHOs but would have to prove link to funding
252	A tenant can give a 14 day notice to vacate if offered public housing.	Does not include offers of community housing

3. Security of tenure

The review should consider the way in which the RTA can improve security of tenure for tenants.

A sense that our homes are ours for as long as we need them is taken for granted by many in our community, but for others is a long cherished dream.

Even if landlords do not exercise their rights, many private market tenants suffer just from knowing that the landlord can end the tenancy arbitrarily. This can occur even if the tenant has not done anything wrong, and when the landlord does not need the property back for a valid reason. It is this feeling of insecurity that inhibits tenants from exercising their rights, even when entitled to do so. In a wider sense, a lack of security of tenure in the rental market stands in the way of people seeking work, education and community networks in their local area.

What many tenants of social housing value about their tenancy is not just affordability of rent but also knowing that their tenancy cannot be taken away arbitrarily. The practices and policies of social landlords mean that evictions only occur as a last resort after every effort has been made to sustain the tenancy and following a fair process which considers the rights and needs of tenants, neighbours and others. This reduces the stress and anxiety of having to find new housing and provides a platform for tenants to build strong connections within their local community.

Given the high proportion of tenants in private rental compared to social housing, it makes sense to consider changes to the RTA to improve security of tenure for tenants. This would not just benefit those currently in private rental but would also relieve pressure on social housing.

There are divergent views about the use of 60/90/120 day “no reason” termination provisions (in sections 261 and 263/288 of the RTA respectively) by both private and social housing landlords. We acknowledge that these provisions have a significant impact on all tenants – both private market and social - by creating tenure insecurity. CHOs typically only use such provisions in limited circumstances, following a transparent process and as a last resort, including where:

- the RTA does not provide an adequate remedy, such as threats to the safety of workers or contractors; or
- situations where a tenant’s actions are a threat to the safety of others who are themselves vulnerable and unwilling to give evidence at a VCAT hearing.

Most CHOs consider that such provisions of the RTA are a vital tool of last resort to be used to give protection to vulnerable tenants living alongside people who routinely threaten and intimidate their neighbours. Other CHOs are of the view that it is quite possible to manage complex tenancies within the current provisions of the RTA without use of “no reason” termination notices.

We recommend that the review consider whether the RTA strikes the appropriate balance between the security of tenure for tenants and the legitimate concerns of CHOs in managing complex social housing tenancies.

4. Treatment of rebated rents

The review should consider whether the RTA is appropriately adapted to systems of rebated rents.

A key benefit of community housing is a rental subsidy provided by CHOs. CHOs are bound by funding agreements with the DoH or DHHS which require tenants to be offered rents within affordability parameters. The Performance Standards for registered agencies require rents to be affordable and for tenants to be provided with information about each registered agency's approach to rent-setting.

Most CHOs calculate rents based on either a percentage of gross household income or a proportion of the market rent of the property, or a combination of both. Where rent is based on household income, this can be a complex process which requires a tenant to provide reasonable details of household income. Household income can change dramatically, either through changes in household composition or changes to a tenant's employment status. The regime in the RTA, which requires 60 day notice of rent increases and for rent increases no more than every 6 months, is inflexible and not well-adapted to this process. For example, a CHO may be prevented from increasing a tenant's rent even when a tenant has informed the CHO that they are earning additional income, if a rent review has already been undertaken recently.

Some CHOs respond to this complexity by separating out notices under the RTA (used to set a market or maximum rent) with a separate process which calculates the tenant's entitlement to a rental subsidy. These processes are complex and difficult for tenants to understand.

CHFV acknowledges that this is a difficult issue. The needs of CHOs to maintain their financial viability through appropriate rent-setting must be balanced against the rights of tenants to a clear and transparent process, proper notice of rent increase and to appeal rental assessments if unsatisfied with the outcome. What the review should consider is whether any amendments could be made to the RTA to better reflect the realities of the rent-setting process to provide more certainty to both CHOs and tenants.

In addition, provisions that seek to cap or restrict the ability of a landlord to increase rents need to carefully consider the particular needs of CHOs in setting rents (or rebates) based on household income. Sections of the NRAS regulations which purported to limit rental increases to once per year and in accordance with the rents component of the Consumer Prices Index appeared reasonable in principle, but did not take into consideration the additional subsidy provided by many CHOs for rents based on household income. Indeed, the Commonwealth recently deleted these provisions from the NRAS regulations altogether as they were unable to be effectively administered.⁴

⁴ See more information at <https://www.dss.gov.au/housing-support/programmes-services/nras-resources-documents-and-information/letter-advising-of-an-amendment-to-the-nras-regulations-regarding-the-requirements-for-rent-reviews>

5. Forms of residential accommodation not covered by the RTA

The review should consider whether the RTA should respond differently to forms of accommodation linked to service provision

Crisis accommodation

Crisis accommodation is a service operated typically by non-government providers (who are often also CHOs) to people experiencing homelessness and in need of temporary accommodation. Crisis accommodation is intended to be short term and linked to service provision which supports people to exit the crisis accommodation into either medium term housing (such as transitional housing operated by CHOs in Victoria) or long-term housing in either the private rental market or social housing system.

The RTA does not apply to a tenancy agreement or room if the rented premises or room are provided as temporary crisis accommodation (section 22) – defined as accommodation provided on a non-profit basis for a period of less than 14 days.

The issue for many clients and providers of crisis accommodation is that given the current state of the social housing system and private rental market, a period of no more than 14 days is no longer realistic or desirable. We are aware of at least one instance where VCAT considered the application of the rooming house provisions of the RTA to a crisis accommodation service operated by a CHO. VCAT found that the RTA did not apply but not because the service met the definition of “temporary crisis accommodation” as in this case the CHO believed the service operated most effectively if services were provided for a period longer than 14 days. Rather, the case turned on the nature of the offer to the client as accommodation coupled with an obligation on the client to engage with a range of related case managed support services including mental health, health and wellbeing services, drug and alcohol rehabilitation and job support. Fees were payable by the client but only to establish a payment record, and indeed the CHO would not charge a fee if the client was unable to pay it. This distinguished the service from rooming houses as predominately an offer of a residency in return for payment of rent.

This state of affairs therefore creates two tensions – for providers seeking to manage the service to stay either within the 14 day threshold or provide a support service, and for clients of these services who are effectively left without a legal framework to protect their rights as a consumer. This is becoming an issue for the women’s refuge system in particular.

One way of dealing with forms of temporary crisis accommodation would be a separate part of the RTA, similar to the way in which rooming houses, caravan parks and site agreements have been given particular treatment. This would recognise the unique attributes of this form of service including time-limited occupancy and delivery as part of an overall service.

Supported Accommodation for people with a disability

The legal framework for supported accommodation for people with a disability is in the Disability Act 2006 (Vic). The RTA responds to this (in section 23) by exempting “health or residential services” from its application which are defined to include premises used for a residential service within the meaning of the Disability Act 2006.

It is likely that the system of supported accommodation and its regulation under the Disability Act will need significant reform due to the introduction of the National Disability Insurance Scheme (NDIS). A key driver of the NDIS is to maximise the independence, choice and control of NDIS participants. In addition, it is likely that over time the state government will have a reduced role as a funder and provider of disability accommodation.

Accordingly, CHFV is of the view that the review should give consideration to whether this exemption will be appropriate moving into the future of disability accommodation and support under the NDIS.

6. Resolving disputes

One of the stated purposes of the Act is “to provide for the inexpensive and quick resolution of disputes”. In general terms, CHFV believes that the residential tenancies list in VCAT has until recently been a quick, efficient and appropriate means to settle disputes under the RTA. Unfortunately, a lack of resources in this list means that sometimes our members now wait between 4-6 weeks for a simple hearing relating to rental arrears. We appreciate that appropriate resourcing for the administration of justice in Victoria would be outside of the scope of this review.

In some cases delays are exacerbated where a technical defect in a notice served under the RTA prevents a hearing proceeding even where there has been no material detriment to the tenant. Accordingly we suggest one amendment to the RTA, based on a similar provision in the NSW residential tenancies legislation, to enable a VCAT member to proceed despite defects in formal notices given under the RTA which do not prejudice the rights of tenants.

7. Standard of housing

The RTA should establish minimum standards for rental housing. This would include a requirement that all rented premises have adequate heating, appliances, weatherproofing, locks and security.

Standards for rooming houses have been set out in the Residential Tenancies (Rooming House Standards) Regulations 2012. These can form a basis for setting similar standards for residential tenancies (however these do not include heating).

Tenants could also be given more flexibility with regard to minor modifications to rental housing, such as being able to attach picture hooks and picture rails, or to improve gardens without having to restore the premises to its previous condition.

Attachment 1 – funding programs

Program	Funding arrangement	Risk allocation
<p>Transitional housing</p> <p>Short- to medium-term supported housing for people who are homeless or at risk of homelessness. This is a pathway to long-term public, community or private market housing.</p>	<p>Funding agreement between CHO and DoH. CHO enters into tenancy agreement as agent of DoH. CHOs are delegated powers by the DoH under the terms of Section 35 of the <i>Housing Act 1983</i> to manage, control and undertake related activities to administer a transitional housing portfolio. CHO remits all rent paid by tenants to DoH. Staff and operating costs are funded by DoH.</p>	<p>DoH bears risks associated with asset management, non-performance of tenancy obligations (rent arrears, damage) and vacancies.</p>
<p>Long-term leased</p> <p>DoH-owned properties. Long-term housing for clients who meet eligibility for public housing.</p>	<p>DoH leases properties to CHO for term of up to 5 years, typically for small head lease rental. Tenants have tenancy agreement with CHO and pay rent to CHO. CHOs retain all rent paid by tenants.</p> <p>No operational funding is provided by DoH.</p>	<p>CHO bears risks associated with non-performance of tenancy obligations (rent, damage, vacancies).</p> <p>CHO assumes most asset management responsibilities. The DoH retains a residual liability for insurable risks.</p>
<p>CHO owned (capital grant funding)</p> <p>Properties owned by the CHO which are used as long-term community housing for people who meet community housing eligibility criteria. These are acquired with financial assistance from government or transferred to the CHO from government.</p>	<p>Capital grant agreement under which DoH provides a one-off capital grant or title to existing assets. Grants are repayable if the property is sold or ceases to be used as community housing. Since 2008 the policy of the DoH has been to provide 75% project of total up-front capital cost, with the CHO providing 25%.</p> <p>DoH does not provide any ongoing capital or operational funding.</p> <p>Tenants have tenancy agreement with CHO and pay rent to CHO, used to meet ongoing costs of ownership.</p>	<p>CHO bears all risks associated with property, including long-term maintenance liabilities and non-performance of tenancy obligations.</p> <p>DoH has no ongoing responsibilities with respect to the property except to exercise control where the CHO wishes to sell a funded asset.</p>

Program	Funding arrangement	Risk allocation
<p>Independently CHO owned</p> <p>Properties owned by the CHO which are used as community housing and have not had any government contribution to purchase or construction or compulsory conditions regarding eligibility criteria.</p>	<p>No government funding or compulsory conditions regarding eligibility criteria.</p>	<p>CHO bears all risks associated with property, including long-term maintenance liabilities and non-performance of tenancy obligations.</p> <p>DoH has no ongoing responsibilities with respect to the property.</p>
<p>Crisis accommodation</p> <p>Short term accommodation with support for people who are homeless and/or escaping domestic violence.</p>	<p>Funding agreement between CHO (or other service provider) and DoH/DHHS. CHOs are delegated powers by the DoH under the terms of Section 35 of the <i>Housing Act 1983</i> to manage, control and undertake related activities to administer a crisis housing. Clients of the service sign an agreement with the CHO concerning the accommodation and support provided.</p> <p>CHO receives funding to provide the service from DoH/DHHS and only on an ancillary basis from fees paid by clients.</p>	<p>DoH bears risks associated with asset management.</p> <p>CHO/Support Service bears some risks associated with non-performance of agreement between client and CHO and on vacancies.</p>

Attachment 2 – Suggested amendments to the RTA

Section	Current Wording	Proposed Amendment
3	<p>[new definition]</p> <p>registered housing agency means a means a rental housing agency registered as a registered housing association or registered housing provider under Part VIII of the Housing Act 1983</p>	
19(3)	<p>The Minister, at the request of the Director of Housing, may declare a building owned or leased by the Director of Housing and containing one or more self-contained apartments to be a rooming house for the purposes of this Act.</p>	<p>The Minister, at the request of the Director of Housing, may declare a building owned by the Director of Housing or owned or leased by a registered housing agency and containing one or more self-contained apartments to be a rooming house for the purposes of this Act.</p>
57 (and 109A)	<p>57 Director of Housing may impose service charge</p> <p>(1) The Director of Housing may impose a service charge on a tenant in rented premises let by the Director of Housing for any water, central heating, laundry or utility services or facilities made available to the tenant.</p> <p>(2) Subsection (1) only applies if it is not possible or practicable to accurately measure the use by the tenant of that service or facility.</p> <p>(3) A service charge may be increased by an amount or decreased in line with changes in the cost of providing the services or facilities.</p> <p>(4) This section applies despite anything to the contrary in any tenancy agreement.</p> <p>(5) In this section Director of Housing includes any incorporated body that receives financial assistance from the Director of Housing for the purposes of providing non-profit housing.</p>	<p>57 Director of Housing or registered housing agency may impose service charge</p> <p>(1) The Director of Housing or a registered housing agency may impose a service charge on a tenant in rented premises let by the Director of Housing or a registered housing agency (as the case may be) for any water, central heating, laundry or utility services or facilities made available to the tenant.</p> <p>(2) Subsection (1) only applies if it is not possible or practicable to accurately measure the use by the tenant of that service or facility.</p> <p>(3) A service charge may be increased by an amount or decreased in line with changes in the cost of providing the services or facilities.</p> <p>(4) This section applies despite anything to the contrary in any tenancy agreement.</p>

83	<p>Director of Housing may withhold consent in certain circumstances</p> <p>For the purposes of this Division, it is not unreasonable for a landlord to withhold consent to an assignment or sub-letting of rented premises if—</p> <p>(a) the landlord is the Director of Housing; and</p> <p>(b) the ground for withholding that consent is that the assignment or sub-letting would disadvantage persons on a public housing waiting list.</p>	<p>Director of Housing or registered housing agency may withhold consent in certain circumstances</p> <p>For the purposes of this Division, it is not unreasonable for a landlord to withhold consent to an assignment or sub-letting of rented premises if—</p> <p>(a) the landlord is the Director of Housing or a registered housing agency; and</p> <p>(b) the ground for withholding that consent is that the assignment or sub-letting would disadvantage persons on a register of applicants for public or community housing.</p>
237(1)(c)	(c) the tenant has received a written offer of public housing from the Director of Housing;	(c) the tenant has received a written offer of public housing from the Director of Housing or a registered housing agency ;
244	<p>244 Danger</p> <p>(1) A landlord may give a tenant a notice to vacate rented premises if the tenant or the tenant's visitor by act or omission endangers the safety of occupiers of neighbouring premises.</p>	<p>244 Danger</p> <p>(1) A landlord may give a tenant a notice to vacate rented premises if the tenant or the tenant's visitor by act or omission endangers the safety of:</p> <p>(a) occupiers of neighbouring premises; or</p> <p>(b) the landlord or the landlord's employee, agent or contractor.</p>
244A	<p>[New section]</p> <p>244A Threat, abuse, intimidation or harassment</p> <p>(1) A landlord may give a tenant a notice to vacate rented premises if the tenant or the tenant's visitor has:</p> <p>(a) seriously or persistently threatened or abused the landlord, the landlord's agent, or any employee or contractor of the landlord or landlord's agent, or caused or permitted any such threats, abuse or conduct, or</p> <p>(b) intentionally engaged, or intentionally caused or permitted another person to engage, in conduct in relation to any such person that would be reasonably likely to cause the person to be intimidated or harassed (whether or not any abusive language or threat has been directed towards the person)</p> <p>(2) The notice may specify a termination date that is the date on which the</p>	

	notice is given or a later date.	
250A (and 250B ⁵)	<p>250A Drug-related conduct in public housing</p> <p>(1) The Director of Housing may give a tenant a notice to vacate rented premises of which the Director of Housing is the landlord if the tenant has, on the rented premises or in a common area, illegally—</p> <p>...</p>	<p>250A Drug-related conduct in public or community housing</p> <p>(1) The Director of Housing or a registered housing agency may give a tenant a notice to vacate rented premises of which the Director of Housing or a registered housing agency is the landlord if the tenant has, on the rented premises or in a common area, illegally—</p> <p>...</p>
252(1)	<p>252 False statement to housing authority</p> <p>(1) A landlord which is a public statutory authority engaged in the provision of housing may give a tenant a notice to vacate rented premises if the authority was induced to enter the tenancy agreement by a statement by the tenant—</p> <p>(a) which related to a matter on which eligibility to rent the premises depended; and</p> <p>(b) which the tenant knew to be false or misleading.</p>	<p>252 False statement to housing authority or registered housing agency</p> <p>(1) A landlord which is a public statutory authority engaged in the provision of housing or a registered housing agency may give a tenant a notice to vacate rented premises if the authority was induced to enter the tenancy agreement by a statement by the tenant—</p> <p>(a) which related to a matter on which eligibility to rent the premises depended; and</p> <p>(b) which the tenant knew to be false or misleading.</p>
262	<p>Tenant no longer meets eligibility criteria</p> <p>(1) A landlord which is a public statutory authority engaged in the provision of housing may give a tenant a notice to vacate rented premises if—</p> <p>(a) the rented premises are premises only available to be let to persons who meet the eligibility criteria for housing</p>	<p>Tenant no longer meets eligibility criteria</p> <p>(1) A landlord which is a public statutory authority engaged in the provision of housing or a registered housing agency may give a tenant a notice to vacate rented premises if—</p> <p>(a) the rented premises are premises only available to be let to persons who meet the</p>

⁵ Section 250B states that the Director of Housing may give a tenant a notice to vacate rented premises of which the Director of Housing is the landlord if the tenant has committed a prescribed indictable offence on the rented premises or in a common area. To date no indictable offences have been prescribed in the regulations made under the RTA.

	<p>published by the public statutory authority under subsection (3); and</p> <p>(b) the tenant ceases to meet one or more of the eligibility criteria.</p> <p>(2) The notice must specify a termination date that is not less than 90 days after the date on which the notice is given.</p> <p>(3) A public statutory authority, by notice published in the Government Gazette, may publish its criteria for eligibility for the provision of housing by that public statutory authority.</p>	<p>eligibility criteria for housing published by the public statutory authority or the registered housing agency under subsection (3); and</p> <p>(b) the tenant ceases to meet one or more of the eligibility criteria.</p> <p>(2) The notice must specify a termination date that is not less than 90 days after the date on which the notice is given.</p> <p>(3) A public statutory authority, by notice published in the Government Gazette, may publish its criteria for eligibility for the provision of housing by that public statutory authority or registered housing agency.</p>
279	<p>279 Danger</p> <p>(1) A rooming house owner may give a resident a notice to vacate the room occupied by the resident if the resident or the resident's visitor by act or omission causes a danger to any person or property in the rooming house.</p>	<p>279 Danger</p> <p>(1) A rooming house owner may give a resident a notice to vacate the room occupied by the resident if the resident or the resident's visitor by act or omission causes a danger to:</p> <p>(a) any person or property in the rooming house; or</p> <p>(b) the rooming house owner or the rooming house owner's employee, agent or contractor</p>
279A	<p>Proposed new section:</p> <p>279A Threat, abuse, intimidation or harassment</p> <p>(1) A rooming house owner may give a resident a notice to vacate rented premises if the resident or the resident's visitor has</p> <p>(a) seriously or persistently threatened or abused the rooming house owner, the rooming house owner's agent or any employee or contractor of the rooming house owner or rooming house owner's agent, or caused or permitted any such threats, abuse or conduct, or</p> <p>(b) intentionally engaged, or intentionally caused or permitted another person to engage, in conduct in relation to any such person that would be reasonably likely to cause the person to be intimidated or harassed (whether or not any abusive language or threat has been directed towards the person)</p>	

	(2) The notice may specify a termination date that is the date on which the notice is given or a later date.
319B	<p>Proposed new section:</p> <p>319B Defects in notices to vacate</p> <p>The Tribunal may declare a notice to vacate to be valid even though there is a defect in the relevant notice to vacate or the manner of service of the notice if:</p> <ul style="list-style-type: none"> (a) it thinks it appropriate to do so in the circumstances of the case, and (b) it is satisfied that the person to whom the notice was given has not suffered any disadvantage because of the defect in the notice or service.