

# VICTORIA'S NEW RENTAL REFORMS AND SOCIAL HOUSING

---

March 2021

VICTORIAN PUBLIC TENANTS  
ASSOCIATION

---

# ACKNOWLEDGMENT OF COUNTRY

---

The VPTA acknowledges the Traditional Owners of country throughout Victoria and recognises their continuing connection to land, waters and community.

We pay our respects to all Aboriginal and Torres Strait Islander people, and Elders of past, present and future generations.

## WHO WE ARE

The Victorian Public Tenants' Association (VPTA) is the voice of public housing in Victoria.

As the peak body representing existing public housing tenants and those on the waitlist, our goal is to provide advice to tenants, and to improve and expand the public housing system in Victoria. Although not formally part of our role, we also assist community housing tenants where possible.

In addition, we undertake systemic advocacy and provide policy advice to the Victorian Department of Families, Fairness and Housing, undertake community engagement work and operate a free and confidential telephone advice service.



---

# USING THIS DOCUMENT

The changes to the Residential Tenancies Act Regulations are effective from 29 March 2021. When, and if, some of these changes apply to you depend on when you signed your rental agreement (or lease). Other changes apply to everyone.

We've split our description of these changes into sections which are headed by your move in date, so that you can easily work out what applies to you. For example;

- If you moved into your home in 2016, and you live in public housing, everything in the first two sections applies to you.
- If you moved into your home anytime after 29 March 2021, all the changes in the document apply to you.

This is not a complete list of the rental reforms. This is a list of changes most likely to impact, or be of interest to, people who live in social housing.

This information is not legal advice, and is current at 23 March 2021. For specific legal advice about your tenancy, we recommend contacting [Tenants Victoria](#).

For non-legal assistance with a social housing issue, you can contact our VPTA [Tenant Advocates](#) by calling 1800 015 510 (free call) or emailing [enquiries@vpta.org.au](mailto:enquiries@vpta.org.au) .

---

IF YOU MOVED IN  
BEFORE

29

MARCH

2021

---

*all social housing residents*

The following changes apply to you:

### **Terminology**

Tenants are now called 'renters'.

Landlords are now called 'residential rental providers.'

### **Rent Arrears**

There are new rules about rental arrears which you might hear referred to as the 'five strikes rules'.

This means the rules are different depending on how many times your rent has been late in any 12 month period. The 12 month period starts on the day you sign your tenancy agreement.

On the **first, second, third or fourth** time your rent is late:

- Your rental provider can give you a Notice to Vacate.
- If you pay your rent on or before the 'termination date' in the Notice to Vacate, it has no effect.
- If you do not catch up your rent payments by the date on the Notice, your rental provider can apply for a Possession Order at VCAT.
  - VCAT can either grant the Possession Order or refer you to a financial counsellor and place you on a payment plan to catch up on your rent.

If you catch up your rent payments, the Notice to Vacate becomes invalid.

The **fifth** time your rent is not paid on time, your rental provider may give you a Notice to Vacate, and VCAT can grant a Possession Order if it is reasonable and proportionate to do so.

The 'five strikes rules' do not apply to rent arrears in Rooming Houses.

None of the new rules change your existing obligation to pay rent on time.

If you think you are at risk of being unable to pay your rent, it's important that you contact your rental provider as soon as possible. They may be able to assist you to enter a repayment plan which could help avoid going to VCAT and placing your tenancy at risk.

For assistance approaching your rental provider, you can contact our [Tenant Advocates](#) for free and confidential advice.

---

IF YOU MOVED IN  
BEFORE

**29**

**MARCH**

**2021**

Everything in the previous section, and:

---

*public housing residents only*

## **Fire, and Gas and Electrical Safety Checks**

From 29 March 2021, residential rental providers will be required to complete more regular fire and gas and electricity safety check. Each check must be completed at least every two years.

Homes Victoria has undertaken to complete these checks in all of their properties, regardless of how long the current renter has been living there.

If you live in public housing, you will have a safety check every year. The checks will alternate between a fire safety check one year, and gas and electricity safety checks the following.

A copy of the most recent safety check should be provided to you no later than seven days after the inspection has occurred.



---

IF YOU MOVED IN  
AFTER

29

MARCH

2021

Everything in the previous two sections, and:

---

*all social housing residents*

## **Mandatory Disclosure Rules**

There are now some things that a rental provider must tell you before you sign a rental agreement. These are:

- If the property has been the location of a homicide in the last five years.
- If the property complies with the rental minimum standards (see below).
- If the rental provider has received a repair notice in the last three years due to mould or damp in the property that was either caused by, or is related to, the building structure (effective from 31 December 2021).
- The dates of the most recent gas and electricity safety checks.
- If there are any outstanding recommendations for work to be completed from a gas or electrical safety check.
- If the property is a 'registered place' under the Heritage Act.
- If the property is known by the rental provider:
  - To be contaminated because of the use of the property for the trafficking or cultivation of a drug of dependence in the last five years, or
  - To have friable or non-friable asbestos based on an inspection by a suitably qualified person, or
  - To be affected by a building or planning application that has been lodged with the relevant authority.
- If the property (or any shared areas) is known by the rental provider to be the subject of any notice, order, declaration, report or recommendation issued by a relevant building surveyor, municipal building surveyor, public authority or government department relating to any building defects or safety concerns associated with the rented premises or common property at the time of disclosure, a description of that notice, etc.
- If there is a current domestic building work dispute under the Domestic Building Contracts Act 1995 which applies to the property.
- If there is a current dispute under Part 10 of the Owners Corporations Act 2006 which applies to the property.
- A copy of any owners corporation rules that apply.

---

Some apartment buildings or unit blocks are part of an embedded network. This is like a small electrical grid which exclusively services that building or block. If the property is part of an embedded network, there are some additional things that the rental provider must disclose to you. These are:

- The ABN and trading name of the embedded network operator.
- The contact details, including phone number and website address of the embedded network operator.
- The electricity rates and all associated fees and charges that might apply in relation to the sale of electricity, or, the location where this information can be accessed.



## **Fire, and Gas and Electrical Safety Checks**

All residential rental providers are now required to complete more regular fire and gas and electricity safety checks. Each check must be completed at least every two years.

This includes all social housing rental providers and rooming house operators.

A copy of the most recent safety check should be provided to you no later than seven days after the inspection has occurred.

If you live in public housing, you will have a safety check every year. The checks will alternate between fire safety check one year, and gas and electricity safety checks the following.

If you live in a rooming house or in community housing, your provider may conduct these checks differently, but they must do both a fire and a gas and electricity safety check at least every two years. We recommend checking with your rental provider directly for more information.

---

## Modifications

You can now make some modifications to your property without needing the permission of your rental provider. These are:

- Installation of pictures hooks, other than on exposed brick or concrete walls.
- Screws for wall mounts, shelves, or brackets on surfaces other than exposed brick or concrete walls.
- Installation of wall anchoring devices on surfaces other than exposed brick or concrete walls to secure furniture.
- Installation of LED light globes if this doesn't require new light fittings.
- Installation of a water efficient shower head – as long as you keep the old one.
- Installation of blind or cord anchors.
- Installation of security lights, alarm systems or cameras as long as they;
  - Do not impact the privacy of your neighbours, and
  - Can be easily removed, and
  - Are not hardwired to the premises.
- Installation of hardware-mounted child safety gates on walls, other than on exposed brick or concrete walls.
- Installation of non-permanent window film for insulation, reduced heat transfer or privacy,
- Installation of a wireless doorbell.
- Replacement of curtains – as long as you keep the original ones.
- Installation of adhesive child safety locks on drawers and doors.
- Installation of pressure mounted child safety gates, and
- Putting a lock on the letterbox.

Some of these modifications have additional rules attached to them. For example, some require you to reverse the changes before you move out of the home, and others are required to be completed by a qualified tradesperson. We strongly recommend confirming with your rental provider before undertaking any work, to make sure you do not have a problem getting your bond back at the end of your tenancy or a surprise if your rental provider requires the changes to be reversed when you leave the home.

The new rules about modifications do not apply to rooming houses.



---

There are some other modifications that you still require approval for, but that your rental provider may not unreasonably refuse. These are:

- Installation of picture hooks, screws for wall mounts, shelves or brackets on exposed brick or concrete walls.
- Installation of hardware-mounted child safety gates on exposed brick or concrete walls.
- Installation of wall anchoring devices on exposed brick or concrete walls to secure furniture.
- Draughtproofing in homes without open-flued gas heating, including installing weather seals, caulking or gap filling around windows, doors, skirting and floorboards.
- Installation by a suitable qualified person of a security system which does not impact on the privacy of neighbours if an invoice with the name of the installer is provided to the rental provider at the time of the request.
- Installation of flyscreens on doors and windows.
- Installation of a vegetable or herb garden.
- Installation of a secure letterbox.
- Painting.
- Changes to secure external gates if they are not multi-unit dwellings, and
- Anything which contributes to conservation (within the meaning of section 3(1) of the Heritage Act 2017) of a registered place and is proposed to be undertaken in accordance with Part 5 of the Heritage Act 2017.



---

## Minimum Standards

New minimum standards have been introduced for rental properties. If one of the standards below aren't met, it's classified as an urgent repair.

Some of these standards won't start until 2022 or 2023, but we've noted where that's the case.

The minimum standards are:

- Locks on external doors (except screen doors).
- Windows that open and close, with latches to stop external entry.
- Reasonable light (natural or artificial) in all rooms.
- Ventilation which meets Building Code standards.
- Vermin proof, or council supplied rubbish and recycling bins.
- Functioning toilet.
- Bathroom with a washbasin and a shower or bath.
- Kitchen with a food preparation area, including a sink which is in good working order, and is connected to a reasonable supply of hot and cold water, and a cooktop in good working order that has two or more burners. If there is an oven, it must also be in good working order.
- Any laundry facilities must be connected to a reasonable supply of hot and cold water.
- Property must be structurally sound and weatherproof.
- There should be no mould or damp.
- All bedroom and living room windows must have curtains or blinds that block light and provide reasonable privacy (effective from 29 March 2022).
- Heating in good working order in the main living room. From 28 March 2023, this heater must be energy efficient.
- Power and lighting must be connected to a circuit breaker/residual current device (from 29 March 2023).

---

WHO TO CALL  
**FOR HELP**

---

*all social housing residents*

**General social housing, and  
waitlist issues, that do not  
require legal advice:**

The VPTA offers a free and confidential telephone advice service. Our Tenant Advocates are available Monday - Friday, 9am - 5pm, excluding public holidays.

Phone 1800 015 510 (free call) or email [enquiries@vpta.org.au](mailto:enquiries@vpta.org.au)

**Legal issues involving  
your tenancy**

Tenants Victoria are a specialist tenancy law community legal centre. They offer free and confidential legal advice over the phone or via email.

Social Housing tenants dedicated line, 1800 068 860  
[www.tenantsvic.org.au](http://www.tenantsvic.org.au)

**Public housing maintenance issues,  
including urgent or after hours jobs**

The Housing Call Centre.

Phone 13 11 72 or email  
[tenant.maintenance@dhhs.vic.gov.au](mailto:tenant.maintenance@dhhs.vic.gov.au)

We thank our colleagues at Tenants Victoria and the Community Housing Industry Association (Vic) for their assistance in compiling this document.