

EQUAL SERVICE

Responsible approaches to consumers
experiencing homelessness

Guidelines for private rental



EQUAL SERVICE

*Responsible approaches to consumers
experiencing homelessness*

Private Rental

The Victorian Government has developed these guidelines to help you manage a business that is fair and respectful of all consumers, regardless of their social status. These guidelines have been developed in consultation with business owners and operators throughout Victoria and with people who have experienced homelessness.



Homelessness can happen to anyone

Losing your job, getting sick, relationship breakdowns, domestic violence, financial strain, and emotional breakdowns all can lead to homelessness. Some people are more at risk of experiencing homelessness because of a lack of support services, sustained and institutionalised discrimination, and/or negative community attitudes.

Homelessness is a term used to describe people who do not have access to, safe, secure or affordable housing. This includes people sleeping rough on the streets or in squats, people staying with friends or families, people living in crisis or transitional accommodation, and those staying in boarding houses or in caravan parks without security of tenure. These people include Indigenous Australians, people with disabilities, people from culturally and linguistically diverse backgrounds, people with mental illness, older or younger people, transgender and intersex people.



Why provide EQUAL SERVICE?

EQUAL SERVICE guidelines are consistent with anti-discrimination and residential tenancy laws that you are already required to comply with. Providing EQUAL SERVICE does not mean that you do not have rights as a business owner – it is about treating people with respect and not judging them based on their appearance, background or social status. In following the guidelines you will open your business to the broadest possible client base and build your local reputation as a fair and responsible business leader.

People experiencing homelessness are often treated unfairly and harassed, which can add to their difficulties. While discrimination on the basis of homelessness is not against the law, under the *Equal Opportunity Act 1995* you must not discriminate against people because of their race, disability, physical features and gender identity, just to name a few of the personal characteristics covered by the Act. Adopting a policy of treating everyone fairly and equally is a good first step towards minimising the risk of a complaint of discrimination being made against you.

Guidelines to providing EQUAL SERVICE

I. Meet the basic statutory requirements that govern your industry

Under the *Residential Tenancies Act 1997*:

- You or your agent must respond to requests for urgent repairs without delay and to all reasonable requests for general repairs.
- Personal property cannot be held until rental arrears have been paid.
- Properties must be lockable and a tenant must be provided with keys.
- You cannot enter the rented premises without sufficient notification.
- You must give at least 60 days notice to the tenant of any rent increase.
- All bonds must be lodged with the Residential Tenancies Bond Authority.
- A tenant can only be evicted after correct written notice.

Under the *Equal Opportunity Act*:

- You cannot refuse tenancy or otherwise disadvantage someone in accessing your services because of a personal characteristic covered by the Act.
- You cannot demand sexual favours in return for tenancy.

2. Provide all consumers with the same level of service

All residents are entitled to be treated with dignity and respect. This means:

- A consumer is entitled to a vacancy regardless of whether they require the assistance of an advocate or support worker.
- You cannot charge more rent or bond based on your assumptions about an applicant.
- A consumer is entitled to choose from the range of accommodation that is available and within their budget.
- You cannot refuse a vacancy or vary the terms of a tenancy.
- All relevant business policies relating to consumers must be fair, equitable, clearly displayed, applied uniformly and comply with the *Equal Opportunity Act*.
- You cannot evict a tenant because they ask for repairs to be undertaken on the property.
- Maintaining the property to a standard required under the legislation forms part of an agents duty and is often a contractual duty owed to the property owner.

Tips

An applicant's rental history is only one factor that you should consider in determining if they are capable of renting a property. Other factors include; their employment history, income source, references, and their present circumstances. Approaching an applicant with an open mind and ensuring that your decisions are based on merit not prejudice will ensure that you treat everyone fairly.

Having a potential applicant's name appear on a tenancy database should not be a valid reason on its own to refuse access to a rental property. An applicant should be given the right to explain their previous actions, including how they have reimbursed the owner for any damage caused and be given the opportunity to explain how their circumstances have changed since their listing.

3. Accept all legal forms of payment for your service

- If a resident can pay for a service, they should have the right to access that service.
- Cash, Housing Establishment Funding (HEF) and charity cheques should all be accepted as payment for accommodation.
- Centrepay is an option for rental payment but you cannot insist on using Centrepay facilities as part of your lease agreement.

4. Work together to maintain a tenancy

- If a resident is experiencing problems including rental arrears, you should try and work with them to identify solutions that promote sustainable tenancies. If you can't agree on a solution together, the alternative is to attend a hearing at Victorian Civil Administrative Tribunal, where a decision will be made by an independent member on your behalf.
- Providing residents with a range of information and referral to support services can be useful in promoting sustainable tenancies.
- Providing consumers with appropriate referral to emergency and advocacy services on serving an eviction notice can assist in securing alternative accommodation.
- Developing robust policy and practices for conflict and dispute resolution will help ensure a fair and respectful environment.

Resources

Consumer Affairs Victoria

Provides free information and advice on the Residential Tenancies Act. They also publish a useful resource guide *Renting a Home: A Guide for Tenants and Landlords*.

113 Exhibition Street, Melbourne.

Telephone 1300 5581 81

Website www.consumer.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission

Provides free information and advice on the *Equal Opportunity Act*. Investigates and conciliates complaints of discrimination, sexual harassment and racial and religious vilification.

Advice Line 03 9281 7100

Toll Free 03 1800 134 142 (country callers)

Website www.humanrightscommission.vic.gov.au

PILCH Homeless Person's Legal Clinic

Provides free legal information and advice to people who are homeless or at risk of homelessness.

Free Call 1800 606 313

Website www.pilch.org.au

Council to Homeless Persons' Homelessness Advocacy Service

Provides information, advocacy and advice to improve outcomes for people experiencing homelessness or at risk of homelessness.

Phone 03 9419 8529

Website www.chp.org.au

Department of Human Services

To assist someone access housing and support services, call 1300 650 172 and ask for the Community Housing and Homelessness Programs area of your regional office.

Dispute Settlement Centre of Victoria

Can deal with a wide range of disputes including matters between landlords and tenants (and other tenants). For free mediation and dispute resolution advice call 9603 8370 (metropolitan), regional 1800 658 582.

Disclaimer

The information contained in this brochure is intended as a guide only and is not a comprehensive account of the law or a substitute for professional advice.

© Copyright State of Victoria 2007

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968.

ISBN TBC

Published by the Civil Law Policy Unit, Department of Justice,
121 Exhibition Street, Melbourne, Victoria, 3000.
Also published on www.justice.vic.gov.au

For more information, contact the Department of Justice, (03) 8684 1300

Authorised by the Victorian Government, 121 Exhibition St, Melbourne, Victoria 3000.

Printed by Sovereign Press P/L, 6 Traminer Court, Wendouree.
Designed by www.magicbeanonline.com

If you would like to receive this publication in an accessible format, such as large print, please telephone the Strategic Communication Branch, Department of Justice on 03 8684 0332, or the National Relay Telephone Service (TTY) 13 36 77 or email accessibility@justice.vic.gov.au.

This document was produced by:

In collaboration with:



PILCH

Homeless Persons' Legal Clinic

