

GUIDANCE NOTE (UPDATED)

Coronavirus (COVID-19) communication and reporting to the Housing Registrar

This Guidance Note provides information on regulatory reporting requirements during the coronavirus (COVID19) pandemic and a general regulatory update

This guidance note contains

1. A general regulatory update following the Housing Registrar's coronavirus guidance in April 2020 and May 2020.
2. Guidance for registered agencies on regulatory reporting requirements during stage 4 and stage 3 restrictions, including an extension on the end of August reporting tranche for the Annual Compliance Assessment (2019-20 Performance Year).
3. Revised reportable events requirements describing what information registered agencies must communicate to the Housing Registrar.

General regulatory update

Victoria is currently experiencing a second wave of coronavirus, including multiple outbreaks across the state and the implementation of stage 4 restrictions in metro Melbourne and stage 3 restrictions in Regional Victoria including Mitchell Shire. The second wave of coronavirus has led to a significant increase in the number of coronavirus cases being reported to the Housing Registrar by registered agencies.

The Housing Registrar acknowledges the hard work registered agencies have undertaken in response to the impacts of coronavirus. This has included the implementation of precautionary measures reflected in risk management strategies and the active management of outbreaks in tenants and staff including those operators managing high density accommodation.

Registered agencies must comply with stage 4 and stage 3 restrictions, which includes requirements on staff not attending the office except for completing work in an allowable category. Registered agencies must have a COVID Safe Plan in place if operating from offices or facilities as a Permitted Workplace. This plan must focus on safety, prevention and response in the event that coronavirus is linked to the workplace. DHHS has provided guidance on how to develop a COVID Safe Plan along with a template plan. Please upload your registered agency's COVID Safe Plan to CHIMES once it is finalised.

Managing outbreaks in rooming houses and other high density accommodation creates additional risks and challenges for those impacted registered agencies. Registered agencies that are managing these types of properties should have appropriate risk management strategies in place specific to that organisation and the risks that are being managed. The Department of Health and Human Services (DHHS) and the Community Housing Industry Association Victoria (CHIA Vic) have issued guidance for registered agencies on preparedness arrangements including most recently, DHHS's Multi-dwelling Properties with Shared Facilities Guidelines.

Please ensure that your organisation is following the guidance where it is applicable to your business and the risks you are managing. If your registered agency's capability to follow the guidance and recommended precautionary measures is restricted due to financial, resourcing and staffing capacity constraints, please contact your lead regulator of any known unmitigated risks.

DHHS has recently established a new team as part of Operation Benessere that will lead coronavirus-related assistance to the non-government housing sector (including community housing sector, specialist residential services and rooming houses). The team can be contacted at: specialistaccommssupport@dhhs.vic.gov.au.

Information about how stage 4 restrictions apply to various sectors is available on Business Victoria's *Creating a COVIDSafe workplace* online publication. If an outbreak occurs at your organisation, current DHHS guidance is to immediately contact the coronavirus hotline (1800 675 398 for questions and 1300 651 160 for reporting positive cases). Further information and any updates which may occur about reporting coronavirus outbreaks to DHHS can be found at: <https://www.dhhs.vic.gov.au/coronavirus>.

Extension of August reporting date for the 2019-20 performance year Annual Compliance Assessment

We are conscious that Stage 4 coronavirus restrictions may impact your organisations ability to meet the end of August 2020 reporting deadline for the Annual Compliance Assessment (ACA). The Housing Registrar has extended the August 2020 deadline to the end of October 2020 to reduce regulatory burden on registered agencies during stage 4 restrictions.

If your organisation has any issues meeting regulatory reporting requirements or is concerned about the impact coronavirus is having on meeting regulatory reporting requirements, please notify your organisation's lead regulator to discuss alternative arrangements.

Reportable events and communication to the Housing Registrar

Registered agencies must continue to follow the reportable events guidance issued in the Housing Registrar update on COVID-19 email circulated in April 2020 and the Coronavirus (COVID-19) guidance note. Currently, these reporting requirements are expected to continue until the end of September 2020.

A reminder that registered agencies must report any event that has or may have an adverse impact on a registered agency's compliance with Performance Standards and/or other regulatory obligations under the Housing Act 1983. During the coronavirus pandemic, this includes reporting:

- any confirmed cases of coronavirus within your organisation or tenancies under your management and action taken. For tenant confirmed cases, please also report details of the tenant's property including:
 - the address of the property;
 - an outline of any factors that increase risk or consequence of viral spread (including: whether it is a rooming house; any shared facilities including kitchens, bathrooms, laundries and lifts; client vulnerabilities; and any other circumstances which increase risk);
 - the measures implemented to reduce coronavirus spread in high density and high risk accommodation;

- any material impact to your organisation's:
 - financial position (including capacity to service loans and comply with contractual agreements);
 - workforce (e.g. capacity constraints);
 - service delivery (e.g. a coronavirus outbreak at your head office which is significantly impacting service delivery). Registered agencies are not required to report sector wide impacts such as deferral of routine maintenance and social or community development programs;
- Any plans or decisions made to end a tenancy from 29 March 2020 until 31 December 2020 for any reason. This includes any application made to VCAT with the intention of seeking and executing a warrant of possession. If a termination application is made as a means of seeking compliance with tenancy obligations but without any intention to end the tenancy, a report is not required. If an organisation subsequently decides to seek a possession order which they plan to execute, the report should be made as soon as that decision is made. There is no requirement to report to the Housing Registrar when a tenancy is ended with the consent of the tenant; and
- any plans to increase market rent or rent payable from 29 March 2020 until 31 December 2020 (if registered agencies believe this is legislatively compliant).

Registered agencies are responsible for notifying the Housing Registrar as soon as practicable of any reportable event that may impact a registered agency's capacity to comply with the Act and Performance. Reportable events are to be lodged in CHIMES. Serious issues which are reportable events should be reported to the Housing Registrar within 72 hours.