

GUIDANCE NOTE

Key Changes to Residential Tenancy Legislation in 2021

Registered agencies are required to revise their policies to reflect recent changes to residential tenancy laws.

Overview

Changes to residential tenancy laws in Victoria come into effect on 29 March 2021 through the *Residential Tenancies Amendment Act 2018* and the *Residential Tenancy Regulations 2021*.

These new laws will impact registered agency's tenancy management policies and procedures, including how these policies and procedures reflect changes to tenants' rights under the new legislation.

To ensure ongoing compliance with Performance Standards, registered agencies must commence amending their policies and procedures to reflect these legislative changes. Revised policies and procedures must be published online as soon as possible (but no later than **30 June 2021**) to ensure that they are available, accessible and accurately reflect the changes to residential tenancy laws.

What are the changes?

The new legislation is comprised of over 130 reforms, primarily aimed at strengthening protections for Victorian tenants. The key changes include reforms related to:

- Prohibiting certain terms in rental agreements
- Prohibited information requests
- Mandatory disclosures
- Expanding the definition of urgent repairs
- Condition report requirements
- Additional prescribed forms
- Changes to allowable property modifications
- Rental minimum standards
- Limiting the reasons for ending tenancies
- Requirements for exercising rights of entry
- Safety related activities
- Dealing with goods left behind at the end of a tenancy

CHIA Vic has provided written guidance in relation to these changes which they will continue to update. Registered agencies are encouraged to seek their own legal advice if in doubt about how the changes may impact their organisations obligations (including policies and procedures) and tenants' rights.

Compliance with performance standards

Performance Standard 4 ‘Governance’ requires registered agencies to be well-governed to support the aims and intended outcomes of its business. This includes the requirement that registered agencies have systems in place to comply with legal requirements and relevant government policies.

Compliance with this obligation ensures that the registered agency’s core purpose, mission and values are aligned with the provision of affordable housing and the registered agency always acts in accordance with its core purpose.

Where should policies be published?

Performance Standard 1 ‘Tenant and Housing Services’ requires registered agencies to be fair, transparent and responsive in delivering housing to tenants. This includes making information about tenancy management policies and procedures available in a variety of formats. To ensure compliance with this Performance Standard, registered agencies must publish tenancy management and rent setting policies online. The Tenant Portal is insufficient due to the limitations this creates on accessibility for prospective tenants and members of the public.

Public access ensures transparency for the numerous stakeholders within the community housing sector and promotes public confidence.

For more information, visit our [Guidance Note](#) on developing and publishing registered agency policies online.

Assistance with policy development

If you have questions related to the requirements for policy change, please review the guidance provided by CHIA Vic and contact them if further details are needed.

Please discuss with your lead regulator if you anticipate any issues implementing changes by 30 June 2021. Extensions will be considered by the Housing Registrar on a case by case basis.