

PROPERTY MANAGEMENT- RESIDENTIAL TENANCY ACT 2021 AMENDMENTS

The Victorian Government has legislated over 120 changes to the Tenancy Act. As a lessor it is important that you are aware of your new responsibilities. The changes have been made to ensure the safety of tenants, and to ensure that property owners follow their responsibilities. Frank Gordon is focused on ensuring you effectively implement the legislation and new regulations as they come into effect.

HERE ARE HEADLINE ISSUES TO BE ACTIONED

Terminology Changes – now renters – were called tenants, – rental providers – were called landlords, – rental agreements – were called tenancy agreements.

Safety & Minimum Standards Requirements: Before a property is leased, the rental provider must ensure the property is in good repair and fit for occupation regardless of the rent or the property's age/character. Should the rental provider be non-compliant in these standards, the renter can terminate a rental agreement before they move in or request an urgent repair to the property.

Therefore, Rental providers must ensure the property meets minimum standards and complete the required paperwork for A Minimum standards checklist & A Compliance and safety check.

MINIMUM STANDARDS RENTAL PREMISES MUST ADHERE TO:

- **Locks:** All external entry doors to the rented premises which are not able to be secured with a functioning deadlock, other than any screen door attached to an external door, must at least be fitted with a locking device that—(a) is operated by a key from the outside; and (b) may be unlocked from the inside with or without a key.
- **Rubbish bin and recycling bin** are to be supplied to the renter.
- **Toilets:** Rented premises must contain a toilet in good working order.
- **Bathroom facilities:** A bathroom must contain a washbasin, a shower or bath and must be connected to a reasonable supply of hot and cold water with certain water star ratings to apply depending on the plumbing at the property.
- **Kitchen facilities:** Rented properties must have a dedicated area for cooking and food preparation, a sink that is in good working order and is connected to a reasonable supply of hot and cold water, and a cooktop that is in good working order with two or more burners. If there is an oven at the property, it must be in good working order.
- **Laundry:** If laundry facilities are present, they must be connected to a reasonable supply of hot and cold water.
- **Structural soundness:** The property must be structurally sound and weatherproof.
- **Mould and dampness:** Each room in the property must be free from mould and damp caused by or related to the building structure.
- **Electrical safety:** All power outlets and lighting circuits are to be connected to a required switchboard depending on the property requirements.

- **Window Coverings:** Each window in a room that is likely to be used as a bedroom or as a living area must be fitted with a curtain/blind that can be opened and closed, can block light, and can provide privacy.
- **Windows:** All external windows that are capable of opening, must be able to be set in an open or closed position and have a functioning latch protecting against external entry.
- **Lighting:** Interior rooms, corridors and hallways must have access to light (whether natural or artificial) that provides a level of illuminance appropriate to the use of the room. Each room needs to have access to natural light (including borrowed light from an adjoining room) during daylight hours, and artificial light during non-daylight hours.
- **Ventilation:** Each room of bathroom, shower room, toilet and laundry must meet certain ventilation requirements.
- **Heating:** A heater is required in at least the main living area of the rented property before the property is leased.

Please note, some of the Rental Minimum Standards Checklist may require the assessment and opinion of a suitably qualified person. A disclosure form can be arranged by the agent, but the rental provider must sign the statement.

COMPLIANCE AND SAFETY CHECKS TO RENTED PROPERTY

There are now safety checks rental providers must provide including regular service of smoke alarms, gas appliances and electricity checks by a professional and ensuring records are kept. Listed below are further details on safety requirements in the rented premises:

- **Electrical safety:** The rental provider must ensure that an electrical safety check of all electric installations, appliances and fittings is conducted every **2 years** using a registered electrician. These checks must be recorded and provided to the renter upon request.
- **Gas safety:** If the property contains any gas appliances, fixtures, or fittings there must be a gas safety check conducted **every 2 years**. These checks must be recorded and provided to the renter upon request.
- **Smoke alarms:** Every smoke alarm in a rented premise must be correctly installed, be in working condition, and be tested at least once **every 12 months**. The rental provider must ensure batteries are replaced as required and the renter is provided with the information about how to use and test these alarms. The renter is not to tamper with smoke alarms and must report any breakdowns to the rental provider.

Please note, some of the safety Standards Checklist requires the assessment of suitably qualified person who will sign the statement and provide records

SUMMARY

Your property will require that a Rental Minimum Standards Checklist is arranged and you to sign a minimum standards disclosure statement prior to be leased. Your property manager will be in touch to arrange approval the required forms for safety services and to receive your instructions regarding a disclosure statement.

These legislative changes will give you peace of mind knowing your property is compliant with state legislation, in safe condition and better maintained.

Please don't hesitate to contact your property manager for further information.

Frank Callaghan

Managing Director

For further key changes, please visit the CAV summary website

<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/guide-to-rental-law-changes>

Or the REIV's handbook as your resource

<https://reiv.com.au/rta-changes/rta-%E2%80%93-learning-resources/preparing-for-the-rta-reiv-learning-resource.aspx?zs=92Cgl&zl=L8bt1>

Disclaimer Information in this document has been taken from the Consumer Affairs Website and the Authorised Version of the Residential Tenancies Regulations 2021 Document 3/2021.