

POLICY 3.4 RESIDENT RIGHTS AND RESPONSIBILITIES

OVERVIEW

This policy outlines the rights and responsibilities of people who living in an ILV (we, us, our) property.

WORD LIST

Resident: Person living in an ILV property and has a signed Residential Tenancy Agreement or other agreement.

Specialist Disability Accommodation (SDA): means accommodation for people who require specialist housing solutions, including to assist with the delivery of supports that cater for their extreme functional impairment or very high support needs.

SDA Residents: Residents who have Specialist Disability Accommodation in their NDIS plan and are living in an SDA property.

Tenant: Person who is living in an ILV property and has signed a Residential Tenancy Agreement.

POLICY

Residents lease their property from ILV (they are a tenant).

They have rights arising from:

- Residential Tenancy laws (in NSW Residential Tenancy Act 2010)

And for NDIS Participants:

- NDIS Act, Rules and Terms of Business

RIGHTS

Under the Residential Tenancy Act 2010 residents have the right:

- to be given a copy of the residential tenancy agreement, a condition report completed by the landlord/agent and the NSW Fair Trading *New tenant checklist*
- to have premises rented to you in a reasonable state of cleanliness and fit to live in
- to be given rent receipts (unless you pay rent into a nominated bank account)
- to be offered at least one means of paying the rent for which you do not incur a cost
- rent increases no more than once every 12 months, during a periodic (continuing) lease
- to be given 60 days written notice of a rent increase
- to have quiet enjoyment and use of the premises – the landlord/agent must not interfere with your possession of the premises
- to have reasonable peace, comfort, and privacy

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- to have reasonable locks and security
- to have reasonable repairs and maintenance done
- to be given permission to make changes of a minor nature, e.g. installing curtains or child safety measures
- to be repaid for any urgent repairs that you have paid for – up to \$1000
- to apply to the Tribunal for orders if the landlord has broken the tenancy agreement
- to be given written notice of the landlord wanting to end the tenancy agreement
- to be notified of the change of name and address of the landlord or their agent
- to refuse the landlord access except in certain circumstances and with proper notice
- not to be unlawfully evicted.

Under the NDIS Code of Conduct residents have the right to:

- Freedom of expression, self-determination and decision making
- Privacy
- Have supports provided in a safe and competent manner with care and skill
- To raise concerns about services and have us act promptly on your concerns
- To live free from violence, exploitation, neglect, and abuse
- To live free from sexual misconduct.

RESPONSIBILITIES

Under the Residential Tenancy Act 2010, residents have responsibilities. They are required to:

- To fill out the condition report and give the landlord/agent a copy within 7 days
- To pay rent on time
- To care for the premises
- To pay for any damage caused by you or your guests
- To report the need for any repairs or maintenance
- Not to make alterations or additions without our permission
- Not to alter, remove or add a lock or security device without our consent (except in certain domestic violence situations)
- Not to use or permit the premises to be used for an illegal purpose
- Not to cause or permit a nuisance
- Not to interfere with the peace, comfort, or privacy of neighbours
- To give correct written notice when you leave
- To leave the premises in a similar condition to when you rented them, except for normal wear and tear.

In addition, SDA residents should:

- Tell us which organisations and/or individuals are providing Supported Independent Living (SIL) or other support services in the property and advise of any changes to the providers.

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TELLING RESIDENTS ABOUT THEIR RIGHTS AND RESPONSIBILITIES

We will use a range of ways to tell residents about their rights and responsibilities including:

- Plain English information
- Verbally advising residents of rights and responsibilities as part of the orientation to their home.

RELATED POLICIES, LEGISLATION OR OTHER RESOURCES

Residential Tenancy Legislation

- Residential Tenancy Act 2010 (NSW)

Tenants NSW www.tenants.org.au

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