

# Use of Premises Policy

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## Purpose

The purpose of this policy is to ensure clear guidelines are in place in relation to a tenants' use of a Housing Trust property including:

- Operating a business from home
- Ensuring that residences are not used for an illegal purpose, to cause or allow a nuisance, or interfere with the peace, comfort or privacy of neighbours

## Policy

The primary purpose of all Housing Trust properties is to be for residential use by tenants on very low to moderate incomes. Tenants may use their home for other legal purposes subject to this policy and as long as they do not breach the residential tenancy agreement.

## Home-based Businesses

Housing Trust encourages tenants to improve their employment situation and income potential. Housing Trust also has a responsibility to ensure properties are adequately maintained and that there are no unreasonable impacts on other tenants and neighbours.

A tenant may run a lawful home-based business from their property provided they have appropriate approvals and insurances in place and written approval from Housing Trust.

As part of any approval, Housing Trust will require the tenant to:

- Provide information in relation to the type of business being operated from the property and obtain approval for the home-based business from the property owner
- Obtain licenses and approvals through appropriate authorities including council and provide evidence of these approvals to Housing Trust.
- Comply with all conditions of approval and relevant laws with respect to the business
- Obtain all relevant insurances including public liability insurance and provide Housing Trust with evidence of insurance by way of current certificate of currency

Tenants seeking approval to operate a home-based business can expect Housing Trust to:

- Consider whether the premises is likely to be damaged or modified as a result of business operations
- Consider the impact of the business on other tenants, neighbours and the community
- Consider whether the business is likely to impact Housing Trust's liability exposure
- Advise the tenant that their household rent may increase if there is a change to household income as a result of the home-based business

- Seek approval for the operation of a home-based business from the property owner, where the property is not owned by Housing Trust

Housing Trust may withdraw its approval to operate a home-based business at any time to protect neighbours from nuisance or other possible harm.

### **Home-based Childcare**

A tenant may use their home to provide home-based childcare provided they have written approval from Housing Trust. Under government guidelines, tenants are required to have the landlord's permission to operate home-based childcare before a licence is issued.

As part of any approval, Housing Trust will:

- Require evidence to be submitted from the relevant childcare agency indicating the number of children being cared for and whether the property is suitable for home-based childcare
- Require the tenant to obtain and comply with any approval or licence required from relevant authorities such as Family & Community Services and/or local council.
- Require the tenant to maintain current public liability insurance of not less than \$10 million
- Consult with and consider the impacts on neighbours, other tenants, and the community
- Housing Trust may withdraw its approval to operate home-based childcare at any time to protect neighbours from unreasonable noise and nuisance as a result of the use.

### **Use of Premises for Illegal Purposes**

Under the Residential Tenancies Act 2010, tenants are not permitted to use their home for an illegal purpose. This includes, but is not limited to, the possession, cultivation or supply of illegal substances, harbouring a person wanted by Police, or the storage of stolen goods.

Where Housing Trust receives information that alleges a tenant is using their property for an illegal purpose, tenants can expect Housing Trust to:

- Apply the principles of natural justice and fairness by giving tenants reasonable opportunity to respond to these allegations
- Make enquiries with NSW Police about the allegations
- Make enquiries with neighbours or other persons to confirm or substantiate the allegations
- Consider all of the tenant's circumstances, including their ability to resolve their own housing need if the tenancy is ended, and
- Take immediate action to end the tenancy where the illegal use is serious or persistent, and/or is unreasonably impacting on other tenants, neighbours, or the community. Refer to *Housing Trust's End of Tenancy Policy*

## Right of Appeal

If a tenant believes Housing Trust has made a wrong decision a formal review of the decision should be requested. To do this, the tenant is required to complete a Housing Trust Appeals Form stating why they disagree with the decision. Housing Trust's Appeals policy and form is available by contacting the Housing Trust office or alternatively, may be downloaded from our website: [www.housingtrust.org.au](http://www.housingtrust.org.au)

If the appellant is not satisfied with the outcome of the internal appeal they can make an appeal to the Independent Housing Appeals Committee (HAC). HAC is an independent appeals agency for all NSW Social Housing clients.

Housing Trust will advise the appellant on how to lodge an appeal with HAC. Alternatively HAC may be contacted directly by visiting [www.hac.nsw.gov.au](http://www.hac.nsw.gov.au) or by calling 1800 629 794.

## Reference or Related Documents

### Internal

#### Policy

1. End of Tenancy Policy
2. Appeals Policy

### External

1. Residential Tenancies Act 2010

## Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy	20.09.2016	Approved for release by GM:C&C
V 2.0	Policy reviewed and updated in line with current business practices. Reviewed and endorsed by Tenant Advisory Group (TAG) on 14.08.2019 and Executive Leadership Team (ELT).	19.08.2019	Approved for release by Amanda Winks Chief Housing Officer