

# Use of Premises

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## 1. Purpose

The purpose of this policy is to outline tenants' responsibilities for:

- Use of the premises for purposes ancillary to a primary residence
- 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

## 2. Policy Statement

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

## 3. Home-based businesses

Housing Trust encourages tenants to improve their employment situation and income potential; however, Housing Trust also has a responsibility to maintain the property and ensure there are no unreasonable impacts on other tenants and neighbours.

A tenant may run a lawful home-based business from their home provided they have written approval from Housing Trust. As part of any approval, Housing Trust will:

- Require the tenant to obtain council approval and all other authorities, if required
- Provide evidence of these approvals to Housing Trust
- Require the tenant to comply with all conditions of approval and relevant laws with respect to the business

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 on Housing Trust's liability exposure being increased
- 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

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

## 4. 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 to be 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 (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.

## 5. Property modifications

Housing Trust requires approval to physically modify a property (see Disability Modifications Policy). Any costs associated with modifying a property for an approved home-based business or home-based childcare will be met by the tenant.

## 6. Use of Premises for Illegal Purposes

Under the *Residential Tenancies Act*, 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 (see Police Record of Understanding Policy)
- 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 (see End of Tenancy Policy)