

Identifying and Responding to Domestic and Family Violence Policy

Purpose

The purpose of this policy is to support staff at Housing Trust to identify and respond effectively to domestic and family violence for our tenants and household members. Housing Trust makes a commitment to respond to this matter with sensitivity and respect.

In accordance with the Residential Tenancies Act 2010, Housing Trust tenants who need to escape circumstances of domestic violence will be able to end their tenancy immediately and without penalty.

Housing Trust will comply with all requirements of the Residential Tenancies Act 2010 in line with amendments effective 28 February 2019.

Policy

The NSW Government has worked together with Government Agencies and community organisations to develop the Domestic and Family Violence Framework for Reform, It Stops Here: Standing together to end domestic and family violence.

Community Housing Providers are a key component of the integrated response to improve policy and service delivery to victims of domestic and family violence.

Housing Trust recognises that domestic and family violence can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity. We also recognise that domestic and family violence affects both male and female victims, including those in lesbian, gay, bisexual, transgender, intersex and genderqueer relationships. We are committed to supporting victims of domestic and family violence regardless of gender or sexuality.

Housing Trust takes domestic and family violence seriously and is committed to providing sensitive and confidential response to anyone approaching us for assistance in cases of domestic and family violence.

Housing Trust is committed to building our skills, capacity and practice to identify indicators of domestic and family violence and to work with victims to assist them to manage their housing support situation.

Housing Trust will also work with support services and other partners to assist victims deal with perpetrators as domestic and family violence cases require a multi-agency approach.

Ending a Tenancy in circumstances of domestic violence

A tenant is able to end their tenancy immediately and without penalty if they or their dependent child are in circumstances of domestic violence.

To end a tenancy in circumstances of domestic violence the tenant will be required to give:

- Housing Trust a domestic violence termination notice and attach one (1) of the following permitted forms of evidence:
 - Certificate of conviction for the domestic violence offence
 - Family law injunction
 - Provisional, interim or final Domestic Violence Order or;
 - A declaration made by a medical practitioner in the prescribed form
- Each co-tenant a domestic violence termination notice

Any remaining co-tenant(s) will be able to apply to the NSW Civil and Administrative Tribunal (NCAT), should they wish to dispute the validity of a domestic violence termination notice. NCAT will only be able to examine whether the domestic violence termination notice was properly given under the tenancy laws. The contents of a declaration cannot be disputed in any tribunal proceedings if it is used as evidence.

Prescribed Declaration Form as evidence

A medical practitioner is able to declare that a tenant or their dependent child is a victim of domestic violence. This declaration can be as one of the acceptable forms of evidence or domestic violence. Only a medical practitioner can make the declaration, which must be in the form prescribed by the *Residential Tenancies Regulation 2010*.

Victims cannot be penalised for ending their tenancy early

A tenant who ends their tenancy in circumstances of domestic violence will not be liable to pay any compensation or additional money for the early termination. This includes occupation fees for abandoned goods.

Victim's privacy and protection from discrimination

The following measures will help protect the privacy of victims of domestic violence. They will also ensure that a victim's ability to secure a rental property in the future is not negatively impacted by a domestic violence termination:

- Housing Trust will not list a tenant on a tenancy database if they ended a tenancy in circumstances of domestic violence.
- Evidence that a tenant or their dependent child is in circumstances of domestic violence only needs to be given to Housing Trust and not to any remaining co-tenant(s).
- Housing Trust will not disclose information from a domestic violence termination notice or the attached evidence for any other purpose. For example, the information cannot be provided in a reference check by a property manager. Disclosure can only be made if permitted or compelled by Law.

- Housing Trust will store and dispose of domestic violence termination notices and attached evidence securely.
- The contents of a declaration made by a medical practitioner will not be reviewable by the Tribunal to ensure victims of domestic violence are not subject to cross-examination.

Rights of remaining co-tenants

After a tenant gives a domestic violence termination notice, a co-tenant who remains in the tenancy will be:

- able to apply to NCAT to end their tenancy
- entitled to a two (2) week period to only pay their share of the rent and will not be required to cover the departing victim's share. This only applies if the remaining co-tenant is not the perpetrator of domestic violence. A co-tenant who is the perpetrator of domestic violence will have to pay the full cost of the remaining rent.

In addition to the above rights, the rights and responsibilities under existing tenancy laws still apply to co-tenants. For example, a remaining co-tenant can dispute the validity of a domestic violence termination notice.

Property damage caused by domestic violence

A tenant who is a victim of a domestic violence offence will not be liable for property damage caused by the perpetrator as part of a domestic violence incident. Other co-tenants at the property who are not the perpetrator of that violence will also not be liable for that damage.

Only the perpetrator of domestic violence will be liable for any property damage caused by their violence.

Reference or Related Documents

Internal Documents

1. Privacy Policy

External Documents

1. It Stops Here: Standing together to end domestic and family violence
2. Residential Tenancies Act 2010
3. Domestic Violence Termination Form
4. Declaration by Medical Practitioner

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	Original Policy	16.09.2016	Approved for release by GM:C&C
V 2.0	Reviewed to reflect new tenancy reforms which improve and strengthen the protections for victims of domestic violence living in a rented property. Effective 28 February 2019. Discussed at Executive Leadership Team (ELT) 26.02.19. Discussed at Tenant Advisory Group (TAG) Meeting 27.02.19.	06.03.2019	Approved for release by Amanda Winks Chief Housing Officer