

# USE OF PROPERTY POLICY

January 2025, Version: FINAL

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## 1 Purpose and Objective

This policy explains how Housing Plus tenants can use their property.

## 2 Scope

- a. This policy applies to all Housing Plus and its subsidiaries employees, management and other stakeholders including volunteers.
- b. This policy applies to all Housing Plus tenants.
- c. This policy describes the organisation's objectives and policies regarding use of property.

## 3 References

### 3.1 Legislation

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

### 3.2 Policies

- Housing Plus Sustaining Tenancies Policy
- Housing Plus Customer Feedback, Complaints and Appeals Policy
- Housing Plus Rent Management Policy
- Housing Plus Occupancy Policy
- Housing Plus Ending a Tenancy Policy

## 4 Definitions

**Term:** Company

**Definition:** Housing Plus, ABN 83 147 459 461, and all of its related and associated entities

**Term:** Employee

**Definition:** An individual who is directly engaged and paid by the Company as an Employee

**Term:** Manager

**Definition:** An Employee who has direct reports (includes Executive, Senior Management and Team Leaders). In situations involving volunteers, 'Manager' refers to the Volunteer Supervisor

**Term:** Executive

**Definition:** A member of the Executive team

**Term:** Volunteer or Other Stakeholders

**Definition:** Collectively refers to any individual(s) who is not an Employee but who carries out work (whether paid or unpaid) for the Company, including (but not limited to) work as a volunteer, contractor, secondee, consultant or subcontractor, labour hire company, an apprentice or trainee, and a student gaining work experience.

**Term:** Work Environment

**Definition:** Includes but is not limited to:

- During and outside normal working hours.
- All functions, events and places which are work related (e.g. Including working from home under the flexible work policy, work lunches, conferences, Christmas parties and client functions).
- During the recruitment process; any environment which has sufficient connection to employment; decisions about promotions and other career opportunities, or in the termination of employment.
- In the course of providing goods and services.

**Term:** Tenancy agreement

**Definition:** An agreement in writing that grants the right of occupation of residential premises for the purpose of use as a residence

**Term:** Home based business

**Definition:** The Australian Tax office defines a home-based business is one where you operate the business under either of the following circumstances:

- at home – that is, you carry out most of the business' work at your home, for example, a dressmaker who does all their work at home, with clients coming to their home for fittings
- from home – that is, the business does not own or rent any premises other than your home, for example, a tiler who does most of their work on clients' premises but does not have any other business premises

There are a range of activities that the ATO describes as home-based businesses which can be found at: <https://business.gov.au/Planning/Business-structures-and-types/Home-based-businesses>

## 5 Responsibilities

### 5.1 Executive

- a. Ensure adequate resources are provided to implement and support this policy.
- b. Manage the implementation of and adherence to this policy.
- c. Model appropriate standards of behaviour.

### 5.2 Management

- a. Ensure that all Employees and Other Stakeholders are aware this policy and understand their obligations.
- b. Ensure effective implementation of and adherence to this policy.
- c. Model appropriate standards of behaviour.

### 5.3 Employees, Volunteers and other Stakeholders

- a. Understand and comply with this policy.
- b. Model appropriate standards of behaviour.

## 6 Policy

Both Housing Plus and tenants have tenancy rights and obligations during a tenancy. These are set out in the following legislation and policies:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010
- Housing Plus policies
- Any additional terms of the residential tenancy agreement (tenancy agreement)

This policy aims to ensure that properties we own or manage don't disturb the peace, comfort, or privacy of neighbours and aren't used for illegal purposes.

### 6.1 Being a good neighbour

All tenants have the right to reasonable peace, comfort, and privacy in their homes. Tenants must also abide by the conditions of their tenancy agreement, including responsibility for their visitors.

Under Section 50 of the *NSW Residential Tenancies Act 2010*, Housing Plus must take all reasonable steps to ensure that neighbouring tenants do not interfere with a tenant's reasonable peace, comfort or privacy in using their property.

Where it is safe and practical, Housing Plus encourages neighbours to speak to each other to resolve issues as they arise. Housing Plus also encourages mediation through the Community Justice Centres to resolve issues.

Housing Plus will investigate breaches of the tenancy agreement and, where appropriate, facilitate early intervention and referral to support services in the first instance (see *Sustaining Tenancies Policy*). Where multiple breaches and/or a serious breach is substantiated, Housing Plus may take action through the NSW Civil and Administrative Tribunal (NCAT).

If criminal activity has occurred, Housing Plus encourages the witness to contact the NSW Police. Housing Plus will seek clarification from the NSW Police through a Record of Understanding (ROU). If a breach of the tenancy agreement is confirmed, Housing Plus may take appropriate action against a tenancy (see *Ending a Tenancy Policy*).

Housing Plus will only take action to end a tenancy when all other reasonable options have been exhausted.

## 6.2 Running a business from home

A tenant must have written approval from Housing Plus before running any business from their home. Housing Plus will only approve operation of a business from a property if:

- The property will still primarily be used for residential purposes.
- The business does not negatively impact the peace, comfort, or privacy of neighbours.
- The tenant complies with any relevant laws and local government regulations that apply to operating a business from a residential property, including, where relevant, seeking any necessary approval from the local council before starting the business.
- All income derived from the business is declared to Housing Plus to ensure an accurate calculation of the rent subsidy (see *Rent Management Policy*).
- The business will not increase wear and tear over and above the level that would be normal for a home, or increase utilities (such as non-metered water in flats) that increase Housing Plus costs.
- The tenant will meet their obligations under the tenancy agreement, in particular, the tenant agrees 'not to cause or permit antisocial behaviour, and not to interfere or cause or permit any interference with the reasonable peace, privacy or comfort of neighbours'.
- There is current public liability insurance policy appropriate to the type of business.
- The business will not expose Housing Plus to excessive risk.
- The tenant complies with other relevant Housing Plus policies.

Housing Plus will request the following evidence before approving operation of a business from the property:

- A document outlining the approval of the local council or any other relevant authorities
- A public liability insurance policy certificate.
- Details and cost of any property modifications required to run the business (if approved to be borne by the tenant).

Housing Plus may withdraw approval to run a business if the tenant is non-compliant with this policy.

## 7 Appeals and Reviews of Decisions

Decisions made under this policy can be reviewed or appealed. For more information, refer to the *Customer Feedback, Appeals and Complaints Policy*.

## 8 Document Control

### 8.1 Document History

Action	Responsible Person	Date
Created draft	Lena Jenson Chris Maybin Harmony Meath Therese Short Tracy Hurst	June 2024
Reviewed by	Liz Stamatelos	December 2024
Approved by	Justin Cantelo	February 2025