

FAQs for Residential Tenants during the coronavirus health crisis

(Current as at 16/04/2020)

The purpose of this document is to provide residential tenants in Victoria with answers to their questions and with updates on the developing response to coronavirus as it impacts housing security.

Both tenants and landlords must comply with the Residential Tenancies Act 1997.

If you have any questions that aren't answered below, please email them to Samantha Stephenson, Department Manager-Property Management, on samantha@mcewingpartners.com. Please note, however, that you should seek independent legal and financial advice. Also, we have identified ambiguities with the Government announcement made on 15 April, 2020, so a final interpretation will be determined once the legislation has passed.

What happens if I cannot pay my rent, as agreed, at this time?

Firstly, please contact your property manager to discuss your situation. You will be asked to provide us with documentation to support your claim for rent relief. Once received and verified, we will contact your landlord to discuss the matter further, with the goal to produce a mutually acceptable outcome for both you and your landlord.

Can my landlord increase my rent at this time?

No, the Government has placed a six-month ban on residential rental increases, from 29 March, 2020, until late September/early October, 2020.

Am I eligible for rent relief from the Government?

To be eligible, renters will need to have registered their revised agreement with Consumer Affairs Victoria or gone through mediation, earn less than \$100K per year, have less than \$5K in savings, and still be paying at least 30% of their income in rent. Rent relief will be capped at \$2K.

What types of rent relief are available?

The three types of rent relief that are available to you are: (1) rent reductions, (2) rent deferrals and (3) rent waivers.

Good communication between you and your property manager is critical at this time.

Reductions are a set amount that the rent will be reduced for a set period. Rent payments at the reduced amount reflect that full rent has been paid during this period. This is not recoverable at a later date; it is a complete waiver of the amount agreed.

Deferments are agreements by the landlord not to pursue you for rent arrears, however the rent does accrue.

Waiver is effectively a rent-free period.

What happens if I default on my rent during this time?

As of Sunday 29 March 2020, the National Cabinet agreed to a moratorium on evictions over the next six months (29 March 2020 – late September/early October) for residential tenancies in financial distress who are unable to meet their commitments due to the impact of coronavirus. It was acknowledged, however, that work on this has begun, but there is more to do, especially for residential tenancies. More details expected soon.

If you are unable to pay rent due to coronavirus-related financial hardship, please contact your property manager to discuss your situation immediately.

A mutually acceptable arrangement for you and your landlord may be possible.

Will I be liable to pay rent in arrears at the conclusion of the moratorium?

Yes, you will be legally required to pay the rent, as agreed, in arrears at the conclusion of the moratorium. Payment could be made in one lump sum or you could be placed on a mutually acceptable payment plan. If, after 14 days, you do not pay rent, the standard procedures will apply.

For more information, please see <https://www.consumer.vic.gov.au/housing/renting/during-a-lease-or-residency/rent-and-other-payments/rent-arrears>

Can open-for-inspections continue at this time?

No, the National Cabinet has prohibited auctions and open-for-inspections from midnight 30 March 2020 to midnight 13 April 2020.

Where can I go for legal advice regarding my situation?

Tenancy Assistance and Advocacy Program (TAAP) services help Victorians who have a private residential tenancy agreement and are experiencing financial hardship

For more information, please visit <https://www.consumer.vic.gov.au/clubs-and-fundraising/funded-services-and-grants/tenancy-and-consumer-program-2017-21/>

[tenancy-assistance-and-advocacy-program/tenancy-assistance-and-advocacy-program-providers-2018-19](#)

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