



COVID-19 AND THE LAW YOUR RIGHTS AS A TENANT

SELF-HELP STEP BY STEP GUIDE

How to advocate as a tenant during COVID-19

Stay up to date:

The renting laws in Victoria are changing in response to the COVID-19 Pandemic. Any website giving advice will say at what date the advice is accurate. The below websites are most likely to be up to date and easy to understand:

- [Tenants Victoria](#)
- [Consumer Affairs Victoria](#)
- [Justice Connect](#)

STEP 1 – Document how COVID-19 has affected you:

Write down how the COVID-19 Pandemic has affected your life – this could be in relation to:

- Medical/health – needing to self-isolate, having COVID-19 or other medical conditions which couldn't be properly treated during this time or if your mental health has been affected;
- Financial – losing wages or self-employed income, having increased costs due to other people you live with moving out, increased costs due to self-isolating;
- Social / Family / Friends – needing to care for others, or reduce the risk of infection for a vulnerable family member.

Gather any evidence you may have to prove this:

- do you have a Medical Certificate, a letter from an Employer, or a Services Australia (Centrelink) statement to prove you are now receiving government payments?

STEP 2 – Decide how you want to change your tenancy:

Do you want to reduce the rent and stay where you are? Or do you want to ask to terminate the tenancy early and try to find somewhere cheaper?

- If you want to reduce the rent – work out what you can genuinely afford to pay – see [this summary from Consumer Affairs Victoria](#)
- If you want to terminate the tenancy early – can you argue that you are suffering severe hardship for financial reasons due to COVID-19? See all your options under '[Moving Out](#)' on the [Tenants Victoria website](#).

STEP 3 – Write to the real estate agent or the landlord:

If the person who owns the property you rent (the landlord) uses a real estate agent you should write to the real estate agent. Who to contact will be on your Tenancy Agreement if you signed one. Make sure you write to them by email or letter – do not use just text message.

- If you are asking to reduce the rent – decide how long to ask to reduce it for and whether you would agree to repay the amount at the end of the period. It is recommended to reduce the rent so you DO NOT have to pay it back at the end. Tenants Victoria have a template letter available here under ‘Rent Reduction’.
- If you are asking to leave the tenancy early – decide when you need to leave and how much ‘notice’ you are willing to give the landlord. If you don’t give enough notice it is possible that you will have to pay added costs. The law in this area is changing so check the Tenants Victoria website for an update under ‘Moving Out’.

Once you write the letter send it to the real estate agent or landlord and ask for a response within a short period of time – 7 days is more than enough.

You must keep paying your rent as much as you can afford during this time, including the entire amount due if you can still temporarily afford that. Not paying your rent when you can actually afford to do so is one of the reasons that a landlord can still apply to terminate your tenancy.

More information is available [here](#).

STEP 4 – Negotiate with the landlord and make an agreement:

If your landlord uses a real estate agent then they will represent the landlord during these negotiations.

- If you are negotiating to reduce the rent – use the Consumer Affairs Victoria Guidelines and Template Rent Reduction Agreement . DO NOT agree to repaying the difference between your old rent and the new reduced rent later if you cannot afford to do that.
- If you are negotiating to leave the tenancy early – making an agreement about when the tenancy will end and what costs you will have to pay (if any) is the best way of getting certainty. A tenancy agreement can be ended ‘by agreement’ if you and the landlord both agree in writing.

If you cannot reach an agreement within a short period of time, then you can refer the dispute to Consumer Affairs Victoria – it is best to do this early. As above you still need to pay rent during this time if you can afford it.

STEP 5 – Register the agreement or dispute with Consumer Affairs Victoria

If you want to reduce the rent – you can register any agreement made, or any dispute you can't agree on [here](#).

STEP 6 – Apply for the Rent Relief Grant

If you want to reduce the rent – once you have registered the agreement or attempted to resolve the dispute with Consumer Affairs Victoria you can apply for the Rent Relief Grant [here](#). Deakin University may also be able to offer some financial assistance for students. They offer a range of services such as interest-free loans and financial counselling. Please see further information [here](#).

Need more help?

Deakin & Deakin Student Legal Service (DSL S):

- Students can access the Deakin Student Legal Service by:
 - Visiting www.eccl.org.au/deakin to request an appointment
 - Calling Eastern Community Legal Centre directly on 9285 4822 for Burwood campus.
 - Calling Barwon Community Legal Service directly on 1300 430 599 for Warrnambool, Waterfront and Warrnambool campuses.
 - Off campus students are advised to make contact with the location nearest to you.
 - For further information visit: dusa.org.au | eccl.org.au/deakin | barwoncls.org.au
 - Free Interpreters Available: 131 450
- [DSL S Resources for Students](#)
- [Deakin Financial Assistance for students](#)
- [Deakin International Student Advisers](#)
- [Deakin University Student Association \(DUSA\)](#) - includes financial counselling, student advocacy and support services.

Other services in Geelong/Barwon region:

- [Barwon Community Legal Service](#) - free legal help for people experiencing tenancy law issues as a result of COVID-19 - call 1300 430 599
- [Diversitat](#) Tenancy Assistance and Advice Program – free local advocacy for tenants in all areas of tenancy law – call (03) 5260 6000 or via email at taapbarwon@diversitat.org.au
- [Bethany Tenancy Plus](#) – advocacy for public and community housing tenants – call (03) 5278 8122

State-wide services:

- [Tenants Victoria](#) – provides information, advice and legal representation to promote and protect the rights of Victorians who rent their homes - contact via [email](#)
- [Anika Legal](#) – sample letters and tenancy advice online
- [Justice Connect Dear Landlord](#) – sample letters and tenancy advice online
- [Consumer Affairs Victoria](#) – online information and negotiating with landlords

Financial assistance for tenants:

- [Deakin Financial Assistance for students](#)
- [COVID-19 Rent Relief Grant](#) – for up to \$2000 grant to be paid to your landlord
- [Rent Assistance](#) through Services Australia as part of a [JobSeeker](#) or other government payment.
- [Redcross Australia](#) - provides some financial assistance if you are not eligible for government payments due to the Visa status.
- [Salvo-Connect Barwon South West](#) - Private Rental Assistance Program (PRAP) provides people who are homeless or at risk of homelessness with financial and practical assistance.

Other useful resources:

- [Victorian Civil & Administrative Tribunal \(VCAT\)](#) – application forms and information about hearings.
- [Consumer Affairs Victoria \(CAV\)](#) – information about your rental rights and copies of standard forms and agreements.
- [CAV - Coronavirus \(COVID-19\) and your rights](#) – information about the many changes to rental rights as a result of the COVID-19 health crisis.
- [Coronavirus \(COVID-19\) rent relief grant](#) – If you are experiencing rental hardship due to COVID-19, you may be eligible for assistance.