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| Tenants working from home operational guidelines |
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# Revision history

| **Version** | **Amended section** | **Effective** | **Details** |
| --- | --- | --- | --- |
| 1.0 |  | 9 February 2015 | Date of issue |
| 2.0 |  | July 2017 | Incorporation of ‘version control table’ |

# When do these operational guidelines apply?

These operational guidelines apply when a tenant, resident or household member requests to run a business from their public housing property.

# Human rights considerations

In deciding what action to take, staff will consider the potential impact of proposed action taken through these operational guidelines on the person’s (and their household’s) rights under the *Charter of Human Rights and Responsibilities* (2006).

Any person taking action in line with these operational guidelines must:

* understand the objective and rationale of the actions they are taking under these operational guidelines
* consider the impact of proposed action on the person’s Charter rights
* consider whether the proposed impact is balanced and proportionate and necessary to achieve that objective, and
* choose the least restrictive measures available.

# Overview

These operational guidelines outline the processes and considerations for staff when a request is made from a public housing tenant, resident or household member to run a business from their public housing property.

The Department accepts that a tenant may use a public housing property as a place of business where the following conditions are met:

* the property will still primarily be used for residential purposes
* the business does not negatively impact any neighbours
* the tenant, resident or household member obtains all required council or other permits that are required to conduct the business
* the appropriate level of public liability insurance is arranged by the tenant, resident or household member
* the expectations and responsibilities of the tenancy agreement and the *Residential Tenancies Act* (1997) continue to be met, and
  + all income derived from the business is declared to the Department to ensure an accurate calculation of the rental amount.

It is the responsibility of the tenant, resident or household member to ensure the home-based work meets these conditions.

Staff will seek line management advice and guidance in the event complex tenancy issues are identified as part of any request to undertake home-based work.

Through initiating the processes outlined in these operational guidelines, the Department acts consistently with the *Residential Tenancies Act*. Therefore the Department is able to:

* ensure clarity with tenants about their obligations whilst a tenant of a public housing property
* ensure public housing stock is utilised appropriately, and
  + support appropriate employment opportunities for tenants.

Tenants who run a business from their public housing property will have this recorded and monitored in the centralised housing system, Housing integrated information Program (HiiP).

# Tenant requests to work from home

If staff receive a request from a tenant to undertake home-based work, they will:

interview the tenant, and where appropriate other household members, to discuss the expectations of the Department in running the business request written notification of:

* the type of work/business
* copies of any permits obtained, and
  + the date from which the business is to commence.

Once notification is received and the request is approved, staff will send an *acknowledgment letter* confirming:

* the expectations of tenants working from home, and
* the action the Department can take should the home-based work breach the requirements of their tenancy agreement and the Residential Tenancies Act.

# Primary use of the property to be residential

Tenants working from home cannot:

* sub-contract work of the business at the premises
* employ other people to work in the business at the premises, or
  + erect signs or advertisements on external walls without written permission from the local office.

Prior to approving any signs or advertisements, the Tenancy and Property Manager will consider:

* whether the tenant is able to demonstrate compliance of the proposed advertising with local council requirements
* the type of business to be advertised, and
* the potential impact of the advertising on neighbours.

# Permits and licences

Tenants working from home must:

* obtain permits or licenses as required for the business, and
* comply with all laws and regulations relating to the conduct of the work or business.

# Modifying the property

The Department will not modify public housing properties to enable tenants to undertake home-based work; however, tenants may request local office approval via an *application for* *internal/external works permit* to arrange works or modifications within the property at the tenant’s expense.

Tenants who have made approved modifications to the property are expected to return the property to the condition it was in prior to making the modifications or they may be required to pay the costs associated with restoring the property.

# Public liability insurance

Tenants working from home must:

* obtain public liability insurance appropriate to the business, and
* supply a copy of the Certificate of Currency under which both the tenant conducting the business and the Director of Housing are named as insured parties.
* Tenants will provide copies of Certificate of Currency as they are renewed or updated for as long as the business is in operation at the public housing property.

# Declaration of income and business expenses

Tenants working from home must:

* declare all income derived from the business to the Department
* advise the Department if there is a change in the household composition, and
  + provide accurate income documentation as part of the rental rebate process.

If it is found that the tenant claims through the Australian Taxation Office any rental or maintenance costs of the property as business related expenses, the Director of Housing will seek to charge the tenant on a full cost recovery basis. This may include moving the tenant to market rent or requiring payment of maintenance costs.

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