

TENANTS AND FAMILY VIOLENCE

Using the law to be safer and avoid debt from your tenancy

If you are a tenant and you, or your kids, have experienced family violence during your tenancy, this fact sheet has information to help you. You might also need legal advice about your options to help you and your family be safe.

If you are not sure that what you are experiencing is family violence, see the fact sheet: **Reporting family violence**. For information on getting off the tenancy agreement because of family violence or getting the person who used family violence against you off the tenancy agreement, see the fact sheet **Family violence – changing or ending your tenancy agreement**.

How reporting family violence helps you with tenancy problems that may follow from family violence

If you or your kids have experienced family violence, it is good for you to report family violence and property damage to Housing and the police.

If you report family violence to police, ask for a police incident report number.

Reporting family violence will make it quicker and easier to make things safe for you and your kids. Maybe you need to move into a different rental house.



Reporting family violence may help lessen any money you have to pay Housing for things like property damage or rental arrears linked to the family violence.

Sometimes other professionals like the refuge manager or your doctor knowing about your experience of family violence will help you with rental housing issues as well.

Reporting will help with things like:

- ◆ Housing working out:
 - ◇ If Housing should let you off paying for any damage deliberately or recklessly done to your house because of family violence.
 - ◇ If you should pay less rent if the co-tenant can't live with you because of family violence.
 - ◇ If Housing will let you off paying rent for a certain time if you can't live in your house for a while because of family violence.
- ◆ If you apply for priority housing to move.
- ◆ If you want to ask for help to change the locks or put in better security where you live.



TENANTS AND FAMILY VIOLENCE

Using the law to be safer and avoid debt from your tenancy

What are my options if there is family violence that damages my house?

Under the tenancy agreement, the tenants are usually the ones who have to pay to fix property damage deliberately caused to the rented property like broken windows or holes smashed in the walls or doors.



If a co-tenant or a family member damages the rental property (or other property that belongs to you) because of family violence, you should report it to the police. If you report it to police, you must get a police incident report number. The police report gives everyone evidence or proof of the family violence. This will help the magistrate or Housing know you are not making up a new story.

Maybe you will want to ask the court to make an order that the co-tenant is the one who has to pay for damage to the property or unpaid rent because of family violence. The magistrate must only make this order if you have ended your part in the tenancy agreement because of family violence in the way the law sets out. For information on how to do this see the fact sheet **Family violence – changing or ending your tenancy agreement**.

If there is no court order, you and the co-tenant must pay for any damage or debt linked to your tenancy agreement.

Avoiding paying for damage to your house because of family violence by a person who is not a co-tenant

Maybe the person who used family violence against you or your kids and damaged your house is not on your tenancy agreement. You should not have to pay for the damage they cause or get into debt because of it.

If you have:

- ◆ ended your interest in the tenancy agreement, or
- ◆ got the user of family violence taken off the tenancy agreement



using the Family Violence Termination Notice, you are allowed to ask the Magistrates Court for an order to say that you are not the one who should have to pay for the cost of repairs for the damage they caused. For information on this notice see the fact sheet **Family violence – changing or ending your tenancy agreement**.

If the court says yes to you, Housing has to pay the cost of repairs. Maybe Housing will use their insurance to pay for the damage. The insurance company might try to get the money from the person



TENANTS AND FAMILY VIOLENCE

Using the law to be safer and avoid debt from your tenancy

who used family violence against you and did the damage. If the court says no, Housing may ask you to pay for the repair of the damage.

Making your house safer if you want to stay

The law says you can make your house safer if you, or people in your care, are likely to experience family violence by:

- ◆ changing the locks. You can do this without permission from Housing, but you must give a copy of the keys to Housing within 7 days of having the locks changed, or
- ◆ improving or upgrading security when you have experienced, or reasonably fear, family violence during your tenancy to stop someone entering your house. If you want to do this, you can do this without Housing's consent, but you have to give Housing written notice of the changes before you make them. The law covers changes to security like locks and security screens on windows, security screens to doors, outside security lighting and locks on gates. You can ask Housing to reimburse you. You will need to give Housing receipts from the person/company who completed the work and proof of their trade qualifications. You can also ask Housing to install these types of security upgrades at your property if you believe it improves your safety, or the safety of people in your care. Housing will do this at no cost to you. When needed, Housing will also prune shrubs and trees to improve visibility around your property.



What about if I move out of my house for a while because of family violence?

Maybe you have to move out for a while because of family violence, like to a refuge to be safe.

If you show Housing that your house is empty because of family violence, you can ask Housing to let you off rental payments for the time your house is empty. Housing may say yes for a set time (at first for up to 3 months and then maybe another 3 months with extra supporting evidence). Housing may say no.



What about rent if a co-tenant is not able to live at my house because of family violence?

If a co-tenant is not able to live in your house because of family violence, Housing may work out the rent based on the co-tenant and householders who still live in the house. You might pay less rent.



TENANTS AND FAMILY VIOLENCE

Using the law to be safer and avoid debt from your tenancy

What if I want to transfer to a new house because of family violence?

Housing has a Family and Domestic Violence Policy to help tenants who have experienced family violence. If you think you fit the reasons for help under this policy, you can ask for an urgent interview to look at the help you can get. Paperwork to support your application to Housing for help includes:

- ◆ Telephone numbers or support letters from professional or support agencies.
- ◆ Police incident report numbers.
- ◆ Having a family violence restraining order (FVRO) in place.
- ◆ A letter from a refuge.

