

# Residential Tenancies Regulations 2021

Victoria has new rental laws, known as the Residential Tenancies Regulations 2021, which came into effect on 29 March 2021. The new laws expand the rights and responsibilities of renters (tenants) and rental providers (landlords).

Residential rental providers have certain responsibilities for building and plumbing related matters. The rental laws introduce new requirements for:

1. Safety related checks that must be carried out, and
2. Rental minimum standards.

## Safety Related Checks

The new obligations apply to new rental agreements entered into from 29 March 2021 as well as any current fixed term agreement of more than five years which rolls over into a periodic tenancy on or after 29 March 2021.

Rental providers (landlords) must ensure the following safety related activities/checks are carried out on their rental premises:

### Gas safety check

Rental providers must have a gas safety check once every two years of all gas installations and fittings. This work must be carried out by a gasfitter with Type A gas appliance servicing qualifications. For a full list of what the gas safety check covers, see the Consumer Affairs Victoria (CAV) website (<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/rental-providers-gas-and-electricity-safety-checks>).

Please visit the website for more information on AS4575 (<https://www.vba.vic.gov.au/plumbing/as4575>).

### Electrical safety check

Rental providers must have an electrical safety check once every two years of all electrical installations and fittings by a licensed electrician. For a full list of what the electrical safety check covers, see the CAV website (<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/rental-providers-gas-and-electricity-safety-checks>).

### **Smoke alarm check**

Rental providers must have their smoke alarms checked to ensure they are installed and in working order at least once every year. See CAV website (<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/rental-provider-smoke-alarms>).

### **Swimming pool barrier safety check**

Rental provider must ensure any swimming pool barrier is maintained in good repair in accordance with the Building Regulations 2018. See the CAV website (<https://www.consumer.vic.gov.au/housing/renting/during-a-lease-or-residency/safety-advice-for-tenants-and-residents/swimming-pools-and-spas>) for more information.

### **Relocatable swimming pool**

Renters must not erect a relocatable swimming pool without prior written notice to the residential rental provider and must obtain any necessary approvals prior to erecting.

### **Water tanks used for fire fighting for properties located in bushfire prone areas**

Rental providers must ensure any water tank and connected infrastructure required for fire fighting purposes is maintained in good repair and be full and clean at the commencement of the rental agreement. This requirement only applies for properties located in a designated bushfire prone area under section 192A of the Building Act 1993.

For more information, see the CAV website (<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/fact-sheet-26-rental-minimum-standards>).

## **Rental Minimum Standards**

Under the new rental laws, rental providers must ensure that their rental property meets certain minimum standards. The minimum standards apply to rental agreements signed on or after 29 March 2021.

The rental minimum standards

(<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/fact-sheet-26-rental-minimum-standards>) cover basic requirements relating to amenity, safety and privacy. Rental providers must ensure their property meets these standards:

## **Heating**

Installation of fixed heating appliance must be by an appropriately registered or licensed plumber

Phase approach for heating requirements:

- From 29 March 2021, a fixed heater in good working order will be required in the main living area of the rented premise including class 1 buildings (attached and detached houses) and class 2 properties (multi unit residential buildings).
- If a fixed heater has not been installed in the main living area by 29 March 2021, an energy efficient (2 star minimum) fixed heater in good working order must be installed in the main living area.
- From 29 March 2023, an energy efficient (2 star minimum) fixed heater in good working order must be installed in the main living area of the rented premises. If the rental property is in a class 2 building and it is not feasible to install an energy efficient heater (e.g. due to Owner's Corporation rules or excessive costs), then the energy efficiency requirement does not apply, but a fixed heater is still required.

An energy efficient fixed heater is any one of the following:

- a non-ducted air conditioner or heat pump with a 2 star or above heating rating;
- a gas space heater with a 2 star or above heating rating;
- a ducted heating or hydronic heating system which has an outlet in the main living area of the rented premises; or
- a domestic solid fuel burning appliance.

## **Ventilation**

Rented premises must meet the ventilation standards in the Building Code of Australia.

## **Bathrooms**

Must have reasonable hot and cold water, a washbasin and a shower or bath. Showerheads and tapware must be minimum 3 Star WELS rated.

## **Toilets**

Toilets must be minimum 3 Star WELS rated, and be in a room intended for this use.

### **Kitchen facilities**

Must have cooking and food preparation facility, hot and cold water supply (minimum 3 Star WELS rated for tapware) and cooktop.

### **Laundry facilities**

If present, a laundry must have hot and cold water supply.

### **Structural soundness**

Must be structurally sound and weatherproof

### **Mould and dampness**

Each room must be free from mould and damp caused by the building structure.

More information on electrical safety, window coverings, windows, lighting, door locks and vermin proof bins is available on the CAV website (<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/fact-sheet-26-rental-minimum-standards>).

## **Further information**

Practitioners and landlords requiring further information can refer to the Consumer Affairs Victoria website. (<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws>)

Practitioners requiring further information on gas and/or electrical safety can refer to the Energy Safe Victoria website. ([Energy%20Safe%20Victoria%20%E2%80%93%20Creating%20a%20safer%20state%20with%20electricity%20and%20gas%20\(esv.vic.gov.au\)](https://www.esv.vic.gov.au/energy-safe-victoria/creating-a-safer-state-with-electricity-and-gas))

For information on conducting a gas safety check, see ESV's checklist. (<https://esv.vic.gov.au/technical-information/residential-tenancy-changes/new-renting-laws/>)