

PRIVATE RESIDENTIAL TENANT'S RIGHTS DURING COVID-19



The ACT Government is making changes to help private tenants who have lost their jobs or have had their income significantly reduced as a result of the COVID-19 pandemic and cannot afford to pay their rent.

The changes include:

- › Encouraging landlords to reduce rent by providing them with financial support to do this;
- › Stopping landlords from evicting people who cannot afford to pay their rent;
- › Encouraging landlords to freeze (stop collecting) rent; and
- › Preventing 'blacklisting' by real estate agents

Temporary rent reduction

If your landlord agrees to reduce your rent by at least 25 per cent for up to six months they are entitled to rebates on their rates and land tax.

This support will be backdated and is effective from 1 April 2020 for up to six months. The baseline for the 25 per cent rent reduction is the rent payable on the property as at 1 March 2020.

For example, if you are paying \$600 per week in rent and your landlord reduces your rent by \$150 per week or more, they will receive a rebate of \$75 per week from the ACT Government. If they reduce your rent by \$200 per week, they will receive the maximum rebate of \$100 per week from the ACT Government. They would receive this rebate for up to a 6 months in line with the revised rental agreement.

How do I access this help?

You can ask your landlord/real estate agent to reduce your rent.

You will need to provide your landlord/real estate agent with evidence that your income has reduced as a result of the COVID-19 pandemic. This evidence might include a letter from your employer or statutory declaration.

If your landlord agrees to reduce your rent and to apply for the ACT Government rebate, they can not then claim the difference from you at a later date. The rent reductions must be genuine and not just a rent freeze.

Remember, it is unlawful for your managing agent or landlord to give you financial advice including encouraging you to withdraw superannuation to pay your rent. You can report this conduct to Access Canberra on **13 22 81**.

Moratorium (suspension) on evictions

The ACT Government will issue an eviction moratorium which means that you cannot be evicted if you are unable to pay your rent as a direct result of the COVID-19 pandemic. If your landlord/real estate agent issues you with a Notice to Vacate because you cannot afford your rent as a result of the COVID-19 pandemic, you should contact Legal Aid Commission of the ACT for advice and assistance.

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You may still be evicted due to the operation of Territory Laws including laws about family violence or causing damage to property or other breaches of tenancy laws.

Rent payment freeze

You can also ask your landlord to freeze your rent (stop collecting rent) until you have access to some income. Any rent that is not collected during this period will become a debt that you owe to your landlord. Your landlord cannot charge you interest on this debt.

Blacklist prevention

It will not be permitted for real estate agents to "blacklist" a tenant for non-payment of rent which results from COVID related financial losses.

Legal advice

If you require any further information or advice, you can access free legal support through the Legal Aid Commission's Tenants Advice Service.

Phone: **1300 402 512**

Website: **www.legalaidact.org.au/tasact**

Further information

- › **ACT Government's Economic Survival Package**
- › **COVID-19 Emergency Response Act 2020**

These changes are only for tenants who rent privately (either through a managing agent or directly from the private landlord) and do not apply to public housing tenants (Housing ACT) or community housing tenants.

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