



Note: This factsheet was produced to be translated into a series of community languages. For more detailed information in English, please see tenants.org.au/covid19/guide

Renters' Guide to COVID-19

This factsheet provides basic information about renting during the COVID-19 pandemic. Extra protections for renters have been introduced as a part of the NSW Evictions Moratorium in place from 15 April 2020 until 15 October 2020 unless extended.

If you are affected by any of the issues below, please contact your local tenant advice and advocacy for help.

To find your local advice service go to tenants.org.au and put your postcode in the Get Advice box.

Advice is free and confidential.

If you need a translator, please call via the Translating and Interpreting Service (TIS) on 131 450.

Q. What protections are there under the NSW Evictions Moratorium? Can I be evicted?

A. In NSW there are restrictions on evictions if you are behind on your rent due to Covid19 – check below about whether you are eligible or not.

From 14 June if you are behind on your rent and the landlord wants to evict you they must apply to the NSW Civil and Administrative Tribunal. They need to show they have been through formal rent reduction negotiations with you via Fair Trading (see Q3 below) and that it is fair and reasonable in your case.

If you are not in rental arrears, a landlord can still evict you for other reasons. However, you may be entitled to an extended notice period of 90 days depending on the eviction grounds. The extended notice period applies for everyone.

Q: Do the protections against evictions apply to me?

You're eligible for this protection if your household income has been reduced by 25% or more because you, or a rent paying member of your household, have:

- lost your income or job due to covid19, or
- had to stop working or reduce work hours due to coronavirus illness or carer responsibilities

Q. Do I need to pay rent?

A. The NSW Eviction Moratorium measures does not mean you can automatically can stop paying rent or pay less rent. If you are having difficulty paying the rent, continue paying as much rent as you can and immediately write to your landlord or agent to negotiate a reduced rent. If you are eligible (see above) the landlord is required to negotiate with you for a reduced rent before they can evict you for rent arrears.

The rent reduction you negotiate can reduce rent by waiver or deferral or a mix of both.

- Rent waiver: this is where your landlord agrees that you do not have to pay your entire rent or a portion of your rent.
- Rent deferral: this is where payment of your rent or portion of rent is due at a later date.

Think carefully about any offer of deferral and whether you can pay back arrears in the future. If you do agree to a deferral make sure you negotiate an appropriate repayment plan and start date for this.

Be aware the rules may be different for different kinds of housing such as social housing, affordable housing, boarding houses, and share housing. Get advice if you are not sure what kind of agreement you have.

Q. What if I want to end my tenancy early?

A. If you have an ongoing lease with no end date, you can end your tenancy by giving at least 21 days written notice.

If you have a lease with an end date and you want to leave before that end date, you may have to pay a break fee or compensation for breaking your lease early. However, if you are experiencing financial hardship because of COVID 19 AND have tried to have rent negotiations with the landlord but negotiations have failed – you can apply to NCAT (see below) to have the break fee reduced to a maximum of 2 weeks rent.

Q. Can I be blacklisted for falling behind in my rent?

A. There is also protection ban on listing a tenant on a tenancy ‘blacklist’ if the listing is for rent arrears AND one or more rent paying members of your household have had their weekly income reduced resulting in the total household income being reduced by 25% or more due to Covid19.

Q. Can the agent or landlord let other people inspect the house to buy or rent?

A. Yes. However, NSW health guidelines must still be met if an agent or landlord is requesting to bring individuals through your home. Check the current public health orders and guidelines here: [URL](#)

Q. Do I have to let someone in to do repairs?

A. The landlord or agent, or another person authorised by the landlord, can enter the premises without your consent to carry out or assess the need for non-urgent repairs provided they give 2 days notice each time. However, again NSW health guidelines should be followed.

Q. I have rented a home in Australia but I can't return to live in it because of the travel ban. What can I do about my rent?

A. If you want to keep the property for when you return you will have to work out a way to pay some of the rent. You may be able to negotiate with the landlord but they do not have an obligation to hold the property for you.

Alternatively, if you want to break your agreement early, you may need to pay a break fee or compensation (see 'ending my tenancy early' above).

If you have an agreement with University Campus Living Village, or a housing provider such as Iglu or Urbanest or if you are renting from a private landlord but aren't eligible for protections (see above) you can still try to negotiate reduced rent during the time you will have to be out of Australia.

Make sure you know your rights regarding any items left behind in the premises.

Be aware the rules may be different depending on your housing provider.

Q. I am an international student living in Australia. I can't leave the country. I have been evicted. What help is there for me?

A. If you are an international student who is stranded in Australia due to COVID-19 and have been evicted or are facing imminent eviction, you may be eligible for temporary crisis accommodation. Call the Service NSW hotline number 13 77 88 for more information.

Q. How to I apply to the NSW Civil and Administrative Tribunal?

A. If you want to apply to the tribunal, you can apply online (ncat.nsw.gov.au). Application costs \$51 or \$13 if you are on a government pension or benefit. Currently, all NCAT hearings will be held by phone. If you are unwell you can request the Tribunal to adjourn the hearing by providing a letter from your doctor.

Q. Where can I get more information?

A. There is more information about renting and COVID-19 at tenants.org.au/covid19/guide

For free tenancy advice, call your local Tenants' Advice and Advocacy Service:

SYDNEY:

- Eastern 9386 9147
- Inner 9698 5975
- Inner West 9559 2899
- Northern 9559 2899
- Southern 9787 4679
- South West 4628 1678
- Western 8833 0933

REGIONAL:

- Blue Mountains 4704 0201
- Central Coast 4353 5515
- Hunter 4969 7666
- Illawarra Sth Coast 4274 3475
- Mid Coast 6583 9866
- Northern Rivers 6621 1022
- Northwest NSW 1800 836 268
- Southwest NSW 1300 483 786

ABORIGINAL:

- Sydney 9833 3314
- West NSW 6881 5700
- South NSW 1800 672 185
- North NSW 1800 248 913

WEBSITE: tenants.org.au

NSW FAIR TRADING: 13 32 20

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants' Union of NSW

