

Winda-Mara Housing Program (WMHP) Property Inspection Policy

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WMHP Property Inspection Policy

Winda-Mara Aboriginal Corporation ('WMAC') and Winda-Mara Housing Limited ('WMHL') work together to deliver safe, secure and affordable housing solutions for eligible Aboriginal and Torres Strait Islander community members living in far southwest Victoria.

The activities, principles, policies and elements that contribute to and regulate the housing schemes of WMAC and WMHL are collectively referred to as the Winda-Mara Housing Program ('WMHP').

The WMHP's policies and procedures are designed so that its practice and service delivery align with the following cultural statement:

Our vision is to create a thriving community where Aboriginal and Torres Strait Islander people have access to safe, affordable, and culturally appropriate housing. We aspire to empower individuals and families through improved health, education, and wellbeing, fostering a strong sense of identity and pride in our cultural heritage. Through collaboration and sustainable development, we aim to build a future where every member of our community has the opportunity to flourish and succeed.

1. Introduction

WMHP undertakes regular or routine inspections of properties it owns or manages according to legislative and program requirements. Routine inspections are a critical component of quality housing management. By undertaking regular inspections with renters WMHP not only maintains its relationship with them, but also ensures that the property is being well maintained.

Inspections allow for the early identification of any maintenance issues not reported by the renter and are an opportunity for the renter to raise any issues regarding the property, WMHP services or any other issues that WMHP may be able to assist with.

2. Scope

This is a Housing Program Policy. It applies to all residential tenancies managed by WMAC or WMHL.

3. Purpose and Objectives

This policy establishes the approach WMHP takes to fulfil its responsibilities in undertaking property inspections.

4. Home visits and inspections

Home visits and inspections differ in regard to their intent and purpose.

4.1 Home Visit

The intent of a home visit is generally to meet with renters to understand how they are managing an aspect of their tenancy, or other issues related to their well-being or neighbourhood concerns. Home visits can be pre-arranged with the renter. Where there has been difficulty making prior contact, a home visit can be unannounced where the reason is to make contact with the renter. In these circumstances staff will only enter the person's home with the renter's consent.

4.2 Inspection

An inspection is a visit with the intention of entering the property or private outdoor space with a tenancy or property focus such as to ensure the:

- renter duties are met;
- landlord obligations are fulfilled;
- property condition is maintained.

5. Inspection Guidelines

5.1 Purpose of Inspections

WMHP conducts property inspections in accordance with its obligations under the Residential Tenancies Act 1997 ('RTA').

This includes for the purpose of:

- connecting with renters in their home;
- identifying concerns within the home to create early interventions;
- undertaking repairs and general maintenance, including vacated maintenance;
- conducting routine inspections at least one every 6 months;
- undertaking pest control, fire safety, electrical safety and gas safety checks;
- ensuring that residents are meeting their obligations under the RTA and assisting them with referral to relevant support agencies where required. For example, when an inspection reveals that the resident is showing hoarding behaviour;
- ensuring the properties meet all necessary regulatory standards;
- assessing whether the property continues to meet the needs of the renter; and
- showing prospective renters a property prior to an offer of housing being made.

Inspections or Home Visits may occur more frequently:

- where staff need to assess whether any required corrective action has been taken;

- at the request of the renter; or
- where there may be concerns relating to the tenancy and/or welfare of the household member(s).

5.2 Entry to the Property

Where necessary, entry notices will be issued by WMHP giving the renter notice that they will enter the property and the reason why. Entry notices will be issued in accordance with Consumer Affairs Victoria requirements shown below at 6.2.1.

WMHP will send entry notices using Australia Post standard mail, unless electronic communication has been agreed to by the renter (for example, by email or text message).

A WMHP worker can only enter a property between 8am and 6pm on any day except a public holiday. Entry outside these times is only possible if the renter agrees.

Once the subsection of s 86(1) of the Residential Tenancies Act is chosen according to the circumstances of the tenancy, a Notice to enter is required to be completed and then sent to the renter. Staff are to ensure the Notice to enter is lawfully issued. The requirements are as follows:

- the notice must be in writing;
- the notice must set out a reason specified in s 86(1) of the Residential Tenancies Act and state the relevant subsection of s 86(1);
- the reasons for the entry are correctly and clearly identified and are relevant to the subsection of s 86(1) which is relied upon in the notice; and
- the time for entry is stated to be a time between 8am-6pm on any day except a public holiday.

WMHP staff are to serve the Notice to enter on the renter as follows:

- at least 24 hours prior to entry
- by post or by delivering it personally to the renter between 8am-6pm

If housing staff want to gain entry pursuant to s 86(1)(g) of the Residential Tenancies Act, then the Notice to enter issued to the renter must also state the name of the excluded renter's representative if the Director has been given these details under s 88(d) of the Residential Tenancies Act.

5.2.1 Entry Notice Requirements

Reason	Minimum notice required
General inspection (routine inspection)	7 days
Repairs or other legal responsibilities	24 hours
Having the property valued	7 days

Reason	Minimum notice required
Taking photos or making videos for advertising	7 days
Believing the renter has broken their obligations	24 hours
Family violence proceedings in VCAT	24 hours

The notice must be in writing and state the reason for entry.

The notice must be delivered in one of the following ways:

- by post, allowing enough time for delivery
- personally, to the renter between 8am and 6pm.

However, there are some examples of when entry is required, and advanced notice may not be possible:

- for urgent repairs;
- for welfare checks, if there is reason to believe the resident is seriously unwell or in danger and needs assistance; and
- during emergency evacuations.

5.3 Renters' Rights to Refuse Entry

A renter can refuse entry for one or more of these reasons:

- the visit isn't between 8am and 6pm, or is a public holiday;
- they haven't been given written notice;
- the notice wasn't given to them properly (for example they weren't told far enough in advance);
- the rental provider wants to show the property to prospective renters and has given the renter a notice to vacate, but it's before the last 21 days of the rental agreement;
- the rental provider wants to enter to do a general inspection, but one has already been completed within the last 6 months.

5.4 Conducting Inspections and Home Visits

5.4.1 WMHP Staff Responsibilities

The Housing Officer is directly responsible for the inspection of individual dwellings and should ensure that all properties are inspected in line with regulatory and statutory requirements, in addition to WMHP organisational policies and procedures.

WMHP staff will:

- be respectful of renters' homes and privacy; and

- inform renters of any issues arising from the inspection and encourage them to ask questions about WMHP's work practice, requirements and their responsibilities.

5.4.2 General Inspections

A general inspection may only be made after the first 3 months of the rental agreement. They can be done every 6 months at the most.

WMHP staff can inspect all of the property during a general inspection.

The general inspection is to check that the renter is keeping the property in good condition. If WMHP believes that the renter is not meeting their obligations under the rental agreement, they can give the renter a Breach of Duty Notice.

5.4.3 Where Renter is not Home

Where a date and time has been agreed for an inspection, it is expected that the renter will be present at that date and time. However, a WMHP Worker can enter a property when the renter is not home provided valid written notice has been given by WMHP of the inspection, or where WMHP and the renter have agreed this can happen.

5.4.4 Rescheduling

Notwithstanding the above, where the renter has given a reason not to enter, WMHP will endeavour to reschedule if necessary. For example, during sorry business.

An inspection or home visit may also be rescheduled where there are safety or welfare concerns, or where there is not an adult household member present.

5.4.5 Renter

When WMHP staff are exercising a right of entry in accordance with section 89 of the Residential Tenancies Act, the renter has a duty to allow WMHP staff to enter the property.

If access is not permitted, WMHP may issue a Breach of Duty Notice.

Should the renter still refuse to comply, WMHP will apply to VCAT for a Compliance Order.

5.5 When WMHP Staff Have Entered the Property

WMHP staff are allowed to enter the property as long as they act within the law. However, they must not:

- exercise their right to enter in an unreasonable manner; or
- stay or let other people stay any longer than necessary for the purpose of the entry, unless it is with the renter's permission.

Unreasonable means behaving in a way that most people would think is not fair. For example, it might be unreasonable to come by once a week to make small repairs that aren't really needed.

If a renter thinks the rental provider is acting unreasonably, they can apply to VCAT. VCAT can make a compensation or a prohibition order if the rental provider has breached their duties. If the rental provider hasn't complied with the law, the renter can apply to VCAT to stop the rental provider and their agent from entering the property for a set period of time.

5.6 Rules for Entry Because of Proceedings Regarding Family Violence

The rental provider or their agent is allowed to enter the property for an inspection to check the condition of the property because VCAT has ordered that the rental agreement should change due to family violence. The rental provider must provide at least 24 hours' notice before entering for this reason.

If there is a renter who has been excluded from the property because of the family violence, they can nominate someone to represent them at the inspection. They must provide the name and contact details of their representative before the inspection. These should be included on the notice of entry that is given to the renter still living in the property.

5.7 Damage During Entry

If something belonging to the renter is damaged or taken while the rental provider or their agent is on the property, the renter may apply to VCAT to be compensated for their loss.

6. Rights and Responsibilities

WMHP renters have a duty under the provisions of the RTA to report damage to the property or a breakdown of facilities, fixtures, furniture or equipment supplied by WMHP. This is also outlined in the resident's rental agreement with WMHP.

Renters' rights and responsibilities are protected under the Residential Tenancies Act and other Acts of parliament.

It is important for renters to know and understand their rights and that along with rights come responsibilities. At the beginning of the rental renters are given a series of documents including a "Rights and Responsibilities" booklet. This booklet describes both the renter's and the rental provider's rights and responsibilities. If you have misplaced this, please ask a worker for a replacement copy.

Information and support can also be obtained through Consumer Affairs Victoria and the Tenants Union of Victoria.

7. References

7.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- *Residential Tenancies Act 1997 (Vic)*
- Performance Standards for Registered Housing Agencies

- *Housing Act 1983 (Vic)*

The relevant legal rights and duties in relation to inspections are contained in sections 85, 86, 87 and 88 of the RTA.

7.2 Internal Requirements and Forms

This policy refers to the following internal documents, which are available in the WMP Document Register:

- WMHP Eligibility and Allocations Policy
- WMHP Property Damage by Renter Policy
- WMHP Goods Left Behind Policy
- WMHP Maintenance and Repairs Policy
- Notice of Breach of Duty to Renter Form
- Notice of Entry Form
- WMHP Complaints and Appeals Policy and Procedures
- WMHP Vacating a Property Policy

8. Review

This policy will be reviewed every two years or earlier if the legal, regulatory, and contractual environment requires.

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