

Information for NRAS renters and providers operating in Victoria

Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Act 2022

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The Victorian Parliament passed the *Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Act 2022* (the Act) on 2 September 2022 and it received royal assent on 6 September 2022.

The following information relates to the National Rental Affordability Scheme.

A notice to vacate for National Rental Affordability Scheme (NRAS)

On 6 September 2022, the *Residential Tenancies Act 1997* (RT Act) was amended to include a 90-day notice to vacate (s91ZZEA) for premises rented out as part of the NRAS program.¹

Programs such as NRAS, which target particular cohorts of renters, require a means by which the demand for the program can be managed when a renter is no longer part of that targeted cohort.

To enable the continued operation of NRAS, and to encourage the development and continued operation of other Victorian Affordable Housing Programs, the Act provides two additional reasons for issuing a notice to vacate. Without a legislated mechanism to move ineligible renters from NRAS properties, NRAS providers will be prevented from continuing to offer housing to the targeted renter cohort.

Who can use this notice to vacate?

The s91ZZEA notice to vacate can only be issued by NRAS providers and only in relation to properties that have a current NRAS allocation.

When can the notice to vacate be issued?

The notice to vacate can only be issued where:

- a renter is no longer eligible for the NRAS program (that is, where the renter's household income is above the NRAS income thresholds by 25 per cent or greater for two consecutive years); or
- a renter does not provide the required documentation within the specified time period to enable an assessment of eligibility to occur.

¹ See General Factsheet on the [Residential Tenancies, Housing and Social Services Regulation Amendment \(Administration and Other Matters\) Act 2022](#).

How long is the notice period?

90 days.

How long do NRAS renters have to provide documents and prove eligibility?

NRAS renters have 60 days in which to demonstrate their eligibility after they have received a written request from their NRAS provider asking for their income documentation.

If after 60 days the NRAS renter does not provide the documentation, or if they provide documentation that shows they no longer meet the NRAS eligibility criteria, the NRAS provider may issue them with a notice to vacate in 90 days.

Importantly however, if the NRAS renter provides documentation during the 90-day period that shows they are eligible, the notice to vacate becomes invalid.

The cumulative effect of these legislated time limits is that NRAS renters have written notice of at least 150 days in which to demonstrate their eligibility before a notice to vacate can take effect.

What type of documentation can NRAS providers request from NRAS renters?

The amendments mean that social and affordable housing providers, including NRAS providers, can request bank statements with daily transactions which have the debit entries redacted. The amendments also mean that renters can provide these redacted statements.

Does the RT Act affect NRAS incentive payments?

Incentive payments are administered by the Commonwealth Department of Social Services. The RT Act does not change the requirements or conditions which need to be met for an incentive payment to be made.

What will happen after NRAS ends?

NRAS is due to end in 2026. The Victorian Government will work with the Commonwealth Government, community housing providers and renter advocates with the aim of retaining current NRAS rentals in Victoria as affordable or social housing.

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