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Friday, April 24, 2020

Practice Guide to navigate tenancies through COVID-19

Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport The Honourable Mick de Brenni

Friday, April 24, 2020

Practice Guide to navigate tenancies through COVID-19

The Palaszczuk Government has today enacted National Cabinet’s moratorium on evictions, with a Practice Guide formalising the temporary requirements and protections for tenancies impacted by COVID-19.

Minister for Housing and Public Works Mick de Brenni today published the Residential Tenancies Practice Guide, following the passing of the COVID-19 Emergency Response Act in Parliament this week, which allows government to enact emergency COVID-19 regulations.

“Queenslanders are no strangers to working together when times get tough, whether it's joining the Care Army, donating blood to support our hospitals, or working out a fair rental agreement until income support comes through.

“Most property owners and tenants are already coming to their own agreements about how they can work through this period, making sure that nobody loses the roof over their head.

Mr de Brenni said the Practice Guide would help property owners and their tenants in their discussions to negotiate a way through the next six months.

“For those that need it, we’ve provided the detail to help Queenslanders understand their rights, assist in discussions about their individual circumstances, be they lessor or lessee, and assist in coming together in collaboration to new agreements where necessary.

“We’ve worked with Tenants Queensland and the Real Estate Institute of Queensland on the development of the guide, who agree that this is a useful tool for tenants and owners alike.

Minister de Brenni said that the Palaszczuk Government’s new regulations struck a fair balance for tenants, owners and property managers.

“These are a temporary set of measures to ensure tenants and owners are protected during this pandemic.

“Tenants who are suffering or who have suffered excessive hardship because of COVID-19 who cannot meet their rent commitments cannot be evicted or listed in a tenancy database because of that suffering.

Mr de Brenni said the Palaszczuk Government had established a special COVID-19 Housing Security Subcommittee.

“Independent parties, including Tenants Queensland, the Real Estate Institute of Queensland, the Queensland Council of Social Service, Q Shelter, along with the Residential Tenancies Authority, will supervise, observe and report to government regularly on the implementation and impacts of the measures.”

The Residential Tenancies Practice Guide provides detail on:

- Threshold criteria to qualify for the application of the COVID-19 rental response, that includes a 25 per cent reduction in income, or where rent exceeds 30 per cent of the tenant's income.
- The evidence that tenants can be asked to provide the same proof of finances to property managers just as they would when starting a tenancy.
- Access for the sale of the property, virtual rental inspections and access for essential repairs and maintenance.
- The 75 per cent income loss and less than \$5,000 in savings threshold before a tenant is eligible for a 7-day cap on break lease fees if they end a fixed term lease early.
- The extension on the term of a fixed term tenancy agreement during the COVID-19 period to September 30, 2020 unless agreed otherwise by the owner and tenant, or there is an appropriate ground to end the tenancy.
- Conciliation with the Residential Tenancies Authority, including the renegotiation of lease agreements where parties are COVID-19 effected, which could cover new rent payments and deferrals if this is agreed to.

A copy of the Practice Guide can be found online at www.COVID19.qld.gov.au/the-hub (<http://www.covid19.qld.gov.au/the-hub>).

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