

PROGRAM POLICY: APPROPRIATE USE OF PROPERTY

Policy number	PPOL015	Version	v2.0
Drafted by	Program Development Coordinator	Approved by Board on	14 December 2021
Responsible Person	Program Director	Scheduled review date	14 December 2026

1. PURPOSE

- 1.1. The purpose of this policy is to clarify the acceptable use of residential properties within the CEHL Program and to specify the extent of the Program's responsibilities regarding that use.

2. POLICY CONTEXT

The CCA states that properties within the CEHL Program are solely for the purpose of providing residential accommodation to the members of the co-op; and, without the approval of CEHL, may not be sub-let or assigned.

While the primary purpose of the Program properties is for the provision of housing the Program acknowledges that working from the property in the form of working from home, or running a business, falls within the acceptable use of the property. Any business activities carried out on Program property must not create any obligations or costs to the Program.

3. POLICY STATEMENT AND PRINCIPLES

3.1 STATEMENT

- a. The primary purpose of CEHL properties is for the provision of housing for renters and identified household members.
- b. Renters may work from a Program property and/or conduct a business on a Program property providing no extra cost or liability is incurred by the Program, and the business activities do not breach local law, legislation, regulations, owners' corporation rules or planning schemes.
- c. The Program will make no provision for the needs of any business conducted by a renter in any policy, procedure or practice.
- d. Residential rental providers are responsible for ensuring that any business activities being run from the property must comply with all relevant local law, legislation, regulations, owners' corporation rules or planning schemes. Residential rental providers must take action where business activities are not compliant.

3.2 PRINCIPLES

- a. Renters may not receive financial payment from any visitor/guest staying on the renter's property.
- b. Renters may have a visitor reside in or on any part of the property for no more

than three days a week, or for up to a total of four weeks. Arrangements that extend beyond this require agreement from the residential rental provider.

- c. If a renter intends to work or operate a business from a Program property either as a sole trader or an employee, the renter must obtain the prior consent of the residential rental provider in writing and provide details of the business activities.
- d. Where the rental provider is a co-op, the co-op must seek consent for the business activities from CEHL.
- e. The renter does not need to seek the prior consent of the residential rental provider in relation to business activities if each of the following criteria are met:
 - i. The business activities are exclusively office, clerical or word-processing work using ordinary office equipment;
 - ii. The business activities will not increase the number of visitors to the leased premises.
 - iii. The business activities will not create loud noise, noxious odours or other nuisance to neighbours.
 - iv. The business activities do not require any permit or consent from a local council, owners corporation or other authority.
- OR
- v. Where directed by a relevant government body to work from home.
- f. Where the renter requests consent to the business activities, the residential rental provider or CEHL may, in its sole discretion:
 - i. consent to the business activities;
 - ii. impose reasonable restrictions on the business activities; or
 - iii. refuse consent and prohibit the business activities.
- g. Reasonable restrictions which the residential rental provider or CEHL may impose include:
 - i. requiring the renter to obtain a planning or building permit, or consent from an owner's corporation;
 - ii. requiring the renter to take out public liability insurance at a level of coverage agreed by the residential rental provider or CEHL; or
 - iii. requiring the renter to indemnify the residential rental provider or CEHL against any loss, damage or liability arising from the use of the leased premises for the business activities, and ensuring the residential rental provider or CEHL receives the benefit of the renter's insurance coverage relating to the business activity.
 - iv. any renter-funded improvements required for the business, including changes to electrical or plumbing or the structure of the property, be approval as per CEHL's *Addition, Alteration and/or Modification Guidelines*
- h. Residential rental providers are responsible for ensuring that the business being run from a program property by a renter continue to meet all insurance liability and other requirements.
- i. Any renter funded modifications made to the property to facilitate running a business will not necessarily be replicated in any appropriate alternative accommodation.
- j. All income derived from the business must be declared to CEHL to ensure an accurate calculation of the rent.

- k. CEHL may refuse consent for the running of business activities on Program property where that business:
 - i. poses a risk of damage to the property
 - ii. could potentially negatively impact on the neighbours' quiet enjoyment of their properties
 - iii. has the potential to bring the co-op or Program into disrepute
 - iv. poses a public liability or other risk not covered by insurance
- l. Sub-letting or assignment of any part of a CEHL property by a renter or co-op is prohibited, unless specific permission is obtained from CEHL.

4. SCOPE

4.1 This is a Program Policy. It applies to all residential tenancies managed by CEHL or its member co-ops.

5. DEFINITIONS

5.1 For all definitions relating to this policy, please refer to the Program Glossary. Define business activities.

6. LEGAL REQUIREMENTS

6.1 This policy adheres to and incorporates guidance from:

- a. [Residential Tenancies Act 1997.](#)
- b. [Performance Standards for Registered Housing Agencies: section 1 Tenant and Housing Services.](#)
- c. [Victorian Charter of Human Rights and Responsibilities 2006.](#)

7. PROGRAM REQUIREMENTS

7.1 This policy is consistent with:

- a. International Co-op Principles:
 - Open & Voluntary Membership
 - Democratic Control by Members
 - Co-operation among Co-operatives
 - Concern for Community.
- b. Program Principles:
 - Security
 - Quality of Housing
 - Working Together.
- c. CCA.

8. BOARD AUTHORISATION

Approved by	CEHL Board	Date of approval	15 / 12 / 2021
Position	CEHL Chair	Heidi Lee	