

Building Modification Policy



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1. Purpose

This purpose of this policy is to provide clear and transparent information about how modification requests are managed and decided by WHL.

WHL utilise a trauma-informed and MARAM Framework compliant approach when handling modification requests relating to family violence incidents.

2. Scope

This policy applies only to WHL managed / owned properties and excludes THM properties. This policy defines a modification as anything that changes the inside or outside of the property, excluding repairs or general maintenance requests.

3. Types of modifications

Most modifications require permission from WHL, but there are some that renters can complete without permission, In both cases, renters are responsible for returning the property to its original condition when vacating, or compensating WHL for the cost of doing so.

3.1 Prescribed modifications

These are modifications that renters do **not** need permission for:

- Picture hooks or screws for wall mounts, shelves or brackets on surfaces **besides brick walls**
- Wall anchoring devices on surfaces **other than brick walls** to secure furniture
- LED gloves that don't require new light fittings
- Low flow shower heads (if original is kept)
- Blind or cord anchors
- Hardware mounted child safety gates on surfaces **besides brick walls**
- Security lights, alarm systems or security cameras that don't impact the privacy of neighbours, can be easily removed and are not hardwired
- Wireless doorbells
- Replacement curtains (if originals are retained)
- Adhesive child safety locks
- Locks on letterboxes

3.2 Reasonable modifications

These are modifications that renters can request, and WHL cannot refuse without a reasonable excuse:

- Anything that does not permanently change a surface
- Anything required for health / safety
- Disability related modifications
- Modifications that ensure access to telecommunications (internet, TV, phone)
- Ones that ensure security measures such as security screens and deadlatches
- Ones that ensure the safety of a renter who has been subject to FV by another party to the rental agreement
- Ones that are necessary to increase the thermal comfort or reduce energy and water usage costs for property
- Flyscreens on doors and windows
- Vegetable or herb gardens
- Secure letterbox
- Painting
- Dishwashers
- Pet doors
- Modifications to external gates

3.3 Refusing modifications

WHL might refuse a reasonable modification because:

- A NTV has been issued on the rounds of an upcoming change of possession or ownership of the property
- The modification would result in non-compliance with any other Act or law
- The modification would significantly change the property or require modifications to other premises or common areas
- The modification will result in additional maintenance costs for WHL if it is not reversed by the renter at the end of the rental agreement
- The Owner's Corporation at the property does not consent to the modification where it impacts the common areas
- The application is incomplete and missing certain information such as cost or contractor details, or supporting documentation

WHL are not obliged to pay for the cost of modifications and may deny a prescribed or reasonable modification request if the renter is requesting WHL to pay. WHL can refuse requests for any other modifications at their discretion.

If a renter undertakes a modification without permission (unless it is prescribed), WHL will breach the tenancy. If the renter does not rectify the breach, WHL will apply to VCAT for a compliance order.

4. Requesting modifications

4.1 Modifications Request Form

Renters residing in WHL owned properties and DHHS General lease properties may request approval for a modification to their home.

The modification will only be considered once a WHL Modification Request Form accompanied with support documents, is completed and submitted to WHL through their Tenancy Officer.

The modification request form must also be accompanied with relevant supporting documentation including; medical, Occupational Therapist, police report or other professional assessment for the requested modification. The request must also be accompanied with a detailed description of the

proposed work to be undertaken and a quote from a licensed trades person with the cost and detailed description of the proposed work.

4.2 Timeline

WHL will attempt to review all modification requests within one month. Modifications that relate to a current family violence situation or genuine security concern will be given priority and are generally responded to within 2 business days.

The modification request will be reviewed by the Operational Managers Group (OMG). The Asset and Development Manager has responsibility to ensure that the OMG reviews the request within a reasonable timeline and a written response is provided to the renter via the Tenancy Officer.

4.3 Decision making

The OMG will consider the following:

- Potential damage to property
- Family violence or other safety considerations
- Disability requirements
- Potential negative effect on neighbours
- Whether renter has requested WHL pay for the modification
- Heritage status of building
- Owner's Corporation presence
- Whether a NTV has been served on the renter at the property
- Increased amenity
- Ability to return the property to original condition.

The OMG will ensure consideration is given to the Charter of Human Rights and Responsibilities (Vic), the Victims of Crime Charter (Vic) and the MARAM Framework. Cultural safety implications and any relevant surrounding circumstance are also evaluated in this decision-making process.

5. Appealing decisions

Renters are able to appeal decisions to refuse modification requests by submitting a copy of the "Complaints and Appeals Form" to their Tenancy Officer. Once a written appeal is submitted, the Operations Manager will review the appeal alongside the OMG and provide the renter with a written response within 30 days.

Renters who are still dissatisfied with the outcome are empowered to apply to VCAT under s 64 of the Residential Tenancies Act 1997 (Vic). VCAT will hear the matter urgently and determine whether or not the modification can proceed, and on what terms.

Renters may be denied modifications if they have not provided enough specific information or the required supporting documents. In this case, renters are encouraged to re-submit their request with the relevant documentation attached.

6. Other requirements

6.1 Disability modifications

If renters wish to request a modification based on accessibility requirements for their disability, these modifications must be prescribed by an Occupational Therapist or other medical professional. WHL will assess all disability modification applications on a case-by-case basis and will consider all relevant documentation. WHL may not fund disability modifications where external funding could be secured. If a disability modification will cause unjustifiable hardship for WHL, the request may be denied. Disability modifications must still be removed at the end of the tenancy, unless otherwise indicated by WHL. As an alternative, WHL may identify other suitable properties that are vacant and meet the accessibility requirements of the renter.

6.2 Bond 'top ups'

If the renter does not agree to restate the property to its original condition, WHL can request the renter to pay additional bond monies where:

- The amount is more than \$500
- The extra money is reasonable when considering the cost of reversing the change at the end of the tenancy

If WHL and the renter disagree on this, WHL may apply to VCAT for a decision

6.3 End of tenancy

Renters must reverse all changes before vacating the property, unless WHL have given written consent to leave the modifications permanently. Renters can alternatively compensate WHL for the cost of returning the property to its original condition. If renters don't comply, WHL will make an application for bond and compensation at VCAT.

7. WHL initiated modifications

At times determined by the WHL Asset and Development Manager and approved by the WHL Board, modifications will be made to WHL managed buildings. Prior to any modification, renters will be notified and consulted on possible effects to their quiet enjoyment of their home. The times and days that the works to be undertaken for the modification will be advertised to all affected renters. As a general rule any modification to a WHL building will have no diminution of renter amenity.

8. Legislation and standards

This policy implements WHL's obligations under:

- Residential Tenancies Act 1997 (Vic)
- Housing Act 1983 (Vic)
- Performance Standards for Registered Housing Agencies
- Disability Discrimination Act 1992 (Commonwealth)
- Equal Opportunity Act 2010 (Vic)
- Building Act 1993 (Vic)
- National Construction Code
- National Disability Insurance Scheme At (Commonwealth)

9. Related documents

- Modification Request Form
- Complaints and Appeals Procedure
- Customer Charter