

DOMESTIC VIOLENCE & TENANCY

A fact sheet to inform people who are experiencing domestic violence about their rights regarding leaving or staying in their rented home.

➤ **What is domestic violence?**

Domestic violence includes: physical & verbal abuse, threats, intimidating behaviour and stalking. If a person with whom you are in a domestic relationship behaves in a manner which causes you to be fearful for your safety and/or well being then you are experiencing **domestic violence**.

➤ **What can you do?**

You can apply for an Apprehended Domestic Violence Order (ADVO), by contacting the police or local court. An ADVO is a Court order that orders another person not to do certain things.

➤ **What do you want to do?**

It is important to think about what changes you wish to make to your living arrangements, if any, and most importantly, what you can do to protect yourself. Ensuring your safety is your number one priority.

You should think about whether or not you want to stay or leave your home. The type of tenant you are may affect this choice - see attached sheets.

If you wish to stay in your home an exclusion order may be made by the court when you are applying for an ADVO.

➤ **What is an Exclusion Order?**

A condition on your ADVO that stops the offender from coming to the rented premises, even if they are a tenant.

➤ **Need to move?**

Housing New South Wales (HNSW) can provide Rentstart to help you to establish or maintain private rental, if you meet the public housing eligibility criteria. Contact HNSW to apply or for information regarding priority housing.

If you receive a Centrelink payment and are moving due to domestic violence you may also be eligible for a crisis payment.

➤ **Where to get help**

A Tenants Service can advise you about your rights and obligations regarding your tenancy.

Illawarra Tenants Service

☎ **02 4274 3475 or 1800 807 225**

✉ **7 Greene Street, Warrawong
NSW 2502**

💻 www.illawarralegalcentre.org.au



➤ **Housing New South Wales tenants**

If you wish to stay at your home (and the offender also lives in the HNSW home with you) inform HNSW.

If you wish to leave your home, contact HNSW and apply for a transfer based on being 'at risk' of harm due to domestic violence. Attach a copy of your ADVO or evidence from police or other sources. If you need to move immediately, HNSW can arrange emergency temporary accommodation.

If you do not agree with a decision made by HNSW you have the right to appeal. Contact your Tenants Advice Service for more information.

➤ **Locks & Security**

It is the landlord's responsibility to provide 'reasonable security'. If you do not think your security is reasonable contact the Tenants Advice Service for advice. You may apply to the Consumer, Trader and Tenancy Tribunal for orders that locks be changed or better security installed.

➤ **Rent Arrears & Debts**

If you have fallen behind with your rent, contact your landlord as soon as possible and explain your circumstances and try to arrange a payment plan. If you are unable to reach an agreement contact your local Tenants Service.

If you have moved out of your home due to domestic violence and are still listed as a tenant on the lease, you may still be liable for rent. For further advice about rental arrears, getting your bond back, or having your name taken off the lease, etc, contact your local Tenants Service.

➤ **Damage to your home**

It is your responsibility to look after your home and not cause or permit damage. If someone else damages your home you should notify the police and your landlord. You may not be liable if the offender damages the home. For further advice contact the Tenants Service as your rights and responsible depend on your tenancy status.

Helpful Contacts:

Tenants Union

☎ 8117 3700

🌐 www.tenants.org.au

Domestic Violence Advocacy Service

☎ 1800 810 784

TTY: 1800 626 267

DoCS Domestic Violence Advice line

☎ 1800 656 463

Consumer, Trader & Tenancy Tribunal

☎ 1300 135 399

🌐 www.cttt.nsw.gov.au

Illawarra Legal Centre

Advice on Domestic Violence,
Victims Compensation
Centrelink, Child Support,
Financial Counselling

☎ 02 4276 1939

🌐 www.illawarralegalcentre.org.au

