



Running a Business from a Housing Tasmania Property

Policy Intent

The purpose of this policy is to provide a decision making framework for running a business from home by Housing Tasmania tenants.

In general Housing Tasmania will support applications from tenants seeking to operate a business from their property where its operations will be consistent with normal residential use of the property, compliant with required standards for the business and does not impact adversely on the property or neighbours.

Why does Housing Tasmania need a policy?

Section 52 (a) of the Residential Tenancy Act 1997 states

“A tenant is not to -

- (a) Use, or cause to be used, the residential premises for -
 - (i) Any unlawful purpose; or
 - (ii) Any purpose other than residential purposes”

The RTA does not define residential purposes. However, Housing Tasmania has determined that a building is being used for residential purposes when the primary use of the building is as a site for functions normally undertaken in a residential dwelling such as food preparation and consumption, bathing, sleeping, watching television, washing clothes and looking after children.

Housing Tasmania recognises that allowing tenants to explore employment opportunities within their homes increases individual and community capacity and will support such requests where a business can be operated within the parameters of the RTA.

What does the lease say?

Condition 3.6 of the lease, relevant to this policy, states

“Your use of the premises is limited.

- (a) You must use the premises as your principal residence.
- (b) You must not use the premises for any business. Or for any illegal purpose.”

The Permissions preamble to Condition 3 allows Housing Tasmania to change Condition 3.6 (b) and give the tenant permission to use the premises for a specified business. The permission must be in writing.

“Permission: You may ask us to change any of your obligations under clause 3. If we believe the change is reasonable, and within our current policy, we will give you permission. If we give our permission, it will only be given in writing.”



Permission must be in writing

Permission must be provided in writing and must clearly specify any conditions upon which the permission is granted.

Because this is a variation to the lease, the permission must be signed by both parties. A template for this purpose has been developed and is (will be) available from the Intranet under Operational Support, Tools.

When will permission be given?

Permission to operate a business from a Housing Tasmania property will be considered:

- Where the business is an extension of a normal residential purpose;
- Where it is consistent with the lease;
- Where it complies with standards and other requirements of the business including workplace standards;

Property Modifications

Housing Tasmania will not undertake property modifications required to accommodate the business. If modifications are considered appropriate, these must be undertaken by the tenant at their own expense.

For example, Housing Tasmania would not upgrade glazing and associated components to ensure compliance with legislative requirements for a child care business. The tenant would need to pay for this upgrade at their own expense.

Tenants must be informed if we will require them to restore the property to its original condition before vacation.

Registration, Licensing and Council Requirements

It is the tenant's responsibility to contact the local council or other relevant authority and find out any requirements for conducting their home business. Tenants must provide Housing Tasmania with written confirmation regarding these requirements and proof that they have complied with these on an ongoing basis. For example, if registration is only for a 12 month period, proof of ongoing registration would be required and permission would only be provided for the period covered by the registration.

The Business Licence Information Service (BLIS) website provides a useful summary of State and Local Government requirements for various businesses. The web address is www.bli.net.au/tas

Permission may be revoked if

Permission may be revoked if:

- The tenant has not complied with local council and/or other legal requirements;
- The tenant can no longer provide proof of registration;
- Damage to the property has occurred as a result of the business;
- The business is causing a nuisance or danger to neighbours or visitors.

It is important to record information leading to permission being revoked. For example, file notes of complaints from neighbours.



Damage to the property

Where approval to run a business has been granted the tenant takes full responsibility for any damage that occurs to the property as a result of the business. The tenant must repair the property to its original condition in the timeframe specified by Housing Tasmania.

Additional Income

Tenants or applicants should be reminded that they need to declare any additional income earned so that the correct tenant contribution can be set.

For further information relating to this policy please email the helpdesk housing.policyhelpdesk@dhhs.tas.gov.au