

Policy Statement

NCCH acknowledges that tenants (and/or residents) may seek to earn an income through home-based work. NCCH does not seek to prevent members of a household from earning an income through home-based work. However, there is an expectation that people operating a business from home will meet certain conditions.

The tenant is ultimately responsible for ensuring that these conditions are met.

These conditions aim to strike a balance between the promotion of employment opportunities through home-based work, and the need to minimise potential risks to the tenant, the tenant's neighbours, NCCH and its employees

These conditions require that people working from home:

- Continue to use the property predominately for residential purposes;
- Obtain any required council or other permits that may be required to conduct that business;
- Take out an appropriate level of public liability insurance where required;
- Continue to comply with the terms of the tenancy agreement; and
- Declare to NCCH any income derived from the business.

NCCH does not make an assessment of the type of home-based work that can be undertaken from the rented premises. The responsibility lies with the tenant to ensure the person undertaking the home-based work, be it the tenant or resident, meets the NCCH conditions as outlined above.

Tenant obligations under their Residential Tenancy Agreement still need to be met. Any tenancy breaches will be subject to the normal policy and procedures relevant to that kind of breach.

Properties headleased by NCCH

Where the property is headleased by NCCH, tenants will not be permitted to operate a business from that property.

Primary use of the property to be residential

NCCH expects that tenants working from home will continue to use the property predominantly for residential purposes. In accordance with this principle, tenants working from home cannot sub-contract work or the business at the premises. Tenants must not employ other people to work in the business at the premises.

Tenants who wish to work from home are also reminded that they should consider the suitability of the premises for the type of work they wish to do. NCCH does not modify its properties to enable tenants to undertake home-based work. However, subject to approval by NCCH, tenants can request local office approval to arrange certain works themselves. Tenants working from home must not erect signs or advertisements at the premises.

Necessary permits and licences to be obtained

NCCH expects that tenants who wish to work from home will obtain the necessary permits and licences to undertake the planned business activity, and comply with all laws and regulations relating to the conduct of the work/business.

Not all home-based work requires a licence or permit, however local councils may regulate some activities such as family day care provision.

Tenants need to be mindful of all the legal requirements of the industry in which they wish to conduct work, as failure to meet these requirements may constitute illegal activity. Tenants who engage in illegal activity will be in breach of their Residential Tenancy Agreement. In addition, tenants may also be subject to sanctions under non-tenancy law.

Public liability insurance to be obtained

NCCH expects tenants conducting business from home to take out public liability insurance appropriate to the business, and to supply a copy of the certificate of currency under which both the tenant conducting the business activity and NCCH are named as insured parties.

It is expected that renewal or updated certificates of insurance currency will be obtained for so long as the work/business activity continues at the property.

Tenancy agreement to be complied with

Tenants conducting home-based businesses are required to comply with all the responsibilities and obligations detailed in the Residential Tenancy Agreement signed with NCCH.

Tenants are advised that a breach of the tenancy agreement as a consequence of conducting home-based work/business activity may give rise to legal action through the NCAT.

Income to be declared

Documentation for all sources of income for all household members must be provided with an Application for Rental Subsidy form. Tenants or residents earning an income through home-based work must declare all income derived from the business to NCCH, and tenants must advise NCCH if there is a change in the household composition.

Work/conduct of the business must not cause nuisance, dangerous or anti-social behaviour

The nature of the work carried out by a tenant working from home may increase the scope for complaints to be made by neighbours if, for example, there is an increase in foot traffic and noise levels.

Tenants who wish to work from home are reminded that they have an obligation not to cause nuisance or interference, and should carefully consider whether the type of work they wish to undertake is likely to lead to reasonably based complaints from other tenants.

NCCH takes action against tenants who use their premises in a way that causes nuisance or interference, or is dangerous.

Work/conduct of the business must not cause damage

NCCH expects that any maintenance required as a result of damage caused through conducting the business at the rented premises, will be reported NCCH.

NCCH aims to recover costs where repairs to a rental property are necessary as a result of damage or neglect caused by the tenant, another household member or a visitor who enters the property with the tenant's permission.

See [TENANT RESPONSIBLE MAINTENANCE POLICY](#)

Procedures and Approvals

Staff should refer to the document [TENANTS WORKING FROM HOME \(PROCEDURES\)](#) for information on the process to follow upon tenants making a request to operate a business from their NCCH property.

Authority to approve (or decline) tenants requests to work from or operate a business from home must be made within NCCH's agreed delegated authorities.