

# Residential rights for people living in Community Residential Units

## *Disability Act 2006*

*Note: This information sheet must be read in conjunction with Information sheet 5 - Residential rights for people living in residential services.*

### **Introduction**

The *Disability Act 2006* (the Act) commenced on 1 July 2007.

The Act protects the rights of people living in residential services and provides clarity regarding the roles and responsibilities of residential services.

There are additional provisions that apply only to community residential units.

### **What is a community residential unit?**

A community residential unit (CRU) is a residential service that has been declared as a CRU by the Minister for Community Services. In most cases it will house four to six residents and support will be provided by rostered staff.

### **Is there a residential charge for living in a CRU?**

Like most people in the community, CRU residents are expected to pay a residential charge for their accommodation. The residential charge includes the payment of rent but also may include payment for other services such as food, gas and electricity. This is outlined in the residential statement.

### **Are receipts given when a payment is made?**

Yes. A disability service provider must give a written receipt for payment received immediately if payment is made in person, or within 30 days from the date of payment on request.

### **What are the arrangements if there is an increase in the residential charge?**

If there is an increase in the residential charge, then the resident must be given at least 60 days' notice. The rent component of the residential charge must not be increased at intervals of less than six months.

### **What are the arrangements for reducing a residential charge if services included in the residential charge are reduced?**

If a disability service provider reduces any services covered by the residential charge, the disability service provider must reduce the residential charge by an amount agreed between the disability service provider and the resident.

### **What if a resident disputes the residential charge?**

A resident can appeal to the Victorian Civil Administrative Tribunal (VCAT) if they have a dispute about the residential charge. This may be where a service is no longer provided but the charge has not been reduced or an increase is proposed.

### **Can residents be moved from one CRU to another?**

Sometimes it may be necessary for a resident to move out of a CRU to enable a difficult situation to be resolved. This will be done in consultation and with agreement if possible; however, if agreement cannot be reached the disability service provider will issue a notice.

### **What notices can be issued?**

In most situations a notice of temporary relocation (NOTR) will be issued first to enable time to resolve the issue that led to the move being required. This means the resident will move to another place for a maximum period of 90 days and hopefully be able to move back in when the situation is resolved.

A notice to vacate (NTV) may then be issued if the situation cannot be resolved. The period for a notice to vacate will vary depending on the reason for the notice.

### **Do notices have to be issued for every move?**

No. Usually the need to move will be discussed between the residential service, resident, family, advocates and or others as appropriate. If there is agreement to the move, a notice does not have to be issued.

### **Who should receive a copy of the notices?**

All residents should receive a copy of any notice. In addition, a copy must be given to a guardian or an administrator, if appointed. If a person does not have a guardian or administrator, the copy can be given to a family member or a person of the resident's choosing who can assist them with understanding the notice.

### **What are the appeal mechanisms?**

If a resident disagrees that a NOTR should have been issued or they have any concern about the decision, they may make a complaint to the Disability Services Commissioner.

If a resident is concerned about a NTV, they may appeal to VCAT.

### **For more information about CRUs, contact:**

Disability Services Division, Department of Human Services

Telephone: 1300 366 731 (9 am to 5 pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: [disability.legislation@dhs.vic.gov.au](mailto:disability.legislation@dhs.vic.gov.au)