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| Minimum rental standards for heating |
| Complying with the Residential Tenancies Regulations 2021 |

Note: For information on current renting laws, visit our [Renting section](https://consumer.vic.gov.au/renting).

Following consultation in 2019, the new Residential Tenancies Regulations 2021 (regulations) come into effect from 29 March 2021. The *Residential Tenancies Act 1997* is the primary source of consumer protection for Victorians living in rental housing while also outlining rental providers and property managers’ obligations. The Regulations also detail minor modifications renters can now make to rental properties.

The regulations detail the minimum heating standard for rental homes without any fixed heating or properties with inefficient heaters. This minimum standard ensures renters are not impacted by high energy costs or health impacts due to living in a cold home.

Combined with the standard for heating, forthcoming new minimum energy efficiency standards for ceiling insulation, draught sealing and hot water will address the major components that influence energy consumption in a home.

# What is the minimum standard for heating?

Under the regulations, a fixed heater in good working order must be present in the main living area for all rented domestic or residential properties, that meets a minimum 2-star energy efficiency star rating. The regulations will apply in two stages:

## Stage 1 - On and from 29 March 2021

When a new rental agreement is signed, an existing fixed term rental agreement rolls over into a periodic agreement or a fixed term rental agreement is renewed:

1. a fixed heater in good working order must be present in the main living area of the rented premises; or
2. if a fixed heater has **not** been previously installed in the main living area of the rented premises, an energy efficient fixed heater, which is in good working order, must be installed in the rented premises’ main living area.

If the rented premises is in a Class 2 building (such as an apartment), it may not be reasonable to install an energy efficient fixed heater. If that is the case, a fixed heater should be installed in the rented premises’ main living area.

## Stage 2 - On and from 29 March 2023

An energy efficient fixed heater in good working order must be present in the main living area of the rented premises.

If the rented premises is in a Class 2 building (such as an apartment), it may not be reasonable to install an energy efficient fixed heater. If that is the case, a fixed heater should be installed in the rented premises’ main living area.

# What is a fixed heater?

Under regulations, a fixed heater means a heater that is not designed or manufactured to be portable.

# What is an energy efficient fixed heater?

Under regulations, an energy efficient fixed heater means –

1. a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or
2. a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or
3. a ducted gas heating system which has an outlet in the main living area of the rented premises; or
4. a ducted reverse cycle air conditioner system which has an outlet in the main living area of the rented premises; or
5. a hydronic heating system which has an outlet in the main living area of the rented premises; or
6. a solid domestic fuel-burning appliance.

# Do all rental homes have to have an energy efficient heater?

Under regulations, it would be unreasonable to install an energy efficient fixed heater in a Class 2 building if—

1. the cost of installation would be significantly higher than the average price of installation; or
2. Owners Corporation rules prohibit installing the appliance; or
3. compliance with any other Act or local law makes the cost of installation prohibitive.

Rental providers are expected to work with their respective Owners Corporations and other relevant bodies to seek permission to install an energy efficient heater. For installing heaters on common property, the rental provider must obtain permission by following the Owners Corporation’s rules.

# How can I find out what I need to do by when?

The following table outlines the types of heaters that need to be replaced and installed under the minimum heating standard.

| Current heating arrangements found in rental properties premises. | Requirements | By when |
| --- | --- | --- |
| Conditions that apply to rental premises with no fixed heating in the main living area. | For Class 1 buildings, install one of the following:   * a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or * a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or * ducted heating or hydronic system which has an outlet in the main living area of the rented premises; or * a domestic solid fuel-burning appliance.   For Class 2 buildings, install one of the following:   * a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or * a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or * ducted heating or hydronic system which has an outlet in the main living area of the rented premises; or * domestic solid fuel-burning appliances.   The conditions above apply unless it is unreasonable to do so.  If it is unreasonable to install one of the above in the rented premises' main living area, a fixed heater in good working order is to be installed in the main living area of the rented premises. | Renters who have entered rental agreements dated from 29 March 2021 and before the renter moves into the premises. |
| Conditions that apply to rental premises with broken fixed heating in the main living area. | For Class 1 buildings, replace with one of the following:   * a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or * a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or * ducted heating or hydronic system which has an outlet in the main living area of the rented premises; or * domestic solid fuel-burning appliances.   For Class 2 buildings, replace with one of the following:   * a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or * a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or * ducted heating or hydronic system which has an outlet in the main living area of the rented premises; or * domestic solid fuel-burning appliances.   The conditions above apply unless it is unreasonable to do so.  If it is unreasonable to install one of the above in the rented premises' main living area, a fixed heater in good working order is to be installed in the main living area of the rented premises. | From 29 March 2021. |
| Conditions that apply to rental premises with inefficient fixed heating located in the main living area. e.g. electric resistance heating, such as a panel heater, slab heating, heat banks. | For Class 1 buildings, replace with one of the following:   * a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or * a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or * ducted heating or hydronic system which has an outlet in the main living area of the rented premises; or * domestic solid fuel-burning appliances.   For Class 2 buildings, replace with one of the following:   * a non-ducted air conditioner or heat pump with a minimum 2-star rating for heating in the prescribed energy rating system for non-ducted air conditioners or heat pumps; or * a gas space heater with a minimum 2-star rating in the prescribed energy rating system for gas space heaters; or * ducted heating or hydronic system which has an outlet in the main living area of the rented premises; or * a domestic solid fuel-burning appliance.   The conditions above apply unless it is unreasonable to do so.  If it is unreasonable to install one of the above in the rented premises' main living area, a fixed heater in good working order is to be installed in the main living area of the rented premises. | Renters who have entered rental agreements dated from 29 March 2021 and before the renter moves into the premises. |
| Conditions that apply to rental premises with a gas space heater in the main living area. | Meet a 2-star minimum energy rating.  The majority of existing gas space heaters will meet the minimum 2-star standard. If unsure, look at the product directory at <https://www.aga.asn.au/directory/> | Renters who have entered rental agreements dated from 29 March 2021 and before the renter moves into the premises. |
| Conditions that apply to rental premises with a reverse cycle air conditioner (split system) in the main living area. | Meet a 2-star minimum energy rating.  The majority of existing RCAC heaters will meet the 2-star minimum. If unsure, look at [www.energyrating.gov.au](http://www.energyrating.gov.au) | Renters who have entered rental agreements dated from 29 March 2021 and before the renter moves into the premises. |
| Conditions that apply to ducted heating (gas, RCAC, hydronic) with an outlet in the main living area. | No change. | N/A |

# How can I identify the type of heater installed in my home?

If you are unsure about the type of heater already installed in the home, there are some easy ways to determine the most common heater types.

* Does the heater have a flame or ignites when you turn it on? This is a gas heater.
* Is there a heater that can also be used as an air conditioner? If unsure, the controller will have two operating modes that you can change (sometimes, this will use a ‘sun’ icon). This is a reverse cycle air conditioner. Reverse cycle air conditioners can have outlets in one room or multiple rooms.
* Does the heater heat only one room or the whole house? A heater that heats only one room is a space heater. A heater that has heating ducts in more than one room is a ducted heater.
* You may also have an operating manual that will tell you more about the heater.

You can find information on your heater’s star rating here:

* Gas – <https://www.aga.asn.au/directory/>
* Electric – [www.energyrating.gov.au](http://www.energyrating.gov.au).

Click [here](https://www.sustainability.vic.gov.au/energy-efficiency-and-reducing-emissions/save-energy-in-the-home/reduce-heating-costs-at-home/choose-the-right-heating-system-for-your-home) for further information on common heating types.

# How can I find more information about compliant heaters?

Further information about compliant heaters and how to identify one can be found on the [Department of Environment, Land, Water and Planning website](https://www.energy.vic.gov.au/energy-efficiency/minimum-rental-standards).

# What can a rental provider do if they wish to check whether a heater is compliant?

Under regulations, there are several reasons the rental provider may enter the premises. These include, but are not limited to, compliance with the rental provider’s duties under the *Residential Tenancies Act*.

The renter must allow entry to the premises where the rental provider has followed proper procedure.

# Does a rental provider need the renter’s consent to update the heater?

The *Residential Tenancies Act* distinguishes between urgent and non-urgent repairs. Failure or breakdown of any essential service or appliance provided by the rental provider, such as heating, is an example of an urgent repair. The rental provider or property manager must respond immediately if a renter requests an urgent repair. When replacing heating, the replacement must meet the minimum rental standards. If a rental provider does not respond immediately, the renter may organise a repair themselves and ask the rental provider to reimburse them up to a certain amount.

A rental provider may also make repairs to the property as they see fit or to comply with their legal obligations (eg. upgrade the heater before the heating requirements start). If a rental provider must make repairs to the property (ie. a non-urgent repair) in order to comply with the minimum standards for heaters, the rental provider must give the renter the required notice and keep them informed about the proposed replacement and any impact on running costs.

The rental provider must ensure that certain repairs are only undertaken by appropriately qualified tradespeople such as a registered electrical contractor or a licensed gasfitter and that all repairs meet the installation standards.