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THE FESTIVE SEASON AND A NEW MANDATORY 'CODE OF CONDUCT' FOR 'SHORT TERM ACCOMMODATION ARRANGEMENTS'

Daniela Terruso

Lawyer | BA LLB

[Email](#) | [LinkedIn](#)

THE FESTIVE SEASON AND A NEW MANDATORY 'CODE OF CONDUCT' FOR SHORT TERM RENTAL ACCOMMODATION ARRANGEMENTS

On 20 October 2020 the Department of Fair Trading announced the mandatory 'Code of Conduct' for the short-term rental accommodation arrangements (STRAs). This Code of Conduct was published in the Government Gazette on 28 October 2020 and is scheduled to commence on 18 December 2020, just in time for the Christmas/New Year festive season and school holidays.

Your strata scheme should take this opportunity to read the 'Code of Conduct' and to consider reviewing and if needed, updating its short term rental accommodation by-laws.

This will ensure the changes made to legislation governing this space in April 2020 and now with the publication of the new mandatory 'Code of Conduct' are covered. Especially as the festive season and school holidays are just around the corner – 38 working days until Christmas Day!

Host Obligations

Under the Code of Conduct there are several new obligations for short term rental accommodation hosts. These include:

- Insurance that covers liability for third party injuries and death and is valid for any period of occupancy under any STRAs;
- A host or an authorised contact must be available between 8am and 5pm every day of the week to manage guests, the premises, neighbourhood complaints and other issues concerning use of the premises; You must also give contact details for emergency electrical, plumbing and general emergency services to your guests, and be contactable outside the above ordinary hours in case of an emergency;
- A host must ensure that their guests meet the behaviour obligations for guests under the Code of Conduct and provide a copy of the Code together with the strata or community by-laws for the strata or community scheme in which the premises are located to the guest and make them aware that the Code and where applicable, the by-laws, apply to their stay;
- Premises are not to be rented by a host to a guest that is recorded on the exclusion register.

Short Term Rental Accommodation Premises Register

- A short-term rental accommodation premises register is being developed and expected to commence in 2021. As soon as this register is released, as a host, you must register yourself and your premises.



Guest Obligations

Guests in short-term rental accommodation must also abide to the provisions applicable to them that are contained in the 'Code of Conduct', including:

- Guests must not engage in conduct as a guest that contravenes the criminal law, the planning laws or the strata or community by-laws for your scheme that apply to your premises, or the terms of the STRA for the premises;
- Guests must not make noise that unreasonably disrupts the peace and comfort of neighbours and other occupiers, or use the premises in a way that unreasonably interferes with the use or enjoyment of common property by neighbours and other occupants of a strata or community scheme;
- Guests must not act in a violent or threatening manner, or in a way that could reasonably be expected to cause alarm or distress to neighbours and other occupants;
- Guests must not intentionally, recklessly or negligently cause any damage to premises, including any common property in a strata scheme or association property in a community scheme, or to personal property of neighbours or other occupants of the scheme where the premises is situated;
- Guests are responsible for the actions of any of visitors they invite onto the premises and must ensure they comply with the standards set out in the Code.

Penalties for Breaching the Code

If the Code of Conduct is breached the following penalties may be applied:

- Warnings or directions to take or cease certain action
- Fines
- A 'strike' against a host, host's premises, or guest for serious breaches of the code
- Recording a guest, host or host's premises on the exclusion register. Two strikes in a two-year period will result in a listing on the exclusion register, prohibiting the host or guest from participating in the short-term rental accommodation industry for five years.

Review Your Short Term Rental Accommodation By-laws

Remember there are 38 working days until Christmas day so now might be a good time for your strata scheme to review its existing short term rental accommodation by-laws to ensure it covers the recent changes to the legislation earlier this year, and incorporates provisions that accommodate the adoption of the 'Code of Conduct'.



More information can be accessed via this link [NSW Department of Fair Trading](#).

Daniela Terruso

Lawyer I BA LLB

danielaterruso@muellers.com.au

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JS Mueller & Co Lawyers has been servicing the strata industry across metropolitan and regional NSW for over 40 years. We are a specialist firm of strata lawyers with in depth and unmatched experience in, and comprehensive knowledge of all strata law inclusive of by-laws, building defects and levy collection.

02 9562 1266

enquiries@muellers.com.au

www.muellers.com.au



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