

# Applying for a rental property: what are the laws?

Applying for a rental property can be competitive and stressful. Landlords and agents must follow certain laws when you apply.

This factsheet explains your rights and what you can do if you come across unlawful practices when applying for a private rental property.

## Rental auctions and bids banned

Landlords and agents must not run rental auctions or encourage renters to offer more than the advertised rent. Even if you or another prospective renter chooses to offer more, the landlord cannot legally accept an amount higher than the advertised rent.

Rental properties must also be advertised at a single fixed price, not a price range. For example, a property should be listed at \$450 per week, not \$450–\$500 per week.

Keep a copy of the advertisement, as it may be useful evidence later if there was any rental bidding.

## Limits on rent in advance

Landlords and agents cannot ask, encourage or accept any offer to pay more than **one month's rent in advance**, unless the rent is more than \$900 per week.

## Standard rental application form

All applications for private rental properties must use the standard residential rental application form from Consumer Affairs Victoria.

You can find it by searching for 'residential rental application' on the Consumer Affairs Victoria website. It is an offence to use any other application form.

A landlord or agent cannot:

- Use a different or similar form
- Add extra questions
- Remove required questions
- Ask you to disclose additional information, verbally or in writing, beyond the information requested in this form

Each person aged over 18 years who wants to be listed on the lease as a co-renter must complete their own application form.

## Your personal information must be protected

Landlords and agents must protect your personal information from being misused, lost or disclosed. They cannot give your information to anyone who is not authorised to use it.

They must also destroy or de-identify your information:

- Within **30 days** after a property is rented to someone else
- Within **6 months** if you agree to reuse your application for another property
- Within **3 years** after your move out and your lease has ended

## No additional fees for rent payments

Under the law, the landlord or agent must always allow you to pay rent:

- In a way that does not result in you being charged any extra fees, apart from your usual bank fees
- By electronic funds transfer (EFT)
- By Centrepay, if you are receiving Centrelink payments

If alternative ways to pay rent are offered, the landlord or agent must clearly disclose any fees or charges that apply before you agree.

## Rental apps and other fees banned

Any third-party business, including those that operate a rental app for rental applications and rent payments, must not charge you a fee for:

- Applying for a rental property
- Background checks
- Tenancy history checks
- Credit checks
- Tenancy database checks
- Identity verification
- Administrative costs
- Failed payments
- Paying rent (other than payment surcharge fees allowed under any other law)

## Minimum standards

A rental property must meet all the rental minimum standards when it is advertised or offered for rent – not just when you sign the lease or move in.

For a full list of minimum standards, see Tenants Victoria website: [tenantsvic.org.au/minimum-standards](https://www.tenantsvic.org.au/minimum-standards)

If a property does not meet the minimum standards, you can report it to Consumer Affairs Victoria, even if you only spotted the issue during an open for inspection. You can also apply for urgent repairs straight after you sign the lease to make sure the property meets the minimum standards.

## Smoke alarms

A landlord or agent must ensure smoke alarms are:

- Correctly installed and working
- Fitted with batteries or replace batteries as required
- Tested every 12 months according to the manufacturer's instructions

## Report unlawful practices

Even with these laws, some unlawful practices may still happen.

If you have concerns after seeing a property advertised online, visiting an open for inspection, or when applying for a property, you can report the issue to Consumer Affairs Victoria via [forms.consumer.vic.gov.au/riarp](https://forms.consumer.vic.gov.au/riarp)

## Need help?

If you are unsure about your rights or think a landlord or agent is not following the law, you can get advice from:

- Tenants Victoria
- Consumer Affairs Victoria
- A community legal centre

## Useful links

### Tenants Victoria:

[www.tenantsvic.org.au](https://www.tenantsvic.org.au)

### Consumer Affairs Victoria:

[www.consumer.vic.gov.au](https://www.consumer.vic.gov.au)

### Federation of Community Legal Centres:

[www.fclc.org.au](https://www.fclc.org.au)

This information is a guide and should not be used as a substitute for professional legal advice.