

Submission: Improving NSW Renting Laws

I worked for many years as a lawyer for Legal Aid NSW during which time I provided advice and assistance to renters on many occasions.

All renters need and deserve homes that are affordable, secure, safe, and feel like home. NSW renting laws should be reformed in order to make renting fair for the 1 in 3 people in NSW who rent.

Ending unfair evictions

Renters need homes that are stable and secure. Renters deserve to live without fear of unfair 'no grounds' evictions from our homes.

All renters should be provided with a valid reason for ending a tenancy. Landlords should be required to provide a reason to end a rolling (periodic) lease, and a fixed term lease after the end date.

The availability of 'no grounds' evictions makes renters extremely reluctant to exercise their rights in relation to matters such as essential maintenance as they leave themselves open to a retaliatory eviction. Despite there being supposed protection in the legislation against retaliatory evictions such protections are theoretical rather than of practical use. Even if a renter is initially successful in resisting a retaliatory eviction they are unlikely to be successful subsequently and there are other ways for landlords to make their life miserable such as exorbitant rent increases.

The availability of 'no grounds' evictions also makes it very difficult for renters to plan. Renters deserve to be able to become part of a community and contribute to it the same as everyone else.

I can see no justification for 'no grounds' evictions to continue.

Keeping pets in rental homes

Renters need homes that feel like home. Renters should be allowed to make simple choices to make the houses we live in homes, including whether or not to keep pets.

Pets can be a very important part of a family. Sometimes they can also be a vital support to their owner.

Landlords should only be able to refuse a pet by obtaining a Tribunal order allowing them to do so. This is a model similar to those that apply in Victoria, the ACT and the NT.

Rental affordability

Renters need homes that are affordable. Renters need to be able to afford to pay rent without worrying that it will increase unreasonably.

There should be fair limits on rent increases in NSW tenancy law.

Housing is an essential service. Having a secure, safe, affordable home is vital to ensure a decent life. There are other essential services – energy, health, education and more – where cost is regulated to ensure the service is accessible for everyone. Fair limits on rent increases and rent setting should apply in rental housing too.

Sincerely,

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