

Improving NSW Rentals Laws

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Dear Improving NSW Rental Laws consultation/enquiry

Please find my submission below (Please do not publish anything that is in italics)

Yours sincerely

### **Submission: Improving NSW Renting Laws**

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 our homes.

I am a renter in the \_\_\_\_\_ and own a house-trained cat. I rent out my unit in the \_\_\_\_\_ of NSW to fund my rent. I am on a fixed term lease hoping it continues onto a rolling lease when expired. I intend to return to my unit in the next few years and will decide on the date I will return or whether to re-rent the unit when my tenant gives notice and if I'm able to stay where I'm currently renting. There are of course a few other factors including change in work situation or health that will impact on when I return.

### **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.

Tenants on a fixed term lease should be given the same notice period similar to rolling lease tenants i.e. three months, rather than the current months' notice.

'The property will soon be sold' should not be added as ground for eviction. If someone sells a home and the new owners wish to move in (fair enough) the tenants should be

given the same notice period other no fault evictions tenants get (currently three months). It would be expected the new owners would already be living somewhere and could remain there until the tenant/s depart. Currently new owners have to honor existing lease agreements e.g. keep the tenant until their lease ends in 9 months which delays moving in. Of course, any land tax, capital gains tax, investment income, type of bank loan granted related laws and policies need to allow for new owners to collect rental income for the overlap period between settlement and tenant vacating without penalty. This temporary income “compensates” the new owner (who already knows of the situation) for the delayed moving in date.

I also feel that owners, including new owners, should only be able to end tenancies for set reasons such as wishing to:

- move into the property
- move a family member or close friend into the property
- extensive repairs/renovations
- truly unliveable i.e. immediate safety concerns

Even banks/foreclosure should not be allowed to evict tenants as they are going to sell the property to someone to recover their money. And that someone may decide to keep the tenants or can give the appropriate amount of notice upon purchase (i.e. 3 months)

Stopping unfair evictions means that tenants can report repairs confident it won't lead to eviction. This has to be good for investment owners so that can arrange for repairs early on before they get worse and even prevent repairs from needing to be undertaken (e.g getting onto a drip before it leaks)

There should also be penalties for owners who lie and then get another tenant in, for example not be allowed to rent out the unit for a period of time, having to answer to the tribunal). If circumstances change, e.g. a tenant is asked to leave to house elderly grandma who can't afford private rental then she is granted a social housing/income tested rental retirement unit, the owner should have to seek tribunal permission to re-rent unit.

Years ago, I was living in a unit block that the owners decided to renovate and sell (already strata titled). We did receive no fault eviction papers which met required notice periods (2 months at the time). However, despite there being at least four tenants who'd lived there for 1-2 years and having proved themselves good tenants there was no note or explanation for why we were being evicted nor real estate agent advice that they may have other rentals that we may be interested in and how to find out about these. They

then told us that if we found something earlier than the two-month end date we'd STILL have to give 3 weeks' notice despite us not choosing to move. If this is still the case then it should not be, once served with a notice tenants should be free to move out with no notice other than the tenant/s stated intended vacating date (with all tenant/s items moved out and unit left in a reasonable state).

Instead publish – If tenants are living in properties that Council's decide are "non compliant" which I understand (please correct me if wrong) may mean Council can order tenants to leave without the usual 3 months notice. This should not be, tenants who have done nothing wrong should be granted the same notice period as others.

In relation to renovations or repairs I once had a bathroom renovated in a unit, I was living in. I didn't want to move so the owner and I were able to work out a solution. Yes, it was inconvenient but way less convenient than moving into a more expensive unit perhaps out of the area and away from the best neighbors I'd ever lived with.

Temporary storage of possessions (could be in the unit) and accommodation/tenant staying with a friend can be arranged rather than getting tenants to leave.

### **More resources for NCAT**

Obviously hearing no fault evictions, resolving increased disputes, owners justifying evictions require NCAT to have more staffing and resources which should be provided. Both tenants and owners need urgent access to the tribunal.

### **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.

Property owners should only be able to refuse a pet under specific circumstances e.g. I can understand an owner not wanting a large dog in a small unit, or the keeping of several pet's vs a small dog or cat in a house or ground floor unit/non secure building. Cats can be allowed to roam freely outside and with curfews during non-curfew hours. Perhaps a set of guidelines with appeal rights to the tribunal.

When I was looking for a rental there were plenty of rentals that were suitable for my cat. They were in non-secure buildings; some were on the ground floor and if the windows were too high up for a cat to safely come and go had front doors leading onto outdoor stairs/patios. Yet time and time again when I enquired about keeping a house-trained cat the answer was "no pets allowed". Why would I allow a cat to do its business anywhere but in its kitty litter, even preferring for it to go outside.

Normally I wouldn't have disclosed having a cat but with the current rental crisis didn't want to be placed at risk of being evicted and having nowhere to go.

secured a run-down rental in the inner city which was on the ground floor with a private yard. However, the offer was withdrawn because he had a cat. He didn't disclose the next unit he applied for (ground floor with a patio) and snuck

the cat in. Thankfully he's been able to get away with it. However, when the unit is inspected, he removes all evidence and boards the cat for the day.

I'd not disclose having a cat instead sneaking them in. I went for rentals that were either on the ground floor or in a non-security building.

### **Rental affordability**

Renters need homes that are affordable. Renters need to be able to afford to pay our rent without worrying that it will mean we go without other life essentials.

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.

Governments should also address underlying inequalities including the ever-increasing disparity in incomes between ordinary income earners who often can't even afford a modest 1-bedroom unit and those who own several properties. It was telling that during COVID high income earners brought up units driving up prices because they could not spend their money on extravagant overseas trips. Yet governments cave to their clamour for tax cuts and avoidance of living and fair wages to their employees. These people don't need to be "rewarded" and "incentivised", their high income is their reward and indeed need to pay their fair share of tax. Corporate wages need to be capped. We have a crazy situation where a prime minister or premier earns around \$450K-\$600K per year whilst these CEO's earn millions whilst support staff, who based on their hourly rate which is obviously a fraction of the CEO's, contribute just as much but have their jobs scrapped whilst others have to pick on their work by putting in unpaid hours.

Governments could also consider schemes that sub-divide large houses into units, increasing house stock in already established areas. The home I referred to earlier on in this submission was a 4–5-bedroom two story house that in the 1920's was sub divided into 5-6 around 30 square metre studios and 1-bedroom units which all eventually ended up with their own bathrooms and kitchens. Such homes should be preserved even if some modifications need to be made to the kitchens i.e. modified cooking facilities.

However, the government could, through their proposed HOMES NSW, provide funding, design, council development submissions and building coordination assistance to ordinary residents (i.e. older widows, singles, couples) to sub divide these homes.

has a 4-bedroom home with a large shed in the backyard they would like to divide into a 1 bedroom (large shed) and either 2 2 bedrooms or 1 larger 2 bedroom, smaller 1 bedroom unit. This would effectively increase the occupancy rate from 1 person to 4 to 9 people. Rental income could be split between the govt and owner with the balance paid off after the death of the person. The person, rather than conservative let's make them sell up and move so we can stop paying the person a tiny pension, gets to stay in their home and immediate community, aren't forced into a share accommodation/unit situation, can now afford to pay upkeep, gains some more income/govt pays less pension, has the benefits of neighbours on call in emergencies which delays or even prevents a move into aged care, whilst more people get housed.

Also there needs to be additional taxes and caps put onto Air B'N'B's and similar holiday rentals to deter investment rental property owners from going down this path, further exacerbating rental shortages. Also, a vacant property tax.

There should also be restrictions on the destruction of truly low-cost housing.

a property that provided several low-cost studios and 1-bedroom rentals. However, the council decided they needed to be demolished and would only allow the rental of half the units during the property development application process (2-3 years through which the units could remain). Apparently, the property took up more of the percentage of the block than meets current regulations. It was housing that some tenants would move on from within 6-12 months so there were missed opportunities for accommodation for those seeking short to medium term housing. Yet because of the "Affordable Housing Scheme" which seems to allow developers to demolish old low-cost housing that doesn't comply with current regulations to build new non-compliant housing because they agree to provide some "affordable" units. In this situation the "affordable" units, which were a 3<sup>rd</sup> of the number of the prior units, rented for \$200 per week more than the previous low-cost units that had been there for decades. I earn more than the affordable rental income limit but couldn't afford to rent them so I don't know who within the income limit could. And the unit block seemed to take up at least as much land as the previous. Perhaps the govt should consider funding minor upgrades on existing low-cost units (see source of funding gained from Air B'N'B fees disincentives and vacant property tax) to ensure minimum safety in return for controlled rent level limits.

### **Reasonable modifications**

Tenants should be able to get reasonable modifications without having to pay for it. Pictures are a key example. wanted to hang a few pictures so asked permission. She felt she had to advise that she would pay a professional to do it and

argued that any tenant would want to hang pictures. She was granted permission, but I felt the owner/REA should have sent and paid for a handy person/picture hanger around to install the hooks. The right to hang pictures should be considered a right and expectation. The same should apply with hanging curtains etc.

### **Rental inspections**

My big shock here was upon entering my rental property for an inspection, the REA whips out a mobile phone and starts taking photographs. Yet nothing of their intention to take photos was mentioned in the notice of inspection letter. I understand that they may need to take photos especially of problem areas/where repairs are needed. But it should be mandatory for REA/owners to advise of this intention so that tenants can put away items they don't want photographed before the inspection.

Hoping that you will take this into account.

Kind regards