

# Improving NSW rental laws consultation

**Australian Pet Welfare Foundation (APWF) submission**

**11 August 2023**





## **The Australian Pet Welfare Foundation**

The Australian Pet Welfare Foundation (APWF) is a peak research body and advocate for pet welfare in Australia. As a not-for-profit organisation, APWF uses science-based research to enhance community well-being and improve the health and welfare of animals and people. APWF specialises in evidence-based solutions to prevent euthanasia of healthy companion animals in shelters and pounds and the associated mental health damage to staff and community residents, and ensure all adoptable animals find a home. We share research knowledge with the community, shelters and pounds, state and local governments and veterinarians to create change and save animal and human lives.

APWF is led by Chief Scientist Dr. Jacquie Rand, Emeritus Professor of Companion Animal Health at The University of Queensland (UQ) and a registered specialist veterinarian in small animal internal medicine. She has worked extensively in shelter research over the last 16 years, including collaborative studies with the RSPCA, Animal Welfare League and local governments. While at UQ Dr Rand taught Urban Animal Management and since 2013 has co-authored 21 peer-reviewed articles on urban animal management including management of semi-owned and unowned cats.

## Improving NSW rental laws consultation

Thank you for the opportunity to provide feedback on the **Improving NSW rental laws** consultation. The Australian Pet Welfare Foundation (APWF) is strongly opposed to current NSW tenancy law which allows for blanket 'no pets' clauses, such that landlords can refuse requests to have a pet for any reason, or no reason at all. The Australian Pet Welfare Foundation strongly advocates that "no-pets" clauses in tenancy agreements should be banned in NSW and across Australia.

In relation to this NSW consultation, APWF is strongly opposed to the proposed standard form (application where tenants declare they have a pet). Having to declare a pet in a rental application, allows landlords and rental agencies to discriminate against prospective tenants with pets. This system will not make it easier for tenants with pets to find accommodation.

In addition, APWF is strongly opposed to the proposed creation of a list of reasons a landlord can reject a tenant with a pet, which will also not make it easier for tenants with pets to find accommodation.

In APWF's view, if a landlord wants to refuse a pet for any reason they should be required to go to the Tribunal. In addition, the Tribunal should not be able to give the landlord the ongoing right to say no to animals at the property and the landlord should not be permitted to put any conditions on keeping a pet in a rental property.

APWF strongly recommends the following approach to tenants with pets as outlined by the Tenants' Union of New South Wales: Subject to the law, an individual should be free to choose to keep a companion animal and an individual who chooses to keep a companion animal should be liable for any costs or losses that arise from their keeping the animal. This sensible approach would help to ensure sufficient pet-friendly accommodation is available, whilst also protecting the landlord and their property. This recommended approach is in the interests of animal welfare and the community, including landlords, and would represent evidence-based legislative change. We provide scientific evidence below which supports this claim.

### Background

Pet ownership rates are high in Australia with a recent pet ownership boom during the Covid-19 pandemic. In Australia, 69% of households now own a pet, which is an increase from 61% just two years ago. Pets provide well-recognised significant physical, mental and economic benefits to people through pet companionship (AMA 2021).

Historically, the proportion of rental properties allowing pets is extremely low in Australia (Hazel 2018). The inclusion of "no pets" in tenancy agreements clauses is based on the myth that pet owners cause more property damage than non-pet owners. This myth is not supported by scientific research. The general lack of pet friendly rental accommodation in Australia has been exacerbated by the current rental crisis and further compounded by the cost-of-living crisis. Many pet owners have been forced to move into more affordable housing but unable to find accommodation that accepts their pets.

In the current worsening rental crisis, where rental prices continue to skyrocket and state laws allow landlords to advertise rental properties with 'no pets' clauses, even fewer properties are available for renters with pets who face major discrimination in a highly competitive and tight rental market (Mascarenhas 2023). New data shows renters with pets are most vulnerable with some being forced to relinquish/surrender their beloved family pet due to a lack of pet friendly accommodation, causing severe psychological distress to pet owners. Unfortunately, pet relinquishment can lead to

the euthanasia of healthy and treatable pets. Other pet owners will choose to be homeless and live in their car or on the street rather than surrender their beloved pet.

Euthanasia of healthy or treatable animals (also called financial euthanasia) can occur due to financial or housing constraints where an owner is unable to provide housing for their pet or other care such as food or veterinary care. The current cost-of-living crisis and concurrent rental crisis have likely increased financial euthanasia of pets. This type of euthanasia causes severe psychological distress to pet owners and veterinarians who are tasked with undertaking the euthanasia.

Recently, both Victoria and Queensland legislated that landlords will no longer be allowed to refuse pets in rental properties without a reason deemed valid by the state government. Legislation and regulation prohibiting “no pets” clauses in tenancy agreements is urgently needed across all Australian states and territories to reduce significant community and council costs, and the unnecessary euthanasia of thousands of healthy pets each year.

## Recommendations

**Recommendation 1:** Legislation and regulation to prohibit ‘No pets’ clauses in tenancy agreements in the same way it is illegal to discriminate against tenants with children, to ensure pet friendly rental accommodation matches demand across Australia.

**Recommendation 2:** Consent for pets on a case-by-case basis is a form of discrimination and should be prohibited in legislation and regulation.

**Recommendation 3:** Where there is legislation that landlords cannot refuse pets, prospective tenants should not have to declare that they have a pet. Having to declare a pet in a rental application (such as the proposed standard form), allows landlords and rental agencies to discriminate against prospective tenants with pets. The proposed standard form (application where tenants declare they have a pet) should not be implemented.

**Recommendation 4:** Rental accommodation discrimination based on dog size and breed is not based on scientific evidence and should be prohibited in legislation and regulation.

**Recommendation 5:** Applying the ‘Pets For Life’ concept strategies where owners are supported to keep their pets (versus relinquishment).

**Recommendation 6:** Legislation and regulation to *prohibit* introduction of mandatory cat containment/curfews (night containment and 24/7 mandatory containment).

**Recommendation 7:** If a landlord wants to refuse a pet for any reason they should be required to go to the Tribunal. The proposed creation of a list of reasons a landlord can reject a tenant with a pet should not be implemented.

**Recommendation 8:** The Tribunal should not be able to give the landlord the ongoing right to say no to animals at the property.

**Recommendation 9:** The landlord should not be permitted to put any conditions on keeping a pet in a rental property.

**Recommendation 10:** Subject to the law, an individual should be free to choose to keep a companion animal and an individual who chooses to keep a companion animal should be liable for any costs or losses that arise from their keeping the animal.

## Key points

### 1. Banning “no pets” clauses in tenancy agreements will reduce surrender of pets to shelters and pounds.

- In Australia, the lack of rental accommodation allowing pets, or highly restrictive rental policies governing breed and size of dog, is one of the most common reasons people surrender pets to pounds or shelters (Chua 2023).
- Lack of rental accommodation allowing pets accounts for 20 to 28% of all dog surrenders to shelters, and 36% of cat surrenders (Marston 2004; Alberthsen 2014, Alberthsen 2016), which represents a significant proportion of surrenders.
- Although 33% of Australians live in rented accommodation (ABS 2016), only 4% of advertised rentals specifically allow pets, making it almost impossible for pet-owning tenants to find a home (Danaher 2016). This situation is exacerbated by the current cost-of-living crisis rental crisis in Australia.
- Research led by Emeritus Professor Jacquie Rand, Executive Director and Chief Scientist from the Australian Pet Welfare Foundation shows that **approximately 10,000- 15,000 dogs and cats are euthanased in Australia each year because their owners could not find suitable rental accommodation** (Alberthsen 2014, Chua 2013, Rand 2015).
- This unnecessary and preventable euthanasia causes life-threatening adverse **mental health impacts on animal shelter and council pound staff involved in the euthanasia**, and results in unnecessary costs to municipalities and tax payers.
- Australian shelter and veterinary staff are often required kill large numbers of healthy cats and kittens, often repeatedly resulting in a significant human cost.
- Veterinarians and other staff suffer devastating mental health impacts when required to kill healthy or treatable animals repeatedly. **These impacts include trauma (perpetrator-induced traumatic stress), depression, substance abuse, and increased suicide risk** (Andrukonis 2020, Baran 2009, Whiting 2011, Reeve 2006, Tiesman 2015, Cooney 2023).
- Euthanasia of healthy or treatable animals is a significant occupational stressor and is well-documented as causing moral distress in veterinarians. Moral distress has been found to be a significant contributing factor in clinician burnout, intention to leave one’s position and psychological distress (Kogan 2023).
- Research shows the suicide rate of Australian veterinarians is four times higher than the general population (Jones-Fairnie 2008) and twice.
- Research also shows that Australian veterinarians have higher rates of depression, stress, and burnout than the general population (Hatch 2011, Hilton 2023)
- The relationship between euthanasia of healthy or treatable animals by veterinarians and moral distress, negative mental health impacts, burnout and subsequent attrition is well-documented (AVA 2022, Kogan 2023, Kipperman 2017, Rollin 2011, Hatch 2011). Australia is currently experiencing a critical veterinarian shortage and euthanasia of healthy and treatable animals is a major underlying cause of the shortage (AVA 2022).

- Research also shows that employee turnover rates are positively related to euthanasia rate and that making euthanasia decisions on the basis of factors other than behaviour and health reasons (for example, euthanasing healthy kittens, puppies and wildlife because they are considered to require too much care or because the pet owner cannot afford vet treatment) is related to increased personnel turnover (Rogelberg 2007).
- Preventing euthanasia of healthy and treatable animals is a key solution to reduce occupational stress, negative mental health impacts, burnout and attrition in veterinary clinical practice, and a key solution to addressing the vet shortage.
- Banning “no-pets” clauses in tenancy agreements would allow more pet owners to obtain rental accommodation, thus reducing the number of dogs and cats surrendered to shelters and pounds. This would reduce the number of cats and dogs unnecessarily euthanased and save animal and people’s lives.
- With the large percentage of the Australian public that own a pet, “no-pets” clauses adversely affect a very substantial proportion of renters.
- Given the close bond people have with their pets, with 88% saying they regard their pet as a family member (Franklin, 2006; Power 2015), “no-pets” clauses cause unnecessary distress to people seeking rental accommodation.

## 2. Community costs associated with “no pets” clauses

- The Animal Welfare League in South Australia estimates the cost of shelter care to be \$245/dog per week, and when additional costs of preventive and veterinary care are included, the average cost to rehome a dog after one week of care is \$1056 (AWL, 2016).
- The estimated cost for municipal councils of admitting, rehoming or euthanasing a dog, ranges from \$250 to in excess of \$1000, and this cost may increase when external pound service providers are used (Darebin & Moreland City Council, 2015).
- Based on the average minimum cost of care in a pound or a shelter of \$1,000 for a dog and \$500 for a cat until it is adopted or euthanased, this results in more than an estimated \$20.8 million in unnecessary and preventable costs to municipalities and animal welfare agencies across Australia annually, as a result of “no-pets” clauses in tenancy agreements. These funds could be better spent on other community programs.
- Reducing intake into shelters and pounds is the most effective way to reduce euthanasia and costs to the community. In a US study, 98% of the decrease in euthanasia in shelters and pounds was accounted for by the decrease in intake (Marsh, 2010, Kreisler 2022). Therefore, it behoves governments to focus more on decreasing intake of animals into shelters and pounds, given this reduces both operational costs and euthanasia and devastating mental health impacts on staff and community residents.
- Critically, ‘Not pet clauses’ act as a major barrier to cat semi-owners taking full ownership of the stray cat they are feeding – the key solution to resolving the free-roaming cat issue (Rand 2023)
- In addition, “no-pets” clauses in tenancy agreements means that fewer homes are available to adopt pets from shelters and pounds, further contributing to unnecessary and preventable pet euthanasia. The NSW Rehoming Practices Review (2022) noted that Lack of housing is both a barrier to having a pet and a reason why people surrender their pets to pounds and other organisations.

### 3. Lack of evidence that pet-owning tenants are more detrimental to landlords' properties than non-pet owners

- Many landlords have a preconceived notion that pet owners cause more property damage than non-owners (Carlisle-Frank et al, 2005), and conclude that pet owners will be a financial burden. However, research conducted in USA demonstrates that pet owners stay twice as long, pay more rent and are no more likely to cause damage than non-pet owners. In contrast, renters with children cause an average of \$150 more damage per unit per year (Carlisle-Frank et al, 2005), yet in New South Wales, it is illegal to discriminate against tenants with children.
- The findings in USA are consistent with the experiences of First National in Australia. Stewart Bunn, a First National spokesperson stated that 'what we observe is that pet owners generally sign longer leases and pay more rent' (Quelch, 2015).
- According to Animal Medicines Australia (AMA 2022), better understanding the many benefits of responsible pet ownership may work to ameliorate some of these challenges. Indeed, some research suggests that being pet friendly can increase property value by 10% and rental income by 30%. In some Australian jurisdictions, body corporate rules may still sometimes preclude pet ownership without any consideration of the appropriateness of some pets to higher density living.
- The inclusion of "no pets" in tenancy agreements clauses is based on the myth that pet owners cause more property damage than non-pet owners. This myth is not supported by research

In summary, there is no evidence to support the notion that pet owners are a greater risk to cause property damage than non-pet owners, and there are many potential benefits from engaging with a high demand and financially rewarding pet-owning tenant's market including less vacancy time and less costs for advertising (Carlisle-Frank et al, 2005).

### 4. Community and health benefits

- Pet ownership in the community has well-documented physical, psychological and social benefits for individuals and the community as a whole (RSPCA, 2015, Franklin 2006, Power 2013, 2015). Pet ownership decreases loneliness and stress amongst elderly pet owners (Keil, 1998), improves community neighbourhood interactions and relations (Power, 2013), and enhances the sense of community (Wood et al, 2007).
- Pet ownership also results in health benefits to the community.
  - For example, total health care savings associated with pet ownership were estimated at \$1.813 billion or 5% of Australia's total health expenditure in 1999 (Headey, 1999).
  - Pet owners have reduced doctors' visits and reduced use of medication for high blood pressure, high cholesterol, sleeping difficulties, and heart problems (Headey, 1999). "No-pet" clauses means many renters miss out on the health benefits of pet ownership.
  - Banning "no pets" clauses in tenancy agreements is an important strategy to reduce significant community and council costs, and unnecessary euthanasia of healthy pets.

## 5. “No-pets” clauses in tenancy agreements are a cause of human homelessness

- Lack of pet-friendly accommodation increases human homelessness, as people on a low income have in some cases chosen to live on the street or in their car, rather than surrender their pet (Danaher, 2016). Being forced to choose between a beloved pet and having a home also has detrimental impacts on physical health and emotional well-being.

## 6. Tenant liability

The Australian Pet Welfare Foundation supports the approach presented by the Tenants’ Union of New South Wales in a similar submission to the NSW Government, that ‘companion animal ownership is fundamentally a matter of personal responsibility’. Subject to the law, ‘an individual should be free to choose to keep a companion animal and an individual who chooses to keep a companion animal should be liable for any costs or losses that arise from their keeping the animal’ (Tenants Union of New South Wales, 2016, McCarroll, 2016).

## 7. ‘Pets For Life’ concept

The ‘**Pets For Life**’ concept involves strategies where owners are supported to keep their pets (versus relinquishment). Please see: <https://humanepro.org/page/tools-bring-pets-life-your-community> and <https://humanepro.org/programs/pets-for-life>

## Conclusion

In light of the substantial costs to municipalities and animal welfare agencies for managing surrendered pets as a result of “no-pets” clauses, the loss of individual and community health benefits of pet ownership, and the devastating mental health impacts to pet owners and veterinary staff, governments should legislate against “no-pets” clauses, in the same way it is illegal to discriminate against tenants with children. Consent for pets on a case-by-case basis is also a form of discrimination and should be banned, as should discrimination based on dog size and breed because this is not based on scientific evidence.

Please contact the Australian Pet Welfare Foundation (APWF) if you would like to discuss these important issues further.

Thank you.

Yours sincerely,

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