

## Submission: Improving NSW Rental Laws

Thank you for the opportunity to give feedback about proposed changes to NSW rental laws. Changes to make rental housing secure, safe, and affordable are long overdue and the NSW Government has an opportunity now to improve the security and wellbeing of thousands of families and individuals in NSW who will be lifetime renters.

I have been renting in Sydney for over 25 years and currently live with my partner and our 11-year-old child. We've moved house 5 times since he was born and were homeless for around 2 months when he was a toddler. Owning our own home has become impossible, despite us both having relatively well-paid jobs, because property prices get further and further out of reach and an ever-increasing amount of our salaries goes on rent. Being a renter for life is actually not a problem in and of itself. I really wouldn't mind being a renter if I could at least have some security, have a pet, put some pictures on the wall and know where I'm likely to be living in 6 months' time.

### NO GROUNDS EVICTIONS

NSW renters are constantly anxious that our lease could be terminated at any time. Setting up a home and building community takes time. Moving every couple of years is extremely stressful, financially difficult, and disruptive to schooling and work. It is almost impossible to secure a lease of more than 6 or 12 months in the first place and because we know we can be evicted for no reason we have put up with mould, leaking taps and ceilings, unhealthy temperatures and broken locks because we know we can be evicted without grounds if the landlord gets annoyed that we asked for repairs.

**Landlords should be required to provide a valid reason for ending a tenancy, regardless of whether it is a periodic lease or the end of a fixed-term lease, with appropriate evidence required and consequences for mis-using the allowable grounds** (for example, if a landlord evicts a tenant on the grounds that they are going to live in the property, they should not be able to rent the property out again for 12 months, and/or pay compensation to the evicted tenant if they don't actually move in).

As renters in NSW we are in a constant state of limbo:

Where will my child go to high school? – I don't know which catchment we'll be in!

I'd love to grow some vegies – But will we still be here when they're ready to eat?

Can I book a trip to visit family in 6 months? – Maybe, but what if I get an eviction notice and we have to move during that time?

**"The property will soon be sold" should not be included as grounds for eviction.** If a property is being sold the tenant should have the right to choose whether they want to stay for the sale period. If the tenant decides to stay, the buyer would then be able to terminate the lease if they intend to live in the property or become the tenant's new landlord if they are buying the property as an investment. If the tenant doesn't want to stay for the sale period (putting up with open house inspections and potential breaches of privacy), they might choose to end the tenancy.

**“The property will be renovated or repaired” should not be included as grounds for eviction.** Depending on the nature and extent of the repairs/renovations, the tenant should be given the option move out fully or partially for the duration of the work, just as homeowners often do when renovating their own houses. This would require clear information provided to the tenant up front, such as the extent and expected duration of the repairs and what compensation the tenant would be granted for loss of amenity (eg: partial rent or no rent to be paid for the period).

All grounds included will need to have robust evidentiary requirements and consequences/disincentives for landlord misuse of the allowable grounds.

## **PETS**

The pets of renters also need security. There have been times when we've had to send our (now late) cat to live with someone else for 6–12m because in the short period we had in which to find a new lease, we were unable to find one that would allow pets. While we did get him back and he lived with us for many years, since he died we have been reluctant to get another pet because at the moment it makes finding a rental property so much harder.

Landlords claim pets might cause damage to the property yet we each pay thousands of dollars in rental bond to cover any damage that a pet might cause if we don't remedy it before we move out. We LIVE in these rental houses, we don't want out pets to wreck the place either! I acknowledge that some landlords have had bad experiences where pets have caused damage and it's not been repaired by the tenant, but this is certainly an exception and not the norm. Pets are such an important part of Australian families. Owning a pet shouldn't make it more difficult to find somewhere to live, and people shouldn't be forced to choose between keeping their pet or securing a place to live.

**Landlords shouldn't be allowed to refuse pets in a property without applying to the Tribunal.** Pet applications need to be handled quickly (sometimes the life of an animal depends on it finding a home urgently!): Twenty-one days is far too much time.

## **AFFORDABILITY**

Renters across NSW are struggling financially. Wages and welfare payments haven't even come close to keeping up with rent increases over the last 20 years and more and more renters are going without essentials in order to pay the rent.

When I took time off work as a new parent I spent days on end in the library or parks because home was too hot or too cold and we couldn't afford heating or cooling. I skipped meals, delayed medical treatment, and missed important extended family milestones because paying the increasingly high rent always has to come first. I consider our family pretty lucky as far as renters go: my partner and I are both well-educated and have relatively decent salaries, and yet we live payday to payday because so much of income goes on rent. I know many around NSW are struggling even more than we are with rising rents; rising

energy bills; moving further and further from family, friends and other support networks; or even living in cars and tents.

Safe, secure and affordable housing is essential to human wellbeing. We have been able to regulate costs of other essential services, such as electricity, health services and education; why not housing? We need fair limits on rent increases. Rents have escalated without restraint for years now and many families and individuals are in crisis. We need an immediate rent freeze to give households some relief and release the pressure while the Government works on more medium to long term solutions to the housing crisis, of which these proposed rental law reforms are just one part.

## **INFORMATION**

Restrictions on the type of information that landlords and agents can collect are very welcome. Currently there is an extreme imbalance between what information a landlord/agent is able to obtain about a prospective tenant and what information a tenant has about their landlord.

When applying for houses we are asked to provide not only our identification documents, rental history, employment details and income level (which are all quite reasonable), but also social media profiles and bank statements. It really should be none of the landlord or agent's business where we buy our groceries. They are also able to access databased to find out further information about prospective tenants. Meanwhile, tenants routinely know nothing about their prospective landlord/agent, such as whether they have frequently taken tenants to the Tribunal with spurious claims, or repeatedly been in breach of a tenants' quiet enjoyment.

On top of this, we also usually know very little about the house before we apply and pay the first two weeks of rent. Inspections for available rental properties are usually only 10–15 minutes long and crowded with viewers. The house is often still occupied by current tenants and their belongings during the inspection, making it difficult to see much of the actual house. It is often impossible to know things like whether the house has insulation, adequate working power points, mould, functional and lockable windows, or working appliances until after you've moved in. Photos on rental advertisements are often many years old (I've seen several ads where the photos used are from a listing where the house was advertised for sale ten years prior) and do not reflect the current state of the house at all. A few times I've even gone to house inspections where the photos showed a nice big yard out the back of the house but when you arrive at the house you find there's a fence along the back door and a house built just on the other side of it.

We need fairness and transparency when it comes to information about tenants that is collected and stored by landlords/agents and with regards to information about the property we're considering applying for.