

Making rental laws fairer submission

1. I support something similar to the Victorian model. I think it is reasonable for a home owner to rent their place out for a year or two, for instance while they are overseas, and for this to be made clear to the tenants when they first apply, so that renters have no expectations about how long they can live there. There may also be some owners new to renting their place out, who may not have appreciated what is involved in providing a home to others, and decide not to do it after the first lease has expired. However, once someone has rented a place for several terms, and made it their home, they should be given a reason and plenty of notice before having to vacate.

2. I think owners wanting to sell should have to consult with both existing tenants and prospective buyers. For example, twice we have been told by estate agents the owners were simply "getting a valuation" or "refinancing" when really they were looking to sell the property, and then we were given short notice we had to move. Both times the new owners listed the place for rent. It would have saved us and the new owners a lot of hassle if they could have just taken over as our new landlords.

3. If the tenants have made a place their home and the owners decide to substantially change the property (renovating, converting, demolishing, or selling), I think it is fair to give the tenants as much notice as possible, and I'd argue 120 days is reasonable.

Property owners with stable homes don't think about how disruptive this is for the people living there. We all make a lot of decisions based on where we live - where to work, where to send our kids to school, whether we need a car or not. Most of these decisions involve an assumption of stability. As do smaller decisions like whether to take up a gym membership or enrol in a course. I've lost count of how many times I've made such decisions only to have to move a few months later when the owner sold. Given how hard it is to find a new place to live, 2 or 3 months is really not enough time to pack up your whole life, search for new accommodation and then move.

4 and 5) I support the examples of laws in Victoria and Queensland. It should be against the law to evict tenants for no valid reason, only to then rent the place out at a higher price to others. I appreciate that landlords might change their mind about moving in but there should be at least 6 months before they can rent the place out again.

6) I think owners should be allowed reasons to refuse some pets so long as they are clear and specific. However, I think there should be a distinction between pets that would not be expected to cause impact to the home (eg. a chicken in the backyard) and those that would. We once kept an old dog which just sat on his mat quietly all day except for when we took him for a walk. But some dogs dig up yards or cause damage. The owners should be given information about the animal. 21 days seems a fair time to consider it.

7) I think it's fair for owners to be allowed to refuse animals which may harm the property. But rather than a blanket ban, there should be some checklists and opportunity for renters to convince the owner that the pet is suitable before having to go to the Tribunal.

8 and 9) I think there should be some clear guidelines for both owners and renters on what is reasonable, for a variety of scenarios. A lot depends on the type of pet (rabbit or Rottweiler ?) and the type of home (suburban apartment or large rural property?). Many pets wouldn't impact the property but some, especially dogs, cats (and foxes if they are ever allowed again) might. Also, I think it is reasonable for renters to be able to interact with local wildlife for example feeding native birds, without landlords interfering.

10) I support limiting the information any real estate agent or landlord can ask for. It is fair for them to know if tenants have a history of damaging a property or not paying rent. It is not reasonable for them to know if tenants have taken a landlord to the Tribunal, are active in renter's rights campaigns or are on Centrelink payments.

11) I would like one of the 'Ability to pay' criteria to include 'Rental ledger from previous rental property'. I am on a low income but always live within my means. I would never take on any financial commitment I wasn't confident I could pay. However, I have never been able to convince new real estate agents of this as they want to look at your payslips. I do casual work and these can vary widely.

The only way I've been able to hold a lease is when I have moved into an existing share house and taken over the lease when someone moved out, since the real estate agents knew me and knew we'd all been paying the rent on time.

12) Yes.

13) When applying for a new premise, it should be enough to demonstrate you have been able to pay your rent and you have not done damage to previous properties. How old you are, what your occupation is, or whether you are on Centrelink payments should be irrelevant. Many landlords hold preconceived views about those on low incomes, which discriminates against those of us who are law-abiding good tenants.

14) Yes, I absolutely support any greater protection for renter's privacy. As a victim of family violence, I can request to be on a silent voter list. I should be able to have similar protections from real estate agents sharing my personal information. I would accept a system where I could simply be identified as tenant 467031.

15) I am extremely concerned about real estate agents keeping or sharing personal information about any tenants, especially victims of domestic violence. I would support means of de-identifying personal information (such as your name) in such cases.

I am also concerned that renters who have taken landlords to the Tribunal may be blacklisted or that inaccurate or prejudicial information kept about a renter may be used to prevent them getting a new rental place without their knowledge or consent.

16 and 17) I support laws similar to the South Australian ones mentioned, to prevent private businesses and individuals collecting and retaining private information about renters without their consent.

18) My concern is that unless it is protected by law, real estate agents and landlords will discriminate against tenants or potential tenants who dislike them keeping personal information. They could put you on a secret blacklist.

19) I am aware of automated decisions being made incorrectly, discriminating against some renters and preventing them getting a new home. There must be some way for renters to know what information is being held about them, how it is being used and what they can do if they feel unfair decisions are being made.

20) The government should ensure a group of actual tenants are included in any discussions or planning around automated systems, and that organisations such as Tenants Union NSW are consulted.

21) The portable bond scheme is a good idea, and I think it is reasonable under normal circumstances for a tenant to have 30 days to pay any additional bond on a new place. However, my concern is when a previous landlord withholds bond for no good reason and the tenant has to take that landlord to the Tribunal. In such cases, there should be a guarantee for the new landlord, with the cost later recovered by the tenant.

22) Renters should be asked to provide a reason for not paying the rest of the bond on time, and then adequate warning if further action is to be taken such as evicting them. If, for example they are locked in a dispute with a former unreasonable landlord, or an unexpected medical expense, there should be a guarantee for the landlord, with an option for the renter to gradually pay the remaining bond over say 120 days.

I don't support any blanket ban on renters using the scheme if they fail to pay it in time on one occasion. There may be a range of extenuating circumstances which lower income people have to deal with. There should be some type of warning system or 3 strikes policy, and a way for renters to appeal any exclusion from this scheme in future.

23 and 24) I would normally support renter's choice but I am concerned that renters may be discriminated against if it is optional so would like to see it become the default, with renters being able to opt out if they have a reason and it being illegal for landlords or agents to select new tenants based on whether they pay all the bond upfront or use the scheme. I think if there was a guarantee for landlords that may help.

25) Bond can be a huge amount of money for low income people, and there should be a way you can gradually save up for one and then have this kept safely by the government.

Considering how hard it can be to find a new rental place, the government could offer an option to hold the bond in safe keeping in between tenancies for a short period eg. 30 to 120 days. This might be useful for some low income people who have to stay in short-term accommodation while searching for a new home and are at risk of spending their bond money before they find a new place, and then are stuck since they do not have a bond.

There also needs to be some way bond money can keep up with CPI increases. The bond I paid 4 years ago won't be anywhere near enough for a bond on a similar place today as it is not accruing any interest while rents have skyrocketed.

26) My concern is that if landlords are charging say \$900 a week for a run down mouldy 3 bedroom place, and they see others are charging \$950 - \$1000, then they will put the rent up!

The real issue is there are no standards and nothing to stop rents increasing.

27) I don't have answers for this.

28 - 30) There have to be limits on rent increases. Either pegged to CPI or interest rates or simply no more than 2 -5% per year. My current home is getting older and more derelict every year but our rent keeps increasing, not because the owner is paying a mortgage, but simply because other landlords are increasing their rents. How is this legal? Landlords will claim it's not excessive since others are also doing it. There has to be some government regulation or oversight.

When the rental market went down in 2020-21 we did not know what was a reasonable reduction so we asked for a very modest reduction. Then, as soon as the market went up again, we copped a huge increase, and 12 months later another huge increase. It is not enough just to limit increases to every 12 months. We took on this lease 5 years ago and it just keeps going up up up but our incomes haven't.

31 - 33) All this information should be advertised up front.

34 - 35) Our estate agent insists we have to pay via RentCard. There is no other option. We would like to pay via direct debit. There should be an option and if tenants default on their rent payments they are given a warning before being put on RentCard.

36) I have no experience of this.

Why are there no questions about repairs or the state of the accommodation? This is a real issue for renters and we need some standards.

If I want to rent a hotel room, car or fridge, I can see reviews and ratings online. There is no such system for renting a house or unit, yet this is the most expensive thing to rent. There is no rating of the energy efficiency, temperature / comfort level or state of repair for a property. There is no rating of landlords. No reviews of how well they treated the previous tenants or tenants in any other properties they own. Why can I see a review for a place to stay a few days and not for a place to stay a few years?

Most real estate agents do inspections, but who inspects the inspectors? It is completely up to the individual real estate agents or landlords what they write on their reports. Why is there no government oversight? Health inspectors now randomly visit restaurants to assess hygiene standards. Why can't we have government inspectors for rental properties? At work, we must undertake and abide by occupational health and safety standards. At home, apart from smoke alarms, no one cares what happens to us.