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I'm happy for this submission to be published in full anonymously, thank you.

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#### Submission: Improving NSW Rental Laws

Firstly, I would say that home to anyone is where we live, rest and work. Homes are our sanctuaries, our safe places.

I would have liked this submission to be more than it will be, I have been and am still unwell and don't have a lot of head space for this. I rent.

My rented home is freezing. This winter it has reached 6 degrees in my bedroom which may be contributing to my ill-health, along with the mould. In summer, this place is boiling. Last summer it reached 38 degrees in the room from which I am typing this.

A safe home with a secure tenure is my dream. I will never own a home, I need to rent but it is such an awful way to live.

#### **No grounds terminations**

Housing is a social necessity. Prioritising financial return is the recipe for the disaster now facing not just renters in NSW, but across Australia. A home should be just that, a home. 30% of the population (those who rent) shouldn't be living in fear of losing their homes for no good reason at all. Property investment should come with a caveat that the priority is in the provision of housing, not making a comfortable living on the back of another person's precarity.

The contract between a property owner and the people who rent takes place in a community. If housing for the community has been outsourced to the private sector, then this sector needs a lot more regulation to ensure that this provision of housing is met.

A property owner should take the provision of housing seriously and not decide to end a lease on a whim.

A lease should take precedence over the sale of a property.

A repair or renovation shouldn't necessarily require a property to be completely vacant.

Changing a home to a shop is a breach of housing provision. If a home might be subject to being turned into a shop, then it shouldn't be on the rental market to begin with.

Similarly, if demolition is on the cards, then such a property shouldn't be part of the community's rental portfolio.

If the property owner or family wishes to move into a rented home, they should receive penalties if tenants are evicted and this does not happen or, happens only in the short term. An owner or their

family member moving into a property should have to live there for at least 12 months, preferably longer, otherwise, this option will just become a loophole and convenience. Perhaps a body that oversees rental properties, could ensure that owner occupation takes place for a requisite period.

A property owner found in breach of conditions should be barred from renting again. They could invest in something more aligned with profit generation than housing.

### **Keeping pets**

Unless there are clear cut reasons why a property is not suitable for pets – not just a declaration that it isn't, people who rent should be able to have pets. There's really no difference between people who own properties and those who rent. A person who rents is not necessarily going to be a less responsible pet owner than a person who owns their own home and the same rules should apply.

Like having a home – rented or not, having a pet is a long-term prospect. Pets are family members. With so many people now renting, draconian laws about pet ownership really have no place.

It should be simple. If the property is damaged, the person who rents pays to have it fixed – whether that damage has been caused by human or animal activity.

### **Renters' personal information**

The amount of information required by property owners – especially those represented by real estate agents is extraordinary. Are these agencies and individuals bound to protect people's electronically submitted data – an ordinary website, for example, has for quite some time been required to delete personal information collected via submission within 3 days.

Why should prospective property renters have to submit an entire application to merely find out whether or not a property might be suitable? Some property owners and their agents will not even answer basic questions without receiving an entire application which generally includes sensitive financial information.

Surely, just establishing identity is enough to inspect a property. If the prospective renter decides to apply, then more information can be furnished then but this should be limited to showing evidence of previous timely rent payments.

There is no reason at all that a property owner or their representatives should have access to a person's daily banking transactions, it's none of their business what another person does with their own money.

If an organisation connected to renting holds incorrect information about a person, they must be obliged to correct the information.

The type of information a property owner or their representative should hold should only be related to the payment of rent.

Character references should hold no place in a rental agreement. The ability to pay rent and a history where applicable, should be the main things that matter. A reference from a previous rental body might be more relevant.

Having a job should not be a requirement of any rental application. People who do not work, for whatever reason, need homes.

For low priced properties, a bank statement showing deposits and previous rental payments with all other information taken out should be enough. Banks could make this easier by allowing the export of filtered statements.

For properties in higher price brackets, a few months' payslips and the above should be enough.

I think a standard tenancy application form that limits the information that can be collected is a great idea.

Any information about a property renter stored by a property owner or their representative should be governed by strict security provisions, especially where that information is digital.

Details regarding unsuccessful rental applications should be completely deleted within say 30 days.

### **Automated decision making**

Why not just call it Roborenting.

### **Portable rental bond scheme**

This is a great idea. Having to pay for removals and a new bond is a significant outlay. Being able to transfer bonds between properties would help a lot.

If the bond is not complete, and there are no administrative delays, a 2 week time period for making up the difference would be reasonable.

All the consequences of the 'renter' not doing the right thing as far as topping up a bond go are a bit heavy handed. Consider the actions of all parties within this scenario – especially the administration, what if 'they' make mistakes, what if the bank delays payment, what if the administrators are understaffed and take too long to process bond transfers?

What if the property owner makes a bogus claim against the bond and the previous tenants need to take this to a tribunal?

Should there be penalties for property owners who make bogus or inflated claims against property renters bonds?

### **Excessive rent increases**

Owning and renting out a property is part of a social contract. Rental properties shouldn't just be blank cheques for property owners or even merely viewed as a source of income and nothing more. When times are tough, rent increases should reflect that and nothing more and this should be legislated.

I'm not sure about government collecting and publishing information about rent increases and what might eventuate from this. Transparency is a great idea but if it also just publishes a benchmark for property owners to aspire to then nothing much might change.

## **Other changes**

People renting should have security knowing that their rent is not going to suddenly balloon out of affordability within a rental term. Increases should be minimal and perhaps substantiated by evidence. They should not occur more frequently than annually on any kind of lease.

Using the market to benchmark rents is a bit much at the moment when that market is largely unregulated. Property owners and their representatives can and have charged what they like, contributing to division in society – and an ‘us and them mentality’ which goes both ways. Inequity has increased along with homelessness. Homelessness in a country like Australia is an abomination, especially when so many of those people are aged, disabled, and poor.

## **Other changes**

Free ways to pay rent... paying rent should never, ever attract a fee. If property owners and their representatives have trouble tracking payments, then maybe some better systems on that side could be implemented, not charging people who rent to pay their rent.

Rent should be able to be paid by bank transfer with a renter code, export to csv and validate.

Strata schemes – all rules should be supplied prior to a lease being taken up.

## **Other suggestions**

Property owners who choose to manage their own properties should complete a course – a Certificate IV in Property Management or something to ensure that they are aware of their social and moral obligations – so timely repairs, habitable buildings and so on.

As an example, I live in a water damaged building. The property owner has not made any attempt to repair the internal damage in over 12 months. The tap water is unsafe to drink. The building is completely uninsulated, may contain asbestos, and some external walls are made of a composite carboard. The property owner's balcony overlooks a room here and courtyard. Some external walls and structures are a single sheet of fibro / other substance thick. The building is infested with mould within roof and window cavities. Ventilation is poor. The kitchen extractor fan does not meet building standards and has been broken for several months. The bathroom floor is rotting. An internal staircase has inconsistent size steps, there is no mechanical ventilation in the bathroom. In cold weather, washing dishes is enough to put condensation on windows – cooking a complex meal is impossible. I was threatened with eviction when the property owner assumed quite incorrectly that I was withholding rent in protest because they disconnected a perfectly good electric hot water system and installed a gas system – telling me that I had to pay for the gas while not disclosing that the heater was also servicing their kitchen tap. I put with this because I fear homelessness.

Access to a rental tribunal should be an easy simple process, not something requiring a law degree.

A government body that inspects homes for habitability would be a great thing to have.