

**MISSION
AUSTRALIA**

**Review of the
Queensland Residential
Tenancies and Rooming
Accommodation Act 2008**



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Introduction

Mission Australia is a national, non-denominational Christian charity that has been helping vulnerable people move towards independence for more than 160 years. In the 2018-19 financial year, we supported over 160,000 individuals through 519 programs and services across Australia.¹ In Queensland, we supported over 25,000 people through 55 services during the same period. These services included housing and tenancy support, employment services and a range of other community services funded by the Federal and State Governments.

In 2009 Mission Australia established Mission Australia Housing (MAH), a Tier one Community Housing Provider. Nationally MAH supports over 2,300 tenancies and in Queensland we support 40 tenant households.

Mission Australia welcomes the opportunity to provide input into the Review of the Queensland Residential Tenancies and Rooming Accommodation Act 2008. The proposed amendments in the Regulatory Impact Statements are encouraging and we are largely supportive of the recommendations. Mission Australia is a supporter of Make Renting Fair QLD campaign², and reiterates the importance of implementing the key recommendations that are not covered by the current proposals.

Recommendations

Priority area	Recommended option
Managing Tenancies—ending tenancies fairly	Option 5
Housing quality and minimum housing standards	Option 5
Domestic and family violence protections	Option 3
Minor modifications	Option 3
Renting with pets	Option 5

In addition to the options recommended below, Mission Australia makes the following additional recommendations.

¹ Mission Australia, Annual Report, 2019, accessible at: <https://www.missionaustralia.com.au/publications/annual-reports/annual-report-2019/1320-annual-report-2019/file>

² Make Renting Fair QLD, accessible at: <https://makerentingfairqld.org.au/home/give-people-the-right-to-stay-in-their-rental-homes/>

- Procedures should be introduced for people to receive the bond money back in an efficient manner after ending tenancies.
- Strengthen capacity of tenants to exercise and enforce their rights under the legislation including getting minor modifications done to increase liveability.
- Additional and targeted domestic and family violence protections for people with disability should be introduced as part of the measures to strengthen the protections for people experiencing domestic and family violence.
- Financial support should be provided for people with pets who access crisis and transitional accommodation to ensure they are able to pay for animal shelters or arrange alternative accommodation for the animals, until the pet owners are able to access long-term permanent housing.

Managing Tenancies—ending tenancies fairly

It is encouraging that the proposals in relation to ending tenancies fairly include ending ‘no grounds’ evictions. Requiring a reasonable ground set out in the law, has the effect of allowing a tenant who is meeting their obligations to remain in a property while that property remains in the rental market.³ Research also found that some 16% of people living with disability have been served with a ‘without grounds’ eviction, compared with 9% for the rest of those who rent.⁴ Provision of legal protections against no grounds evictions will increase housing security for many people, particularly, those who are already experiencing disadvantage.

Where people experience a change of circumstances such as relationship breakdown, sudden illness or unemployment, there needs to be mechanisms for the tenant to end the tenancy where necessary to prevent people from experiencing or being at risk of homelessness due to unaffordable rents. The process of ending tenancies should be efficient and there should be protocols in place to return the bond and other dues within a reasonable amount of time.

Mission Australia supports Option 5 in relation to ending tenancies fairly.

However, for people in short to medium term supported tenancies, maintaining short term leases may be necessary for practical purposes. For instance, Mission Australia Housing provides housing through supported accommodation with tenancies between 6 months to 2 years. These tenants may require support with securing long-term housing or other forms of support for a limited period of time. Considering the nature of the needs and availability of housing stock, the leases offered to tenants vary between 3 – 6 months and are rolled over until the housing and other issues of the tenants are resolved. This provides an easier transition for tenants and the community housing providers. The legislation should make sufficient provisions and flexibility to cater for specific requirements such as these.

³ See further: Make Renting Fair QLD, accessible at: <https://makerentingfairqld.org.au/home/give-people-the-right-to-stay-in-their-rental-homes/>

⁴ National Shelter, CHOICE and National Association of Tenant Organisations, *Disrupted: The consumer experience of renting in Australia*, 2018, p.19.

Housing quality and minimum housing standards

The benefits to lessors of meeting basic standards for rental homes include maintaining the amenity and value of the property, attracting and retaining tenants, and maintaining good relationships with tenants.⁵

The recommendations in the Impact Statement are in line with the community sector calls to enforce basic standards for rental homes. This is particularly important given that most people on low incomes are likely to be in housing without access to functional basic amenities including adequate heating or cooling options.

In addition to introducing legislation to increase the liveability by introducing minimum housing standards, it is important to strengthen the capacity of tenants to exercise their rights as many tenants fear eviction or increases in rent.⁶

Mission Australia supports Option 5 in the Impact Statement in relation to housing quality and minimum housing standards.

Domestic and family violence protections

Tenancy law reform is critical to enable people experiencing domestic and family violence to leave tenancies without further liability and with protection against being listed on tenancy databases (blacklisting).⁷ The current protections recommended in the Impact Statement are in line with the community sector's recommendations.

Women with disability, in particular, face precarious housing situations when leaving their homes to escape violence and abuse.⁸ Therefore, additional legal protections should be introduced to protect the rights of tenants with disability who are experiencing domestic and family violence.

It is encouraging to note that the liability for damages caused to the property are not born by the person escaping domestic and family violence and that there are measures to ensure safety and security of families experiencing violence. Considering the increased risks involved if people experiencing/experienced domestic and family violence decide to remain in the house, additional protections should be introduced to strengthen their safety and security.

Mission Australia supports Option 3 in the Impact Statement to address issues in relation to domestic and family violence.

⁵ See further: Make Renting Fair QLD, accessible at: <https://makerentingfairqld.org.au/home/give-people-the-right-to-stay-in-their-rental-homes/>

⁶ See further: E. Power, Life as an older renter, and what it tells us about the urgent need for tenancy reform, The Conversation, 27 September 2018, accessible at: <https://theconversation.com/life-as-an-older-renter-and-what-it-tells-us-about-the-urgent-need-for-tenancy-reform-103842>

⁷ Mission Australia, Out of the Shadows – Domestic and Family Violence: a leading cause of homelessness in Australia, 2019, accessible at: <https://www.missionaustralia.com.au/publications/position-statements/Out-of-the-shadows>

⁸ Mission Australia, Out of the Shadows – Domestic and Family Violence: a leading cause of homelessness in Australia, 2019, accessible at: <https://www.missionaustralia.com.au/publications/position-statements/Out-of-the-shadows>

Minor modifications

People with disability often face discrimination when looking for rental properties, and may not have sufficient financial resources to set up a new living environment that supports their independence.⁹ People with disability also have housing costs that non-disabled people do not share, including limited availability which can push the market price up, utility costs and the need for modifications.

It is estimated that 38% of people with disability live below poverty line¹⁰ and as a result are more likely to be at risk of homelessness due to financial stresses such as additional health care costs and modifications to existing housing.¹¹ Minor modifications to homes often would mean that the houses are more accessible for people with disability and older people who are already struggling to find accessible and affordable housing.

The tenant's ability to make minor modifications can improve the value of the property, which benefits all parties.

Mission Australia supports Option 3 in the Impact Statement in relation to minor modifications.

Renting with pets

As recognised in the Impact Statements, people who have pets are likely to be disadvantaged in the rental market due to the limited number of properties that are pet friendly, increasing competition for these houses. A research conducted in NSW found that pet owners accepted longer work commutes or greater financial stress to secure a property.¹² Considering the benefits of having a pet on a person's health and wellbeing, increasing flexibility of renting properties with pets is highly important.

Currently, community services assist people with unregistered assistant animals to get the animals registered and obtain necessary paper work in order for them to access crisis or private rental properties. This increases the rental property options for people with assistant animals.

Mission Australia supports Option 5 in the Impact Statement in relation to keeping pets in their rental homes.

However, with crisis, transitional and medium term supported accommodation facilities with shared amenities and common areas, allowing residents to bring pets may not be a viable option. This is particularly challenging if the accommodation facilities are expected to accommodate a mix of multiple animals in small spaces or where there are limited enclosed areas that are pet friendly.

There are some services that provide shelter for a fee or coordinate placements of animals with other residents in the community until permanent accommodation options are made available to

⁹ People with Disability Australia and Domestic Violence NSW, Women with Disability and Domestic and Family Violence: a guide for policy and practice, 2015, accessible at: http://dvnsw.org.au/pwd_doc1.pdf

¹⁰ P. Davidson, P. Saunders, et al, Poverty in Australia, 2018. ACOSS/UNSW Poverty and Inequality Partnership Report No. 2, Sydney: ACOSS.

¹¹ Homelessness Australia, Homelessness and Disability, 2016, accessible at: https://www.homelessnessaustralia.org.au/sites/homelessnessaus/files/2017-07/Homelessness%20and%20disability_0.pdf

¹² E. Power, As pet owners suffer rental insecurity, perhaps landlords should think again, The Conversation, 16 August 2016, accessible at: <https://theconversation.com/as-pet-owners-suffer-rental-insecurity-perhaps-landlords-should-think-again-63275>

the pet owners.¹³ This process allows pet owners to be reunited with their pets once they secure more permanent accommodation. In addition to legislative interventions, the State Government could invest additional funding to support finding animals appropriate temporary boarding.

¹³ See further: Young Animals Protection Society, accessible at: <https://www.yaps.org.au/>