

Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Bill 2022

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**Inquiry into the Residential Tenancies and Rooming Accommodation (Rent Freeze)
Amendment Bill 2022**

About TASC National Limited

TASC Legal and Social Justice Services is a not-for-profit organisation that serves over 4000 people per year across more than 400,000 square kilometers of Ipswich and South West Queensland. Now in our 40th year, TASC has developed from a small community legal center to a committed provider of high quality legal advice, social justice and advocacy services. TASC is one of the largest regional community legal and advocacy services in Queensland, where the community and staff work together in partnership to continue to enable justice and change lives.

We are focused on social justice and support, and advocate for our clients, who are culturally and linguistically diverse, and come from the most vulnerable and marginalized sectors of our community. They include First Nations people, refugees and those with disabilities, mental illness and financial disadvantage. We do our best to support the community we work with to promote, protect and preserve their legal and human rights.

TASC welcomes the opportunity to provide submissions to the Inquiry into the Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Bill. We outline our response, to key areas of the review, based on the available information and evidence, with a strong focus on the impacts, rights and outcomes for our clients.

Human Rights

Human Rights are the rights inherent to all human beings,¹ and as the preamble to the Declaration of Human Rights states, should be protected by the rule of law, so man is not compelled to have recourse from tyranny and oppression through rebellion.² It is our responsibility through reviewing, and if necessary, changing laws to provide the protection for which we are entrusted. TASC takes this responsibility very seriously and we are committed to recognising and upholding, everyone's human rights, as everyone, is "entitled to the rights and freedoms" as agreed by Australia's ratification.

The guidelines for the Implementation of the Right to Adequate Housing were drawn from a report that associates adequate housing with an adequate standard of living, without which, results in discrimination.³ The Special Rapporteur found that states were not always aware, that in addressing housing issues, there is an obligation to consider and meet human rights. Therefore, guidelines were created to provide implementation measures, focused on assisting States' to "reclaim housing as a fundamental human right".⁴

The first guideline, is the recognition that adequate housing is integral to values, such as; "equality, inclusion, wellbeing, security and public participation", which are at the "core of fundamental human rights".⁵ Additionally, it must be understood that adequate housing is relative to a person's inherent dignity,⁶ and must be enforced through, "constitutional and legislative provision, integrated into policy and program design".⁷

Changing laws to protect people from homelessness is not a choice, it is a necessity, and it is essential that the commodification of housing be regulated to protect those who are directly affected. Providing housing for profit inevitably means increasing rents. Increasing rents beyond the affordability of the tenant, results in homelessness, and one of the most basic of human rights is, safe, stable housing.⁸ The Australian Human Rights Commission,

¹ Office of the United Nation High Commissioner, "What are Human Rights" (un.org/en/global-human-rights).

² United Nations, "*Universal Declaration of Human Rights*" (un.org, 1948) Preamble: If man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected, by the rule of law

³ United Nations General Assembly, "Guidelines for the Implementation of the Right to Adequate Housing" (A/HRC/43/43, Feb/Mar 2020) 1.

⁴ United Nations General Assembly, "Guidelines for the Implementation of the Right to Adequate Housing" (A/HRC/43/43, Feb/Mar 2020) "State" refers to; all public authorities and all levels and branches of government, from the local to the national, including legislative, judicial, and quasi-judicial bodies.

⁵ United Nations General Assembly, "Guidelines for the Implementation of the Right to Adequate Housing" (A/HRC/43/43, Feb/Mar 2020) Guideline No. 1.

⁶ Ibid 4.

⁷ Ibid 5.

⁸ Australian Human Rights Commission, "Homelessness is a Human Rights Issue" (2008 Publications) Homelessness is about human rights.

acknowledges, that when a person becomes homeless, they lose far more than just shelter, they lose their connection to their community, to their friends, their standard of living, privacy, and ultimately control over their own environment.⁹

Homelessness also denies people access to the basic necessities of water and sanitation, diminishing a person's good health.¹⁰ Water insecurity leads to issues such as a reduction in bodily hygiene, oral/dental health and increased infections.¹¹ Homelessness also increases complications from existing health conditions like diabetes and cardiovascular disease, as consistent treatment is compromised.¹² The World Health Organisation has indicated, "Health and illness follow a social gradient, the lower the socioeconomic position, the worse the health".¹³ Persons experiencing homelessness are also frequently subjected to discrimination and harassment, degrading and inhumane treatment.¹⁴ The Committee on Economic, Social and Cultural Rights reports that discrimination from homelessness "must be prohibited in domestic law".¹⁵

Those who have no choice to vacate when rents are increased beyond their means, become "inevitable evictees", irrespective of an impeccable rental history, or length of tenancy. Loyalty is no currency as vacancy rates across Queensland are at their lowest, and exploitative property agents are manipulating the rental market to ensure they are the winners, and those on pensions, support payments or low incomes are the losers. Evictions are recognised as a "gross violation of human rights," and the guidelines identify the criteria for evictions for being compatible with human rights include, "meaningful engagement with those affected, exploration of all viable alternatives, and relocation to adequate housing agreed upon by the affected households," to negate homelessness.¹⁶

TASC recommends the Committee consider, the United Nations Guidelines for the Implementation of the Right to Adequate Housing

⁹ Ibid.

¹⁰ United Nations General Assembly, "Guidelines for the Implementation of the Right to Adequate Housing" (A/HRC/43/43, Feb/Mar 2020) Guideline No. 5.

¹¹ Maria Grammatikopoulos et al, "Health Status of Women Affected by Homelessness: A cluster of in Concreto Human Rights Violations and a Time for Action" (Maturitas, September 2021) Vol 154.

¹² Ibid.

¹³ WHO.IER.CSDH.08.1 eng pdf.

¹⁴ United Nations General Assembly, "Guidelines for the Implementation of the Right to Adequate Housing" (A/HRC/43/43, Feb/Mar 2020) Guideline No. 5.

¹⁵ Ibid.

¹⁶ United Nations General Assembly, "Guidelines for the Implementation of the Right to Adequate Housing" (A/HRC/43/43, Feb/Mar 2020) Guideline No. 6.

Increased Rent

Rents for the nearly 71,000 tenants in Ipswich, Toowoomba, and South West have increased by 21% in the last three years, which is three times more than the Consumer Price Index increase over the same period.¹⁷ A total population as of June 2021, of 624,000, indicates that more than 10% of residents are potentially living with rent stress,¹⁸ as statistics demonstrate, low income households spend up to 50% of their income on housing costs.¹⁹ Our clients, who are already vulnerable, face further disadvantage by risking homelessness with every rent increase, and with occupancy rates at capacity, there is little possibility of options. The projected population growth in our region is expected to increase by 2.4% over the next 20 years, and with a population growth of 2.5% in Ipswich alone over the last 10 years, means it is of great concern that those on low incomes will be further displaced.²⁰ Public housing is not a solution in the short term, with analysis of data from the previous five years showing the waiting list has increased by 78% and the current average waiting time from application to occupancy is 28 months.²¹

“I have lived in my unit for 12 years and had good relations with my property agents. Over that time my rent has increased from \$195 per week to \$220 per week which has been manageable. Whilst I was hospital after suffering a heart attack, my new property agents increased my rent by \$70, which is now \$290 per week. I am on a pension and cannot get anymore rental assistance. I have no way of being able to pay the extra money and tried to negotiate with the agents for a lower increase. They declined by offer and I have now been issued with a notice to vacate. I have applied for social housing, but have been advised there is currently a 64 week wait in Toowoomba. I have to leave by the 21 December and have nowhere I can go, I don’t know where I will be at Christmas and I am so worried”.

Bronwyn – Client

¹⁷ Rental Tenancy Authority Statistics, “Median Weekly Rents for Postcode areas in Ipswich and Darling Downs).

¹⁸ Department of Housing and Public Works, “Queensland Housing Profiles: Housing Profile-Dwelling and Household Characteristics, Custom Region”(25 October 2022)Demography 4.

¹⁹ Townfromnowhere.com.

²⁰ FN 18.

²¹ ABC.net.au/news 2021-9.22/qld.annual-figures-social-housing-waiting-list/100480968.

Assistance

Financial assistance is available to persons collecting support payments, however, the maximum weekly amount for a pensioner is \$75.80.²² The assistance rates are updated twice a year in line with the Consumer Price Index, which is way below the rate of rent increase, resulting in persons who are already living under the poverty line, now at serious risk of homelessness.²³ Not-for-profit agencies, such as St Vincent De Paul Society Queensland are attempting to triage the accommodation emergency by providing crisis housing services. They have reported that lower income and welfare recipients have been “pushed out of properties” by increased property prices influencing the rental market, caused by interstate migration.²⁴ Recognised as one of the key drivers of homelessness, is treating housing as a commodity. To combat this, “devising or strengthening policy and regulatory frameworks to stifle the key drivers of homelessness” is recommended.

The Queensland Government’s Immediate Housing Response goes some way to providing assistance to those who have suddenly found themselves homeless, but unfortunately only helps families with children under 18 years old.²⁵ South West Queensland had a rate of homelessness in 2016 of 32.7 per 10,000, which is now sure to be higher, with 54.7% of applicants on the Housing Register for long term social housing, deemed very high need. Additionally, specialist homelessness services, funded by the government to provide accommodation to those experiencing, or at risk of experiencing homelessness, supplied their service to 3,922 clients in a single year, which equates to more than 75 people per week in the South West region alone.²⁶

Profiting on Poverty

Research indicates, that although wages have increased only 2.6%, rents in comparison, have increased from 20 – 50%, the highest annual increase on record. Added to these increases is the parallel increase in potential renters per listing, creating very little housing options, resulting in a perfect storm of homelessness.²⁷ Rental law changes effective from

²² Services Australia, “Rental Assistance” <https://www.servicesaustralia.gov.au/how-much-rent-assistance-you-can-get?context=22206#a1>

²³ Services Australia, “Rental Assistance” <https://www.servicesaustralia.gov.au/how-much-rent-assistance-you-can-get?context=22206#a1>

²⁴ ABC.net.au/news 2021-9.22/qld.annual-figures-social-housing-waiting-list/100480968.

²⁵ Department of Communities, Housing and Digital Economy, <https://www.chde.qld.gov.au/about/initiatives/rapid-housing-response>.

²⁶ Department of Housing and Public Works, “Queensland Housing Profiles: Housing Profile-Dwelling and Household Characteristics, Custom Region”(25 October 2022)SHS 17.

²⁷ Senator Amy MacMahon, Member for South Brisbane, <https://greens.org.au/qld/person/amy-macmahon>.

October 2021 has given little protection to “inevitable evictees” from unreasonable rent increases, seemingly driven by a property market overseen by real estate agents and property management services, who benefit the most from an over inflated rental market. Property managers are circumventing periodic leases by issuing “notice to leave forms” with the renewal of fixed term leases, essentially giving the tenant the choice of signing the renewed periodic lease (usually with an increased rent) or sign the notice to leave. This diminishes the tenant’s ability to negotiate any rental increase.

The state government’s Residential Tenancies Authority (RTA) is tasked with providing information, support, education and dispute resolution for the benefit of tenants, agents and owners. The funding for the RTA is provided by the interest accrued from rental bond money,²⁸ which is forfeited to the government under the *Residential Tenancies & Rooming Accommodation Act 2008* (Qld).²⁹ Essentially, it is tenants that fund the RTA, yet it is a service that is enjoyed and utilised to increase the efficiency and profitability by property agents without any cost to them.³⁰ Freezing or capping rent increases will ensure stability to those who are vulnerable of being one rent rise away from homelessness, allows time for the government’s long term housing crisis measures to be implemented and for wages to be increased.³¹

TASC supports the Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Bill and recommends the following to assist the reduction in potential homelessness:

1. In response to tenants who are at risk of homelessness due to rent increase above the CPI, meet the requirements and have applied for social housing – the Queensland Government pays directly to the owner/agent the increased amount only, for the period of application to occupancy.
2. In response to tenants who are at risk of homelessness due to rental property being sold or occupied by owner –
 - Settlement of sale may not proceed until tenant has been transferred to suitable long term alternative property.
 - New occupier (not sale) may not occupy property until tenant has been transferred to suitable long term alternative property.

²⁸ South Brisbane Electorate Office, south.brisbane@parliament.qld.gov.au

²⁹ Residential Tenancies & Rooming Accommodation Act 2008 (Qld) s121 provides: No one other than the state has legal or beneficial entitlement to an amount earned on the investment of a rental bond held by an authority.

³⁰ Ibid.

³¹ Senator Amy MacMahon, Member for South Brisbane, <https://greens.org.au/qld/person/amy-macmahon>.

- Tenant agent and agents involved in the sale of property are tasked with supplying displaced tenant with suitable long term alternative property.
 - A displaced tenant must have first right of refusal for any new suitable property made available to the agency.
3. Funding for recommendation number 1 should be contributed by Queensland Real Estate Agent and Property Management services (2000 REIQ members) through:
- A significant once off levy, or
 - An annual levy, the cost of which may not be passed on to the tenants, or
 - A fee based on their rental roll, the cost of which may not be passed on to the tenants.

TASC appreciates the contribution made by the Community Support and Services Committee in consideration of these recommendations.