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Submission: Housing Legislation Amendment Bill 2021

**QDN**

**QUEENSLANDERS WITH DISABILITY NETWORK**  
*NOTHING ABOUT US WITHOUT US*

Submitted to: Community Support and Services Committee

13 July 2021

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## About Queenslanders with Disability Network (QDN)

Queenslanders with Disability Network (QDN) is an organisation of, for, and with people with disability. QDN operates a state-wide network of 2,000+ members and supporters who provide information, feedback and views based on their lived experience, which inform the organisation's systemic advocacy activities. We believe people with disability should always be at the table when decisions are made that directly impact their lives.

QDN also currently hosts 25 peer support groups across Queensland, made up of people with a diverse range of disability, and convened by people with disability. The groups network socially, share information, life experiences and solutions, to create more inclusive lives and communities. Local groups are a safe space for people with disability to share information on topics that are of interest to them, to extend their social networks, and to build capacity and leadership skills. Groups usually meet on a monthly or bi-monthly basis and meetings can be face-to-face or virtual.

Queenslanders with Disability Network (QDN) welcomes the opportunity to make a submission to the Community Support and Services Committee about the Housing Legislation Amendment Bill 2021.

## Background

The multifaceted responsibilities of Government for ensuring good outcomes for people with disability are clearly expressed in the 2008 United Nations Convention on the Rights of People with Disability (CRPD). The CRPD is supported by the National and State Disability Strategies, NDIS Principles and practice and disability discrimination legislation. Additionally, the Queensland Government, through its Department of Housing, has adopted QDN's Housing Guiding Principles being:

- **Rights:** People with disability have the same rights to (housing) housing assistance as other people and should be supported to exercise those rights.
- **Choice:** People with disability choose where, how and with whom they live.
- **Inclusion:** Housing enhances independence and social and economic participation of people with disability in family and community life.
- **Control:** The provision and management of housing is separate from the provision and management of paid support.

All these conventions and instruments provide the framework for Australia's and Queensland's obligations across all levels of Government including obligations to provide and uphold rights and provide income and other social supports to people with disability.

In this context, housing is a fundamental human right and key to enabling people with disability to be included in community life and to participate fully as citizens within the wider society. Renting has become a more permanent feature of the housing market with about 40% of people in Queensland now renting and more of them looking to be long term renters. A rental accommodation is "home" and renters have the right to accessible, affordable, safe, and sustainable rental housing. Additionally, over 90% of all housing for people with disability is provided in the rental market. People with disability are invested in a regulatory

framework for rental housing that is fair, just and expeditious in its facilitation of conflict resolution.

## Response

The Housing Legislation Amendment Bill 2021 was introduced on 18 June 2021 by the Hon. Leeanne Enoch MP, Minister for Communities and Housing and Minister for Digital Economy and Minister for the Arts. The Minister hailed this Bill as a major reform of rental housing regulation, and this is acknowledged by people with disability who make up a significant portion of the rental market.

QDN congratulates the State Government for leading forward looking rental reform and creating more balance between landlords and renters in the housing market.

QDN provides the following recommendations for strengthening the Bill based on what QDN members have said about their rental experience, the concerns they live with as renters day to day and the potential solutions that would deliver regulatory safeguards. It is widely acknowledged that the Queensland rental market is now under stress due to interstate migration and demand being much higher than supply. This trend is likely to continue in the immediate future and it is important that action is taken now to ensure there are adequate safeguards in place.

## Fair and Honest Rental Practices

QDN believes it is important that the rental market regulations facilitate a fair and honest market that is evenly balanced between the needs of landlords and the needs of renters.

- *The rental market should operate on fair and honest principles.*
- *Prospective tenants should expect honest and full disclosure and information about the property.*
- *Rent increases should be limited to once a year and be kept to the Consumer Price Index increase.*
- *Bonds should be returned quickly unless proof of evidence of damage caused by the tenant.*
- *Water and power accounts should be issued in a prompt and timely manner.*
- *It is important that the interactions and relationships between Real Estate agents and tenants is governed by a code of conduct.*

## Minor Modifications

Many people with disability require minor accessibility modifications to their rental properties, as finding ready accessible rental housing that meets their needs is very difficult. Minor modifications sought include handrails, ramps, and safe seating (showers).

The new building accessibility standards (Silver) due to be operationalised in 2022 were agreed by Ministers in May 2021 and will apply to all new dwellings built. This is a welcomed step in delivering accessible housing for people with disability, older persons and the broader community. It is notable that the Queensland Government led this reform in response to issues raised about insufficient accessible housing. This will be an important

change going forward however, it is important that people with disability are able to make modifications to current housing and rental properties to ensure they can live in homes that are accessible and safe and maximise their independence and dignity.

*QDN recommends introducing a provision to allow a tenant to undertake minor modifications without prior approval. It is recommended to establish defined minor modification categories with streamlined approval mechanisms to improve tenant's liveability and access to homes that are functional, safe, accessible and secure while maintaining protection of property owner's investment. Minor modifications would be defined as alterations that can be reversed, do not permanently alter the rental property and do not require building or other approvals. Health, safety, security and accessibility minor modifications could be undertaken without the property owner's prior consent, including to ensure access to basic telecommunications such as installing telephone or data points. Tenants should be required to inform landlord through the agent as soon as practical after modifications.*

## End of Tenancy

QDN welcomes that grounds to end tenancy have been introduced but it is possible to build on these and go further in order to safeguard the rights of tenants. Unfair end of tenancy causes renters great distress and may lead to homelessness. End of tenancy for a person with a disability is even more difficult than for others for they must find somewhere accessible, affordable, and safe to move to in a rental market that does not favour renters. Homelessness is a constant risk.

QDN recommends that the Bill:

- *Remove the grounds to end a tenancy, for "end of fixed term", as this provision creates an additional "unfair" reason for tenants to be evicted without fault.*
- *As part of the 'significant repairs and renovation', require that the property is not rented out for two months if a tenancy is ended on this basis.*
- *Remove (as per the Regulatory Impact Statement proposal) 'the lessor is preparing to sell the premises and the preparation requires the premises to be vacant;' as a ground. Only allow the tenancy to end if the property is sold and the lessor or their family are moving in. If the property needs renovation for sale, a lessor can use the 'significant repairs and maintenance' section to end the agreement (outside of a fixed term) and restrict any re-renting for 2 months after the tenant leave, unless the property is sold.*
- *Include provision of a tenant's right to claim compensation when a tenant exits early due to a breach by the lessor e.g. does not comply with minimum standards.*

## Pets

Many people with disability have animals which may be considered by them as an essential part of their assistance and therapy but not defined as such under current legislation. Others keep cats and dogs as faithful companions. QDN members have raised issues of their experiences where they have had to surrender their pet companion or be limited in their options for a property in order to acquire rental housing, especially if the pet would not be obtrusive or any trouble if they continued to live with the person with a disability. It is important that having a pet starts from the basis that you can have a pet and work to establish what the fair conditions and restrictions are.

*QDN recommends that the Bill:*

- *Start from the basis that renters can keep pets.*
- *Any previous or proposed conditions/ or exclusions be disclosed during the application process, and before a tenant is bound.*
- *Include disclosure requirements for any conditions which have been imposed on pets in the property prior. These should be available to tenants before the application is made or is binding.*
- *Is clear about fair conditions that do not imply that all dogs and cats must stay outside.*

**Domestic and Family Violence (DFV)** We commend the Queensland Government for the proposed reform allows people impacted by DFV in their tenancy to end a tenancy quickly, using a seven-day Notice to End Tenancy (NET) and simplifies the process of bond return for the victim. Allowing victims who want to stay to install locks without prior approval is also commended. To strengthen these provisions, we recommend tenants be allowed to install security devices without prior agreement from the lessor as per the Regulatory Impact Statement (RIS).

### **Minimum Standards**

Adequate lighting, ventilation and environments free from mould are important standards for people with disability, and issues with these things can significantly impact upon their disability, access, and health and well-being. It is important to recognise that these are basic to a reasonable standard of living.

*QDN recommends that the Bill:*

- *Include provision for health and safety reasons for ventilation and lighting to be included in the standards.*
- *Standards and repairs be overseen by a third-party administrative body and the new repair orders which will apply to a property and repair order should be made public (RTA will be sent repair orders).*
- *Gives consideration going forward to minimum accessibility standards in rental properties recognising there are many properties that are accessible to the vast number of people with disabilities who are renters.*

### **Privacy**

People with disability, like other members of the community hold their privacy and knowing who is going to enter their home and when, as fundamental to living in their home.

*QDN recommends that the Bill:*

- *Insert a provision that the tenant must have notice of inspection or visit to protect the privacy of the tenant. A person with a disability should not have a surprise inspection or visit as this is a distressing intrusion into their "home".*

## Conclusion

The Housing Legislation Amendment Bill 2021 is welcome, and the Government is commended for reforming rental legislation. In particular the Domestic and Family Violence provisions are highly regarded.

This legislation will regulate the rental market for the next 20 years in a climate where the rental market is under stress from interstate migration and high demand for scarce rental properties. A balance needs to be struck that will be sustainable.

QDN considers the capacity to make minor modifications critical for people with disabilities given the scarcity of accessible housing and the practical needs of people with disability.

That the rental market be regulated so that it is fair and honest, and that end of tenancy provisions are fair on all parties, and that minimum standards incorporate basic to life options and are fundamental to looking forward and to safeguarding the future.

QDN's suggestions in this submission are based on member's views. People with disability are vulnerable in many ways and this is true in their pursuit of housing in the rental housing market. End Submission.