

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024

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As home ownership has become less and less affordable, a growing number of people find themselves caught up in the rental market. For many, renting is not a temporary step, with cost of living pressures, relationship break ups and unemployment there are a growing number of people who are long-term renters and will rent through their entire life, including into retirement. The failure of the rental housing system coupled with the tight rental supply and little to no regulation of rents has seen a current situation in which market rents for residential properties are beyond community expectation of a fair market value for the rental offering.

Application Stage:The first hurdle for tenants is applying for rental properties. Tenants are required to provide a vast amount of personal information across multiple agencies or landlords. The reality is how much of this information is really necessary for determining if they can afford and look after a property and abide by tenancy obligations? There is also a lack of consistency in the application process leaving tenants unable to simply fill in one online or paper based form and provides the same information across different agencies. We must ensure there is adequate protection with regards to the collection and use of private information. Reforms are needed to provide greater transparency and protection in relation to privacy, and unlawful discrimination at application stage. Tenants should not be forced to use an App which gives away their personal information to an unknown third party. Change must be made to the application process to ensure that the only information collected is the proof of ID, the ability to pay the rent and past references. The type of car and other information is irrelevant. The Government sets the ID requirements for 100 point ID check, yet letting agencies apply much lower points and insist on taking up to 6 documents to prove ID when according to Government guidelines in most cases only 2 documents would be required.

Minimum StandardsWhile tenancy regulations across all states and territories require properties to be provided and maintained in a habitable state, the detail and level of regulation varies considerably. While I acknowledge that there have been some recent changes made to tenancy laws in Queensland these do not go far enough to provide fair rights for all parties and still favours the landlord to offer substandard properties at highly inflated rental prices. The burden of ensuring rental properties meets the new minimum housing standards is the responsibility of the renting agent yet what professional training are they provided with to know if a property is structurally sound? This burden is then passed onto the tenant, the hidden dangers with this approach is that many issues can easily be missed to the untrained eye. For example how can a prospective tenant be sure that a property meets the minimum housing standards and is structurally sound? It is vital that with the introduction of minimum housing standards there must be enforcement and legal responsibility by the owner and letting agent.

Bond:While the introduction of a portable bond scheme has merit but how does this work when a new rental property demands 4 weeks bond + 2 weeks bond upfront? A person does not have the luxury of stepping from rental property to the next at the exact time one tenancy ends which means a tenant is paying for two properties at the one time and waiting to recoup the bond.

Rent Increases:There must be the introduction of a limit on the percentage a rent can be increased by. Currently in most instances it exceeds any interest rate or cost of living rises. Greed has become the new rate increase benchmark. No one should be offered the choice of substandard properties which demand high rents, exorbitant rent that means over 40% of income is spent, or homelessness. The failure of the rental housing system coupled with the tight rental supply and little to no regulation of rents has seen a current situation in which market rents for residential properties are beyond community expectation of a fair market value for the rental offering.

Agent Conduct:Immediate change needs to be made to the conduct of rental property agents. There is a

need for a legislative scheme for mandatory continuing professional development for property agents. This also needs to flow onto Office of Fair Trading inspectors who must have powers to require property agents to produce relevant documents and information relating to the training requirements. Current deceptive practices of rental property agents must be stopped. There must be a clear expectation of the rental sector Code of Conduct to foster appropriate and professional practices in the rental market. No renting agency should force a tenant to use a method of rent payment that results in the tenant incurring a fee. The tenant must have choice in the payment method, this is a nonnegotiable condition.

Condition Report: There needs to be an overhaul of the entry and exit report method currently used as it is open to interpretation, discrimination and unfair financial burdens. At the start of the tenancy the new tenant must be provided with proof of any professional carpet cleaning that was done. They must also be provided with proof the property meets water compliance requirements and water charges will apply.

Misrepresentation: We must stop agents from using outdated and digitally enhanced photos of properties that do not accurately represent the actual property. This misrepresentation leads to tenants wasting time driving to properties they would not have given consideration to had they known the actual state of the property prior. Section 212 of the Property Occupations Act 2014 (Qld) (PO Act) relates to false representations about property. Section 212(1) of the PO Act states that a licensee or real estate salesperson must not represent to someone else anything that is false and misleading relating to the letting. Photographs used when marketing a property for sale or rent may be false or misleading if they lead a prospective buyer or tenant to believe in the existence of a state of affairs that does not in fact exist. Photographs may be considered misleading if they are digitally altered or enhanced, and the alterations or enhancements materially change the photograph, or the perception provided by the photograph.

Summary: We need to see an overhaul of national tenancy laws as they are outdated, inconsistent and do not take into consideration the current housing crisis and cost of living burdens. Finally the most important item to be addressed on a national level is to ensure that renters cease to be treated as second rate citizens who should endure any standard of housing offered to them and simply be grateful. I cannot stress enough that urgent action is required as the face of homelessness has changed. It is no longer the society definition of the "beggar in the street" and now is in fact working Australians or even Australians who have served their country. I am gravely concerned with this new reality of housing in Australia. Access to safe and secure housing is a basic human right but sadly a right that has now been taken away from many.