

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024

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Via email – hbbmc@parliament.qld.gov.au

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024

Dear Committee Secretary,

The Community Housing Industry Association (CHIA) Queensland welcomes the opportunity to respond to the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024* (Qld).

CHIA Queensland is the independent industry body representing and supporting community housing providers (CHPs) in Queensland and advocating for social and affordable housing policy and programs.

Our member organisations provide a wide range of homes – long-term housing for key workers and those on low and moderate incomes, purpose-built developments for seniors, homes for people with disability, as well as crisis and transitional accommodation for those at risk of homelessness.

Collectively, our members own or manage more than 11,000 social and affordable rental homes across the State valued at over \$3.3 billion. The housing our members provide changes lives by providing safe, affordable homes to people on low and moderate incomes.

Response to the Bill

CHIA Qld supports the overarching intent of the Bill to strengthen renters' rights, support private investment, provide better pathways to resolve issues in tenancies and stabilise rents in the private rental market.

CHIA Queensland has consistently advocated for the exemptions which apply to public housing under the Residential Tenancies and Rooming Accommodation Act 2008 to be extended to social and affordable housing delivered by CHPs. As such we are pleased to see that CHPs and Specialist Homelessness Services have been included in the definition of 'exempt lessors' however we hold concerns regarding the scope of the definition and the application of the exemption. We are also concerned that several provisions may result in CHPs being unable to comply with the requirements of their funding agreements. These concerns and our recommendations are outlined below.

Meaning of Exempt Lessor (clause 12)

- As drafted the definition of an 'exempt lessor' only includes CHP properties which are funded under either the Housing Act 2003 or the Community Services Act 2007 and where the amount of rent payable is determined by household income.
- This means that Community Housing properties which may be funded by the Housing Australia Future Fund Facility (HAFFF) or other funding streams are excluded unless they concurrently receiving funding under the Housing Act or Community Services Act.
- It should be noted that the first funding round for the HAFFF has recently closed, and CHPs in Queensland have submitted proposals to develop thousands of social and affordable homes for Queenslanders in need.
- It also excludes affordable housing delivered by CHPs, though it is unclear whether the exemption will apply to affordable housing where household income is a determinant but not the sole determinant of rent. For example, where rent is capped at 74.9% of market value but not exceeding 30% of household income.
- The exclusion of affordable housing may pose an operational constraint on CHPs where they operate a building comprising both social and affordable housing properties. It is common for a single property to move between being offered as social housing or affordable housing so the CHP can manage the tenant mix and rental return on a building.
- The definition of 'exempt lessor' also excludes CHPs who are Specialist Disability Accommodation (SDA) providers, where rent contribution is determined by reference to the Disability Support Pension and Commonwealth Rent Assistance rather than household income and capped by the Maximum Reasonable Rent Contribution under the NDIS Pricing arrangements for SDA.
- CHIA Queensland recommends the definition of 'exempt lessor' be amended to include all registered CHPs and SDA providers; and lessors who receive funding under any State or Commonwealth arrangements, where the amount of rent payable for the premises is determined by (or with reference to) household income.

Rent increases (clauses 14 & 16)

- The exemptions in s91 (3) and s93A do not include the new 'exempt lessor'.
- 'Exempt lessors' should be excluded from providing details of the last rent increase where rents are determined by income, as this may cause significant confusion where the previous tenant has had a different assessable income to the incoming tenant.

Minimum period before rent can be increased (clause 19)

- There are no exemptions provided in s105B regarding the operation of rooms under a rooming accommodation agreement.
- A clause should be added to exclude 'exempt lessors' to account for social housing properties which CHPs manage under rooming agreements, e.g. boarding houses.

Application for residential tenancy (clause 50)

- The definition of 'exempt lessor' in s57B (7) differs from the definition used in s82A in that it does not require rent payable to be determined by household income. It is unclear if this variation is intentional or a drafting error.
- As written these sections limit the information CHPs can request from prospective tenants.
- In effect this will mean CHPs would be unable to comply with the terms of their funding agreements where they are required to collect certain demographic data to ensure eligibility of tenants, or for reporting purposes where housing is targeted at particular cohorts.
- The amendments to the definition of 'exempt lessor' as noted above should also be applied to the new definition at s57B (7).

Application for rooming accommodation (clause 51)

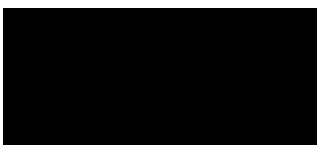
- No exemptions are provided for in these sections.
- The same exemptions should apply to s76C as outlined above regarding s57B.

Protection of personal information (clause 80)

- The limited grounds for collecting personal information may pose significant issues for CHPs.
- Funding agreements require CHPs to assess both 'suitability' and 'eligibility' of prospective tenants and maintain records of current and former tenants.
- CHPs collect and report data including demographic data, tenant survey data etc under the National Regulatory System for Community Housing (NRSCH).
- CHPs delivering SDA also need to collect personal information from a tenant or resident to assess the ongoing suitability of the premises.
- Requirements under s457E to destroy information after three months would also impact providers' ability to maintain a waitlist for their housing and negatively impact applicants.
- These sections should be amended to enable CHPs to collect and store information so as to meet the requirements of their funding agreements, report as required under the NRSCH and maintain a waitlist where relevant.

CHIA Queensland thanks the Committee for the opportunity to make this submission, and for their consideration of this and the Bill.

Yours sincerely



Annemaree Callander