

## **Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024**

**Submission No:** 101  
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## Introduction

Well publicised that QLD Government is not building enough houses for rent AND the rental market is difficult,

YET, QLD Government continues to impose 'requirements' at the cost to the private landlord. Ultimately private landlords will sell their rental properties - RENTAL PROBLEMS are EXACERBATED.

If there is a lack of specialist housing for people with disabilities and for old people, why does the QLD Government target these for building instead of making the private landlord modify their houses? The QLD Government is not achieving its targets, but wants/forces the private landlord to fill the gap.

## Installing modifications / Personalisation changes

When the potential renter views a property and it is not suitable for their needs or wishes, it is best they find something suitable. NOT to force a private landlord to modify the house.

## Stage 2 - Rental law reform - April 2023

Page 2 "QLD Government is committed... better renting future..."  
BUT, Inadequate # builds by QLD Government and apparently no focus on much needed Disability Focused Housing?

Page 4 Overview ".... expect to rent longer or be life long renters..."  
Where is the data to support this? My experience has been people want to rent for 6 months, maybe 12 months (Long term!)  
"... strike an optimum balance..." - Seems highly shifted to renters rights  
"... 2021 amendment..." - Again, outcomes geared towards renters  
"... extensive consultation in 2018..." - I have heard that there is no/minimal representation from Landlords  
"... Queensland housing market ... under significant pressure ..."  
QLD Government has built insufficient new houses and not met their OWN TARGETS. Not given priority to disabled suitable properties?

"... Strong rental law reforms can help to stabilise and alleviate pressure..."  
 Seems the laws are aimed at making landlords expenses increase, conformance increase, ultimately landlords will pull out of rental market and so far QLD Government has shown to be inadequate at building properties for rent.

"... critical in ensuring ... maintaining investor confidence to minimise disinvestment..."

QLD Government is not listening to landlords. The opposite will be happening.

"Australian Housing and Urban Research Institute in Nov. 2022 found little evidence ... impacted investment in private rental housing..."  
 Not sure that is entirely correct - does "private rental housing" include holiday rentals??

"... 600,000 renting households in QLD..." - How many are private landlords? (Vast majority?)

"... on March 28 2023 the Premier announced ... rent increases to once per year from 1 July 2023..."

We ~~go~~ do this currently anyway.

Priority Issues for discussion

1. Installing modifications

If at the time of renting it is not suitable for your needs - don't rent it. PLUS QLD Government should focus on these specialist type properties. Leave the other "standard" properties for the private landlord.

2. Making minor personalisation changes

Again, if its not right for you - don't rent it. Also, what is "minor"? who pays to do them? who pay-

to re-instate? Current bond does not cover "delinquent" tenants now.

3. Balancing privacy and access

Not clear - Landlord just leaves tenant alone? - Privacy

Information - Landlord cannot ask questions

+ Improving the rental bond process

"rental bond settings" - what exactly does this mean?

"appropriate security" - Does this mean if changes are past into legislation, rental bond will INCREASE?

Because, currently 4 weeks bond does not cover damages and rent arrears. So, it will not cover re-instatement of a property that has been "personalised" or had security or ramps etc etc added!

5. Fairer fees and charges

Rent, utilities, reletting

page 7 ".... owners need .... manage their investment risks ... have SOME(!?) say .... what changes..."

I think a landlord that has invested hundreds of thousands of dollars to buy a rental property has to have WAY MORE than "some" say!

"... owners often have more information about the structure and building materials used in the house..."

"... such as presence of asbestos, location studs for anchor points .... and location of utility lines..."

WHAT! Landlords now have to be architects, structural engineers, builders AND materials specialists?!

"... can ensure changes are installed and removed safely

so already seems a done deal

By who? whose cost?

By who?, whose cost who pays for rental income job(s) done next tenant c

ALL LOST MONEY FOR THE LANDLORD!

Current Law

"... can agree to changes..." " ... whether changes need to be removed when the tenancy ends"

EVEN UNDER CURRENT LAW - what are allowed "changes"?  
Who does them? Who removes them? Who pays? When need to be done by? (At end of tenancy, at which time the tenant has left and little chance of tracking them down and getting them to pay!

"... renters liable for costs..." - Even now 4 weeks bond does not cover rectification or damage costs!

"Other jurisdictions" (Vic, NSW etc)

If QLD Government wants to cherry pick what is best for renters, then not relevant to QLD

OR There should be a NATIONAL rental legislation  
Renting is Renting - nothing specific to ANY state.

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Issues

Feedback 2021 - Appears mainly from renters. Apparently, the Committee did not include / allow landlords to be party to discussions / submissions.

If a property is rented - It is accepted "as is". Renter can't start changing it later. If its not suitable at the time, don't rent it.

"Many people with disability" ... meets their needs is difficult"  
Yes, this is a shame. SO, what is QLD Government doing to build these specialist houses? why should the onus fall on private landlords? It is important, QLD Government needs to get building ASAP!

People with disability

The quoted paragraph is non-sensical.

"CURRENT construction does not meet standards. Existing housing stock will not be required to meet these construction standards."

BUT private landlords must change the house to suit?  
Again, it is a priority to help - so QLD Government need to take

Yes I agree. A lot of problems for people with disability - So, QLD Government should shoulder the burden ASAP

### Families and Children

If not suitable, don't rent it. As families later change, who pays, who reinstates, what is the time-table? (When tenancy has ended!)

Again, major changes - No thought into details, costing, who is responsible, timeline to re-instate to original.

4 weeks bond will not cover it!

### Seniors

"... rental housing will need to meet the needs..."

So what is QLD Government doing? Down to private landlords again.

2019/2020 ONLY DATA ....

"... 7,122 injury deaths ... 71% ... due to falls ..."

DATA? 2 in nursing homes, private homes, government homes, rental homes ... on the road, in shopping centres?

Surely, not all 7,122 injury deaths were in private rentals?

### Domestic and family violence

Yes, a terrible issue. Police need to act.

Security screens, dead latches, wireless(!) cameras

OK, needed. But who pays for it? who pays for installation?

Surely, the QLD Government should be providing "safe homes" for these people? Again, being left to the private landlord!

### Property Owners

Appears they have no say, no choice, have to pay for.

Seems all of the proposed legislative changes are at a COST to the private landlord. I have not read one single benefit from any of the "option 2, option 3" alternatives.

So - I vote for OPTION 1 + Education

Because: No clarity - who pays, who does, who reinstates  
- when is it done?

Lack of definitions - This all should have been done prior to release of "proposal"

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### Questions about installing modifications

1. The problems have not been identified from Landlords view
2. Likely to get landlords pulling out of rental market
3. As above
4. Specify prior to rental - "You viewed it. If you like it, rent it  
OR QLD Government build specific houses for Disability, Seniors and Domestic Violence
5. It should not be easy...
6. Why do we have to come up with an answer? Why did nobody on the many committees and many hours spent, sort this out.
7. Before renting the property...
8. \_\_\_\_\_"
9. When the landlord considers it will affect their rental investment and ongoing rental potential
10. \_\_\_\_\_"
11. One month. Longer if building/technical advice is required. Tenant to pay for 3rd party advice
12. Whether it affects the value of the property, detrimentally. And any ongoing loss of rental potential
13. Not aware of this sector

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### Making Minor personalisation changes

"... more Queenslanders ... renting as a long term housing solution..."  
 → I am not sure the data shows this. Quoted research appears to include holiday rentals as "rentals". So, a flawed, inaccurate premise.  
 Also, "long term", what is the number of years? We have had very few longer than 12 months. A lot want 6 months.  
 So, to change my house to suit people for say 12 months is NOT at all viable.  
 Plus, if renters don't like what they see - Rent something else.

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"... freedom to make small personalisations..."  
 What EXACTLY does this entail? Who pays? who re-instates?  
 Who pays? Timeline? What happens if it is not re-instated?  
 Because, by know the renters are nowhere to be found!

## Current Law

"...to agree any changes..." "....changes need to be removed"  
"... Renters are liable for costs..." "... regardless.... agreed"

It is clearly defined - by agreement, Renters cost to install and remove.

~~There~~ There is a clear dispute process

BUT often costs can exceed the bond, claiming compensation if (as often does) exceed bond is not easy once the tenants have moved out. May not be able to track them down, get them to QCAT etc etc

## Other jurisdictions

Appears consistent in this case. Again, should have a National/Federal law for renting.

## Issues

Again "long term" is not detailed in the data

"... feels like home..."

Again, if the home is not what they want at the outset. Find another that suits them.

But "feels like home" is OK for agreed picture placement, agreed that renter buys new curtains.

"... installing telecommunications..." Not working for me. I want my renter to install NBN FTTP (at zero cost), In this case it can only be done if the RENTER agrees.

"... ability to reduce energy and water costs..."

Who pays for this currently? What if the renter wants double glazed loft and wall insulation, new plumbing/taps etc etc

A lot of potential cost - who pays?



"... property owners ... protecting their financial investment..." (8)

YES, it is a major cost for a private property owner. They do not have the spare capital to throw at these (unforeseen) expenses. Again, QLD Government is putting the "hard word" on landlords whilst their commitment is left to slide.

"Many property owners noted damage..."

Absolutely agree.

up to the end of the last paragraph

"However, ... longer tenancy relationship ... increases the value of the property".

This statement is not backed up by data, it is just horesay.

### Reform Objectives

"... explore options to..."

Why has this not been done? Why have the numerous hours spent by committees not detailed this aspect? Very poor policy. Seems - Law is passed and we will look at it later - No, that's not the way it should be done.

### Options

I go for Option 1 - Status Quo + Education

The current legislation is full of holes and undefined terms. This Stage 2 just adds more

1 will opt for OPTION 1  
- lessor of all "evils" on offer for the landlord.

### Questions about making minor personalisation changes

1. That the QLD Government focuses on "special needs" housing and the private landlord focuses on "day to day" housing
2. If the onus is put on private landlords, they will ultimately exit the market and the available houses for rent will be even further reduced.
3. As above
4. QLD Government focuses on specialist housing or ones where renters require "personalisation". The QLD Government has deeper pockets and ability to work on economy of scale for required modifications
5. Minor personalisations can have a ~~major~~ major impact on the costs to a private landlord: Costs to put back the property to the way it was, lost rental income whilst the rectification is carried out or inability to re-rent as the "personalisation" is not suitable to the next renter. A vicious circle is set up.
6. As we have now. OK to hang pictures that do not destroy walls.
7. If it is a cost to the landlord. Gives no return to the landlord.
8. That it is not "minor". That it has a detrimental affect on the landlords investment.
9. All the time - by agreement
10. Depends on how complicated the change is. Time by agreement between renter and landlord
11. Too vague a question
12. Not aware of this situation

\* Most landlords would be happy to agree to changes for a GOOD tenant. Maybe it is the bad tenants that have the problems \*

## Balancing privacy and access

"Privacy and quiet enjoyment" and "property owners need for information."

These 2 elements are unrelated. The first is during the time of rental and is for the benefit of the renter. If a renter is not given this right, the landlord will lose a customer. So generally, a landlord is very careful to ensure his customer/renter has "Privacy and quiet enjoyment".

~~However, a "bad" renter may~~

The second is prior to renting a property. This is for the benefit of the landlord, so that they do not rent to an "unsuitable" tenant i.e. can't pay, bad character, doesn't look after the property, may have a history of violence. Why should a landlord not be able to determine if a potential renter is suitable? However, this aspect of the review is very badly put together. It references to COVID-19, which is well reported as being no longer an issue. You cannot legislate based on a past event.

## Current law

Entry - "quiet enjoyment" - Perfectly acceptable and reasonable.

Privacy - A landlord needs to establish the character of, and the renter's ability to pay.

As regards "...secure storage of information". Numerous Federal, State and large companies have been hacked. So, in this regard, information a landlord has (generally a hard copy, or a one-off phone call) is FAR MORE SECURE. I can't even get the RTA to remove my information from its potentially hackable data base!

## other jurisdiction

if this legislation keeps referring to "other jurisdictions", it should just move to one Federal rental law.

Renting is Renting - it is NOT state specific!

Entry

I have found that tenants who went to "conceal" things, are the ones that have left my property in a terrible condition.

The other tenants have been very good, are open to notified inspections, remedial work etc. These people have required little in the way of inspections and were generally hardly inspected. My property was returned in a very good condition. Sometimes bad tenants use "Privacy" to conceal their abuse of a property. Often good tenants have Privacy because they look after a property.

The "tensions" often only exist between bad tenants and good landlords. What landlord wants an abusive, dirty tenant? And a landlord does not want to "upset" a good tenant and is happy to work with them, give extra notice etc. But, emergency maintenance must always be addressed ASAP.

There appears to be lots of reference to Renters and advocacy groups, but hardly any to Landlords groups - why is this?

I am at a loss as to why any landlord would want to upset a good tenant. ~~They~~ They want to rent the property. But not to "bad" tenants - it is these type that need to be regularly checked.

"Many renters shared experiences of:"

As regards these bullet points, I do not believe these are widespread. No data on their occurrence. Some could be taken out of context - Getting a Tradie can be a major issue - you grab them when you can. I accept this as an owner-occupier, a rental property gets no favours from a Tradie.

"concern about living habits", I try to keep my house tidy and presentable, ~~and~~ <sup>should</sup> a renter <sup>be</sup> any different?

There are no "shared experiences" from Landlords .... not a balanced view is it?

Need to clearly show the day to day practicalities of getting access. Getting hold of Tradies is notoriously difficult.

They can promise one date, no show or arrive another day. As an owner-occupier I accept this, I try my best for my renter, but sometimes reality is the same, renter or owner-occupier

Co-ordination can be very difficult. Good tenants I have had except this and are reasonable. Landlords generally do not go out of the way to be difficult. They don't want to lose a good customer!

## Privacy

Most of these six bullet points are key to establishing the suitability of a tenant to rent a property. It says "some or all" This is not a definitive statement, nor is backed by data. I would say most landlords do not use some of the more onerous methods. The first two bullet points are substantially the same. If as you advertise, rentals are "increasingly long term" a two year history may be the last rental....

Again, concerns raised about "cybersecurity". It is more likely that RTA or QLD Government will be hacked than a landlord with a few paper files. I am concerned about QLD Government and RTA cybersecurity, but I am brushed off. So who are you to judge?

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A landlord needs to establish the credentials of a prospective tenant that may want to rent their multi thousand \$ property / investment. I do not utilize "3rd party platforms". Many private landlords do not either. Again QLD Government's data bases are more likely to be hacked (as they have been I believe). Yet you are telling other organisations to have unhackable cybersecurity - Wow!

## Options

Options 2 and 3 do not appear to address the privacy aspect of the initial renter application. Surely, after all the hours you spent in all of the committee meetings

you could arrive at some consensus? Some "best practice" (13) discussion points? Another missed opportunity

The use of electronic visual inspections or video conferencing?? How is that intended to work? I thought you were worried about cybersecurity? Also, what if one or both parties do not have access to this technology or are able to "work it"?

Also, it would be easy to "miss items" when using this technology, the tenant would be doing his own inspection? A physical inspection is a far better way to go. Again, this aspect is poorly thought through.

It appears that option 2 balance and option 3 limit are both favouring the tenant - more restrictive on the landlord, so not ~~neither~~ balanced, but very limiting.

So, I would opt for option 1

Page 25 Questions about balancing privacy and access

1. None of the alternative options are very good
2. If option 2 or 3 is made law it impacts unfavourably on private landlords. So, landlords are likely to exit the property market.
3. \_\_\_\_\_
4. Round table involvement of private landlords. Appears they have been excluded from the process
5. Consider from landlords point of view to get agreeable and practicable time lines for access, maybe what is in current legislation
6. For emergencies - 24 hours. For non-emergencies/maintenance 72 hours. For inspections 5 <sup>normal</sup> week days.
7. Letter/talk to current employer. 4 months of wage slips  
Letter/talk to previous landlords. Letter/talk to 2 personal references

8. Kept for duration of tenancy + one year  
stored and handled to prevent/minimise data breach.  
often these records are not kept in hackable form.  
No record of a landlord being "hacked"?  
Unlike Federal/State Governments and large companies.  
So, generally landlords records are more secure than  
the organisations making the rules for Cybersecurity.
9. Not aware of this aspect

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### Improving rental bond process

No mention of this aspect → Current 4 weeks bond is often not sufficient to cover for damage and/or rent arrears at end of a tenancy.

### Other jurisdictions

QLD Government needs to stop "cherry picking" from other States.

There should be a National/Federal Rental Law.

"Renting is Renting"

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### Reform Objectives

Options 2 and 3 are substantially the same.

Option 2 "substantiated" vs option 3 "Proven". I think most thesauruses will find no difference?

So, in reality only 2 choices. After an extensive review process, the outcome for law change appears one sided.

So a poorly formatted "legislative review" leaves me to choose OPTION 1.

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### Questions

1. None of the options effectively addresses in a balanced way, the "identified" problems
2. If the process is moved more in favour of the renter, private landlords will exit the market
3. As above, 2

4. Review the possible increase in bond. Positive effect would be to make renters LESS likely to cause damage or get behind in rent
5. The amount of the bond - INCREASE it
6. For damage and non-payment of rent
7. Damage: Photos  
Non-payment - Rent/bank records
8. By legislation - And INCREASED
9. Ensure ALL renters have access to a fair/fee free government backed fund. End 3<sup>rd</sup> party lenders
10. Not aware of this aspect

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### Fairer fees and charges

#### Current

Fees - OK

Service charges - OK

Options 2 and 3 appear basically the same

This section is again not well thought through.

Fees - Yes, ensure there is a "no fee" rental option

Utilities - Yes, ensure & timely delivery of the bill to the renter  
AND timely payment of the bill by the renter

Break Lease - The pro-rata criteria/penalty is not balanced.  
Best case 4 weeks rent, worst case 1 weeks rent!  
Neither is enough to cover advertising, getting a new tenant and when the new tenant actually moves in  
So, the landlord would now be WORSE off for a renter who has broken their CONTRACT.

This legislation will be in place for MANY years and must allow for good and bad times as far as a landlord getting a tenant.



The break-lease aspect should consider the costs a landlord has to endure through no fault of their own. To limit it to a MAX of 4 weeks rent is not fair nor reasonable.

So, as options 2 and 3 are (again) basically the same,

I opt for option 1.

BUT, but it is fair and reasonable for the landlord to give the utilities bills on a regular, timely basis. This is good practice for best renter/landlord relationship.

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### Questions about fairer fees and charges

1. Neither option 2 or 3 is an ideal alternative. Poor legislation
2. Potentially increase landlords financial risks. So, landlords will consider exiting the market
3. As per 2
4. Consultation with private landlords. Option 2 and 3 are basically the same
5. Include "fee free" payment options for the renter
6. All the time. Utilities have to be paid for by the user.
7. Forward within 2 working days. PLUS tenant must pay the landlord within 5 working days after receipt of the bill.
8. Reasonable consequence? Are you going to fine the landlord?  
So, conversely a fine if the renter does not pay "on time"
9. ALL THE TIME
10. Compensation - Based on rent lost and expenses incurred. Duo to the renter breaking a CONTRACT. So, basically time/money lost till a new tenant is found and MOVES IN.

## Summary of the proposed change(s)

This is a 36 page document for proposed law changes. A conclusion of many hours over committee meetings over many months.

There appears to be little/no input from private landlords who will have to bear the brunt of these changes.

Overall, there appears to be absolutely no benefit or help for private landlords.

All seems biased towards tenants.

It has not been a fair or equitable consultation process.