

2 December 2022

## **RE: KEEPING PETS IN RENTAL HOMES CONSULTATION**

To the Office of Customer Service - Residential Tenancies,

As you may be aware, the Tenants Union of NSW provided a number of recommendations in their submission to the consultation on keeping pets in residential premises. I am writing to inform you that Homelessness NSW endorses these recommendations from the Tenants Union of NSW.

Homelessness NSW is a not-for-profit Peak Body working to end homelessness in NSW. We exist to build the capability of people and capacity of systems to end homelessness. We have a vision for a future where everyone has a safe place to call home. Our 180 members include specialist homelessness services, allied organisations and services. We work with our members, people with lived experience and a broad network of partners to understand drivers of homelessness, advocate for solutions, build skills and knowledge, and scale innovation.

Across NSW there are less than 1% of rentals available for people on low income. Many of whom make up the 50,000 people waiting 10 years or more on the social housing waiting list. In such a competitive market for rentals, low-income pet owners seeking a rental property are at an increased risk of homelessness, as landlords can deny tenancy solely based on pet ownership.

For people experiencing homelessness the lack of suitable affordable accommodation allowing pets is a significant barrier. Their journey to safe and supported housing can often be obstructed just by being a pet owner. As you can appreciate, the companionship, protection and comfort provided by pet ownership is often invaluable to the wellbeing of people who have experienced the trauma of homelessness. Pets should not need to be surrendered in exchange for secure shelter.

As a result, to reduce the barriers currently faced by people, including people who are homeless in keeping pets, Homelessness NSW endorses the following recommendations made by the Tenants NSW:

### **Make it easier for people who rent their homes to keep pets**

- NSW residential tenancy laws on keeping pets in rental properties should be changed to make it easier for renters to keep pets.

### **Model of reform**

- Where a landlord wishes to deny permission for a renter to keep a pet, the onus should be on the landlord to obtain a Tribunal order allowing them to refuse consent.
- Consideration be given to adding Guidelines for the keeping of pets in residential premises to the *Companion Animals Act 1998*. These guidelines would apply equally to pet owners regardless of tenure, and could be relied on by the Tribunal when determining whether a landlord's consent is being unreasonably withheld.

### **Reducing barriers for people with pets to secure a new rental home**

P. 02 8354 7605

E. [admin@homelessnessnsw.org.au](mailto:admin@homelessnessnsw.org.au)

W. [homelessnessnsw.org.au](http://homelessnessnsw.org.au)

ABN: 37 596 554 677

We acknowledge the traditional owners and custodians of this land as the first people of this country. Always was, Always will be Aboriginal land.

- Landlords and agents should not be allowed to ask about pet ownership when renters are applying for a property by prohibiting them from requesting this information in the *Residential Tenancies Act 2010*.
- Blanket 'no pets' terms should be prohibited in residential tenancy agreements.
- Landlords and real estate agents should continue to be prohibited from requesting pet bonds.

### **Strengthening renters' confidence and protections to assert rights**

- The 'no grounds' eviction provisions (sections 84 and 85) of the *Residential Tenancies Act 2010* should be removed and replaced with a range of 'reasonable' grounds for ending a tenancy, based on community consultation.

Please also see responses to the questions raised within the Consultation Paper appended below.

Thank you for considering our submission to this consultation. To discuss further, please contact Hamish McIvor, Senior Policy Officer via (02) 8354 7695 or [hamish@homelessnessnsw.org.au](mailto:hamish@homelessnessnsw.org.au).

Yours sincerely,



Trina Jones

Chief Executive Officer

*Further discussion regarding questions raised within Consultation Paper*

**Question 1: Should NSW residential tenancy laws on keeping pets in rental properties be changed? Why or why not?**

Yes. The benefits to changing NSW residential tenancy laws to make it easier for renters to keep pets include:

- Animal welfare.
- Physical and mental health and wellbeing benefits for people who keep pets.
- Improving the safety of people experiencing domestic and family violence who may otherwise delay leaving violence because of a concern for their animals' safety.

**Question 2: Would you support a model where a landlord can only refuse permission to keep a pet if they obtain a Tribunal order allowing them to do so? This is similar to the model that applies in Victoria, the ACT and NT. Why or why not?**

Yes.

**Question 3: Would you support a model where the landlord can only refuse permission to keep a pet on specified grounds, and the tenant can go to the Tribunal to challenge a refusal based on those grounds? This is similar to the model that applies in Queensland. Why or why not?**

This is an improvement on the current model in NSW, but would still disadvantage renters.

**Question 4: Is there another model for regulating the keeping of pets in tenancies that you would prefer? If yes, please outline the model.**

There are several other issues that must be addressed when considering reforming the way in which NSW tenancy law regulates the keeping of pets in rental homes:

- Discrimination - under reforms suggested here many renters will still be asked to disclose whether they have a pet at the application stage, meaning agents and landlords may simply set aside every application that includes a request for consent to keep a pet. **There should be a prohibition on asking about pets at the application stage, and a prohibition on 'no pets' terms in residential tenancy agreements.**
- Pet bonds - renters already pay bonds to cover potential damage to property, and allowing landlords and agents to request additional bond money from renters with pets creates unnecessary barriers for low-income renters trying to find a home. **Pet bonds are currently prohibited and should remain prohibited.**
- 'No grounds' evictions - while 'no grounds' evictions remain in place in NSW, renters remain vulnerable to being evicted in response to a request for consent to keep a pet. Renters making other lawful requests (such as for repairs) are already often met with 'no grounds' eviction notices in response. **'No grounds' eviction provisions should be removed from the Residential Tenancies Act 2010.**