

SUBMISSION TO THE

Residential Tenancies (Miscellaneous) Amendment Bill 2023

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CBSReforms@sa.gov.au

Submission prepared by:

Jodi Slater
Policy Manger

Kaurna Country
Level 1, 85 Hutt Street
Adelaide SA 5000
E cotasa@cotasa.org.au
P 08 8232 0422 1800 182 324 (Country callers)
www.cotasa.org.au

COTA SA welcomes the opportunity to provide a submission to the *Residential Tenancies (Miscellaneous) Amendment Bill 2023*.

COTA SA is an older people's movement run by, for and with older people. We represent the rights, interests and futures of 700,000 older South Australians. We engage widely with older South Australians across the state, in person, via phone and email. The lived experiences of the diverse community of older South Australians shape our policy and advocacy work.

Secure housing plays a critical role in the health and wellbeing of older South Australians, but a variety of factors mean that it is rapidly moving out of reach for an increasing number of them. As home ownership and access to public housing decreases, an increasing number of older South Australians rely on private rental housing. Currently, 20% of older (55+) Australian households are renters.

Affordability, security of tenure, accessibility, adaptability and ageing in community are critical considerations for older people when it comes to their housing. With an increasing number of older people relying on the private rental market as a long-term housing option, the *Residential Tenancies Act 1995* is an important vehicle to improve the viability of the private rental market.

This is of particular importance for women aged 50 years and over, who are the fastest growing cohort of people experiencing homelessness in Australia. COTA SA has been a proud and active member of Minister Cook's *Housing Security for Older Women Taskforce*, the report of which has been handed to Minister Cook. The report contains a number of proposals and recommendations pertaining to the *Residential Tenancies Act* that will further improve access and rights for older women who are renting. It is vital that these proposals and

recommendations are considered as part of this current amendment process so that the issue of housing security for older women can be addressed urgently.

We are pleased to see acknowledgement that relevant changes to the *Residential Tenancies Act* will set a precedent for the *Residential Parks Act*, of particular importance penalties. COTA SA has worked with the SA Residential Parks Residents' Association (SARPRA) over many years, to understand the lived experience of park residents and identify and advocate for amendments in both the *Residential Tenancies Act* and the *Residential Parks Act* that would improve the security and equity of their housing. With the majority of residential parks residents being older people and among the most vulnerable in our community, secure housing plays a critical role in their health and wellbeing.

We make the following comments in relation to the *Residential Tenancies Act Amendment Bill*.

Penalties

We are pleased to see that there has been a significant increase in the rate of penalties for non-compliance by landlords. Penalties play an important part in the compliance and enforcement of fair and ethical property management. We support the relevant changes to penalties in the *Residential Tenancies Act* that will set a precedent for the *Residential Parks Act*. The current penalties in the *Residential Parks Act* are inadequate to deter non-compliance of park operators and must be increased to act as a sufficient deterrent and punishment for breaches.

Longer Tenancies

Security of tenure is important to older renters and longer tenancies give peace of mind that they can remain in their home for a longer period. We are pleased to see:

- The minimum notice period required prior to the non-renewal of a fixed term lease has been extended to 60 days. High demand in the rental market has been difficult for older renters on a low and fixed income to secure a rental property. For some, this has resulted in experiencing homelessness. Sixty days' notice will allow renters more time to secure another tenancy. This is particularly important because it increases the time that older renters have to reconnect with navigation and support services which may help them to find new rental accommodation. For example, COTA SA often hears from older renters in this situation who are overwhelmed at the prospect of suddenly having to move house, and who may not be digitally literate or physically mobile to be able to search for a new home.
- The maximum liability for a longer-term tenancy has been capped to 1 month for each remaining 12 month period, not exceeding a total of six months.

Renting With Pets

Having a pet contributes to an older person's sense of security, and physical and psychological wellbeing. These are unequivocal outcomes in the Government's *Plan for Ageing Well 2020-2025*. COTA SA supports amendments to *the Act* that ensure tenants cannot have their request to have a pet reasonably refused. COTA SA is pleased to see that a pet bond scheme has not been adopted in the amendment bill.

Safety Modifications and Minor Changes

Safe and adaptable housing is important for older renters to remain in their homes as they age. Whilst COTA SA supports amendments to *the Act* that prescribe that a landlord cannot unreasonably withhold consent to an alteration or addition to the premises that is minor, necessary to occupy the premises without substantial risk of injury or required for a disability, we would also like to see the inclusion reference in *the Act* to age-related access and mobility issues. This is a recommendation in the *Housing Security for Older Women Taskforce* report.

Domestic Violence Provisions

COTA SA supports amendments to *the Act* that help to safeguard the wellbeing of victim-survivors of domestic violence. We encourage further investigation into additional amendments that would strengthen financial protections for victim-survivors of domestic violence and to help alleviate housing stress and homelessness, including for older women.

Residential Bonds

COTA SA supports a process, and supporting laws, that ensure tenants receive all bond money that they are entitled to. We urge Consumer and Business Services (CBS) to consider how it can facilitate such a process in the non-digital environment to ensure renters with low digital literacy or accessibility are not disadvantaged if they cannot lodge their details through Residential Bonds Online.

We note that no amendment is proposed to limit the residential bond amount to make it fairer for renters on a low and fixed income. We encourage this be investigated further to bring bond amounts in line with other states and territories.

Conclusion

Overall, COTA SA is supportive of changes to the *Residential Tenancies Act* that make the private rental market fairer and more accessible to renters, including older South Australians.

In addition to the proposed amendments, we highlight the importance of ongoing investment in promoting information and services that assist people to know and exercise their rights as renters, including receiving assistance to navigate a dispute or when something goes wrong. This information and advocacy must be easily accessible and easy to understand, including with consideration to people with low levels of literacy, including digital literacy, to ensure these renters are not disadvantaged.

Acknowledgement of Country

COTA SA acknowledges and respects Aboriginal people as the traditional custodians of the land of South Australia. We honour Aboriginal peoples' continuing connection to Country and recognise that their sovereignty was never ceded. We pay our respects to First Nations Elders past, present and emerging and extend that respect to all Aboriginal people.