

SUBMISSION TO THE

Review of the *Residential Tenancies Act 1995*

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INTRODUCTION

COTA SA welcomes the opportunity to contribute to the review of the *Residential Tenancies Act 1995 (the Act)*.

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. This feedback has been prepared in consultation with COTA SA's Policy Council and Rainbow Hub, and through a survey of older South Australians (n=93).

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 the population group. As home ownership and access to public housing decreases, an increasing number of older South Australians rely on private rental housing. As of 2021, 20% of older (55+) Australian households are renters.

Through our survey of older people's experiences in the current rental market, 89% of respondents are concerned about housing availability in South Australia and 81% are personally struggling with housing issues or are aware of someone who is.

Affordability, security of tenure, accessibility, adaptability and ageing in community are critical considerations for older people when it comes to their housing. A survey respondent explains, "affordability is self-explanatory, but security and quality of housing are important for liveability, community connections, access to transport and services, and both physical and mental health." 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 for older South Australians.

COTA SA acknowledges that the rights and needs of landlords must also be protected through the *Residential Tenancies Act 1995*. Many older people own investment properties as part of their retirement portfolio and have a right to derive an income from those properties. A balance must be struck to address the basic human need for secure, stable accommodation without unreasonable expectations or demands on landlords.

ISSUES FOR CONSIDERATION

The *Residential Tenancies Act 1995* review discussion paper highlights key issues that have a significant impact on the needs of older South Australians. Below, we have highlighted the most relevant and important sections of the discussion paper in relation to older South Australian renters and landlords.

Longer Tenancies

Security of tenure is important to older renters. Longer tenancies will give peace of mind that an older person can remain in their home for a longer period. We heard the following: “we would welcome 3 year and 5 year leases - one year is not enough. This could be an option after the first year of lease so that the landlords feel assured the tenant is suitable.” COTA SA supports *the Act* accommodating longer fixed term tenancy agreements, however we support Shelter SA’s view that longer fixed term tenancy agreements should only be introduced if tenants can continue to terminate leases without being responsible for the rent for the full lease term. This is particularly important for older people who may need to move into another home setting so that their care needs are met, or so that in the event of their death, the liability of the long-term lease is not passed to an estate or next of kin.

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. An extension of the minimum notice period required prior to the non-renewal of a fixed term tenancy to 60 days will allow renters more time to secure another tenancy.

Residential Bonds

In today’s market, older renters on a low and fixed income are significantly impacted by paying the equivalent of six weeks rent as a bond. COTA SA considers it fair and reasonable to limit residential bond amounts in line with other states and territories.

Investing in a process that ensures tenants receive all bond money that they are entitled to is important. In designing this process, 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.

Rent Bidding

Finding suitable rental accommodation within their budget and within their existing community has become a challenge for older renters, exacerbated by rent bidding, or being encouraged to offer more than the advertised amount. In our survey we heard, “rent bidding should be illegal...it's unfair and disadvantages those who can't afford to increase payments.”

COTA SA acknowledges that rent bidding is complex and disadvantages older renters who are at significant risk of being priced out of the rental market. This is particularly the case for older

renters who are not digitally literate, as they can be excluded from or not able to participate fully in a digital bidding process.

COTA SA supports options to safeguard renters from rent bidding and ensure there is transparency, equity and inclusivity in this process. We believe further exploration is required to determine whether it is necessary for *the Act* to discourage rent bidding, regulate or prohibit it.

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*. In our survey, we heard that older people are choosing not to own pets, or choosing to rehome their pets, to improve their rental suitability.

COTA SA supports amendments to *the Act* that ensures tenants cannot have their request to have a pet reasonably refused. We consider it fair and reasonable that *the Act* or a rental agreement include standard requirements for pets at a rental property, for example cleanliness, keeping the pet outside or inside, and processes around property damage to safeguard the landlord.

COTA SA is concerned that a pet bond scheme could put tenants in financial hardship and we urge further exploration of such a scheme to determine whether further protections are warranted to reduce property damage caused by a pet.

Safety Modifications and Minor Changes

Safe and adaptable housing is important for older renters to remain in their homes as they age. Allowing tenants to make minor alterations to their rental property to make it safe and accessible will contribute to this outcome.

COTA SA supports amendments to *the Act* to prevent reasonable refusal of safety modifications and minor changes. *The Act* or agreement needs to be explicit, however, in who is responsible for fixing any damage caused by the removal of safety equipment at the end of a lease.

Start of Tenancy Requirements

COTA SA supports streamlining the rental application process for renters, and we urge that any changes to the form is co-designed with the diversity of renters, including older people. Further, we support limiting the amount of personal information required in tenancy applications so that prospective tenants cannot be discriminated against because of their personal characteristics. While this applies to all characteristics, including age, COTA SA's Rainbow Hub for LGBTI elders highlights the importance of this amendment for LGBTIQ+ people, including older LGBTIQ+ people, in South Australia who are possibly more affected by discriminatory decision making, with transgender people the most vulnerable.

COTA SA has heard from landlords that the details that are important to receive are the number and ages of all the people living in the property. The reason for this is to ensure there is sufficient living space and the property is safe for all the people who intend to live there. This can prevent a property from being unlivable and it will allow a landlord or agent to address issues of domestic violence, child abuse or other criminal activity much more quickly and easily.

Domestic Violence Provisions

COTA SA supports further and thorough investigation of amendments to *the Act* that would strengthen financial protections for victims of Domestic Violence and that would help alleviate housing stress and homelessness for older women. COTA SA urges CBS to engage with a diversity of tenants who have lived experience of these situations, including through the State Government's Housing Security for Older Women Taskforce, of which COTA SA is pleased to be part.

Water Billing

COTA SA supports considerations that promote a water billing system that is equitable. This includes providing tenants with a copy of a water bill the tenant is required to pay within a specified timeframe. Further, providing tenants access to financial hardship concessions in relation to a water bill is important to alleviate cost of living pressures, especially for older tenants on a low and fixed income.

Who is COTA SA?

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. COTA SA reflects the diversity of modern ageing in terms of living arrangements, relationships, income, sexuality, culture, health, geography and aspirations. COTA SA connects with thousands of older people each year throughout SA. Our policy and advocacy are guided by the COTA SA Policy Council made up of older South Australians from a diverse range of backgrounds, along with a number of advisory groups. COTA SA's social enterprise, The Plug-in undertakes regular surveys with older South Australians in addition to its work facilitating access to older people for organisations, researchers and service providers. COTA SA is part of the COTA Federation with independent COTAs in each state and territory along with COTA Australia. The COTA Federation undertake regular State of the Older Nation surveys (2018 and 2021) to understand the views, life experiences and needs of Australians aged 50+.

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.