



Residential Tenancies Regulation 2019 consultation
Regulatory Policy, BRD
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26 July 2019

To whom it may concern,

We appreciate this opportunity to provide feedback on the proposed Residential Tenancies Regulation 2019, which will replace the current Regulation and enable the provisions of the *Residential Tenancies Amendment (Review) Act 2018*.

The St Vincent de Paul Society is a member and volunteer-based organisation that has been assisting people experiencing poverty and disadvantage across NSW for over 135 years.

Every day, our members visit people in need of support and provide them with food hampers, supermarket vouchers, EAPA vouchers and other material assistance. The majority of people our members assist – approximately 80% – are renting in either the private or public markets. We witness daily the impact of poor quality housing on people's lives, and we support efforts to improve the rental market's capacity to provide individuals and families with safe, secure, appropriate and affordable homes.

The St Vincent de Paul Society NSW also offers crisis and transitional accommodation, together with case management and wrap around support services, for people experiencing homelessness. And through our community housing provider, Amelie Housing, we provide social and affordable housing, with tailored support, to meet the needs of the growing number of people locked out of the private rental market.

There are several instances in which the proposed Residential Tenancies Regulation 2019 provides one set of rules for private landlords, and another for social housing landlords. We support the underlying principle that social housing tenants should have access to the same rights and protections as tenants in the private market; unless there is a compelling reason these groups should be treated equally. In most cases, the [Regulatory Impact Statement](#) does not provide such a reason.

People living in social housing are on low incomes, and have often experienced multiple forms of disadvantage. It is of concern, therefore, that the proposed regulations suggest that social housing tenants will have fewer rights, and be liable for additional fees and charges compared with private renters.

Where the Regulatory Impact Statement does offer a rationale for treating social housing tenants differently from private renters, the focus is on the potential financial impact on social housing providers. While we are well aware that social housing providers operate in a challenging financial environment, we consider that Government investment in improving social housing stock, and ensuring social housing providers are properly resourced, would be a more appropriate response.

Without further consultation and additional justification, we therefore do not support treating social housing tenants differently from private tenants as proposed in the following clauses:

- Clause 9 proposes that social housing tenants can be charged payment of an amount equal to a renewable energy rebate for the supply of electricity because of solar hot water panels. Private tenants cannot be charged this amount. It is unclear which rebate/s this clause refers to. Without further clarification this clause should not be included.
- Clause 10 allows social housing providers to charge tenants utility and cleaning charges for the use of a communal kitchen or other communal facilities. Private tenants cannot be charged. We consider all renters should be treated equally.
- Clause 17 provides a list of alterations considered to be of a minor nature, for which it would be unreasonable for a landlord to refuse consent. This includes safety measures (such as securing furniture to a wall, and childproof locks and safety gates), flyscreens and internal window coverings. The list also includes installation of wireless removable outdoor security cameras, but proposes that this subclause does not apply in relation to a landlord of a social housing premises. No reason is given for this exemption. Should the exemption arise from privacy concerns, we think this would be better addressed by clarifying that such cameras should not impinge on the privacy of neighbouring residents.
- Clause 28 allows social housing landlords to charge tenants for the supply of gas used to heat centralised hot water systems, where gas charges can be indirectly measured based on the quantity of hot water used by individual dwellings. We consider that this practice should only be allowed where the centralised hot water system is efficient and operates at an adequate standard. Again, social housing tenants should not be treated differently from private tenants.

In order to improve the standard of all rental housing, the St Vincent de Paul Society NSW supports the introduction of mandatory minimum energy efficiency standards. This would help tenants save money, have health and wellbeing benefits, and reduce energy usage and therefore emissions. While we were disappointed that minimum energy efficiency standards were not allowed for in the Act, the regulations present two opportunities to help make rental properties more energy efficient:

- In Clause 12, the list of prescribed water efficiency measures should include a requirement that hot water systems are in good repair and operate at an adequate standard which does not lead to excessive water consumption. We also consider it reasonable that any newly replaced or installed toilets be required to be dual flush.
- In Clause 17, the list of allowable minor alterations should include the installation of draught-proofing devices and materials to prevent draughts to doors and windows.

Thank you again for this opportunity to provide input into laws that can contribute to shaping fairer communities. Should you have any questions about the issues raised in the submission, please contact Rhiannon Cook, Manager, Policy and Advocacy, on (02) 9568 0268 or email Rhiannon.cook@vinnies.org.au.

Yours sincerely,



Jack de Groot
CEO