

Mr Simon Cohen  
Deputy Secretary – Regulation  
Department of Justice and Community Safety

18 December 2019

Dear Mr Cohen,

Please accept our brief submission to the current public consultation process around the Regulatory Impact Statement associated with Victoria's updated Residential Tenancy Act.

We are very pleased to see the Victorian Government's commitment to increasing the rights of renters and appreciate the opportunity to feed into how changes to the Residential Tenancy Act are implemented. We make this submission to maximise improvements to the rights of renters so that the intention of these reforms are fully realised.

Based on our experience, we believe these regulations need to deliver increased safety, security of tenure and privacy for private, public and community renters. Delivering these things will improve the lives of millions of Victorians and create benefits that extend to rental accommodation providers, the Victorian economy and healthy local communities.

#### **Transitional arrangements**

- All renters, including existing renters, public and community housing renters, should be covered by the new legal framework within a fixed two-year transitional period, commencing on 1 July 2020. The current transitional arrangements are not clear and do not provide for an orderly transition nor certainty for owners, agents or renters.
- The Victorian Government has shared interests with renters, property owners, the real estate industry and the broader community in creating a framework that provides fairness, ease of operation and the consistent application of sound consumer protection and social equity principles.

#### **Health and safety issues**

- All Victorians, whether they own or rent, require a decent level of safety in their homes. The final regulations should prioritise health and safety over other factors.
- We endorse the creation of minimum standards in the draft regulations. Additional minimum standards should apply to bathroom and toilet window coverings, basic cooling/air-conditioning, ventilation and insulation. Minimum standards for electrical safety and window coverings should be introduced immediately alongside other standards. The proposals for energy efficiency are inadequate.
- All relevant recommendations of the Royal Commission on Family Violence should be implemented. This requires consistency in implementing the provisions and removal of contradictions around when formal intervention orders are required.
- Property modifications relating to family violence should not require prior consent, end-of-lease removal requirements or additional bond payments.

#### **Privacy and quiet enjoyment**

- Compensation for sales inspections should remain at the level currently awarded by VCAT, which is one day's rent per inspection. There is no rationale to reduce this.

- We endorse the list of reasonable modifications included in the draft regulations.
- The current process for requesting reasonable modifications is not adequate and represents an unfair restriction on the fair use of tenants' homes.
- Requests for reasonable modifications should include implied consent if a valid objection isn't provided within a fixed timeframe of 24-72 hours of a valid request being made.

### **Housing stability and security of tenure**

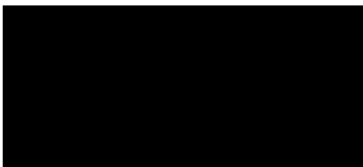
- All Victorians benefit from stable housing. The benefits of this covers many aspects of life, including schooling, employment, social inclusion and economic activity.
- The final regulations should work to minimise unnecessary disruption and reduce the number of times renting households need to relocate and re-establish themselves.

### **Consumer protections**

- We endorse the proposed mandatory disclosure items. Mandatory disclosure should also include mould/damp/water damage history, VCAT repair order non-compliance, gas/electrical safety, minimum standards compliance, asbestos status, occupation certification, insulation information, heritage rules and energy efficiency status.
- Bond amounts should be restricted as per the draft regulations.
- We endorse the proposed list of banned lease terms. Additional banned lease terms should include blanket terms levying additional fees/penalties, providing renter details to third parties and other terms that diminish a renter's rights during their tenancy.
- We endorse the proposed list of banned rental application questions. Additional questions that are invasive or inappropriate should also be banned, including questions about bond loans, attributes included in the anti-discrimination statement, requirements to pay rent/bond prior to signing lease, asking to provide personal information to third parties, asking questions that could diminish an applicant's legal rights, asking if an applicant smokes, asking intrusive financial questions and requiring applicants to sign declarations denying them their legal rights.
- Digital application forms that require irrelevant, unreasonable or invasive questions to be answered for a valid application to be submitted should also be banned. A prescribed/mandatory rental application form should be adopted for leases.

Please contact us if you have any questions about our submission.

Regards,



**Serina McDuff**  
CEO, Federation of Community Legal Centres

