



25 June 2024

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Ms Jenny Leong, MP

Committee Chair

NSW Legislative Assembly Select Committee on the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024

NSW Parliament House

Macquarie Street

Sydney, NSW 2000

Email: nogroundsevictionsbill@parliament.nsw.gov.au

Dear Committee Chair,

The St Vincent de Paul Society NSW (the Society NSW) welcomes the opportunity to make a submission to the Select Committee on the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024. The Society believes that everyone deserves a safe, secure and stable place to call home. Our services and members are seeing an alarming number of people requiring assistance due to housing pressures, including due to evictions without grounds, and reform is required to the NSW Residential Tenancies Act 2010 to protect peoples' right to home.

The Society NSW recognises the NSW Government's commitment to deliver a better deal for renters and the need to manage the interests of multiple stakeholders, including landlords who play a key role in providing housing. In striking the best result for the broader community, the Society NSW believes that ensuring everyone has access to safe and secure housing must be recognised as the highest priority in considering this issue.

The need for no-grounds evictions to be replaced with reasonable grounds

We welcome the appointment of the state's first Rental Commissioner as a substantive step in promoting the rights of renters throughout NSW. Comments made by the NSW Rental Commissioner at the Society's 2024 Social Justice Forum referred to recent comparative data from Finder, indicating that people leaving school in NSW this year will need to save for 44 years to afford a 20% home deposit in Sydney based on the current rate of income and house prices. This trajectory means that people will be renting in larger numbers and for longer periods of time. In light of this changing demographic, greater protections are needed to give renters security in housing along with providing landlords with clarity over their responsibilities as housing providers who receive a monetary benefit.

The events of the past few years have demonstrated the necessity for people to have secure housing, yet have coincided with cost of living pressures that have contributed to increasing insecurity. Close to half (42%) of the people seeking assistance from our members in local communities have cited housing stress as a factor. The Society NSW has supported upwards of 7,600 people through our statewide network of Specialist Homelessness Services in the financial year to date. More than 1,600 people cited housing crisis due to evictions as a factor in seeking assistance, while eviction was the second highest primary reason for people to seek assistance (16%), behind only domestic and family violence (29.5%).

We believe that the existing tenancy laws present a power imbalance unfairly weighted in favour of landlords and leave tenants open to an eviction without grounds, including for raising concerns about essential repairs and maintenance. These concerns also extend to the way landlords are able to increase rents without financial restrictions, and can effectively force a tenant to be evicted if they do not have the capacity to afford a higher rent.

Anecdotally, our services hear regularly from people who have been issued with an eviction notice and see the impact this has on families. The initial shock of losing their home – a place for people to feel safe and plan for the future – is followed by the upheaval of moving away from their support system. This can include having to take children out of schools, losing long-standing social connections (eg. sporting clubs, faith groups) and contact with health services.

These conditions are having detrimental impacts on the mental wellbeing of tenants and also places them at risk of harm by choosing not to raise concerns about necessary repairs to the property out of fear of retaliation. In the context of the current housing crisis, the increasing cost of housing and lack of available housing alternatives is entrenching these issue, leading tenants to endure inadequate living conditions due to the increased likelihood of homelessness in the event of an eviction.

1(a)(i) The grounds for which an eviction is reasonable.

With regards to no grounds eviction policies currently operating in other jurisdictions, the Society NSW supports the model currently in effect in the ACT, requiring a landlord to have a prescribed reason for terminating either a fixed term lease or a periodic lease. The ACT holds the position that the end of a fixed term is not a valid reason in and of itself for a termination.

In considering the grounds for which an eviction is reasonable, the Society NSW stresses that the end of a lease, both fixed term and periodic, must not be considered reasonable grounds for a landlord to evict a tenant. Failing to amend this provision in the Residential Tenancies Act 2010 would effectively undermine the elimination of no grounds evictions and maintain the existing status quo.

The Society broadly supports the five reasons proposed by the NSW Government in the 2023 [Improving NSW rental laws consultation paper](#) as grounds to end a lease, in addition to those already prescribed in the Act, with some caveats. These are:

- The property is being sold – with prohibition on re-letting the property for at least six months;
- The property is undergoing ‘significant’ reconstruction, repair or renovations to a property are ‘significant’ - with all necessary permits and consents to carry out any planned worked obtained.
- The property will change use.
- The property will be demolished.
- The landlord or their immediate family will move in to the property.

Additionally, we refer the committee to refer to our 2023 submission to the NSW Department of Customer Service (see attached) for further information.

1(a)(ii) The appropriateness of evidence requirements to support reasonable grounds or a penalty scheme for those who falsely claim a reasonable ground.

The Society NSW recommends that the provisions in the Bill follow the level and type of evidence required to support a reasonable grounds eviction as prescribed in Victoria. We recommend avoiding the measures in place in Queensland that allow the end of a fixed term tenancy agreement to constitute reasonable grounds; these measures additionally incentivise landlords and agents to offer shorter

rental agreements and offer reduced security to tenants. Similarly, the Victorian example, where the end of only the first fixed term agreement is reasonable grounds for eviction, is resulting in landlords evicting tenants after 12 months, resulting in higher housing insecurity.

Conclusion

The Society appreciates the discussion raised by this Committee and acknowledges the NSW Government's commitment to reform the Residential Tenancies Act 2010 and prohibit no grounds evictions. This is an urgent and necessary amendment to give people greater housing security and stability to prevent more people being forced into homelessness or separated from family and friends and their places of work, study, and play.

Thank you for the opportunity to make a submission on the bill to prohibit no grounds evictions. For questions about this submission, contact Solange Frost, Manager Policy and Advocacy, at solange.frost@vinnies.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Satya', is centered on a light blue rectangular background.

Satya Tawner
Executive Director
Strategy and Engagement

About the St Vincent de Paul Society NSW

The St Vincent de Paul Society is a member and volunteer-based organisation that has been assisting people experiencing disadvantage and hardship in NSW for 140 years.

The St Vincent de Paul Society NSW currently has close to 12,000 members and volunteers across the state, giving tirelessly of their time. In total, we have 368 local member networks, referred to as conferences, present in communities across NSW.

Our members, volunteers and staff assist people experiencing disadvantage with resources including food parcels and vouchers, financial assistance, help with energy bills and other expenses, budget counselling, school items for children, and the provision of other material items such as furniture, clothing, bedding and any other household items.

The St Vincent de Paul Society NSW is also a leading provider of frontline services, with 100 local services across the state. These deal with a range of issues including homelessness, domestic and family violence, disability, disaster relief, youth wellbeing, refugee and migrant inclusion, rehabilitation and addiction.