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Dear Sir/Madam

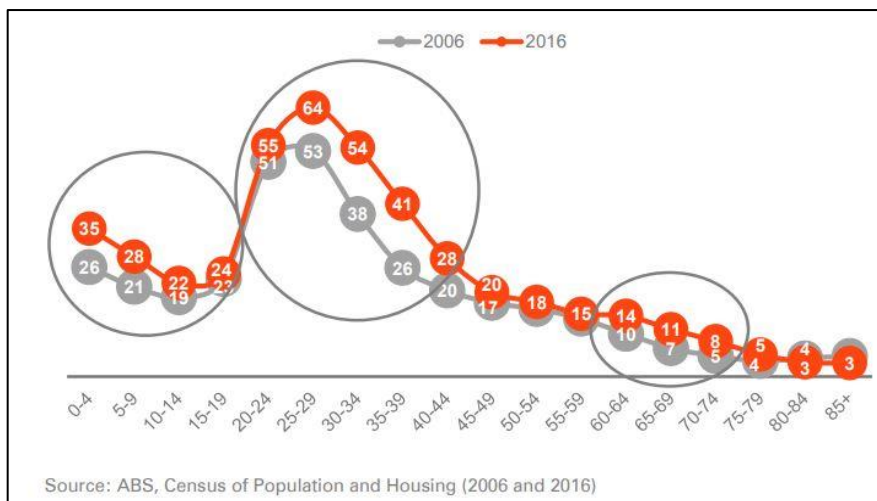
SUBMISSION ON DRAFT RTA REGULATIONS

Thank you for this opportunity to provide comment on the draft Regulations for the Residential Tenancies Act. This submission was supported by the Moreland Housing Advisory Committee at its meeting on 3 December 2019.

Overall context

Moreland Council welcomes implementation of the amendments to the Residential Tenancies Act. While renting as a form of tenure has always been a significant, since Council was established in the mid-Nineties, the total number of renting households has risen by 60%. Between 2011 and 2016 the number of new households grew by more than 10% and three quarters of these were privately rented. The demographics are changing. In 2006, 38.4% of 30-34 year olds were renting, and 39.3% had a mortgage. But by 2016 over half were renting, and just 30% had a mortgage. More families with children are renting with 28% of 5-9 year olds in rental housing and there is an emerging trend of people over 60 renting.

Figure 1 Percentage of Moreland persons renting by age

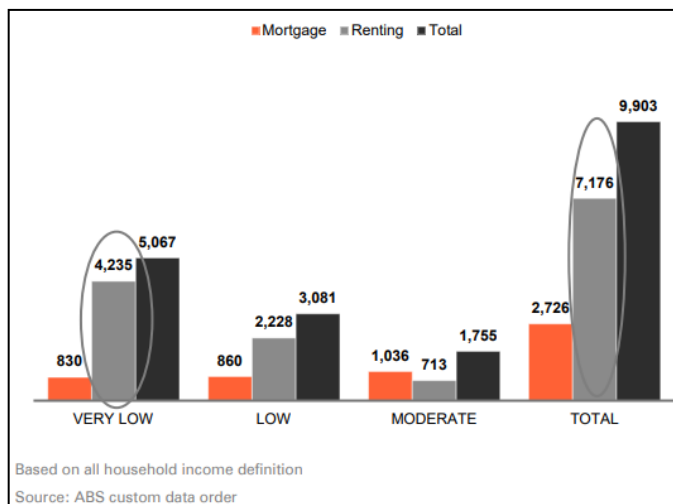


Moreland's *Municipal Health and Wellbeing Plan 2017-21* recognises that adequate and secure housing is one of the social determinants of health as well as being a human right under United Nations charters. The Plan includes a goal to:

reduce housing stress for residents on low incomes in the municipality by supporting programs and actions that enhance tenure security and reduce overall living costs.

Many Moreland renters are financially disadvantaged. Rental stress is a significant issue in Moreland with 7,176 of households in rental stress in 2016. Almost 60% of households in rental stress were on very low incomes.

Figure 2 Housing stress by income group, Moreland 2016 (# of households)



Feedback on draft Regulations

Minimum standards

Moreland welcomes the introduction of minimum rental standards, including that properties should be structurally sound and weatherproof; have working toilets and kitchens and bathrooms with hot and cold water and to offer security with deadlocks on external doors.

However, the lack of requirement for rental providers to tell prospective renters that a property does not meet the minimum standards undermines the intent of the regulations. It is crucial that prospective tenants know about previous mould, damp and flooding issues. We are also concerned that the regulations will only apply to tenancies commenced after July 2020. This means that renters on existing or month to month tenancies will essentially have “second class” rights with regard to the condition of their homes.

Moreland believes the delay in introducing other minimum standards such as electrical safety and window coverings is not justified.

Regarding what is needed but not being proposed, Moreland is concerned that many renters are living in properties that are not energy efficient, leading to increased costs to heat and cool their homes. In addition, homes with poor insulation and thermal efficiency are unhealthy, in particular as climate change means an increased frequency and intensity of extreme weather events and emergencies such as poor air quality from bushfires. Moreland's Climate

Emergency Action Plan aims to have home upgrades for thermal comfort and solar PV of 500 social housing and low income households to reduce exposure to energy poverty and extreme weather. The inclusion of minimum standards for insulation and heating/cooling under the Residential Tenancies Act would provide a strong impetus to support Moreland's aims, and align the overall policy direction of the Victorian Government such as Take 2 – Victoria's Climate Change Pledge.

Providing information

The experience of discrimination is unfortunately common for many Moreland renters, including Indigenous Australians, those newly arrived in Australia and people with disability. Guided by the Moreland Human Rights Policy 2016-26 which aims to advance inclusion and social cohesion in the community, we welcome proposed prohibitions on irrelevant in tenancy applications. However, these prohibitions do not go far enough in tackling unfair and discriminatory actions and processes. Moreland would also like to see the following questions disallowed from applications:

- Asking if an applicant is using a bond loan

Accessing a bond loan should not be used as a measure of ability to pay ongoing rent.

- Asking an applicant why they left their last property

There are many reasons, none of which are relevant to a rental application, why a prospective renter is looking for a new home such as a Notice to Vacate from a property owner or a relationship breakup.

- Asking about any information that could be used to discriminate against an applicant (these are listed in the Statement on Discrimination – see Regulations 14, 40, 55, 75.)

- Asking questions that would allow personal information to be given to third parties

Notwithstanding any stated compliance with privacy legislation, prospective renters should not have to provide unnecessary personal information.

- Asking intrusive financial questions over and above what is needed to assess if you an applicant can pay the rent.

Prospective renters should be reasonably assessed on capacity to pay the rent, not be asked to be provided a level of financial information similar to that needed to get a mortgage on the property.

Thank you for your consideration of these comments. If you would like any further information, please contact me at mcollins@moreland.vic.gov.au or on 92402484.

Yours sincerely



Mike Collins

PRINCIPAL ADVISOR, SOCIAL AND AFFORDABLE HOUSING