

SUBMISSION

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

26 June 2024

About this submission

Faith Housing Alliance (FHA) welcomes the opportunity to provide input to the Legislative Assembly Select Committee on the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024.

We note that the Bill's intention to enhance housing security by prohibiting no grounds evictions is similar to that of the previous consultation paper from the NSW Government *Improving NSW Rental Laws*, to which we provided a submission in August 2023¹.

FHA welcomes the NSW Government's commitment to supporting the more than two million people who rent across NSW², representing nearly one-third of the total households in NSW, and the appointment of NSW's inaugural Rental Commissioner to be a voice for these households.

FHA acknowledges that while the Inquiry's Terms of Reference and any resulting reforms will impact all NSW renters, this submission and input from FHA's members focuses on the experience of some of NSW's most vulnerable renters living in Community Housing and other types of supported housing.

FHA acknowledges the Terms of Reference for this inquiry:

- A. Provisions of the Bill, with particular reference to:
 - i. Grounds for which an eviction is reasonable
 - ii. The appropriateness of evidence requirements to support reasonable grounds or a penalty scheme for those who falsely claim a reasonable ground; and
 - iii. Any unintended consequences, including on housing affordability and availability, for renters and owners,
- B. A jurisdictional comparison of no grounds evictions policies

As such, our response has been structured to follow the same form.

About us

Faith Housing Alliance (FHA) is the peak body representing the faith housing sector, including:

- Faith-based organisations, including not-for-profit Community Housing Providers (CHPs) supporting more than 14,500 tenants and Specialist Homelessness Services (SHS) assisting more than 33,000 clients. Many of these organisations have an impressive track record of providing support to the community over hundreds of years

- Places of worship across all faiths who intend to use their land for housing justice
- Faith leaders of all religions and denominations who see housing as a critical component of social justice and an essential human right
- Any individual, organisation, foundation, or program committed to housing justice, including architects, planners, and other professional support organisations

The faith housing sector is an important contributor to housing supply in NSW across all forms of social and affordable rental housing, including transitional, emergency and crisis accommodation.

While housing is an essential foundation, FHA members also provide a vast array of support services, including emergency relief, financial counselling, mental health and employment, with specialist supports for people with disability, victim-survivors of domestic violence, young people in out-of-home care and people breaking free of addiction.

Supporting NSW's renters living in Community Housing

The feedback provided by CHPs, reflecting the needs and challenges tenants face in community housing, can differ from the experiences of tenants and landlords in private market rentals and should be considered carefully.

While most NSW renters live in private market rentals, just over 3.5% of households rent in social housing, including public and community housing properties. Approximately 28,000 households live in this type of community housing in NSW.³

Community housing tenants have the same rights and responsibilities as private tenants but may experience additional economic, social, or other vulnerabilities. This cohort includes individuals and families in housing need who have very low to low incomes, sometimes having experienced or being at risk of homelessness.

In addition to social housing, CHPs often also provide:

- affordable rental housing for people on a broader range of incomes, leased at a discount to market rent
- specialist disability accommodation
- youth housing, including support for young people with lived experience of out-of-home care
- emergency accommodation.

NSW CHPs provide more than 54,000 properties across all housing categories.⁴

Reforms to benefit the vast majority of NSW tenants in private rentals must not have unintended consequences that would disadvantage tenants in community housing, whether social or affordable rental housing, who often have increased and long-term support needs.



PART A

Prohibiting No Grounds Evictions

FHA supports ending no grounds evictions for periodic and fixed-term leases and implementing a range of specified reasonable grounds.

(i) Additional grounds for which an eviction is reasonable

Recommendation 1.

With consideration for CHPs who provide crisis and transitional accommodation, the following prescribed reason should be added;

'The property is used for transitional/supported housing, and the support program has ended.'

This would support accommodation types designed to provide shorter-term housing.

Recommendation 2.

Changes to a tenant's needs may mean a particular social housing property configuration is no longer suitable (for example, a parent with children and their family circumstances change or their family grows). To ensure the full utilisation of limited social housing stock, the following prescribed reason should be added;

'The property is used for social housing and is no longer suitable for the renter's needs.'

Recommendation 3.

Apply the list of additional grounds as suggested in the *Improving NSW Rental Laws* consultation paper:

'The property:

- ***is being prepared for sale***
- ***will go through reconstruction, repair or renovation that requires it to be vacant***
- ***will change its use***
- ***will be demolished.***

The landlord:

- ***will move into the property, or a member of their immediate family will move in.***

Noting that a clear definition of 'family' must be provided within the Act.

PART B

A jurisdictional comparison of no grounds evictions policies

The preferred model for ending a lease is the model currently in place in the ACT, where the landlord needs a reason when ending any type of lease. This model helps prevent housing insecurity and supports longer-term lease periods.



References

¹ Faith Housing Alliance (2023) Submission responding to Improving NSW Rental Laws consultation paper. https://fha.org.au/wp-content/uploads/2023/12/Improving-NSW-Rental-Laws-consultation-paper_FHA-submission-website.pdf

² Australian Bureau of Statistics (2021) Housing. <https://www.abs.gov.au/statistics/people/housing>

³ NSW Department of Communities & Justice (2023) Community housing. <https://www.facs.nsw.gov.au/housing/help/ways/community-housing/item/who-uses-community-housing>

⁴ CHIA NSW (2022) Community Housing in NSW. <https://communityhousing.org.au/wp-content/uploads/2023/07/Community-Housing-Snapshot-2022.pdf>

FHA Member Organisations



Contact

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