

29 November 2022

Submission: Keeping pets in residential tenancies

Thank you for the opportunity to provide input into the Keeping Pets in Residential Tenancies – Consultation paper (October 2022).

As the peak body representing people over 50 in NSW, we engage with older people on range of topics, we conduct both quantitative and qualitative research that informs our policy and advocacy positions. During these consultations we have heard of the detrimental impacts that restrictions on pet ownership has had on older renters.

The number of older people renting in the private market continues to grow. Whilst a majority of older people in Australia (those aged 65 and over) own their own home (66.8%)¹, NSW is witnessing a steady increase in the number of older, non-homeowners. In 2019-20, the ABS estimated that 19.1% of older people in the 55-64 age group rented, decreasing to 16% in the 65-74 cohort and 12.9% for those over 75.²

It is increasingly difficult, if not impossible, for older people on JobSeeker or the Aged Pension to find and secure and appropriate private rental accommodation. The annual Anglicare rental availability snapshot provides stark evidence on the availability of affordable rental properties for people on an Aged Pension or JobSeeker in NSW.³ The arduous search for an appropriate rental is further exacerbated if the tenant owns a pet with many rental properties including clauses within the tenancy agreement that excludes pets residing on the property.

For many older people, their pet is integral to their health and wellbeing. They may be living alone, and their pet provides vital companionship. The exclusion of this family member can severely limit the number of properties available to them and contribute to the ongoing stress of sourcing suitable accommodation.

Case Study

Gladys* is an 82-year-old woman currently receiving the pension and living in Tweed. She has been looking for an affordable rental unit for over a year. She has a small dog, which is her sole companion - as she is a widow. She has been knocked back on at least 6 units over that time as they state that no pets are allowed. She is currently on a wait list for public housing, so is sleeping on a relative's lounge.

¹ ABS (2018) 2071.0 – Census of Population and Housing: Reflecting Australia – Stories from the Census: 2016.

² ABS (2022) Housing occupancy and costs, Australia 2019-20.

³ Anglicare Australia (2022). *Rental affordability snapshot – regional report April 2022*. Retrieved from: <https://www.anglicare.asn.au/wp-content/uploads/2022/04/Rental-Affordability-Snapshot-National-report.pdf>

*name has been changed.



We are also aware of the confusion around assistance dogs in the community. Assistance animals are not pets but may be interpreted as one. They are highly trained in providing support to a range of disabilities. In the past, there was a narrow definition of an assistance animal, this is continuing to evolve and may now also include support for people with dementia or mental health issues. Any alteration to the *Residential Tenancies Act 2010* must include safeguards to ensure that landlords cannot exclude assistance animals from their property, with reference to the *Disability Discrimination Act 1992 (Cth) (DDA)*.

In August 2021, strata regulations were updated to prevent an owner's corporation stopping owners of a strata property from owning a pet unless the pet is dangerous or listed as a restricted dog. In addition, the pet must not disturb other residents. Given these changes and the other jurisdictions across Australia that provide protections for tenants that own pets, COTA NSW asserts that these rights should also be extended to tenants in this state.

Whilst COTA NSW is mindful of the concerns that some residents may have regarding damage or soiling of common areas. This can be alleviated by by-laws that clearly allocate the responsibility for cleaning or repair with the respective pet owner. Investors have also expressed concern about damage to their properties. All tenants are currently responsible for intentional or un-intentional damage to the premise and must ensure the rental is return to a similar condition as it was upon the commencement of the tenancy.

COTA NSW supports regulatory rental reforms that incorporates a model based on that which exists in Victoria, the ACT and NT whereby the landlord can only refuse permission for a tenant to keep a pet if they obtain a Tribunal order allowing them to do so.

We must recognise that a rental property is still a person's home and that for many a companion pet is a critical part of their family. By placing the onus on the landlord to provide grounds on which a pet cannot be accommodated, it will ensure that there are greater safeguards for prospective tenants and improve the range of properties available to lease for pet owners.

Regards,

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