

Joint statement

A call for fair rental laws

Renters have a right to housing that is affordable, safe, and secure. It's time South Australia's rental laws were updated to reflect this.

More South Australians are renting than ever before, and renter households are feeling the squeeze with a rental affordability and availability crisis alongside a cost-of-living crisis. The demographic of renters is changing with more families renting, people retiring as renters and many people facing the possibility of renting for the rest of their lives.

Now, as the state government reviews the *Residential Tenancies Act 1995* for the first time in nearly ten years, there is a critical opportunity to improve South Australia's renting laws to make renting fair in our state by enacting lasting, positive change to the legislation.

Together, our organisations are calling for significant and meaningful reforms – as listed below -to our residential tenancy laws to ensure all South Australians can access secure and affordable housing.

Abolish no cause evictions (periodic lease and non-renewal of fixed term lease)

Ending no cause evictions and the non-renewal of leases without cause is essential to improving security of tenure in the private rental sector and to ensuring tenants can stand up for their rights without fear of retaliatory evictions.

Currently, under sections 83 and 83A of *the Residential Tenancies Act 1995* a landlord may evict a tenant both during a periodic tenancy and at the end of a fixed term agreement for no reason. This provides no security of tenure for the tenant, impacts on their ability to settle in a house and community, and limits their ability to exercise their rights as tenants.

There have long been reports from tenants who have received retaliatory evictions following a request for a repair to the property, or when they have raised other concerns. As a result, many tenants live in expensive, unhealthy and unsafe housing as they fear their tenancy agreement will be terminated if they report an issue with the property.

Due to the very low vacancy rate in the private rental market, this situation brings with it the very real risk of homelessness. Evictions should only be allowed for legitimate reasons. There are numerous ways to evict tenants that are legitimate legally such as selling the property, family requiring the property and major repairs that should be sufficient for landlords to retain power over their investments without breaching legal contracts.

Without the removal of no cause evictions and the non-renewal of leases without cause, renters cannot exercise the full rights afforded to them by law.

Limiting rent increases (to CPI)

Rents have increased significantly and some landlords, knowing their tenants have few (if any) other options have taken advantage of an increase in demand. Currently the Residential Tenancies Act restricts the frequency of rent increases (once every 12 months), but there are no limits on how much rent can increase.

During a rental affordability crisis, countless tenants are facing excessive rent hikes. Section 56 of the Act puts all the onus (and expense) on the tenant to make an application to the Tribunal if they believe the rent charged to be excessive. It is reasonable to assume that the tenant is unlikely to attempt this action due to the fear of retaliatory eviction.

Rent increases should be limited to the Consumer Price Index (CPI), to ensure that landlords are not increasing the rent excessively, and the limit must be enforceable without relying on tenants to put themselves and their housing situation at risk. Current laws create uncertainty where tenants have no way to plan for future rent increases or know if they'll be able to afford them. Limiting rent increases to CPI provides fair, transparent ground rules for both landlords and tenants.

We also note that limiting rent increases must be introduced simultaneously with the removal of no cause evictions. This will prevent landlords from using a rent increase to evict a tenant, by introducing a rent increase the tenant cannot afford, and tenants cannot be evicted to increase rents beyond any rent increase limit.

Introduce minimum energy efficiency standards

Minimum energy efficiency standards are essential to providing safe and healthy housing for renters. There is overwhelming evidence that South Australian renters face unsafe internal temperatures in their homes. Many rental homes in South Australia have poor energy performance and lack energy efficiency features such as insulation, energy-efficient heating and cooling and effective draught sealing. This situation leads to many rental homes being too cold in winter and too warm in summer and significantly affects the health and well-being of tenants by contributing to illnesses such as [cardiovascular disease, respiratory disease and poor mental health](#).

Energy inefficient homes are considerably more challenging to heat and cool. As a result, tenants are spending more money and using more energy to try and heat and cool their homes with little effect. Many are choosing to not use heating and cooling appliances because their bills are too high, or they are forced to make the hard decision to not buy groceries or medication to afford their use.

Implementing minimum energy efficiency standards will significantly reduce bills. Healthy Homes for Renters developed a [Community Sector Blueprint](#) that provides a comprehensive overview for implementing minimum energy efficiency standards. We support this blueprint along with over 90 other community organisations. Mandating that the replacement of appliances must be energy efficient does not go far enough to remedy the problem presented here.

Ensure landlords cannot unreasonably refuse a pet

Presently, landlords can refuse to allow pets in a rental property in South Australia.

South Australia is one of the last remaining states that does not have provisions to allow pets in rentals. For many South Australians, pets are a part of their family playing a crucial role in a person's physical and mental wellbeing.

In the midst of a housing crisis, some tenants are having to choose between giving up their pet or slipping into homelessness as landlords have powers to discriminate against pet owners. Animal shelters are seeing increased surrenders of dogs and cats from families that would love to keep them but can't as they can't find a rental that will accept both them and their pet.

This situation also creates a significant barrier for women experiencing domestic violence, with research suggesting that many will remain in an abusive relationship if they cannot take their pet with them when they leave.

The Act must be amended to ensure landlords cannot unreasonably refuse a pet, with any reasonable grounds for refusal clearly defined. The onus must sit with the landlord to apply to the Tribunal if they wish to refuse permission for a pet to ensure accountability and oversight.

Conclusion

There has never been a more crucial or timely opportunity to improve housing outcomes in South Australia. It is time to recognise the undue pressures and unfair rules faced by renters and introduce reforms that will have a profound impact on housing affordability, security and safety for many South Australians, today and into the future.

We encourage the state government to expedite their proposed improvements to the Act and to ensure they are strong enough to have a positive impact on rental tenure.