

4 October 2018



Dear Member of Parliament

As the peak body for health and community services in NSW, the NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage in NSW to make positive change in our communities. For over 80 years we have supported the sector to deliver crucial services that make a difference.

We're writing to you today to ask you to support the *Residential Tenancies Amendment (Review) Bill 2018*, but with some key amendments. While the Government's changes are a good step in the right direction, they fall short of providing tenants with fair and adequate protections against wrongful termination of their tenancy.

In a climate of increasing homelessness and housing stress, there is an urgent need for our laws to modernise and adapt to meet the challenges that face our community. In Australia, security of a tenancy is paramount for the public interest. There is a sophisticated body of research that has been undertaken by our member organisations' and academics that clearly indicate the seriousness of the affordable housing crisis, and what the policy levers are to begin to address them. Reforming tenancy law, specifically by removing the 'no grounds termination' clauses under the *Residential Tenancy Act 2010* is essential to improve security of tenancy in NSW which affects over 30% of the population.

Replacing 'no grounds termination' provisions with a list of reasonable grounds leaves the landlord with adequate rights and protections. These reasonable grounds may include the right to terminate a tenancy where:

- a) The landlord requires the property for their own use, or for the use of a member of their family, as a principle place of residence;
- b) Significant renovations are to be performed in respect of the premises, such that continued occupation of the premises cannot be accommodated for a period of four weeks or longer;
- c) Where the landlord specifies a purpose that is, in the circumstances of the case and in the opinion of the Tribunal, sufficient to justify termination. (The question for consideration should be whether the landlord's purpose requires vacant possession, or could be given effect while a tenant remains in occupation).¹

In NCOSS's view, a tenants' basic right to shelter and security should take precedence over a landlords' unfettered discretion to terminate a lease without cause or reason. We are asking NSW Parliament to support these important reforms and end unfair evictions in NSW.

¹ Tenants' Union, Response to the Fair Trading New South Wales discussion paper *Statutory Review of the Residential Tenancies Act 2010* (January, 2016) 42-43.

If you require further information please contact Clara Bradley, Advocacy Manager at Clara@ncoss.org.au.

Yours sincerely

A handwritten signature in grey ink that reads "Kathy Chapman".

Dr. Kathy Chapman
Interim Chief Executive Officer
NSW Council of Social Service

