

HOUSING JUSTICE: FAIRER TENANCY LAWS

Recommendation: The next NSW Government should protect renters by introducing laws for residential rental housing that prohibit blanket 'no pet' clauses in tenancy agreements.

THE ISSUE

The current ability of landlords to include blanket 'no pets' clauses in tenancy agreements impedes the rights of the growing number of renters who now have pets, and disproportionately impacts low income and vulnerable people in NSW. Around 70% of all Australians have a pet.¹ With around 2 million people renting in NSW² this means that up to 1.4 million renters are also pet-owners.

There is a substantial body of international evidence and emerging evidence in Australia about the social, health and economic benefits of companion animal ownership for individuals and communities.³ The benefits of pet ownership are particularly significant for people who are socially isolated. This includes older people, people with disability and people who are homeless. For these people, keeping a pet is a source of companionship and a means to connect with community. For many of the people that the Society assists their pet is their most trusted and loved companion, akin to a family member.

Prohibiting people from keeping pets has adverse consequences for their health and wellbeing. It forces people to stay in unsafe relationships, to live in inappropriate or unaffordable accommodation, and in some cases to become homeless and disengage from services. Research indicates significant numbers of people experiencing domestic and family violence remain in unsafe relationships because they are not able to secure alternative housing that allows them to bring their pets with them.⁴

In the Society's work, the prohibition on pets is a particular barrier for people experiencing or at risk of homelessness. Some of our Team Leaders report that people will frequently choose to remain living in their car or a tent with their pets rather than accept housing that is not pet-friendly and have to relinquish the animal. The longer-term effects are that some people who are homeless end up disengaging from support services due to the lack of options for them. Our staff have observed that these already vulnerable people are pushed to the peripheries of society, further entrenching disadvantage.

While the Residential Tenancies Act 2010 (NSW) does not expressly prohibit a tenant from keeping a pet, the Act does allow landlords to include a clause in the tenancy agreement prohibiting pets. In practice this means that rental properties are frequently subject to blanket 'no-pets' clauses and landlords refuse tenants' requests for a pet without reason. The Society's Housing and Homelessness Division has seen the impact firsthand, with none of their clients with pets accepted into private rentals in areas such as Wagga Wagga and the Hunter.

Increasing rates of pet ownership combined with the lack of affordable rental accommodation that is pet-friendly has the greatest impact on low-to-middle income earners and vulnerable people. The lack of affordable pet-friendly rentals means that many people are forced into inappropriate or unhealthy

¹ NSW Department of Customer Service (2022) *Consultation Paper: Keeping pets in Pets in Residential Tenancies*, NSW Government, Sydney.

² Healthy Homes for Renters (2022) *Community Sector Blueprint: National Framework for Minimum Energy Efficiency Rental Requirements*

³ Stone, W., Power, E.R., Tually, S., James, A., Faulkner, D., Goodall, Z. and Buckle, C. (2021) *Housing and housing assistance pathways with companion animals: risks, costs, benefits and opportunities*, AHURI Final Report No. 350, Australian Housing and Urban Research Institute Limited, Melbourne, 1.

⁴ Ibid

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properties or move to locations without good access to employment and education opportunities. Others make a heart-breaking choice between a roof over their heads and their life-long companion animals.

The lack of affordable pet-friendly accommodation has been a particular challenge for households impacted by recent natural disasters. A new UNSW research report on the impacts of the Northern Rivers floods on housing and homelessness found that following the disaster, low-cost rental market housing dissipated along with the availability of suitable rental housing for those with pets. The report noted that people's concern for, and desire to stay with, their pets during the recovery process made securing suitable housing much more difficult.⁵



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Up to 1.4 million renters in NSW are also pet-owners.



15–25 percent of people give up their pets when they move due to restrictions at the new rental property.⁷

THE SOLUTION

People who rent in NSW should have the right to make the place they live in feel like home, and this includes the choice to have a pet.

Many other Australian states and territories have reformed their tenancy laws so that pets cannot be unreasonably refused, including Queensland, Northern Territory, Victoria and the ACT. In Queensland, tenants can request to keep a pet and landlords can only refuse the request for a list of reasons prescribed in legislation. These reasons include the suitability of the pet for the premises, health and safety risks, and cost of likely damage relative to the bond.

The Tenants' Unions has proposed establishing animal welfare guidelines to determine whether a property is appropriate for a pet, based on the welfare needs of the specific pet, that would be given force through existing companion animal regulation. Under their proposal, pets would be permitted but the landlord could contest it at the Tribunal if the animal is unsuitable under the guidelines. Renters' would remain liable for damage or breach caused by the pet.

Prohibiting a blanket ban on pets in NSW tenancy law would allow renters to choose whether to have a pet and make the house they live in a home.

Amélie Housing, the community housing provider established by the St Vincent de Paul Society, has a policy to accommodate tenants with their pets where possible. Amélie Housing approves tenant requests to keep a single pet so long as the size, type and behaviour of the pet is appropriate for the property.

Read our full NSW 2023 Election Statement and recommendations at: <https://bit.ly/VinniesHousingJustice>

⁵ van den Nouwelant, R. & Cibin, A. (2022) "The impact of housing vulnerability on climate disaster recovery: The 2022 Northern Rivers Floods" (Sydney: City Futures Research Centre)

⁶ NSW Department of Customer Service (2022) *Consultation Paper: Keeping pets in Pets in Residential Tenancies*, NSW Government, Sydney.

⁷ AHURI (2021) Research brief: *Understanding pet policies for Australian households: Reforms are happening across Australia, but how pet friendly is our housing market?*