



New South Wales

Residential Tenancies Amendment (Rental Fairness) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Residential Tenancies Act 2010*, the *Property and Stock Agents Regulation 2022* and the *Residential Tenancies Regulation 2019* to—

- (a) prohibit advertising or otherwise offering a residential tenancy for premises unless a fixed amount is stated in the advertisement or offer as the amount of rent for the premises, and
- (b) prohibit the soliciting of amounts of rent for residential properties that are higher than the advertised amount, and
- (c) provide for additional regulation-making powers in relation to a rental bond roll-over scheme.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Residential Tenancies Act 2010 No 42

Schedule 1[1] inserts sections 22A and 22B to provide that—

- (a) a landlord or a landlord's agent must state a fixed amount of rent for premises when advertising residential premises for rent, with a maximum penalty for contravention by an individual of 50 penalty units, or otherwise 100 penalty units, and

- (b) a person must not solicit or invite an offer of rent that is higher than the advertised amount or an amount offered for residential premises with a maximum penalty for an individual of 50 penalty units, or otherwise 100 penalty units, and
- (c) a landlord or a landlord's agent must give applicants for residential premises advice about an offer, and the amount of the offer, for the premises if the amount of the offer is higher than the advertised amount, with a maximum penalty for contravention by an individual of 50 penalty units, or otherwise 100 penalty units, and
- (d) if a landlord or a landlord's agent receives an offer of an amount of rent that is higher than the advertised amount of rent and another open house for the residential premises is to be held, the advertisement must be updated to indicate a higher amount of rent, with a maximum penalty for contravention by an individual of 50 penalty units, or otherwise 100 penalty units, and
- (e) the regulations may provide requirements for a person to provide information to the Commissioner for Fair Trading for the purpose of monitoring the operation of proposed sections 22A and 22B.

Schedule 1[2] provides that amounts credited to a Rental Bond Account are held on trust by the Rental Bond Board constituted under the *Residential Tenancies Act 2010*, Part 8, Division 4.

Schedule 1[3] and **[4]** amend section 186A to provide for additional regulation-making powers in relation to a rental bond roll-over scheme.

Schedule 2 Amendment of Property and Stock Agents Regulation 2022

Schedule 2 omits a redundant provision consequent on **Schedule 1[3]**.

Schedule 3 Amendment of Residential Tenancies Regulation 2019

Schedule 3 sets out the amount payable for a penalty notice under the proposed sections inserted by **Schedule 1[1]**.