

**Submission  
No 40**

## **RESIDENTIAL TENANCIES AMENDMENT (PROHIBITING NO GROUNDS EVICTIONS) BILL 2024**

**Organisation:** NSW Ageing on the Edge Coalition

**Date Received:** 28 June 2024

## **Submission to Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024**

The NSW Ageing on the Edge Forum is a coalition of about 160 organisational supporters and members. The members of the Forum are advocates for change, including older people with lived experience of homelessness, service providers, peak advocacy bodies and private sector organisations, working together to address housing and homelessness related issues of older people.

The Forum was originally convened as a reference group for Housing for the Aged Action Group's (HAAG) Ageing on the Edge project, which launched a report in 2017, *The Older I Get the Scariest It Becomes – Older People at Risk of Homelessness in NSW*.<sup>1</sup> Based on widespread consultation with older people and the community sector, the Ageing on the Edge Forum has since developed policy recommendations that are critical to addressing the needs of older people facing housing stress and homelessness in NSW.

Ageing on the Edge Coalition endorses the submissions and the recommendations of Shelter NSW, Tenants Union NSW, Homelessness NSW and Uniting NSW.ACT.

Evidence demonstrates that the population of NSW is rapidly ageing. According to HAAG commissioned research, in 2021, 29.6% of population in NSW was over 55 years, an increase from 26.4% a decade ago.<sup>2</sup> An increasing number of older people are renting privately. There were approximately 240,000 older renters in 2021 compared to 137,500 in 2011 which equate to a 74.5% increase.

Currently, the private rental sector does not provide security of tenure, affordability or accessibility for older low-income households. For renting in retirement to be as secure as home ownership, it requires proper regulation and legislative reform to enable older people to age in place, in the communities that they are familiar with and close to their social networks.

Concerningly, over 117,000 renters were on the lowest income households<sup>3</sup> who are likely at risk of homelessness or living in severe housing stress. These older people are likely to be going without food, medication or using utilities as they are unable to afford those and are less likely to find housing options that are affordable in the private rental market. Thus, in addition to strengthening

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<sup>1</sup> J. Fiedler and D. Faulkner, *The older I get the scariest it becomes: Older people at risk of homelessness in New South Wales*, 2017, accessible at: <https://www.olderrenters.org.au/sites/default/files/older-i-get-scarier-it-becomes291117.pdf>

<sup>2</sup> Housing for the Aged Action Group, *Decades of Housing Decline: 2011 and 2022 census analysis*, accessible at: [https://www.olderrenters.org.au/sites/default/files/decades\\_of\\_decline\\_-\\_nsw\\_census\\_data\\_insights.pdf](https://www.olderrenters.org.au/sites/default/files/decades_of_decline_-_nsw_census_data_insights.pdf)

<sup>3</sup> This includes 57,180 in the lowest income quintile (Q1 – Household income less than \$799 per week or approx. \$41,548 per annum) and 60,151 in second income quintile (Q2 – Household income between \$780 – \$1,499 per week or approx. \$41,549 - \$77,948 per annum).

rental protections, there is a clear need to increase public and community housing stock to ensure these people have access to safe, long-term and affordable housing options.

Older people who receive no grounds eviction notices are less likely to challenge them due to limited capacity or understanding about the recourse options available to them. Due to age, gender and other forms of discrimination in the rental market, older people, especially those from low income households or those relying on income support payments are likely to struggle with finding alternative rental properties that are affordable forcing them into homelessness or other precarious housing options.

The increasing digitalisation of rental applications can also minimise the opportunities for some older people to apply for rentals. This could be due to a range of reasons including digital literacy, access to internet and devices and privacy concerns with sharing private information. Therefore, it is critical that the challenges that are specific to older people in the rental market are recognised and addressed through strong rental laws and regulations.

We support the recommendations of the community sector, in particular –

- **Introduce Additional Genuine Reasons for Eviction:** Introduce new valid grounds to ensure landlords are able to still end tenancies for these reasons. These grounds should be limited to:
  - Landlord or immediate family moving in.
  - Demolition and reconstruction of a property.
  - Change of use of the property.
- **End ‘No Grounds’ Evictions:** Remove the provisions for eviction for ‘no grounds’ for all renters, i.e. renters in periodic tenancy agreements and in fixed term tenancy agreements. Specifically remove the termination provisions at section 84 and 85 of the Residential Tenancies Act.
- **Evidence Requirements:** Require landlords to provide documentary evidence for all termination grounds and empower renters to challenge insufficient evidence.
- **Penalties and Compensation:** Introduce a tiered penalty system for false or misleading use of eviction grounds and allow tenants to seek compensation for wrongful evictions.
- **Temporary Bans on Re-letting:** Implement temporary bans on re-letting to prevent misuse of eviction grounds.
- **Tribunal Discretion:** Ensure the Tribunal has discretion to decline termination if it deems the eviction unreasonable or disproportionate.

If there are further consultations, Ageing on the Edge Coalition members including older renters are available to provide further information.



Ageing on the Edge  
NSW FORUM

This submission is endorsed by:

