

Residential Tenancies – Pets in Tenancies Consultation
Policy & Strategy, Better Regulation Division
Department of Customer Service
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Tuesday 29 November 2022,

To the Department of Customer Service,

Re: Keeping Pets in Rental Homes

Please accept this letter as Domestic Violence NSW's submission in response to the inquiry into keeping pets in rental homes. Domestic Violence NSW (DVNSW) endorses the recommendations made by the Tenants' Union of NSW in their submission to the consultation on keeping pets in residential premises.

About Domestic Violence NSW

Domestic Violence NSW (DVNSW) is the peak body for specialist domestic and family violence services in NSW. We have over 130 member organisations across NSW.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. Our member organisations include crisis and refuge services, transitional accommodation and community housing providers, Aboriginal controlled organisations and specialist culturally and linguistically diverse organisations, men's behaviour change programs and networks, specialist women's legal support services, women and children's support services, women's health centres and Safe at Home programs.

DVNSW works to improve policy and legislative responses to domestic and family violence and to eliminate domestic and family violence through advocacy, partnerships and the promotion of good practice. We sit on over 85 advisory groups and committees and provide regular, informed advice to all levels of government. We are a member of the National Women's Safety Alliance and work alongside other peak organisations such as Safe and Equal in Victoria.

Domestic Violence and pets in residential premises

One in four women and one in six men in Australia are victim/survivors of domestic and family violence (ABS, 2017). Safe and secure housing has been identified as an essential part of establishing safety and reducing risk of harm for people experiencing violence including children. With Australia's rates of high pet ownership (approximately 61% of Australian households), access to housing with a pet is a key barrier for victim/survivors seeking safe housing.

Housing is often one of the most significant barriers to leaving a violent relationship. In a 2021 joint report between DVNSW, the NSW Council of Social Science (NCOSS), and Equity Economics, it was estimated that in 2021, 4,812 NSW women were forced to choose between staying in an unsafe and violent home, or face homelessness. It was estimated that 2,402 of these women returned to living with a violent partner and 2,410 were homeless because they couldn't find safe and secure housing after leaving a violent relationship. For victim-survivors with pets, this choice has additional complexities.

Perpetrators of domestic and family violence will often use animals to coerce or control victims, threatening to hurt or kill pets to keep them in a relationship, or as punishment for leaving. This cruelty and manipulation can leave victims terrified of the consequences for their beloved animals and can therefore delay, or prevent, them from leaving a violent situation. (National Collective of Independent Women's Refuges, 2018). Further, violence against animals is one of the three strongest risk factors for domestic and family violence lethality, along with access to weapons and threats of suicide (Arkow, 2014). Please refer to DVNSW's report, [Animals and People Experiencing Domestic and Family Violence](#), for further information.

In order to reduce the barriers people women who are escaping violence with their pets currently face, we endorse the following recommendations:

1. Make it easier for people who rent their homes to keep pets

- NSW residential tenancy laws on keeping pets in rental properties should be changed to make it easier for renters to keep pets.

2. Denial of permission

- Where a landlord wishes to deny permission for a renter to keep a pet, the onus should be on the landlord to obtain a Tribunal order allowing them to refuse consent.
- Consideration be given to adding Guidelines for the keeping of pets in residential premises to the *Companion Animals Act 1998*. These guidelines would apply equally to pet owners regardless of tenure, and could be relied on by the Tribunal when determining whether a landlord's consent is being unreasonably withheld.

3. Reduce barriers for people with pets to secure a new rental home

DOMESTIC VIOLENCE NSW

- Landlords and agents should not be allowed to ask about pet ownership when renters are applying for a property by prohibiting them from requesting this information in the *Residential Tenancies Act 2010*.
 - Blanket 'no pets' terms should be prohibited in residential tenancy agreements.
 - Landlords and real estate agents should continue to be prohibited from requesting pet bonds.
- 4. Strengthen renters' confidence and protections to assert rights**
- The 'no grounds' eviction provisions (sections 84 and 85) of the *Residential Tenancies Act 2010* should be removed and replaced with a range of 'reasonable' grounds for ending a tenancy, based on community consultation.

Thank you for considering our submission to this consultation. If you have any questions, please contact CEO Delia Donovan on ceo@dvnsw.org.au or Policy, Advocacy and Research Manager, Renata Field on renata@dvnsw.org.au

Yours sincerely



Delia Donovan
Chief Executive Officer, DVNSW

Further discussion regarding questions raised within Consultation Paper

Question 1: Should NSW residential tenancy laws on keeping pets in rental properties be changed? Why or why not?

Yes. The benefits to changing NSW residential tenancy laws to make it easier for renters to keep pets include:

- Animal welfare.
- Physical and mental health and wellbeing benefits for people who keep pets.
- Improving the safety of people experiencing domestic and family violence who may otherwise delay leaving violence because of a concern for their animals' safety.

Question 2: Would you support a model where a landlord can only refuse permission to keep a pet if they obtain a Tribunal order allowing them to do so? This is similar to the model that applies in Victoria, the ACT and NT. Why or why not?

Yes.

Question 3: Would you support a model where the landlord can only refuse permission to keep a pet on specified grounds, and the tenant can go to the Tribunal to challenge a refusal based on those grounds? This is similar to the model that applies in Queensland. Why or why not?

This is an improvement on the current model in NSW, but would still disadvantage renters.

Question 4: Is there another model for regulating the keeping of pets in tenancies that you would prefer? If yes, please outline the model.

There are several other issues that must be addressed when considering reforming the way in which NSW tenancy law regulates the keeping of pets in rental homes:

- Discrimination - under reforms suggested here many renters will still be asked to disclose whether they have a pet at the application stage, meaning agents and landlords may simply set aside every application that includes a request for consent to keep a pet. **There should be a prohibition on asking about pets at the application stage, and a prohibition on 'no pets' terms in residential tenancy agreements.**
- Pet bonds - renters already pay bonds to cover potential damage to property, and allowing landlords and agents to request additional bond money from renters with pets creates unnecessary barriers for low-income renters trying to find a home. **Pet bonds are currently prohibited and should remain prohibited.**
- 'No grounds' evictions - while 'no grounds' evictions remain in place in NSW, renters remain vulnerable to being evicted in response to a request for consent to keep a pet. Renters making other lawful requests (such as for repairs) are already often met with 'no grounds'

D O M E S T I C
V I O L E N C E
N S W

eviction notices in response. **'No grounds' eviction provisions should be removed from the Residential Tenancies Act 2010.**