



## Renters and Housing Union- Submission on proposed changes to Minimum Standards for Rental Properties and Rooming Houses

### Executive Summary

*“The house we’re renting is a concrete box that is freezing in the winter, stuffy and boiling in the summer, and not well insulated. No heating or cooling of any kind, and the landlord said he “doesn’t intend to install any”. The 2bed house is in bad shape in other ways, but the rent just got raised to \$550 which is in my opinion robbery”*

The Renters and Housing Union (RAHU) welcomes the opportunity to provide a submission on the proposed changes to Minimum standards for Rental Properties and Rooming Houses. As Victoria’s only member based union for renters, we are uniquely placed to reflect the views of our members, and renters more broadly. Our submission draws upon multiple sources, including surveys of our members, previous work we have completed in this space, and secondary research.

We welcome the proposed changes to the minimum standards which we believe will improve the safety and health conditions for renters. **Ensuring that houses are properly insulated, have adequate cooling methods and have proper hot water systems is welcomed by our Union and its members.** However, given the current power imbalances between renters and rental providers, the current states of disrepair in rental housing stock, and the potential cost impacts on renters, **it is crucial that any changes must ensure that renters are not unduly affected.** Compliance measures must be enforced, provide reasonable consequences for rental providers that breach the standards, and complement the implementation of current protections within the Residential Tenancies Act (RTA). The proposed standards must be phased in, conducted as part of assessment and completion of appliances, testing and other required checks as outlined in the minimum standards which were developed in 2021. **It is crucial that all activities must be conducted by qualified professionals including assessment, inspection, testing, installation and modification, and that rental providers are not able to pass costs on to renters who are already struggling with the cost of living.** It is crucial that even when renovations need to occur, the right of a renter to housing is paramount.

Our recommendations are below:

1. Rent increases must not be allowed unless property meets minimum standards (2021 & 2024 provisions), or failing, this, cannot be actioned without inspection of minimum standards and assessment conducted by independent qualified assessor (assigned by CAV Director).
2. Inspections must be conducted as part of assessment and completion of appliance, testing and other required checks as outlined in minimum standards of 2021.
3. All maintenance activities (including installing cooling, draught proofing and insulation) activities must be conducted by qualified professionals including assessment, inspection, testing, installation and modification.
4. That these inspections must be conducted before the renewal or initiation of any new lease.
5. There must be protections to ensure that no renter is unduly affected through rental providers:
  - a. Passing on the costs through a rent increase
  - b. Evicting tenants for renovations. If renovations are needed, eviction must be delayed until the renter has found adequate accommodation, or compensation paid up front.
6. There are opportunities to explore cheaper options which are less invasive for the renter, including mandating fly screens for all windows within rentals, or fans in sleeping and living spaces.
7. The proposed exemptions to the minimum standards present opportunities for rental providers to avoid meeting minimum standards, and should be tightened to ensure that people living in rentals under body corporate control can be properly protected.

Our submission outlines current standards of disrepair within the rental sector, the health impacts of implementing the proposed changes effectively, and the potential risks to renters (including evictions and rent increases) if these changes are implemented without a focus on renters rights. We have also attached a summary of a members survey (appendix 1) in which we asked about heating and cooling within member's rentals.

If you would like more information, please contact Alex Johann (Research, Policy and Advocacy coordinator) at [alexj@rahu.org.au](mailto:alexj@rahu.org.au), or Harry Millward (Secretary) at [secretary@rahu.org.au](mailto:secretary@rahu.org.au).

## What is renting currently like for our members?

*"Too scared to in case of lease non-renewal"*

In response to the question: *In your current home, have you requested upgrades on the subject of temperature maintenance to your landlord or agent?*

RAHU member survey.

**It is crucial to realise that rental stock in Victoria is already in a state of disrepair, and that this needs to be remedied alongside any proposed changes to the minimum standards.** Every person has the right to an adequate standard of living and this also includes the continuous improvement of rental conditions (Hohmann, 2020). The rental sector has some of the poorest quality housing conditions and rentals are often energy inefficient and poorly maintained (Moore et al., 2024). So whilst we applaud the government for introducing the residential tenancy reforms (Residential Tenancies Regulations, 2021) and for recognising that they need to be strengthened, renters currently live in unacceptable conditions that are in decline (Thompson, 2023).

## Declining standards of rentals

Our members and broader research has reported that despite minimum standards, rental homes are already in poor condition. The Australian Housing Conditions Dataset found that 45% of renters rated the condition of their dwelling as “average, poor, or very poor” (Beer & Baker, 2023). Declining standards of living in rentals relate to rental housing quality (condition of the dwelling), housing conditions (such as if it has heating, cooling and if mould and damp are present) and insecurity (the average lease being less than 12 months) (Beer & Baker, 2023).

A common complaint in rentals is that too often people are not aware of mould or damp when signing a lease, though legally a history of mould and damp must be declared in the contract (Tenants Victoria, 2023). One RAHU member stated how their real estate agent delayed addressing a mould problem for over 4 months. The house was already in poor repair, and the rental provider was unwilling to spend money on structural repairs. The rental had fallen under the minimum standards and the mould issue was an urgent repair.

Another RAHU member shared how they were evicted from their rental after complaining for months about mould and made several requests for it to be addressed. Over a 3 month period, as the temperatures grew colder, mould grew in every room, including the kitchen, and the renter ended up sleeping in the lounge room, as that was the safest place to sleep. The mould was not disclosed when they signed the lease and after living in the rental for less than 6 months, they were evicted. The issues with mould were due to structural issues.

## Maintenance and repair issues

Under the minimum standards rental providers must make sure a property meets minimum standards on or before the day a renter moves in (Consumer Affairs Victoria, 2024), however real estate agents are not enforcing these standards and rental providers are not complying when renters report maintenance and repairs. RAHU members have continued to report that maintenance and repairs are not being completed, to a reasonable standard, and that they are also experiencing delays, resulting in unsafe living conditions (RAHU, 2021, Council to Homeless Persons, 2023).

One renter shared that when they signed a new lease, they discovered that several dangerous electrical faults were present (RAHU, 2021, p. 15). Rental providers are responsible for engaging an electrician to ensure their rental property complies with the electrical safety standard (Consumer Affairs Victoria, 2024). This same renter also found that

the house had not been adequately cleaned (mouldy food was found in kitchen appliances) and that several of the rental provider's possessions were still in the house and shed (RAHU, 2021, p. 15).

It is our view that although the proposed changes will positively affect our members and other renters if implemented with due consideration to renters rights, the current housing stock available to renters is often of very low quality. Rental providers must be held accountable for making changes to ensure properties meet the existing minimum standards, before work can commence on uplifting to meet the new proposed standards.

## What are the impacts of poorly maintained rentals on the health of our members and renters?

*"We sleep very poorly and find it hard to keep cool on hot days"*

*"Old air conditioner in the lounge and next-to-zero insulation means the aircon doesn't reach my bedroom, meaning i have to sleep in the lounge/kitchen when there's a heat wave. I dont sleep well in the lounge and my sleep is very disrupted. But i still sleep better than trying to sleep in the heat in my bedroom"*

*"We're have to rely on plug-in fans as the air con is situated in the living room and the cool air doesn't circulate the rest of the house well. In particularly rough heatwaves we've moved our mattress into the lounge to make do."*

RAHU members as part of our members survey.

**Minimum standards to improve the thermal comfort of Victorian rentals could have significant positive health impacts if implemented effectively. Inadequate thermal comfort, as a result of cold draughts, insufficient insulation, and inadequate heating and cooling, have significant health impacts on renters, who are more likely to live in housing that is of poorer quality, particularly in relation to thermal comfort and energy efficiency** (Daniel et. al 2020).

Extreme heat kills more Australians than any other form of natural disaster, and Victoria is experiencing longer and more frequent heat waves as state temperatures continue to rise (VCOSS 2021). Limited capacity to reduce exposure to extreme heat means renters are particularly vulnerable to the health impacts of extreme heat, while rental properties themselves tend to be of a generally lower quality than owner-occupied homes (Nichols et al 2017). People with long-term health conditions have also been found to be among those most likely to be in the poorest quality housing stock, and as a result more vulnerable to the health impacts of thermal stress and discomfort (Baker et. al 2016)

A number of studies, including RAHU's own member surveys, have recorded the health impacts of poor cooling for renters. These include:

- Poor quality and disrupted sleep (RAHU members survey)
- The exacerbation of chronic health conditions, including but not limited to:

- Respiratory conditions like asthma and hayfever, multiple sclerosis, spinal cord injury, heart conditions, anxiety and depression, diabetes (Nichols et al 2017).
- Chronic fatigue, intracranial hypertension, migraine (Better Renting 2023).
- Heat-related illness such as dehydration and heatstroke. (Better Renting 2023).

For renters over the age of 65, renters with infants or young children, pregnant or nursing renters and renters with pre-existing health conditions, the risk of heat-related illness is greater.

The impacts of extreme heat can also have secondary health consequences on the health of renters. Extreme heat can make it difficult to participate in necessary activities of daily living such as cooking and bathing. Certain psychiatric medications can also affect heat tolerance, increasing the risk of life-threatening heat related illness, while energy inefficient systems can also contribute to exacerbated financial stress due to energy costs and lead to unhealthy self-rationing of cooling even during dangerously hot weather (Nichols et al 2017).

Due to power imbalances between renters and landlords, RAHU members have expressed fear that requesting better heating and cooling could lead to retaliatory rental increases or evictions. For the proposed standards to have a positive impact, and not exacerbate the health impacts of financial stress and housing insecurity experienced by renters, clear and consistent enforcement must form part of the reform.

If implemented well, proposed improvements to improve thermal comfort in housing could have significant positive impacts on health and wellbeing for renters. A South Australian Uniting Communities project that delivered air conditioning to 200 low income rental households found that increased thermal comfort correlated with increase in physical activity, improved mental wellbeing, reduced doctor visits, improved sleep and increased the happiness of children with the home (Uniting Communities 2016). However, notably this project came with the security of a freeze on rental increases, eliminating the possible negative mental health impacts of financial stress and housing insecurity for the renting participants.

As such, for the proposed changes to have a positive health impact the minimum standards must provide security for renters through consistent enforcement.

## What are the current and potential financial costs for our members?

### Higher energy costs

**Renters are also facing issues relating to the cost of living (Baker et al. 2022, RAHU, 2021) and this has also resulted in a decline in mental health and wellbeing (RAHU, 2021, p. 22).**

The poor building standards of many rentals reduces the efficiency of many heating and cooling systems, requiring tenants to run these systems for longer, incurring significant

energy costs (Nicholls et al 2017, Daniel et al 2020). Research has found that up to 40% of Australians experience energy hardship, and that household expenditure on domestic fuel and power has risen by 37% from 2009 to 2015 (Daniel et al 2020).

Renters, and especially private renters, have little power to improve the thermal performance of their homes given they have no legal right to modify their dwelling and have little incentive to make improvements to homes they have no guarantee for continuing tenancy.

In the RMIT 'Heatwaves, Homes & Health' study, renters described their homes as extremely uncomfortable in hot weather, identifying features such as lack of insulation, lack of window covering or external window shading including limited vegetation, lack of controllable ventilation, and/or poor design or substandard building materials, as key factors in thermal discomfort (Nichols et al 2017).

The introduction of mandatory insulation in the minimum standards is an important step in improving the energy efficiency of homes, however enforcement of insulation quality remains a key factor. In RAHU's member survey, 198 out of 226 respondents reported that their homes were not insulated, with some responding that the property was reported to be insulated but not actually effective. Similarly, other attributes of 'low-energy houses' such as double-glazed windows, proper orientation, and reverse brick veneer (Moore et al 2016) which improve thermal comfort are not ensured by the proposed minimum standards.

While the introduction of mandatory cooling systems is an important step for reducing the health impacts of heatwaves for renters, reliance on air conditioning comes with its own risks in exposing renters to energy hardship. Analysis by Williamson, Soebarto and Radford (2010) argue that there is a disconnect between adaptive comfort outcomes and current Australian building standards, stating that approaches to design and construction of housing completely change if one begins with the premise that the house will not have, or require, air conditioning. With this in mind, there is a risk that with mandatory cooling, other low-energy design factors may be ignored in new rental builds that are designed with air-conditioning reliance in mind.

High energy costs from a reliance on energy inefficient heating or cooling to maintain thermal comfort can also lead to unhealthy self-rationing. RMIT research has found that self rationing of air conditioning in heat vulnerable households was a widespread problem with 88% of informant respondents stating they were aware of at-risk clients that did not use air conditioners during heat waves (Nichols et al 2017).

Those who must use higher heating and cooling for health reasons tend to be more marginalised such as, those with chronic health conditions, older people, people with very young children. Similarly, renters noted that having pets was a key reason to leave air conditioning on in energy inefficient and thermally uncomfortable homes (Nichols et al 2017).

With this in mind, while minimum standards that mandate air conditioning, insulation and draught proofing are important, more holistic measures to ensure the energy efficiency and thermal comfort of Australia's housing stock may be necessary to reduce energy hardship for renters. There are additional opportunities for CAV to consider implementing low cost measures such as mandating fans and fly screens. Our members' survey highlighted these as options that would be good for consideration.

## What are the risks if these changes are implemented without rental protection considerations?

Rent increases may be passed on to members by rental providers

**Renters are at risk of further rent increases if these changes are implemented without proper considerations of protections for tenants.** This is particularly concerning for RAHU because of the level of rental stress that is currently faced by our members. RAHU runs a renters rights support team (RRST) which aims to support our members in disputes with rental providers, challenge unfair rent increases and claim compensation. In July 2023, rent increases made up 2.9% of cases handled by the team. By August 2023, rent increases made up just under 19% of the team's work. Within Victoria, average rents have increased by 14.6% over the year since March, 2023. This speaks to an environment in which renters are already stressed by rent costs, with the proposed changes having the potential to add rent costs if not properly managed.

The proposed changes have the potential to be passed on to renters, increasing rental costs and threatening the livelihoods of renters in an already stressful financial environment. We repeat our calls for rental some form of rent controls, in order to ensure that renters are not unduly affected by these changes.

Tenancies may be terminated due to renovations in order to meet the new minimum standards

**The proposed upgrades to minimum standards also present a significant risk that rental providers will simply evict tenants in order to complete the renovations.** While in some cases this may be necessary for the safety of the renter, RAHU has seen many cases where the rental provider has taken advantage of a situation in which repairs need to be made, and has temporarily evicted the renter. In these cases, the rental provider often provides little to no compensation, or requires the renter to be out of pocket through paying for accommodation costs. Additionally, we have also experienced many cases of our members being evicted for renovations permanently, only to return the property to rent with a higher rent. Rental providers will be able to abuse the proposed changes unless there are mechanisms in place to stop

# References

- Council to Homeless Persons (2023). The lived experience of renting. *Parity*, 36(4), 10–11. 1032-6170.
- Baker, E., Beer, A., Bentley, R and Lester, L, (2016). *Poor housing quality: Prevalence and health effects*, Journal of Prevention and Intervention in the Community, Oct-Dec;44(4):219-232. doi: 10.1080/10852352.2016.1197714
- Baker, E., Daniel, L., Beer, A., Rowley, S., Stone, W., Bentley, R., Caines, R. & Sansom, G. (2022). *The impact of the pandemic on the Australian rental sector*. Australian Housing and Urban Research Institute Final Report.
- Beer, A. & Baker, E. (2023). The rental housing crisis is hurting our most vulnerable and demands a range of solutions (but capping rents isn't one of them). *The Conversation*. <https://theconversation.com/the-rental-housing-crisis-is-hurting-our-most-vulnerable-and-demands-a-range-of-solutions-but-capping-rents-isnt-one-of-them-211275>
- Better Renting (2023). No reprieve: Notes on Perth's November Heatwave. [https://www.betterrenting.org.au/no\\_reprieve](https://www.betterrenting.org.au/no_reprieve)
- Consumer Affairs Victoria. (2024) *Rental properties - minimum standards*. Consumer Affairs Victoria. <https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/minimum-standards/minimum-standards-for-rental-properties#view-minimum-standards>
- Consumer Affairs Victoria. (2024) *Renters' rights when minimum standards are not met*. Consumer Affairs Victoria. <https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/minimum-standards/renters-rights-when-minimum-standards-are-not-met>
- Daniel, L., Moore, T., Baker, E., Beer, A., Willand, N., Horne, R. & Hamilton, C. (2020) *Warm, cool and energy affordable housing policy solutions for low-income renters*. Australian Housing and Urban Research Institute Final Report. <https://www.ahuri.edu.au/research/final-reports/338>. doi: 10.18408/ahuri-3122801.
- Hohmann, J. (2020) (*The Forgotten Right to Continuous Improvement of Living Conditions*, in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights: Seeking the Roots of the Right in International Law. (n.d.). <https://doi.org/10.2139/ssrn.3668638>
- Moore, T., Baker, E., Daniel, L. & Willand, N. (2024). Victoria is raising minimum rental standards – it's good news for tenants and the environment. *The Conversation*. <https://theconversation.com/victoria-is-raising-minimum-rental-standards-its-good-news-for-tenants-and-the-environment-231679>



Nicholls L., McCann H., Strengers Y. & Bosomworth K. 2017. *Heatwaves, Homes & Health: Why household vulnerability to extreme heat is an electricity policy issue*, Centre for Urban Research, RMIT University, Melbourne.

Renters And Housing Union (RAHU). (2021) *Roofs For Ransom*. Renters And Housing Union.

Residential Tenancies Regulations (2021) (Vic)

Tenants Victoria. (2023) *Mould and damp*. Tenants Victoria.

<https://tenantsvic.org.au/advice/common-problems/mould-and-damp/>

Thompson, J. (2023). Urgent rental repair matters before VCAT surge in the wake of Victoria's tenancy. *ABC News*.

<https://www.abc.net.au/news/2023-09-24/surge-in-urgent-rental-repair-matters-vcac-tenancy-reform/102876618>

Uniting Communities, Beat the Heat!, 2016, Uniting communities,

[https://www.dcceew.gov.au/sites/default/files/documents/uniting-communities-beat-the-heat\\_0.pdf](https://www.dcceew.gov.au/sites/default/files/documents/uniting-communities-beat-the-heat_0.pdf)

Victorian Council of Social Services (VCOSS), Feeling the Heat, 2021, VCOSS,

<https://vcoss.org.au/wp-content/uploads/2021/06/Feeling-the-Heat.pdf>

Williamson, T., Soebarto, V., & Radford, A. (2010). Comfort and energy use in five Australian award-winning houses: regulated, measured and perceived. *Building Research & Information*,38(5), 509–529. doi:10.1080/09613218.2010.494890

## Appendix 1: RAHU member survey summary

### Executive Summary

Respondents to the survey are overwhelmingly living in properties that are not suited to extreme weather conditions, in particular, heatwaves. This is creating situations which are depriving them of sleep and contributing to and exacerbating existing health conditions. The vast majority of respondents live in properties that do not have air conditioning, are poorly insulated and if they have fans, are limited to one room only. Even for those renters who do have air conditioning, they are forced to run them throughout the day in order to simply remain cool, often incurring high electricity costs. This is a result of the poor insulation of properties, where even in cases where the landlord has provided insulation, it is poorly built or not properly maintained.

The power balance between renters and landlords is such that even with these basic demands, renters are unable to ensure that these changes are made, or are too afraid to ask

for adjustments for fear of eviction. Some important quotes highlighting this context are below:

*"The house we're renting is a concrete box that is freezing in the winter, stuffy and boiling in the summer, and not well insulated. No heating or cooling of any kind, and the landlord said he "doesn't intend to install any". The 2bed house is in bad shape in other ways, but the rent just got raised to \$550 which is in my opinion robbery"*

*"Too scared to in case of lease non-renewal"*

In response to the question: *In your current home, have you requested upgrades on the subject of temperature maintenance to your landlord or agent?*

It is clear that landlords will not ensure that housing is fit for purpose in a time when heat waves are becoming increasingly common. These results demonstrate the importance of landlord accountability through legislative mechanisms ensuring that proper efforts are made to ensure renters health during extreme temperatures. Respondents highlighted Cooling as the number 1 priority for their homes.

## **Background**

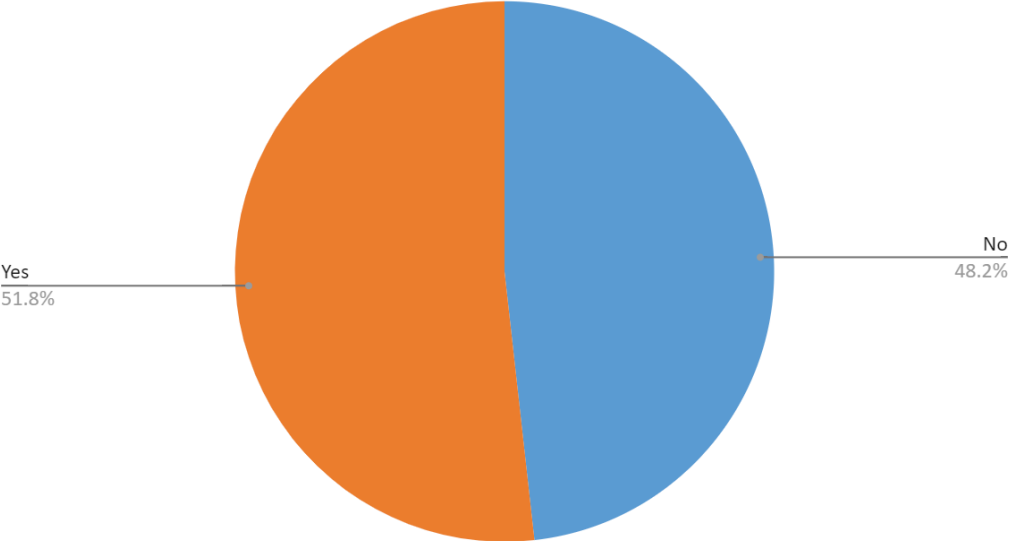
The Renters and Housing Union (RAHU) is a member-run union, composed of renters, public housing tenants, squatters, homeless, home-owners, and people in unstable housing from all Australian states and territories. Collectively we organise for the right to affordable, accessible, and appropriate housing for all, through self-advocacy, education, and eviction defence. We are currently campaigning for all people to have the right to healthy heating and cooling in their homes. To help us better understand our members' views and experiences, we conducted a survey in April, 2024. The survey had 226 responses from across the country. 68.3% of responses were from Victoria, with a further 14.3% of responses from NSW. Other responses were received from South Australia, Western Australia and Queensland. The majority of respondents were aged between 25 and 34 (42.6%) and 35 and 44 (28.4%). Analysis has been divided into different sections to help the reader.

## **Air Conditioning**

Survey respondents were asked whether they had air conditioning in their properties, and the time that they spent running them on hot days. Below are some graphs showing the key figures:

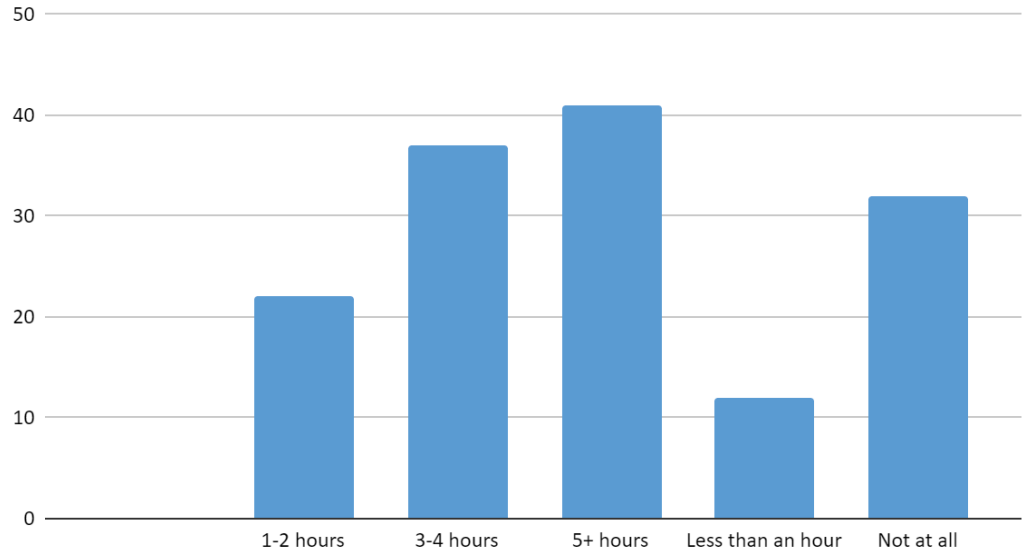
*Do you have air conditioning in your home? (yes or no)*

Homes with airconditioning

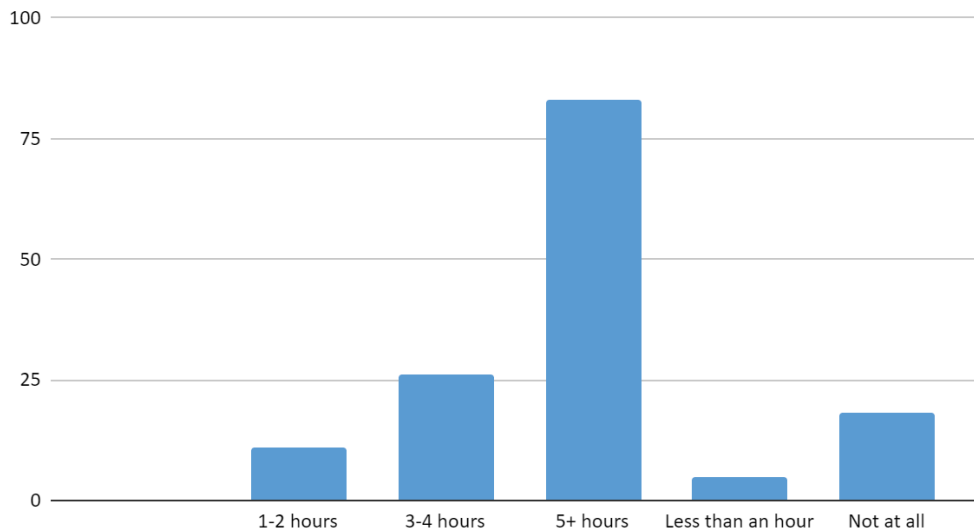


*If you have an air conditioner, how many hours would you run it on a day between 30 and 34 degrees?*

Use of aircon during 30-34 degrees days



### Use of aircon during 35- 40 degree days



### Insulation

Survey respondents were asked two questions in relation to insulation of their properties.

The vast majority of respondents (198 out of 226) reported that their homes were not insulated. Other responses were that the property was reported to be insulated, but was not effective (*“Supposed to be but not in practice”*) or that the insulation only functioned up to a certain point (*“Up to a certain temperature - around 30 degrees it gets really hot inside, it's unbearable above 35 degrees”*). Survey respondents were also asked about whether or not their property had fly screens on doors and windows in good repair. The vast majority (198 of 226) answered that they did not have fly screens on their doors and windows. Of those who reported having fly screens on the windows, most reported that they were not in every room of the property, or were not maintained by the landlord.

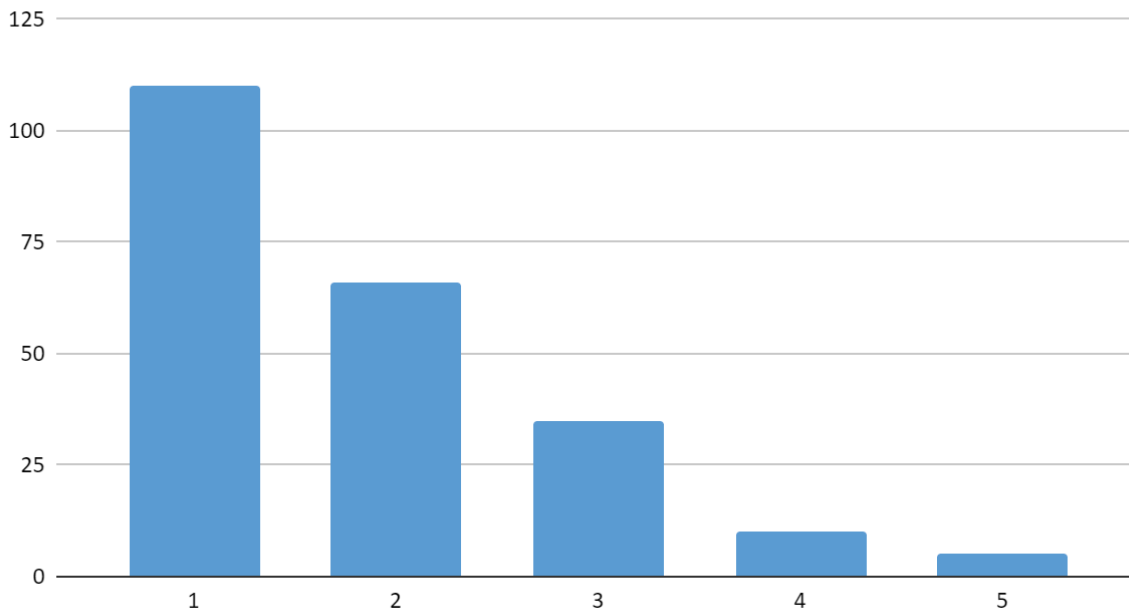
### Other heating and cooling systems

Survey respondents were asked about alternative heating and cooling systems within their properties, including ceiling fans throughout the house. When asked what type of hot water system their properties used, the majority of respondents (140 out of 226) reported that they had a gas system. Participants were also asked if they had a ceiling fan in the living room, or a fan in another room of the property of their house. 84.5% of respondents to the survey both had no ceiling fan in either their living room, or bedroom.

### Comfort

Participants were asked how well they slept during heatwaves, relevant to the heating and cooling systems within their rental properties. The below graph demonstrates how well respondents rated their sleep (1 represents very bad sleep, and 5 represents very good sleep).

### Sleep quality during heatwaves



The vast majority of participants in the survey reported that their sleep was very poor during heatwaves. This correlated with much of the information about the low numbers of respondents who had access to air conditioning, insulation or other types of methods to lower temperatures within their homes. Some of the key quotations from renters who reported having low quality sleep during heatwaves are reported anonymously below:

*"We sleep very poorly and find it hard to keep cool on hot days"*

*"Old air conditioner in the lounge and next-to-zero insulation means the aircon doesn't reach my bedroom, meaning i have to sleep in the lounge/kitchen when there's a heat wave. I dont sleep well in the lounge and my sleep is very disrupted. But i still sleep better than trying to sleep in the heat in my bedroom"*

*"We're have to rely on plug-in fans as the air con is situated in the living room and the cool air doesn't circulate the rest of the house well. In particularly rough heatwaves we've moved our mattress into the lounge to make do."*

Other renters stated that heat waves can exacerbate existing disabilities and health conditions, as well as threaten the lives of their pets and greatly affect their ability to concentrate and function on work or study tasks.

### Repairs

Respondents were asked if they had requested upgrades on the subject of temperature maintenance to their landlord or agent. Of the 226 respondents to the question, only 16 had successfully asked and received upgrades. Most (116) had not asked, and a large number (61) had asked and been denied.

### **Demands**

Of the 225 respondents to the question: *If you had to rank our demands, which is the most important to least important*, 41% of respondents picked Cooling as their highest priority, followed by 25.3% of people who picked ceiling insulation. Other options picked were Hot Water at 12%, Ventilation at 11% and Draught sealing at 9%.