



Triple Bottom Line (TBL) Assessment Summary

The Triple Bottom Line Assessment is required to be published in accordance with Part 4, section 23 (1)(b) of the Freedom of Information Act 2016

18/390 Residential Tenancies Amendment Bill 2018 (No 2) – policy approval

Summary of Impacts			
<p>The Residential Tenancies Amendment Bill 2018 (No 2) proposes amendments to the <i>Residential Tenancies Act 1997</i> which will:</p> <ul style="list-style-type: none"> - improve protections for residents and provide certainty for grantors including the approval of standard agreements for certain grantors with special terms tailored to the type of accommodation; - provide that residential occupancy legislation clarifies the nature of residential occupancies and specifically regulate caravan and manufactured home accommodation where the resident owns their home and rents the site; - make it easier for tenants to keep pets in rental properties; - make it easier for tenants to make modifications in rental properties; - refine the domestic violence and personal protection order provisions to assist the ACAT to address practical issues that have arisen with current drafting; - allow tenants to vacate with no penalty during a fixed term when notice of ‘no cause’ termination has been given; - provide that a tenant does not need to pay a ‘break lease’ fee if the lessor finds a replacement tenant, subject to reasonable costs; - require the lessor to apply to ACAT for approval of any rental increases in excess of a prescribed amount; and - provide an optional standard residential tenancy agreement for tenants and lessors to use for long term tenancies. 			
Level of impact	Positive	Negative	Neutral

Social

Justice and rights	<ul style="list-style-type: none"> • The proposed amendments support justice and rights by reforming the ACT’s occupancy agreements system. These reforms will create fairer outcomes for residents and grantors by clarifying expectations of occupants and grantors in a range of living situations including caravan parks and mobile homes, student accommodation, crisis accommodation and boarding houses. • Amendments to the occupancy agreements system will reduce the need for litigation to clarify the treatment of different types of residential agreements. • The proposed amendment to require the lessor to seek ACAT approval of any rental increases above a prescribed amount will shift the burden of challenging such increases away from tenants, who often have less resources available to them compared to the lessor.
Housing and affordable housing	<ul style="list-style-type: none"> • The proposed amendments will improve security of tenure for tenants, as well as individuals subject to an occupancy agreement. • Key stakeholders have raised concerns that individuals subject to occupancy agreements are vulnerable, and subject to harsh restrictions on their residency

	<p>rights. The proposed amendments will reduce this vulnerability by creating a framework which identifies clear expectations for occupancy agreement residents and grantors.</p> <ul style="list-style-type: none"> The proposed amendments provide greater agency for tenants in their tenancy agreements, by allowing tenants to keep pets and making it easier for tenants to make modifications to rental properties. Tenants will be able to make some modifications without consent of the lessor, and the lessor will not be able to unreasonably refuse consent for some more substantial modifications. This will support the creation of accessible rental housing, with a lessor unable to unreasonably refuse consent to the installation of disability access or safety fixture improvements.
Disadvantaged and vulnerable	<ul style="list-style-type: none"> Amending the occupancy agreement framework will increase security of tenure for occupants, including students and persons in crisis. Allowing for modifications to be made to property with the lessor's consent supports the creation of accessible rental housing, supporting persons with disability, and strengthens protections for individuals fleeing violence. Refining the optional 'break lease' clause to provide that a tenant does not have to pay the break lease fee except for the lessor's reasonable costs if the lessor finds a replacement tenant will provide financial relief for tenants while making sure the lessor does not suffer financial loss.
Impacts on different age groups	<ul style="list-style-type: none"> Amending the occupancy agreement framework will affect different age groups in the Canberra community. The amended framework seeks to cater for the needs of young Canberrans, by providing increased certainty and rights for individuals living in student accommodation complexes. This framework provides increased certainty for residents of mobile and relocatable homes, including retirees.

Economic

ACT Government Budget	<ul style="list-style-type: none"> The proposed amendments have no financial implications for Government.
Productivity	<ul style="list-style-type: none"> The amendments provide greater support for ACAT by addressing questions about the management of termination and possession orders where an applicant who is experiencing domestic or personal violence applies for orders to change their tenancy agreement. The proposed amendments will clarify uncertainty for residents subject to occupancy agreements about their residential rights and responsibilities. These issues have been considered by the ACAT on a number of occasions and key stakeholders have raised concerns about the restrictions occupancy agreements place on residential rights. The changes to the occupancy agreements framework will encourage innovation among grantors, as they implement procedures to prioritise residential rights.

Environmental

Energy	<ul style="list-style-type: none"> Climate change impacts have been considered and no impacts have been identified.
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