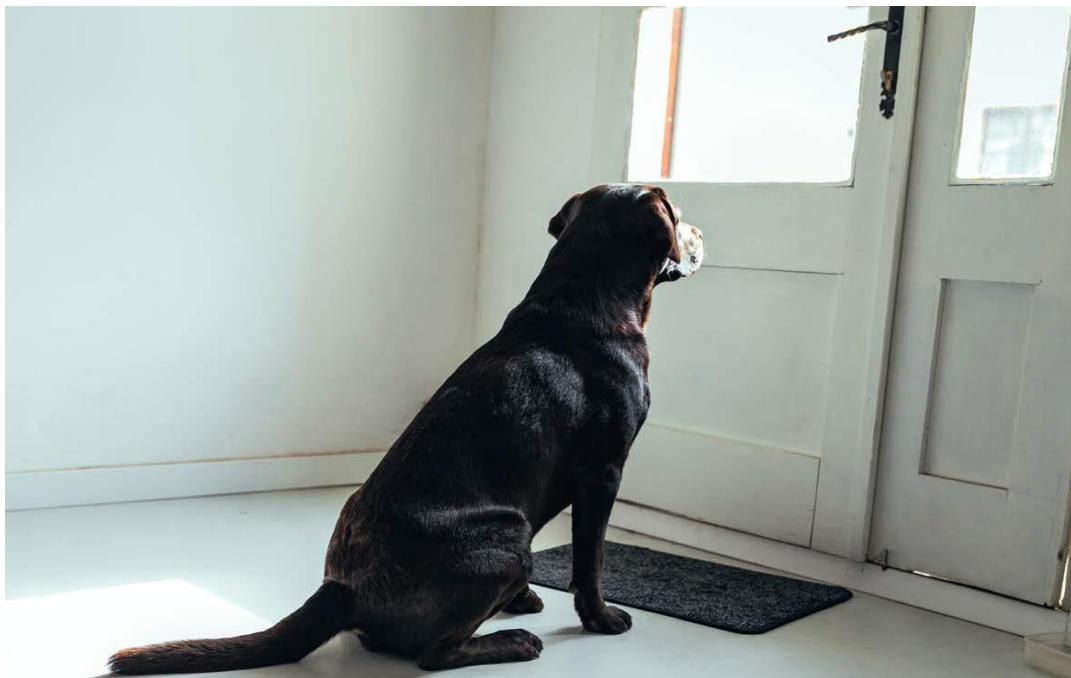




## **SUBMISSION TO THE RESIDENTIAL TENANCIES REVIEW BY CONSUMER AND BUSINESS SERVICES**

**7 December 2022**



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*Note: For the purpose of readability, the names of Australian states and the titles of legislation will be abbreviated after their first mention.*

## EXECUTIVE SUMMARY

Can you imagine the trauma your family would suffer if you were forced to give up your pet because you could not find pet friendly housing? Tight rental markets across Australia are forcing pet owners to choose between living in substandard accommodation with their pets or surrendering them to a shelter to secure housing. (Power, 2017) To keep their pets, some South Australians are living in cars, tents and unacceptable accommodation. A lack of pet friendly housing is having detrimental impacts on both human and animal welfare, and without government intervention, impacts will worsen.

Despite 68% of South Australians having pets (Animal Medicines Australia), a recent report found only 8% of South Australia's (SA's) rental properties explicitly allow pets (Better Renting, 2020). An online search in December 2022 (<https://www.domain.com.au/rent/adelaide-sa-5000/>) shows this number has not increased. With a growing number of South Australians living in rentals long term, this shortfall is unworkable.

The RSPCA is uniquely positioned to comment on the pets in rentals section of the review (Part 5 of the Discussion Paper). In the past 4 years, the number of animals surrendered to the RSPCA shelter by people without pet friendly accommodation has almost doubled. In FY22, 620 animals were surrendered for this reason (a third of all surrenders). It is not only renters forced to relinquish animals who are impacted, shelter workers, animal behaviourists and members of the community are also struggling to find solutions. Some of their comments are in Part 1 of this submission.

The RSPCA strongly supports the proposed reform to remove blanket 'no pet' provisions and align with Victoria (VIC), Queensland (QLD), the Northern Territory (NT) and the Australian Capital Territory (ACT). Evidence suggests the 2020 VIC reform is having positive impacts, with RSPCA VIC reporting a sharp drop in animals surrendered by pet owning renters since the reform. There were also comparatively few cases where renters and property owners were unable to agree on conditions to keep pets (Landy, 2021). To be effective however, we believe SA's reform needs to level the playing field between pet owners and non-pet owners. States with the reform still saw pet owners screened out at the first stage of applying, because property owners can discard applications that disclose pet ownership. (Brooke, 2019; Better Renting, 2020).

In terms of whether a pet bond should be introduced, if this is needed to get the reform through, the RSPCA would not oppose it, provided the bond is capped. However, evidence suggests the cost of fixing the wear and tear caused by pets rarely exceeds the value of the standard rental bond. Research also found no difference between damage caused by renters with and without pets. (Carlisle-Frank et al., 2005).

The mental and physical health benefits enjoyed by pet owners are widely recognised (for e.g., Westgarth et al., 2019). Ample literature also shows that pets are increasingly considered family members, and that breaking the bond between people and pets causes serious trauma. This trauma is especially acute for children (Bodsworth et al., 2001; Park et al., 2022), the elderly, those suffering illness or disability, those living alone and people at risk of domestic violence. People relying on the companionship of animals are often amongst the most vulnerable. In an era where less families live together and single person and older couple households are more common (AIFS, 2020), the companionship of pets has never been more important.

The RSPCA bases all policies on science and evidence and is not an activist organisation. We position ourselves to represent broad community attitudes towards animal welfare, as reflected by our 120,000 registered supporters in South Australia. Our position is detailed in the following four sections, which contain our recommendations.

## 1. The impact of the current 'blanket no pets' policy on people, pets and the RSPCA SA shelter

RSPCA South Australia has been impacted by this policy. In the past 4 years the number of pets surrendered to our shelter by owners who don't have access to pet friendly accommodation has doubled. These animals now make up a third of the pets surrendered to the shelter:

- In FY19, 323 pets were surrendered for this reason.
- By FY22, **620 pets were surrendered for this reason.**

A 2020 report (Better Renting, 2020) found only 8% of advertised rentals explicitly allowed pets. Yet 68% of South Australians have pets (Animal Medicines Australia). A December 2022 online search of Adelaide and nearby suburbs found no improvement, with only 27/304 (8.8%) pet friendly properties. (<https://www.domain.com.au/rent/adelaide-sa-5000/>).

The negative impact that the 'blanket no pets' rental policy has had on people and their pets is well documented (for e.g. Power, 2017; BCEC Research Report, 2018) For many people, their animals are their closest family members and research suggests that many pet owners faced with having to give up pets choose instead to live in cars or tents or to remain in compromised living situations. Potentially unsafe conditions may include housing where pet owners are exposed to a high risk of domestic violence and/ or poor-quality housing.

Over the past 4 years, RSPCA SA has dealt with many South Australians impacted by the lack of pet friendly housing. In response, we have logged some of the comments made by pet owners, shelter workers, animal behaviourists and other community members. The following sample of comments paints a picture of the pain caused by the no pet policy:

### i. **Quotes from pet owners forced to surrender their animals to the RSPCA shelter:**

- *"This is the hardest thing I've ever had to do"*
- *"I can't believe this is happening, I can't find anyone to look after him till I can find a house"*
- *"I told the owner my cat wouldn't cause damage, and if it did, I would pay, but they still refused me"*

### ii. **Quotes from RSPCA SA shelter workers who deal with distressed owners having to surrender animals, on a daily basis:**

- *"This is just heart breaking. We have tissues on the surrenders desk for a reason".*
- *"It is happening almost every day, it's tragic, and its draining for shelter staff too"*
- *"I wish we had capacity to foster all of these animals while their owners find a new home. We do our best, but the shelter is bursting. We have to rehome them".*

### iii. **Quotes from shelter behaviourists, about the animals being surrendered:**

- *"These poor animals are so confused, one moment they were with their owner, then they are in a strange place wondering what happened".*

### iv. **Quotes from members of the community looking for solutions:**

- “This couple were living in a car then a tent, and they couldn’t care for their cat, so I fostered it. But they still couldn’t find a place, so the cat had to be rehomed. They were devastated.”
- “It’s terrible, its not their (the pet owners) fault they can’t afford to buy a house. Now they have to give up their pets”
- “She is living in a tent next to the river because she refuses to give up her dog. We are worried about her safety.”

## 2. Response to Part 5, question 1:

### Should the RTA include a presumption that a tenant who applies to keep a pet in a rental property cannot have their request unreasonably refused, provided the tenant agrees to comply with any reasonable conditions imposed by the landlord?

**The RSPCA strongly supports the introduction of this presumption.** We know from the experience of interstate counterparts, that even in states that have adopted similar reform, silent discrimination still occurs. This is because property owners receiving large numbers of rental applications don’t have to justify why they may choose applications from non-pet-owners. The uneven playing field continues to disadvantage pet owners. **To address this, we suggest moving the requirement for pet owners to disclose their pets from the first step of the application process to the second.** That is, instead of disclosing pets on the initial application form (1<sup>st</sup> step), disclose pets once the application has been accepted, (2<sup>nd</sup> step). If a property owner accepts a pet-owner’s application, the renter can then complete a ‘Pet request form’ to seek the property owner’s consent and can provide the relevant documents (e.g. animal’s image, pet resumes/references, proof of vaccination, registration, parasite free status etc.). At this point, the renter will need to agree with the property owner on conditions for keeping the animal. Moving the declaration of pets from the first to the second step of the process will remove the potential for silent discrimination. It will ensure pet-owners are not disqualified at ‘first base’, and property owners retain an avenue to object, via the tribunal, if they have a good reason.

Research on the wear and tear/damage pets typically cause in rental properties suggests property owners’ *fear* of damage is greater than the evidence (Carlisle-Frank et al., 2005, p. 16):

*‘.The results of the present study indicate these problems are frequently minimal, however. For instance, costs from damage to the property was found to be far less than the amount of the average monthly rent or the average pet deposit. Additionally, results indicate that there is no significant overall difference in damage between tenants with and without pets...’*

To look after the interests of both pet owning tenants and property owners it is reasonable for pet owners to have to agree to some conditions. These conditions may include: the tenant’s agreement to have carpets professionally cleaned upon vacating; agreements about ‘no go zones’ on the property for certain types of pets; tenant’s reassurance that if pets cause damage above the normal ‘wear and tear’ covered by the standard bond, that it will be paid for; agreements about how an animal will be contained on the property or how its waste will be disposed of etc. However, in terms of reasonable conditions, the RSPCA is concerned about this quote in the review’s discussion paper:

*‘Such reasonable conditions may include keeping the pet outside’ (p. 6)*

In the case of pet owners with indoor animals, including cats, this may be problematic. For instance, responsible cat owners are increasingly being encouraged to contain cats on their property, to protect wildlife, pets and amenity. Sometimes this involves cats living partially inside the house and partially in an outside enclosure. It may also involve containing cats within fences modified to prevent cat roaming. Some Council areas also require cats to be contained. **The RSPCA opposes blanket conditions that require pets to be kept outside.** Provided reasonable conditions are met, many animals are suitable to reside indoors.

Rental properties must be suitable (i.e. safe and sufficiently spacious) for the pet being applied for. It is important that prospective renters and property owners communicate to identify steps that can be taken to ensure the property’s suitability for the animal. Responsible pet owners are usually willing to

take the extra actions necessary to ensure pets do not escape or negatively impact a property.

VIC, NSW, QLD and the ACT have introduced similar reforms allowing renters to have animals unless the tribunal orders it reasonable to deny them. The VIC reforms were implemented in 2020. Evidence so far suggests that as a proportion of all Victorian rental properties, comparatively few prospective renters and property owners went to the tribunal (Landy, S. 2021). In most cases, both parties agreed on conditions for keeping animals. Research also found that pet friendly property owners usually benefit by spending less on advertising, attracting more applicants, and getting pet-owning tenants who take out longer leases (Carlisle Frank et al., 2005; SA Government, DEW, 2022).

### **3. Response to Part 5, question 2: Should a pet bond scheme be introduced in SA?**

Western Australia is the only Australian state that allows the use of pet bonds, these are capped at \$260 and only apply to pets capable of carrying parasites. Equity issues have been raised regarding the potential inclusion of pet bonds in SA. The RSPCA's experience is that people of all income levels have provided good homes for pets and many on low incomes make significant sacrifices to care for their animals. **Our position is that if the addition of pet bonds is what it takes to get this reform accepted, we would not object, provided the pet bond is capped.**

It is undeniable that some property owners have 'horror stories' of the damage caused by tenants' pets. In the experience of the RSPCA inspectorate, these tenants usually have serious human welfare problems too. However, it is important to emphasise that the available research found no significant difference in damage between tenants with and without pets. It also found the damage usually amounted to far less than the average monthly rent, and that serious property damage is rare. (Carlisle-Frank et al., 2005; Power, 2017).

We note the discussion paper accompanying this review states: (<https://yoursay.sa.gov.au/renting-law-reform>)

*'The need for a pet bond may be contingent on a pet's ability to cause damage, meaning that if introduced, pet bonds may not be required in all circumstances'. (p. 6)*

**The RSPCA supports this sensible caveat, since many pets are less likely than children to negatively impact a property.**

### **4. Recommendations – for reforms proposed for the RTA**

#### **Recommendation I**

*A renter choosing to live with a pet should face no greater obstacles in getting a roof over their head than any other person. All renters must care for the property and pay for damage caused.*

#### **Recommendation II**

*The RSPCA supports the addition of the presumption that pet owners cannot have their request unreasonably refused, provided they agree to reasonable conditions.*

#### **Recommendation III**

*The 'playing field' for pet owners and non pet owners must be levelled by moving the requirement for pet owners to disclose pets from the first to the second stage of the application process. If the initial application is approved, pet owners must then provide documents, agree on conditions and get consent.*

#### **Recommendation IV**



*If the addition of a pet bond is necessary for this reform to be passed, it must be capped. Research found no difference between the damage caused by tenants with and without pets. It also found pets rarely cause damage that would not be covered (for repair) by standard rental bonds. (Carlisle-Frank et al., 2005; Power, 2017).*

#### **Recommendation V**

*'Keeping the pet outside' is often not a reasonable condition. It should not be applied in a blanket manner.*

#### **Recommendation VI**

*Tribunals deciding on whether a property is suitable for a certain animal can seek guidance from behaviourists and when deciding what is a 'reasonable number' of animals, the relevant council guidelines should be used.*

#### **Recommendation VII**

*South Australia should implement pet friendly reforms to the RTA as soon as possible, but additional government initiatives are needed to help meet the unmet demand for pet friendly rental properties.*

#### **Recommendation VIII**

*In the short term, government intervention is needed to assist pet boarding facilities to offer low-cost boarding for the pets of renters currently unable to find housing.*

## **5. Conclusion**

Given the significant strain on RSPCA resources caused by the recent doubling of animals surrendered by people without pet friendly accommodation - we consider ourselves a key stakeholder in this discussion.

It is not uncommon for those tearfully surrendering animals to say this is the hardest thing they have ever had to do. South Australians are living in unsafe situations in order to keep their pets, and for those forced to surrender pets, the psychological impact is profound.

We support the presumption that pet owners cannot have their request unreasonably refused, subject to agreeing to reasonable conditions. However, we caution that 'keeping pets outside' should not be considered a blanket 'reasonable condition'. Where tribunals are left to determine what is a 'reasonable condition' or a 'reasonable number of animals', guidance can be sought from behaviourists and councils.

Reform is crucial, but it must be effective. In states that have introduced (pet related) reforms, pet owners are still being discriminated against. They can be removed from contention at the first stage of the application process. This denies them the opportunity to verify they are responsible, and to negotiate conditions that satisfy the property owner. By moving the requirement to disclose pets from the first (initial application) to the second stage of the application process, the 'playing field' between pet owners and non pet owners can be levelled. It also serves property owners because it still requires tenants to obtain their consent and agree to reasonable conditions.

If the addition of a pet bond is necessary to pass this reform, it must be capped. In terms of the damage tenants cause, research shows there is no difference between tenants with and without pets. (Carlisle-Frank et al., 2005).

Reform of the RTA is a positive step, but additional government intervention is needed to address the unmet demand for pet friendly housing. In the short term, RSPCA encourages government to assist pet boarding facilities to offer low-cost boarding to people unable to secure pet friendly accommodation. This would help keep people and pets together until more pet friendly housing becomes available.

Thank you for the opportunity to comment and we welcome any opportunity to discuss this further.

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