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Modernising SA's renting laws

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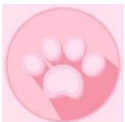
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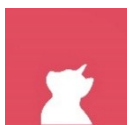
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The right to have companion animals

Overview

- It is widely recognised that for many people, **companion animals are part of the family and bring many mental and physical health benefits.**
- **These benefits are available to the 2/3rds of Australians who own their own accommodation, but often not to those in private rental and other accommodation such as caravan parks, emergency shelters, boarding houses or residential villages.** Yet people in such accommodation are often those most in need of the unconditional love of an animal companion. Thus, the opportunity to share one's life with companion animals is a **social justice issue**. If a person is in a position to care for an animal, then they must be entitled to do so, without exception.
- **Tenants in all forms of accommodation must have the right to have companion animals, that is, 'No pets' clauses must be prohibited.** While it is reasonable that a landlord can impose conditions, some guidelines must be adhered to to ensure that the imposition of unreasonable conditions does not become a surrogate 'no pets' clause. Even if an option to apply to SACAT for adjudication on conditions exists, unreasonable conditions could serve as a deterrent to renters with pets, which is contrary to the intention of the legislation. The issue of reasonable conditions needs to be clearly defined.
- **Pet bonds should not be permitted.** It places an additional financial burden on people at an already stressful time. It is also the most financially vulnerable section of society involved in the rental market. Landlords' fear of damage caused by pets is often not well founded. A US study found:
 - Animals caused less damage than children.
 - Two-thirds of the landlords who refused to allow pets had never had tenants with pets, so fears of damage were not based on evidence.
- **Lack of pet-friendly accommodation leads to more animals having to be surrendered to shelters.** According to the RSPCA SA: *"In the last three years, the number of animals surrendered to the RSPCA South Australia (SA) shelter at Lonsdale by owners unable to find pet friendly housing to rent has tripled. Between mid-2021 and mid-2022, more than 600 animals were surrendered, often tearfully, by owners desperate to get a roof over their heads. **Currently, animals surrendered by owners unable to find a rental make up 1 in 5 of the total number of animals surrendered to our shelter.** This has placed significant extra pressure on RSPCA's limited resources."¹*

1 RSPCA SA (2022). Pets in Rentals <https://www.rspcasa.org.au/the-issues/pets-in-rentals/>

- **In Victoria, the number of animals surrendered to shelters due to accommodation problems halved in the year following the introduction of the new law.**
- **Surrendering animals is extremely stressful and upsetting for all parties.**
“RSPCA shelters receiving these surrendered animals do whatever they can to ease the distress of owners and pets, but the process is highly stressful for the shelter staff left to comfort heartbroken owners, including children, as they say their goodbyes to beloved pets.”¹”
- **More cats could be adopted if more pet-friendly accommodation were available.** Of Australians who did not currently have a pet, 20% expressed interest in getting a cat, with lack of suitable accommodation mentioned as a barrier (1). If more pet-friendly accommodation were available, more of these people would be in a position to adopt and to potentially ease some of the burden on shelters.

Pets as family members

Australia is a nation of pet lovers. Over two-thirds of households have a pet, with 90% having had a pet at some time. A majority refer to their dogs and cats as members of the family. Many people talk to pets as if they understand, share their beds with animals or take them on holidays, underlining the status of animals as family (1).

One study summed up this bond as follows (2, p. 632-3):

“... at least for some urban dwellers, pets are firmly inside the family circle. Like human family members, pets provide comfort and companionship. ... In contrast to others in the household, pets do not criticise. They allow people to express their deepest feelings of intimate connection and nurturing.”

The extent to which pets are viewed as family has been found to predict greater psychological wellbeing, including higher self-esteem and psychological needs fulfillment and less depressed feelings and stress-related illness (3).

The benefits of pets extend not only to the individual, but to the wider community. Those with companion animals find it easier to get to know people and are less likely to feel lonely (4). They get to know others in the suburb while walking the dog, and talk to other pet owners while doing so. Pets facilitate interaction, even with those who don't have a pet, as expressed by a retired resident (5, p. 48):

“... people walk through there all the time with their dogs and I get to know them. I've probably met hundreds of people who go through there who speak to me every morning and evening and I've made some quite good friends amongst some on the street.”

Having a dog makes people feel safer while out walking and at home (5). Again, this benefit extends beyond the individual, as the sight of dog walkers is more generally perceived as a marker of community safety (5).

However, some groups are deprived of these benefits, including renters generally, but especially the most vulnerable groups in society who would benefit most from companion animals. The Australian Housing and Urban Research Institute has summarised this problem as follows (6, p. 23):

“Already vulnerable populations are at an even greater risk of housing instability when owning pets. These populations can include the elderly, low-income groups, the homeless and victims of housing crises, natural disasters and domestic violence. Retirement villages, homeless shelters or public housing services that do not allow pets can dissuade potential residents, or cause emotional distress to incoming residents who are required to relinquish their pets. This is especially problematic as high-support accommodation is typically most restrictive to pet ownership, even though they service groups that would benefit greatly from pet companionship.”

The remainder of this submission presents research to show how important animal companions are to these vulnerable groups, and why it is a social obligation to allow them access to these benefits.

Pets and the elderly

The heart-breaking choice often faced by older people is exemplified by 87 year old Bob, who left residential care in Scotland after being threatened with eviction if he did not get rid of his dog. The dog, called Darcie, had become part of Bob's family when he was a pup and Bob's wife was still alive. Darcie meant everything to Bob, and he gave up comfortable accommodation and the community of residents in order to stay with his remaining family member (7). No-one should have to make this choice.

Like Bob, older people can be very attached to the companion animals who bring many benefits to their lives, including improved emotional wellbeing, greater social inclusion and a purposeful routine and structure to the day (8). Furry companions provide unconditional love and companionship, lifting mood and preventing loneliness. Animals serve as ice-breakers for conversation, even with strangers, and enable interactions on walks and online chat groups. Being the carer of an animal provides a meaningful life role and a sense of being useful and needed (8).

So important is the relationship with companion animals for some older people that it protects against suicide. In one study older people were asked general questions about the effect of pets on quality of life (9). Surprisingly, 35% of participants mentioned pets and suicide prevention, even though suicide was not referred to in the questions. The responsibility of having a pet made people feel needed and less isolated, countering their negative feelings.

The role of companion animals takes on a special significance as older people move out of the family home into sheltered accommodation (10, p. 170).

“At this time in their lives, people have usually experienced a series of losses; for example, their occupation, reduced income, impaired health, and possibly their spouse or their friends. Moving home is a very stressful experience for anyone and this is compounded by the cascade of further losses that precipitate the move to sheltered housing. Being able to keep one's pet mitigates against 'translocation shock' - a risk factor for older people when they move into sheltered accommodation.”

It is not surprising, then, that the forced separation of older people from their companion animals has been called a bereavement, akin to the loss of a family member (11). Those told to 'get rid of' their pets have been described as 'the most distraught' people attending vet clinics (10).

France affirmed the keeping of pets as a human right in 1975, with certain provisos to safeguard animals and other humans. Therefore, pets are allowed in sheltered accommodation. Similarly, California and Arizona passed state laws in the 1980s that pets

could be kept in sheltered housing. This reform was so successful that the National Federal Pets in Housing Bill was passed, enabling older and disabled people to keep pets in federally assisted sheltered housing throughout the US (10).

A survey carried out by UniSA and supported by the Office of Ageing Well, within the SA Department of Health and Wellbeing, made similar recommendations (9, p. 24):

- *“Human-animal relationships need to be embedded in aging policy to reflect the value that older people place on these, and to recognise the role pets play in people’s lives, particularly those who live alone.*
- *Barriers to pet ownership across all forms of housing especially that target older populations (including retirement villages and residential care facilities) need to be reconsidered and pet inclusion needs to become the normal baseline.”*

Sadly, pets continue to be viewed as property which can be disposed of, rather than beloved family members. The pain of separation falls disproportionately on lower-income groups, who do not own their own home and are not wealthy enough to shop around for a residential care home that allows pets. *“This injustice presents yet another factor that compounds cumulative income-based inequalities across the life course.”* (12, p. 663)

Pets and mental health

As with other vulnerable groups, pets are important to people with mental health problems. Participants with diagnosed mental health conditions were asked to indicate in 3 circles of importance their answer to the question: Who or what is important to you in managing your mental health? A majority (60%) placed pets in the inner, most important circle, 20% placed pets in the second circle, and 12% in the third circle (13). Very few people did not rely on their pets to some extent.

Animals provide consistent and unconditional companionship, without any need for explanations. They improve emotional wellbeing, as one interviewee described (14): *“When I feel as though I’m failing and worthless, they show me love, being with them lifts my spirit.”* People with pets feel less lonely, both because of the company of the animal, but also because other humans are more likely to engage with someone who has a pet, for example, while walking a dog. This increased social interaction is of great significance (15, p. 9):

“Participants felt that their pets facilitated the quality and quantity of existing social interactions and forged new relationships acting as a bridging tie to emotional nourishment. This is likely to be of increasing importance given that social isolation is both a cause and effect of mental illness and that those with mental illness are considered one of the most socially isolated social groups.”

The responsibility of looking after an animal forces people to be organised and active, rather than staying in bed or becoming housebound on bad days (13, 14). This sense of responsibility is an important reason why caring for an animal can reduce self-harm and

suicidality. As one interviewee stated (14): *“I’m responsible for them, I can’t give up when I have them to care for.”*

Being attached to an animal companion may provide some protection against developing mental problems by reducing loneliness. Among high school students, those who felt close to their pets according to a companion animal bonding scale felt significantly less lonely, leading the researchers to conclude (16, p. 110):

“Adolescent loneliness has a potential trajectory for numerous emotional and physical health problems. Companion animal attachment may provide a means to give and receive attachment, behaviours that could well shield against the loneliness so common during adolescence.”

Clearly pets do not cure mental illness, but for those people to whom they are important they provide valuable support. Pet bans in accommodation are a barrier to enjoying this support.

Pets and the homeless

Up to 23% of homeless people have a pet, most commonly a dog (17, 18). Several consistent themes emerge from research on these relationships. Animal companions are often described as kin or family (19), providing constant companionship and unconditional love (17, 20). The homeless tend to be very attached to their animal friends. One study found that homeless people scored significantly higher on animal empathy and companion animal bonding than sheltered people (21).

Given this high level of attachment, it is not surprising that research reveals a ‘pets before self’ attitude (22). People would rather remain homeless than have to abandon their companion (22). A majority of interviewees stated that pets ate before they did (17). Contrary to some public opinion, veterinary examination of dogs cared for by homeless people found that they were healthy, less likely to be obese, and with fewer behaviour problems such as separation anxiety and aggression towards strangers (23).

This strong bond makes people feel less lonely and depressed (17, 19, 24, 25). In one study, two-thirds of participants were depressed, according to a validated scale, but pet owners were 3 times less likely to be depressed than those without a pet (24)

Homeless people feel a great responsibility for their companions, who are often rescued as strays or from unsatisfactory owners (19, 23). This responsibility for care encourages greater daily routine and organisation (18). It can lead to less substance abuse because of the need to provide for the animals and to stay out of jail (19, 22). The sense of being needed may even result in suicide prevention by creating a reason for living. For example, a woman with 2 cats who was homeless for 5 years after leaving an abusive relationship explained (26, p. 2):

“I don’t know if I would have suicided, but I came close. Like, in thinking I don’t want to be here. So just knowing I had to get up in the morning, had to feed my

cats. I had to be there for them, it was just that they gave me a reason to get up the morning, basically.”

Any strategy to reduce homelessness has to take into account companion animals to have any chance of success. As noted by the Australian Housing and Urban Research Institute (6 p .51):

“Specialist homelessness services, animal welfare and advocacy organisations alike report that homeless people and/or those experiencing violence can be reluctant to access housing options when pets cannot be accommodated.”

Pet bans as a social justice issue

Two-thirds of households without pets would like to have one, but can't do so due to barriers such as landlords (1). Only 17% of households in rented premises have pets, compared to 63% of households overall (27).

Renters in Australia find it hard to find accommodation, and when they do, it is expensive but often poorly maintained and in undesirable areas (6, 28).

France has enshrined in law the right to keep pets (10). Article 8 of the European Convention on Human Rights affirms the right to respect for a person's private life and home (7, 11). So far, this right has been applied only to relationships between humans, but given the demonstrably close bond with companion animals, researchers question why not animals (7, p. 44)?

“The decision to own a companion animals and enjoy the health benefits and expansion of social networks that accompanies this decision arguably falls within a person's family and private life under Art. 8. Therefore, it is appropriate for the state to pass a law prohibiting ‘no pet’ covenants in residential leases since the blanket ban on pets constitutes an unreasonable interference with a person's private life.”

Having the autonomy to decide who to live with is a question of social justice. Restrictions on having pets fall disproportionately on the poor and disadvantaged (7, p. 37):

“... within the housing arena, the inadequacy of law and social policy to protect the human-companion animal relationship implicates class, disadvantaging those unable to afford their own home. People on low incomes or those reliant on state benefits or are homeless, have fewer choices about where they live and are consequently subject to the whim of the property owner as to whether or not they can keep a companion animal on the property.”

It is essential to end this discrimination and to follow the lead of Victoria in prohibiting blanket bans on pets in all forms of accommodation. The law must be extended to all forms to take into account the mobility of the renting population. The problem is only postponed if women's shelters, for example, allow pets but no suitable permanent accommodation is subsequently available. Similarly, if the path from homelessness to

permanent accommodation is via a boarding house, which does not allow pets, then the problem is not solved. All forms of accommodation must be included.

A final point regarding the effect on animals. The AVA has a policy that 'pet friendly' should be the default position for renters, with no blanket bans on pets (29). One year after the new rental laws were introduced in Victoria, the RSPCA reported that the number of animals surrendered to shelters due to the owner moving house had more than halved (30). Therefore, making accommodation pet-friendly is an animal welfare as well as human welfare issue.

The Victorian residential tenancy reforms prohibit pet bonds, which would be especially difficult for already disadvantaged groups. As the Commissioner for Residential Tenancies stated (6, p.75):

"... a profound misunderstanding of moving into a place where you've got to find the rent in advance, the bond, buy some new things, move the stuff, get connections on. It's actually a super expensive time. To just layer on a pet bond as if it's nothing is incredibly silly."

A survey of tenants and landlords around the US found that pet-friendly accommodation was hard to find because landlords were concerned about potential problems such as damage and noise (31). However, two-thirds of these landlords had never allowed pets, so their views were not based on experience. If pets were allowed, landlords charged substantially higher rent and a considerable pet bond, in addition to the normal bond (31). This mirrors the situation in Australia, where pet-friendly accommodation is hard to find and more expensive (6, 28).

In spite of landlords' fears, tenants with pets did not cause significantly more damage than those without pets. In fact, people with children caused more damage than people with pets (31), but there is no suggestion that children should be banned.

If social justice is to be incorporated into housing policy, it is essential that SA does not follow the US example and allow landlords to charge higher rent and bonds for pets. This defeats the purpose of protecting the rights of the most vulnerable low-income groups. Landlords can still be adequately protected, as explained by the Deputy Commissioner for Residential Tenancies in relation to the law in Victoria (6, p. 78):

"The thing to remember is tenants are already subject to requirements about damage to property. They already pay a bond for the purpose of damage and the landlord is entitled to claim compensation for any damage that goes over and above that, so the idea that tenants would just have pets and let them go crazy is deeply misguided and that there was no protection for landlords was just wrong."

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