

Submission from the Cat Protection Society of NSW to the consultation by NSW Fair Trading: Keeping pets in residential tenancies

Should NSW residential tenancy laws on keeping pets in rental properties be changed? Yes. The current system actively discriminates against people who own pets.

Landlords are not inviting guests into their home. They have a commercial investment, with various protections at law and taxation benefits.

Renters pay for a home.

Renters enjoy some protections at law, but they also experience housing insecurity, and limitations on the extent to which they can use the property they pay to occupy.

Denying or limiting responsible pet owners the opportunity to rent is to deny or limit their capacity to be housed.

The consultation paper notes that “some stakeholders ... state that keeping a pet in a rental property risks damaging the property. There is also a potential for excessive noise that could bother neighbours ...” (page 4).

People in rental properties risk damaging property. Cooking risks damaging property. Appliances can malfunction and risk damaging property. Stereos, musical instruments, televisions and crying babies create a potential for excessive noise. These are not banned.

All investments have risks that cannot be eliminated. Landlords have risk mitigation available through bonds and legal protections, as well as insurance.

Mitigating risk should not extend to limiting the human rights of renters to the reasonable peaceful enjoyment of a property that the renter pays money to occupy.

Rental properties are insecure, with few to no tenants enjoying any guarantee of long-term occupancy. Therefore, permitting unreasonable restrictions on pet ownership by tenants effectively stops people who rent from having pets. A renter might have permission to keep pets from one landlord but not the next ... The inability to find pet-friendly accommodation is a significant contributor to the relinquishment of pets to shelters and pounds. It is also a reason people who rent and would like to have pets opt not to have pets.

ABS data on housing mobility demonstrates that insecurity, finding renters move more frequently than home owners, and that “In 2019–20, almost two thirds (65%) of

private renters had a fixed period lease of 6 or 12 months and a further 19% had either a month-by-month or other fixed period lease arrangement. For all renters, six month leases were most common in the Northern Territory (18%) and Queensland (17%), while month-by-month leases were most common in Victoria (22%), followed by New South Wales and the Australian Capital Territory (both 18%). (Australian Bureau of Statistics. (2019-20). *Housing Mobility and Conditions*. ABS. <https://www.abs.gov.au/statistics/people/housing/housing-mobility-and-conditions/latest-release>.)

Data for the same period shows that 64% of NSW households owned their own home; (34% of households had a mortgage, 30% did not) and 33% were renting. While owners with a mortgage were paying 17% of gross weekly income on housing costs, renters were paying 22% of gross weekly income. (Australian Bureau of Statistics. (2019-20). *Housing Occupancy and Costs*. ABS. <https://www.abs.gov.au/statistics/people/housing/housing-occupancy-and-costs/2019-20>.)

It is incorrect to assume that people rent as a short-term, temporary housing option before they buy a property (especially as the data show renters pay a greater percentage of their income on housing, leaving less capacity to save). Many people rent forever, and people can and do move between renting, home ownership, and homelessness – recently and tragically demonstrated by the impact of floods and bushfires.

Emergency services well-understand that safe evacuation means supporting people with pets. People will take great risks to ensure they're not parted from their pets, which is why we see evacuation centres now ensuring pets are provided for. The NSW Government's *Get Ready Animals* initiative is excellent, but what happens afterwards? What happens when a person has no habitable home to return to and they need rental accommodation with their pets?

Public policy increasingly recognises the importance of pets to people, but the Residential Tenancies Act does not. Public policy increasingly recognises the importance of good animal welfare, but the Residential Tenancies Act does not.

The unreasonable refusal of pets in rental accommodation has profound consequences for the health and wellbeing of people and animals.

It can influence a person's decision to leave a situation of violence, because they can't take their pets with them. It can leave people lonely and isolated because they cannot have a companion animal. It can cause psychological harm when people are compelled to choose between relinquishing a pet or housing. It can cause endangerment when a person chooses pet over place.

It denies both individuals and communities the health and social benefits of pet ownership: "Extensive international evidence and an emerging evidence base in Australia indicates widespread social, health and economic benefits of companion animal ownership for individuals and communities ... Health economists have quantified these at national levels (Hall, Dolling et al. 2016), suggesting substantial on average reduction of lifetime personal and service costs." (AHURI Final Report No 350 Housing and housing assistance pathways with companion animals: risks, costs, benefits and opportunities)

Cat Protection is a no-kill shelter taking in mostly stray cats and kittens, but we also see a significant number of much-loved family pets surrendered because their people can't find pet-friendly housing. We see their distress, we hear their stories of grief, guilt, and despair. They are not 'bad' or 'irresponsible' cat owners, they have been forced to give up their cat because they have no choice of housing that will allow them to keep their cat.

Their cats are also distressed but thankfully, coming to our shelter, they will be given the time they need to find a new home; this is not the case everywhere. The consequent death toll isn't just an animal welfare issue, it's an ethical issue and a human health issue – for the relinquishing owners; for the pound and shelter workers; and for the vet nurses and vets who are expected to perform the task of killing healthy cats and dogs. There is a cost for laws that discriminate against responsible pet owners, and it's paid highly by many.

We need to consider pets and housing in a One Welfare context: good animal welfare is also good human welfare. When an animal's welfare needs are met, when they have a good and healthy life, they're also less likely to have a negative impact on anyone else (the happy dog won't be howling due to separation anxiety; the desexed cat won't be yowling due to being on heat). Responsible pet owners make committed tenants, and research has shown they're not only unlikely to cause problems but in fact can benefit landlords: <https://theconversation.com/as-pet-owners-suffer-rental-insecurity-perhaps-landlords-should-think-again-63275>

The keeping of pets in rental properties should be allowed, with a requirement for a reasonable undertaking by the pet owner to ensure their pets are kept responsibly: for example, in compliance with the Companion Animals Act (eg pets are registered and not declared dangerous or restricted); the Prevention of Cruelty to Animals Act; and with additional safeguards; for example, that the pets are desexed and parasite-treated. Standard pet resumes and pet agreements could cover these issues.

We do not submit that landlords must accept all pets in all properties, but we do submit that permission to keep a pet should not be unreasonably withheld.

Kristina Vesk OAM
Chief Executive Officer
Cat Protection Society of NSW
103 Enmore Road
Newtown NSW 2042

www.catprotection.org.au
www.catcare.org.au