



5 September 2023

Members of the House of Assembly
Parliament House
Tasmania 7000

To all members of the House of Assembly,

Re: Support for *Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties) Bill 2023*

The Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties) Bill 2023 ('the Bill') will be debated in the House of Assembly later this week. We strongly support the Bill because it will ensure that social housing providers including Homes Tasmania and community housing providers are required to meet the same minimum standards as landlords in the private rental market. Your support for the Bill will guarantee increased privacy for around 14,000 social housing tenants across Tasmania and likely result in reduced electricity prices for those struggling with increased cost of living pressures.

The *Residential Tenancy Act 1997 (Tas)*

Part 3B of the *Residential Tenancy Act 1997 (Tas)* ('the Act') mandates a range of minimum standards for rental properties including:

- must be weatherproof and structurally sound; and
- must be clean and adequately ventilated; and
- must be connected to a sewer, on site waste management or other council approved toilet system; and
- have hot and cold running water and be connected to an electricity system;
- must contain a separate bathroom and/or toilet; and
- must have cooking facilities which include an appropriate number of hotplates and an appropriate oven; and
- must have adequate heating.

The Act also mandates that window coverings are a minimum standard but that social housing properties are exempt:

36N. *Window covering for privacy*

(1) An owner must not enter into, extend, or renew, a residential tenancy agreement in relation to premises unless curtains or blinds cover each window in any room, in the premises, that the owner knows is likely to be used as a bedroom or a living area.

Penalty: Fine not exceeding 50 penalty units.

(2) Subsection (1) does not apply in relation to social housing.

The minimum standards became law following the passing of the Residential Tenancy Bill 2013. During debate of the Bill, both Mr Mark Shelton MHA and Ms Jacque Petrusma MHA noted their concerns at the unfairness of a minimum standard for window coverings not including social housing tenants:¹

Mr SHELTON: *Minister, I raised the issue today of the inequity between the fact that Housing Tasmania does not have to supply the curtains and window coverings whereas private landlords do.*

...

Ms PETRUSMA: *This legislation also includes a stipulation that private-sector landlords cannot let premises unless curtains or blinds cover each window in any room. However, this provision is not applicable to social housing. Are people who enter public housing more able than most to afford window coverings?*

Whilst we have been unable to locate a response to these concerns being expressed in the House of Assembly, the Leader of Government Business in the Legislative Council Craig Farrell provided the following explanation:²

Mr FARRELL: *A few members mentioned window coverings. Housing Tasmania tenants are not required to pay a bond. They do not pay for water usage. This combined with being heavily subsidised by the taxpayer is clearly an advantage to public housing tenants. The intent of social housing is for long-term housing options, therefore it was agreed not to be unreasonable for tenants to supply window coverings. Housing Tasmania is working towards all properties having curtain rails so tenants can easily install their own coverings. It is estimated it would cost over \$12.6 million to initially install window coverings to all public housing stock, with recurrent costs unknown. It should be noted that Housing Tasmania properties suffer a high level of vacated maintenance with this debt sitting at \$2.515 million at 30 June 2013. Without bonds it is very difficult to recover money from tenants leaving public housing. It was therefore deemed unreasonable to impose this standard to public housing.*

As well as the concerns around cost, we are also aware that some social housing providers expressed apprehension at window coverings being potentially used as a source of fuel to burn empty social housing properties down. Despite the arguments raised by the then Opposition, the minimum standards, including the exclusion of window coverings for social housing passed both the House of Assembly and the Legislative Council without amendment.

Although the amending Act came into effect on 1 October 2014, the minimum standards came into effect over time. For example, whilst all new residential tenancies were required to be clean from 1 August 2015, all other minimum standards had at least one more year before they came into force, as the following table highlights.

¹ Parliament of Tasmania, House of Assembly, *Hansard*, Tuesday 9 April 2013.

² Parliament of Tasmania, House of Assembly, *Hansard*, Wednesday 18 September 2012.

Residential Tenancy Act 1997 (Tas)
Minimum standards from 1 August 2015³

Minimum Standard	New lease agreements	Leases entered before 31 July 2015
Clean	31 August 2015	
Weatherproof & Structurally Sound	1 August 2016	1 August 2018
Good Repair	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Toilet	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Bathroom	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Cooking Facilities	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.
Heating & Electricity	1 August 2016	From 1 August 2016 for all tenancies entered or renewed after 1 August 2015 and from 1 August 2018 for all other tenancies.

We strongly believe that there are important privacy and cost considerations that support the need for window coverings to be mandated in all residential tenancies. As the law stands, all households renting in the private rental market can be assured that they will be moving into a property in which bedrooms and the main living room have privacy through the installation of window coverings. It is difficult to understand why the same dignity should not be provided to social housing tenants.

Similarly, the Act provides that all residential tenancies must have a heating device in the main living area. In the private rental market, the assurance of window coverings means that all tenants are able to better retain the heat emanating from the heater, whereas in social housing it is more likely that the heat will escape. The Department of Climate Change, Energy, the Environment and Water has reported that up to 40 per cent of a home's heating energy can be lost through windows that do not window coverings.⁴ This is not just an issue of comfort – the World Health Organisation states that the temperature within residential premises should be at least 18° Celsius at all times in order to prevent cold and damp-related health issues.⁵ The retention of heat in social housing properties is already particularly difficult given that anecdotally we are aware a lot of the stock is older, lacking modern requirements such as insulation and double-glazed windows

³ Also see section 68C of the *Residential Tenancy Act 1997* (Tas).

⁴ Department of Climate Change, Energy, the Environment and Water, 'Winter - 10 things you can do now'. As found at <https://www.energy.gov.au/households/household-guides/seasonal-advice/winter> (accessed 4 September 2023).

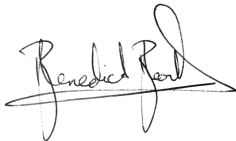
⁵ WHO Housing and Health guidelines. As found at https://www.who.int/publications/i/item/9789241550376_p34 (accessed 4 September 2023).

An inability to retain heat is also likely to result in higher electricity bills for those least able to afford it – they may instead go without heating in order to avoid costs. It is unreasonable to expect tenants in social housing to be able to afford their own window coverings, and, even if they can, they still need the written permission of their social housing provider to be able to install them.

Given that there are around 14,000 social housing properties across Tasmania⁶ we strongly believe that they should be entitled to the same protections as those renting in the private rental market. However, we recognise that it will take time for social housing providers to comply with this minimum standard. We therefore recommend that a new social housing tenancy must meet the requirement within 10 days of the commencement of the residential tenancy agreement and that all pre-existing social housing tenancies have one year to comply with the minimum standard.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,



Benedict Bartl
Principal Solicitor
Tenants' Union of Tasmania



Adrienne Picone
CEO
TasCOSS

cc: CEO Homes Tasmania
Eleri Morgan-Thomas

⁶ According to the Productivity Commission there were a total of 13,954 social housing dwellings in 2022, comprising 4,999 public housing dwellings, 8791 community housing dwellings and 164 indigenous housing dwellings. As found at Productivity Commission, *Report on Government Services 2023*. Table 18A.3.