

Continuing the reform of the *Residential Tenancies Act 1999*

Residential Tenancies Legislation Amendment Bill 2023

Background/Purpose

The *Residential Tenancies Act 1999* (the Act) has been in operation for over twenty years. While the Act continues to balance the interests of landlords and tenants in the Northern Territory, the changing landscape of housing means that we need to ensure the Act remains fit for purpose in a contemporary environment.

In 2019, the Department of the Attorney-General and Justice undertook a comprehensive root and branch review of the Act. Tranche 1 of the reform program was implemented through the Residential Tenancies Legislation Amendment Bill 2020.

The Residential Tenancies Legislation Amendment Bill 2023 delivers Tranche 2 of the reform program. The Bill implements measures to enhance protections and options for victims of domestic and family violence (DFV), and address other emerging issues facing tenants.

Changes included in the Bill

The Bill will do the following:

Enhanced protections and options for victims of DFV

- Create a process that enables a tenant to establish the presence of DFV.
- Ensure that a victim tenant does not face the risk of further harm by having to retell their story every time they seek protection.
- Establish a streamlined process for immediate termination of a victim-tenant's interest in a tenancy by giving written notice to the landlord and any co-tenants in the approved form if the tenant or a dependent of the tenant has experienced DFV.
- Clarify that a victim tenant is not liable for DFV related acts or omissions of a non-tenant that would otherwise result in the victim tenant breaching the tenancy agreement. This amendment also confirms that the landlord may seek redress for any loss suffered as a result of the breach of tenancy directly from the perpetrator.
- Require a landlord to obtain the tenant's permission to use images or video of the premises when advertising the premises for rent or sale where it might identify the tenant or another occupant.
- Expand the scope of undue hardship under section 99 to specifically include financial hardship and situations where the applicant faced risk to physical, psychological or mental health and safety as grounds constituting undue hardship.
- Clarify the circumstances around when a person may be listed on a tenancy database at the end of a tenancy, and provide the ability for a victim tenant to apply to NTCAT and seek the removal of their personal information from a database.

Confirming what a tenant is, and is not, required to pay

- Clarify that a tenant is not required to make payments or provide guarantees, indemnities, or other sureties, other than rent, a security deposit (bond) or those expressly provided in the Act, such as utility charges.
- Prohibit rent bidding, rent auctions, gazumping, and unilateral increases in rent between offer and formally entering into a tenancy agreement.

Protection of a tenant's personal information

- Ensure that only relevant personal information from a tenant is required to assess an application by a prospective landlord, with requirements to take reasonable steps to protect and destroy the information within set timeframes.

Realigning no-cause termination provisions

- Increase and align notice periods set out in sections 89 and 90 of the Act to 60 days for both periodic and fixed-term tenancies.

Clarifying the process for tenants changing locks and making safety and security modifications

- Clarify that a tenant may change locks provided they obtain the landlord's consent.
- Establish a process for a tenant to make minor modifications to premises for safety or security purposes with the landlord's consent.

Enabling electronic service of notices

- Providing tenants and landlords with the option to give notices required under the Act by electronic means in accordance with the *Electronic Transactions (Northern Territory) Act 2000*.