

4 September 2024



Attention: Mr Paul Younis
Secretary of the Department of Transport and Planning
1 Spring Street
MELBOURNE VIC 3000.

By email: planforvictoria@transport.vic.gov.au

Dear Mr Younis

Submission to Plan for Victoria

Tenants Victoria is the peak body for the state's renters, who number almost 2 million people. Our vision is for a safe, secure and affordable home for Victorian renters in a fair housing system. We aim to empower all renters and make sure their voices are heard in our advocacy. We work in partnership with other community legal centres and housing sector organisations, and strategically with government to inform policy development and enhance service delivery.

Renting in Victoria – the context for this submission to Plan for Victoria

Renters make up almost 30 per cent of Victorian households. Some 681,419 households rented in 2021, up from 607,354 households in 2016, according to the latest Census. Close to 90 per cent of all tenants rent their homes in the private rental market. A growing proportion of Victorian renters live in 'housing stress' stress' (traditionally recognised as when renters pay more than 30% of gross household income on rent). A significant proportion of renters are the workers crucial to the functioning of our economy, including as key workers in healthcare, aged care, childcare, disability services, education, law enforcement and emergency services.

All this means that the voice of renters will be critical in the successful development of the Plan for Victoria, and we welcome the opportunity to make a submission. We address a fundamental element of housing planning - getting the policy settings right, and canvas some of the key issues for "social and affordable housing" in the Plan for Victoria:

- Increase social housing targets so they are ambitious and meet housing need
- Clarify 'what is affordable housing' and 'who is it for' in Plan for Victoria
- Make housing energy efficient and climate resilient so no-one is left behind in our energy transition.
- Supporting renters in deal with climate related disasters

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Tenants Victoria | P.O. Box 18022, Melbourne VIC 3000

ABN 36081348227 | ACN 081 348 227

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Safe, secure and affordable homes

Getting the policy settings rights for affordable housing in Victoria

Tenants Victoria supports a Plan for Victoria that gives “[M]ore housing options for all Victorians including social and affordable housing”¹ and knows that to achieve this, the policy settings must be right.

Tenants Victoria’s position is that unless housing is understood, talked about and acknowledged by members of our community and governments as a fundamental human right, we will not have the right policy settings to achieve safe, secure and affordable in a fair housing system. Acknowledging housing as a human right in our housing policy settings, will build different assumptions, language, expectations and measures into Plan for Victoria and its implementation.

The right to adequate housing is a fundamental human right affirmed in international law. Australia ratified the International Covenant on Economic, Social and Cultural Rights, in 1975,² which recognised ‘the right of everyone to an adequate standard of living for himself and his family, including adequate ... housing’. However, for most of the last 50 years housing has been understood as investment or infrastructure and has not been framed as a human right.

In 2023 Tenants Victoria advocated to the Victorian Parliament’s Inquiry into the Rental and Housing Affordability Crisis in Victoria to enshrine the right to adequate housing in Victoria’s *Charter of Human Rights and Responsibilities Act 2006*. We continue to seek this change. More specifically, we continue to advocate for the application of the *Charter of Human Rights and Responsibilities Act* to community housing, to protect the security of tenants as it does for those in public housing.

Recommendation 1: Recognise housing as a human right in the *Charter for Human Rights and Responsibilities Act 2006* and as the basis for Plan for Victoria.

Addressing the cost of housing must be a key objective of the Plan for Victoria

Avoiding ‘housing stress’³ for individuals and making housing affordable for all members of the community must be a fundamental objective of Plan for Victoria. An individual’s well- being depends on their access to safe, secure and affordable housing. Home ownership is often associated with better health outcomes, however recent research suggests the more important factor is security and stability of tenure, whether owned or rented.⁴

¹ “Big Ideas for Victoria’s Future, Victoria State Government, 2024.

² ‘Chart of Australian Treaty Ratifications as of May 2012’, *Australian Human Rights Commission* (Web Page) <<https://humanrights.gov.au/our-work/commission-general/chart-australian-treaty-ratifications-may-2012-human-rights-your>>.

³ Housing stress is when households have to pay too large a proportion of their income in housing costs (and reduce spending on other essentials such as food and health). It happens when housing costs rise too far above household incomes and particularly when households with the lowest 40% of income, spend 30% or more on their housing costs.

⁴ Stability and security: the keys to closing the mental health gap between renters and home owners, The Conversation, Ang Li, Emma Baker, Rebecca Bentley 24 March 2022

The community's well-being - its level of social inclusion, safety, health, education and productivity - will depend on whether housing is affordable to a broad range of priority cohorts and key workers. If it is not, the effective functioning of our community and economy is severely compromised. Victoria cannot afford this.

Recent research by AHURI based on Census housing and income data found eighty-two per cent of the lowest income quartile households in the private rental sector nationally were paying unaffordable rents in 2021. Affordability outcomes were worse in metropolitan areas with 90 per cent of the lowest income households paying unaffordable rents in 2021⁵.

As approximately 90 %⁶ of Victoria's rental stock is in the private rental market, AHURI's conclusion is particularly confronting:

“the cumulative impact of market failure: relying on a private market to support the essential and basic need for housing for an ever-growing share of the population, including people in later life, is ultimately socially and economically unsustainable”⁷

Increase social housing targets so they are ambitious and meet housing need

Social housing (public and community housing) operates as a necessary component in the broader housing market by providing housing that is genuinely affordable to low and very low-income households. Social housing also puts downward pressure on the private rental market so that a robust social housing system will ease pressure on the private rental sector.

The Victorian Housing Statement, while welcome, will not deliver enough social housing to meet the need in the community. The Victorian Government has only publicly committed to delivering 11,225 new social housing dwellings, with a net increase of 10,185 social housing dwellings, from 2023 to 2029. More certainty in planning requirements will encourage more housing development overall but more government action is required to provide the dignity of secure housing to the big part of the community that the private market does not serve. Plan for Victoria is the opportunity to set out long-term ambitious social housing targets and a strategy to meet them.

In 2020, the Housing Peaks Alliance calculated that the government would have to increase social housing by six thousand per year for 10 years to meet the need for social housing⁸. Given the worsening housing crisis, this figure is now likely to be a significant underestimate of need. University of NSW research in December 2022⁹, found metropolitan Melbourne social housing stocks would need to grow by over 8 per cent per year to meet demand. In regional areas, social housing would need to grow by

<https://findanexpert.unimelb.edu.au/news/41767-stability-and-security--the-keys-to-closing-the-mental-health-gap-between-renters-and-home-owners>; viewed 21 August 2024

⁵ AHURI – Final Report No. 416, *Affordable private rental supply and demand: short-term disruption (2016-2021) and longer-term structural change (1996-2021)*. Executive Summary p 5

⁶ AHURI submission to the Parliamentary Inquiry into Rental and Housing Affordability Crisis in Victoria, July 2023, p 6

⁷ AHURI, *Affordable private rental supply and demand: short-term disruption (2016-2021) and longer-term structural change (1996-2021)*, February 2024, p.6

⁸ *Make Social Housing Work – A Framework for Victoria's Public and Community Housing 2020-2030*, Housing Peaks Alliance, 2020

⁹ <https://cityfutures.ada.unsw.edu.au/documents/702/CHIA-housing-need-regional-snapshots-v1.3.pdf>;

between 5.5-6.5 per cent per year to meet social housing demand. That research found that to meet social housing need in 2041, metropolitan Melbourne would require an additional 177 000 homes and in regional Victoria, an additional 45 900 social housing homes would be needed. Government needs to set out a clear path to how it will meet the needs of low and very low-income households.

Tenants Victoria is working with the Housing Peaks Alliance to update modelling for social housing need in Victoria. We strongly advocate that the government set a social housing target that can inform planning decisions and investment and meet the need for social housing in Victoria.

In addition to this statewide target, the Government should also set 'sub-targets' for development flagged in the Housing Statement. This should include a robust social housing target for the use of surplus government land. Development on unused public land is a unique opportunity to push forward on social housing and that opportunity must be maximised. We also advocate introducing mandatory contributions to social housing from private developers in a manner that does not distinguish between housing types.

Recommendation 3 Set an overall social housing target for Victoria to inform planning and investment decisions and ensure the need for social housing is met

Recommendation 4: Increase the social housing targets for development on unused public land.

Clarify 'what is affordable housing' and 'who it is for' in Plan for Victoria

Plan for Victoria's *Big Ideas for Victoria's Future* refers to 'social and affordable housing'. This term is also used in the Housing Statement. However, it is not always clear what 'affordable housing' means and how it relates to social housing. The Plan for Victoria should make this clear so government, community and the private sector all understand the rules for rent setting and tenure for 'affordable housing'.

Tenants Victoria believes 'affordable housing' should be used to address broader social problems when key workers cannot access affordable housing in areas close to their work. For example, childcare and aged care workers who have no choice but to physically attend work and whose work contributes to the effective functioning of the community. In this way, 'affordable housing' becomes a practical way to ensure that market pressure on rents does not undermine vibrant and productive Victorian communities. It can also maintain stable communities and foster deep and sustained community connections where otherwise, an unregulated private rental market would cause dislocation, and the resultant poor health and social impacts. Lack of clarity about the definition of affordable housing and intended target cohort is likely to undermine the efficient investment and roll out of more affordable housing.

Affordable rental homes that are part of the Big Housing Build have rents set to at least 10 per cent below the area's median market rent, with the added protection of a cap set at 30 per cent of the median income. Tenants Victoria strongly supports affordability to be determined in relation to median incomes, not median rents, and retaining the protection of a cap set at 30 percent of median income. This would underline the difference between affordable housing (determined in relation to averages in incomes) and social housing (determined in relation to an individual's actual income).

The Social Housing Regulation Review was an opportunity to clarify key features of 'affordable housing'. The final report for this review has been with the Government since May 2022 and Tenants Victoria urges the Government to release the findings so that there is clarity and fairness about the role of and mechanisms for 'affordable housing' in Plan for Victoria. The 'affordable housing sector' is at a critical

stage of development and needs clear definitions, parameters and robust regulation to ensure good long-term outcomes.

Recommendation 5: Clarify the meaning of ‘affordable housing’, its target cohort and regulation, and reflect this in the Plan for Victoria.

Recommendation 6: That what is ‘affordable’ for the purposes of ‘affordable housing’ be determined in relation to median incomes, not median rents, and a cap of 30 percent of median income be set for affordable housing to ensure it protects the needs of key workers.

Make housing energy efficient and climate resilient so no-one is left behind in our energy transition.

Increasingly, homes will only be safe, secure and affordable if they are located, designed and built to meet the challenges of a warming climate, including more frequent and intense heatwaves and extreme weather events. Considering climate in housing planning in Plan for Victoria is crucial to reduce both emissions and future adaptation costs, but also to ensure renters are not left behind in the transition to clean energy.

Poor quality inefficient housing is also a social equity issue because climate change disproportionately impacts low-income and vulnerable renters. The rental homes with the most affordable rent are often the oldest and most draughty rentals, built before the introduction of National Home Energy Ratings Standards, with little or no insulation, and fitted with old inefficient appliances. As temperatures rise and hot spells become longer, disadvantaged renters must pay a disproportionate amount of their already limited incomes on higher-than-necessary utility bills to maintain their homes at a comfortable and healthy temperature. They then have less money to meet rent increases and other cost-of-living increases, which puts their already marginal tenancies further at risk.

Plan for Victoria should provide for Victoria’s growing housing stock to be adapted to its changing environment. This will mean Victorians have fit-for-purpose homes that allow full participation in society in the decades ahead.

Recommendation 7: Incorporate efficiency and climate resilience into how Victoria plans its housing and urban and regional development so vulnerable communities are not ‘left behind’ in the state’s energy transition and climate adaptation.

Support renters to deal with climate disasters with rapidly deployable transportable housing

More intense and frequent extreme weather events, floods and bushfires remove properties from the state’s rental housing stock or leave them uninhabitable for long periods. This creates hyper-local renting crises that flow on to nearby communities and further tightens the broader rental market. A major risk to the sustainability and resilience of Victorian regional, rural and remote communities in times of disasters, is population decline. Each disaster creates a heightened risk that residents who must leave temporarily, do not return.

Whether renters can quickly return and remain connected to their communities depends on whether they have a habitable place to live while premises are properly repaired. Vacancy rates in many regional and remote communities are already low. If a disaster leaves numerous properties uninhabitable, the few remaining rental vacancies are quickly exhausted. Increasing the stock of temporary transportable housing that can be rapidly deployed to accommodate renters while their homes are repaired or rebuilt will help to keep them connected to their communities and stay long-term.

For further ideas to help manage disaster risks for renters please see our submission to the Legislative Council Environment and Planning Committee's Inquiry into Climate Resilience (attached).

Recommendation 8: Increase the stock of transportable housing that can be rapidly deployed to communities where housing is destroyed or damaged by disasters.

Tenants Victoria looks forward to on-going consultation as the Plan for Victoria is progressed.

Yours sincerely



Jennifer Beveridge
Chief Executive Officer

1 August 2024



The Committee Secretary
Legislative Council Environment and Planning Committee
Parliament of Victoria

By email: climateresilience@parliament.vic.gov.au

Dear Committee Secretary and members,

Re: Climate Resilience Inquiry - The impact of climate change on renters and rental properties

Thank you for the opportunity to respond to the Legislative Council Environment and Planning Committee's Inquiry into Climate Resilience.

Tenants Victoria is the peak body for the state's renters, who number almost 2 million people. Our vision is for a safe, secure and affordable home for Victorian renters in a fair housing system. We are pleased to provide input to the Committee on behalf of renters.

Climate change is an existential threat with enormous implications for the future prosperity of all Victorians. We refer the Committee to the latest science-based findings on the cascading and compounding risks of climate change set out in the Intergovernmental Panel on Climate Change's [Summary for Policymakers](#). We strongly support the Victorian government taking urgent and ambitious action to mitigate these risks, most importantly stopping emissions of greenhouse gases. The less global warming we have, the less harm and the easier it will be to adapt.

Renters and renting today

For context, close to 30 per cent of Victorian households rent their home today. In Victoria alone, some 681,419 households rented in 2021, up from 607,354 households in 2016, according to the latest Census. Close to 90 per cent of all tenants rent their homes in the private rental market. A significant proportion of renters work in lower-paying jobs that are crucial to the functioning of our economy, including as key workers in healthcare, aged care, childcare, disability services, education, law enforcement and emergency services. The growing wealth disparity between homeowners and renters puts renters at a disadvantage when choosing where to live and restricts their options on the type and quality of accommodation they can afford.

Traditionally viewed as a transition step for Australians from the family home to home ownership, renting is now the fastest growing housing tenure. As purchasing a home in Australia becomes increasingly unaffordable, renters are already renting for longer, and a growing proportion of Victorians will rent for life. The combination of historically high house prices, stagnant wages, and housing supply failing to keep up with population growth has seen renters who would have previously moved on to home ownership stay in the private rental market.

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Safe, secure and affordable homes

A striking feature of our times is that pressure to obtain or retain a safe, secure, and affordable rental home has spread from lower income groups and tenants facing precarity linked to multiple disadvantages to people in the 'middle', holding jobs and with long histories as private renters. The tightening of the private rental market in Victoria, which has seen vacancies hovering at record lows of 1 per cent in Melbourne and regional rental markets becoming intensely competitive, is proving deeply challenging for lower-income renters as they try to secure an affordable home. Victoria's affordable housing crisis sees a large and growing proportion of Victorians living in 'rental stress' (traditionally recognised as when renters pay more than one-third of gross household income on rent). Unfortunately, a large and growing number of Victorians are now paying over half their income on rent. The scarcity of affordable accommodation options means renters are more reluctant to exercise their rights for fear of retaliation.

Finally, renting is closely linked to indigence, with Australians who rent their homes vastly overrepresented among those living below the poverty line, as evidenced in [ACOSS's 2020 report: Poverty in Australia 2020: Part 2 – Who is affected?](#) This study found that the majority (56 per cent) of people below the poverty line are renting, while only 17 per cent of people in poverty are homeowners who don't have a mortgage.

How climate change affects renters and rental accommodation

The three key impacts of climate change are as follows:

1. *Reduced habitability of rental housing* – Poor quality private and public rental housing becomes thermally unsafe in extreme weather. Climate change is now making hot days hotter, and heatwaves longer and more frequent. Living in excessive heat can elevate risk of cardiovascular diseases and heat stroke, and extreme heat results in more deaths than other disaster events. Other flow-on effects from living in housing with poor thermal comfort include increased mental health episodes and family violence call outs. With more energy in the system, climate change can also result in more severe cold snaps. Living in cold homes is linked to a range of health impacts, such as increased blood pressure, asthma, and poor mental health. Low temperatures in homes also contributes to the growth of mould. Living in a mouldy home can cause a variety of serious health problems, such as asthma, respiratory infection, allergic response, and mental illness such as depression.
2. *Reduced affordability of rental accommodation* – Poor quality housing is more expensive to run. As average temperatures rise and heat waves become longer, living in rental housing without adequate insulation, draughtproofing and energy efficient appliances means renters must use more energy and pay more to cool their homes to a safe and comfortable temperature.

Climate change is also increasing the cost of home insurance. As temperatures continue to rise, the cost of climate impacts on residential housing can be expected to continue to increase and some properties are expected to become uninsurable. Rental providers often pass along increasing premium expenses as rent increases. If renters' capacity to absorb these passed-along costs reduces, renting profits will drop and residential property will become less attractive as an investment class, resulting in lower rates of private capital flowing to residential property development at a time when more affordable rental housing is urgently needed.

3. *Disaster-related impacts* – Disasters affect renters by damaging or destroying their homes and belongings, often resulting in immediate termination of their tenancies if their property is

uninhabitable, or loss of enjoyment of their homes as they wait for repairs. More intense and frequent extreme weather events, floods and bushfires remove properties from the state's rental housing stock or leave them uninhabitable for long periods. This creates hyper-local renting crises that flow on to nearby communities and further tighten the broader rental market. Former owner-occupiers who lose their homes may find themselves temporary or permanent renters, adding to the fierce competition to find an affordable home. After floods, dampness contributes to mould growth, increasing the need for repairs and putting at risk the health and safety of renters and the continuing habitability of their homes.

How climate change disproportionately impacts low-income and vulnerable renters

Financially disadvantaged or otherwise vulnerable renters experience the adverse impacts of climate change disproportionately. The rental homes with the most affordable rent are often the oldest and draughtiest rentals, built before the introduction of National Home Energy Ratings Standards, with little or no insulation, and fitted with old inefficient appliances. Exposure to energy hardship is more likely when vulnerable people live in older poor-quality dwellings. As temperatures rise and hot spells become longer, disadvantaged renters must pay a disproportionate amount of their already limited incomes on higher-than-necessary utility bills to maintain their homes at a comfortable temperature. They then have less money to meet rent increases and other cost-of-living increases, which puts their already marginal tenancies further at risk. Renters who choose not to cool their homes to save money put their health and well-being at risk. The [VCOSS's Report on the Energy/Health Hardship Nexus](#) illustrates how as the climate warms and energy costs increase, renters can become locked in a vicious circle of energy hardship and poor health that compounds existing disadvantage.

Social equity issues also arise for low-income renters from the limited nature of renting as a housing tenure and the split incentive problem. As renters do not own the property they live in, they have less agency to alter it. Under section 64(1)(g) of the *Residential Tenancies Act 1997* (Vic), before renters can carry out modifications to improve thermal comfort or energy efficiency of their rental homes, they must first obtain the consent of the rental provider (which cannot be unreasonably withheld). The reality however is that low-income renters will generally not have the individual means to invest in lower cost energy efficiency improvements such as insulation or draughtproofing (and energy efficient appliances and solar panels are well beyond their budgets). Instead, they must rely on the rental provider to make these improvements, despite a lack of incentive for the rental provider to do so because they do not share in the benefits.

Tenants Victoria is pleased to note the government's intentions to introduce energy efficiency minimum standards for rental properties and rooming houses, a significant reform that will reduce carbon emissions, lower the cost of living for renters, and improve their health. It will also help to reduce financial hardship and social inequity resulting from the current rental crisis, where so many low-income renters have few options but to remain living in a poor-quality inefficient rental home. We consider the proposed standards to be an important first step, noting there are strong reasons to raise them now, and to continue to strengthen them as rapidly as possible to further assist renters and speed Victoria's transition to net zero. For further information, please see [our submission](#) in response to the draft *Residential Tenancies and Residential Tenancies (Rooming House Standards) Amendment (Minimum Energy Efficiency and Safety Standards) Regulations*.

Finally, climate-driven disasters increase risks for vulnerable renter groups, including financial loss from moving costs and damaged belongings, personal injury and evacuation risks for older and disabled renters, increased risk of domestic violence for women and gender-diverse renters, and increased mental health risks for otherwise disadvantaged renters from stress. Multicultural renters with low English language skills including newly arrived migrants, refugees and overseas workers hired for seasonal agricultural work may also have difficulty understanding evacuation instructions and accessing support services during recovery. First Nations persons are more likely to be renters (53% of Indigenous persons are renters compared to 27% of the general population) and are also more likely to experience rental discrimination and homelessness, making them more vulnerable to climate risks. Housing in remote communities is often poor quality with unsafe thermal comfort.

Supporting renters strengthens regional rural and remote community resilience

A major risk to the sustainability and resilience of Victorian regional, rural and remote (RRR) communities in times of more frequent and intense droughts and disasters is population decline. When residents move away it's bad for the local economy, businesses, jobs, services and schools. Rental providers and estate agents also have a stake, as fewer people eventually means lower rents and dropping property prices. If population decline reaches a tipping point, smaller communities risk entering a death spiral.

Each disaster is another 'danger moment' for RRR communities involving a heightened risk that residents who must leave temporarily eventually choose not to return. Whether renters can quickly return and remain connected to their communities depends on whether they have a habitable home to return to, or access to a safe and affordable alternative place to live while their rental premises is repaired. Vacancy rates in many RRR communities are already low and if a disaster leaves numerous properties uninhabitable, the few remaining rental vacancies are quickly exhausted.

At a time when renters should be supported to remain connected to their communities, current rental laws drive a rush to terminate, severing renters' connections to their homes and communities. Renters who wish to preserve their chance of returning to their homes must continue to pay rent, despite often not being able to live at the property (and often being required to pay for accommodation elsewhere). Although it is the rental provider's responsibility to return the premises to a habitable state (urgent repairs are required to be completed immediately and non-urgent repairs within 14 days), repairs often take months to be completed because of high local demand for tradespersons, a scarcity of building supplies, and rental providers delaying repairs pending the outcome of insurance claims. Although renters have a right to claim compensation for repair delays, this requires quantifying their losses and obtaining a compensation order at VCAT. Even when renters are awarded an order, they are unlikely to recover all the rent they pay.

Establishing or strengthening existing support programs to assist renters solve disputes early, return to their rental homes sooner, or otherwise remain living in their communities not only helps renters but also rental providers and strengthens the climate resilience of RRR communities. Ideas for consideration include:

- Develop systems and processes to rapidly identify and assess rental properties impacted by disasters to determine their habitability and the extent of repairs required, as well as capture the names and contact details of impacted renters to better target communications and support services (if they choose to opt in)

- Increase the stock of transportable housing (e.g. fleets of caravans or movable backyard studios) that can be quickly deployed to disaster areas to house renters so that they can remain living in their communities
- Amend planning schemes to enable temporary accommodation to be easily set up in public spaces and in the yards of disaster affected rental properties
- Explore ways to allow renters to remain living in safe areas of their homes while quarantining and prohibiting access to unsafe areas
- Develop central support systems and processes to speed and reduce the cost of repairs (for example, by coordinating building supply stockpiles in regional centres, establishing panels of tradespersons willing to travel or relocate to assist with disasters, and reserving transportable housing to house them)
- Implement public information campaigns targeting RRR rental providers and estate agents that emphasise the mutual benefits of carrying out repairs and resolving disputes as soon as possible
- Design grant programs or no-interest loan schemes to incentivise rental providers to carry out repairs more quickly after a disaster, working co-operatively with the insurance industry
- Establish favourable tax incentives for rental providers who complete repairs within prescribed times and rebuild to a higher thermal comfort and energy efficiency standard (i.e. beyond minimum standards)
- Establish priority mediation processes within Renting Dispute Resolution Victoria and train disaster dispute resolution specialists to assist disaster affected renters and rental providers negotiate disputes in a supported environment
- Boost funding for community legal centres and the broader renter-support sector (including housing and welfare organisations running the Tenancy Advocacy and Assistance Program, the Private Renting Assistance Program, and Tenancy Plus) to help renters assert their rights and resolve disputes quickly, as well as strengthen the capacity of specialist and place-based community legal centres to support renters resolve a range of legal issues that arise after disasters.

Another important opportunity is for government to encourage well-located and well-designed higher density affordable housing development (e.g. build-to-rent apartments) in Victorian regional centres. Thriving activity centres attract people and investment as well as improve road congestion, reduce travel times and transport emissions, and improve the economic productivity of an area.

Establishing fit-for-purpose disaster renting laws

Another important opportunity for government is to create a more nuanced and fit-for-purpose disaster rental law framework that supports renters but also facilitates better long-term outcomes for rental providers and RRR communities. Such a framework could be designed to apply only to properties identified and assessed as significantly damaged or destroyed by disasters. Ideas for such a framework include:

- Suspending the obligation to pay rent while a property remains uninhabitable, or reducing rent on a pro-rata basis (depending on the proportion of the property that remains habitable)
- Amending section 77 of the Residential Tenancy Act 1997 to allow renters to pay rent to the Rent Special Account as of right (unless the rental provider obtains an order otherwise)
- Providing renters who last occupied a property prior to the disaster with a right of first refusal to re-let the premises once repaired (if the lease was terminated by the rental provider)

- Compelling rental providers to disclose a rental property's disaster history and whether it is situated in a high-risk area at the time of advertising or before letting to allow renters to make informed decisions about disaster risks.

Tenants Victoria would be pleased to work with government to design such a framework.

Increasing social housing strengthens climate resilience

The traditional housing safety net for vulnerable and financially disadvantaged renters is social housing. Victoria is already experiencing an affordable housing crisis and high levels of homelessness, and as climate change advances, the need to strengthen this safety net will become even more urgent.

As of 2023, 3 per cent of all dwellings in Victoria were social housing. The [2024 VAGO Report on Planning Social Housing](#) indicates that Victoria's social housing supply has remained largely stagnant (86,418 in June 2017 to 88,189 in June 2023). There are currently approximately 50,800 applications from people seeking a home on the Victorian Housing Register. Homes Victoria estimates that to maintain the current percentage, replace ageing homes and keep pace with population growth, the state needs to build an additional 22,000 social housing homes by 2036.

Victoria's [Housing Statement](#) outlines the government's intentions to build more than 12,000 new social housing units as part of the *Big Housing Build* program, plus a further 4,000 new, energy efficient social housing homes, through programs like the *Public Housing Renewal Program*. There will also be an additional 769 homes built through the Commonwealth's *Social Housing Accelerator* program. Although this increase to social housing stock is welcome, we note that the Housing Statement does not indicate whether this level of investment is sufficient to address challenges arising from climate change. The government's main housing policy statement for the crucial decade ahead does not mention climate change once. The best time for climate adaptation – including building the additional social housing needed to reduce existing vulnerabilities – is today.

Making Housing a Human Right

The Victorian Charter of Human Rights and Responsibilities protects 20 key rights, but housing is not included at present. The right to adequate housing has long been part of the international human rights regime, with the United Nations recognising that the right to adequate housing is integrally linked to the enjoyment of other key human rights, including the rights to work, health, social security, vote, privacy or education.

Australia is a signatory to a number of international treaties which enshrine the right to adequate housing. With climate change adding significant complexity to Victoria's already overstressed housing system, it is more than timely to recognise housing as a human right in our domestic law, including by amending Victoria's Charter of Human Rights to recognise housing as a right integral to living a dignified life.

Yours sincerely

Jennifer Beveridge
Chief Executive Officer