Rental laws: One law for all



Tenants Victoria

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Executive summary

29 March 2026 marked the 5-year anniversary of rental reforms that made Victoria a leading jurisdiction in National Cabinet's 'A Better Deal for Renters'. These included more than 130 reforms to Victoria's rental laws designed to increase protections for renters. This report shows how a legal loophole has created confusion and unfairness, denying an estimated 180,000 private renting households in Victoria (25%) the benefit of key protections.

The new laws aimed to be fair and gave landlords reasonable notice to prepare

Five years after Victoria brought in reforms to protect Victorian renters, thousands of Victorian renting households are still not entitled to basic safeguards because of a legal loophole. Data from 2025 puts this number at 180,904[1], which is almost 25% of private renting households.

The loophole has created an unfair outcome

If you moved into your rental property **on or after** 29 March 2021, your home must meet rental minimum standards. If you moved in **before** that date, you miss out on these basic safety and security protections, as well as the new energy efficiency upgrades scheduled to start next year.

Nearly one-quarter of private renting households are left out

Independent bond data shows that an estimated 180,000 Victorian renting households are not entitled to the rental minimum standards because they started living in their homes before 29 March 2021. They will also be excluded from new draughtproofing and other energy efficiency minimum standards when they roll out next year.

The date a renter moves into their home continues to determine which standards apply. This bond data only captures private renters. We don't know how many public housing tenants are not entitled to these safeguards.

Critical health and safety gap

The Government closed the loophole for smoke alarms and other safety checks after a coronial inquest, but the loophole remains for heating and other critical rental minimum standards.

Closing the loophole will mean there is one standard for all renters and all landlords. The law will be easier for everyone to understand and follow

Landlords now must meet the rental minimum standards for a property when a new renter starts a new lease. If the same minimum standards and obligations applied across Victoria, regardless of when a lease starts, compliance would be easier for landlords, and houses safer for renters.

Renters need this legal loophole closed. Every day this confusion continues, the safety of Victorian renters is at risk. Every day the loophole remains, the unfairness compounds in inconsistent rental minimum standards across the state.

The fix is simple: change the law so all Victorian renters get the same protections, regardless of when they moved into their home.

More than 180,000 renting households, almost enough to fill the Melbourne Cricket Ground twice, are not covered by these important laws


Fixed and efficient heating in living areas


Working toilet in a separate room or in a bathroom or laundry


Bathroom with hot and cold running water and a shower or bath


Ventilation


Kitchen with a dedicated food preparation area; sink with hot and cold water; stove top with 2 burners


Windows with secure latches
Window coverings in the rooms for living and sleeping
Secured blind cords


Lighting in interior rooms and hallways; natural light during the day


Vermin-proof rubbish and recycling bins


Locks on external entry doors


Structurally sound and weatherproof


Urgent repair of mould


Transparency about how rent increases are calculated

A confusing and unfair rental system

The promise versus the reality

In 2021, Victoria passed sweeping rental reforms with over 130 improvements. The Government promised all renters would be protected by rental minimum standards. In practice, the way the law was written created an unintended two-class rental system.

How the loophole works

The law says rental minimum standards only apply when someone 'enters into occupation'. This means that if you moved into your rental home **on or after 29 March 2021**, you have more rights. If you were **already** living there before this date, these laws don't protect you. Even if you renew your fixed-term lease or it becomes periodic (month-by-month) after this date, you still have fewer rental protections under the law than a renter who moved into their home on or after 29 March 2021.

Around one-quarter of renting households are missing out on the right to:

- Fixed heaters in main living areas (not just portable units)
- Safety rules for blind cords
- Working locks on all external doors and windows
- A basic working kitchen
- Fixing problems related to mould or damp
- Secure window latches and blinds or coverings
- Air conditioning and ceiling insulation (when it's phased in as a minimum standard from 2027)

Other technicalities in the law deny these renters the right to know how a rent increase was calculated. In addition, renters who started a periodic lease before 19 June 2019 can get a rent increase every 6 months, not 12 months like other renters.

Confusing outcomes that were not intended

Because of these loopholes, two renters living side-by-side in identical apartments with the same landlord have different legal protections, simply because they moved in at different times. A landlord's obligations depend on when a renter moves in, not the condition of the property.

If these renters swapped apartments and signed new leases, they would immediately be covered by all Victoria's rental protections. The same landlord who was not required to provide a heater for a long-term renter would have to install one for their new renter when they moved in.

> **Simply by having lived in a rental property long term, even if on a series of short-term or periodic leases, a renter can miss out on promised basic standards.**

Simply by having lived in a rental property long term, even if on a series of short-term or periodic leases, a renter can miss out on promised basic standards. And the tight rental market means moving is not the easy solution.

How many rental homes are affected?

Bond data tells us that the impact of this loophole is significant. We know many Victorians stay in their home for years – even decades. As of June 2025, the Residential Tenancies Bond Authority (RTBA) reported 180,904 households had been renting their home since before the reforms started. This represents almost 25% of private renters who are not entitled to these protections.

Published bond data only tells us about private renters. Public housing tenants – who often stay in their homes for many years, connected to their community – aren't captured in these numbers. This means that the true scale of renters missing out on basic entitlements to standards and safety protections is likely to be much larger.

Some landlords have chosen to meet the standards for their rental properties because they want to do the right thing by their renters. This is positive, yet all renters should be able to rely on clear laws and standard legal rights, not just the goodwill of a landlord.

Five years after rental minimum standards became law, a two-class rental system has emerged.

Rental laws were intended to protect all renters

The Victorian Civil and Administrative Tribunal (VCAT) has decided many cases that expose this loophole. Here are two examples.

No right to basic heating

In Niblett v Broadbent [2023] VCAT 1236, VCAT considered a case where a renter had lived in his rented home for 12 years. His fixed-term lease had ended and moved to a periodic (month-by-month) lease after the reforms started. However, the tenancy was still considered 'one long continuous agreement' that started before the reforms.

VCAT decided that the law requiring a fixed heater in the main living area only applied if a renter had 'entered into occupation' on or after 29 March 2021. The renter was not entitled to fixed heating in the main living area.

Kept in the dark about rent increases

When the 2021 reforms passed, one key intention was transparency: landlords increasing the rent were required to explain the method they used to calculate the increase. This helps renters know if increases are fair and justified.

In Leonard v G & L Segal Pty Ltd [2025] VCAT 197, VCAT was asked to decide if a 'notice of proposed rent increase' was still valid if it did not include the right information about how a rent increase was calculated.

In this case, the renter signed their first lease in November 2018 and when it ended, they stayed on in a month-by-month tenancy. They received the rent increase notice after 29 March 2021 – the date the reforms started.

VCAT decided that because the tenancy started before 29 March 2021, the landlord did not have to show the method for calculating the rent increase. The rent increase was valid. This was despite the legally required notice of proposed rent increase form requiring the method of increase to be included.

Why it matters – unsafe homes

Lives at risk: housing standards aren't just about comfort

This loophole has been known for some time. In 2023, a Coroner's inquest into the death of a renter found the deceased wasn't protected by new smoke alarm standards. Why? The same loophole applied – the tenancy started before standards started. The Coroner said all renters were 'deserving of the protections afforded by these important amendments'[2]. The Government responded by extending smoke alarm standards to all rental properties in November 2025.

The current Government has also made some welcome changes. By October 2026, more than 5 years after the reforms started, all rental homes will get gas and electrical checks every 2 years.

The next Victorian Government must fix the same loophole for the other rental minimum standards. Otherwise, the same renters will continue to miss out as new rental minimum standards for air conditioning, ceiling insulation and energy efficiency are rolled out.

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In 2025, the current Government acknowledged 240,000 renters[3] weren't protected by new smoke alarm standards. It fixed that issue. But that cohort of long-term renters will not be entitled to heating, cooling and other life-saving protections – including the blind cord safety standards that were announced to be 'mandatory for every rental property in Victoria from October 2025'[4].

The health impacts are real

Home heating and cooling aren't just 'nice-to-haves'. They are necessary to avoid ill health and risk of death. Living in excessive heat can increase the risk of cardiovascular diseases and heat stroke. It makes pre-existing illnesses, like kidney disease, worse. Extreme heat results in more deaths than other disaster events[5].

Living in a cold home is linked to a range of health impacts, such as increased blood pressure, asthma and poor mental health. Low temperatures in homes can also lead to mould. Living in a mouldy home can cause serious health problems, including asthma, respiratory infection, allergic response and mental health issues. If a pregnant woman is living in a mouldy home, [her] child has an increased risk of asthma[6].

These health risks are even worse for children and the elderly. All Victorian renters should have these safeguards. A significant proportion of renters should not be missing out.

Climate change makes this urgent

Climate change is now making hot days hotter, and heatwaves longer and more frequent. The number of very hot days per decade has more than doubled since 1986-2005[7]. And while climate change may mean fewer severe cold events, it may also result in more exceptionally intense cold snaps.

New minimum energy efficiency standards for heating, cooling, ceiling insulation and draughtproofing in rental properties are rolling out from March 2027, but the same loophole means these minimum standards do not apply to renters who have not moved house since March 2021.

For these renters, staying in their homes means they have no right to insist on the new minimum energy efficiency standards for heating, cooling, insulation and draughtproofing where they are not already installed.

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The situation has become so confusing that even advice on government websites about minimum standards has not always been reliable. In a recent case, the VCAT President said that a government website was wrong about who the minimum standards apply to. VCAT found that even if a renter renewed a lease after 29 March 2021, the fact they'd lived in that home from before that date meant that the minimum standards in the Victorian Residential Tenancies Act 1997 (Vic) did not apply (Anderson v Sharpe [2025] VCAT 415).

The solution

The fix is simple: protect every renter

There is a known way to fix this loophole. It has been used to fix the laws for smoke alarms after a tragic death and to make the 2-yearly gas and electrical checks mandatory from October 2026.

The same legal approach works for all the rental minimum standards.

It is confusing, unsafe and unfair to sustain a system of rental rules that creates two classes of renters in Victoria.

The law needs two simple changes

Change 1: Set a deadline (30 June 2027) for all rental properties to meet the rental minimum standards, regardless of when an old lease terminates or a new lease starts, or whether the lease is fixed-term or periodic (month-by-month).

Change 2: Change the law so landlords must comply with all rental minimum standards whenever their property is already occupied by a renter, not just when it is advertised for rent or a renter moves in.

Landlords have had time to plan

The law needs to be fair for everyone – renters and landlords. The changes we are calling for are fair for everyone. They mean that all landlords follow the same laws and all renters get the same rights.

Parliament passed these basic rental reforms in 2018 and they started in 2021. This means everyone has had nearly 8 years to plan for and make these changes to rental properties.

> **These two changes will ensure a uniform private rental market and remove Victoria's two-class rental system.**

The changes are not complex. A deadline of 30 June 2027 gives adequate notice to make the necessary improvements, especially considering some properties already meet these standards. These two changes will ensure a uniform private rental market and remove Victoria's two-class rental system.

The changes mean easy-to-understand, standard landlord obligations. All renters will know what minimum standards to expect and what they have the right to ask for.

The new energy efficiency standards need the same fix

New heating, cooling, insulation and draughtproofing minimum energy efficiency standards will roll out from March 2027.

If the next Victorian Government doesn't make the changes we are calling for, the same loophole will deny thousands of renters these climate safety improvements over the coming years. Renters who don't have heating and cooling now will be effectively cut out of these progressive reforms. Their only option would be to move to a new rental home where their new landlord has an immediate obligation to meet the minimum standards.

Safety, common sense and fairness demand that the next Victorian Government acts to prevent these inequalities being locked into our rental system for years to come.

Impacts

Adequate housing is an essential service and a human right. Safe, secure and affordable housing is needed for a dignified life that allows people to participate in education, work, and the community. It is the linchpin of a fair and productive society, and all political parties have expressed their understanding of the importance of housing.

> *… this government has introduced … reforms, and we have done so because our mission is to make renting fairer in Victoria, because we believe that every Victorian deserves a decent standard of living and that includes the nearly third of Victorians who are renters. (Minister Nick Staikos, Evidence to Public Accounts and Estimates Committee, Inquiry into the 2025-26 Budget Estimates, 10 June 2025)*

> *... the coalition are strong supporters of a fair and equitable renting system (Tim McCurdy, Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, Second Reading Speech, Victorian Legislative Assembly, 4 February 2025)*

> *Every person deserves to live in a home that is safe, habitable and healthy ... Everyone deserves a roof over their head. Everyone deserves the safety and dignity and stability that comes with a home they can afford. (Gabrielle De Vietri, Consumer Legislation Bill 2025, Second Reading Speech, Victorian Legislative Assembly, 30 October 2025)*

There is broad consensus that all renters are entitled to fairness and dignity, and that fixing this loophole after more than 5 years will deliver this to Victorian renters.

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The rental minimum standards are not luxuries. The 2021 reforms require features like 2 stove burners, a door on the toilet, locks on the doors, and one heater in a main living area. These are basic features needed for a decent life.

Landlords will be impacted when new minimum energy efficiency standards are rolled out from March 2027. This is why those laws already build in exemptions for landlords where installation of new efficient products is not feasible or the costs are excessive. This means these laws can operate universally and the exemption framework will protect landlords from any unfair costs. There is no need to delay the start of the laws.a

Call to action

The new Government must make immediate changes

There is broad political consensus that renters deserve rental laws that are fair and ensure homes are safe. 29 March 2026 marked 5 years since rental minimum standards and other safeguards were supposed to begin protecting Victorian renters. Today, nearly one-quarter of private renters cannot rely on these basic protections.

Five years is too long. Victoria has led the way to a fairer renting system. It's now time to close the loophole and extend these protections to all renters.

What we are calling for

We call on the next Victorian Government to:

1. Amend the *Residential Tenancies Act 1997* (Vic) to ensure all 2021 protections, including rent increase rights and minimum standards, apply to all Victorian renters by 30 June 2027, regardless of when they moved in or their type of lease.
2. Amend the *Residential Tenancies Act 1997* (Vic) so that rental properties must meet rental minimum standards whenever a property is occupied – not just when a renter moves in or the property is advertised for rent.
3. Ensure new minimum energy efficiency standards work as intended by applying the above fixes so that all renters benefit from safer, more efficient homes.

What we say

Victoria's rental reforms promised all renters would be protected. An estimated 180,000 households are still waiting for these legal protections.

All Victorian renters deserve the same protections – one standard of safety and dignity, not two classes of renters.

Endnotes

[1] Residential Tenancies Bond Authority (RTBA), 2025 Active Bond Data (provided to Tenants Victoria by the RTBA)

[2] Coroners Court of Victoria, Finding into Death Without Inquest: Simon Peter Scarff (COR 2022 000829), Coroner Paul Lawrie, paragraph 61

[3] Gabrielle Williams, *Consumer and Planning Legislation (Housing Statement Reform) Bill 2024*, Second Reading Speech, Victorian Legislative Assembly, 4 February 2025

[4] Victorian Government Media Release: https://www.premier.vic.gov.au/sites/default/files/2024-06/240617-Making-Rental-Homes-Safer-For-Children.pdf

[5] The World Health Organization: https://www.who.int/news-room/fact-sheets/detail/climate-change-heat-and-health

[6] ABC 'What are the health effects of mould and how do you get rid of it?': https://www.abc.net.au/news/health/2022-05-23/mould-health-effects-how-do-you-get-rid-of-it/101085258

[7] Victoria's Climate Change Strategy 2026-30: https://www.climatechange.vic.gov.au/victorias-climate-change-strategy/victorias-climate-change-strategy-2026-30.pdf

