

Overview of the 2024 Tenancy Law Changes– What you need to know



Recent changes to tenancy law were passed by Queensland Parliament on 23 May 2024 and will impact your tenancy or rooming agreement under the Residential Tenancies and Rooming Accommodation Act 2008 ('the Act'). Not all changes will commence at the same time. Some of the changes commenced on Assent (6 June 2024), while other changes will start on Proclamation (date yet to be announced).

Here is a quick snapshot of the key changes. This text below applies to general tenancies and rooming accommodation.

Tenancy law changes commencing on Assent (6 June 2024)

Rent Bidding

Rent bidding has been banned. Your lessor, agent or provider is no longer allowed to solicit, invite, or accept an offer for rent that is more than the amount stated in the advertisement for the rental property. The lessor, agent or provider is also not allowed to accept an offer of rent in advance for the property that is more than the maximum amount of rent in advance allowed at the time the property is advertised or offered for rent. The maximum amount of rent in advance allowed under the Act is two weeks for a periodic agreement or moveable dwelling and rooming accommodation agreements, and one month for general tenancy agreements.

The ban on rent bidding applies to general tenancy and rooming accommodation agreements. Additionally, offers of rooming accommodation must now be advertised for rent at a fixed amount.

The rules banning renting bidding also apply if a residential tenancy agreement is offered via a third-party platform.

Rent Increases

The law has changed so that your lessor, agent or provider cannot increase the rent on your property (or room) less than 12 months after the last increase to the property. The 12-month limit applies even if the last rent increase to the property related to a different residential tenancy agreement, there has been a change of tenants occupying the property or there has

been a change of ownership of the property. The new laws make it clear that if the rent for your property was increased before 6 June 2024, that rent increase is still considered to be the date of the last increase when working out the 12-month period before the rent can be increased again. This means that even if the rent was last increased before the 6 June 2024, the lessor or provider will still need to wait 12 months before increasing the rent again. However, the lessor or provider can apply to the Tribunal for an order to increase the rent sooner than the 12-month period if the lessor believes they would otherwise experience undue hardship.

When your lessor, agent or provider gives you a tenancy agreement or notice of a rent increase, it must now show the date of the last rent increase for the property, unless the agreement was entered into before 6 June 2024. If you believe that the information you have been provided is incorrect, you can ask the lessor to provide you with evidence of the date of the last rent increase for the premises, such as the previous lease agreement or rent ledger. The lessor must provide this evidence to you within 14 days, and it must be deidentified so that it does not disclose any personal information of a previous tenant or resident. However, if the lessor or provider has purchased your property within 12 months after 6 June 2024 and does not hold information about the date the rent was last increased, they are not required to provide the information.

The 12-month limit on rent increases does not apply in public or community housing where a tenant's income is used to calculate rent, or state employee housing.

What's inside

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Who's who?

A **lessor** is the person who gives a tenant the 'right to occupy' a residential premises. Lessors often employ real estate agents to manage premises on their behalf.

A **provider** is a person who provides rooming accommodation to residents.

Tenants Queensland (TQ) is a specialist community and legal service which has been providing services to and representing the interests of residential renters in Queensland since 1986.

QSTARS is a program providing specialist advice and support to renters, funded by the Qld Government, delivered by TQ.

The **RTA** is the government authority that manages rental bonds, provides forms and information, conducts dispute resolution and investigates complaints of unlawful conduct under tenancy laws.

The Tribunal or **QCAT**, hears and makes binding decisions about residential tenancy disputes.



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Other Changes

Other tenancy law changes commencing on Assent include:

New Rule of Entry – Rooming Accommodation

If you are living in rooming accommodation, your provider can enter your room when required to install, maintain, or replace a smoke alarm. The provider needs to give you at least 24 hours' notice using a Form R9 Entry notice – Rooming accommodation.

Bonds - Rooming Accommodation and Boarder/Lodgers

If you are renting a room in a property where the provider lives there as their main or only place of residence and there are three or fewer rooms available to rent by residents, the new tenancy laws confirm that existing rules relating to rental bonds apply to you. This means that if you pay a bond to the provider, they must lodge the bond with the RTA, and the ordinary processes relating to bond disputes at the end of the agreement will apply.

New Grounds for Ending Tenancies

If you are a tenant or resident living in a property or room in a community titles scheme under the Body Corporate and Community Management Act 1997 (the 'BCCM Act'), your tenancy agreement may be ended if the scheme is terminated for economic reasons. Under the BCCM Act a Body Corporate may pass a termination resolution by majority resolution to end the community titles scheme where there are economic reasons supporting the termination (for example if the body corporate is facing excessive costs to maintain, repair, or rectify buildings within the scheme). If the termination resolution is passed the body corporate must provide tenants with at least two months' notice of the date that the community titles scheme will be terminated. The tenancy agreement will end on the same day as the community titles scheme is terminated.

New grounds have been introduced to formally end a short tenancy (moveable dwelling) agreement for the end of an agreed short tenancy period or, if an extended period has been agreed to by the parties, the end of the extended period.

The lessor or may issue a Form 12 notice to leave for end of short tenancy (moveable dwelling) at least two days before the end of the base period or agreed extended period and provide at least two days' notice to the tenant.

The tenant may issue a Form 13 notice of intention to leave for end of short tenancy (moveable dwelling) at least one day before the end of the base period or agreed extended period and provide at least one day of notice to the lessor.

Amendments to the tenancy law clarifies that a tenant who is experiencing domestic or family violence may apply to QCAT for an order to be recognised as the sole tenant if they have been the victim of domestic violence.

Three New Heads of Power

The tenancy law changes include three new Heads of Power for regulations to be written to establish:

- a portable bond scheme;
- a rental sector code of conduct that applies to all parties to a tenancy agreement, and
- a process for tenants and residents to attach fixtures or make structural changes to the property where necessary for safety, security or accessibility.

It is important to be aware that these regulations have not yet been developed so it is not yet known what will be included within the portable bond scheme, rental sector code of conduct or process to allow changes to the property for safety, security or accessibility.

Tenancy law changes commencing on Proclamation

The second stage of the new rental laws will commence on Proclamation on a date yet to be advised by the Government. Here is a quick snapshot of the key changes to commence on Proclamation:

- Your lessor/agent will have to offer you two ways to pay rent including a way that does not incur more than usual bank costs and is reasonably available, ensuring any financial benefits received by rental property owners/managers are disclosed.
- Your lessor will have to provide you with a copy of utility bills within 4 weeks of receiving the bill from the supply authority.
- There will be a prescribed limit on reletting costs based on the proportion of the lease remaining when the tenant or resident breaks the lease.
- The entry notice periods for most entries will be extended from 24 to 48 hours and there will be a limit on the frequency of entries to a property at the end of a tenancy.
- There will be a prescribed rental application form and categories of supporting documentation to limit the information that can be requested of prospective renters.
- Rental applicants will have a choice of how to submit their rental application, including not being required to use a third-party platform.
- Prospective renters will be allowed to provide identity documents for sighting rather than providing copies to be retained by the lessor or agent.

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- Renters' personal information will only be allowed to be collected and used to assess suitability during the application process and/or to manage the tenancy, and not for any other purpose.
- Lessors, agents and providers will be required to securely store renters' personal information and ensure that it is disposed of within three months of an unsuccessful rental application or three years after a tenancy ends.
- The lessor/agent will be required to substantiate any claim on the rental bond by providing the tenant with appropriate evidence.
- The maximum bond amount of 4 weeks' rent will apply to all rental agreements.
- The RTA will be allowed to share confidential information about renters, property owners and property managers with the Office of Fair Trading and Department of Housing, Local Government, Planning and Public Works for the purpose of undertaking compliance and enforcement or administering bond loans.

Tenancy Facts

Tenancy fact sheets for renters are available at www.qstars.org.au

Tenancy fact sheets include:

- Renting in Queensland
- Starting a tenancy
- Rental bonds
- Rent and other charges
- Entry and privacy
- Repairs and maintenance
- You want to leave
- Lessor ends the tenancy
- Resolving tenancy disputes
- Tenancy databases
- Pets in Rental Properties

Further help

For free tenancy advice call:

1300 744 263

Open Mon – Friday 9am – 5pm

(extended hours to 7pm on Tuesdays and Wednesdays)

Tenants Queensland

Tenants Queensland (TQ) is a specialist community and legal service which has been providing services to and representing the interests of residential renters in Queensland since 1986. Queensland Statewide Tenant Advice and Referral Services (QSTARS) is managed by TQ to provide specialist tenancy advice, advocacy support and referral for Queensland renters and delivered in collaboration with partner organisations.

For more information and to access tenancy factsheets and videos visit www.tenantsqld.org.au or www.qstars.org.au.

For administration issues contact TQ on 07 3832 9447.

Residential Tenancies Authority (RTA)

The RTA is the government authority. RTA tenancy forms are available online at www.rta.qld.gov.au or call 1300 366 311

The Queensland Civil and Administrative Tribunal (QCAT or the Tribunal)

To find your local Tribunal (except for Brisbane QCAT sits in the local Magistrates Court) or get QCAT forms visit www.qcat.qld.gov.au or call QCAT on 1300 753 228

Translating and Interpreting Service (TIS National)

If you need an interpreter let us know when you call, or call the TIS National translating and interpreting service on 131 450 so they can help you contact our service.

Disclaimer: This brochure provides information only and is not intended to provide legal advice.