

HAVE YOUR SAY!

Rent Increase Law Changes under review by the Queensland Government

On 18 April 2023, the Deputy Premier verbally introduced amendments to the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022* to amend the *Residential Tenancies and Rooming Accommodation Act 2008 (RTRA Act)* and *Regulation*.

Despite no stakeholder, industry or committee consultation, the Bill passed on the same date. It was stated to be implemented as an immediate action to stabilise rent in response to rising housing pressures.

The changes which commenced on 1 July 2023, mean that rent under a general tenancy agreement cannot be increased **within 12 months** from:

- the day the rent was last increased; or
- the first day the tenant was required to pay rent under the tenancy agreement.

These changes apply retrospectively, meaning they apply equally to agreements entered into before 1 July 2023 with a start date or rent increase agreed to post 1 July 2023. The changes also apply if the same tenant renews or enters into a new tenancy agreement for the same property.

Subsequently, the Queensland Government has released a [Discussion Paper](#) to invite consultation from the community in relation to further proposed changes relating to rent increase limits.

What is proposed in the Discussion Paper?

The Discussion Paper proposes to:

- (1) Apply the rent increase frequency limit to the **rental property** rather than the *tenancy agreement*.

This means that property owners will not be able to increase the rent more frequently than once every 12 months, even if the lease with the current tenant ends and new tenants enter a lease for the same rental property within that 12-month period.

For example, if a 6-month tenancy agreement is entered on 1 July 2023 and expires on 31 December 2023, the rent cannot be increased in the next tenancy agreement commencing 1 January 2024. The property owner would not be able to increase rent until 1 July 2024.

(2) It is also being considered whether to make this new law retrospective to 1 July 2023.

This means that a rent increase that is compliant with the current laws that has been affected after 1 July 2023, may become invalid under the new laws once they come into effect, and the lessor would be required **to refund to the tenant** the difference between the increased rent paid by the tenant and the prior amount of rent.

For example, a new tenancy agreement with new tenants commenced on 10 July 2023 and the rent amount under this agreement (\$600) is greater than the rent paid by the previous tenants under the previous agreement (\$550). If the previous tenant had a rent increase within the preceding 12 months before 10 July 2023, then the lessor would be obligated to refund to the new tenant the difference in the amount of rent paid under the prior tenancy agreement and new tenancy agreement. This would be \$50 per week by the number of weeks the new tenants have paid rent until the date that is 12 months from the date that \$550 first became payable by the previous tenants. If this period was 3 months for example, the refund would equate to \$600.

Have your say about these changes

We encourage you to read the [Discussion Paper](#) and provide your feedback to the Queensland Government.

You can provide your feedback:

- Online – at qld.gov.au/rentinginqld
- By email – send your submission to: rentinginqld@chde.qld.gov.au
- By post – send your submission to:
Renting in Queensland
Department of Housing
PO Box 690
BRISBANE QLD 4001

Feedback must be provided to the Department of Housing **by 5.00pm on 11 August 2023.**

With as many voices as possible, we can be heard by the Government and advocate for more fair and balanced law reforms that will benefit *both* tenants and property owners in Queensland.