

2017 LGAQ ANNUAL CONFERENCE

WAVES OF CHANGE OCEANS OF OPPORTUNITY

FINAL AGENDA

GLADSTONE ENTERTAINMENT
CONVENTION CENTRE
56 GOONDOON ST GLADSTONE
16-18 OCTOBER 2017
#LGAQ2017

Submitting council / organisation Townsville City Council	
Date of council / organisation resolution 26 September 2017	LGAQ Policy Executive district District 9 - Northern
Number and title of motion	65 — Public Health — Local Government Powers to address negligent rental property owners
Motion	That Local Government Association of Queensland lobby the State Government to make appropriate changes to existing local government laws and regulations, to grant regulatory powers to local governments to enforce building maintenance on residential rental properties to an acceptable building standard with failure to do so resulting in enforcement notices and cumulative fines that are attached to the offending property.
Background	In Townsville there are examples of Slumlord's, one who owns many properties and maximises costs by minimising maintenance. As a consequence of these actions some tenants of these privately-owned investment properties fall victim to poor quality housing with examples showing no windows, doors and sub-standard roof structures. In cyclone prone areas such as Townsville, in the event of a cyclone, Local Government would have to house these tenants if they had no other accommodation and the building has a greater potential to lose a roof and impact the surrounding area. As a tenant has no ability to make improvements on the property ie roof, the responsibility rest with the landlord. Local Government are restricted as to how they can deal with these properties and landlords/owners.
What is the desired outcome sought?	The desired outcome is that Local Government be able to enforce and incentivise landlords of rental properties by way fines and enforcements notices attached to the land/property with the ability to issue a notice of intention to sell for failure to address the enforcement notices.
What are the impacts (positive or negative) on local government?	As part of building a resilient city in cyclone affected areas, an important aspect is to ensure that residents have a safe place of refuge from winds and for damage to surrounding buildings to be minimised by properties being free and clear of debris.
LGAQ comment	<p>The LGAQ Policy Statement identifies:</p> <p>6.1.1.4 Local government opposes the devolution of land use planning matters of State Interest to councils.</p> <p>The Residential Tenancies Authority (RTA) is the Queensland Government statutory authority that administers <i>the Residential Tenancies and Rooming Accommodation Act 2008</i> and the <i>Residential Tenancies and Rooming Accommodation Regulation 2009</i>. The RTA is responsible to the Minister for Housing and Public Works.</p> <p>The Act primarily outlines the rights and responsibilities of tenants and property managers/owners in residential renting (which includes caravan parks and rooming accommodation) in Queensland. It sets out what to do if issues arise during a tenancy and explains what can be done if someone breaches the Act.</p> <p>The <i>Residential Tenancies and Rooming Accommodation Act 2008</i> states: 185 Lessor's obligations generally (3) While the tenancy continues, the lessor—</p>

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	<ul style="list-style-type: none">(a) must maintain the premises in a way that the premises remain fit for the tenant to live in; and(b) must maintain the premises and inclusions in good repair; and(c) must ensure any law dealing with issues about the health or safety of persons using or entering the premises is complied with; and(d) if the premises include a common area—must keep the area clean.
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