



Queensland

Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Bill 2022



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2022

A Bill

for

An Act to amend the *Residential Tenancies and Rooming Accommodation Act 2008* for particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Act 2022</i> .	3 4 5
Clause 2	Act amended	6
	This Act amends the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	7 8
Clause 3	Amendment of s 57 (Premises must be offered for rent at a fixed amount)	9 10
	Section 57(1)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	See sections 82B and 82D for the maximum rent payable for a residential tenancy of premises.	14 15
Clause 4	Insertion of new ch 2, pt 2, div 1AA	16
	Chapter 2, part 2—	17
	<i>insert—</i>	18
	Division 1AA Maximum rent payable for residential tenancies	19 20
	82A Meaning of 2-year rent freeze period	21
	The <i>2-year rent freeze period</i> is the period of 2 years that starts on the day of commencement.	22 23

82B Two-year rent freeze

- (1) The maximum amount of rent payable (the *maximum rent payable*) for a residential tenancy for premises during the 2-year rent freeze period is—
- (a) the amount of rent payable under a residential tenancy agreement for the premises on 1 August 2022; or
 - (b) if the premises were not let under a residential tenancy agreement on 1 August 2022, the highest of the following amounts—
 - (i) the amount of rent payable for the premises on the last day the premises were let under a residential tenancy after 1 August 2021;
 - (ii) the amount of rent stated in an offer of a residential tenancy for the premises by the lessor or lessor’s agent in an advertisement or other public offer published after 1 August 2022;
 - (iii) the amount of rent for the premises worked out under section 82C.
- (2) During the 2-year rent freeze period, a lessor or lessor’s agent must not—
- (a) require payment of, or take, an amount for rent for a residential tenancy of premises that is more than the maximum rent payable for the tenancy; or
 - (b) offer a residential tenancy for premises for an amount of rent that is more than the maximum rent payable for the tenancy; or
 - (c) for residential premises that have been let under a residential tenancy agreement at any time on or after 1 August 2022—give, or offer to give, the right of occupancy for the

[s 4]

premises under a short-term letting agreement for an amount of rent that is more than the maximum rent payable for a residential tenancy of the premises.	1 2 3 4
Maximum penalty—50 penalty units.	5
(3) In this section—	6
<i>short-term letting agreement</i> means an agreement—	7 8
(a) under which the right to occupy residential premises is given on a short-term basis, including, for example, for holiday purposes; and	9 10 11 12
(b) that is not a residential tenancy agreement to which this Act applies.	13 14
82C Maximum amount of rent for premises not let during period 1 August 2021 to 1 August 2022	15 16
(1) This section applies in relation to residential premises if the premises were not let under a residential tenancy agreement during the period starting on 1 August 2021 and ending on 1 August 2022, including, for example, because the premises are newly constructed.	17 18 19 20 21 22
(2) For section 82B(1)(b)(iii), the maximum rent payable for a residential tenancy of the premises is the amount of the median rent, for the June quarter in 2022, for comparable residential premises located in an area that has the same postcode as the premises, published on the authority’s website.	23 24 25 26 27 28 29
(3) In deciding whether residential premises are comparable to other residential premises, the following matters are to be considered—	30 31 32
(a) the type of the premises;	33

<i>Examples of types of premises—</i>	1
house, unit, townhouse	2
(b) the number of bedrooms of the premises.	3
(4) In this section—	4
<i>June quarter in 2022</i> means the period starting	5
on 1 April 2022 and ending on 30 June 2022.	6
82D Maximum increase in amount of rent after	7
2-year rent freeze period	8
(1) This section applies after the 2-year rent freeze	9
period ends.	10
(2) The maximum amount of rent payable (the	11
<i>maximum rent payable</i>) for a residential tenancy	12
for premises during a 2-year rent period is the	13
amount equivalent to 2% more than—	14
(a) for the 2-year rent period that starts on the	15
day after the last day of the 2-year rent	16
freeze period—the maximum rent payable	17
for a residential tenancy of the premises	18
during the 2-year rent freeze period under	19
section 82B; or	20
(b) otherwise—the maximum amount of rent	21
payable for a residential tenancy of the	22
premises during the previous 2-year rent	23
period.	24
(3) A lessor or lessor’s agent must not—	25
(a) require payment of, or take, an amount for	26
rent for a residential tenancy of premises	27
that is more than the maximum rent payable	28
for the tenancy; or	29
(b) offer a residential tenancy for premises for	30
an amount of rent that is more than the	31
maximum rent payable for the tenancy.	32
Maximum penalty—50 penalty units.	33

[s 4]

(4) In this section—	1
<i>2-year rent period</i> means each period of 2 years that starts—	2 3
(a) on the day after the last day of the 2-year rent freeze period; and	4 5
(b) on each second anniversary of the day mentioned in paragraph (a).	6 7
82E Authority must keep register of rents for residential tenancies	8 9
(1) The authority must keep an up-to-date register of—	10 11
(a) the amount of rent payable under the current residential tenancy for premises; and	12 13
(b) the maximum rent payable for a residential tenancy of premises.	14 15
(2) The approved form about a rental bond that is required to be given to the authority under section 116(1)(b) or 117(2)(b) must provide for the amount of rent payable under a residential tenancy agreement for the premises to which the rental bond relates to be stated.	16 17 18 19 20 21
(3) The authority may publish information about rents kept in the register.	22 23
(4) However, the authority must not publish information kept in the register about a person's affairs, including a person's name or residential address.	24 25 26 27
82F Authority may require lessor to give information about rent payable	28 29
(1) This section applies if—	30

-
- (a) the authority believes, on reasonable grounds, that residential premises are let under a residential tenancy agreement; and
- (b) a rental bond for the agreement has not been lodged with the authority.
- (2) The authority may give the lessor of the premises a written notice requiring the lessor to notify the authority of the amount of rent payable for the premises under the residential tenancy agreement by the day stated in the notice.
- (3) The lessor must comply with the requirement under subsection (2) by giving the authority a notice, in the approved form, about the amount of rent by the day stated in the notice.
- Maximum penalty—20 penalty units.

82G Application to tribunal for determination of amount of rent for residential premises

- (1) This section applies if the tenant of residential premises, or another person, considers the amount of rent payable under the residential tenancy for the premises is more than the maximum rent payable for the tenancy.
- (2) The tenant or other person may apply to the tribunal for a declaration about the maximum rent payable for the tenancy.
- (3) The tribunal may make an order declaring the maximum rent payable for the tenancy.
- (4) Also, if the rent payable under the residential tenancy for the premises is more than the maximum rent payable for the tenancy, the tribunal may make an order reducing the amount of rent payable for the tenancy to a stated amount that is not more than the maximum rent payable for the tenancy.

[s 5]

Clause 5	Amendment of s 91 (Rent increases)	1
	Section 91—	2
	<i>insert—</i>	3
	(6A) Also, the rent may not be increased to an amount that is more than the maximum rent payable for the tenancy.	4 5 6
Clause 6	Omission of s 92 (Tenant’s application to tribunal about rent increase)	7 8
	Section 92—	9
	<i>omit.</i>	10
Clause 7	Amendment of s 468 (Authority’s functions)	11
	Section 468—	12
	<i>insert—</i>	13
	(fa) to audit whether the rent payable under residential tenancy agreements for premises is more than the maximum rent payable for the premises; and	14 15 16 17
Clause 8	Insertion of new ch 14, pt 7	18
	Chapter 14—	19
	<i>insert—</i>	20
	Part 7	Transitional provisions 21
		for Residential 22
		Tenancies and 23
		Rooming 24
		Accommodation (Rent 25
		Freeze) Amendment 26
		Act 2022 27

575 Existing notices to increase rent

- 1
- (1) This section applies to a written notice given to a 2
tenant of a proposed increase in rent under former 3
section 91 if the proposed increase in rent would, 4
but for this section, have taken effect on or after 1 5
August 2022. 6
- (2) The notice is of no effect and the amount of rent 7
payable is not increased. 8
- (3) In this section— 9
former section 91 means section 91 as in force 10
from time to time before the commencement. 11

576 Existing applications to tribunal about rent increases

- 12
- (1) This section applies to an application under 14
former section 92 made, but not decided or 15
otherwise ended, before the commencement. 16
- (2) If the application relates to a proposed rent 17
increase that took effect under former section 91 18
before 1 August 2022, the tribunal may continue 19
to hear and decide the application as though the 20
amendment Act had not been enacted. 21
- (3) If the application relates to a proposed rent 22
increase to which section 575 applies, the 23
application is withdrawn. 24
- (4) In this section— 25
amendment Act means the *Residential Tenancies* 26
and Rooming Accommodation (Rent Freeze) 27
Amendment Act 2022. 28
former section 91 means section 91 as in force 29
from time to time before the commencement. 30
former section 92 means section 92 as in force 31
from time to time before the commencement. 32

[s 9]

Clause 9	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert—</i>	3
	<i>2-year rent freeze period</i> see section 82A.	4
	<i>maximum rent payable</i> , for premises under a residential tenancy, see sections 82B(1) and 82D(2).	5 6 7