The Hon. Gladys Berejiklian MP

Premier of New South Wales,

Department of the Premier and Cabinet,

Sydney NSW 2000

[INSERT date]

Dear Premier,

Urgent: Review of the *Residential Tenancies Amendment (COVID-19) Regulation 2020* (NSW)

As one of New South Wales’ residential investment property owners, I write to express my concerns with respect to your Government’s *Residential Tenancies Amendment (COVID-19) Regulation 2020* (NSW) (“Regulation”). In the interest of striking an equitable balance between a Landlord and Tenant, I ask you to reconsider aspects of the Regulation. I wish to make clear that I recognise and support the need for Tenants to be assisted during these difficult times. However, I do not support, and consider it grossly unfair, that the burden of that support falls solely on Landlords, like myself.

I am calling on your Government to review and amend the Regulation to account for the following matters:

• An obligation imposed on the Tenant to exhaust all avenues of Government assistance prior to seeking a rent reduction.

• Amend the definition of “impacted tenant” to include an additional requirement that the Tenant does not have access to unencumbered liquid funds, in all the circumstances, sufficient to pay the rent. It is unjust that a Tenant with enough funds to pay rent is excused from doing so because they have lost their job.

• Introduce a definition of an “impacted landlord” and provide protections to that class of Landlord. To do otherwise simply passes the financial stress of the Tenant to the Landlord who is already in financial stress themselves due to the COVID-19 pandemic.

• Introduce clear guidelines, setting out which documents the Tenant must provide to the Landlord as part of the application for a rental reduction.

• Introduce a requirement for Tenants to provide evidence of attempts to mitigate the Landlord’s loss caused by a rental reduction.

• Introduce a standard requirement for Tenants to substantiate a rent reduction request to allow Landlords to make a properly informed and fair decision.

• Introduce a requirement and make it clear that a Tenant must continue to satisfy the criteria of an “impacted tenant” not just at the beginning when they request a rental reduction, as appears to be the popular interpretation.

I am also entitled to be supported and protected during the COVID-19 pandemic. Your Government’s Tenant protections completely ignore my rights, take away my ability to derive critical income and take away control over an asset I have worked hard to acquire. I want to be viewed as an “investor”. l note that people who have invested in the equities market are not being required to support sectors of the community adversely impacted by COVID-19. Is it your Government’s intention for me to regret my investment choice and to send a message to potential investors contemplating purchasing residential rental property?

The public narrative of your Government and that of the Federal Government has made it clear that Tenants cannot be evicted. As you know, that is not correct, and the protection only applies in certain circumstances where impacted tenants are unable to pay rent. I recommend you make a very clear public statement to inform the market. This will address the confusion and alleviate a lot of unnecessary disputes.

I respectively request your Government to consider the matters set out above and amend the Regulation accordingly.

 Yours sincerely,

<insert name>

<insert email address or address>