

**Submission on Directions and Outcomes for the
Victorian Homelessness Strategy**

Section One: Contact Details	
Name	Mark O'Brien
Title	CEO
Organisation <small>(if this is a formal submission of an organisation)</small>	Tenants Union of Victoria
Address	P O Box 234, Fitzroy 3065
Telephone	(03) 9419 5577
Fax	(03) 9416 0513
Email	mob@tuv.org.au
Are you willing to be contacted should we require clarification or further information about this submission? YES	
Do you wish this submission to remain confidential? NO	

Please prepare the submission according to the format below.
For further information please contact the Victorian Homelessness Strategy
on (03) 9616 7287, fax (03) 9616 7020 or email vhs@dhs.vic.gov.au

Section Two: Submission Details

GOAL #1: Identifying Factors Likely to Generate Homelessness

Analysis of future trends is critical in determining what we want to achieve over the Strategy period and what that might mean for the deployment of resources. Critical areas that need to be considered include: demographics; private rental market and urban gentrification; trends in the labour market; welfare reform and mutual obligation; and the impact of illicit drug use.

Questions:

- 1.1 What key factors should the Victorian Homelessness Strategy explore to improve our future response to homelessness?

Response:

The Tenants Union advocates for the interests of all tenants in Victoria. Our advice service provides assistance to some 30,000 tenants each year. In addition, we work to advance the interests of tenants through our research, community education, training and lobbying activities.

We will therefore limit our further discussion of this topic to the areas of our expertise; failures in both the private rental market and the public housing sector.

The Tenants Union believes that there is a broad range of factors contributing to homelessness in Victoria and would generally support the need for consideration of the critical areas outlined in the VHS Consultation Paper.

The failure of the private rental market

The private rental market fails many of the 20% of Australian households who reside within it. It offers only marginal security of tenure and the nature of housing provided is often inappropriate in terms of its size, location and quality. Most critically, for a large number of tenants, rental accommodation is unaffordable. Despite receiving a Rent Assistance subsidy, 42% of households in the private rental market spend in excess of 30% of their income on rent and as many as 12% of households spend in excess of 50%¹. We have no reason to believe that the situation in Victoria is significantly different.

The affordability crisis confronting a large number of low-income people residing in the private rental market is the most serious challenge confronting the housing system in Australia. Tenants paying a high proportion of their income in rent often sacrifice other basics, such as food and heating and/or they trade off appropriate housing for small gains in affordability. In addition, lack of affordability fundamentally undermines the security of tenants' housing with significant numbers evicted because they have fallen into rental arrears².

The Tenants Union's work with low-income tenants and residents of rooming houses and caravan parks points to a clear relationship between the insecurity of the private rental market and homelessness.

There is no indication that this situation is easing. In fact, available evidence suggests that rental housing is likely to become increasingly unaffordable and therefore insecure for people on low incomes.

Given that the large majority of evictions occur as a result of tenants falling into rental arrears, any significant improvement in security of tenure is underpinned by the resolution of complex affordability problems. There are also however serious shortcomings in Victorian tenancy legislation that further undermine security and exacerbate the problems of affordability.

¹SCRCSPP (Steering Committee for the Review of Commonwealth/State Service Provision) 2000, *Report on Government Services 2000*, AusInfo, Canberra p1357

² VCAT Annual report 1998/99

Section Two: Submission Details

At the current time, tenants can be evicted from a property for a broad range of reasons. However, tenants can also be evicted from a property for no specified reason with only 90 days notice. The Tenants Union has serious concerns about this provision and the insecurity it creates.

Preliminary research conducted by the Tenants Union indicates that these 'no reason' notices are being misused in two ways. In some instances, they are being served in response to an action by the tenant which does not constitute an exercise of their tenancy rights and is therefore not subject to challenge by the tenant. In other cases, notices are being served in retaliation for an exercise of their tenancy right but the tenant is choosing not to challenge the notice either because their relationship with the landlord has broken down or because they need the 90 days to find alternative accommodation and cannot afford to wait for the outcome of a Tribunal hearing.

In other instances landlords are choosing to use these provisions to by-pass other provisions such as nuisance or rent arrears provisions because they fear their case against the tenant is not strong enough.

The Residential Tenancies Act 1997 also precludes occupants of caravan parks from any coverage under the legislation (and therefore from any tenancy rights) until either, they have occupied the park continuously for 90 days or, they have entered into a tenancy agreement. For this reason, park owners are loathe to enter into such agreements and some dubious practices have developed to enable them to collect a bond but avoid all responsibilities under the Act.

This lack of coverage means a total lack of security for the increasing number of people calling caravan parks home. Should the tenant challenge the landlord in any way, they can be thrown out of their home with nowhere to go and no recourse. This knowledge silences residents and exposes them to abuse and exploitation.

Many tenants in the private rental market experience discrimination which can severely limit access to housing. Discrimination is perpetrated on the basis of imputed characteristics associated with particular groups of people. Several studies indicate that particular groups are more vulnerable to discrimination³. They include people from linguistically and culturally diverse backgrounds, Aboriginal and Torres Strait Islander, young people and renters with children particularly single mothers. They experience a range of direct and indirect discrimination which include actual denial of access to the private rental market, variations of the terms and conditions of the tenancy agreement and eviction. The practices of housing providers also limit access to accommodation and at times could lead to outright discrimination. It includes the selection criteria imposed by housing providers to assess suitability of applicants. Other research into tenant selection processes shows that the line between good business practice, unfair market practices and discriminatory practices is often blurred. For some people, discrimination in private rental can be the first step towards homelessness.

Given the above, it is understandable that SAAP data indicates that 50% of Australia's homeless come directly from the private rental market. A further 26% of homeless people come from crisis accommodation that, for many, would have been immediately preceded by private rental accommodation. 'Lack of sufficient income' remains the most commonly cited reason for seeking assistance.

Homelessness represents the most severe and visible manifestation of private market failure.

Responding to the failure of the private rental market

Given the evident failure of the private rental market the Tenants Union makes the following recommendations:

Affordability

- *Every effort be made to expand the stock of social housing in Victoria. Clearly the most effective and efficient long-term response to the lack of affordability in the private rental market is to provide alternative affordable and appropriate housing for low-income people.*

³ Johnson 1999, HREOC 1999, Berger 199, DSS 1997, Swinburne University 1996, Industry Commission Report 1993, NHS 1992

Section Two: Submission Details

- *Investigate the potential for increasing supply of low-cost accommodation in the private rental market through appropriate incentives to investors. The State Government would need to work with the Federal Government in areas such as taxation relief but could develop its own incentives in the form of foregone revenue for low-cost development.*
- *Planning legislation be reviewed and amended to give local government explicit power to control development or redevelopment that leads to a loss of low cost housing particularly in the inner urban region. Current planning provisions are unclear and inadequate.*
- *Rent assistance payments should be linked to an affordability benchmark of 30% of income to ensure that the significant outlays in rent assistance are effective.*
- *Tenancy legislation should be amended so as to limit the regularity and quantum of rent increases received by private tenants. This will place some limitation on escalating rents and prohibit landlords from using rent increases to intimidate and retaliate.*

Security of Tenure

- *Tenancy legislation should be amended to promote improved security of tenure for tenants living in the private rental market. Landlords should be prohibited from evicting tenants without a reason. Not only will this offer greater security to tenants but it will ensure that landlords cannot use to fear of eviction to dissuade tenants from exercising other tenancy rights.*
- *Increasing numbers of Victorians live permanently in caravan parks and yet for the first 90 days of their occupancy they have no tenancy rights. Tenancy legislation should be amended to ensure that these residents have the same rights and responsibilities as other tenants and residents.*
- *Additional support services be provided to assist people with complex needs to maintain tenancies in the private rental market. The provision of such services should be contingent on the affordability of individual rents.*

Discrimination

- *The Equal Opportunity Act and the Residential Tenancies Act should contain provisions that would compel accommodation providers to give written reasons for refusing accommodation.*
- *The Equal Opportunity Act to be amended to enable discrimination cases to be heard before the Anti-Discrimination List of VCAT where tenants could seek redress to stop discrimination in accommodation from occurring (ie. stop an eviction if it is related to discrimination). Because the members of the Anti-Discrimination List have expertise in the Equal Opportunity Act, we believe it is important that this list has the jurisdiction to permit the quashing or reviewing of proceedings or orders made in the Residential Tenancies List.*
- *The Equal Opportunity Act should contain a specific provision that where there is a threat of eviction due to discrimination, it should be considered as a special circumstance and a ground for expediting a complaint.*
- *The Equal Opportunity Commission should have the power to investigate and take appropriate action to provide a reasonable and fair resolution for people who have been discriminated against by accommodation providers. The Commission should have the power to compel the defendant to take particular action such as to provide accommodation or to stop an eviction.*

Public Housing Sector

The public housing sector remains the most appropriate long term housing outcome for homeless people. However there are currently shortcomings with the public housing sector that need to be addressed to ensure that its policies and practices do not inadvertently contribute to homelessness.

We remain concerned that current eligibility policies are unnecessarily restricting access to the public housing sector. Of particular concern are the debt policy relating to eligibility which acts to restrict access to some who would otherwise be eligible but have pre-existing debts, including bond assistance scheme debts, with the Office of Housing. The policies and procedures for repayment of debt are a practical obstacle to entry.

We still have some reservations about the operations of the Segmented Waiting List. In particular, the "private rent market test" seems to be an unnecessarily burdensome requirement. Whilst this requirement does not exist for those entering through the recurring homelessness segment it does apply to other segments. Given the low numbers of clients accessing public housing through the recurring homelessness segment, we believe that this requirement is a significant disincentive to other potential applicants that would fit within the definition of homeless proposed in the VHS Consultation

Section Two: Submission Details

Paper. It is of considerable concern that the rent test is required even in areas where it is recognised that there is a low or negligible availability of affordable housing.

We fully support the current reviews of both the above policy areas.

We are concerned that many existing residents of public housing are inadequately supported to maintain their current tenancies. In recognition, that the Office of Housing is often the landlord of last resort more effort must be put into maintaining tenancies particularly for people with complex needs. Of particular concern are non-voluntary exits from public housing for rent arrears and anti social behaviour. Given that many of these evictions are likely to be clients with a history of unstable tenancies it is even more critical that the Office of Housing is instrumental in breaking the homelessness cycle. Given increased targeting to those in the greatest need, the Office of Housing and other relevant government departments should be taking all reasonable steps to minimise non-voluntary exits from the public housing sector. This may require a range of strategies and interventions.

We fully endorse the development of a wide range of support programs for existing public housing tenants to assist them to maintain their tenancies. It should be recognised that effective improvement in this area may result in a diminished capacity for allocations.

Responding to the failure of the public rental sector

The Tenants Union makes the following recommendations to assist the public housing sector:

- Eligibility and allocations (Segmented Waiting List) policies are currently subject to review. The Review in both these areas should compliment the work being undertaken and recommendations of the Victorian Homelessness Strategy.*
- Policies and procedures relating to eviction from public housing should be reviewed to ensure that steps are actively taken to reduce the level of evictions for rent arrears and anti-social behaviour.*
- Additional support services be provided to assist people with complex needs to maintain tenancies in the public housing sector.*

Section Two: Submission Details

Goal #2: Identifying the Extent and Range of Service Needs

To develop better services for the future, we need to understand what homelessness is, how many people require the assistance of homeless services, and what their needs are. It is also critical that services have the capacity to respond to changing needs over time. In terms of defining homelessness, the VHS has adopted the categories developed by Chamberlain and McKenzie (1992), which were used in the 1996 ABS Census:⁴

Primary homelessness

People without conventional accommodation, such as people living on the streets, sleeping in parks, squatting in derelict buildings, using cars or railway carriages for temporary shelter, or living in improvised dwellings.

Secondary homelessness

People who move frequently from one form of temporary shelter to another including: people using various types of emergency accommodation (such as hostels, night shelters and refuges); people residing temporarily with other households (because they have no accommodation of their own); and those using boarding houses on an occasional or intermittent basis.

Tertiary homelessness

People who live in single rooms in private boarding houses on a medium to long-term basis. They do not have a separate bedroom and living room; they do not have kitchen and bathroom facilities of their own; their accommodation is not self-contained; and they do not have security of tenure provided by a lease.

Questions:

2.1 Defining Homelessness

2.1.1 Do you find the Chamberlain and McKenzie categorisation useful for defining homelessness for the purposes of developing the Victorian Homelessness Strategy? If not, what alternative definition would be more useful for this purpose?

Response:

The Tenants Union supports the definitions outlined in the VHS Consultation Paper on the proviso that separate statistics are maintained for each of the three categories.

2.2 Research

2.2.1 What priorities do you see for research into homelessness over the next three years?

Response:

It is critical that the level of homelessness in Victoria be established in an agreed manner. We fully endorse the comments contained in the VHS Consultation Paper.

2.2.2 What initiatives are required to ensure research into homelessness results in tangible outcomes for people who are homeless?

Response:

The critical need remains housing. Any research that provides guidance or ideas about increasing the level of affordable housing in Victoria would be worthwhile.

2.2.3 Do you believe that current service data collection accurately reflect demands on your service and your capacity to respond to need? If not, how could it be improved?

Response:

No comment.

⁴ A comprehensive summary of definitions is contained in the Report of the National Evaluation of the Supported Accommodation Assistance Program (SAAP), 1999, AGPS.

Section Two: Submission Details

2.2.4 In what ways should data collection be developed to improve its usefulness in providing and monitoring assistance to homeless people?

Response:

As above: Consistency of definition and sustained data collection is required to provide a better picture of homelessness.

Section Two: Submission Details

Goal #3: Identifying the Range and Nature of Responses Required to Address Homelessness

Recognising that people experiencing, or at risk of, homelessness have a range of individual needs, what do we require to ensure they have effective pathways out of homelessness? It is clear that the capacity of and access to the current system are not adequate to meet the needs of Victoria's homeless population.

Questions:

3.1 Capacity of the System

3.1.1 What do you see as the priority areas for creating additional capacity, both in terms of location and service type?

Response:

It is difficult to avoid the obvious. The critical need is for more affordable long term housing. We understand that current estimates of homelessness in Victoria indicate about 16,000 households at any given time. Yet the level of allocations through to the public housing system in the recurring homelessness segment is less than 1,000 per year. Given the problems evident in accessing the private rental market, significantly reducing homelessness through reliance on the private rental market as an exit point seems improbable

3.2 Access

3.2.1 What should be done to improve immediate access to accommodation and support?

Response:

As above. More affordable housing.

3.2.2 What principles should guide the design and operation of access points?

Response:

Maximum access. Minimum obstacles.

3.3 Crisis Accommodation

3.3.1 What issues need to be tackled in the existing service system to improve crisis supported accommodation services?

Response:

No comment

3.3.2 Are there other models of support and linked support that should be considered for implementation?

Response:

No comment

3.3.3 How could the effectiveness of using HEF funds to purchase crisis accommodation in the private market be improved?

Response:

No comment

Section Two: Submission Details

3.4 Matching Support and Accommodation

3.4.1 How can crisis and transitional assistance be better linked to provide more effective pathways out of homelessness?

Response:

No comment

3.4.2 How can support and housing assistance be better matched for individuals and families seeking assistance?

Response:

No comment

3.5 Housing Outcomes/Exit Points

3.5.1 What do you see as the critical strategies for improving pathways out of homelessness into stable accommodation?

Response:

Given the reservations outlined above about the private rental market we remain deeply concerned about the private rental market as exit point for people leaving crisis or transitional accommodation. For many people on low incomes, particularly those with complex needs, this will provide a short-term resolution only. It is critical that clients existing transitional housing in particular are only exiting into private arrangements that are stable and appropriate. We believe that this is only like to be the case for a limited number of clients. Particularly the more targeted access to crisis and transitional accommodation is, the less suitable exit back into the private rental market will be. There is a need for exit plans to be sustainable into the longer term. It would be useful if an agreed measure was developed for assessing the success of exits into the private rental market and the contributing factors for any failures. In the absence of this, the short term solution will merely contribute to a longer term experience of a homelessness cycle periodically interspersed with housing.

3.5.2 What forms of accommodation best suit the requirements of the different groups of people who experience homelessness?

Response:

No comment.

3.5.3 What gaps in assistance need to be filled to enable people to exit homelessness and live as independently as possible within the community?

Response:

As noted above. Further, if exits into the private rental market continue then support services need to be available to ensure that private tenancies are secure and sustainable.

3.6 Rural and Regional Homelessness

3.6.1 What other issues impact on homelessness in a regional/rural setting?

Response:

No comment

3.6.2 What do you see as appropriate homelessness responses in rural and regional areas? How can these be delivered in an appropriate and cost-effective way?

Response:

No comment

Section Two: Submission Details

Goal #4: Integrating Planning and Funding across Government

Homeless people, like all other citizens, depend on both specialised and mainstream services, including services around family violence, substance abuse and mental health, from a wide range of government departments. Integrated planning and closer coordination of funding is required across the breadth of government activity in order to address homelessness effectively.

Questions:

4.1 Complex Needs

4.1.1 What are the key issues that need to be addressed in the development of the Victorian Homelessness Strategy for women and children who have experienced family violence?

Response:

No comment.

4.1.2 What initiatives are required to provide pathways out of homelessness for people who are homeless and have mental health and substance abuse issues? What range of additional responses is required beyond the inner city?

Response:

No comment.

4.1.3 What types of organisations are best equipped to deliver these responses?

Response:

No comment.

4.2 Accessing Mainstream Services

4.2.1 What are the key areas of health and community support activity which need to be made more responsive to people who are homeless?

Response:

No comment.

4.2.2 What strategies have been applied in your local area to improve access to mainstream services for people who are homeless? Have they been successful?

Response:

No comment.

4.2.3 How could the role of homelessness services in assisting people to access mainstream services be improved?

Response:

No comment.

Section Two: Submission Details

Goal #5: Identifying Strategies across Government to Prevent Homelessness

It is generally agreed that the homeless service system should be the system of last response. Preventing homelessness has two primary dimensions: at the macro level, it relies on economic and social policy; and at a micro level, it relates to identifying specific groups within the population most at risk of homelessness and developing strategies to reduce their risk of homelessness.

Questions:

5.1 What key issues need to be pursued across government to tackle homelessness and/or to address the needs of each of these groups and any others you have identified?

Response:

As noted above.

5.2 Are there any key groups for whom specific preventative strategies should be developed?

Response:

No comment.

5.3 What local initiatives are you aware of that are successfully addressing these issues?

Response:

No comment.

Section Two: Submission Details

Goal #6: Improving Community Understanding and Support

Currently the community's understanding of homelessness is limited. Greater understanding will result in broader community support for homelessness to be addressed, and for people experiencing homelessness to be viewed as part of, rather than apart from, our community.

Questions:

6.1 Strengthening Community Support

6.1.1 What information is required to ensure that the Victorian community is appropriately informed about homelessness?

Response:

Agreed upon measures of homelessness and an aggressive promotional campaign about the community costs of homelessness and the benefits of increased provision of stable long-term housing.

6.1.2 What strategies should be implemented to better inform the community?

Response:

No comment.

6.1.3 What strategies are you aware of at a regional or local level that have effectively strengthened community understanding?

Response:

No comment

6.2 Protecting the Rights of Homeless People

6.2.1 What elements should be addressed in a rights-based approach to homelessness?

Response:

There should be service user charters for all homeless services including policies and procedures governing access to and the use of crisis and transitional accommodation. Resolution of individual grievance should not be reliant on voluntary codes alone nor on contractual requirements. The former is unenforceable and the latter is too blunt to be of practical use in an individual grievance. Further work is required on models to give practical effect to service user rights however, one potential solution would be access to the Internal Appeals procedures of the Office of Housing for some grievances.

As service users are generally reluctant to exercise rights, access and enforcement of rights should be supported by suitable advice and advocacy services independent of the service providers.

The Tenants Union is particularly concerned about current arrangements for tenancy management in the transitional housing program. The previous declaration of transitional housing as rooming houses has raised serious issues that act contrary to the objectives of the program. We remain interested in further working with crisis and transitional housing providers in establishing appropriate legislative coverage and consistent tenancy policies and procedures. Some discussion, for example, has already taken place with transitional housing providers about the development of model house rules for rooming house style accommodation. We believe that this is an area where the office of Housing must show clear leadership about program expectations and client outcomes.

6.2.2 How adequate are existing arrangements for protecting the rights of people who are homeless in Victoria?

Response:

Current arrangements are inadequate.

Section Two: Submission Details

Goal #7: Increasing Knowledge, Performance and Skills

Responding to homelessness requires a high level and broad range of skills. Developing new responses and providing quality services also requires substantial investment in research, agency infrastructure and professional development training. New technology must be embraced in addressing these challenges.

Questions:

7.1 What do you see as the priority areas for strengthening infrastructure to enhance support for people who are homeless?

Response:

No comment

7.2 What strategies are required to develop knowledge and skills around homelessness: within homelessness services; and within broader community services?

Response:

No comment

Section Two: Submission Details

#8: Other Issues

During development of the Victorian Homelessness Strategy, it is expected that a range of other issues which impact on homelessness in Victoria will be identified. These may relate to the homelessness service system or to the mainstream service system.

Questions:

8.1 What other issues are critical in determining the development of the Victorian Homelessness Strategy?

Response:

As noted above.

8.2 Should some factors hold a higher priority to be addressed in the development of the Victorian Homelessness Strategy than others? If so, which, and why?

Response:

Anything that contributes to an increase in affordable housing in Victoria should be a top priority.

8.3 Are there other factors that should be taken into account in the development of the Victorian Homelessness Strategy?

Response:

No further comment.

8.4 On what basis should the success of the Victorian Homelessness Strategy be measured?

Response:

Following the establishment of an agreed measure of homelessness In Victoria the strategy should be assessed against its capacity to reduce the level of homelessness over time. This is the critical indicator.

Section Two: Submission Details

SUBMISSIONS CAN BE SENT	
BY MAIL:	Tony Newman Victorian Homelessness Strategy Office of Housing Department Of Human Services 6/555 Collins Street Melbourne Vic 3000
BY FAX:	(03) 9616 7020
ONLINE:	www.dhs.vic.gov.au/vhs/
BY EMAIL:	vhs@dhs.vic.gov.au

You can also post your submission on the Infoxchange
Community Housing Information and Reference Services
 website at <http://chirs.infoxchange.net.au/library/menus/vhs/index.htm>

Community Housing Information Reference Services provide readily accessible information about Victorian community housing support and referral services. Please note that documents posted on the CHIRS site are public documents.