

**What housing
issues
contribute to
homelessness?**

Shelter Brief 44

December 2010

What housing issues contribute to homelessness?

By Katie Florance

First published December 2010.
This copy printed 6 July 2011.

Shelter Brief 44
ISSN 1448-7950

© Shelter NSW Incorporated 2010

Shelter NSW
377 Sussex Street, Sydney NSW 2000
www.sheltersnsw.org.au

Any opinions expressed in this paper are those of the author and do not necessarily reflect the views of Shelter NSW.

The data in this resource paper are, to the best of the author's knowledge, current as at 17 December 2010. While every effort has been made to ensure the information is up-to-date and accurate, socioeconomic conditions and public policy are constantly changing. Shelter NSW accepts no responsibility for any errors resulting from unforeseen inaccuracies or for damage or loss suffered by any individual or agency as a result. Readers are advised to seek professional advice and refer to relevant legislation, as necessary, before taking action in relation to any matters covered by this document.

This paper may be reproduced in part or whole by nonprofit organizations and individuals for educational purposes, so long as Shelter NSW is acknowledged.

Contents

1. Background.....	1
Profile of homeless people in New South Wales.....	2
Barriers to affordable and appropriate housing	3
2. An insufficient supply of affordable housing contributes to people becoming homeless or being at risk of homelessness	4
The extent of the insufficient supply of affordable housing	4
The impact of the insufficient supply of affordable housing.....	6
Increasing the supply of affordable housing and lessening housing stress.....	14
3. The inadequate legislative protection of low-income tenants in private rental accommodation makes renting unnecessarily insecure, and can contribute to homelessness.....	22
4. Discrimination prevents access to private rental accommodation, and can contribute to homelessness	26
5. Inadequate assistance programs can prolong the period spent being homeless or at risk of homelessness	27
6. Comment.....	29
Attachment.....	31
Notes	33

THIS BRIEF examines housing issues that contribute to people on low incomes experiencing homelessness or being at risk of homelessness in New South Wales.

1. Background

The definition of homelessness used by the Australian Bureau of Statistics to count Australia's homeless population is the cultural definition of homelessness. This definition is comprised of three tiers:

- primary homelessness (people without conventional accommodation, such as people sleeping out ('rough sleepers') and using cars for temporary shelter);
- secondary homelessness (people who move frequently from one form of shelter to another, such as those staying in homelessness services (formerly Supported Accommodation Assistance Program or SAAP services), people staying with other households where they have no accommodation of their own, and people staying in boarding houses on a short-term basis, defined as 12 weeks or less); and
- tertiary homelessness (people living in boarding houses on a medium- to long-term basis, defined as 13 weeks or longer – that is, they are staying in accommodation which is below the minimum community standard of a small self-contained flat).¹

Although the cultural definition of homeless is broader than just rough sleeping, it is also limited in its sole focus on lack of or inadequacy of accommodation.

A broader concept of homelessness is utilised by the City of Sydney in its homelessness strategy, based on the work of Ken Kraybill, a Training Specialist for the National Health Care for the Homeless Council in the United States. Kraybill uses an expansive view of what a home is as the foundation for a more complex notion of what it means to be without a home. Kraybill's concept encompasses not only the need for shelter but also the need for social inclusion. It covers three concentric 'homes':

- the first home, which comprises our self and our identity, and includes physical, mental, emotional, social and spiritual characteristics of this home;
- the second home, which is the place where we live, including not only the physical structure but also the living environment within which it is located (the absence of a second home might cover primary, secondary and tertiary definitions of homelessness); and
- the third home, which is the larger community within which our first and second homes are located (it covers the connections between individuals and multiple communities, such as the residential, business and visitor sectors of a city).²

Kraybill recognises the interrelationships between feeling 'at home' in the dimensions of self, one's living space and the wider community, and acknowledges that addressing homelessness is about more than countering 'homelessness'³ – it

should involve strategies to help people who are experiencing homelessness to feel a sense of belonging in all three dimensions.

Importantly, Kraybill's notion broadens our responsibility towards addressing homelessness.⁴

Profile of homeless people in New South Wales

Homelessness affected roughly one in every 239 people in New South Wales in 2006: there were 27,374 homeless people in this state counted in the 2006 census.⁵

This represents 26.1% of the 105,000 homeless people in Australia, and it constitutes the largest number of homeless people in any state or territory.⁶ However New South Wales, the ACT and Victoria have the lowest rate of homelessness amongst states and territories at 42 homeless people per 10,000 of the population (compared to a national rate of homelessness of 53 homeless people per 10,000). The NSW and national rates of homelessness have remained consistent between 2001 and 2006.⁷

Characteristics of the homeless population in New South Wales in 2006 include:

- Men outnumber women in the homeless population – 59% of the homeless population in this state are male, and 41% are women.⁸
- The majority of homeless people are younger than 35 years – 55% of the NSW homeless population in 2006 were under 35 years.⁹
- Aboriginal people are overrepresented in the homeless population – 7.2% of the NSW homeless population in 2006 were Aboriginal, whereas only 2.2% of the NSW population were identified as Aboriginal in 2006.¹⁰
- The majority of homeless people were not staying in homelessness services – in 2006, 40% of the NSW homeless population were staying with friends and relatives, 28% were staying in boarding houses, 19% were staying in SAAP services and 13% were staying in improvised dwellings or sleeping out.¹¹
- Most rough sleepers are located outside a capital city – 53% of NSW rough sleepers were located in rural and remote communities, 32% were in Sydney, and 15% were located in regional centres.¹²

In terms of household type, 76% of the national homeless population in 2006 were single persons, 14% were couples only and 10% were families with children.¹³

The causes of homelessness are complex and interrelated – there is no single pathway into homelessness, and in most cases, a combination of factors and service system failures have contributed.

Underlying or structural causes of homelessness include poverty, an inadequate supply of affordable housing, unemployment, the extent of provision of social services, and domestic violence (which is identified as a major driver of

homelessness generally, for women and for families).¹⁴ All these factors are the product of broad economic, social and political forces which create inequity and exclusion.¹⁵

Other factors contributing to homelessness include family breakdown, social dislocation (lack of social or community supports), sexual abuse, trauma, poor mental and physical health, drug and alcohol abuse and gambling issues, and transitions from health care, child protection or correctional facilities.¹⁶

Homelessness, like poverty, can be intergenerational – children who experience homelessness are more likely to experience homelessness as adults, and raise families who may also become homeless.¹⁷

For Aboriginal people, the causes of homelessness can also encompass the impact of dispossession of land on individuals, families and communities.¹⁸

Homelessness occurs when complex interpersonal and social issues intersect with broad systemic failure of the service system. Underlying socio-economic factors, such as violence, poverty and disadvantage, also underpin the causal and consequential factors of homelessness.¹⁹

Detailed information about the causes of homelessness for the overall homeless population is limited, other than for people seeking assistance from homelessness services. Although only representing 19% of the homeless population in New South Wales, those seeking assistance from homelessness services gave the following main reasons for seeking help in 2008–09:

- domestic or family violence (18.7% of support periods);
- relationship/family breakdown (12.6%);
- problematic drug/alcohol/substance use (11.7 %)
- time-out from family/other situation (8.9%);
- other financial difficulty (7.3%);
- eviction/asked to leave (5.2%).²⁰

Clearly, people staying in homelessness services identify a range of issues beyond their housing situation as the trigger for their homelessness.²¹ However there were three significant trends affecting the national homeless population between census nights in 2001 and 2006, and two related to declining housing affordability – there was a 16.8% increase in homeless families with children, and a 10.4% increase in homeless adults without children.²² There was also a decrease by 20.8% in the number of homeless youths aged 12 to 18 years who were on their own – which was influenced by an increase in early intervention services targeting at-risk and homeless teenagers.²³

Barriers to affordable and appropriate housing

There are four main issues presenting barriers to low-income people accessing and sustaining affordable and appropriate housing in New South Wales:

- An insufficient supply of affordable housing contributes to people becoming homeless or being at risk of homelessness.
- The inadequate legislative protection of low-income tenants in private rental accommodation makes renting unnecessarily insecure, and can contribute to homelessness.
- Discrimination prevents access to private rental accommodation, and can contribute to homelessness.
- Inadequate housing assistance can prolong the period spent being homeless or at risk of homelessness.

These are discussed in the following four sections.

There have been a number of significant developments regarding policy and funding on homelessness since 2008. These are noted in the Attachment (see page 31). The discussion on the four issues identifies possible solutions and refers to government initiatives where appropriate.

2. An insufficient supply of affordable housing contributes to people becoming homeless or being at risk of homelessness

The extent of the insufficient supply of affordable housing

Lack of supply is an issue across tenures. That is, for low-income households, there is an insufficient supply of affordable dwellings to meet demand:

- in the private rental market;
- in social housing; and
- for homepurchase.

The private rental market is a major hotspot for the insufficient supply of affordable housing for low-income households. The National Housing Supply Council has estimated that there was a shortage of 493,000 affordable and available private rental dwellings for lower-income households in Australia, as at 2007–08.²⁴ In New South Wales in September 2010, 13% of rental stock was affordable for very low income households, 31% was affordable for low-income households and 68% was affordable for moderate-income households.²⁵

The significance of the private rental market for those who are homeless or at risk of homelessness is demonstrated by the housing tenure of people prior to entering and after leaving homelessness services. In 2008–09, of people needing assistance to obtain or maintain independent housing in New South Wales:

- before entering a homelessness service:
 - 30.7% were in private rental;
 - 18.2% were in boarding houses;
 - 13.8% were in SAAP accommodation (crisis/short-term, medium/long-term or other);

- 8.5% were in public housing;
 - 7.0% were sleeping rough or living in improvised dwellings;
 - 4.4% were in institutional settings;
 - 4.1% were purchasing or had purchased their own homes;
 - 2.1% were in community housing; and
- after exiting a homelessness service:
 - 41.3% exited to private rental;
 - 14.8% exited to boarding houses;
 - 13.1% exited to SAAP accommodation (crisis/short-term, medium/long-term or other);
 - 12.0% exited to public housing;
 - 4.8% exited to community housing;
 - 3.6% exited to purchasing or had purchased their own homes;
 - 2.6% exited to institutional settings;
 - 1.6% exited to sleeping rough or living in improvised dwellings.²⁶

As in the private rental market, the demand for social housing outstrips supply. The social housing system provides an important safety net for those who are homeless or at risk of homelessness, as well as for low-income households more generally – as documented in Shelter Brief no. 41, *Supply of social housing*.²⁷

The wait for social housing in New South Wales is substantial²⁸, and as at June 2009, there were 69,624 on waiting lists for social housing in this state:

- 47,413 applicants waiting for public housing;²⁹
- 20,504 waiting for community housing;³⁰ and
- 1,707 waiting for state owned and managed Indigenous housing.³¹

However, the waiting lists do not capture the full extent of housing need – not everyone who is eligible for social housing applies for it³² and the income eligibility rules for applicants are tight. Policies governing who gains access to social housing have been influenced by a significant decline in social housing as a proportion of the total housing supply which took place between 1996 and 2008 – if the number of social housing dwellings as a proportion of the total stock in Australia had been maintained at the 1996 level, there would have been an additional 90,000 social housing dwellings in 2008.³³ The stagnation in growth in public housing supply during this period led to priority allocations (or allocations to those in greatest need) forming an increasing proportion of new social housing allocations. For example, across Australia:

- in 2008–09, 66% of new allocations in public housing were to households in greatest need, compared to 36% in 2003–04;
- in 2008–09, 49% of new allocations in state owned and managed Indigenous housing were to those in greatest need, compared to 27% in 2003–04; and
- between 2003–04 and 2008–09, a consistently high proportion of new allocations in community housing have targeted those in greatest need (over 70%).³⁴

In 2008–09, in New South Wales:

- 47.4% of new public housing allocations were to applicants in greatest need;³⁵
- 67.9% of new community housing allocations were to applicants in greatest need;³⁶
- 14.9% of new state owned and managed Indigenous housing allocations were to applicants in greatest need.³⁷

There is also an insufficient supply of affordable housing stock available for purchase for low-income households. As at September 2010, 1% of home purchase stock in New South Wales was affordable for very low income households, 6% was affordable for low-income households and 25% was affordable for moderate-income households.³⁸ The lack of affordable stock which is available for low-income households reduces their chances of making the transition to homeownership with its many economic and other advantages.³⁹ Along with the insufficient supply of social housing, this contributes to the concentration of unmet demand for affordable housing for low-income people in the private rental market.

Importantly, between 1995 and 2009, housing costs (comprised of median weekly rents and median house prices) in capital cities rose much more than the general cost of living, as measured by the Consumer Price Index (CPI).⁴⁰ For example, house prices increased fivefold between 1986 and 2007, whereas earnings doubled in that period.⁴¹ Australia is the only developed country where this ‘housing bubble’ trend persisted during and after the peak of the global financial crisis (in 2008–09).⁴²

The impact of the insufficient supply of affordable housing

An insufficient supply of affordable housing can contribute to homelessness or a risk of homelessness. Lack of supply can also lead to people taking recourse in stopgap accommodation which is not sustainable in the long term (for affordability or other reasons) – this can contribute to homelessness, a risk of homelessness, or forced mobility as people attempt to find and keep accommodation.⁴³ And lack of supply can prolong homelessness which has been caused by other factors.

Specifically, the impact of the lack of supply of affordable housing on low-income households takes many forms:

- people may become homeless;
- people may stay homeless for longer periods;
- people may resort to housing which is not affordable in the long term and experience housing stress;
- people who have experienced domestic or family violence may resort to housing or assistance which places them at risk of further violence;
- people may resort to inappropriate housing;
- people may resort to overcrowded living conditions;
- people may resort to poor quality housing;
- people may resort to poorly located housing; and

- people with unstable housing histories face increased competition to access the limited supply of affordable rental housing.

Homelessness

The inadequate supply of affordable housing has been identified as having a direct impact on rising levels of homelessness. As stated earlier, census data between 2001 and 2006 revealed a 16.8% increase in homeless families with children, and a 10.4% increase in homeless adults without children. Both have been linked to the decline in housing affordability and the increased difficulty of accessing accommodation in the private rental market.⁴⁴

Staying homeless for longer periods

Whatever the causes of homelessness, a lack of affordable housing can extend that homelessness. For example, families who are homeless as a result of escaping domestic violence can stay homeless for longer periods where they are unable to access safe, secure and affordable housing.⁴⁵

Whatever form homelessness takes (be it sleeping rough or staying in homelessness services), a lack of affordable housing can extend that homelessness. For example, people staying in staying in homelessness services can stay longer because there are fewer options for exit housing.⁴⁶ In 2008–2009, 1,400 people staying in homelessness services in New South Wales (9.2% of total clients staying in homelessness services) were accommodated for over 26 weeks.⁴⁷

And this bottleneck of people staying longer in homelessness services prevents other homeless people from accessing their services (extending *their* period of homelessness). The scarcity of exit housing options therefore contributes to high turn-away rates by homelessness services. In 2008–2009, 54.4% of people seeking new and immediate accommodation with homelessness services in New South Wales were unable to be accommodated by the end of the day.⁴⁸

It also means that some people move from one homelessness service to another, or from a homelessness service back to the streets. As noted earlier, in 2008–09, of people needing assistance to obtain or maintain independent housing in New South Wales, after exiting a homelessness service: 13.1% exited to SAAP accommodation (crisis/short-term, medium/long-term or other); and 1.6% exited to sleeping rough or living in improvised dwellings.⁴⁹

Timely or early intervention is critical in responding to homelessness – the longer people are exposed to homelessness, the greater the likelihood that they become entrenched in homelessness, and the more difficult it will be to assist them into housing stability and social connectiveness.⁵⁰ Lack of supply therefore affects the capacity of homelessness services to effectively facilitate paths out of homelessness for their residents into long-term housing, as evidenced by an evaluation of the SAAP IV Agreement in 2004:

It would appear that the single most influential structural cause [of homelessness] relates to the lack of affordable, sustainable long term housing. Compared to other countries, Australia has a very low proportion of public and social housing ... and people who are homeless have a limited number of options. The work of SAAP agencies to achieve significant and lasting outcomes for their clients is substantially constrained by the lack of long term affordable housing. Indeed until this issue is resolved, it is difficult to address the issue of availability of appropriate exit points from supported accommodation in many instances ... The availability of appropriate affordable housing may prevent more people from entering the cycle of homelessness and the need for crisis accommodation ... It is important therefore that in identifying drivers of homelessness, both ends of the continuum must be considered. Not only is it imperative to examine the paths into homelessness but concurrently those factors inhibiting the path out of homelessness must be addressed.⁵¹

Unaffordable housing and housing stress

A lack of affordable housing can lead to people staying in or accessing housing which is not affordable or sustainable in the longer term. Housing stress occurs when lower income households (those in the lowest two quintiles of the equivalent disposable income distribution) spend over 30% of their gross household income on housing costs⁵², and it can create a risk of homelessness or even lead to homelessness.

Increasingly, housing stress is affecting low-income households, and it is more prevalent for households in the private rental market. Of the families in housing stress in Australia in 2007, 61% were private renters and 26% were home purchasers (not outright owners).⁵³ From 2005 to 2045, the number of households on lower incomes in housing stress is projected to increase by 84%, and the number of households on lower incomes in housing stress in the private rental market is projected to increase by 120%.⁵⁴

In Australia in 2007–08:

- people paying more than 30% of their gross income in housing costs included:
 - 445,000 private renters with incomes in the lowest 40% of the income distribution;
 - 117,000 private renters who were wholly depending on government income support;
 - 312,000 mortgagees with incomes in the lowest 40% of the income distribution; and
 - 27,000 mortgagees who were wholly depending on government income support.
- people paying more than 50% of their gross income in housing costs included:
 - 172,000 private renters with incomes in the lowest 40% of the income distribution;
 - 42,000 private renters who were wholly depending on government income support;

- 161,000 mortgagees with incomes in the lowest 40% of the income distribution; and
- 13,000 mortgagees who were wholly depending on government income support.⁵⁵

Also in 2007–08:

- 37.2% of low-income renter households across Australia were in rental stress, but in New South Wales, almost half of low-income renter households – 45.7% – were in rental stress.⁵⁶
- 47.5% of low-income households in the private rental market across Australia were in rental stress, and in New South Wales, 57.0% of low-income households in the private rental market were in rental stress.⁵⁷
- 46.6% of low-income households with a mortgage were in mortgage stress across Australia, and in New South Wales, 49.3% of low-income households with a mortgage were in mortgage stress.⁵⁸

For recipients of Centrelink benefits who rent in the private rental market, the Commonwealth Government provides Commonwealth Rent Assistance (CRA) to assist them to meet their housing costs. However CRA does not reduce the incidence of housing stress across the board. The National Housing Supply Council has found that CRA only reduced the proportion of recipients assessed to be in housing stress in June 2009 from 70% before taking CRA into account to 41% after taking CRA into account.⁵⁹ Further, between 1995 and 2009, CRA’s contribution to alleviating housing stress for private renters has decreased – the cost of rental housing increased by 41% more than the general cost of living, while the maximum rates of CRA remained relatively unchanged in real terms.⁶⁰

The report on Australia’s Future Tax Review (the Henry Review) stated that: ‘the current maximum levels of assistance for private tenants are too low, cutting out below a level that would ensure access to an adequate standard of housing’.⁶¹ National Shelter calls for an increase of the maximum rate of CRA by 30% in its 2009 policy platform, ‘Housing Australia affordably’.⁶² Alongside a number of proposals regarding CRA, the Henry Review recommended that the maximum rate of CRA should be indexed by movements in national rents, which could be assessed by an index of rents paid by income support recipients. The Henry Review acknowledged the potential for this proposal to lead to rent increases, but considered that it was not significant.⁶³ However Julian Disney has commented that, ‘even if fiscally achievable, [this proposal] would largely inflate rents without greatly improving supply of affordability’.⁶⁴

Whatever the tenure of the household, the impact of living in housing stress can be wide-ranging. Being in housing stress may mean that other bills such as relating to utilities, health or children may not be affordable – for example, meals may be skipped, heating may be under-utilised, possessions may be pawned or sold.⁶⁵ Living with housing stress can have an impact on health, family relationships and wellbeing, and problems in these areas can contribute to family breakdown which can trigger homelessness.⁶⁶

Although the experience of housing stress may be similar across tenures in some respects, such as the stress of having insufficient savings to cover any change in circumstances, there are some distinctions.

Stressed renters can face the risk of being stigmatised (by having a poor credit history), may be forced into frequent moves (which involves searching and moving costs, plus social dislocation and impacts on wellbeing), and may have their future aspirations for homeownership obstructed. For renters, escalating housing stress may lead to a decision to move to premises with more affordable rent, or may mean that they are forced to move due to an eviction.

Stressed purchasers may fear that interest rate rises will lead to foreclosure, may fear that loss or reduction of work may lead to foreclosure, may fear that they will be placed in a position of negative equity, or may be unable to undertake repairs.⁶⁷ Once homeowners fail to meet mortgage repayments, their initial responses may include cutting back on essential items, taking on more, and more expensive, debt using credit cards, borrowing from family and friends, getting independent advice or increasing their labour participation. Longer term responses include varying the term of the mortgage, using hardship provisions under the Uniform Consumer Credit Code and drawing on superannuation savings.⁶⁸ Homeowners may decide to sell their homes to avoid mortgage foreclosure, or they may be able to access an interest-free loan under Housing NSW's Mortgage Assistance Scheme.⁶⁹ If a mortgage default takes place, it may lead to bankruptcy and/or homelessness.⁷⁰ Mortgage defaults by landlords can also force tenants to vacate.

Once a household is experiencing housing stress, overcoming it generally appears to be linked to moving house, and so renters seem to exit housing stress more easily than owner-purchasers. However factors that might tie households to certain dwellings or locations (such as having children) may reduce the chances of escaping housing stress.⁷¹

Moving to more affordable housing is not always an option, however. The link between housing stress and homelessness has been clearly identified by the Homeless Persons Information Centre, a NSW-wide telephone information and referral service for people who are homeless or at risk of homelessness. In 2008–09, the centre received 66,610 calls – the highest level of demand in 25 years and 13,098 more calls than the previous year. For the first time, housing stress was identified as the primary reason for homelessness in this state (followed by family breakdown). In 2009–10, the centre received 74,013 calls, again with housing stress identified as the primary reason for homelessness.⁷²

Exacerbating domestic and family violence, and other forms of abuse and violence

Barriers to accessing affordable, safe and secure accommodation can contribute to women who have experienced violence staying in the family home with their children (as they may fear losing custody of their children if they flee without secure accommodation to go to). Even if they have left the family home, women

may return to the perpetrators of violence because ‘they have nowhere else to go’.⁷³ Barriers to accessing affordable housing also contribute to women accepting money or assistance (for example, assistance in signing a lease) from a violent ex-partner, and this can lead to further violence or abuse.⁷⁴ Access to affordable, safe and secure housing is therefore critical for people seeking to escape from domestic and family violence.⁷⁵

For young people unable to access affordable, safe and secure housing, couch-surfing may provide them with temporary shelter. However they may also be at risk of forms of prostitution such as engaging in ‘survival sex situations ... in order to have a roof over their heads’.⁷⁶

Inappropriate housing

Where there is an insufficient supply of affordable housing, low-income households may end up living in housing which is inappropriate. For example, people with mobility impairment who are living in accommodation which does not cater for their needs are prevented from moving to more appropriate housing by the lack of supply of affordable and appropriate housing. They are less able to live independently – this has an impact on their care and support needs, and influences their wellbeing and their ability to sustain their housing.⁷⁷ Cultural understandings can also come into play – for example, members of some cultural groups such as Somali women are uncomfortable with an open plan housing design in which the sleeping area or bedroom is not private.⁷⁸ Housing which does not meet disability, cultural, lifecycle or other needs can be less sustainable in the long-term, and this can contribute to homelessness or a risk of homelessness.

Overcrowded living conditions

When there are reduced affordable housing options for low-income households, they may resort to living in accommodation which is not suited to their household size, and so end up living in overcrowded conditions. They may also resort to staying with friends and relatives (which is classified as a type of secondary homelessness according to the cultural definition of homelessness), which may lead to living in an overcrowded environment.

Overcrowding is a significant issue for the Aboriginal community.⁷⁹ In 2008, 13.4% of Aboriginal households across Australia were living in overcrowded environments, compared to 2.6% of non-Aboriginal households. In New South Wales, 10.2% of Aboriginal households were living in overcrowded conditions compared to 3.6% of non-Aboriginal households.⁸⁰ Overcrowding in the Aboriginal community in the long term can be a reflection both of housing crisis and kin-based responsibilities (as people seek to help their homeless relations).⁸¹

Another example is that of young people living in overcrowded share households in order to afford the rent.⁸²

Long-term overcrowded living conditions can be detrimental to health – for example, they can contribute to the spread of infectious diseases. Stressful and/or violent conflict as a result of overcrowding can lead to the breakdown of relationships, friendships and households. Overcrowding can also have an impact on a range of outcomes for children, including education, social behaviour, health, developmental outcomes and their sense of autonomy.⁸³ It can lead to eviction (which may make it more difficult to access accommodation). Overcrowding may mean that housing is less sustainable, and it can create a risk of homelessness or lead to homelessness.

Poor quality housing

Due to an insufficient supply of affordable housing, low-income people may end up living in poor quality housing. This can contribute to housing being unsustainable, and so can lead to homelessness or a risk of homelessness. Tenants may fear that requesting repairs to and maintenance of run-down dwellings may lead to eviction, which can lead to homelessness or a risk of homelessness.⁸⁴

Features of poor quality housing such as mould, inadequate sanitation, air pollution, pest infestations and inadequate temperature control can have an impact on physical health, and can contribute to the spread of diseases such as tuberculosis, respiratory diseases and intestinal infectious diseases.⁸⁵ Other factors such as noise levels, pollution, and lack of privacy and natural light can influence mental health; they can trigger anxiety, depression, insomnia and social dysfunction for the first time, or aggravate pre-existing mental health issues.⁸⁶ Lack of physical security (caused by, for example, unsatisfactory locks) can also be an issue, influencing a resident's safety. Also, these characteristics can mean that people spend less time at home so they have less of a sense of comfort or of 'being at home', which can influence mental health and household conflicts.⁸⁷ Children are particularly vulnerable to inadequate housing conditions, for example, because they are physiologically more sensitive to hazards such as damp and mould.⁸⁸

The risk of living in inadequate conditions may vary according to tenure. A survey of 116 private rental properties by the Victorian Council of Social Service in March 2010 revealed that 12% were uninhabitable, featuring two or more of the following: extensive mould; lack of fixed heating; lack of an electrical safety switch; and gaps in the roof and walls.⁸⁹

Many Aboriginal people are not living in accommodation of an acceptable standard, using a very basic definition of 'acceptable'. Across Australia, 16.8% of Aboriginal households are not living in housing of an acceptable standard; in New South Wales, the equivalent figure is 17.1%.⁹⁰

Ex-prisoners often resort to living in unlicensed boarding houses, which can be characterised by decrepit and dirty conditions.⁹¹ Many of the boarding houses are not well managed or not managed in the interests of occupants.⁹² The lack of privacy can increase the likelihood of tension amongst residents. Poor security can

mean that belongings are likely to be stolen, and the overall impact of the environment can be detrimental to residents' self-esteem. (This is aside from the likelihood that many residents face mental health or drug and alcohol issues which can intensify their vulnerability.) Some ex-prisoners report that boarding house rooms are no better than prison cells; others report that being in prison is a better option than trying to survive in a boarding house.⁹³

And many residential parks also have poor facilities and are poorly managed.⁹⁴ Sue Cripps, Chief Executive Officer of Homelessness NSW, told the NSW Legislative Council Standing Committee on Social Issues during its inquiry into homelessness and low-cost rental accommodation in April 2009 that:

Many homeless people particularly women and children, but also men, will choose to sleep in their car rather than sleep in the caravan park because they feel so vulnerable in caravan parks ... people [in Nowra] talked about how they had their clients [staying in a caravan park] tell them that the drug dealer used to come around and door knock every night to see what people wanted in terms of takeaway.⁹⁵

Poorly located housing

Proximity to public transport, employment opportunities, schools, health services, support networks, shops and leisure activities are all factors which help people to survive – economically and socially, and in terms of wellbeing and social inclusion. Poorly located housing can mean that the housing is less sustainable, and this can lead to homelessness or a risk of homelessness.

For newly arrived refugees, for example, the location of their housing is critical and can influence whether they experience social isolation.⁹⁶ For some ex-prisoners, it is vital to be able to settle in locations which are not areas associated with drug use and criminal behaviour. (Otherwise, they may be exposed to threats or temptations of re-offending, which can then lead to homelessness or a risk of homelessness.)⁹⁷

People with unstable housing histories face increased competition to access the limited supply of private rental accommodation

When there is an inadequate supply of affordable housing, there is increased competition to access it. Low-income people with a poor renting history and/or irregular employment are at risk of homelessness – they are seen as presenting a high risk of defaulting on rent, so they have less bargaining power and are less likely to 'win' the competition for private rental accommodation for low rental.

For example, ex-prisoners may have had a poor tenancy record prior to entering correctional facilities (stemming from problems such as drug, alcohol and gambling issues) or they may have been homeless. They are also likely to face social and economic disadvantages. They may enter prison without informing their landlord of their change in circumstances; rental arrears can accumulate against a lease-holder who is incarcerated, and this can morph into a poor rental record and difficulties

accessing accommodation upon release. This can be compounded by the social dislocation caused by imprisonment and a lack of social supports. Ex-prisoners seeking private rental accommodation may find it difficult to explain gaps in their rental history, or their lack of rental references and a credit rating; they may feel forced to reveal their prison history, and real estate agents may then overlook their rental applications on the basis of their criminal records.⁹⁸ Ex-prisoners are not only at risk of homelessness, but experiencing homelessness can also increase the likelihood of re-offending and re-imprisonment.⁹⁹

Another example is that landlords of private rental properties leased for low rents may be less likely to select people who are currently homeless as new tenants, on the basis that the applicants for accommodation receive Centrelink benefits, or are associated with or receive assistance from a welfare agency.¹⁰⁰

This means that those with unstable housing histories (who are most at risk of homelessness) are often least likely to access affordable private rental accommodation for low rental due to their minimal market power.¹⁰¹

Increasing the supply of affordable housing and lessening housing stress

The impact of the insufficient supply of affordable housing can be addressed in a number of ways:

- encouraging the new supply of affordable housing;
- protecting the existing supply affordable housing;
- improving the existing supply of affordable housing;
- addressing under-utilised stock; and
- improving housing affordability.

Establishing an affordable housing growth fund when funding under the Nation Building Economic Stimulus Plan expires

Despite the significant boost to the supply of affordable housing from recent government initiatives, a substantial funding commitment is required on an ongoing basis in order to meet the level of demand from low to moderate income households, including those who are homeless and at risk of homelessness. This funding needs to be established by the time the funding under the Nation Building Economic Stimulus Plan expires.

A new affordable rental housing growth program is required to be established by the NSW Government by 2011–2012 in order to address this issue. Likewise, the NSW Council for Social Service (NCOSS) has advocated for the funding of such a program in its state election strategy, ‘Vote 1 fairness in NSW: New South Wales state election 2011’.¹⁰²

Facilitating the NSW take-up of National Rental Affordability Scheme incentives

Independently of the funding under the Nation Building Economic Stimulus Plan, the National Rental Affordability Scheme is the growth fund for Australia's social housing and intermediate housing.¹⁰³ The funding future of this program is important because it has the potential to increase the supply of private rental housing for low rent, and so decrease the competition for that stock – see Shelter Brief no. 37, *Encouraging supply of private rental for low-income renters*.¹⁰⁴

Shelter NSW has advocated for the NSW Government to introduce sufficient subsidies and in-kind assistance such as land to ensure that New South Wales receives a fair share of the 25,000 incentives expected to be available under round four of NRAS, and we continue to do so.¹⁰⁵ The state Budget should identify a specific enhancement of the Housing NSW budget to enable New South Wales to seek one-third of the subsidies available nationally – see 'Access choice livability', Shelter NSW's state election 2011 campaign synopsis.¹⁰⁶ NCOSS also advocated for this initiative in 'Vote 1 fairness in NSW: New South Wales state election 2011'.¹⁰⁷

Developing new models of affordable (unlicensed) boarding house accommodation

The shortage of rental stock affordable for low-income households is inflated by the fact that higher income households often rent the lower priced stock, and so it is not available for lower income households to rent. For example, it was estimated that in 2006, there was: a shortage of 44,000 affordable and available private rental dwellings for very low-income people in Sydney (4,000 dwellings of which were rented by higher income households); a shortage of 5,900 dwellings in Newcastle (1,400 dwellings of which were rented by higher income households) and a shortage of 3,200 dwellings in Wollongong (600 dwellings of which were rented by higher income households).¹⁰⁸

An increase in affordable stock for low rental is therefore critical in order to reduce the competition for the limited supply of affordable housing for low rental.

Boarding houses have played a significant role in the provision of low-rental accommodation for some time. Of late, there has been a marked decline in the number of boarding houses, particularly in inner suburbs of Sydney – with increasing land values, premises that are not financially viable are being redeveloped to meet different uses or to target a different market.¹⁰⁹ The challenges concerned with the management of residents may have also played a role. Conversely, this trend has been accompanied by an increase in boarding house supply in outer suburban areas, as rundown old houses are converted to boarding houses in response to the shortage of affordable housing.¹¹⁰ If the overall number of boarding houses continues to decline, this creates a further reduction in affordable housing stock – there is a risk that when boarding houses close down, many of the residents may have few other housing options.¹¹¹

Adding to the pressure on the availability of boarding house accommodation is the impact of rising rents in tight private rental markets such as Sydney. There has been an alteration in the demographics of boarding house tenants in some boarding houses. Low-income workers who cannot afford to rent their own dwelling in the private rental market have been moving in to some inner city boarding houses, leading to more vulnerable people being overlooked as residents. Again, when people with complex needs and without jobs are unable to access boarding house accommodation, they face limited housing options and are at high risk of ending up on (or back on) the streets.¹¹² (In this context, it is important to note that the issue of the demand for and supply of boarding house accommodation raises a policy conundrum in terms of the definition of homelessness – the Australian Bureau of Statistics categorises people staying in boarding houses as part of the secondary homelessness category (if staying in the short-term) or tertiary homelessness category (if staying in the medium- to long-term).)

Key to a consideration of the demand for and supply of boarding house accommodation is the important issue of conditions in boarding houses and their style of management. As stated earlier, unlicensed boarding houses are often characterised by substandard conditions, and a management style that is not in the interests of residents (see above under ‘Poor quality housing’).¹¹³ And the quality of services and facilities provided by licensed boarding houses have not been effectively monitored or enforced under the *Youth and Community Services Act 1973*.¹¹⁴

On top of this, the vulnerability of the mainly marginalised residents of boarding houses is greatly intensified by the lack of legislative protection for boarders and lodgers. It is critical that legislative protection for boarders and lodgers be introduced in order to address our longstanding concerns about conditions and style of management of boarding houses – see under ‘Introducing legislative protection for boarders and lodgers by providing for occupancy agreements’.

Recently however, a new market for boarding house accommodation has developed – namely, the creation of ‘new generation boarding houses’. The construction of ‘new generation boarding houses’ is enabled by the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, which came into operation on 31 July 2009. Sections 25–30 allow for the creation of for-profit boarding houses which feature private kitchen and bathroom facilities for each room, and some minimum development standards. Shelter NSW supported the introduction of this proposal on the ground that it will increase affordable stock for low-income people – see the *Shelter NSW comment* on ‘Affordable rental housing State Environmental Planning Policy’.¹¹⁵ And on 12 November 2010, the Minister for Housing, Frank Terenzini, announced an extension of the Boarding House Financial Assistance Program to encourage the construction of 230 ‘new generation boarding house’ rooms, taking the form of the construction of ‘new generation boarding houses’ or the addition of ‘new generation boarding house’ rooms to existing premises.¹¹⁶

The ‘new generation boarding houses’ are however more likely to charge rents which are geared to low-income workers than to target today’s ‘traditional’ boarding house residents – people who are unemployed and people with complex needs. That is, the construction of ‘new generation boarding houses’ will create new housing supply but it is not likely increase the housing options for those ‘traditional’ boarding house residents.

Provided that the conditions and style of management of boarding house accommodation are good, we support boarding house accommodation as an affordable housing option. On that basis, one solution to the challenge of encouraging the new supply of affordable housing is for the NSW Government to develop new models of low-rental (unlicensed) boarding house accommodation to be managed on a non-profit basis.

The following principles for the development of non-profit boarding houses identified in Shelter NSW’s report, ‘Not cheap, reasonable: the development of not-for-profit boarding houses’, should be taken into account:

- Accommodation should be self-contained, rather than communal; however some communal areas for recreation/social purposes could be developed.
- A social mix of residents is key. Projects targeting members of one group, such as all people who have experienced long-term homelessness, should not be developed.
- Boarding houses should be close to regular transport, shops and community facilities.
- Support services and tenancy management should be provided to residents separately. Residents should be fully covered under the residential tenancies legislation.
- Support services should be co-coordinated, responsive to individual needs and where necessary, brokered by a non-government organisation.
- Support services should also be flexible, consumer-driven and facilitate the development of living and employment skills. (Employment is a key ingredient in sustainable tenancies and has often been overlooked.)
- Appropriate levels of support with basic living skills are required, with the overall aim to encourage residents to become better skilled in these areas.
- Any developments should be as close as possible to that which is available to the general population (for example, in terms of quality, appropriateness and accessibility).¹¹⁷

Protecting the existing supply affordable housing

The NSW Government provides an exemption from land tax for land used and occupied mainly for low-rent accommodation within a 5-kilometre radius of the Sydney GPO Building.¹¹⁸

Shelter NSW has advocated for an extension of the exemption from land tax to private-sector providers of low-cost rental accommodation to other metropolitan

submarkets where gentrification has and is occurring – namely, the inner-ring suburbs of Sydney and to the Newcastle and Wollongong local government areas. See Shelter Brief no. 37, *Encouraging supply of private rental for low-income renters* and ‘Access choice livability’, Shelter NSW’s state election 2011 campaign synopsis.¹¹⁹

This could enhance the effectiveness of the NSW Government’s involvement in NRAS – that is, it could form part of the NSW Government’s contribution to the scheme, and so encourage the new supply of affordable housing. This strategy could also protect the existing supply of affordable housing by encouraging landlords (such as operators of boarding houses and residential parks for low rental) to stay in the market or to enter the market.¹²⁰

Improving the existing supply of affordable housing

Under sections 47–51 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, if a council considers that a development by the owner of low-rental residential building (which may be a boarding house) will reduce or is likely to reduce the availability of affordable housing in its area, it may require the developer to pay monetary compensation, which goes to Housing NSW for its Boarding House Financial Assistance Program. This program provides: grants for current and new boarding house owners or operators to undertake fire safety work (see the *Shelter NSW comment* on ‘Affordable rental housing State Environmental Planning Policy’¹²¹); and, as stated above, grants for the construction of ‘new generation boarding house’ rooms.

The existing supply of affordable housing could be improved with two changes to the Boarding House Financial Assistance Program. The financial assistance for boarding house operators to improve fire safety standards could be increased; this initiative was included in ‘Vote 1 fairness in NSW: New South Wales state election 2011’.¹²² There could also be a further increase in financial assistance to developers of ‘new generation boarding houses’, whether as part of new projects or as extensions of existing boarding houses, as per the extension of the Boarding House Financial Assistance Program which was announced on 12 November 2010. See under ‘Developing new models of affordable (unlicensed) boarding house accommodation’.

Addressing the under-utilisation of housing stock

The issue of under-utilisation of housing stock is linked to a complex backdrop of issues:

- For some years, there has been a significant boost in the floor area of new residential dwellings. From 1986 to 2007, the average floor area of all new residential dwellings increased from 162.1m² to 212.1m² – an increase of 30.8%.¹²³

- Paradoxically, the increase in dwelling sizes has been accompanied by a decrease in the size of households. Average household size in New South Wales is projected to decrease from 2.53 persons per household in 2006 to 2.38 by 2036.¹²⁴
- The majority of older Australians (aged 55 and over) live as couples or single persons in separate houses of three or more bedrooms which are owner-occupied.
- Generally older Australians prefer to remain living in their own homes for as long as possible.
- Census data indicates that under-occupancy by older homeowners has increased significantly over the past 10 years. The Canadian National Occupancy Standard, which is extensively used in Australia, indicates that 84% of older people's dwellings are under-occupied. However the use of this standard is considered to be problematic as it does not take into account floor area of dwellings, room size, space used for occupation by temporary residents, visitors, home-based hobby and lifestyle activities that usually increase after retirement, the need for assistance to facilitate living at home, and additional time spent at home in retirement. Although many older homeowners are prepared to provide temporary accommodation to family members in an emergency, most older homeowners do not favour house sharing with family or boarders. Many however view living with children as an attractive option provided self-contained accommodation is available.¹²⁵ Regardless of dwelling use, many older homeowners are reluctant to sell the family home and downsize for a whole variety of reasons, including that it is 'the major asset and tangible result of a life's work for most older people'.¹²⁶

Homeshare programs have developed as one response to the underutilisation of housing stock as well as a range of other issues. A 'homeshare' program matches people seeking affordable accommodation, with older people (often homeowners) or people with disability. In return for performing specified household chores and providing some companionship and a sense of security, the 'homesharer' receives rent-free accommodation. The program involves interviewing potential participants, assessing their needs, arranging home inspections, providing reference and criminal record checks, assisting with the signing of agreements which cover household tasks and living costs, arranging trial periods and monitoring the arrangements.

There have been a range of homeshare programs operating across Australia:

- In New South Wales, the Benevolent Society operated a Homeshare NSW program in Sydney's eastern suburbs from 2000 to 2006 (funded by the Department of Ageing, Disability and Home Care and then later under the joint Commonwealth–state Home and Community Care Program), and from 2006 to 2008 (funded by a private donor through Social Ventures Australia).¹²⁷
- In Victoria, a homeshare program has been in existence since 2000 (it has been operated by Wesley Mission under the name of Wesley Homeshare since 2003). As at 19 August 2010, Wesley Homeshare has around 40 households participating, and they target both people with disability and

older people (in homeownership, private rental and community housing – they also have one household based in public housing as a trial).¹²⁸

- Community Based Support South has operated a Home Share Tasmania program since 2007, in suburbs surrounding the University of Tasmania so as to target the student market. It is a small-scale program, with only about three households participating at any one time, and with mainly overseas post-graduate students involved (some older householders living in Housing Tasmania dwellings have expressed interest in participating in the program but have been excluded due to the departmental rule that adding new occupants leads to a rent rise).¹²⁹
- In Western Australia, Perth Home Care Services has operated Homeshare WA since 2009. The program currently has 10 households participating, involving younger people with disability and older people.¹³⁰
- In South Australia, UnitingCare Wesley Adelaide has been trialling Homeshare SA, which commenced in 2010. At present there are about three or four households participating, and they do not receive any funding for the program.¹³¹

A cost-benefit analysis of the homeshare program in Victoria in 2003 (then named Homeshare Victoria) stated that the formation of homeshare matches lead to an exchange of private benefits and the generation of external social benefits in the form of savings to the health and aged care system. The report found that the program delivered significant benefits to the community, in offering older homeowners a near-substitute for the support provided by a live-in carer.¹³²

An evaluation of the outcomes for clients of the Homeshare NSW program in 2008 also reported positive outcomes for participants. It found that both householders and homesharers (who were often young overseas students) were highly satisfied with their participation in the program. The results suggested genuine mutual benefits for participants.¹³³

However a homeshare program certainly has its limitations. For a homesharer, the arrangement necessarily involves lifestyle constraints. For example, under the Benevolent Society's Homeshare NSW program, homesharers had to agree to be home by 7.00 pm at least four nights a week, and stay overnight six nights per week and also three weekends out of four, for at least nine months.

The 2006–2008 Homeshare NSW program was never a large-scale program; it had only 158 matches in a 20-month period. A review of Homeshare NSW by SVA Consulting in 2008 found that there was a low level of interest from potential householder-participants, and that the cost of setting up and monitoring each match was high. The report also noted that many older people in the target 'householder' market expressed discomfort or fear about sharing their home with strangers. The report concluded that the program does not have potential for a wide impact on the target market of older people.¹³⁴

With the NSW experience indicating that a homeshare program is a niche product which can be expensive to administer, government funding of a homeshare program in this state may not be a priority. However that does not mean that the model should be overlooked, as indicated by the range of homeshare programs of varying scales operating across Australia. And the model presents an innovative response to a range of issues: the desire of older Australians to age in place; the desire for people with disability to live in the community; the under-utilisation of housing stock by some older homeowners; the insufficient supply of affordable housing for low-income people such as students; and the need to facilitate social inclusion.

Improving housing affordability

An unavoidable change of circumstances such as illness, an accident, unemployment or other crisis can have a dire financial impact for households on low incomes. Housing may no longer be affordable, and this can lead to homelessness or a risk of homelessness. For example, older women facing a financial crisis can be particularly vulnerable to homelessness – this is due to entrenched poverty caused by a history of unpaid caring responsibilities for family and community, and the gender pay gap, which results in few financial reserves and few retirement savings.¹³⁵ And older, poor, single women in the private rental market are particularly disadvantaged.¹³⁶

Accommodation with a homelessness service or Housing NSW's Temporary Accommodation program may be accessible for people who are homeless or at risk of homelessness. But in the case of some private rental tenants who can no longer afford their housing due to an unexpected financial difficulty, these programs are arguably an 'overkill' when what is being experienced is a *temporary* financial crisis. Also, accommodation provided by homelessness services and Temporary Accommodation is costly. For example, the findings of the Liverpool and Fairfield Temporary Accommodation Project in 2007–08 noted that the cost of Temporary Accommodation was \$100 per day – that is, \$700 per week.¹³⁷

One solution to assist private renters in these circumstances could be based on the model of Housing NSW's Private Rental Subsidy program.

Under the Private Rental Subsidy program, recipients receive a rental subsidy which comprises the difference between the amount that they pay in rent in private rental housing and a reasonable market rent – so they pay a similar amount of rent to the amount that they would pay as a public housing tenant. This program has three categories:

- To access the Private Rental Subsidy – Special, applicants must be eligible for social housing, be eligible for priority housing, and be diagnosed with HIV/AIDS (the subsidy is available even if they do not want to move into social housing).
- To access the Private Rental Subsidy – Disability, applicants must be eligible for social housing, be eligible for priority housing or have reached their turn on the NSW Housing Register, and have a disability (the subsidy

is only provided while they wait for an appropriate social housing property to become available).

- To access the Private Rental Subsidy – Start Safely, applicants must be eligible for social housing, be escaping domestic or family violence, be homeless or at risk of homelessness, be able to demonstrate an ability to sustain and afford the tenancy when the subsidy expires, and be willing to receive support services if required (the subsidy is available for up to 12 months).¹³⁸

An extension of the Private Rental Subsidy to cover unexpected financial difficulty could:

- be available for those eligible for social housing; and
- be time-limited (for example, for 12 months).

Of relevance here is Housing NSW’s Mortgage Assistance Scheme – it targets people experiencing difficulties with their home loan repayments due to an unexpected change in circumstances causing serious financial difficulties.¹³⁹

However the difference is that the Mortgage Assistance Scheme provides short-term loans (not grants).

In some circumstances, a time-limited extension of the Private Rental Subsidy for private renters could be a more effective response to an unexpected financial crisis than accommodation in a homelessness service or via the Temporary Accommodation program. This proposed scheme could have better outcomes for recipients (as a result of avoiding the wide-ranging impacts of homelessness such as reduced wellbeing and the disruption to social and other links) and be cost-effective (for example, compared to the cost of accessing Temporary Accommodation). And it would be a way of preventing homelessness by improving housing affordability for private renters who have experienced a sudden financial crisis.

3. The inadequate legislative protection of low-income tenants in private rental accommodation makes renting unnecessarily insecure, and can contribute to homelessness

Introducing ‘just cause’ provisions which specify reasonable grounds for the termination of tenancy agreements by landlords

The *Residential Tenancies Act 1987* allows landlords to give notices to evict tenants without grounds, and this means that tenants are not entitled to know the reason for the eviction. A landlord may choose to evict a tenant on grounds of discrimination or in retaliation for seeking tenancy advice, but a ‘without grounds’ notice can camouflage this. ‘Without grounds’ terminations make renting unnecessarily insecure, and the situation can particularly disadvantage low-income tenants. Tenants who perceive or know they have limited alternative accommodation

options are particularly vulnerable to ‘without grounds’ terminations – they are unlikely to challenge rent increases or to seek repairs, and will accept substandard properties.

As part of its review of the residential tenancies legislation, the NSW Office of Fair Trading released a report in September 2007 – ‘Residential tenancy law reform: a new direction’ – which rejected introducing a ‘just cause’ eviction provision. The report argued that it would have ‘serious implications on the rental housing market’, by reducing the capacity of rental investors to sell a dwelling with vacant possession. However this is not the case, because a ‘just cause’ eviction provision would allow for the termination of tenancies on the ground that the landlord intends to sell the property.¹⁴⁰ The draft Residential Tenancies Bill 2009 (which was released for comment on 4 November 2009) did not provide for the termination of tenancies on specified grounds – see Shelter NSW’s submission dated 18 December 2009.¹⁴¹

The NSW Parliament passed the *Residential Tenancies Act 2010* on 10 June 2010, and the Act will commence on 31 January 2011.¹⁴²

Many of the reforms in the 2010 Act are positive, such as increasing the length of notice periods in ‘no grounds’ termination notices compared to the 1987 Act. However the 2010 Act continues to allow for the termination of tenancies ‘without grounds’. Further, the new Act *requires* the Consumer, Trader and Tenancy Tribunal to terminate a tenancy where a landlord has issued a termination notice (under sections 84 and 85) – in contrast, under the 1987 Act, the tribunal has a discretion to terminate such a tenancy.

Shelter NSW has advocated for the introduction of ‘just cause’ provisions which specify a range of reasons and circumstances where a tenancy can be terminated, to prevent landlords from terminating tenancies ‘without grounds’.¹⁴³ The Tenants Union of NSW has also campaigned on this matter.¹⁴⁴ The insertion of ‘just cause’ provisions could take the form of an amendment to the 2010 Act (after it comes into operation).

The specified grounds for termination could include: serious or persistent breach (including non-payment of rent); frustration (that is, the premises are uninhabitable, for example, due to a natural disaster); sale of the premises; the landlord requires the premises for their own housing or an immediate family member’s housing; demolition; approved change of use or major renovation; the tenant has ceased to be employed by the landlord (where the tenancy arose out of a contract of employment between the landlord and tenant); and where the tenant is no longer eligible for housing assistance (for example, where a tenancy is offered by a community housing provider under a youth accommodation scheme).¹⁴⁵

Ensuring the effective regulation of residential tenancy databases

Under the *Residential Tenancies Act 1987*, a person may be listed on a residential tenancy database for an inaccurate or trivial reason, and there is no mechanism for such an entry to be deleted or amended. Real estate agents and landlords may rely on an inaccurate or trivial listing as the basis for denying access to private rental housing, which may contribute to homelessness or a risk of homelessness for low-income households. A listing may have been included for a vexatious reason, such as a disagreement with a real estate agent or a request for repairs. Also, existing tenants can be discouraged from asserting their rights under a lease by the threat of being listed on a residential tenancy database.¹⁴⁶

Shelter NSW welcomed the inclusion of provisions regulating residential tenancy databases in the draft Residential Tenancies Bill 2009 – see Shelter NSW’s submission.¹⁴⁷ (This matter was also covered in the Tenants Union’s submission on the draft 2009 Bill.)¹⁴⁸ Residential tenancy database provisions are included in the *Residential Tenancies Act 2010*, covering listings as well as the resolution of disputes.

The effectiveness of the new provisions regulating residential tenancy databases for those who are homeless or at risk of homelessness is a matter of great concern to Shelter NSW, and we continue to support the work of the Tenants Union in ensuring effective regulation of residential tenancy databases.

Introducing legislative protection for boarders and lodgers by providing for occupancy agreements

The *Residential Tenancies Act 1987* does not cover marginal groups such as boarders and lodgers, and residents of caravan parks. This means that they have no recourse to the NSW Consumer, Trader and Tenancy Tribunal when they are in disputes over implementing repairs, retrieving goods, rent increases with little or no notice, and evictions with little or no notice. In effect, marginal renters are without legal rights in relation to their housing, and this can contribute to homelessness or being at risk of homelessness.¹⁴⁹

Renters not covered by the 1987 Act were also excluded from the coverage of the draft Residential Tenancies Bill 2009 – see Shelter NSW’s submission.¹⁵⁰ And paragraph 8(1)(c) of the *Residential Tenancies Act 2010* excludes boarders and lodgers from the application of the Act.

Shelter NSW has advocated for the introduction of legislative protection for boarders and lodgers. Specifically, we have called for the establishment of an occupancy agreement scheme to protect the rights of renters not currently covered by the *Residential Tenancies Act 2010*, such as boarders and lodgers (including residents at licensed and unlicensed boarding houses), and residential park residents.¹⁵¹ Both NCOSS and the Tenants Union have advocated for the introduction of such a scheme.¹⁵²

Occupancy agreements could cover basic rights, for example, being entitled to know the rules of the premises before moving in, reasonable notice of termination, reasonable cleanliness, security and state of repair, and access to the Consumer, Trader and Tenancy Tribunal for dispute resolution. This proposal is based on Part 5A of the ACT's *Residential Tenancies Act 1997*.¹⁵³ The introduction of an occupancy agreement scheme could take the form of an amendment to the *Residential Tenancies Act 2010* (after it comes into operation), or it could be comprised of a separate piece of legislation.

Improving access to information for tenants in residential tenancy agreements and notices of termination

Some European countries have mechanisms for intervening to prevent people being evicted where there is a risk of homelessness. In Austria, the issuing of an eviction notice triggers court notification and contact with the tenant by a Centre for Secure Tenancy, which provides legal advice and advocacy, assistance with claiming benefits and financial planning, links to support services and the provision of financial support in some cases. In Denmark, when eviction procedures are commenced, the landlord must inform the municipality which can offer financial support as well as provide temporary housing.¹⁵⁴

Although these mechanisms should be seen in the context of private rental markets which are very different to that operating in New South Wales, they demonstrate the importance of early access to advice and assistance for low-income tenants who may be at risk of homelessness upon eviction. As noted in a report from National Shelter and the National Association of Tenant Organisations, 'A better lease on life: improving Australian tenancy law':

Opportunities to sustain tenancies should not be lost by lack of access to timely intervention, representation and advocacy. Similarly, where households have multiple challenges including being at risk of homelessness, addressing tenancy issues also needs to go hand in hand with addressing other issues.¹⁵⁵

The 'Standard form: residential tenancy agreement (where a tenancy is for a term not exceeding three years)' forms Schedule 1 of the Residential Tenancies Regulation 2006 under the *Residential Tenancies Act 1987*.¹⁵⁶ Both the 'Terms of agreement' and the 'Condition report' feature notices headed 'Where to go for help when you are renting' – which include telephone and website details for Fair Trading and website details for Tenants Advice and Advocacy Services. In the 'Notes' section under the heading '3. Notices of termination', subclause 3(2) requires that a notice of termination given by or on behalf of a landlord must state that 'information about the tenant's rights and obligations can be found in the residential tenancy agreement'.

These statements in the 'Standard form: residential tenancy agreement' and in notices of termination may not be sufficient to ensure that low-income tenants, who might be at risk of homelessness upon eviction, access the advice and assistance that they need.

A new Regulation under the 2010 under the *Residential Tenancies Act 2010* was developed following consultation in 2010, and in our submission, we called for the Regulation to include a reference in the standard residential tenancy agreement to:

- telephone and website details for NSW Fair Trading and website details for Tenants Advice and Advocacy Services (as in the current Regulation), and also telephone and website contact details for Law Access NSW, which provides legal information, advice and referrals; and
- a requirement that notices of termination specify such details.¹⁵⁷

4. Discrimination prevents access to private rental accommodation, and can contribute to homelessness

When people seeking private rental accommodation experience discrimination from real estate agents or landlords, it can prevent access to accommodation and can contribute to homelessness or being at risk of homelessness.

This discrimination can take diverse forms, as evidenced by the following submissions to an inquiry in Western Australia which identified substantial evidence of racial discrimination in the private rental market:

The combination of low availability and high demand allow[s] landlords and real estate staff to be highly selective in their choice of tenants and many Indigenous people have reported to me that they felt they were dismissed once their Aboriginality became apparent. So they may have talked on the phone and been encouraged to come and view the property or visit the real estate office. Then when they met the real estate agent, they were instantly informed that the property was no longer available. A few couples I know, with one Indigenous and one non-Indigenous partner, had been successful in getting private rentals by the non-Indigenous person going alone to arrange the lease.¹⁵⁸

A Somali couple with nine children have been told by real estate agents that they will not get a house as they have too many children and because of their race.¹⁵⁹

I wouldn't dare try it now – especially in Perth, when I didn't have a job. Why would I go and look for a unit when I'm unemployed and being Aboriginal, y'know? Waste of time. It'll do my head in and it's gonna make me feel lower than what I'm already feeling, so I'm not ready to put myself up for that kind of degradation when I know it's going to come up with zero anyways.¹⁶⁰

Many CALD and Aboriginal tenants are reluctant to pursue their right to have urgent maintenance issues attended to. They will accept poor living conditions in order to secure some form of accommodation.¹⁶¹

I once attended a real estate agency ... in regards to advertising a house for rent. Was told by the Property Manager that if I didn't want 'dogs or Aboriginals'

renting my place they could make that a ‘part’ of the conditions. I was shocked and speechless. I am an Aboriginal.¹⁶²

In New South Wales, discrimination is covered by the NSW *Anti-Discrimination Act 1977* and Commonwealth discrimination legislation – the *Age Discrimination Act 2004*, the *Disability Discrimination Act 1992*, the *Sex Discrimination Act 1984* and the *Racial Discrimination Act 1975*. Deliberately deceptive conduct may also be unlawful under the NSW *Fair Trading Act 1987*, which prohibits conduct that is misleading and deceptive or is likely to mislead or deceive.¹⁶³

It can however be difficult to prove that discrimination has taken place, so it can be difficult to assert rights under the anti-discrimination legislation. Also, people who have experienced discrimination can be reluctant to lodge complaints due to fear of victimisation. For example, a potential complainant in a small community may fear a backlash from other real estate agents and landlords in that area. They may also be deterred by the stress, time and energy involved in lodging a complaint.

There is a lack of data available on the extent of racial discrimination experienced by people seeking to access private rental accommodation.

5. Inadequate assistance programs can prolong the period spent being homeless or at risk of homelessness

Improving the effectiveness of Housing NSW’s Temporary Accommodation program

Housing NSW’s Temporary Accommodation program provides emergency accommodation in low-cost motels, hotels, caravan parks and similar accommodation. The accommodation usually covers an initial period of one to seven days, but weekly reassessments may enable households to receive up to 28 days of temporary accommodation.

The program targets people who are assessed as being able to manage independently once temporary accommodation is provided. Those who require support services are referred instead to specialist homelessness services. Temporary accommodation is provided on the assumption that recipients just need somewhere to live. When people are booked into temporary accommodation, they are required to visit their local Housing NSW office the following working day for an assessment of whether they should be granted more temporary accommodation or other housing assistance. It is their responsibility to find long-term housing which will comprise their exit from temporary accommodation.

The effectiveness and cost-effectiveness of the program has been brought into question following an evaluation of the Liverpool and Fairfield Temporary Accommodation Project in 2007–08.¹⁶⁴ The project involved eight weeks of

temporary (furnished) accommodation provided by a community housing association, Hume Community Housing – not a hotel, motel, caravan park or boarding house. Recipients received assistance in their search to access private rental accommodation. The evaluation found that: 14% more households found stable accommodation than households who had been housed in motels under the usual Temporary Accommodation program; after leaving, 56% of households exited to stable accommodation; and it cost \$54 per day, as opposed to approximately \$100 per day in a motel (as previously stated).

Shelter NSW has previously raised concerns about the Temporary Accommodation program with Housing NSW. Housing NSW's Temporary Accommodation program should be reviewed so that three issues are addressed:

- First, the requirement that recipients of Temporary Accommodation search for long-term accommodation without expert help is onerous and impractical. In order to receive continuing assistance, recipients have to provide evidence that they are actively looking for long-term accommodation. Vacancies in the private rental market are low, and the searching consumes time, money and energy. Also, if an extension of assistance under the Temporary Accommodation program is granted, there is no guarantee that the accommodation will be in the same location. Packing up and moving repeatedly makes searching for long-term accommodation even harder. Assistance to find long-term accommodation should be provided to Temporary Accommodation recipients. The assistance could take the form of a brokerage service, in which a worker negotiates for accommodation on behalf of a homeless household.
- Secondly, we are concerned that recipients of Temporary Accommodation may not receive access to support services for non-housing needs should they require them. Housing NSW should link up Temporary Accommodation recipients with support services provided by non-government organisations if required.¹⁶⁵
- Thirdly, the caravan parks, boarding houses and low-cost motels utilised for the Temporary Accommodation program are often unsafe, unclean and insecure. The suitability of the accommodation allocated under the Temporary Accommodation program should be improved in terms of security, quality, safety and location.

Providing support services to assist low-income residents in boarding houses and caravan parks, to address housing issues and social exclusion

Many households on low incomes living in unlicensed boarding houses and caravan parks live with minimal housing security, and often have disability and also health and other issues (see under under 'Poor quality housing'). There are generally insufficient support services targeting these often very vulnerable residents.

One exception is the Boarders and Lodgers Project provided by the Newtown Neighbourhood Centre in Sydney's inner west. It is the only known Home and Community Care funded program of its kind in Australia.¹⁶⁶ The project targets frail older people and younger people with disability living in unlicensed boarding

houses in the Marrickville local government area. The project assists residents to: maintain their tenancies by checking that they have systems in place to pay the rent; budget for food or access an appropriate meal service; manage health and ageing issues; access social supports and activities; and seek more appropriate accommodation where they request it.

The Regional Homelessness Action Plan 2010–2014 for Coastal Sydney, which was released on 1 August 2010, includes a Boarding House Outreach Project. The project will provide support services to boarding house residents in inner Sydney with complex needs (such as assisting with financial, health and tenancy issues, and facilitating linkages to mainstream services including aged care, mental health, and drug and alcohol services). The project will also work with boarding house owners and managers to improve services for residents.¹⁶⁷

Similar outreach support services should be funded in areas which feature concentrations of low-income residents in boarding houses and caravan parks, as a way of addressing housing, health and wellbeing issues, and promoting social inclusion.¹⁶⁸

6. Comment

Shelter NSW's interest in homelessness is about the housing issues that need to be addressed in order to better respond to homelessness, with a major focus on tackling the inadequate supply of affordable housing.

Given the complexity and diversity of factors contributing to each person's homelessness, homelessness demands more than a one-size-fits-all approach. There is a need for diverse housing solutions to meet the different needs of people who are homeless or at risk of homelessness.

In addressing the chronically homeless, in general Shelter NSW supports a housing first approach which prioritises access to long-term housing as soon as possible, alongside access to support services should they be required.¹⁶⁹ The stability and sense of independence resulting from a secure tenancy can allow a formerly homeless person to more easily address factors such as those relating to mental health, and drug and alcohol issues – they should not have to receive 'treatment first' until they are assessed to be 'housing ready'.¹⁷⁰

Regarding support services, there is a spectrum of need. Some homeless people require access to affordable and appropriate housing with no need for support services. Some need support services to help them to sustain their housing for a transitional period or longer. And some will require lifelong support.

Generally we think that tenancy management and support services should be provided by separate agencies in order to better facilitate self-reliance. The risks posed from tenancy and support services being provided by the same agency were

noted by a state housing authority policy officer in a 2007 report by the Australian Housing and Urban Research Institute:

There are potential tensions in service delivery if a Housing Department is both the provider of the bricks and mortar and the support services. Tenants may be reluctant to let the housing agency know of a problem for fear it will threaten their tenancy. From a housing provider perspective if it is made clear that the provider's role is to fix the doors, locks etc. and that the tenant pays their rent and the agency makes sure that tenants do pay their rent and that the provider has absolutely nothing to do with another agency that may be supporting tenants through financial or grief counselling or drug and alcohol issues, then this has more beneficial outcomes for clients.¹⁷¹

The provision of tenancy and support services by separate agencies can also mean that where a tenant is evicted or has chosen to leave, there is a greater chance that the person can continue to receive support services to enhance their wellbeing and to facilitate access to other, more suitable accommodation.¹⁷²

Stable housing has immediate benefits for formerly homeless people, but housing assistance can also contribute to a range of beneficial outcomes, such as better education, health and wellbeing, and facilitating social inclusion.¹⁷³ To be housed means enhanced stability and greater opportunities to engage and connect with others, to participate in work and other activities, to access services and to have a sense of belonging. Providing long-term accommodation and support is also cost-effective when compared to the cost of providing crisis housing alongside the chronic use of emergency services.¹⁷⁴

To sum it up: 'Housing is the main core of your life. It makes everything else work.' (Francis, homeless.)¹⁷⁵

Attachment

Significant developments in public policy and homelessness since 2008

The Commonwealth Government released a homelessness white paper, *The road home*, in December 2008 and it included two headline goals for 2020:

- halving overall homelessness; and
- offering accommodation to all rough sleepers who need it.

The white paper also included key interim targets for 2013:

- reducing overall homelessness by 20%;
- reducing primary homelessness by 25%; and
- reducing the proportion of people seeking specialist homelessness services more than three times in 12 months by 25%.¹⁷⁶

The NSW Government issued a NSW Homelessness Action Plan for 2009–2014, *A way home: reducing homelessness in NSW*, in August 2009. The plan includes the following targets for this state to be achieved by 2013:

- reducing the overall level of homelessness by 7%;
- reducing the number of people sleeping rough by 25%; and
- reducing the number of Aboriginal people who are homeless by one third.¹⁷⁷

The Homelessness Action Plan reflects the three key strategies of the white paper.

- The strategy on prevention and early intervention to stop people becoming homeless includes initiatives such as reducing evictions due to unpaid rent by introducing compulsory rent deductions for public housing tenants (Shelter NSW has informed Housing NSW that it opposes the blanket introduction of compulsory rent deductions for all public housing tenants, on the grounds that it prevents a householder from being able to prioritise alternative expenditure (for example, relating to children and health), and it does not encourage the development of budgeting skills – instead we argue that compulsory rent deductions should only be introduced as a last resort where a tenant has demonstrated a consistent pattern of rent arrears).¹⁷⁸
- The strategy on improving and expanding the service response to homelessness includes initiatives such as improving the identification of homeless people and streamlining their transition into appropriate long-term accommodation by reviewing the eligibility criteria for social housing (including priority housing).
- The strategy on breaking the cycle of homelessness includes initiatives such as including homeless people's views and advice in future policy and/or program planning.¹⁷⁹

In 2008, the Commonwealth Government announced funding under a Homelessness National Partnership at \$800 million over five years, comprised of \$400 million from the Commonwealth and \$400 million from the states and territories.¹⁸⁰ The objective of the National Partnership is that people who are homeless or at risk of homelessness achieve sustainable housing and social inclusion. This payment was

additional to moneys to services under SAAP which were rolled into the funding under the National Affordable Housing Agreement.¹⁸¹

The Commonwealth–NSW funding under the National Partnership comprises \$284 million over four years.¹⁸² The NSW Government issued an implementation plan for year one of the National Partnership on Homelessness, and 20 projects are to be funded under the National Partnership as part of the implementation of 10 Regional Homelessness Action Plans for the three remaining years.¹⁸³

Since 2008, the Commonwealth Government has provided a substantial boost in the supply of social and affordable housing, much of it targeted to people who are homeless or at risk of homelessness. On 28 May 2010, the then Commonwealth housing minister, Tanya Plibersek MP, stated that the Commonwealth Government aimed to increase the stock of affordable dwellings across Australia by over 80,000 by mid-2012.¹⁸⁴ This figure includes:

- 50,000 dwellings under the National Rental Affordability Scheme (NRAS) (this scheme involves annual incentives from the Commonwealth and state governments for 10 years, to stimulate the supply of affordable rental dwellings for low- and moderate-income households);¹⁸⁵
- 19,300 dwellings subsidized through the Social Housing Initiative of the anti-recessionary Nation Building Economic Stimulus Plan¹⁸⁶ (the Commonwealth Government announced that 50% of these new dwellings will be provided to homeless people, or those at risk of homelessness);¹⁸⁷
- 4,200 dwellings funded under the National Partnership on Remote Indigenous Housing;¹⁸⁸
- 1,600–2,100 dwellings financed through the Social Housing Growth Fund of the Social Housing National Partnership (to contribute towards people who are homeless or at risk of homelessness achieving sustainable housing);¹⁸⁹ and
- 725 dwellings financed through the A Place to Call Home program (earmarked for homeless households, accompanied by 12 months of support services and to be added to the public housing pool at the end of the 12-month period).¹⁹⁰

As at 17 December 2010, it is understood that Commonwealth and state funding boosts will translate into a total of 12,865 new social and affordable dwellings by 2013 for New South Wales:

- 2,437 affordable dwellings so far under NRAS (under rounds one and two);¹⁹¹
- 6,300 new community and public housing dwellings under the Social Housing Initiative of the Nation Building Economic Stimulus Plan;¹⁹²
- 50 dwellings under the National Partnership on Remote Indigenous Housing in 2009–2010, and a further 36 dwellings in 2010–2011.¹⁹³
- 687 new social housing dwellings under the Social Housing National Partnership;¹⁹⁴
- 155 A Place to Call Home dwellings;¹⁹⁵ and
- 3,200 new social housing homes funded by the NSW Government.

Notes

- ¹ Chris Chamberlain and David MacKenzie, *Counting the homeless 2006: Australia*, Australian Bureau of Statistics, 2008, cat. no. 2050.0, p. 3.
- ² City of Sydney, 'Homelessness strategy 2007–2012', December 2009, pp. 5–6, Ken Kraybill, 'Three homes', from 'Outreach to people experiencing homelessness: a curriculum for training health care for the homeless outreach workers', National Health Care for the Homeless Council, June 2002, viewed 10 August 2010: <<http://www.nhchc.org/Curriculum/curriculum.htm>>, Felicity Reynolds, 'They spit at you with their eyes: social inclusion and housing people who have experienced chronic homelessness', presentation at the 'Homelessness in the social inclusion framework' forum, Melbourne, 27 June 2010. See also the comment by M McGirr that, 'For me, homelessness is when your friends and family can't be sure when to find you' (from 'A home away from home', *The big issue*, vol. 214, 18 October–2 November 2004, p. 18, quoted in Suzie Forell, Emily McCarron and Louis Schetzer, 'No home, no justice? The legal needs of homeless people in NSW', Law and Justice Foundation of NSW, 2005).
- ³ Differences in policy responses to homelessness and the 'houselessness' caused by the 2009 Victorian bushfires are outlined in Cameron Parsell, "'Homeless is what I am, not who I am': insights from an inner-city Brisbane study', *Urban Policy and Research*, vol. 28, no. 2, 181–194, June 2010, p. 191.
- ⁴ Ken Kraybill's ideas on the dimensions of home also tie in with two of the 'guiding principles' outlined in the Commonwealth Government's white paper on homelessness: 'A national commitment, strong leadership and cooperation from all levels of government and from non-government and business sectors is needed. Homelessness must be seen as a shared responsibility.' and 'Social inclusion drives our efforts. Tackling homelessness is about more than shelter and support. The focus must be on building the capacity of people and communities to maximise everyone's potential to participate economically and socially.' (Department of Families, Housing, Community Services and Indigenous Affairs, *The road home*, 2008, p. 19).
- ⁵ *Counting the homeless 2006: Australia*, p. x. The 2006 Census of Population and Housing (census) counted 6,549,177 people living in New South Wales, excluding overseas visitors (Australian Bureau of Statistics, '2006 census quickstats: New South Wales', 25 October 2007, viewed 17 August 2010: <<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=1&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0¤taction=201&action=401&textversion=false>>.
- ⁶ *ibid.*, p. vii.
- ⁷ Chris Chamberlain and David MacKenzie, *Counting the homeless 2006: New South Wales*, Australian Bureau of Statistics, 2009, cat. no. HOU 204, p. 27.
- ⁸ *ibid.*, p. 31. In New South Wales, men outnumber women in the homelessness categories of living in boarding houses, staying with friends or relatives, and living in improvised dwellings, but not regarding the category of staying in SAAP accommodation (where 52% of residents are women and 48% are men) (*ibid.*, p. 32).
- ⁹ *ibid.*, p. 30. Increasing numbers of older women entering homelessness services were reported in Ludo McFerran, *It could be you: female, single, older and homeless*, Homelessness NSW, Older Women's Network NSW and St Vincent de Paul Society, 2010, p. 7.
- ¹⁰ In 2006, 20.3% of SAAP clients in New South Wales were identified as Aboriginal and Torres Strait Islander peoples (*Counting the homeless 2006: New South Wales*, p. 32).
- ¹¹ *Counting the homeless 2006: New South Wales*, p. 28.
- ¹² *The road home*, p. 4, Table 1, unpublished table from Department of Families, Housing, Community Services and Indigenous Affairs using ABS census 2006 data. *Counting the*

- homeless 2006: Australia* notes that it is unlikely that census collectors in 2006 identified all the rough sleepers (p. 11).
- ¹³ *Counting the homeless 2006: Australia*, p. viii.
- ¹⁴ *The road home*, p. 7, Selina Tually, Debbie Faulkner, Cecile Cutler and Michele Slatter, 'Women, domestic and family violence and homelessness: a synthesis report', Flinders University, Flinders Institute for Housing, Urban and Regional Research, 2008, p. 18, *Counting the homeless 2006: Australia*, p. 49. 'Homelessness for women and children who have experienced domestic and family violence is the result of social failure to fully accept and deal with the criminality of the perpetrators' behaviour' (Donna Chung, Rosemary Kennedy, Bev O'Brien and Sarah Wendt, 'Home safe home: the link between domestic and family violence and women's homelessness', Women's Services Network (WESNET), Department of Family and Community Services, and Partnerships Against Domestic Violence, November 2000, p. 2). In 2008–09, domestic or family violence was the main reason for 49.1% of women with children seeking assistance from homelessness services in Australia (Australian Institute of Health and Welfare, 'Government-funded specialist homelessness services', SAAP National Data Collection annual report 2008–09, Australia, Table 5.5, p. 36).
- ¹⁵ Reynolds, *ibid.* (see Reynolds' comment that, 'No amount of case management will address the structural reasons for chronic homelessness'), Jane Bullen, 'Changing paradigms? Implementing the NSW Homelessness Action Plan', *Parity*, vol. no, 22, issue no. 9, October 2009, pp. 12–13.
- ¹⁶ *The road home*, pp. 6–9.
- ¹⁷ The experience of disrupted schooling is considered to be one of the main reasons for cycles of homelessness and poverty (Debbie Noble-Carr, 'The experiences and effects of family homelessness for children', Institute of Child Protection Studies, Australian Catholic University, 2006, pp. 42–43).
- ¹⁸ The experiences of homelessness by Aboriginal and Torres Strait Islander peoples can differ from those of other Australians, due to the distinct causes and contexts for their experiences (Keys Young, 'Homelessness in the Aboriginal and Torres Strait Islander context and its possible implications for the Supported Accommodation Assistance Program', Department of Family and Community Services, 1999, pp. iv, 129). Keys Young have formulated five types of homelessness experienced by Aboriginal and Torres Strait Islander peoples which cover: spiritual homelessness (relating to separation from traditional land or family); overcrowding; relocation and transient homelessness (due to mobile lifestyles, as well as the necessity of a larger proportion of Aboriginal and Torres Strait Islander peoples having to travel to obtain services); escaping unsafe homes; and lack of access to stable housing. Compared to homelessness experienced by others, homelessness experienced by Aboriginal and Torres Strait Islander peoples is a broader issue because it encompasses the experiences of individuals, families and communities, as well as the intergenerational impact of colonisation and dispossession. Also, Aboriginal and Torres Strait Islander peoples are more likely to experience homelessness than others in Australia, the causes and context of their homelessness cannot be understood without reference to the impact of colonisation on their families and communities, and they have specific needs which must be addressed if their high rates of homelessness are to be reduced.
- ¹⁹ ACT Government, 'ACT Government submission to homelessness green paper consultation', 2008, p. 1. See also paragraph 18 of the National Partnership on Homelessness, which states: 'Effective prevention and early intervention strategies need to address both individual and structural causes of homelessness.'
- ²⁰ Australian Institute of Health and Welfare, 'Government-funded specialist homelessness services', Australia, SAAP National Data Collection annual report 2008–09, Table 5.4, p. 35.
- ²¹ A study of SAAP clients in 2008 indicated that they had a need for assistance most commonly in the areas of housing (83.5%), money management/finances (53.7%), exposure to/effects of violence (47.5%), accessing services (44.7%) and access to social supports (40.6%) (Department of Families, Housing, Community Services and Indigenous Affairs, and Mission Australia, 'Needs of clients in the Supported Accommodation Assistance Program: report on the "High and complex needs census", 2008', Australian Institute of Health and Welfare, 2010, p. 14).
- ²² *Counting the homeless 2006: Australia*, pp. xi, 46–52.

- ²³ *ibid.*, pp. 47–48. One example of early intervention services targeting at-risk and homeless teenagers is the Commonwealth Government’s Reconnect program, which was established in 1999. Reconnect targets youths aged 12 to 18 years with a focus on family reconciliation where practicable and the engagement of young people who are homeless or at risk of homelessness in employment, education, training and community. Since the late 1990s, there has also been an increase in funding of welfare staff in schools. Also, some homelessness youth services undertake early intervention work with youths who have become recently homeless. Another factor relevant to the decline in youth homelessness between 2001 and 2006 was a small decline in youth unemployment.
- ²⁴ National Housing Supply Council, *State of supply report 2010*, 2010, Table 5.4, p. 105.
- ²⁵ Rental Bond Board, December 2010 (‘M3: ‘Proportion of rental and purchase stock that is affordable’), Local Government Housing Kit Database (NSW Centre for Affordable Housing), viewed 15 December 2010:
<<http://www.housing.nsw.gov.au/Centre+For+Affordable+Housing/NSW+Local+Government+Housing+Kit/Local+Government+Housing+Kit+Database.htm>>.
- ²⁶ Australian Institute of Health and Welfare, ‘Government-funded specialist homelessness services: SAAP National Data Collection annual report 2008–09, New South Wales supplementary tables’, 2010, Table 8.6, p. 38 (the data covers closed support periods).
- ²⁷ Craig Johnston, *Supply of social housing*, Shelter NSW, Shelter Brief no. 41, 2009, p. 1.
- ²⁸ ‘When a relationship lasts even longer than a public housing waiting list, you know you’re onto a good thing’ (Sue, *Big issue* vendor, Pitt Street, Sydney, in *The big issue*, vol. no. 189, 2003, quoted in ‘No home, no justice? The legal needs of homeless people in NSW’).
- ²⁹ Australian Institute of Health and Welfare, ‘Public rental housing 2008–09’, Housing assistance data series, Table 1.1.
- ³⁰ Australian Institute of Health and Welfare, ‘Community housing 2008–09’, Housing assistance data series, Table 1.1.
- ³¹ Australian Institute of Health and Welfare, ‘State owned and managed Indigenous housing 2008–09’, Housing assistance data series, Table 1.1.
- ³² Evidence suggests that waiting lists understate the demand for public housing, but they are still considered to be a problematic way of determining public housing need. For example, in a survey of recipients of Commonwealth Rent Assistance who were not on a waiting list for social housing, 17.4% were not aware that they may be eligible for public housing. However, many people who are aware that they are eligible for public housing do not necessarily want to apply for it – in that same survey, 36.5% stated that they would consider public housing if they couldn’t afford to rent where they were currently renting any more, 31.5% said that public housing would be a last resort for them, and 13.9% said that they would never consider applying for public housing. Only 18.0% stated that living in public housing would solve a lot of problems for them (Terry Burke, Caroline Neske and Liss Ralston, ‘Entering rental housing’, Australian Housing and Urban Research Institute, AHURI Final Report no. 59, 2004, pp. 10–12).
- ³³ National Housing Supply Council, *State of supply report 2008*, 2009, p. 34.
- ³⁴ Australian Institute of Health and Welfare, ‘A profile of social housing in Australia’, 2010, pp. 15–16.
- ³⁵ ‘Public rental housing 2008–09’, Table 1.8. Greatest needs households are defined as low-income households that at the time of allocation were subject to one or more of the following circumstances: they were homeless; their life or safety was at risk in their accommodation; their health condition was aggravated by their housing; their housing was inappropriate to their needs; they had very high rental housing costs.
- ³⁶ ‘Community housing 2008–09’, Table 1.8.
- ³⁷ ‘State owned and managed Indigenous housing 2008–09’, Table 1.8.
- ³⁸ Valuers General, September 2010 (‘M3: ‘Proportion of rental and purchase stock that is affordable’), Local Government Housing Kit Database (NSW Centre for Affordable Housing), viewed 15 December 2010:
<<http://www.housing.nsw.gov.au/Centre+For+Affordable+Housing/NSW+Local+Government+Housing+Kit/Local+Government+Housing+Kit+Database.htm>>.

- ³⁹ Val Colic-Peisker, Rachel Ong and Clinton McMurray, 'Falling behind: the growing gap between rent and rent assistance 1995–2009', Tenants Union of Victoria and RMIT University, 2010, p. 7.
- ⁴⁰ *ibid.*
- ⁴¹ NATSEM, 'Wherever I lay my debt, that's my home', University of Canberra, AMP.NATSEM Income and Wealth Report, issue no. 19, March 2008, p. 7.
- ⁴² 'Falling behind: the growing gap between rent and rent assistance 1995–2009', p. 7.
- ⁴³ Erebus Consulting Partners, *National evaluation of the Supported Accommodation Assistance Program (SAAP IV) final report*, Commonwealth of Australia, 2004, p. 139.
- ⁴⁴ *Counting the homeless 2006: Australia*, pp. xi, 46–52.
- ⁴⁵ *Counting the homeless 2006: Australia* notes that lack of affordable housing causes some families to become homeless and it also prolongs the homelessness of some families escaping domestic violence (p. 49).
- ⁴⁶ *The road home*, p. 46.
- ⁴⁷ 'Government-funded specialist homelessness services: SAAP National Data Collection annual report 2008–09, New South Wales supplementary tables', Table 6.2, p. 22.
- ⁴⁸ Australian Institute of Health and Welfare, 'Demand for government-funded specialist homelessness accommodation 2008–09: a report from the SAAP National Data Collection', 2010, Table 8.1, pp. 37, 58, 63–64. This figure represents the daily average percentage of people who could not be accommodated in relation to all the people who required new and immediate accommodation. However as homelessness services accommodate large numbers of people on any day who are continuing their accommodation from the previous day, the level of unmet demand for accommodation should also be assessed in relation to the total expressed demand for accommodation (that is, people who required new and immediate accommodation as well as people who were continuing their accommodation from the previous day) – and so it is noteworthy that 2.0% of people were turned away as a proportion of the total demand for accommodation.
- ⁴⁹ Australian Institute of Health and Welfare, 'Government-funded specialist homelessness services: SAAP National Data Collection annual report 2008–09, New South Wales supplementary tables', 2010, Table 8.6, p. 38 (the data covers closed support periods).
- ⁵⁰ Guy Johnson and Chris Chamberlain, 'From youth to adult homelessness', *Australian Journal of Social Issues*, vol. 43, no. 4, Summer 2008, p. 564, Australian Housing and Urban Research Institute Research Synthesis Service, *Evidence to inform NSW homelessness action priorities 2009–10*, Australian Housing and Urban Research Institute, 2009, p. 24.
- ⁵¹ *ibid.*, pp. 139–140.
- ⁵² This is referred to as the '30/40 rule' (Judith Yates and Michelle Gabrielle, 'Housing affordability in Australia', Australian Housing and Urban Research Institute, Research Paper 3, 2006, p.14).
- ⁵³ Ryanti Miranti and Binod Nepal, 'Housing stress in Australia 2007', National Centre for Social and Economic Modelling, University of Canberra, 2008, Table 3a.
- ⁵⁴ Judith Yates, Hal Kendig and Ben Phillips with Vivienne Milligan and Rob Tanton, 'Sustaining fair shares: the Australian housing system and intergenerational sustainability', Australian Housing and Urban Research Institute, 2008, AHURI Final Report no. 111, p. 2.
- ⁵⁵ National Housing Supply Council, *State of supply report 2010*, 2010, Tables 5.1 and 5.2, pp. 99–102.
- ⁵⁶ Council of Australian Governments (COAG) Reform Council, 'National Affordable Housing Agreement: baseline performance report for 2008–09', 2010, volume 1, p. 56.
- ⁵⁷ *ibid.*, p. 57.
- ⁵⁸ *ibid.*, p. 73.
- ⁵⁹ *State of supply report 2010*, p. 100.
- ⁶⁰ Val Colic-Peisker, Rachel Ong and Clinton McMurray, pp. 5, 11.
- ⁶¹ Australia's Future Tax System Review, *Australia future tax system: report to the Treasurer*, 2009, final report, part 2, volume 2, pp. 595, 610–612.

- ⁶² National Shelter has also called for a review of CRA, including examining: regional variation in the maximum rate to take variations in rent levels into account; extending its eligibility to public housing tenants, either via direct payment to the tenant or via a ‘per tenant’ subsidy to state and territory housing authorities; and continuing eligibility for a fixed period (such as five years) for low-income tenants who move into home purchase (National Shelter, ‘Housing Australia affordably’, National Shelter Policy Platform, 2009, p. 15). The Australian Council of Social Service (ACOSS) has also called for a 30% increase in the maximum rate of CRA (‘The contest for a fairer nation: ACOSS 2010 election statement’, ACOSS, ACOSS Paper no. 167, 2010, p. 15).
- ⁶³ Australia’s Future Tax System Review, pp. 610–612. In 2010, Homelessness Australia called for CRA to be increased by a minimum of \$15.00 per week, with rates to be indexed to rent increases (‘Towards 2020: election statement 2010 – ending homelessness: don’t stop now’, Homelessness Australia, 2010, p. 2, viewed 13 August 2010: <[http://www.homelessnessaustralia.org.au/UserFiles/File/HA Election Statement 2010.doc](http://www.homelessnessaustralia.org.au/UserFiles/File/HA%20Election%20Statement%202010.doc)>. See also Craig Johnston, *Shelter NSW memo* on ‘Henry on housing: the Australia’s future tax system reports’, Shelter NSW, 24 September 2010, p. 11, viewed 15 December 2010: <<http://www.sheltersnsw.org.au/docs/mem1009comment-henryreview.pdf>>.
- ⁶⁴ Julian Disney, ‘Missing the chance for essential housing tax reform’, *Housing matters*, NSW Federation of Housing Associations, July 2010, pp. 8–9, p. 9.
- ⁶⁵ Gary Marks, ‘Income poverty, subjective poverty and financial stress’, Department of Families, Community Services and Indigenous Affairs, Social Policy Research Paper no. 29, 2007, p. v.
- ⁶⁶ *ibid.*
- ⁶⁷ Judith Yates and Vivienne Milligan, ‘Housing affordability: a 21st century problem’, Australian Housing and Urban Research Institute, AHURI Final Report no. 105, 2007.
- ⁶⁸ Mike Berry, Tony Dalton and Anitra Nelson, pp. 39–40. Urban Research Centre, ‘The experience of mortgage distress in Western Sydney’, University of Western Sydney, 2010, pp. 67–75.
- ⁶⁹ ‘Mortgage Assistance Scheme’, Housing NSW, viewed 16 December 2010: <<http://www.housing.nsw.gov.au/NR/rdonlyres/72CB7A41-6EA3-4892-A512-2B2522957AD3/0/MortgageAssistanceSchemeBrochure.pdf>>.
- ⁷⁰ Mike Berry, Tony Dalton and Anitra Nelson, pp. 40, 49.
- ⁷¹ Gavin Wood and Rachel Ong, ‘How long does housing affordability stress last?’, Australian Housing and Urban Research Institute, AHURI Research and Policy Bulletin no. 129, July 2010, p.1.
- ⁷² Homeless Persons Information Centre, ‘HPIC financial year report 2009–10’, 2010, pp. 5, 9. City of Sydney, ‘Housing affordability crisis hits Sydney’s homeless’, media release, 5 August 2009, viewed 13 May 2010: <http://www.sydneymedia.com.au/html/3949-housing-affordability-crisis-hits-sydneys-homeless.asp?utm_source=feedburner&orig=Home&utm_medium=feed&utm_campaign=Feed%3A+SydneyMedia+%28Sydney+Media+++City+of+Sydney%29>. See also Mike Berry, Tony Dalton and Anitra Nelson, ‘Mortgage default in Australia: nature, causes and social and economic impacts’, Australian Housing and Urban Research Institute, AHURI Final Report no. 145, 2010, p. 79.
- ⁷³ Selina Tually, Debbie Faulkner, Cecile Cutler and Michele Slatter, p. 17.
- ⁷⁴ NSW Women’s Refuge Movement and University of Western Sydney Urban Research Centre, ‘The impact of housing on the lives of women and children post domestic violence crisis accommodation’, 2009, pp. 4, 16–17.
- ⁷⁵ A Start Safely private rental subsidy is available from Housing NSW for women who are escaping domestic violence, and who are eligible for social housing, to enable them to maintain or move into affordable private rental accommodation. The subsidy is available for up to 12 months: Housing Pathways, viewed 20 August 2010: <<http://www.housingpathways.nsw.gov.au/Ways+we+can+help/Private+Rental+Assistance/Private+Rental+Assistance+Policy.htm>>.

- ⁷⁶ Michael Coffey, Chief Executive of the Youth Accommodation Association (now Yfoundations), quoted in Vincent Morello, 'Couch surfing 'risky' for homeless youth', *Sydney Morning Herald*, 13 April 2010, viewed 15 December 2010: <<http://news.smh.com.au/breaking-news-national/couch-surfing-risky-for-homeless-youth-20100413-s74y.html>>.
- ⁷⁷ Andrew Beer and Debbie Faulkner, 'The housing careers of people with a disability and carers of people with a disability', Australian Housing and Urban Research Institute, AHURI Research Paper, 2008, p. vii.
- ⁷⁸ Bruce Judd, Kay Kavanagh, Alan Morris and Yuvisthi Naidoo, 'Housing options and independent living: sustainable outcomes for older people who are homeless', Australian Housing and Urban Research Institute, AHURI Final Report no. 62, 2004, pp. v, 46–48.
- ⁷⁹ Erebus Consulting Partners, p. 139. National Shelter has called for mainstream government and community housing providers to genuinely engage with Aboriginal peoples to develop appropriate housing and support models, in order to address issues of overcrowding and sustain tenancies (National Shelter, 'A way forward for housing Indigenous peoples in Australia', policy statement, August 2010, p. 3).
- ⁸⁰ Council of Australian Governments (COAG) Reform Council, volume 1, pp. 96–97.
- ⁸¹ Christina Birdsall-Jones, Vanessa Corunna, Nalita Turner, Gemma Smart and Wendy Shaw, 'Indigenous homelessness', Australian Housing and Urban Research Institute, AHURI Final Report no. 143, 2010, p. 8. However overcrowding in the Aboriginal community as a result of housing crisis and kin-based responsibilities is distinct from overcrowding which is connected to a purposive gathering such as a funeral or other cultural event, and is expected to be short-term (Christina Birdsall-Jones and Vanessa Corunna, 'The housing careers of Indigenous urban households', Australian Housing and Urban Research Institute, AHURI Final Report no. 112, 2008, pp. 2, 30–36.)
- ⁸² National Youth Commission, 'Australia's homeless youth', Report of the National Youth Commission Inquiry into Youth Homelessness, 2008, p. 252.
- ⁸³ Council of Australian Governments (COAG) Reform Council, volume 1, p. 95, Australian Institute of Health and Welfare, 'Shelter: development of a children's headline indicator', 2010, cat. no. PHE 132, p. 17.
- ⁸⁴ National Shelter and National Association of Tenant Organisations, 'A better lease on life: improving Australian tenancy law', 2010, pp. 34–35.
- ⁸⁵ Council of Australian Governments (COAG) Reform Council, volume 1, p. 99.
- ⁸⁶ Mental Health Council of Australia, 'Home truths: mental health, housing and homelessness in Australia', 2009, p. 19.
- ⁸⁷ European Federation of National Organisations Working with the Homeless, pp. 16–17.
- ⁸⁸ 'Shelter: development of a children's headline indicator', p. 18.
- ⁸⁹ Victorian Council of Social Service, 'Decent not dodgy: "secret shopper" survey', June 2010, p. 3. The report was issued as part of a campaign by VCOSS for the introduction of minimum standards for rental properties.
- ⁹⁰ COAG Reform Council, pp. 93, 99–100. The definition of 'housing of an acceptable standard' which is utilised in the 'National Affordable Housing Agreement: baseline performance report for 2008–09' was constructed by the Steering Committee for the Review of Government Service Provision (Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous disadvantage: key indicators 2009*, Productivity Commission, Melbourne, 2009, pp. 9.20–9.22). It states that housing is considered to be of an acceptable standard if it features four basic facilities in working order: for washing people; for washing clothes and bedding; for storing and preparing food; for sewerage; and no more than two structural problems (which refers to the general condition of a dwelling, and includes major electrical, roof or plumbing problems). The COAG Reform Council comments that it considers this definition to be very basic, and that the definition needs to be further developed, taking into account expectations of acceptable housing that may apply to Australian households generally. The council has advised Shelter NSW that data for non-Indigenous households living in housing of an unacceptable standard is not available.

- ⁹¹ People living in boarding houses on a medium to long-term basis, defined as 13 weeks or longer, are counted as being part of the homelessness population in Australia, on the basis that they are staying in accommodation which is below the minimum community standard of a small self-contained flat (*Counting the homeless 2006: Australia*, p. vii).
- ⁹² Newtown Neighbourhood Centre, 'Opening these doors; Boarders and Lodgers Project report', for the Department of Ageing, Disability and Home Care, 2003, pp. 4, 12–15. Distinct from unlicensed boarding houses are licensed residential centres (or licensed boarding houses), which are regulated under the *Youth and Community Services Act 1973* and provide accommodation for people with disability. Like unlicensed boarding houses, many licensed boarding houses are also reported to provide poor quality conditions, care and management (Colin Robinson, 'Not cheap, reasonable – the development of not-for-profit boarding houses', Shelter NSW, 2000, pp. 5–9, People With Disability Australia, 'Response to Stronger Together', submission, 19 July 2010, p. 5.). A review of the *Youth and Community Services Act 1973* has been in progress for 12 years, and a Youth and Community Services Regulation 2010 came into operation on 1 September 2010 (see People With Disability Australia, 'Public consultation on proposed Youth and Community Services Regulation 2010: submission', July 2010, viewed 17 August 2010: <<http://www.pwd.org.au/documents/pubs/SB10-YACSRregulations.doc>>, Ageing, Disability and Home Care, viewed 15 December 2010: <<http://www.dadhc.nsw.gov.au/dadhc/Doing+business+with+us/Youth+and+Community+Services+Regulation+2010.htm>>).
- ⁹³ Matthew Willis, 'Ex-Prisoners, SAAP, Housing and Homelessness in Australia', Australian Institute of Criminology, final report to the National SAAP Coordination and Development Committee, 2004, pp. 136–137.
- ⁹⁴ The census data on homeless people does not count 'marginal residents of caravan parks' as part of the tertiary homeless population (*Counting the homeless 2006: Australia*, pp. 39–44). 'Marginal residents of caravan parks' are defined as people who are renting a caravan, at their usual address on census night, with no-one in the dwelling having full-time work. As at 2006, there were 5,104 people identified in New South Wales as 'marginal residents of caravan parks' in 3,626 dwellings. It should be noted that caravan parks can be utilised as an alternative to boarding houses outside capital cities, and that some people who have a long-term experience of homelessness may end up living long-term in caravan parks. The reason that 'marginal residents of caravan parks' are not counted as part of the tertiary homeless population is due to difficulties in distinguishing between those who live in caravan parks by choice and those who are forced to by circumstances. Also, many caravan park dwellers are on holiday or own their own caravan; additionally cabins are commonly the main type of accommodation in caravan parks, and cabins often have better facilities than caravans. Even though 'marginal residents of caravan parks' are not counted as homeless, they are however at risk of homelessness. See also Andy Marks, *Residents at risk*, St Vincent de Paul Society, 2008.
- ⁹⁵ *ibid*, p. 107.
- ⁹⁶ Andrew Beer and Paul Foley, 'Housing need and provision for recently arrived refugees in Australia', Australian Housing and Urban Research Institute, 2003, AHURI Final Report no. 48, pp. 20, 27.
- ⁹⁷ Matthew Willis, pp. 39–40, 137.
- ⁹⁸ *ibid*, pp. 28–46. Public Interest Law Clearing House Homeless Persons Legal Clinic, 'Discrimination on the basis of criminal records', Melbourne, 2010, p. 2.
- ⁹⁹ Matthew Willis, p. 29.
- ¹⁰⁰ Public Interest Law Clearing House Homeless Persons Legal Clinic, 'Discrimination on the basis of homelessness', Melbourne, 2010, p. 2.
- ¹⁰¹ Tenancy guarantees may be available for people who are eligible for public housing and are without tenancy histories or references, or have a negative tenancy record and are now facing changed circumstances. They are available from Housing NSW and nine community housing providers across New South Wales. Tenancy guarantees can supplement a rental bond if a tenant incurs rental arrears or damages the property beyond the rental bond value: Housing NSW, viewed 13 August 2010: <<http://www.housing.nsw.gov.au/community%2Bhousing%2B>

- division/community%2Bhousing%2Bproviders/products%2Band%2Bservices/tenancy%2Bguarantees.htm >; Housing Pathways, viewed 13 August 2010: <<http://www.Housingpathways.nsw.gov.au/Ways+we+can+help/Private+Rental+Assistance/Private+Rental+Assistance+Policy.htm>> and <<http://www.housingpathways.nsw.gov.au/Ways+we+can+help/Social+Housing/Social+Housing+Eligibility+Products+and+Allocations+Policy+Supplement.htm#ecfatg>>.
- ¹⁰² NSW Council for Social Service (NCOSS), 'Vote 1 fairness in NSW: New South Wales state election 2011', 2010, pp. 21–22.
- ¹⁰³ Shelter NSW, 'Response to the draft NSW Liberals and Nationals social policy framework, *Smarter, stronger, healthier, safer* – a submission to the Leader of the Opposition from Shelter NSW', 2010, p. 4.
- ¹⁰⁴ Craig Johnston, *Encouraging supply of private rental for low-income renters*, Shelter NSW, Shelter Brief no. 37, 2009, pp 5–6. Intermediate housing covers affordable housing that is targeted to low-moderate income households (as distinct from very low income households), and it includes rental housing let at submarket rents, shared equity schemes and rent-to-buy schemes.
- ¹⁰⁵ *ibid.*
- ¹⁰⁶ Shelter NSW, viewed 15 December 2010: <http://www.sheltersnsw.org.au/docs/fly10nsw_election2011.pdf>.
- ¹⁰⁷ NCOSS, *loc. cit.*
- ¹⁰⁸ Maryann Wulff, A. Dharmalingam, Margaret Reynolds and Judith Yates, 'Australia's private rental market: changes (2001–2006) in the supply of, and demand for, low rent dwellings', Australian Housing and Urban Research Institute, Positioning Paper no. 122, 2009, Table 15, p. 34.
- ¹⁰⁹ NSW Legislative Council Standing Committee on Social Issues, *Homelessness and low-cost rental accommodation*, 2009, pp. 108–109.
- ¹¹⁰ Chris Chamberlain, 'Rough sleepers, sheds and improvised dwellings', *Around the House*, no. 83, December 2010, Shelter NSW, pp. 3–5, p. 3.
- ¹¹¹ Colin Robinson, p. 8.
- ¹¹² John Stewart, 'Rent rises flow on to affect the homeless', *Lateline*, Australian Broadcasting Corporation, transcript, 5 July 2010, viewed 17 August 2010: <<http://www.abc.net.au/lateline/content/2010/s2945464.htm>>.
- ¹¹³ Many of the people living in unlicensed boarding houses have a disability, and boarding houses with two or more people with disability should be licensed under the *Youth and Community Services Act 1973*. Also relevant are the findings in Shelter NSW's report, *Local government and community housing associations: project report*, that there were three non-profit boarding houses in 2007 which were owned by councils and managed by community housing organisations – North Sydney Council owned one boarding house and part-owned a second one, and Wollongong City Council owned one boarding house (Sean Armstrong, *Local government and community housing associations: project report*, Shelter NSW, 2007, pp. 11, 16–17). In Adelaide, for example, a community housing provider, Unity Housing Company, operates five boarding houses, two of which are staffed 24-hours per day ('Boarding houses', Unity Housing Company, viewed 22 June 2010: <http://www.unityhousing.org.au/index.php?option=com_content&view=article&id=51&Itemid=9>).
- ¹¹⁴ 'Public consultation on proposed Youth and Community Services Regulation 2010: submission', p. 58. See also notes 103 and 148.
- ¹¹⁵ Craig Johnston, *Shelter NSW comment on 'Affordable rental housing State Environmental Planning Policy'*, 2009, pp. 9–12, viewed 27 May 2010: <<http://www.sheltersnsw.org.au/docs/mem0908comment-sepp.pdf>>. Most of the provisions of the affordable rental housing SEPP commenced on 31 July 2009.
- ¹¹⁶ The 'new generation boarding house' rooms must be close to public transport and employment centres, rents must remain affordable and grants will take the form of \$10,000 per room over five years: Centre for Affordable Housing, Housing NSW, viewed 15 December 2010: <<http://www.housing.nsw.gov.au/Centre+For+Affordable+Housing/Boarding+House+Financial+Assistance+Program/Funding+for+New+Projects/>>.

- ¹¹⁷ ‘Not cheap, reasonable – the development of not-for-profit boarding houses’, p. 10.
- ¹¹⁸ ‘Exemption – land used and occupied primarily for low cost accommodation – 2010 tax year’, Office of State Revenue, Revenue Ruling no. LT 86, 20 January 2010, viewed 22 June 2010: <<http://www.osr.nsw.gov.au/lib/doc/rulings/rrlt86.pdf>>. An exemption from land tax is also available for boarding houses provided certain criteria are met, such as occupation by long-term residents and the maximum tariffs falling below certain thresholds (‘Exemption – land used and occupied primarily for a boarding house – 2010 tax year’, Office of State Revenue, Revenue Ruling no. LT 85, 20 January 2010, viewed 22 June 2010: <<http://www.osr.nsw.gov.au/lib/doc/rulings/rrlt85.pdf>>).
- ¹¹⁹ *Encouraging supply of private rental for low-income renters*, pp 6–8. Shelter NSW, viewed 17 December 2010: <<http://www.sheltersnsw.org.au/docs/fly10nswelection2011.pdf>>.
- ¹²⁰ There has been a decline in the supply of residential parks. The number of large residential parks (defined as having 40 or more powered sites and dwellings) decreased from 164 in 2000, to 74 in 2007 in New South Wales (Andy Marks, *Residents at risk*, St Vincent de Paul Society, 2008, p. 26). Older residents who own their dwelling but rent a site, where those caravan parks are under threat of redevelopment, are at risk. Again, there is a risk that when residential parks close down, many of the long-term low-income residents may have few other housing options.
- ¹²¹ *Shelter NSW comment on ‘Affordable rental housing State Environmental Planning Policy’*, pp. 9–12.
- ¹²² NCOSS, p. 25.
- ¹²³ Bruce Judd, Diana Olsberg, Joanne Quinn, Lucy Groenhart and Oya Demirbilek, ‘Dwelling, land and neighbourhood use by older home owners’, Australian Housing and Urban Research Institute, AHURI Final Report no. 144, March 2010, pp. 4, 13, ‘Average floor area of new residential dwellings’, from ‘Building Approvals, Australia, February 2008’ (8731.0), Australian Bureau of Statistics, 4 April 2008, viewed 15 December 2010: <<http://www.abs.gov.au/ausstats/abs@.nsf/featurearticlesbytitle/3E12D6C335EF3618CA25745C001489F1?OpenDocument>>.
- ¹²⁴ Department of Planning, ‘New South Wales household and dwelling projections, 2006–2036’, 2008, p. 3. See also, ‘Australian households: the future’, in ‘Australian social trends, December 2010’ (cat. no. 4102.0), Australian Bureau of Statistics, 2010, viewed 16 December 2010: <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features20Dec+2010>>.
- ¹²⁵ ‘Dwelling, land and neighbourhood use by older home owners’, pp. 4, 6–7, 13.
- ¹²⁶ Older People’s Reference Group, ‘Hopscotch on walking frames: good care should not be a matter of chance – a response to the Productivity Commission’s issues paper, ‘Caring for older Australians’, July 2010, p. 9.
- ¹²⁷ Barbara Squires, Benevolent Society, emailed Shelter NSW staff on 20 June 2010.
- ¹²⁸ Shelter NSW staff spoke with Joan Crawford, Wesley Homeshare on 19 August 2010.
- ¹²⁹ Bev Henry, Homeshare Tasmania, emailed Shelter NSW staff on 19 August 2010.
- ¹³⁰ Julie Wulff, Homeshare WA, emailed Shelter NSW staff on 19 August 2010.
- ¹³¹ Ali Ayliffe, UnitingCare Wesley Adelaide, spoke to Shelter NSW staff on 19 August 2010.
- ¹³² Ben Carstein, ‘Economic evaluation of Homeshare Victoria’, Homeshare Victoria, February 2003, p. 6.
- ¹³³ Benevolent Society, ‘Homeshare: an evaluation of outcomes for clients of the Benevolent Society’s Homeshare program (2006–2008)’, November 2008, p. 3.
- ¹³⁴ SVA Consulting, ‘Homeshare NSW: SVA Consulting Review’, 7 May 2008, p. 29.
- ¹³⁵ Ludo McFerran, pp. 11–13, 26–27.
- ¹³⁶ Helen Kimberley and Bonnie Simons, ‘The Brotherhood’s social barometer: living the second fifty years’, Brotherhood of St Laurence, 2009, p. 47.
- ¹³⁷ Housing NSW, annual report, 2007–08, p. 19.
- ¹³⁸ Private Rental Subsidy, Housing Pathways, viewed 16 December 2010: <<http://www.housingpathways.nsw.gov.au/NR/rdonlyres/2F294EA9-30E1-4D12-A205-375808AA4BA3/0/PrivateRentalSubsidy.pdf>>, <<http://www.housingpathways.nsw.gov.au/Ways+we+can+help/Private+Rental+Assistance/Private+Rental+Assistance+Policy.htm>>. The Private Rental Subsidy was previously

- known as the Special Assistance Subsidy. See also Start Safely Subsidy, Housing Pathways, viewed 16 December 2010: <<http://www.housingpathways.nsw.gov.au/NR/rdonlyres/66D06669-012D-4A83-B71A-D1C610FAAC30/0/StartSafely.pdf>>.
- ¹³⁹ Mortgage Assistance Scheme, Housing NSW, viewed 16 December 2010: <<http://www.housing.nsw.gov.au/NR/rdonlyres/72CB7A41-6EA3-4892-A512-2B2522957AD3/0/MortgageAssistanceSchemeBrochure.pdf>>.
- ¹⁴⁰ Robert Mowbray, 'Disinvestment and the big lie', *Around the House*, no. 80, March 2010, Shelter NSW, pp. 3–5.
- ¹⁴¹ Shelter NSW, 'Submission on draft Residential Tenancies Bill 2009', 18 December 2009, viewed 19 February 2010: <<http://www.sheltersnsw.org.au/docs/sub09drafttenanciesbill.pdf>>. In our submission we expressed our support for the submission from the Tenants Union of NSW (Tenants Union of NSW, 'Submission on the draft Residential Tenancies Bill 2009', December 2009, viewed 21 May 2010: <<http://intranet.tenants.org.au/print/policy-papers/submission-draft-rtbill.pdf>>).
- ¹⁴² NSW Fair Trading, 'Residential Tenancies Act 2010', viewed 16 December 2010: <http://www.fairtrading.nsw.gov.au/About_us/Legislation/Changes_to_legislation/Residential_Tenancies_Act_2010.html>.
- ¹⁴³ 'Submission on draft Residential Tenancies Bill 2009', Shelter NSW, p. 3.
- ¹⁴⁴ 'Submission on the draft Residential Tenancies Bill 2009', Tenants Union of NSW, Part 5.
- ¹⁴⁵ National Shelter and National Association of Tenant Organisations, pp. 44–45.
- ¹⁴⁶ *ibid.*, pp. 32–33.
- ¹⁴⁷ 'Submission on draft Residential Tenancies Bill 2009', Shelter NSW, pp. 3–4.
- ¹⁴⁸ Tenants Union of NSW, 'Submission on the draft Residential Tenancies Bill 2009', Part 11.
- ¹⁴⁹ National Shelter and National Association of Tenant Organisations, pp. 41–43.
- ¹⁵⁰ Shelter NSW, 'Submission on draft Residential Tenancies Bill 2009', p. 2.
- ¹⁵¹ *ibid.* In May 2010, minimum standards for residents in licensed residential centres or licensed boarding houses (covering the accommodation, care, safety, wellbeing and welfare of residents) were introduced via amendments to the Youth and Community Services Regulation 2005 (which expired on 1 September 2010). A Youth and Community Services Regulation 2010 came into operation on 1 September 2010.
- ¹⁵² Tenants Union of NSW, 'Submission on the draft Residential Tenancies Bill 2009', Part 1, and NCOSS, pp. 24–25.
- ¹⁵³ Section 71E of the Act sets out 'occupancy principles', such as 'an occupant is entitled to live in premises that are reasonably clean, in a reasonable state of repair and reasonably secure', 'an occupant is entitled to know the rules of the premises before moving in' and 'an occupant is entitled to quiet enjoyment of the premises'.
- ¹⁵⁴ European Federation of National Organisations Working with the Homeless (FEANTSA), 'The role of housing in pathways into and out of homelessness', European Report, 2008, pp 36–37, pp. 32–33.
- ¹⁵⁵ National Shelter and National Association of Tenant Organisations, p. 38.
- ¹⁵⁶ NSW Fair Trading, 'Standard form: residential tenancy agreement (where a tenancy is for a term not exceeding three years)', viewed 2 June 2010: <http://www.fairtrading.nsw.gov.au/pdfs/Tenants_and_home_owners/Tenancyagreement_conditi onreport.pdf>.
- ¹⁵⁷ Shelter NSW submitted a comment to NSW Fair Trading on a draft Residential Tenancies Regulation 2010 on 7 October 2010 in accordance with this proposal. The Residential Tenancies Regulation 2010 which will come into operation on 31 January 2010 includes contact details for NSW Fair Trading, Law Access NSW and Tenants Advice and Advocacy Services (TAAS) in the standard form residential agreement.
- ¹⁵⁸ Equal Opportunity Commission, 'Accommodating everyone', Perth, 2009, p. 65.
- ¹⁵⁹ *ibid.*, p. 67.
- ¹⁶⁰ *ibid.*, p.65.
- ¹⁶¹ *ibid.*, p.70.
- ¹⁶² *ibid.*, p. 64.

- ¹⁶³ See section 42.
- ¹⁶⁴ Housing NSW annual report, 2007–08, p. 19.
- ¹⁶⁵ Lara Sabbadin, in her ‘Creative solutions’ presentation at the ‘Making the invisible visible: effective responses to women and homelessness’ forum, reported that some members of the Sydney Women’s Homelessness Alliance are currently drafting a pilot outreach project which would provide support services to women in receipt of Temporary Accommodation in inner Sydney (Sydney Women’s Homelessness Alliance, Sydney, 3 August 2010).
- ¹⁶⁶ Leigh Connell, ‘BHAG of support’, in *Parity*, vol. no. 22, issue no. 5, June 2009, p. 27.
- ¹⁶⁷ NSW Government, ‘Regional Homelessness Action Plan 2010–2014: Coastal Sydney’, 2010, p. 31.
- ¹⁶⁸ ‘Response to the draft NSW Liberals and Nationals social policy framework, *Smarter, stronger, healthier, safer* – a submission to the Leader of the Opposition from Shelter NSW’, p. 9.
- ¹⁶⁹ *ibid.*, p. 10.
- ¹⁷⁰ Iain Atherton and Carol McNaughton, “‘Housing first’ as a means of addressing multiple needs and homelessness”, *European Journal of Homelessness*, vol. 2, December 2008, pp. 289–303, pp. 291, 300. Part of the housing first approach is that being in stable housing also facilitates intimacy, security, relationships, management of belongings, self-esteem and accessing employment, and so can make the social inclusion of homeless people more likely (FEANTSA, pp. 36–37).
- ¹⁷¹ D Habibis, R Atkinson, T Dunbar, D Goss, H Eastshope and P Maginn, ‘A sustaining tenancies approach to managing demanding behaviour in public housing: a good practice guide’, Australian Housing and Urban Research Institute, AHURI Final Report no. 103, 2007, p. 27.
- ¹⁷² A study of foyer accommodation (which combines housing for homeless young people with educational, training and other support services) in the United Kingdom has noted that it was difficult to continue providing support services after a young person had left foyer accommodation, particularly when he or she had been evicted (D Quilgars and I Anderson, ‘Addressing the problem of youth homelessness and unemployment: the contribution of foyers’, cited in R Burrows, N Pleace and D Quilgars (eds), *Homelessness and Social Policy*, Routledge, London, 1997, pp. 216–228, at p. 224).
- ¹⁷³ Catherine Bridge, Paul Flatau, Stephen Whelan, Gavin Wood and Judith Yates, ‘Housing assistance and non-shelter outcomes’, Australian Housing and Urban Research Institute, 2003, p. i. For example, housing assistance programs may influence non-shelter outcomes relating to physical and mental health, education, labour market outcomes, crime, community participation and social cohesion, income/wealth distribution and poverty outcomes, and locational advantage.
- ¹⁷⁴ Australian Housing and Urban Research Institute Research Synthesis Service, p. 1. A recent US study shows that for individuals or families who primarily require permanent housing without supports or those whose service needs can be provided by mainstream systems, permanent supportive housing tends to be less costly than transitional housing, as their service costs are mostly borne by mainstream agencies (US Department of Housing and Urban Development, ‘Costs associated with first-time homelessness for families and individuals’, 2010, p. P-1.).
- ¹⁷⁵ Guy Johnson, Kristin Natalier, Phillip Mendes, Mark Liddiard, Stian Thoresen, Andrew Hollows and Naomi Bailey, ‘Pathways from out-of-home care’, Australian Housing and Urban Research Institute, 2010, AHURI Final Report no. 147, p. 1.
- ¹⁷⁶ *The road home*, pp. 17–18. The following interim targets for 2013 are related to the key interim targets: the number of people engaged in employment and/or education/training after presenting at specialist homelessness services is increased by 50%; the number of people exiting care and custodial settings into homelessness is reduced by 25%; the number of families who maintain or secure safe and sustainable housing following domestic or family violence is increased by 20%; the number of people exiting from social housing and private rental to homelessness is reduced by 25%; the number of young people who are homeless or at risk of homelessness with improved housing stability and engaged with family, school and work is increased by 25%; the number of children who are homeless or at risk of homelessness provided with additional support and engaged in education is increased by 50%; the number of families who are homeless or at risk of homelessness who receive financial advice, counselling and/or case management is increased by

- 25%; and the number of people who are homeless or at risk of homelessness who receive legal services is increased by 25%.
- ¹⁷⁷ NSW Government, *A way home: reducing homelessness in NSW, NSW Homelessness Action Plan 2009–2014*, 2009, p. 13.
- ¹⁷⁸ This initiative is also included in the homelessness white paper (*The road home*, p. 26).
- ¹⁷⁹ *ibid.*, pp. 24, 33, 35.
- ¹⁸⁰ Council of Australian Governments, ‘National Partnership Agreement on Homelessness’, 2008, viewed 22 June 2010: <http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_homelessness.pdf>.
- ¹⁸¹ Council of Australian Governments, ‘National Affordable Housing Agreement’, 2008, viewed 22 June 2010: <http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/IGA_FFR_ScheduleF_National_Affordable_Housing_Agreement.pdf>.
- ¹⁸² Tanya Plibersek, then Commonwealth Minister for Housing, and David Borger, then NSW Minister for Housing, ‘\$284 million to target homelessness in NSW’, media release, 2 August 2009, viewed 22 June 2010: <<http://www.housing.nsw.gov.au/NR/rdonlyres/8378BF38-C20B-4AAB-90EB-84E9DEDD1F28/0/090802HOUSINGhomelessnessactionplan.pdf>>.
- ¹⁸³ Housing NSW, ‘National Partnership Agreement on Homelessness: NSW Implementation Plan 2009–2013, year 1’, viewed 22 June 2010: <<http://www.housing.nsw.gov.au/NR/rdonlyres/D63F83BA-EF0E-4C66-B131-CED20D757B7B/0/Nationalagreementhomelessness.pdf>>, Housing NSW, ‘Regional Homeless Action Plans 2010–2014 – Planning Framework’, viewed 22 June 2010: <<http://www.housing.nsw.gov.au/NR/rdonlyres/C5874781-602B-4116-ACFB-AEC3FB9F5E4D/0/RHAPPlanningFramework.pdf>>, Frank Terenzini, NSW Minister for Housing, ‘NSW leads the way in tackling homelessness’, media release, 1 August 2010, viewed 10 August 2010: <<http://www.housing.nsw.gov.au/NR/rdonlyres/62B8C697-2C6B-40EA-B52A-64E2BC9F51D9/0/RegionalHomelessnessActionPlans.pdf>>, Housing NSW, Regional Homelessness Action Plans for 2010–2014 for the Central Coast, Coastal Sydney, Greater Western Sydney, the Hunter, the Illawarra, New England/North West, the North Coast, Riverina Murray, the South East and Western NSW, 1 August 2010, viewed 10 August 2010: <<http://www.housing.nsw.gov.au/About+Us/Reports+Plans+and+Papers/Regional+Homelessness+Action+Plans+2010++2014.htm>>.
- ¹⁸⁴ Tanya Plibersek MP, Commonwealth Minister for Housing, ‘National Rental Affordability Scheme round four calls for applications’, media release, 28 May 2010, viewed 1 June 2010: <<http://www.alp.org.au/news/national-rental-affordability-scheme-round-four-calls-applications>>.
- ¹⁸⁵ The National Rental Affordability Scheme (NRAS) aims to increase the supply of affordable rental dwellings, reduce rental costs for low- to moderate-income households, and encourage investment in and innovative delivery of affordable housing. The scheme offers annual tax incentives for dwellings for a 10-year period provided that the dwellings are rented at 20% below the market rent to eligible low- and moderate-income households (Department of Families, Housing, Community Services and Indigenous Affairs, viewed 19 May 2010: <<http://www.fahcsia.gov.au/sa/housing/progserv/affordability/nras/Pages/default.aspx>>). However on 18 July 2010, Prime Minister Julia Gillard announced that about \$150 million in unspent funds from the budget for NRAS would be redirected to fund a ‘Building better regional cities’ strategy, and that the target of constructing 50,000 new dwellings under NRAS has been extended from mid-2012 to 2014 (Nick Lenaghan and Sophie Morris, ‘Low-rent scheme raided for regional housing’, *Australian Financial Review*, 20 July 2010, viewed 11 August 2010: <http://afr.com/p/national/low_rent_scheme_raided_for_regional_w4YYqmWLB6aNYndNebWcO>.)
- ¹⁸⁶ Funding under the Social Housing Initiative was also utilised to implement major repairs to up to 10,000 run-down social housing dwellings that would no longer have been able to be used (the original target was to repair 2,500 homes). Nation Building Economic Stimulus Plan, ‘Social

- housing', 2010, viewed 15 December 2010:
<http://www.economicstimulusplan.gov.au/housing/pages/housing_social.aspx>.
- ¹⁸⁷ Tanya Plibersek, 'Homeless Australians to benefit from social housing stimulus', media release, 22 December 2009, viewed 18 February 2010: <http://www.tanyaplibersek.fahcsia.gov.au/internet/tanyaplibersek.nsf/print/homeless_au_to_benefit_22dec2009.htm>.
- ¹⁸⁸ Council of Australian Governments, National Partnership on Remote Indigenous Housing – Variation, 2010, p. 7, viewed 22 June 2010:
<http://www.federalfinancialrelations.gov.au/content/national_partnership_agreements/indigenou s/remote_indigenous_housing/Remote_Indigenous_Housing_-_variation_NP.pdf>. As at 15 December 2010, the NSW implementation plan for the National Partnership on Remote Indigenous Housing was not available from the Ministerial Council for Federal Financial Relations.
- ¹⁸⁹ 'National Partnership Agreement on Social Housing', Department of Housing, Families, Community Services and Indigenous Affairs, viewed 22 June 2010:
<<http://www.fahcsia.gov.au/sa/housing/progserv/affordability/affordablehousing/Pages/NPASocialHousing.aspx>>.
- ¹⁹⁰ 'A Place to Call Home', Department of Housing, Families, Community Services and Indigenous Affairs, viewed 22 June 2010:
<http://www.fahcsia.gov.au/sa/housing/progserv/homelessness/Pages/place_to_call_home.aspx>, Tanya Plibersek, 'Opening of *The road home*: progress and lessons exhibition', media release, 22 June 2010, viewed 23 June 2010:
<http://www.tanyaplibersek.fahcsia.gov.au/speeches/2010/Pages/tp_s_roadhome_22june2010.aspx>.
- ¹⁹¹ A round three call for applications under NRAS closed on 31 August 2010, and a round four closed on 14 December 2010, but no projects for New South Wales have been announced.
- ¹⁹² The stimulus package has also funded the maintenance of 31,000 social housing homes in New South Wales: Housing NSW, viewed 15 December 2010:
<<http://www.housing.nsw.gov.au/Changes+to+Social+Housing/Nation+Building+Economic+Stimulus+Plan/>>.
- ¹⁹³ Aboriginal Housing Office, 'State Budget 2010–2011: Aboriginal Housing Office commentary', June 2010, p. 4.
- ¹⁹⁴ 'Social Housing Implementation Plan – NSW', Department of Housing, Families, Community Services and Indigenous Affairs, viewed 22 June 2010:
<<http://www.fahcsia.gov.au/sa/housing/progserv/affordability/affordablehousing/Pages/nsw.aspx>>.
- ¹⁹⁵ 'A Place to Call Home', *ibid.*