

Attention: Wilma Falcone  
**Director, Housing Statewide Services**  
Department of Communities and Justice (DCJ)  
Via Email [HousingSS-Consultation@facns.nsw.gov.au](mailto:HousingSS-Consultation@facns.nsw.gov.au)

Shelter NSW is writing in response to the discussion paper 'Housing People in Temporary Accommodation and Relocating Tenants for Portfolio Management Purposes' (November 2020). That document proposes changes to the process for making and appealing offers of public housing made to people currently in Temporary Accommodation (TA) or who have recently accessed TA, and tenants being relocated for portfolio management purposes.

As a general statement, Shelter NSW supports efforts made by the NSW Government to transition people living in Temporary Accommodation into more suitable and stable housing. During the Covid pandemic we have seen the criticality and life-changing impact of assisting people to move from rough sleeping, into temporary accommodation and into ongoing housing. Shelter NSW also supports any efforts made by the NSW Government to increase the amount of diverse, accessible and well-maintained social housing stock but note that a state-wide waiting list of 50,000 applications (from households) and maintenance backlogs suggest major investment is required in order to meet demand.

We are concerned however, that the changes proposed in this draft process are very significant, particularly regarding the dramatic proposed reductions of end-to-end process time. We are especially concerned about the various proposals that reduce applicant/tenant decision-making time.

Given the scope and scale of the changes, we had expected to see some level of data and analysis demonstrating the need for the change. On the contrary, the document notes that 88% of tenants/applicants accept first offers and that fewer than 1% pursue appeal. In this case, Shelter NSW is unconvinced why such dramatic changes need to be made in order to shorten a process for 'the many' when so few exercise the full extent of appeal timeframes.

Having said that, Shelter NSW supports any efforts by the Department or its agencies to expedite access to appeals whether that be to DCJ or the Housing Appeals Committee (HAC). That is however, on the proviso that genuine procedural fairness is afforded to tenants/applicants during that process. We wonder how the very practical requirements of procedural fairness, such as contacting people, gathering documentation, seeking advice from advocates, responding to questions and request for information are not severely compromised by such accelerated timeframes? Pressure on DCJ staff to meet such accelerated timeframes may also, we fear, lead to very unfortunate unintended consequences for tenants/applicants. What 'shortcuts' may DCJ staff feel compelled to make in order to meet radically reduced turnaround times?

*Appendix A* sets out some specific comments and suggestions that we have. In the case of the proposed process for *Relocating Tenants for Portfolio Management Purposes* we have drawn on our relationships with tenants who experienced the Millers Point transfer. We will offer a number of particular suggestions as to how we think the general process can and should be improved.



More generally though, we will note that large transfer processes tend to be especially complex and protracted; unduly stressful and confusing for tenants. The application of this specific offer and acceptable process often comes into play after an emotionally draining and disruptive 'planning process' impacting tenants before an offer for relocation is even made.

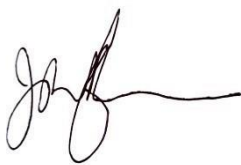
We strongly encourage the Department to actively adopt key engagement and consultation processes to build tenant trust and confidence in, 'The Government (their landlord)', its agencies and DCJ processes that will be employed in the later stages of the transfer process – when the tenant is required to relocate. It is our firm belief, that high-quality engagement during the life of social housing renewal projects will lead to better outcomes for tenants and DCJ during the challenge of the 'offer and acceptance stage'.

Our recommendations include a request that DCJ adopt a broader set of principles to improve the quality of engagement and consultation with its tenants through the length of a renewal process. We are recommending that a 'compact for renewal' be adopted. We have attached a specific set of principles already developed: *A Compact for Renewal: What tenants want from Renewal*. That report comes from stage one of a project conducted by Shelter NSW, Tenants' Union of NSW and the City Futures Research Centre UNSW. I do understand that you are seeking our observations about the specific DCJ process for relocating tenants, but suggest that the 'compact' may offer some broader advice on how improve the likelihood of a smooth tenant relocation process (for the tenant and DCJ alike).

Thank you for the opportunity to make comment on this proposal. We are very happy to offer further advice and explanations if required. We would also appreciate being updated on any amendments to the proposed process as well as plans to implement it.

For further information do not hesitate to contact Stacey Miers, Principal Policy Officer on 0410 633 272 or Cathy Callaghan, Senior Policy Officer on 0407 067 587 or more generally via our email [admin@shelternsw.org.au](mailto:admin@shelternsw.org.au)

Regards,



John Engeler  
Chief Executive Officer, Shelter NSW



## Appendix A – Recommendations regarding:

### Accelerated appeal timeframes

Shelter supports the Department of Communities and Justice (DCJ) proposed amendments to first and second-tier appeals and their acceleration to the NSW Housing Appeals Committee (HAC) and that the HAC review will process will include an interview with the tenant. We believe however, that interviews for appeal applicants should be included as part of the standard practice (rather than when deemed ‘appropriate’). And we have noted in a cover letter our overall concern about the possibility for reduced procedural fairness due the overall compression of timeframes and especially the reduction in time for tenant/applicant decision-making and response.

### Tenants being relocated for portfolio management purposes – many opportunities for improvement

Shelter NSW believes that tenants being relocated for portfolio management purposes should be provided with as much support and information as possible to reduce any potential stress associated with leaving their current home, community and local support services. Tenants involved with the Millers Point transfer process note that they often lacked a basic understanding of their (and DCJ’s) rights and responsibilities regarding the transfer process. The Millers Point tenant experience suggest that there is much that can be improved (including for TA transfers).

#### Shelter NSW recommends that:

- DCJ should at the very least emulate the practices of leading community housing organisations which provide tenants with up to four or five offers when relocating them for portfolio management purposes. **Specifically, DCJ should provide people with at least three or four offers as a general rule.**
- **DCJ officers identifying properties for relocation need to have recently attended on-site and ensure that the Condition Report is accurate** (to prevent poorly maintained and inappropriate properties being offered to tenants)
- **DCJ staff should make it clear to tenants what their rights and responsibilities are regarding the relocation process.** Specifically, DCJ should:
  - provide in writing (with appropriate language and literacy considerations) the relocation and assessment process to ensure that tenants understand what the transfer process entails
  - advise and explain to tenants the criteria and process if they refuse a relocation offer.
  - provide written advice as to the practical meaning of a ‘right of return’ once the portfolio management and redevelopment process are complete.
  - provide tenants with information on the criteria for assessing a ‘reasonable offer’
  - conduct information sessions at the community level so that tenants are able to develop a shared and accurate understanding of the relocation process



- **There be greater transparency when the ‘relocation needs statement’ is developed.**  
Shelter has received feedback that conflict and debate about suitability of offers can often be traced back to misunderstanding at the ‘relocation needs assessment stage’.  
Often tenants only learn how the department has (incorrectly) assessed their need for specific factors when discussions are had much later in the process about ‘reasons for refusal’.  
Specifically,
  - Tenants need clear information about what is a ‘need’ versus a ‘want’. In the cases of ‘need’ say for example, for a property without stairs, tenants should be advised as soon as possible in the process that they need medical forms and other support documentation associated with their offer.
  - Tenants should be provided with a checklist prior to the relocation assessment meeting so that they are able to work through their own thinking on ‘needs’ versus ‘wants’ and gather any relevant documentation that may assist the DCJ officer and expedite the overall process.

### **Compact for Renewal – improved engagement throughout renewal projects**

The document *A Compact for Renewal: What tenants want from Renewal* is attached to this email. It is a report from stage one of a project conducted by Shelter NSW, Tenants’ Union of NSW and the City futures Research Centre UNSW. The document proposes a series of principles for a proposed in-principle agreement between agencies undertaking urban renewal and social housing tenants affected by renewal.

Embedded in the principles are the need for respect for tenants and a commitment to real engagement; acknowledgment that renewal has damaging and disruptive impacts; and a call for impacts to be mitigated and minimised.

The Compact is the result of consultations with social housing tenants.

We recognise that other Government Departments and agencies drive key stages of the social housing renewal process, for example, Land and Housing Corporation. We suggest however, that as DCJ is accountable for the management of the tenants (‘the people’), it is best-placed to take a leadership role in adopting this Compact for Renewal. For your information, Shelter NSW will be re-commencing discussions within DCJ leadership on the adoption of the ‘Compact for Renewal’.

