

ENSURING SAFE, SECURE HOUSING OPTIONS FOR PEOPLE LEAVING PRISON

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STUDENT INTERNSHIP ISSUES PAPER

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Executive summary

For the nearly twenty thousand people who leave prison in NSW each year, housing is a serious concern. Homelessness is significant within this population with 50% expected to be homeless within only a few years of release. Housing should be a priority for those leaving the prison system, to ensure they can reintegrate back into society and stop the cycle of homelessness, poverty and further incarceration.

The Australian Institute of Health and Welfare's snapshot into homelessness and homelessness services identified that on census night in 2016 more than 116,000 people were estimated to be homeless in Australia with 58% being male, 51,000 people living in severely overcrowded dwellings, over 21,000 living in supported accommodation, 8,000 sleeping rough and 17,503 people living in boarding houses.¹ These statistics show an urgent need for transitional housing to support people who have been in prison.

The key recommendations of this report are based on both government and community sector research, as well as interviews conducted with key service providers. These recommendations include:

1. A need for a significant and urgent increase in social housing stock and government-supported affordable housing options.
2. Reform of exit processes within the prison system to ensure that all individuals can access housing support services prior to their release and the period immediately following.
3. Expansion of the eligibility criteria for social and affordable housing so that inmates do not have to wait until discharged to apply, and can access stable, secure, and affordable housing immediately upon release. A Housing First approach should be considered within the prison system to reduce recidivism.

Further advocacy on each of these key points is needed to ensure the government upholds its obligation of ensuring safe, secure, and affordable housing for all Australians. This means ensuring housing is accessible for people who leave prison or have been in the prison system and that there is ample affordable housing stock.

¹ D. M. Sotiri, 2020. *Submission to Standing Committee on Social Policy and Legal Affairs Inquiry into Homelessness*, Sydney: Community Restorative Centre.

Issue

In Australia between October 2018 and September 2019, 19,680 men and women were released from prisons in NSW, with over 50% of this group expected to be homeless within a few years of release.² One of the primary issues is that an individual is not deemed homeless until they leave the gates on release, which creates entirely avoidable administrative issues for people in need of personal, financial, or housing support, as you cannot access homelessness services if you are not classified as homeless.

With a chronic shortage of social and affordable housing, a shortage of crisis accommodation and an overwhelmingly high level of homelessness across NSW, adults who have been incarcerated face an unenviable struggle to find suitable safe, secure, and affordable accommodation. More than half of all people leaving prisons in Australia are expected to be homeless - with approximately 4000 people each year leaving prison into either homelessness or unstable accommodation.³ Many of these people exit into either homelessness or unstable accommodation, often requiring additional support for complex mental and physical health needs.

It should be a priority to ensure all Australians have access to safe, secure, and affordable housing as per the United Nations Universal Declaration of Human Rights (UDHR) which Australia played an important role in developing in 1948. Article 25 states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”⁴ Australia therefore has an obligation to ensure all Australians have access to safe, secure, and affordable housing, including those who are or have been incarcerated.

Context

Having a safe and stable place to live is a basic human right which if not met can lead to an entrenched cycle of poverty and involvement in the criminal justice system inevitably creating a vicious cycle.

Ensuring stable housing for people leaving incarceration is critical in the promotion of community safety, as it helps to reduce the likelihood of individuals reoffending and break the cycle of incarceration. In cases where housing is entirely inaccessible, prison can offer people a bed to sleep in and three meals a day, which can appear to be a better option than living in unstable accommodation.

² Sotiri, 2020. *Submission to standing committee.*

³ Sotiri, 2020. *Submission to standing committee.*

⁴ United Nations Declaration of Human Rights, Article 25

This is unacceptable and is a result of poor housing provision and community support. Prison should not be seen as a better option for housing.

Transitional housing is a critical missing link. For people exiting the prison system, being able to access low-cost accommodation that is well-supported by properly funded, independent community services allows people to bridge the gap between institutionalisation and the private market. ABC reporter Liz Kean identifies clearly the link between people who do not have stable living environments following their releases and the likelihood to reoffend and return to jail, describing the example of a former inmate seeking accommodation in an [article](#) from 2019.⁵ Unfortunately, we simply do not have enough short- to medium-term supported accommodation to house the high numbers of people leaving prison each year.

Challenges

1.1 Justice Connect Report

The Justice Connects report *Closing the Revolving Door: 12 months of stopping the cycle between imprisonment and homelessness* published in January 2020 explores the cycle between imprisonment and homelessness.⁶ This report identified debt as a major barrier for prisoners to access housing.

During a 12-month period, 59 Victorians have been provided with specialist legal help to maintain tenancy or resolve debt, with 87% of finalised legal matters being successfully resolved. This includes helping 29 prisoners with complex needs from being evicted into homelessness, with a cost saving of \$854,000 to the health, justice, and welfare system. 23 prisoners have also had over \$105,000 in housing debt waived allowing them to focus on securing housing and reintegration back into the community.

Recidivism is also a key issue. If prisoners exit prison into homelessness, they are twice as likely to return to prison within 9 months according to the data collected in the Justice Connects report. This is not only an issue for the individuals involved - the cost of incarceration on the taxpayer is also incredibly high. In Victoria the cost of incarceration is around \$116,000 per person every year which is very similar to the costs associated with incarceration in all states in Australia including New South Wales.

⁵ Liz Kean, "Where do people go when they leave jail?", ABC News [online], 17 August 2019, Accessed November 2021 from <https://www.abc.net.au/news/2019-08-17/where-do-people-go-when-they-leave-jail/11420636>.

⁶ Justice Connect, 2021. *Closing the Revolving Door: 12 months of stopping the cycle between imprisonment and homelessness*, s.l.: Justice Connect. Accessed November 2021 from <https://justiceconnect.org.au/our-services/homeless-law/tenancy-legal-help-for-prisoners/>.

Prisoners with complex health needs were a key demographic identified in this report. Among this group:

- 78% had experienced recent mental health issues
- 57% had previously experienced homelessness
- 53% had experienced family violence
- 12% identified as Aboriginal and Torres Strait Islander
- 70% were women.

The disproportionate representation of both women and Indigenous Australians in these statistics also indicates that the issues faced by those in the prison system are exacerbated by systemic issues of oppression and exclusion that disadvantage key groups in society more broadly.

1.2 Housing Action Report

Research conducted by Housing Action in their *Pathways Home* report identifies additional housing transition barriers for ex-prisoners entering the private rental housing system.⁷ Prisoners leaving incarceration will more likely be unemployed and will face barriers when re-entering the labour force and sustaining stable employment. Therefore, high chances of income insecurity are seen within this group until Centrelink benefits can be claimed, if eligible. Due to the high wait periods for public housing, many ex-prisoners are forced into the private market, and as welfare support payments are at historically low levels this inevitably reduces the housing options for people leaving prison.

With few personal possessions while in custody and the uncertainty of security of their home contents while incarcerated, another major barrier of concern is the inability of inmates or recent ex-prisoners to locate identification and other relevant documents needed for tenancy. Alongside a general lack of skills in accessing the housing system and managing housing issues such as applications, paying bills and neighbour disputes, this further increases the difficulty of maintaining stability and safety while renting private market housing. Support can also often be limited for people accessing services, who may have to choose between addressing other complex issues such as substance abuse, mental health, and family violence, or getting assistance with administrative processes related to housing. People who are on remand are often released at short notice giving them little time to organise housing or living arrangements. Private rental prejudice and discrimination by landlords and real estate agents as noted by ex-prisoners is yet another hurdle. As the private rental sector is the most commonly available type of housing, this leaves limited housing options available and a high likelihood that people will be left with unsafe and unstable living arrangements without the long-term support required to navigate these issues.

⁷ Gilmour, D. T., 2018. *Pathways Home: NSW community housing's role delivering better outcomes for people exiting corrective services*, s.l.: Housing Action Network. Accessed November 2021 from <https://static1.squarespace.com/static/56a56b4a05f8e21e9555eb4e/t/5b3cad9970a6ad4a13778a7e/1530703265762/NSW+housing+ex-prisoners.pdf>.

1.3 Interview with Tribal Warrior - August 19, 2021

Tribal warrior, established in 1998, is a community organisation based in Redfern that aims to revitalise local Aboriginal culture through economic and social stability. Their programs include:

- Mentoring younger members of the community and their families
- Sharing and practicing culture
- Providing employment pathway opportunities
- Facilitating greater economic participation

Tribal Warrior also runs a program called Never Going Back, which is designed to successfully transition inmates (primarily, but not exclusively Indigenous men) back into the community. During consultation some key themes were identified, the first among these being the need for housing and social support for people when leaving custody. Couch surfing is a common practice amongst clients, while many others live in overcrowded dwellings. This is partly due to the strength and importance of community ties and family connection as people want to stay within their communities and not be forced into outer suburbs where housing may be more affordable. This means it is important to consider community and family connections when looking for housing for all individuals.

The lack of housing and employment pathways was identified as an issue. Individuals with criminal records face a number of barriers to both housing and employment which often go hand in hand as housing may often rely on an individual being employed and one may struggle to find employment if they are living in unstable accommodation. Stability when leaving prison in the form of support and housing can have a major impact on breaking the cycle of incarceration. With a lack of pathway programs for work and housing to help support people leaving prison this can cause instability during the crucial period of 2 to 6 months after leaving prison in order to break the cycle of incarceration.

The Tribal Warrior interview also highlighted the importance of ensuring that individuals' connection with land and community is upheld. For this reason, long-term, culturally appropriate support is a critical part of breaking the cycle of homelessness and imprisonment for Indigenous Australians in particular.

1.4 Interview with Glebe House - October 13, 2021

Glebe House is a therapeutic community in Sydney's Inner West that helps men transition to a life free from addiction by providing them with supported accommodation for a period of time, alongside targeted mentoring and social support services.

Glebe House runs two programs: stage one consists of a 12-week residential component which can take 6-7 participants; stage two follows on from the 12-week residential component and offers open-ended aftercare and continuing treatment. An interview was conducted with two men who have been through these programs and now work at Glebe House themselves, providing direct support to individuals currently in the programs.

The interview highlighted the fact that support is essential. Glebe House's support program, though limited in its eligibility criteria, is offered to individuals for up to 27 months, and can continue through their open door policy after the formal program is complete. Glebe House has staff who have lived experience working within the program which creates valuable insight and allows for participants and workers to connect through common experiences. While support is available, it may not be the right time in someone's life, they may not be ready the first-time leaving prison to access the support and stick with it. This is why it is important that support is given when people identify they want and or need it.

Stage two of their program allows for people to gain tenancy references which can be beneficial in gaining future housing as having references can help in today's competitive rental market. Glebe House ensures no one is left in the cold, with participants supported in developing an action plan well before the program's conclusion. While housing is important, so is employment, to which Glebe House takes a unique approach. Trauma-informed care is seen throughout their program with employment not pushed straight onto program participants. Rather, they encourage taking some time off before entering the workforce. Taking some time off recognises that people often need a period of time to readjust to the world outside of prison before entering the workforce.

Glebe House runs two very successful programs that adopt a trauma-informed approach to post-incarceration support by recognizing people may need time to readjust back into society before taking on life's added stresses such as employment. Having staff with lived experiences creates an environment for people to connect through common experience and allows for valuable insight that can only help improve the program as they have participated in the program themselves. The only downside which also is potentially why it works so well is that it has limited availability and very specific criteria. Therefore only a small number of people are able to access this program a year.

There is a clear need for an increase in programs and services similar to those provided by Glebe House. Funding should also be made available to organisations focusing on other cohorts, so that more people can be supported in such a thoroughly successful, long-term approach.

Housing Options

The types of housing accessed by those leaving incarceration varies depending on circumstance, but generally, most people would access either private rental housing, public and social housing, or community housing, with distinct challenges and issues involved in each.

Private Rental Housing

Private rental refers to any dwelling that is owned by an individual, company, or organisation and is for lease at a price point determined by the market (i.e. unsubsidised). Otherwise referred to as market housing, dwellings on the private rental market are regulated by NSW tenancy law, though the onus is generally on individuals (i.e. tenants) if they wish to prove that a rental property does not meet these regulations. This leaves disadvantaged tenants more likely to accept sub-par or even unsafe housing due to the administrative and financial challenges of raising a legal issue with the NSW Civil and Administrative Tribunal, which mediates such disputes.

The private rental sector is often seen as a transitional stage of housing for people who are unable to purchase their own home. This has changed as property prices have increased, forcing many to rely on the private rental sector for long-term housing. While the private rental sector is the most common form of housing, there is an imbalance of power between tenants and their landlord due to legislative issues such as 'no-grounds' evictions. For ex-prisoners, simply applying for housing in a competitive market with a criminal record makes finding an affordable and appropriate rental in a short timeframe (after leaving prison) more difficult.

As private rental housing access is subject to market forces (and the government policies that affect them), it is an inherently less stable and accessible form of housing for vulnerable individuals. Tenants who have recently been incarcerated are also more vulnerable than most to falling behind in rent due to the added difficulty of finding secure work and may be impacted by complaints from neighbours or other tenants, as well as the range of other issues discussed in previous sections of this report. This leaves social or supported affordable housing as the most appropriate option for people leaving the prison system.

Social and Public housing

Social housing is a form of secure and affordable housing for people with low incomes. Social housing includes public, community, and Aboriginal housing. The Australian Institute of Health and Wellbeing data from 2019 indicates that 70% of all social housing is public housing, defined as housing owned by the NSW State Government, with rent set at around 25% of a tenant's income and eligibility limited to those on low or very low incomes.

Due to the low stock of available public housing in NSW, the waitlist for access to an appropriate dwelling can be extremely long. The NSW register has 46,087 people on the waitlist with 5,308 people as priority. The wait time for studio property is 5-10 year, a 2- bedroom property is a 5-10 year wait, a 3-bedroom property is a 10-plus year wait and a 4- bedroom property is a 5-10 year wait.

This crisis is particularly acute in high need areas. To narrow down on a specific example, the data for Wollongong City identifies that 1,232 people are on the waitlist as of 30 June 2020, with 56 on the priority list. [Expected waiting times](#) can be seen through the Department of Communities and Justice website, which shows a breakdown for each area. The wait time for a property in Wollongong is 5-10 years with 3-bedroom homes exceeding 10 plus years the same as NSW wait times. People in crisis and in need of accommodation on short notice simply cannot wait this long for housing, and many would be disadvantaged even more by the uncertainty of waiting on the social housing list.

Glebe House encourages people after finishing their program to take time off before entering the workforce, meaning they would most likely need to rely on government assistance. This means until they re-enter the workforce, private rental in many circumstances may be too expensive. Therefore social housing would be beneficial to this group of people who require support and stability while getting back on their feet after leaving prison, however the low stock and high wait times for social housing make it entirely unsuitable as a practical solution currently.

Community Housing

Community housing is owned and managed by Community Housing Providers which are regulated to ensure that rent is at least 75% of the average local market rate, and accessible to people on low income or to specific disadvantaged populations. It is also commonly referred to as 'key worker' housing, due to its rental price point sitting around the median wage of public sector workers like early-career teachers and nurses. Data collected by the Australian institute of health and wellbeing in 2019 indicates that 23% of all social housing is managed by the community housing sector.

The benefit of community housing is that it is more affordable than private rental and more expensive than social housing, but the eligibility may be more flexible and more inclusive than social housing, and specific developments can be targeted to particular communities. This is partly why the community housing sector is able to provide effective forms of transitional housing, as the wrap-around services needed by people transitioning between different forms of housing, stages of life, or government institutions (such as prison or hospital) can be provided directly on site, and rental arrangements can be set to suit the specific cohort.

Transitional housing is a form of supported community housing. Transitional housing is extremely important in being the barrier between homelessness, often targeting particular at-risk groups. Transitional housing allows for people to access short to medium term accommodation which is critical to get people who are experiencing homelessness to gain somewhat stable housing. The Youth Foyer program in Chippendale is a great example of transitional housing. The foyer program allows for young people between the ages of 18 and 22 who have been living in out of home foster care to live in supported accommodation called [Foyer Central](#). This program aims to support young people through a period of time while they find their feet after leaving care.

Unfortunately, the overall stock and availability of community housing is limited and is not always affordable for people on low- and very low-incomes, depending on which market average is used to calculate rent settings. However, the flexibility of community housing providers means that, given appropriate government support, the sector can very effectively provide for the housing needs of particular at-risk groups such as people leaving the criminal justice system.

Housing First approach

The Housing First approach is an international model for housing aimed at supporting people who have experienced long term and recurring homelessness who face a range of complex challenges.⁸ Rather than a list of specific policies, it is primarily a set of principles that can inform governments, policy-makers, and advocates.

Housing-first principles

The Housing First model is based on the principle that people have the right to a safe and secure home without it being contingent on means testing or restrictive criteria. As outlined by the National Alliance to End Homelessness (a US organisation):

Housing First is a homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. This approach is guided by the belief that people need basic necessities like food and a place to live before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues.⁹

Under this model, housing and support must be functionally separate to ensure they are not contingent upon each other. The Housing First principles consist of flexible support for as long as needed to allow for each individual's unique set of circumstances to gain access to support as required. Choice and self-determination give individuals the power to define for themselves what makes a home. Active engagement without coercion means the onus is on the worker to maintain the relationship, ensuring workers are actively engaging rather than blaming tenants for "disengaging". Social and community inclusion is an important part of support as it builds a sense of self and connection to others, in turn this principle is a protective factor for people's tenancy, health and overall wellbeing.

From a social work perspective, recovery-orientated practice understands that recovery is not about an expectation of people being symptom free but focuses on people being able to recover a sense of self and create their own place within the community. A harm reduction approach supports proactive strategies to reduce negative impacts, while education is to ensure people can make informed choices,

⁸ Homelessness Australia, 2021. *Housing First Principles for Australia*, s.l.: Homelessness Australia. [Housing First – Homelessness Australia](#)

⁹ National Alliance to End Homelessness, "Housing First", publication, 20 April 2016. From <https://endhomelessness.org/resource/housing-first/>.

and support is guided by this individual choice. Ensuring housing and or support is not withdrawn due to people who chose to continue to participate in high-risk activities. The Housing First approach identifies housing as a basic human right and a foundation to achieve and progress.

Implementation of Housing First approach

While housing may not fix the problems an individual is experiencing automatically, it gives people a solid foundation to then tackle life with support closely linked. The Australian Urban Housing and Research Institute report [Leaving rehab: enhancing transitions into stable housing](#) indicated that it is critical to ensure that housing is seen as a priority. For example, when a person has multiple issues such as mental health difficulties on top of being homeless, different disciplines may deem priority to be mental health rather than housing. The Housing First approach is to get people to holistically look at the issues, with prioritisation of stable and secure housing as a base need.

Conclusion

Housing is a crucial element in breaking the cycle of incarceration. While conducting research to write this Issues Paper, some key themes were identified, one being the importance of stability. Stability is vital which means secure, safe, and affordable housing; as there is a lack of suitable and affordable housing options for people leaving prison, there is clearly a lack of stability. Transitional housing is a good option to create short to medium term stability which allows for people to get back on their feet when re-entering society.

Unconditional and culturally appropriate support is also an essential part of breaking the cycle of incarceration, with housing often just one of many barriers that people face. Statistics show that over 50% of people leaving prison expect to be homeless within a few years, meaning housing is an important issue that needs to be addressed urgently. A holistic approach that understands the role of housing as a foundation upon which other issues can be resolved is critical, and the Housing First model is a framework which recognises and addresses this need.

When looking at housing options for people who have had contact with the prison system, there are a number of issues that need to be addressed. First is the need to dramatically and urgently increase social housing stock and improve supported affordable housing options. Reform of the prison system is also needed to ensure every person leaving prison leaves into stable, secure, and affordable housing, including access to appropriate support, and that inmates are not limited in their access to housing due to administrative or bureaucratic issues. A Housing First approach, delivered through either government programs or funding, should be considered within the prison system.

Education for individuals and organisations is also needed. For individuals, understanding the housing system clearly is key to ensuring people know their rights in regard to housing; for organisations, it is clear that education on this issue is needed to drive further advocacy across the community sector, to

ensure the government upholds their obligation of ensuring safe, secure, and affordable housing is provided to the thousands of people leaving prison each year in NSW.

Lastly, it is critical that we not only increase the stock of affordable and social housing, but that we reduce the numbers of people entering or reentering the prison system in NSW. The huge and increasing number of people entering the prison system places an unnecessary burden on the already severely strained social housing sector and increases the vulnerability of people in dire need of support. Housing solutions such as the Housing First model, implemented with State government support, would significantly reduce recidivism, acting as an important first step in mitigating this issue of over-incarceration.

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