



INQUIRY INTO THE RESIDENTIAL TENANCIES AMENDMENT (PROHIBITING NO GROUNDS EVICTIONS) BILL 2024

Questions taken on notice

Question 1:

In the submission, Ms Bailey, that Faith Housing have put forward, you mention something that was actually raised last night, and that is the definition of family. Could you please elaborate on what you mean by a clear definition of family? I know, but I think for the record it would be really good, given the realities that we face here in western and south-western Sydney, where we are not talking nuclear families. Would you be able to please elaborate on that? Do you have any feedback on how the future legislation can provide more clarity around the definition of a family?

Response:

Faith Housing Alliance has 67 members (as of 13/8/24), 21 of which are registered Community Housing Providers (CHPs) under the National Regulatory System for Community Housing, and four are in the process of registering. Of these 25 faith-based members, 20 are community service providers delivering a broad range of supports, including specialist homelessness services, aged care, home care and retirement living, youth and family services (including out-of-home care and family preservation), mental health, alcohol and drugs support, suicide prevention, support for people with disability, education and training, and early learning. They are some of Australia's most reputable charities, serving the community for centuries, with the earliest work delivering housing in NSW commencing in 1815. Housing is a critical and growing part of their work as they respond to community needs and the housing crisis.

Considering this context, our members work with families, supporting all types of kinship units, even when their members do not share a common household. This takes into account important cultural understandings of family and family membership across generations where there are important social and relational ties.

When it comes to housing provision, household size is captured at intake, where its members and their needs are identified, and a suitable accommodation configuration is assessed to meet the tenants' needs. Kinship obligations are part of this assessment, with additional rooms provided to meet these needs where possible.

Less than half of our CHP members have or manage housing stock suitable for households requiring more than 3-bedroom configurations. Stock of 4-6+ bedrooms is very limited.



This circumstance is why Faith Housing Alliance recommends the additional reasonable ground for eviction be adopted;

Recommendation:

Changes to a tenant's needs may mean a particular social housing property configuration is no longer suitable (for example, a parent with children and their family circumstances change or their family grows). To ensure the full utilisation of limited social housing stock, the following prescribed reason should be added; ***'The property is used for communitu housing and is no longer suitable for the tenants' needs.'***

Faith Housing Alliance recommends that our members working experience of support for larger households and kinship obligations is considered, to ensure future legislation reflects cultural considerations.

We have also recommended to the NSW Government in our 2024-25 budget submission that research be invested in to deliver NSW-wide Housing Access Rating Tool/Housing Needs Assessment to ensure that increased housing supply meets the needs of larger households beyond 1—and 2-bedroom configurations. This would complement the existing work as part of the Australian Housing Data Analytics Platform.ⁱ

Question 2: from Chair, Jenny Leong

Just to jump in on this to ask Faith Housing if you have any comment on the use of no-grounds evictions? I imagine that is where you are going—I don't know. But, just in terms of how Faith Housing and your members use or don't use no-grounds evictions and if you can take on notice giving us any details around that.

Response:

Across our CHP members, there is a diversity of policies and procedures. Many maintain long-term commitments not to issue no-grounds evictions, and no members reported issuing one in the last 12 months.

It is common practice among members that tenancies are either ended voluntarily through notice or, in rare circumstances, terminated through the Tribunal.

Where a tenant has breached a term of their Residential Tenancy Agreement, they are advised in writing and given every opportunity, support and assistance to rectify the problem and sustain their tenancy. Where the breach has not been rectified, the CHP will typically apply to the NSW Civil and Administrative Tribunal (NCAT).

Data released by NCAT across Community Housing indicates eviction orders made by the Tribunal account for less than 2% of tenancies.



Some of these cases reflect short-term accommodation, including crisis, transitional, and other forms of accommodation designed to be time-limited within our current housing system. Our members report that the current housing system failure means tenants often remain much longer in short-term forms of accommodation, creating a system backlog. Members are committed to supporting tenants wherever possible to ensure their next step provides secure housing that meets their needs; sometimes, this is available within their portfolio; often, they partner with other CHPs to ensure tenants remain housed.

This circumstance is why Faith Housing Alliance recommends the additional reasonable ground for eviction be adopted;

Recommendation:

With consideration for CHPs who provide crisis and transitional accommodation, the following prescribed reason should be added;

'The property is used for transitional/supported housing, and the support program has ended.'

This would support accommodation types designed to provide shorter-term housing.

Question 3: from Chair, Jenny Leong

I just had a couple of questions that I wanted to clarify. I'm conscious of the time, so feel free to take them on notice if there's more detail you want to provide. In relation to Faith Housing, is it possible for you to give us on notice an indication of the scale of headleasing within your membership, as well? I know that Bridge has provided us with details of yours, and obviously it's easier to provide it for one organisation than it is for a whole network, but if there is the ability to provide us with some detail of what you think is the estimate of headleases within Faith Housing, that would be really appreciated. If there's any data around the kind of experience that your members have had on no-grounds eviction impacting the work that you do, that would be really helpful as well.

Response:

Less than one-third of our CHP members engage in headleasing, and for those who do, it is utilised across a range of programs, including transitional housing, supported independent living (in the case of young people transitioning from care to independence) and Together Home.

In some circumstances, the CHP takes on the lease and transfers it to the tenant when they are able to maintain the tenancy themselves, helping to build their good rental history and support their independence.

On occasion, the owner withdraws these properties, and the CHP can receive a 'no grounds' termination. In this circumstance, our members find an alternative property, sometimes within their existing portfolio, and assist tenants in moving.



Anecdotal evidence from members indicates that they have seen these properties subsequently readvertised at higher rents, with the 'no grounds' eviction being used as the mechanism for private landlords to apply significant rental increases.

Question 4: from Jenny Leong

In relation to the comments that you made around a property no longer being suitable—for example, if it's a larger property and people moved out—if there are any examples of the policies that your members used to be able to do that and what the procedures are for how that happens, that would be really helpful. One of the things that's being discussed is the ability to improve the way that tenants and landlords are able to negotiate and work out an arrangement; for example, if a property is being renovated and that kind of thing. Potentially we can learn from the types of policies that your members have around navigating some of those things, where there isn't a fault of the tenant, but there is a need to make a move. If there are examples of that, that would be appreciated.

Draft response:

Assessments of under/over occupancy are undertaken to ensure properties continue to meet tenants' needs and to achieve management objectives of full utilisation of limited community housing stock.

Changes in circumstance may prompt the tenant to seek a transfer to a property that better suits their needs, or a tenancy worker on behalf of the CHP may initiate the conversation, typically in person and are followed up in writing where necessary. These conversations are within the supportive context of providing housing and holistic supports.

Some examples of our members' policies in this area that also cover emergency management transfers, ageing in place and disability modifications and circumstances of under/over occupancy:

- Amelie Housing (St Vincent de Paul Society Housing Australia) ['Changing needs of tenants' policy](#)
- Hume Housing ['Social Housing Eligibility and Allocations Policy'](#)
- Wesley Community Housing ['Tenancy management' policy](#)

¹Example tools developed by the University of British Columbia; <https://hart.ubc.ca/housing-needs-assessment-tool/> and the University of Melbourne; <https://msd.unimelb.edu.au/research/projects/current/transforming-housing>. The tool would complement existing work as part of the Australian Housing Data Analytics Platform; <https://www.ahdap.org/>, led by UNSW City Futures Research Centre.