

**Submission
No 36**

TENANCY MANAGEMENT IN SOCIAL HOUSING

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Date Received: 14/08/2014



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NGO in Special Consultative Status with the
Economic and Social Council of the United Nations

People with Disability Australia (PWDA)

NSW Legislative Assembly Public Accounts Committee Inquiry into tenancy management in social housing

**Submission
August 2014**

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About People with Disability Australia

People with Disability Australia (PWDA) is a leading disability rights, advocacy and representative organisation of and for all people with disability. We are the only national, cross-disability organisation - we represent the interests of people with all kinds of disability. We are a non-profit, non-government organisation.

PWDA's primary membership is made up of people with disability and organisations primarily constituted by people with disability. PWDA also has a large associate membership of other individuals and organisations committed to the disability rights movement.

We have a vision of a socially just, accessible, and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are recognised, respected and celebrated. PWDA was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own.

Introduction

1. PWDA welcomes the opportunity to provide input to the NSW Legislative Assembly Public Accounts Committee Inquiry into Tenancy Management in Social Housing, with particular reference to the following terms of reference:
 - the cost effectiveness of current tenancy management arrangements in public housing, particularly compared to private and community housing sectors;
 - the range and effectiveness of support services provided to tenants in social housing;
 - outcomes for tenants from current tenancy management arrangements; and
 - possible measures to improve tenancy management services.
2. PWDA has an increasing focus on housing across both our systemic and individual advocacy areas. Accommodation issues represent the largest single issue dealt with by our individual advocates, at 28.3% of all matters in 2013. In NSW our individual advocacy team also works with people with disability living in boarding houses, and provides awareness training about their rights. We are also working with the NSW Council for Intellectual Disability to provide rights training to boarding house residents regarding recent changes to the NSW Boarding Houses Regulations 2013.
3. In terms of our systemic advocacy work, PWDA recently provided input to the NSW Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing and the Senate Economic References Committee Inquiry into Affordable Housing¹.

¹ Both submissions can be found on the PWDA website here <http://www.pwd.org.au/pwda-publications/submissions.html>

4. In this submission we have included case studies from PWDA clients to illustrate the challenges they face in tenancy management issues with their housing provider. For the purposes of this inquiry, we understand that social housing refers to both public and community housing, so we have provided feedback from our perspective regarding both providers.
5. In responding to the terms of reference, PWDA has taken an overarching view of the services that may be provided under 'tenancy management' ranging from functions provided by all agencies such as lease negotiation, rent collection, arrears management and property maintenance, to social services supports more commonly provided to tenants within public housing settings.

Recommendations

- The NSW government undertake a comprehensive consultation with relevant stakeholders to inform the development of the forthcoming NSW Social Housing Policy. This consultation should include social housing tenants, including people with disability and their representative organisations.
- Submissions to this Inquiry be utilised to provide context for the development of a Social Housing Policy that aligns tenant management with emerging client needs², but that no changes be made to current tenancy management arrangements until further evidence and information is available.
- The NSW government provide additional funding to effective social support programs which are delivering positive outcomes for people with disability and their communities, such as the Housing and Accommodation Initiative (HASI).
- The NSW government gather comprehensive, disaggregated data regarding current outcomes and needs of people with disability who live in social housing to better assess the role of Housing NSW in implementing Australia's commitments under Article 19 and Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD)³, the National Disability Strategy (NDS) and the NSW Disability Inclusion Bill 2014.
- Ongoing funding be provided by the NSW government for independent advocacy services and representative organisations that provide free tenancy advocacy services to people with disability living in public, private and community housing.

² Response from Housing NSW to the report *Making the best use of public housing*, published by the Audit Office of NSW 2013 found here https://www.audit.nsw.gov.au/ArticleDocuments/280/04_Public_Housing_Agency_Response.pdf.aspx?Embed=Y

³ Article 19 of the CRPD articulates the rights of people with disability to live independently and being included in the community, Article 28 articulates the right of people with disability to adequate standard of living and social protection <http://www.un.org/disabilities/convention/conventionfull.shtml>

Tenancy management in social housing in NSW

- **Cost effectiveness of current tenancy management in public housing compared to private and community housing sectors**

6. PWDA maintains that any assessment of cost-effectiveness in public housing compared to the private and community housing sectors would require clearly defined parameters around the data to be tracked and analysed, so that the outcomes (both social and financial) can be assessed like for like.
7. Housing NSW state on their website that they provide “safe, decent and affordable housing opportunities for those most in need so that they can live with dignity, find support if needed and achieve sustainable futures”. Given this mandate, the measure of effectiveness of Housing NSW tenancy management should be assessed not only in financial terms but also based on the social outcomes for their individual clients.
8. Due to the shortage of social housing stock in NSW, many vulnerable low income tenants find themselves in need of private rental, including people with disability. The primary goal for private rental agencies is to maximise the financial returns for their business and their landlords, with very little regard or responsibility for ensuring social outcomes for vulnerable clients. In fact, the form of tenancy management delivered through private rental agencies may perpetuate marginalisation and make life more difficult for people with disability.
9. The annual National Social Housing Survey (NSHS) goes some way to measure tenant satisfaction in social housing⁴. There is no comparable measure of the satisfaction for tenants in private rental, therefore any comparison of outcomes for people with disability would be anecdotal. In addition, the NSHS survey does not accurately disaggregate data in terms of people with disability because people with disability are categorised as people who are unable to work (due to long term illness or disability). However, some people in social housing with disability will be working, or with the right supports in place through the NDIS will have greater employment opportunities in the future.
10. PWDA recommends that disaggregating the data collected through the NSHS in terms of people with disability, would help to better assess the role of social housing in delivering Australia’s commitments under Article 19 and Article 28 of the Convention on the Rights

⁴ National Social Housing Survey: detailed results 2012, AIHW 2013. Can be accessed www.aihw.gov.au

of Persons with Disabilities (CRPD)⁵, the National Disability Strategy (NDS) and the NSW Disability Inclusion Bill 2014.

11. PWDA feels strongly that at this time the Committee would not have the evidence available to make a fully informed decision regarding the cost-effectiveness of tenancy management approaches between public, private and community housing providers. To this end, we recommend that the Committee utilise the submissions to this Inquiry to provide context for the development of a NSW Social Housing Policy that aligns tenant management with emerging client needs⁶, but that no changes be made to current tenancy management arrangements until further evidence and information is available.

12. In this submission we do identify challenges with tenancy management for people with disability living in properties managed by Housing NSW. However, we recommend that there needs to be a focus on strengthening the current social housing tenancy management arrangements under public provision, rather than pursuing options to outsource tenancy management services to private, for-profit providers. We believe that this would be of great detriment to people with disability living in social housing, and would deliver poorer outcomes in terms of cost-effectiveness over the long term due to the higher social consequences of inappropriate management of tenancy issues.

- **The range and effectiveness of support services provided to tenants in social housing**

13. Social housing stock in NSW is declining as a proportion of overall housing, and there is an increasing shortfall between the supply and demand for public housing⁷. As a 2013 report from the Audit Office notes, much of the public housing stock is large and inappropriate, whereas the rising demand is for smaller, and accessible dwellings⁸.

14. People with disability are disproportionately represented amongst social housing clients. In 2013, around 1/3 of public housing tenants in NSW were people with 'significant' disability, and this proportion has increased over the past decade from 27.3% in 2001-02 to 36% in 2011-12⁹.

⁵ Article 19 of the CRPD articles the rights of people with disability to live independently and being included in the community, Article 28 articles the right of people with disability to adequate standard of living and social protection <http://www.un.org/disabilities/convention/conventionfull.shtml>

⁶ Response from Housing NSW to the report *Making the best use of public housing*, published by the Audit Office of NSW 2013 found here https://www.audit.nsw.gov.au/ArticleDocuments/280/04_Public_Housing_Agency_Response.pdf.aspx?Embed=Y

⁷ *Making the best use of public housing*, published by the Audit Office of NSW 2013 found here https://www.audit.nsw.gov.au/ArticleDocuments/280/04_Public_Housing_Agency_Response.pdf.aspx?Embed=Y

⁸ *Making the best use of public housing*, Audit Office of NSW 2013 p. 11

⁹ Joe Parsons, "Housing Assistance Seminars 2013," presentation, Housing NSW, Family and Community Services, Presentation at Housing Assistance Seminars 2013 <http://www.housing.nsw.gov.au/NR/rdonlyres/B6E09D7E-8236-4C6F-B818-63BE41BF1131/0/MulticulturalSeminarDisability.pdf>

15. People with disability have a range of housing and support needs that are currently not being sufficiently met in either the public or private rental market. The majority of housing remains inappropriate or inaccessible for people with mobility issues. Modifications to social housing stock may be approved by Housing NSW¹⁰, but some people with disability who have particular accessibility requirements are still limited in terms of properties offered to them because they are placed in properties already modified or those determined suitable for modification by Housing NSW. Where requests for modifications have been made however, in our experience Housing NSW has endeavoured to make adequate arrangements to meet the needs of clients.
16. In addition to particular housing needs, people with disability are also more likely to be disproportionately affected by issues that require tenancy management. For example, where neighbourhood disputes occur that cannot be resolved either party may be moved to an alternative property. This may result in a person with disability being moved further away from formal support service providers, family support and accessible public transport, and as a result this detrimentally impacts on their social and economic opportunities and participation.
17. As noted in the Family and Community Services (FACS) Housing and Mental Health Agreement, people with psychosocial disability “often experience difficulties in accessing and maintaining affordable, safe and stable housing. Mental health issues can disrupt tenancies and reduce an individual’s capacity to live independently. At the same time, unstable housing arrangements can also contribute to the deterioration of mental wellbeing”¹¹.
18. Under Stronger Together 2¹², FACS provide housing and support packages with the aim of improving outcomes for people with psychosocial disability living in social housing. One such initiative, the Housing and Accommodation Support Initiative (HASI) provided 1135 housing and support packages to people with psychosocial disability in 2013, including support with tenancy management. Outcomes for tenants in this program have been positive in terms of social and economic participation, but demand for these services far outstrips supply¹³.
19. People with psychosocial disability may face particular challenges with tenancy management services which put their tenure at risk, and results in their needs not being met. According to the NSHS data, the most common reason for dissatisfaction in social

¹⁰See the Housing NSW modifications policy here

<http://www.housing.nsw.gov.au/Forms+Policies+and+Fact+Sheets/Policies/Modifications+Policy.htm>

¹¹FACS Housing and Mental Health Agreement can be found here <http://www.housing.nsw.gov.au/NR/rdonlyres/2CA35546-A3D4-455A-AAF5-78A51AF3186D/0/HousingandMentalHealthAgreement.pdf> p.4

¹²Stronger Together 2 information can be found here http://www.adhc.nsw.gov.au/about_us/strategies/stronger_together_2

¹³Bruce, J., McDermott, S., Ramia, I., Bullen, J. and Fisher, K.R. (2012), *Evaluation of the Housing and Accommodation Support Initiative (HASI) Final Report*, for NSW Health and Housing NSW, Social Policy Research Centre Report, Sydney September 2012 p 9. Available online at www.sprc.unsw.edu.au

housing was 'requested repairs not being done at all', followed by 'repairs being done too slowly'. The tenants most likely to report these reasons were aged 45–54, and unable to work (for example, because they had a disability).

Anthony¹⁴, a 46 year old man with psychosocial disability, lives in public housing provided by Housing NSW. The kitchen in the property was in serious disrepair, and Housing NSW authorised a replacement kitchen to be installed. The maintenance work was organised without consultation with Anthony. When the maintenance company arrived at the property to undertake the work, Anthony became agitated and verbally aggressive towards the workmen, who then refused to complete the job. When Anthony contacted PWDA for advocacy support, Housing NSW were refusing to organise for the work to be completed due to their concerns about the same issues arising again. PWDA provided advocacy support to Anthony in his home to ensure that the work could be completed and his kitchen adequately repaired for his everyday use.

20. Under the National Disability Insurance Scheme (NDIS), eligible people with disability will be provided support to live independently in the community. Under the NDIS Rules, participants are able to access funding to build their capacity to maintain a tenancy.¹⁵ This support will be available for a limited number of people living with disability in NSW. However, an assessment of the effectiveness of providing dedicated financial support for tenancy management under the NDIS, in terms of social and economic outcomes for individuals, could inform future policy and funding for mainstream initiatives targeting people with disability who fall outside the NDIS, which will be the majority of people with disability in NSW.
21. Currently, there is a dearth of data available regarding the kind of support services that people with disability living in social housing would like to receive. The NSHS again may have the potential to address this gap in data.
22. In addition, research is currently being conducted by the Australian Housing and Urban Research Institute (AHURI) aimed at developing a framework for assessing management costs and tenant outcomes in social housing. This framework would look to measure outcomes including tenant satisfaction and well-being as well as social and economic participation. This research will undoubtedly play a critical role in guiding policy for housing providers in terms of efficiency and effectiveness and should inform the recommendations of this inquiry.

¹⁴ Name has been changed

¹⁵ Under 7.19 (a) of the Disability Insurance Scheme (Support for Participants) Rules 2013

- **Outcomes for tenants from current tenancy management arrangements**

23. Housing providers have different avenues through which tenancy management arrangements are made and managed. Whilst Housing NSW may have arrangements through which tenancy needs of people with disability may be addressed, the processes themselves may not deliver the best outcomes for people with disability, and in fact further exacerbate their vulnerability. The following example also highlights the desperate need for an increase in accessible housing stock.

Lilly¹⁶ is a Vietnamese lady in her early 50s. She has angina and lupus, is weak in her legs and arms and unable to climb stairs. Lilly was living alone in an isolated two story town house in Menai with very little community support or services. The town house was an hour and a half drive from her treating immunologist. When she was unwell she needed to travel to the specialist once every fortnight, but was unable to do so as she got sicker as it was difficult to get to the hospital on public transport.

As Lilly's condition deteriorated her treating specialist, her GP, and her social worker wrote a number of letters to Housing NSW. All the letters stressed how urgent it was for Lilly to move to a ground floor property close to her treating doctor.

When PWDA started providing advocacy services to Lilly she had been waiting for a housing transfer for 9 years. In that time she was admitted to hospital on multiple occasions and each time the medical professionals would canvass Housing NSW asking when she would be moved.

PWDA negotiated with Housing NSW on Lily's behalf, but were told that there were no ground floor accessible properties near her treating hospital (RPA) because it was a high demand area. Despite advocating with the Regional Director and the Housing NSW Area Team Leader, Lilly's case was not prioritised.

Lilly's health deteriorated because of the stress which aggravated her lupus. She ended up in hospital for several months. During that time PWDA lodged a complaint in the Australian Human Rights Commission (AHRC) on Lilly's behalf and a conciliation hearing was held by telephone because Lilly was still too weak to travel to a hearing. She was permanently in a wheelchair by this point.

The AHRC made appropriate referrals for equipment and attendant care for Lilly when she had a permanent home. However, nothing appropriate was offered and Lilly became a young person in a nursing home awaiting the offer of appropriate accommodation. After 6 months with no progress, Lilly became depressed. She booked herself out of the nursing

¹⁶ Name has been changed

home and returned to the unsafe, unsuitable property far away from her services. She disengaged with PWDA and other agencies feeling that she had been let down again.

24. There are a number of initiatives in NSW offered through Housing Pathways which can support people with disability to access private rentals.¹⁷ One of the services offered is a Rental Subsidy – Start Safely – which provides “eligible clients with medium-term accommodation until an offer of social housing can be made”¹⁸.

Jane¹⁹, a young woman with physical disability and numerous health issues, is currently living in private housing in a security block after leaving a domestic violence situation, which had enabled her to claim a Housing NSW subsidy under the Staying Home Leaving Violence program. Under the subsidy, Jane could stay in the private rental until a suitable Housing NSW property could be found for her. Housing NSW offered her an inappropriate property, located in an area which would put her in the immediate vicinity of her domestic violence perpetrator.

At the time Jane approached PWDA for advocacy support, Housing NSW had cancelled her rental subsidy because she was refusing to relocate. Jane was experiencing post-traumatic stress disorder (PTSD), a broken hip related to a brittle bone disorder, and financial difficulty, and was unable to engage in medical treatment due to the stress of being imminently homeless (this is in addition to her physical disability). PWDA’s individual advocate supported Jane to negotiate with Housing NSW who initially agreed to reinstate her subsidy for six months while she received treatment and care for her emotional and mental injuries and her deteriorating health concerns. The subsidy was reviewed after six months.

To recommence the subsidy after this six month period, Housing NSW required a letter from Jane’s treating specialist outlining the treatment he was providing, and how long it would take for the client to be operated on and have sufficiently recovered to be able to move in to a Housing NSW property. Jane’s treating doctor wrote a detailed letter outlining her condition, and the pre-treatment she required prior to undergoing the necessary hip surgery. However, due to Jane’s complex medical issues, the doctor was unable to specify a timeline for treatment and recovery. As the treating doctor did not specify a set timeline, the letter was deemed insufficient for Housing NSW to recommence the subsidy.

Jane is appealing this decision and in the meanwhile she is stressed and distressed, maintaining her tenancy in her current apartment without the subsidy by borrowing from friends and family. She is still physically and emotionally unwell and now faces homelessness and rising debt.

¹⁷For more information see <http://www.housingpathways.nsw.gov.au/Ways+we+can+Help/Private+Rental+Assistance/>

¹⁸For more information see <http://www.housingpathways.nsw.gov.au/NR/rdonlyres/5C4B072E-F6B1-4506-9FB3-03393A2F8082/0/PrivateRentalSubsidy.pdf>

¹⁹Name has been changed

25. The NSHS data reported that social housing tenants in NSW reported lower levels of satisfaction than tenants in other states and territories. Whilst community housing tenants in NSW reported higher levels of satisfaction than public housing tenants, this data was not broken down to individual community housing providers²⁰.
26. Outcomes for tenants with disability in community housing providers differ considerably, but because data is not publically available it would be impossible to compare the effectiveness of tenancy management under these providers with social housing and private rental agencies. For example, PWDA have supported many clients through tenancy management issues with a particular community housing provider in western Sydney. The community housing provider is the only social housing agency in the area, so people with disability who want to remain in the area have no choice for alternative accommodation except private rental.
27. This community housing provider does not provide any support services for tenants. Rents are charged at 25% of income and 100% of Commonwealth Rent Assistance (CRA). A client of PWDA who has an intellectual disability and lives alone fell behind in her rent. She was offered no support, instead she was sent numerous demands regarding the rent arrears, which were incurred accidentally following changes made to her Centrepay arrangements. PWDA is providing advocacy support to this woman, but has found the provider unconcerned about the welfare or wishes of their client.
28. Whilst Housing NSW charges similar levels of income for rent, their approach to client well-being is different from commercially driven enterprises, be they private rentals or community housing providers. In PWDA's experience Housing NSW in general responds to the needs of clients and works with the individual and their advocate to support positive outcomes when issues arise.

- **Possible measures to improve tenancy management services**

29. The 2013 Audit Office Report²¹ notes that reporting currently conducted by Housing NSW, and the Land and Housing Council (LAHC) is not sufficient to clearly "assess performance in achieving the objects of the *Housing Act 2001*, particularly those that would show understanding and management of existing and future tenants needs. Much of the information is available in some form within HNSW and LAHC, but it is not collated or published in a form that is easy for parliament and the public to understand".
30. Prior to identifying measures to improve tenancy management services in social

²⁰ National Social Housing Survey: detailed results 2012 AIHW 2013 P.10 accessed here www.aihw.gov.au

²¹ *Making the best use of public housing*, published by the Audit Office of NSW 2013 found here https://www.audit.nsw.gov.au/ArticleDocuments/280/04_Public_Housing_Agency_Response.pdf.aspx?Embed=Y

housing, there is a need for more comprehensive data regarding the forms of services people with disability in social housing access, the support they receive to navigate these services, and their satisfaction regarding their personal outcomes. The forthcoming AHURI research will provide a framework for measuring costs and tenants outcomes, including those people who require linked in service provision such as the Housing and Accommodation Support Initiative (HASI)²².

31. HASI provides support to housing tenants with psychosocial disability, however there may also be potential to build on the holistic approach of this initiative to other support areas tenants may need, such as employment services or financial management support.
32. Given that accommodation concerns dominate the range of issues raised with PWDA individual advocates, it is clear that for people with disability, tenancy advocacy support is critical for them to secure and maintain tenancies. It is essential that funding is maintained for advocacy services that provide free tenancy support for people with disability.

Conclusion

33. Based on PWDA's experience of supporting clients with tenancy issues, we strongly recommend that to deliver the best outcomes for people with disability, tenancy management for social housing clients should remain with Housing NSW, as opposed to being outsourced to private management providers. Private management providers do not prioritise the social outcomes for clients, as they function within a commercial profit making business model.
34. Given the lack of available data on private and community housing organisations to inform this Inquiry, it is clear that tenancy management should be publicly run for social housing tenants. This is important to ensure the transparent use of government funds and to evaluate not only efficiency, but also the effective use of these funds to deliver long term social and economic outcomes for people with disability.
35. We strongly recommend that the NSW Government undertake a comprehensive consultation with relevant stakeholders to inform the development of the forthcoming Social Housing Policy in NSW. This consultation should be undertaken prior to any changes in the terms of tenancy management arrangements and should include social housing tenants, including people with disability and their representative organisations.

²² For more information on HASI see here
<http://www.housing.nsw.gov.au/Changes+to+Social+Housing/Partnerships/Housing+and+Mental+Health/Housing+and+Accommodation+Support+Initiative.htm>

36. The remit of social housing in Australia is to provide “secure, affordable housing for people with a housing need on low to moderate incomes²³”. Due to the ongoing systemic and structural barriers facing people with disability, they are overrepresented amongst social housing tenants. As such, any future Social Housing Policy should facilitate social inclusion for people with disability in line with the goals of the CRPD and the NDS.

PWDA thank the Committee for the opportunity to contribute to this Inquiry, and we would welcome further consultation on any of the matters raised in this submission.

²³ As stated on the Housing NSW website <http://www.housing.nsw.gov.au/About+Us/>