

July 2021



VCOSS response to the Social Housing Regulation Review – Background and Scoping Paper

Introduction

VCOSS welcomes the opportunity to provide a response to “Social Housing in Victoria - Background and Scoping Paper”.

The Review of Social Housing regulation is not only timely, but necessary. The *Big Housing Build* package will significantly grow the community housing sector over the next four years and will create the conditions for further growth through the *Ten-Year Strategy for Social and Affordable Housing* (the Ten-Year Strategy).

This submission outlines issues that VCOSS recommends the Panel consider as part of the Social Housing Regulation Review.

We want a contemporary social housing regulatory framework that:

- Ensures the sustainability and growth of the community housing sector.
- Strikes the right balance in terms of industry oversight – determining the ‘right’ balance will require deep engagement with all stakeholders. VCOSS urges the Panel to ensure the process is not siloed – it will be important to bring people together to co-design fit-for-purpose solutions.
- Supports resident wellbeing and housing security – VCOSS agrees with the Panel’s contention that there is scope to improve the integration of support services with housing services through regulation (though government should not rely on regulation as the only means by which to drive system improvement). This Review provides an opportunity to bring stakeholders together to develop a common understanding of the issues that need to be addressed, identify fit-for-purpose regulatory measures and indicate complementary non-regulatory measures that would need to be instituted in a reformed regulatory environment.

Prioritise quality outcomes for people who live in social housing

Public and community housing play a critical role in the housing market, providing affordable housing options for people excluded from the private market, safeguarding the fundamental right to a home and preventing people from homelessness.

A best-practice regulatory framework should focus on the reason for the existence of social housing: to provide housing for those who find it difficult to access and sustain housing in the private market. VCOSS believes that improving the experience and quality of service for both public and community housing residents will be the most important outcome of reviewing the regulatory scheme.

Two important issues the Panel should consider are how contemporary regulation can support:

- Better alignment of people's housing needs and preferences and stock allocation across the system. Currently, there is no consistency across the system.
- Secure tenure, so that people in social housing can make a home and live a good life.

VCOSS notes that the Panel will consider whether to harmonise residents' rights under public and community housing models. VCOSS looks forward to engaging with the Panel on how to achieve this, noting that, currently, there are significant inconsistencies between public and community housing, as well as within the community housing sector. VCOSS notes that this is complex work that – on its own – will require a significant investment of time and expertise from a range of industry and community stakeholders. To ensure a wide range of stakeholders can engage with this issue, as well as other issues that will be considered in the Review, the Panel should allow ample time and flexibility for consultation.

An outcome of this review should be better alignment and transparency of policies and procedures across all tenures. This may include policies and procedures on allocations, modifications, rent setting, rent payment difficulties, internal dispute resolution and evictions.

The regulatory review should also consider Social Landlord responsibilities. Both public and community housing providers are Social Landlords with responsibility to support tenants who are vulnerable or experiencing disadvantage and to maximise tenant wellbeing.¹ The Social

¹ AHURI, *Examining the role of social landlords*, July 2020.

Landlord framework aims to avoid evictions into homelessness, for tenants who would be at risk of eviction in other tenure types.

However, both public and community housing providers face constraints in delivering on their Social Landlord responsibilities. In public housing, the Social Landlord framework is Departmental policy, but more staff will be required in Housing Offices to make this framework fully operational. In community housing, providers will need to be adequately resourced to formally adopt Social Landlord frameworks in their policies and practice.

Give residents a voice from review to implementation

Regulation has a primary role to play in protecting the interests of residents and providing them with a voice. Yet currently, tenants are often the least visible stakeholder in policy debate about regulation despite having the most immediate interest in the condition, amenity, location, security of tenure and cost of their housing.

VCOSS welcomes the Review's strong focus on resident voice, and how to strengthen engagement with residents and prospective residents to contribute to good practice and development of the sector. VCOSS notes that the Panel is already working with community to engage residents and prospective residents in the Review, which is the right starting point to strengthen resident voice in the system into the future.

As we told Homes Victoria in our submission to the Ten-Year Strategy, VCOSS believes that involving residents and would-be residents in the design of the social housing system is critical. Involving residents and prospective residents early and in an ongoing way to create, shape and implement policies, programs and places brings a range of benefits. Potential problems can be identified and resolved earlier, reducing the likelihood of avoidable, expensive and exclusionary decisions and mistakes.

VCOSS is acutely aware of the power imbalances between residents, prospective residents and landlords - even values-driven, ethical social landlords. Some social housing residents will need support to have a voice, or develop their voice, to engage with policy discussions that impact them. Independent, third-party advocacy support and representative resident groups are important safeguards in this system, supporting residents to have a voice and assert their rights. The Panel should consider how regulation can ensure access to this critical support in both public and community housing.

Complaints are another important way for residents to raise issues as they arise during their tenancy. As part of the review, the Panel will consider options to ensure an effective and

coherent complaints management and redress system for social housing. VCOSS welcomes this, noting that, currently, the way that complaints and disputes are resolved is inconsistent between public and community housing, and within the community housing sector.

An outcome of this review should be the establishment of a single, third-party complaints and dispute resolution body accessible to all social housing residents. Principles to underpin the design of an effective complaints body include timeliness, accessibility, and ability for users to self-help and navigate. The Panel should also consider how residents would access information about policies, the reasons for decisions and the ability to assert their rights (for example, to have complaints, reviews of decisions and grievances dealt with fairly and promptly).

VCOSS recommends that the Panel consider how complaints can be used to identify systemic issues and drive change. A starting point should be establishing a consistent reporting requirement for both internal and third-party complaints.

Use data to drive accountability, quality service delivery and workforce development

A best practice regulatory system can provide a valuable source of data on tenancy services and provider quality, including indicators such as:

- Wait list and allocations data from the Victorian Housing Register, including key demographic and vulnerability indicators.
- Tenancy insights, including tenure length, arising issues, and referrals to support.
- Complaints and disputes data, including outcomes and resolutions.
- Exit insights, including whether provider or renter-initiated and actions taken to ensure provider-initiated evictions are an option of last resort.

Such data can be used to track improvements and areas of concern in the sector. Regulation should provide transparency in social housing provider performance outcomes, including both positive and negative performance.

Useful data insights rely on consistent, sustained data collection across the sector. The panel should consider how to establish consistent terminology for different housing types, programs, and tenure types, as well as comparability with national data sets, such as the Census, Report on Government Services, Australian Institute of Public Health and Welfare and Productivity Commission.

Delivering high quality housing services with a genuine Social Landlord approach requires a skilled workforce. Including workforce insights in data collection and analysis will assist with developing the social housing workforce to meet the needs of residents.

Make the human right to housing a reality

The Panel should consider one important lever to centre resident rights in the social housing system – establishing the human right to housing in state legislation.

The Final Report of the Inquiry to Homelessness in Victoria recommended that the right to housing be included in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*. Further, the Committee recommended that community housing providers that are registered under s 84 of the Act be expressly included as ‘public authorities’ for the purposes of the Charter.

While many community housing providers already consider human rights obligations in their policy and practice, this would ensure that all social housing residents would have their rights under the Charter taken into consideration in tenancy matters regardless of which type of social housing they reside in.² As with implementation of the Social Landlord framework, providers must be adequately resourced to comply with any new obligations under the Charter.

Improve housing outcomes for all social tenants

The Background and Scoping Paper notes a group described as “social tenants”, who are people with similar needs to social housing residents, and who may be eligible for social housing, but who live outside the social housing system, due to a chronic shortage of public and community housing supply.

We welcome the Panel's acknowledgement of “social tenants” in the background paper, as we believe this is a cohort that should be in scope for this Review.

VCOSS' view is that the Review should not be limited to current residents and people who are listed on the Victorian Housing Register. Social tenants, as the Paper describes, are a group who can and should be afforded better protection. This Review provides an

² Parliament of Victoria Legislative Council Legal and Social Issues Committee, *Inquiry into Homelessness in Victoria – Final Report*, March 2021, p199.

opportunity to consider the role regulation can play to improve outcomes for social tenants, and to clarify responsibilities of the range of rental providers that house social tenants. The Review can also consider how to capture insights, including through data, on social tenants to drive evidence-informed policy and investment decisions.

For example, while many Victorian renters will benefit from the recently introduced reforms under the *Residential Tenancies Act 1997*, the Review can consider targeted protections that might be required to improve outcomes for “social tenants” in the private market. They may experience the worst that the private market can serve up in terms of housing that is in poor condition, expensive to maintain, and bad for their health and wellbeing, and who may not be aware of or engaged with community-based supports.

Similarly, modelling to indicate the quantity of social housing homes required to meet demand are commonly based on population growth, and maintaining social housing stock at a proportion of all housing. However, in research commissioned for the Family Violence Housing Assistance Implementation Taskforce, Dr Judith Yates notes that projected social housing supply requirements based on the population growth model should be doubled if supply is to meet the needs of lower income households currently facing housing stress in the private rental market.³ In this context, including “social tenants” in data collection and analysis will ensure that social housing supply requirements are based on accurate modeling of demand.

³ Dr Judith Yates, *Victoria's Social Housing Supply Requirements to 2036*, May 2017, p3.



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