



## Submission to the Social Housing Regulation Review

September 2021



**Jesuit**  
**Social Services**  
Building a Just Society

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## Jesuit Social Services: Who we are and what we do

Jesuit Social Services is a social change organisation working to build a just society where all people can live to their full potential. For over 40 years we have been working with some of the most disadvantaged and marginalised members of our communities, who often experience multiple and complex challenges. We work where the need is greatest and where we have the capacity, experience and skills to make the most difference. We deliver services across Victoria as well as in Western Sydney and the Northern Territory.

Our practical support and advocacy covers five main areas:

- **Justice and crime prevention** – people involved with the justice system.
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by trauma, suicide, and complex bereavement.
- **Settlement and community building** – recently arrived immigrants and refugees, and disadvantaged communities.
- **Education, training and employment** – people with barriers to sustainable employment.
- **Gender and culture** – providing leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and building new approaches to improve their wellbeing and keep families and communities safe.
- **Ecological justice** – advocating and conducting research around the systemic change needed to achieve a ‘just transition’ towards a sustainable future, and supporting community members to lead more sustainable lives.

## Introduction

Jesuit Social Services welcomes the opportunity to contribute to the Social Housing Regulation review, which aims to identify future regulatory arrangements to provide strong resident protection, better information to Victorians and position social housing for growth and transformation over the coming decades. This is critical given the way in which the COVID-19 pandemic has compounded the vulnerabilities and difficulties faced by people at risk of, or experiencing, homelessness.<sup>1</sup>

We believe every person living in Victoria should have access to the opportunities in life that will enable them to flourish – to complete their education, to get a job, to access safe and affordable housing, to raise their children in safe communities and to see the next generation thrive. We recognise that a whole-of-government approach, where service systems work together to target locations of entrenched disadvantage, is the most effective way of achieving this.

We commend the bold initiatives announced and implemented by the Victorian Government in working towards every Victorian having access to a safe, affordable and appropriate home, including the \$5.3 billion Big Housing Build and the *10-Year Strategy for Social and Affordable Housing*.

To ensure a just social housing system, Jesuit Social Services believes the regulatory system should be strengthened in several ways. Our submission addresses the key issues raised in [the consultation paper](#) as well as additional areas that we believe warrant further attention.

We draw on our experience working with many people experiencing vulnerability who rely on social housing to meet their accommodation needs. Jesuit Social Services sees many people – especially those with mental health and substance misuse issues, newly-arrived refugees and migrants, those exiting prison, and those leaving out-of-home care placements – who are experiencing or have experienced homelessness, inappropriate or unsafe housing, housing instability and stress, as well as other forms of disadvantage in their lives.

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<sup>1</sup> Victorian Parliament (2021). Inquiry into Homelessness – Final report. ([Weblink](#))

## 1. Embedding a human rights framework

Jesuit Social Services believes grounding Victoria’s social housing regulatory system in a human rights framework is fundamental to ensuring Victorians can fairly access social housing, sustain their tenancies, and move between different housing options as their needs change.

### Human rights framework

The consultation paper outlines a vision for a just social housing system where people who face barriers to renting in the private rental market can access adequate and appropriate housing on a long-term basis. Jesuit Social Services strongly supports this vision and believes the best way to sustain it is for social housing regulations to be underpinned by a human rights framework and enshrined in legislation. To this end, we call for the right to housing to be included in the *Charter of Human Rights and Responsibilities Act 2006* (Vic). This accords with Recommendation 34 of the Legislative Council Legal and Social Issues Committee’s final report from its recent *Inquiry into homelessness in Victoria* (2021) and is implicit in Recommendation 25 of the final report from the *Royal Commission into Victoria’s Mental Health System* (2021). Further, we recommend that the Victorian Government amend the *Housing Act (1983)* to clarify that the *Charter of Human Rights and Responsibilities Act 2006* (Vic) applies to community housing providers. At present, this is unclear.

## 2. Ensuring public housing is a key feature of the supply mix

Jesuit Social Services believes that public housing is a vital component of Victoria’s social housing system. It is unrealistic and unviable to rely too heavily on the private and community housing markets to rapidly expand and adequately provide for the diverse range of needs of those who require social and affordable housing. This is especially the case for young people. We advocate for a significant increase in the number of public housing dwellings, as well as in the number of community housing dwellings; and for the allocation of these to be prioritised for young people with complex needs.

### Increase public housing

Jesuit Social Services holds that government-owned and managed housing – that is, public housing – is a cornerstone of a just housing system. A key reason for this position is that the decline in Victoria’s social housing stock (including both public and community) over several decades is associated with a “drift to highest needs households”<sup>2</sup> (i.e. lowest income households). This has reduced rent revenue to community housing providers and, along with it, their capacity and arguably willingness, to accommodate people with complex or multiple needs. Regardless, community housing organisations charge tenants more for rent (usually 25-30 per cent of their income plus Commonwealth Rent Assistance) than is charged by public housing (25 per cent of tenants’ income).<sup>3</sup>

Relatedly, research has found that public housing is a strong protective factor against homelessness, because it is more affordable and provides secure long-term tenure.<sup>4</sup> Recent Australian Housing and Urban Research Institute (AHURI) research has also found that ex-prisoners with complex support needs who receive public housing have better criminal justice outcomes than those who receive private rental assistance only.<sup>5</sup>

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<sup>2</sup> Groenhart, L. & T. Burke (2018). ‘What has happened to Australia’s public housing? Thirty years of policy and outcomes, 1981 to 2011’. *Australian Journal of Social Issues*, 49(2), p. 18.

<sup>3</sup> Housing Peaks Alliance (2020). *Make social housing work: A Framework for Victoria’s Public and Community Housing 2020-2030*: [\(Weblink\)](#).

<sup>4</sup> Johnson, G., Scutella, R., et al. (2019). ‘How do housing and labour markets affect individual homelessness?’ *Housing Studies*, 34(7): [\(Weblink\)](#).

<sup>5</sup> AHURI (2021). *Exiting prison with complex support needs: the role of housing assistance*. [\(Weblink\)](#)

Public housing is a vital component of Victoria’s social housing system for those not accommodated by the community housing industry – including, for example, people experiencing homelessness and young people. This is likely to be the case for years to come because the significant increase in community-based social housing planned under the Big Housing Build will take some time to deliver.

### **Prioritise young people**

The final report of the recent [Parliamentary Inquiry into homelessness in Victoria \(March 2021\)](#) identified people under 35 as the largest age group experiencing homelessness in Victoria. The report also found that experiencing prolonged youth homelessness is a strong predictor of experiencing homelessness later in life. Housing and homelessness services data published by the [Australian Institute of Health and Welfare \(December 2020\)](#) indicates that, in 2019-20, the largest number of young people (aged 15-24) presenting alone to homelessness services in any state/territory was in Victoria – comprising 13,700 clients (or 32 per cent). Yet, young people are not identified as a priority cohort in Victoria in either the Big Housing Build or the *10-Year Social and Affordable Housing Strategy*. Jesuit Social Services’ experience providing services to young people has found that those experiencing homelessness have the lowest incomes and the highest barriers to accessing community-based social housing.

Jesuit Social Services thus calls for the Victorian Government to position young people as a priority cohort in relation to social housing, to prevent a pathway into longer-term homelessness.

### **3. Improving housing allocations**

Regulation of the social housing system must ensure fair, transparent and timely application processes in order to facilitate individual access to and sustainability of social housing tenure. At present, personal circumstances such as being unemployed or having a mental health diagnosis may disadvantage people who are seeking to obtain social housing.<sup>6</sup> Jesuit Social Services would like to see improved policies and processes in place to ensure personal circumstances such as these do not negatively influence whether a person is allocated housing.

Additionally, Jesuit Social Services emphasises the need to prioritise clear and responsive pathways for vulnerable young people into the social housing system and strong supports within the system. This will ensure young people do not fall between gaps in service provision at key transition points in their lives – such as leaving school, transitioning from out-of-home care, transitioning to employment, or transitioning back into the community from the youth justice system. Tenancy managers must be supported in their capacity to understand and be responsive to young people’s specific needs. They also need to be resourced to assist young people to access relevant supports to help them maintain their tenancies when they encounter challenges.

A partnership model can clearly delineate the provision of housing and support services for vulnerable young people. For example, Jesuit Social Services has engaged in a partnership with [Unison](#) community housing organisation whereby Unison will develop a housing site and manage the tenancies, while Jesuit Social Services will provide the support services for the tenants. Construction on [the new social and affordable housing development in Werribee](#) is now underway and is due for completion in mid-2022.

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<sup>6</sup> State of Victoria, Royal Commission into Victoria’s Mental Health System, Final Report, Volume 2: Collaboration to support good mental health and wellbeing, Parl Paper No. 202, Session 2018–21 (document 3 of 6)

#### 4. Strengthening protections for people in social housing

As highlighted in the consultation paper, “regulation should ensure equity, such that people in the same circumstances receive similar services, rights and protections, irrespective of their housing provider”.<sup>7</sup> However, under the current regulations, residents of community housing are afforded less protections than those in public housing, such as allowances for temporary absences for up to six months. Jesuit Social Services emphasises the need to ensure that people in social housing, whether it be community or public housing, are entitled to the same rights and conditions. Further, greater protections must be afforded to people in both public and community housing to ensure that they can sustain their tenancies.<sup>8</sup> This is particularly important for tenants with multiple and complex needs who are known to cycle in and out of the social housing system.<sup>9</sup>

#### 5. Increasing integration with long-term, wrap-around and tailored supports

Cross-sector and long-term initiatives are required for people living in social housing with complex and multiple needs (e.g. young people, single people, women, people with experiences of trauma, and people with mental ill-health). To achieve a housing system that meets the needs of people with specific needs, we believe that a range of initiatives should be tailored to each priority cohort, with relevant targets, implementation plans and timelines, which are monitored, regularly reviewed and publicly reported on.

We advocate for regulation to play a greater role in encouraging integration of housing with specific initiatives targeted to people with complex, multiple and intensive long-term support needs who too often fall through the service gaps in community housing. An example of integrated service delivery is our innovative pilot program launched in 2018, *Link Youth Justice Housing Program*, which supports young people (aged 16–22 years) exiting the justice system who are homeless or at risk of homelessness. Link secures and sustains participants’ access to stable living arrangements by head leasing through partner agency VincentCare. Such partnerships provide effective models that could readily be scaled up through targeted, adequately funded, housing initiatives. Jesuit Social Services would welcome the opportunity to provide this support model in public housing settings.

#### 6. Ensuring the system is trauma-informed and culturally safe

Jesuit Social Services supports many people with histories of trauma – especially those with mental health and substance misuse issues, newly-arrived refugees and migrants, those exiting custody, and those leaving out-of-home care – as well as other forms of disadvantage in their lives. Many of these people have been excluded or have strained relationships with mainstream mental health or community services because they fail to meet service expectations around attending appointments, or have challenging behaviours. People with trauma-related behaviours are also often indirectly excluded from services where they are not made to feel welcome, or perceive that the service is ‘not for them’.

While mainstream services can and should adjust service delivery to be more inclusive and responsive to people with histories of trauma, the gap between where they are now and where they need to be to offer a service equivalent to a specialist response is substantial. The social housing system must be grounded in

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<sup>7</sup> State Government of Victoria (2021). Social Housing in Victoria. Consultation Paper 2, p.6 ([Weblink](#))

<sup>8</sup> Taylor, S. & Johnson, G. (2021) Sustaining social housing: Profiles and patterns. Melbourne: Unison Housing ([Weblink](#))

<sup>9</sup> Seelig, T., O’Flaherty, M., Haynes, M. & Han, J. (2008). Housing Consumption Patterns and Earnings Behaviour of Income Support Recipients Over Time. Melbourne: Australian Housing & Urban Research Institute, Final Report no. 118 as cited in Taylor, S. & Johnson, G. (2021) Sustaining social housing: Profiles and patterns. Melbourne: Unison Housing ([Weblink](#))

trauma-informed practice with a particular focus on supporting people with impulsive behavioural issues and alcohol and other drug issues.

Additionally, the regulatory arrangements of the social housing system must be culturally safe and, therefore, informed by close consultations with Aboriginal and Torres Strait Islander peoples and culturally and linguistically diverse (CALD) communities and housing service providers about what culturally appropriate social housing looks like.

## **7. Enhancing access to safe, energy-efficient and sustainable housing**

Jesuit Social Services is concerned to ensure that pre-existing inequities in housing in Victoria are not exacerbated by the impacts of climate change. According to research undertaken by Mallee Family Care and the University of Sydney in the Victorian town of Mildura, public housing is commonly “substandard and unsafe and poorly adapted to high temperatures.”<sup>10</sup> These added stressors increase incidents of family violence, substance misuse and significantly impact on the mental health of tenants.

According to the Bureau of Meteorology’s annual climate statement, 2020 was Australia’s fourth-warmest year on record despite being a “La Niña” year, which usually leads to cooler temperatures.<sup>11</sup> Research shows that the changes observed in Australia’s climate will continue well into the future, with more frequent and hotter days, extreme rainfall events and severe fire-prone weather expected to occur.<sup>12</sup> We therefore strongly emphasise the need for effective implementation of climate safe and energy efficient design in the planning and construction of all new public and community housing, and for this to be enshrined in legislation. This housing must also be carefully integrated with new and existing environmental infrastructure.

## **8. Increasing fairness, transparency and accountability**

A just housing system has clear avenues to resolve complaints and disputes. However, as noted in the consultation paper, the current avenues for resolving disputes and complaints can be confusing, legalistic and intimidating for tenants. This is particularly the case for the cohort we work with who have multiple and complex needs and face challenges with self-advocating and navigating the disputes and complaints process. We advocate for the establishment of an independent Housing Appeals Office to cover both public and community housing tenants. This would simplify the complaints process and ensure it is accessible and timely.

Greater efforts are also needed to ensure the social housing system promotes transparency and accountability. Jesuit Social Services supports the Victorian Council of Social Service call for social housing regulation to provide transparency in provider performance outcomes, including both positive and negative performance.<sup>13</sup> We would like to see data collected and made publicly available in relation to the following areas:

- Wait list and allocations data from the Victorian Housing Register, including key demographic and vulnerability indicators.

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<sup>10</sup> Lander, J., Breth-Petersen, M., Moait, R., Forbes, C. and Stephens, L., Dickson, M. (2019). Extreme heat driven by the climate emergency: Impacts on the health and wellbeing of public housing tenants in Mildura, Victoria ([Weblink](#))

<sup>11</sup> Maund M., Maund K., Jefferies M. and Ware S. (2021), ‘Cities could get more than 4°C hotter by 2100. To keep cool in Australia, we urgently need a national planning policy’, *Conversation*, Jan 8. ([Weblink](#))

<sup>12</sup> CSIRO 2021, Climate change in Australia, CSIRO: Canberra. ([Weblink](#))

<sup>13</sup> Victorian Council of Social Service (2021). VCOSS response to the Social Housing Regulation Review – Background and scoping paper. ([Weblink](#))

- 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.

This data can be used to monitor improvements and as well as areas of concern.

Jesuit Social Services believes the above recommendations can help create a safer and fairer Victoria. We would welcome the opportunity to discuss these ideas with you further.