



Submission to the Social Housing Regulations Review

About Domestic Violence Victoria and Domestic Violence Resource Centre Victoria

Domestic Violence Victoria (DV Vic) and the Domestic Violence Resource Centre Victoria (DVRCV) have merged to form a new peak body for specialist family violence services (SFVSs) responding to victim survivors in Victoria. The merge brings together the current peak body for Victoria's specialist family violence services supporting victim survivors (DV Vic) and Victoria's only specialist family violence Registered Training Organisation (DVRCV). As an independent, non-government organisation that leads, organises, advocates for, and acts on behalf of its members utilising an intersectional feminist approach, the new peak body will work towards a world beyond family and gender-based violence, where women, children and all marginalised communities are safe, thriving, and respected.

Working across family violence response and prevention, the peak body is recognised as the state-wide voice of specialist family violence services responding to victims-survivors and holds a central position in the Victorian family violence system and its strategic governance, providing family violence subject matter expertise to the specialist family violence service sector, government, and other partners and stakeholders. The peak body's work is focused on advocating for, supporting, and building: the capability of specialist family violence practice and service delivery for victims-survivors; broader sector workforce development and capability building across family violence response and prevention; and family violence policy development and analysis, law reform and research.

Introduction

Thank you for further opportunity to contribute to the review of Social Housing Regulations.

As discussed in our submission to the Review's, *Background and scoping paper (Consultation Paper 1)*, access to safe and affordable housing is crucial for victim-survivors of family violence to be able to leave a violent relationship and rebuild their lives. Due to the violence and economic abuse victim-survivors can experience, many victim-survivors leave violent relationships with little or no income. Many have also been prevented from working or studying and lack the skills and experience needed to obtain work. As a result, these victim-survivors, most of whom are women and children, are dependent on the social housing system to obtain affordable and secure long-term housing because they cannot afford housing in the private market.

This review covers a wide breadth of issues related to social housing regulation across Consultation Papers 2 and 3, many of which are outside DV Vic/DVRCV's scope and area of expertise and will not be

commented on. In this submission, we will discuss the principles that we believe should underpin social housing regulations and how they relate to victim-survivors of family violence. We will then draw the Panel's attention to three issues that we believe need to be addressed in social housing regulations for the principles to be achieved for victim-survivors of family violence.

Principles to underpin Social Housing Regulation

Achieving good outcomes for tenants

We believe that the primary objective of social housing regulations should be to be tenant focused. Central to this is regulations achieving good outcome for tenants. Broadly speaking, these outcomes should include, but are not necessarily limited to: access to good quality housing, security of tenure, affordability, access to housing that meets their needs (number of bedrooms, disability access, etc), feeling safe in their home, having connections to community, having the choice to participate in their community and how to do so, and having genuine agency and choice over decisions about their housing and home. While we believe that all tenants should be able to achieve these outcomes, how and what individuals need to achieve these outcomes will vary greatly from person to person and household to household. When considering tenants of social housing who are victim-survivors of family violence, feeling safe in their home is a top consideration.

Feeling safe requires different things for different victim-survivors. It may mean being able to fit out their social housing property with certain security features such as locks and security systems. For other victim-survivors the location may determine if they feel safe or not. One victim-survivor may feel safest remaining in her local area where she has community connections to support her. Another victim-survivor may feel safest in a new area. This should be up to the victim-survivor to decide.

For victim-survivors of family violence having choices over these matters are important for them to be able to gain a sense of control and agency over their lives after sometimes decades of being controlled. It is essential that social housing regulations can afford tenants who are victim-survivors the flexibility needed to give them this choice and the transparency needed for them to make an informed decision about the choices available to them. This is true for victim-survivors needing to access social housing and victim-survivors already in social housing. We know that waiting lists are long and households on the Victorian Housing Register (VHR) may be allocated a social housing property in an area where they do not feel safe to live or which is not suited to their needs.

While it is possible to turn down a social housing property, many victim-survivors feel pressured to accept a housing offer because there is no guarantee that the next property will be more suitable. Furthermore, departmental guidelines about what is considered a "reasonable" property to suit a tenant's needs are vague,¹ making it difficult for tenants to argue that a property is "unreasonable". Victim-survivors who experience family violence while living in social housing are faced with a similar dilemma. Despite victim-survivors of family violence being on the priority list for transfers, the shortage of social housing stock makes social housing transfers very difficult if a victim-survivor cannot safely remain in their current social housing property.

We understand that increasing social housing stock is outside the scope of this review and that a chronic shortage of social housing stock is a significant driver of the lack of choice for tenants in the current system. However, we encourage the Panel to consider regulations that may increase flexibility, transparency and ultimately choice for victim-survivors in social housing within the current levels of housing supply. Head leasing properties that fit tenant needs, tenants swapping properties when

¹ <https://fac.dhhs.vic.gov.au/offer-housing> p 3

tenants need to transfer, and/or ensuring security systems are moved with a tenant are possible options to be explored that could increase flexibility within the system.

In regard to transparency, there is currently little to no transparency about how long wait times are on the Victorian Housing Register (VHR) and when a household can reasonably expect to be offered a property or where they are on the waitlist. There is also very little transparency for prospective tenants about why they are allocated one property and not another. Although victim-survivors of family violence are listed as a cohort for priority access, this category is very broad and anecdotal evidence from specialist family violence services suggests that victim-survivors are still waiting a long time to access a property or a transfer if their current one is unsafe. In some cases, specialist family violence services have actually suggested that it would be faster for the victim-survivor to give up their current property and apply for a new one through the VHR rather than wait for a priority transfer. However, long wait times and opaque allocation processes as described above obviously make this a very difficult and anxious decision for victim-survivors. Departmental guidelines for priority access to social housing and transfers due to family violence also focus disproportionately on physical violence², which ignores the evidence base demonstrating that non-physical forms of family violence can indicate high levels of risk equal to or sometimes higher than physical violence. Greater transparency regarding the processes through which these types of decisions are made would help tenants understand what their options are and help them make informed decisions about their housing.

Equity for tenants

The panel asks specifically if public, community and affordable housing should be brought under one regulatory framework. DV Vic/DVRCV does not have a position about if regulations should be made uniform, as we consider this outside the scope of our expertise. However, we do believe that tenants should be able to achieve the same outcomes regardless of what type of housing they are in.

Under the current system, tenants have very little choice about if they are housed in public or community housing or what community housing provider provides their housing. Different regulations across public and community housing mean that tenants in social housing do not always achieve equitable outcomes. The inequity of the system is increased if regulations affecting affordable housing are considered.

The difference in the percentage of income tenants pay is an obvious example of inequity across the system. In regard to family violence, there is also inequity across social and affordable housing providers' due to different understandings of family violence and the skills and resources at their staffs' disposal to respond to victim-survivors and perpetrators of family violence. While both public and community housing providers are required to align to the Multi Agency Risk Assessment and Management (MARAM) framework³, there is significant variance across providers about the extent to which individual staff feel supported to use MARAM and the social housing provider's connection with specialist family violence services and other services a tenant may need to manage their family violence risk and recovery. In addition, some community housing providers provide a specific gender focus, while others do not. Affordable housing increases the complexity because these providers are required to respond to family violence in certain ways under the Residential Tenancies Act (RTA) but not required to align to MARAM.

Differences between providers will never be completely removed and we do not believe they should be. Certain social housing providers offer a specialisation that needs to be maintained to serve certain

² <https://fac.dhhs.vic.gov.au/priority-transfers>

³ <https://www.vic.gov.au/maram-practice-guides-and-resources>

cohorts. However, the variance across social and affordable housing providers, combined with an allocation process that gives prospective tenants very little control where and with what provider they are housed, is creating a lottery system where some tenants end up with properties and providers which suit their needs and other tenants do not. It may be possible to achieve equity of outcomes across housing providers without bringing community, public and affordable housing under one regulatory umbrella, or it may not. DV Vic/DVRCV does not feel qualified to make a judgement on this. However, we do believe that whatever option is more likely to achieve equity of outcomes should be pursued.

Social Tenants

DV Vic/DVRCV supports in principle the Review's concept of "social tenants" and the questions the Panel raised about whether households who are eligible for social housing but housed in other accommodation should receive the same protections as those in social housing. As pointed out in the background paper, only 21.5% of low-income tenants are in social housing and 78.5% of low-income tenants are in insecure housing. Victim-survivors of family violence would feature strongly in both of these groups. Explicitly identifying "social tenants" enables this Review to potentially influence the housing situation for victim-survivors who remain outside the social housing system and are currently being inadequately supported in private housing.

The extent to which prospective social tenants can be afforded the same protection as social housing tenants remains a question. As mentioned earlier in this paper, many victim-survivors are on low or no incomes and would be in significant housing stress in the private housing market. Ideally, social housing regulations would be able to ensure that victim-survivors of family violence are not in housing stress regardless of where they live. However, we are unsure how this could be practically achieved. We also note that despite changes to the RTA and associated regulations to protect victim-survivors of family violence against discrimination, anecdotal evidence from specialist family violence services suggests that discrimination does happen in the private housing market. Any move to protect social tenants, including victim-survivors of family violence, would need to be balanced against the potential increased risk of discrimination and exclusion from the private housing market.

Ensuring that social tenants are connected with support services may be a more viable way to protect social tenants who are not able to get into social housing, which we discuss in more detail in the next section of this submission.

Issues to be addressed by social housing regulations

Housing must be integrated with support services

DV Vic/DVRCV believes strongly that one of the highest priorities of any changes to social housing regulations should be to increase integration between housing and support services. Too often, access to safe and affordable housing is thought of as simply a roof over a person's head. However, we know that for many people, particularly those with multiple and complex needs, having a roof over their head is not enough to make sure they remain housed and avoid future periods of homelessness. This is also true for victim-survivors of family violence.

We believe that providers of social and affordable housing have a duty of care to ensure that tenants are linked with support services and that this should be stipulated in social housing regulations. Furthermore, social housing regulations should ensure that housing providers proactively link tenants with supports and that access to this support is not time limited. Many social housing tenants have multiple and complex needs, and these needs can be dynamic and episodic. Ensuring that social housing providers proactively link tenants with support services over the duration of their tenancy when they

need support is essential if social housing regulations are going to consistently help ensure tenants achieve good outcomes. Including such a provision in the social housing regulations would also help standardise the extent to which social housing providers are linked with support services and the skills their staff must have to make these referrals, thus achieving better equity among tenants to achieve good outcomes no matter what type of housing they live in. Finally, stipulating that housing providers who are providing housing to social tenants also have a responsibility to make referrals to support services would help achieve equity for current and prospective social housing tenants.

It is important to state that DV Vic/DVRCV does not expect housing providers to provide support services directly. We know that some community housing providers currently have the expertise to do so. However, this is not the case across all social housing providers. Social tenants may have a myriad of issues that need to be addressed to support their housing which may include mental health issues, substance abuse, legal issues, debt and/or family violence, to name just a few. Each of these types of support services are specialists in their field. It is important that housing providers build connections with these services to help their tenants access their specialisation, not try to duplicate their specialist skills and expertise.

Finally, we understand that resourcing for support organisations is outside the scope of this review. However, it needs to be noted that better integration of housing and support services will substantially increase the demand for support services, most of which are already at capacity. If integration between housing and support services is going to be successful, increased resourcing for support services to be able to meet increased demand will be necessary and needs to be considered as part of the review of social housing regulations.

Training on family violence and their responsibilities under relevant legislation to respond to family violence should be provided to social and affordable housing providers

As a result of the Royal Commission into Family Violence, responsibility to respond to family violence was embedded in legislation for housing providers through the MARAM Framework and changes made to the RTA and associated regulations. Social housing providers are prescribed under the MARAM Framework and the RTA. Affordable and other private housing providers are only regulated by the RTA. As social housing providers align to the MARAM framework, MARAM training is being made available to social housing staff to ensure they understand and are equipped to meet their legislative requirements when responding to family violence. However, it is not clear what training has been offered to real estate agents to understand their new responsibilities under the RTA.

Social housing regulations should include a minimum standard for training for staff on complex needs and trauma, including family violence. DV Vic/DVRCV recently worked with CHIA Vic, the peak body for community housing providers in Victoria, to develop the [Community Housing Family Violence Toolkit](#) as a best practice resource to support community housing providers when working with tenants who are either experiencing or perpetrating family violence. It clearly articulates how to recognise, respond and refer for family violence within the context of the MARAM framework and where community housing providers' expertise begins and ends. We suggest that this could be a starting point for how social housing regulations might support social housing providers to understand and respond to family violence.

In September 2020, DV Vic also made a [submission to the Review of Real Estate Education Regulations](#) outlining what training we believe real estate agents need to undertake to adequately meet their legislative requirements under the RTA. We recommend the Panel consider this submission as a

starting place for what sort of training requirements could be included for real estate agents in the social housing regulations.

Victim-survivors who live in social housing need to be included in the ongoing regulation of social housing

Proactive, genuine and ongoing engagement with social housing tenants at multiple levels of social housing regulation is necessary to ensure that good outcomes for tenants are achieved. While DV Vic/DVRCV listed several outcomes that we believe should be achieved for tenants in social housing at the start of this submission, ultimately it should be up to tenants to determine what they consider good outcomes for themselves in relation to their housing and home to be.

To successfully engage with social housing tenants, the power imbalance between tenants and housing providers needs to be explicitly recognised and addressed so that their voices and opinions are genuinely included in regulations affecting their housing and community. When engaging with tenants who are also victim-survivors, additional considerations need to be taken into account about safety, anonymity and trauma.

Ensuring the centrality of victim survivor voices and responding to the needs and experiences of clients from different communities and client groups in the family violence system was a key message delivered by the Victorian Royal Commission into Family Violence (Recommendation 201). To this end, DV Vic partnered with the University of Melbourne, the University's WEAVERS (Women and children who have Experienced Abuse and Violence: Advisors and Researchers) lived experience group, and a number of philanthropic organisations through the Family Violence Philanthropy Collaboration Project (FVPCP) to develop the [Family Violence Experts by Experience Framework](#). This framework lays out principles, guidelines, and recommendations for how to work with victim-survivors of family violence to influence policy development, service planning and practice. DV Vic/DVRCV believes that the principles, guidelines, and recommendations outlined in this framework can be applied to engaging with social housing tenants and/or any community consultation. We recommend that similar principles and guidelines be adopted as part of any social housing regulations and that mechanisms are put in place to allow tenants to evaluate and monitor social housing providers adherence to these principles.

Conclusion

DV Vic/DVRCV believes that the way we think about housing needs to be radically reimagined as social infrastructure, to which Victorians have a human right, so they may live safe and dignified lives. We are very pleased to see this review have a strong focus on the social welfare of social housing tenants and those who would qualify for social housing if there was enough stock to meet demand. We strongly believe that social housing should be tenant focused and should primarily strive to achieve good outcomes and equity for tenants across all forms of social and affordable housing. Principles of good tenant outcomes, equity for tenants across the social housing system and equity for social tenants even if they are not currently housed in social housing is laudable. However, for these principles to be achieved it is our view that any future social housing regulations will need to ensure that:

- housing is well and consistently integrated with a range of support services,
- housing providers must be adequately trained and equipped to work with tenants with a range of complex needs, and
- tenants need to be genuinely involved at all levels of social housing regulation on an ongoing basis.

We thank the Panel for the opportunity to raise issues relevant to current and prospective social housing tenants who have experienced or are experiencing family violence and how social housing regulations may better support victim-survivors to leave and recover from family violence. We look forward to working with the Panel and the Victorian Government to improve housing outcomes for victim-survivors of family violence and all tenants of social housing.