

27 September 2021

Social Housing Regulation Review Secretariat  
C/O Old Treasury Building, 20 Spring Street,  
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To Whom It May Concern

### **Social Housing Regulation Review - Endorsement of Tenants Victoria Submission**

Hume Riverina Community Legal Service (HRCLS) welcomes the Victorian Government's Social Housing Regulation Review, acknowledging the broad scope and depth of inquiry undertaken. Safe and affordable housing underpins a person's ability to access justice and frequently we see housing stress and homelessness at the heart of our client's complex needs and multiple legal problems. As Social Housing as a proportion of Community Housing continues to grow, it is crucial that regulation 'gets it right' to provide a fair and equitable system to the most vulnerable.

HRCLS strongly **endorses** the comprehensive submission and recommendations prepared of Tenants Victoria (TV). In our work as a regional, generalist community legal service, we collaborate with and rely greatly on the statewide tenancy legal service. We collaborate via the Federation of Community Legal Centres, in the Tenancy Working Group chaired by TV and work together on local projects such as Bushfire legal support.

In addition to the TV Submission, we take the opportunity to make the following comments in our submission to the review:

#### **1) Rural, Regional and Remote (RRR) – limited choices:**

HRCLS assists tenants across RRR communities in our North East Victoria catchment. Social Housing exists only in and around the major regional centres and where it does, only a **single provider** offers social housing, alongside public housing. Whilst the Consultation Paper 2 (at 2.2)



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acknowledges that limited choice underlies the need for regulation – **this is amplified in a regional setting**. In circumstances where a tenant is unfairly treated, entrenched in dispute or unable to access Social Housing in a regional setting, **there are no other options available**.

For example, in 2021 HRCLS assisted a single mother who had experienced significant family violence and was attempting to apply for Social Housing. Her application was knocked back on the ground that her debt levels were too high and that she couldn't afford that provider's option. Whilst this decision may have been appropriate in the context where crisis housing or other support was available, in a regional centre where there is no other supported housing, this was highly problematic and meant that, in addition to being homeless, she was also unable to spend time with her children, compounding both her legal and social problems.

Anecdotally other HRCLS clients experiencing crises have been advised by social support services that there are no options on either side of the border, and that if they "don't want to sleep in the park", they could apply for housing in Melbourne. The expectation that a person requiring housing will move to another region, leaving behind other key social supports, is unreasonable and detrimental.

Regional settings have fewer of the 'ancillary options' for supporting a person in crisis, such as crisis accommodation or informally through funded motels or caravan parks. This is particularly so in tourist areas. These types of options can create a necessary buffer for avoiding homelessness.

Similarly, the implications of eviction from Social Housing on people in Regional communities are particularly dire. Our service recently assisted a client with significant mental health issues who was evicted from Social Housing. He was given a brief reprieve in a private motel, but when this became untenable he was required to leave and became homeless.

Despite formal regulation, Social Housing continues to operate on principles that 'consumer choice' will reduce poor performance by providers. This logic is false, as in many parts of regional Victoria, choice does not exist.

## **2) Complaints - Advocacy Support (Consultation Paper 2, Q 41)**

Overall we support a complaints and dispute resolution system that empowers tenants and can be accessed with ease and without fear of reprisal. It is undisputable however that many Social Housing tenants require support and advocacy to access and have equal footing in such a setting.

As well as a limited number of Community and Social Housing providers in regional areas, there are less supports available for accessing help or advocacy when disputes arise. Community lawyers and tenancy advocates play a crucial role in helping Social Housing tenants understand their rights, negotiate and resolve disputes, which in turn are critical in keeping Social Housing running effectively for everyone.

In some regional settings, **funded tenancy advocacy services are provided by the same Social Housing providers that people rent from.** This has the potential to undermine perceptions of independence or ability to get help when needed. This is a shortcoming of the current model (Consultation Paper 2, Question 39) that must be addressed in going forward.

Regulations, rules and rights are effective only to the extent that a tenant can access them. More often than not, Social Housing tenants need help to do this. For this to work, there must be no barriers – such as perceived conflicts of interest – that could prevent a tenant seeking help and integrated service delivery models (see below) to provide wrap-around supports to the most vulnerable should be available.

### **3- Housing allocation (Consultation paper 2: 4.3)**

We note that it is not within the scope of this inquiry to merely advocate for more housing. However it must be stated that excessive and overwhelming demands on a housing provider can distort and prevent the effective operation of regulation, as the import of one applicant or tenant being treated unfairly is diminished as it can make way for another person to be housed. This undermines the overall integrity of system. Pressure on the Housing System is a central factor in whether regulation is successful.

In the context of allocation in a regional setting where there is a housing shortage, a single Social Housing provider and long wait times, **to be successfully housed effectively requires multiple and overwhelming priority criteria.** It is our view that this is commonly understood by the community and has terrible consequences. For example, our service is aware of common discourse among the vulnerable young people we work with that having more children will lead to progression on the waitlist. This has been confirmed by our partners working in this space.

Ultimately, it is our observation that many experiencing acute housing need do not even apply for housing due to a sense of hopelessness that they will obtain housing. Our service has worked with multiple people in this situation, including rough sleepers, women trapped in family violence, young people

who are victims of sexually violence and trauma, who have simply not applied for housing because they don't believe safe appropriate and supported housing will be available.

We acknowledge the inherently difficult task of comparing the unique lives and circumstances of different housing applicants to decide whose need is greatest. Regulation must at a basic level provide to the community is **certainty that the scope of an applicant's situation will be fairly and consistently considered.** A more effective allocation model allows for deep understanding of the details of a person's situation and a matching to suitable and appropriate housing.

### 3) Family Violence in Regional Victoria

The Consultation Paper 2 at 4.3 indicates an increase in family violence related applications for Social Housing. This mirrors our experience that family violence is entrenched within the communities we work, that it leads to a critical need for housing and that this need is not being met.

61% of the clients our service assisted in 2020/21 were directly impacted by family violence. 10% were either homeless or at risk of homelessness. Whilst the priority access categories may seem workable in theory, where the demand far exceeds the supply, it becomes almost meaningless.

We have outlined above a number of situations where our client's need have not been met by the current system, although this is not solely due the Housing Register. We encourage flexibility (Question 12) but only if it does not come at the cost of other housing rights. We encourage both the Register and Housing Providers being open to detailed applications, and flexibility to collaboratively create meaningful alternatives

### 4) Integrated support (CQs 42-44)

We welcome the inclusion of the benefits of collaborative/integrated service delivery. Our own work in partnership with social, family violence and community health support organisations leads to better outcomes for our clients. Integrated service delivery supports a "no wrong door" approach and means that vulnerable people's issues are not addressed in isolation.

Our learnings in providing integrated services, such as health justice partnerships, are that underlying issues are more likely to be identified and addressed quicker.

To date, whilst we work closely with housing and homelessness *supports*, we are yet to work in an integrated way with a Social Housing provider. Noting the concerns raised above with the need for **independence** (both perceived and real), this type of collaboration and integration with legal services could be expanded.

Whilst models of full integration may be possible, we would welcome small steps in this direction, such as early facilitated referrals, mandated case collaboration for difficult tenancies or complex applications established with regulation.

Yours faithfully,

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Acting Principal Lawyer