

Social Housing Regulation Review

Submission by the Save Public Housing Collective

The Victorian Government has commissioned an independent review of the regulation of social housing with the stated aim of assessing the settings for regulation to provide strong resident protection and provide for the growth of social housing. Three consultation papers have been published on which the review panel is seeking views.

The Save Public Housing Collective rejects the use of the term 'social housing' to describe 'public housing'. The use of this term by government and community housing providers and supporters obscures the privatisation of public housing and further entrenches negative, prejudicial views about public housing provision.

The Save Public Housing Collective submits that there is sufficient evidence demonstrating that investment in public housing is the most cost effective way for government to provide affordable, secure housing for very low to low income households¹. Public housing is indeed “tremendously efficient” as Professor David Hayward has noted².

The attention of government, and this review, should not be on providing opportunities for private investors and developers to profit from community housing provision and other private rental projects. Instead, it should be oriented toward funding the growth of public housing and securing the rights of all tenants.

SPHC find that the underlying premises of the three consultation papers are so flawed that to comment on the specific questions posed would legitimise presumptions and policy trajectories that are indefensible.

In particular:

1. The review papers put forward the idea of a ‘social tenant’, which Review Paper #1 defines as someone who is eligible for public or community housing but renting outside the social housing system (ie in private rental). This rests on the premise that the private rental market is a legitimate housing provider. It is not – the housing market is the problem at the heart of housing stress and injustice, it is not the solution. Introducing a ‘social tenant’ concept muddies the very important difference between the inadequate provision of public and community housing overall, and the rights and protections for public and community housing tenants. The review is skewing the focus away from the important questions of tenant rights and protections, falsely comparing tenant experiences in different parts of the housing system and shifting the focus away from the responsibility (the subject of regulation) of public and community housing providers to uphold the rights of residents.
2. The ‘social tenant’ idea gives licence to the notion that rights and protections should follow the individual tenant. This is a fundamentally flawed concept, opening up the prospect of even more discrimination in a system that already widely discriminates.

¹ <https://www.ahuri.edu.au/research/final-reports/306>

² <https://www.smh.com.au/business/the-economy/private-landlords-are-losing-billions-should-we-keep-picking-up-the-tab-20210615-p58154.html>

A rights-based framework for all public and community housing residents should be the aim, to provide secure, equitable and transparent rights and protections across the entire system. Such rights and protections should be the responsibility of public and community housing providers to uphold.

3. Review Paper #2 poses questions that presume that the regulation of public housing is lesser than the regulation of community housing. This is patently false. Comments are then sought on the basis of this false premise about the extent to which public housing should be 'equalised' with community housing. Making comment therefore requires accepting a false premise. A public housing tenant in Victoria is afforded more security, greater protection and transparency than a resident of a community housing provider. Homes Victoria, the government agency responsible for public housing, is accountable directly to the elected members of Parliament. Its decisions are overseen by the Housing Appeals Office, with independent oversight provided by the Victorian Ombudsman and the Victorian Auditor General. Tenants are protected by the obligations on the State under the Charter of Human Rights and Responsibilities. By contrast community housing providers are private organisations that might uphold the obligations of the Charter if they choose, have much less transparency in terms of policy and procedures and are not subject to the same Parliamentary oversight. The review process is attempting to water down the rights and protections of public housing to the level of community housing. This is wrong.
4. The review papers situate tenant voice and choice as the main priority for regulation. SPHC firmly believes that tenant voices must be front and centre. But the focus in this review on tenant voice comes at the expense of enforceable tenant rights and protections. Moreover, tenant choice is only meaningful when there is an adequate and functioning system of public and community housing within which tenants might be able to make informed and sensible choices. Victoria does not have an adequate or well-functioning system of public and community housing. We have the result of decades of sustained disinvestment in the housing stock, deliberate stigmatising of residents and communities, and an entrenched agenda of privatisation through stock and tenant transfer, and straight sale of public housing dwellings and land. The review's focus on voice and choice serves to distract from these urgent structural issues that should be the focus of urgent regulatory attention.
5. The review explicitly excludes rent setting regulation from consideration. Yet rent setting is at the very heart of the question of housing justice, as it is rental amounts that determine whether a household is in housing distress and the extent to which that household is vulnerable. Fair setting of rents as well as fair and transparent rental arrears policies should be of fundamental importance to the regulation of a public and community housing sector. That this is excluded from the review demonstrates that this is not a regulatory review working in the service of public and community housing residents now or in the future.
6. Consultation Paper #3 works from the premise that for-profit providers of public and community housing is an acceptable policy aim. We reject this premise entirely.

SPHC demands a fair and transparent regulation of public and community housing providers:

- Legislated Right to Housing for all to be included in the Charter of Human Rights and Responsibilities.

- Permanently legislated rent setting across the entire public and community housing sector, regardless of provider, to be maximum 25% of income
- Legislated and permanent moratorium on all evictions, based on the principle that no person should ever be made vulnerable to experiencing homelessness
- Revise the Housing Act to commit all Victorian governments to deliver on the responsibility to end homelessness through a 'Housing First' program, underpinned by public housing construction to meet all current and future applications to the Victorian Housing Register through:
 - a. introducing binding deadlines of 2 weeks for assessing applicants to the Victorian Housing Register;
 - b. offering emergency accommodation for at least 6 months to applicants experiencing homelessness on the Register; and
 - c. providing permanent accommodation to applicants in emergency accommodation
- Revise the Housing Act to require Homes Victoria maintain all public housing to the minimum standards for new private tenancy agreements under the Residential Tenancy Act.
- Revise the Housing Act to enable public housing tenants to establish fully government funded, democratically elected, tenant-run estate committees to be the principal interfaces between communities and all Victorian government agencies to secure a more prominent voice in decisions affecting tenants' housing and quality of life.
- Create and commit all Governments to a permanent capital expenditure on the maintenance and investment in public housing to an appropriate standard adequate to address and resolve in the short-term the growing demand for public housing; and the repair and maintenance to an appropriate quality standard all current and future public housing stock
- An independent body to manage the Victoria Housing Register, appointed through a revised Housing Act and advising government on how much public housing should be built or purchased to meet current demand and plan for future need.
- The current oversight of public housing by the Victorian parliament should be maintained through a Standing Committee of the Victorian parliament.