



## Friends of Public Housing Victoria

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Friends of Public Housing Victoria - FOPHV - is a grass roots activist group, made up of public tenants and all people who support the Public Housing system and want to see it retained and strengthened. We are not part of any Collective, but are a stand-alone independent organisation who have been advocating on behalf of Public Housing and public tenants for around 10 years. We receive no outside funding. We advocate on behalf of public tenants. FOPHV spokespersons are all long-term public tenants with the lived experience of Public Housing.

### Independence of the Review

This review has been widely promoted by government as an Independent Review into the Regulation of Social Housing. Unfortunately we have serious concerns regarding this which we spoke of in our last submission to the Review. All panelist have strong connections, past and present with Community Housing Organisations and/or KPMG.

These organisations are beneficiaries of current government policy. Despite the \$5.3 Billion Big Housing Build being promoted by the ALP and the media as a 'Commitment to Public Housing' it is nothing of the sort. Public Housing is the big loser in Labor's 10 year strategy. No future growth at all is planned for Public Housing, no new publicly owned and managed properties will be built, and many Public Housing estates will be demolished and replaced with Community Housing and private units.

We hope that in spite of their connections with the Community Housing sector, all three panelists will nevertheless be fair and impartial in considering the arguments which we present in favour of the Public Housing system. Any recommendations about the regulations should be informed by an intention to protect Public Housing.

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### **The Review's Terms of Reference ask that the Panel to consider the degree that Social Housing tenants' rights should be 'harmonised'.**

We disagree with the aim of unifying the regulatory systems of Public Housing and Community Housing as we believe that it is in principle mistaken as they are different types of organisations. We believe that Community Housing and Public Housing need to remain separate entities.

Having said that, if the government nevertheless proceeds with unifying the regulations, it should be that Community Housing regulation be adjusted to apply within the norms protecting Public Housing tenants, rather than Public Housing rights being degraded.

This is of major concern to the Community Legal Services as well, who state in their previous submission to the Review: “Particularly crucial is that the comprehensive set of rights and policies applicable to people living in public housing are not undermined for the goal of harmonisation.”

Reading carefully the points to be considered by the review for this submission, it is apparent to us that all of the outcomes are more easily and naturally achieved by government and are indeed the government's responsibility.

It is hard to see how fair and just social outcomes will be achieved with the competing interests of private businesses. The inherent tension between the need of the Housing Associations/providers to be financially viable and their social obligations, has been made over and over again by various organisations and individuals. It is also evidently the concern at the base of many of the Review's considerations as outlined in its consultation paper.

It is time for the government to openly recognise and acknowledge this fact, and protect people's right to Housing by ensuring that Public Housing and Community Housing organisations remain separate.

Behind the hype, spin and glossy PR of the Community Housing sector there are 'clear and troubling trends' reported by the Community lawyers when it comes to some very dubious Community Housing practices. The submission by the 'Community Legal Services Joint Response' to this Review is a truly damning indictment of some of the practices of Community Housing Organisations. Their submission details comprehensively how these flaws should be rectified.

Problems with Community Housing Organisations include cherry-picking prospective tenants, creeping rent rises, and the tendency of other services to be included in the rental calculations which can add up to around 50% of tenants' income. They have also demonstrated an unwillingness to negotiate for better outcomes with the tenant, preferring costly and tiresome litigation. Performance and operational data are hidden due to Commercial-in-Confidence. Community Housing organisations have used Fixed Term Contracts which makes it easy to evict people, often into homelessness, without needing to supply a reason. The absence of any long-term rebates that will reduce rents if and when tenants' circumstances change is another common problem.

In the midst of an ongoing pandemic these practices are being allowed to continue. The Housing Registrar's powers seem to lack the scope to intervene in many of the conflicts that arise.

FOPHV members have been present at two delegations with consecutive Victorian ALP Housing Ministers and raised some of these concerns regarding Community Housing with them. We also recounted sad stories of how the 'relocation' of Public Tenants, under the guise of 'renewing Public Housing' was having a deleterious impact on the lives of elderly public tenants and those with mental health problems. Being a grass roots organisation made up of public tenants and supporters we know about the issues facing our communities. We tried to convey to the Housing Ministers the human cost arising from their housing policies. Unfortunately it seemed clear to us that our concerns fell on deaf ears.

With the Community Housing Sector about to boom and bigger sophisticated players ready to move in, the problems already evident with Community Housing are likely to get worse. Even with the best intentions, and the political will to do so, the government will be at a disadvantage in trying to make these social outcomes stick.

These businesses will have their own legal specialists to protect their profits and find ways around any regulations that might hamper them. What they call 'new and diverse' models of housing, not limited to not-for-profits will be entering the expanding scene. This seems to be a revival of the 'profit- plus' corporation model which was raised years ago. Again the tension between social and financial goals within Community Housing Associations/Providers is inherently the problem here.

The Community Housing Sector has a very poor record when it comes to The Victorian Charter of Human Rights. They fought tooth and nail not to have the Charter applied to them in their submission to the Human Rights Review in 2015. In the absence of clear statute law, the extent to which Social Housing Providers are public authorities and subject to the Human Rights Charter remains unclear and can lead to litigation in the Supreme Court. Housing Associations are well equipped for such legal battles; strangely Community Housing tenants are not.

In contrast Public Housing has its Human Rights comprehensively embedded in its operation manual.

We recommend the Government fully supports the principles of the Victorian Charter of Human Rights and Responsibilities in the development of all its housing policies.

### **The Combined Waiting List and the running down of a public asset.**

The VPTA is 'very concerned by the shift away from publicly owned and managed housing stock and the 'consequences of these decisions for future social housing renters' and raises the risk that 'two classes of social housing renters will emerge'.

As public tenants with many years' experience of living in Public Housing, we can assure the panelists that this is already happening.

The Combined Waiting List has been a disaster for Public Housing. It is basically an exercise in social engineering, since Community Housing Organisations can pick and choose who they house, often preferring those with higher incomes and fewer complex needs. There is no obligation for them to house the homeless. We have heard that Community Housing Organisations can access prospective tenants privately through their own channels, and then request that they put their name on the Combined Waiting List to satisfy government criteria. Meanwhile someone who has been waiting for housing for many years misses out in favour of somebody who has been on the list for two weeks! The Combined Waiting List has introduced systemic discrimination.

The Combined Waiting List puts an unfair burden on the Public Housing system. We have a proud tradition of housing people in need without judgement, but our communities function better when there is a diversity of tenants, some with complex needs and others who initially entered the public system simply due to low income. The Big Housing Build should reflect a commitment to genuine Public Housing by building more Public Housing. Public Housing should be a core government responsibility like public roads, schools and hospitals, rather than devolve into the housing of last resort.

Our communities, in spite of unfair public denigration and stigmatisation, are still close-knit and very functional, but many tenants are finding living in Public Housing more challenging in the last 5 years since the Combined Waiting List was introduced.

We request that the panel bear this in mind when assessing public tenants' survey responses to the Review. These public tenants have answered questions in good faith - how can the Public Housing system be improved? The government has given no indication that it genuinely wants to improve Public Housing. As evidenced by its 10 year strategy, the ALP seems intent on abrogating its responsibilities by trying to get out of being a direct landlord.

It would be yet another betrayal of public tenants if their honest responses were later used to justify the collapsing of the public housing system into the growing Community Housing sector when all they really wanted is for the government to lift its game.

We believe the running down of our public housing assets to be politically motivated. Lack of adequate maintenance is demoralising for the tenants. The upkeep of the grounds has slipped alarmingly. Knowing the serious level of need and disadvantage that exists in Public Housing with many on disability or aged pensions, how can the government justify employing only 1 front-line worker for around 300 tenancies? This is blatant neglect. The government is creating the very problems it claims it wants to avoid, pockets of ghettoisation.

Public tenants wishing to transfer are being heavily pressured by Housing Workers to accept Community Housing homes over Public Housing. One public tenant told FOPHV that she was reprimanded by the Housing worker for being 'very stubborn', and that application forms for Community Housing would be sent to her in any case, even though she was clear she did not want to move into Community Housing. It is unconscionable that public servants are trying their hardest to push people out of the public system.

**It would be a very simple measure to discontinue with the Combined Waiting List and return to separate waiting lists. We recommend that this be done. We advocate for more staff and better skills training especially in the area of conflict resolution arising from complex needs.** One housing worker for every three hundred tenancies cannot adequately support the Public Housing model and this should be addressed as a matter of urgency.

**The aim of the government's desire for a review to recommend a unified model for Community and Public Housing is quite possibly a prelude for absorbing Public Housing into Community Housing in future.**

The suggestion has made from time to time that Public Housing tenants be eligible for Commonwealth Rent Assistance ('CRA'). There is no inherent reason to prefer CRA to the simple cap on rents of 25% of income as practised in public housing, quite the contrary. CRA is inherently less efficient requiring a greater burden of bureaucracy to implement especially as it involves the separate Commonwealth jurisdiction. There is no reason to extend the CRA to Public Housing, where it is manifestly unnecessary and bothersome.

We think the only rationale that makes sense for introducing CRA to public tenants and changing the much needed rebated rent model, would be as a stage of privatisation by facilitating future management and stock transfers. Such a course of action has been recommended by the Productivity Commission.

Community Housing Organisations have often pushed for 'management transfers' and we know they are not interested in taking over Public Housing unless they have guaranteed access to an ongoing stream of CRA for each household.

The VPTA has also identified what they call a “threat” from the Community Housing sector, “which in some quarters, seeks to take over public housing stock.” The VPTA goes on to say that “all transfers of management of public housing to Community Housing providers should cease.”

Martin Foley, when he was Housing Minister indicated Labor’s intention to transfer management of Public Housing to Community Housing organisations, with the intention of transferring titles at a later date.

Public Housing rents capped at 25% of income is literally what keeps people off the street and provides them with much needed housing security. Removing this protection would be disastrous for tens of thousands of vulnerable Victorians.

We believe the panelists have a grave responsibility to ensure that recommendations of this Review do not serve to further the privatisation of Public Housing.

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Spokespersons, Friends of Public Housing Victoria.

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