
HOUSING FOR THE AGED ACTION GROUP INC.

OLDER TENANTS' HOUSING CHARTER



FOCUSING ON THE NEEDS OF OLDER LOW INCOME TENANTS

November 2003

United Nations Declaration of Human Rights

Article 25 (1)

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old-age or other lack of livelihood in circumstances beyond his control”

U.N. General Comment No.4

on the Right to Adequate Housing adopted by the United Nations Committee on Economic, Social and Cultural Rights on December 12, 1991

(UN Documents: E/CN.4/1991/4)

Pursuant to article 11 (1) of the Covenant, States’ parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The Human Right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.”

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Foreword

For the past year Housing for the Aged Action Group has been finalising our Older Persons Housing Charter. The Charter has been developing for a number of years, appearing in many formats and changing with various governments and expressed community need.

A number of consultation meetings have been held with over 200 older people contributing to the process. This Charter is the outcome of the views and needs of older people who passionately believe that affordable and secure housing must be recognised by our society as a fundamental right. HAAG believes that if we do not heed this message then the consequences for generations of older people will be dire.

The Older Tenants Housing Charter has been produced now in response to a radical change to Federal and State Government housing policy over the past decade. Budget constraints put on public housing by the Federal Government have meant that housing policy in Australia has moved away from direct government provision of housing, towards an emphasis on private/public partnerships and the promotion of community/private enterprises in the form of Housing Associations which take on the role of housing people in need.

Because governments are focusing on issues of housing supply, no one is asking: "What do tenants need"? The Older Tenants Housing Charter is the voice of older people who have answered this question. It is up to Government to listen to our loud and clear message and ensure that whatever model of housing is proposed, that it meets the benchmarks as set out in this document.

Yours truly,
Dalene Salisbury
Chairperson

Introduction

This Charter sets out the criteria for suitable housing and related needs for older low-income tenants. These criteria are:

- ❑ Affordable
- ❑ Available
- ❑ Accessible
- ❑ Security of tenure
- ❑ Well maintained
- ❑ Energy efficient design
- ❑ Location
- ❑ Linked aged care services
- ❑ Tenant / Resident participation

Housing for the Aged Action Group believes that Federal and State Governments in Australia should recognise that affordable housing is a fundamental human right. Also, our governments need to respect older people, recognise their past and present contribution to society, and ensure their housing, health and aged care needs are fully met now and into the future.

Australia is an ageing society. As well as living longer, by 2050 a much greater proportion of the population will be over the age of 65 by than at present. Governments need to plan for these changes to ensure that services are available to all older people no matter what the status of their income or assets. These services should be provided **on the basis of need** and not treated as a secondary policy measure that is funded with what is left after reducing individual taxes.

As we age we have specific requirements for appropriate housing and related services. A balance is required to be found that ensures that an older person has good quality accommodation with effective support services in the home to enable appropriate ageing in place. If residential care is required it must be well integrated into the community to ensure a person does not suffer emotional and social isolation.

To achieve these goals Governments need to base their planning on the needs of older people by ensuring that older people are integrally involved in the development of housing, health and aged care policy.

THE CHARTER

This Charter promotes the rights of older people, as citizens, to housing and services that meet the following criteria:

Affordable

Older people have the right to accommodation where the cost is not a financial burden.

Housing Benchmark

Older low-income tenants should not have to pay more than 20% of their base income in rent. This is the maximum payable to enable a person to manage their other substantial living costs such as food, utilities such as gas, electricity and water, clothing, medicine, transport and recreation.

Current scenario

No major housing provider in the public or private sector meets this target.

Background

As at November 2003, the pension rate is \$452.80 per fortnight for a single aged pensioner. HAAG has been provided with an analysis of the average total living costs for a person on the aged pension. Representatives of financial counselling services, who have the most up to date records of household expenditure, have supplied this data.

Their analysis shows that if rent is charged at 20% of income, an older person's weekly expenditure would still exceed their weekly budget by at least \$23.20 per fortnight. Therefore, reductions would be required to the weekly budget in order to survive. As all major housing providers are now charging at least 25% of a person's income in rent, more severe reductions in essential needs are necessary.

Rents in private rental accommodation, public housing and community housing have been on the rise over the past few years. It is vital that governments and the community accept a benchmark of affordability for people who live on the Age Pension.

Single older people living in private rental housing are paying on average 49% of their income in rent. Public housing rents have risen from 20% to 25% of income in the last decade. Many Independent Living Unit providers are raising

rents, as managements become more business oriented.

With the massive reductions in funds to the public housing sector, there has been the development of a range of rental charge formulae in the so-called affordable housing community that represent increased charges for older tenants. For example:

- The Social Housing Innovations (SHIP) Report, which is the driving force behind the state government's radical re-organisation of the housing sector, states that Housing Associations should have the 'flexibility' to raise rents to 30% of income, or even higher, to enable an organization to "manage its financial risks".
- The Brisbane Housing Company, a private-public consortium that has been set up with \$60 million of Commonwealth-State Housing Agreement funds, has set rents at 75% of the market rate. This could mean rents set well above 30% of income.
- ILUs have a wide range of rent formulae. For example, one small ILU cluster has been taken over recently by a large welfare organization. The tenants were paying a flat \$26 a week. Now their rent has increased to \$45 a week and will increase each time the Age Pension increases. Another provider charges more rent to people who haven't been able to afford to pay an ingoing lump sum, compared to which those who have.
- Tenants receiving some level of service such as meals, laundry or coverage of utilities in housing types such as Abbeyfield and Village Life are paying 85% of their income in rent.

Further, housing costs are also affected by the quality of housing as housing must be in good repair with energy saving features that minimise the cost of utilities.

Available

Older people have the right to access a range of housing options and accommodation types that can be obtained within a reasonable period of time.

Housing Benchmark

All people who reach Aged Pension age with assets of \$100,000 or less should be granted early housing status within the public and community housing systems.

Current scenario

No major housing provider in the public or private sector meets this target.

Background

Lack of supply

At the time of developing this Charter, Victoria's official public housing waiting list was 37,000 with an estimated 70,000 households eligible to apply. Waiting times for all stock types (excluding bed-sit accommodation) in a majority of areas have blown out to 12 – 15 years. Waiting times under the early housing system is typically a 2 - 3 year wait. For people of Age Pension age, indefinite waiting times are untenable.

This appalling situation has been caused by an inadequate supply of government funding for public housing. It is estimated that the reduction in funds for public housing construction has reduced by 26% in the last ten years.

Housing types

Additionally, we need to ensure there are many and varied types of housing available to older people. One example is the need for more two bedroom housing to allow for carer or family support, or spouse comfort where there are health problems that make it difficult for a couple to share a bedroom.

Also, greater provision is required of a range of housing designs and cluster developments that meet the needs of a particular community or interest group. For example, housing developments that enable older ethnic people to live together, or to be located in areas that are culturally appropriate.

Accessible

Older people need housing that is purpose designed for suitable access and is adaptable as a person ages.

Housing Benchmark

All older persons' accommodation should meet the Australian Access, Adaptability and Mobility Standards.

Current scenario

Public housing is the only major housing sector that adheres to the key principles of this standard. The Office of Housing exceeds this standard by also complying with the Disability Discrimination Act 1995.

Background

Housing design must allow for a person's deteriorating health in later years, so that it suits a person's changing needs. This also ensures that the housing complies with the security of tenure benchmark so that there is no need for a tenant to move if they become less physically able.

Whether by design or modification older persons' housing should include such features as:

- Accessible approach, no step entry to main entrances and exits.
- Accessible toilets and bathrooms including circulation space for wheel chairs or mobility aides
- Grab rails fitted to external step areas, bathrooms and toilets
- Lift access in multi-storey blocks of flats
- Wide hall and doorways to enable wheel chair access
- Accessible height to ovens, cook tops, cupboards and electrical outlets.

However, lengthy waiting lists mean that far too many older people remain living in unsuitable accommodation for long periods of time.

Security of tenure

Older people should have the right to secure tenure for as long as that housing is their preferred option.

Housing Benchmark

All people over the aged of 55 should be able to access housing that guarantees lifetime tenancy in their housing.

Current scenario

Public housing is the only major housing sector that meets this target.

Background

Lack of security of tenure means many older tenants live in constant fear of losing their homes. The majority of people seeking assistance from HAAG are those who have received a Notice to Vacate their homes within 60 – 120 days. Many of the tenants whom HAAG has assisted are people who have rented their homes for up to thirty years. Many of these people have suffered severe health problems from not only having to relocate quickly, but more often than not, from having to move to unfamiliar outlying areas with fewer services. Lack of tenure can mean people are constantly on the move; for low-income people this is both emotionally and financially debilitating.

In recognition of the critical health impact insecure housing has on older people, lifetime security needs to be guaranteed to all people of Aged Pension age.

Well-Maintained

Older people have the right to a home that is maintained in good condition, to a modern standard, with appropriate health and safety features.

Housing Benchmark

Legislation must be enacted that guarantees that older people have the protection of modern minimum housing standards in rental accommodation.

Current scenario

Public housing is the only major housing sector that meets this target.

Background

Between 1986 and 1996 the amount of private rental housing grew by 34%, yet the supply of low cost private rental housing declined by 28%. This means there is increasing competition for properties at the lower end of the market, ensuring that there is no incentive for owners to upgrade their properties. As older people on Age Pensions seek the cheapest rental accommodation available, they make compromises about the quality of the housing.

Many lower priced private rental properties have substandard facilities such as: No insulation, no heating, appliances with a low energy conservation rating, windows that don't close or lock, deadlocks not provided, poor water pressure or water leaks, rising damp, mould and mildew and gaps around floors, doors and windows causing draughts. These tenants have much higher weekly utility costs and their health is adversely affected by the substandard conditions.

The Residential Tenancies Act 1997 does not require a landlord to provide a minimum standard of accommodation. In most cases, a tenant must accept an advertised property in the condition in which they find it. Any improvements they wish to make their home, such as making it warmer in winter and cooler in summer, must be done at the tenant's expense. After seeking permission from the landlord, of course!

Energy Efficient Design

Older people have the right to housing that is designed to provide a healthy environment, save energy and minimise a person's ancillary housing costs.

Housing Benchmark

Government housing budgets need to ensure there are sufficient funds to enable the construction of dwellings with the latest energy efficient design factors included. This should incorporate provision for programmed upgrading of existing stock.

Current scenario

Public housing is the only major housing sector that complies with some aspects of good energy efficient design.

Background

Energy efficient design in housing is generally recognised as the domain of the wealthy, inspired by the creative flair of a commissioned architect. However, good design can be made available to people on low incomes if governments can see the enormous value for the individual and society as a whole. Factors such as solar power, insulation, architectural design, water conservation and energy-efficient appliances can have a major impact on the health and financial wellbeing of older people as well as reducing greenhouse gases and protecting other non-renewable energy resources.

The state government's recent decision that all new housing, including public housing, must meet a minimum five star energy rating, is laudable. However, while the government plans to conduct trials to assess the most cost effective approaches to improving the energy efficiency of spot purchase public housing dwellings and the existing housing stock, it remains to be seen if this pilot turns into a program across all public housing in the state.

Urgent regulation is required to ensure that private rental dwellings comply with energy saving principles. Existing investment properties do not have to introduce energy conservation measures (see commentary on minimum housing standards in 'Well Maintained' section) except for replacement of hot water services with an 'A' rated appliance as per the Residential Tenancies Act 1997. As private rental tenants suffer the highest housing costs they also face the highest utility costs as a consequence of this lack of regulation.

Location

Older people have the right to live in housing that is located in their chosen community, close to services and public transport.

Housing benchmark

Part A. Affordable rental housing must be provided in all areas of Melbourne and Victoria and linked to accessible services and public transport.

Part B. Public housing applicants should be able to choose to live in the community of their choice, close to services, transport, family and friends.

Current scenario

The Office of Housing is the only major housing provider that meets part A of this target. No major housing provider meets part B.

Background

Affordable housing in Victoria has suffered from a lack of overall planning. Since World War II public housing has been constructed in most areas of metropolitan Melbourne and country Victoria. However, approximately half of the stock has been sold, some stock is concentrated in areas of low demand, and generally the numbers and distribution are patchy across the State.

Independent Living Units (ILUs), constructed through funds provided from the Commonwealth Government's Aged Persons Housing Act between 1954 and 1986, were established by demand from a range of church and welfare organisations using existing land owned by them. Consequently, there is an uneven distribution of ILU stock in Melbourne concentrated in the southern and eastern suburbs.

Community housing stock such as Rental Housing Co-operatives, Common Equity Rental Housing Co-operatives, and community and local government sponsored housing funded through the Local Government and Community Housing Program are small in number and distributed unevenly.

The lack of supply and loss of stock in areas of Melbourne in particular has become more acute as land values have skyrocketed over the last twenty years. This has made it almost impossible to again purchase land and housing within a ten-kilometre radius of the city, where the better infrastructure of services are available. Tragically, the current State Government has continued the trend of selling off prime inner city land, as the Kensington high-rise redevelopment

has shown.

In conjunction with the lack of supply and distribution of affordable housing stock, major services such as hospitals, public transport, community health centres, and local government are more accessible the closer a person lives to Melbourne. Many older people, who have lived their whole lives in inner ring suburbs such as Port Melbourne and Richmond, have been forced to the outer suburbs away from their traditional communities and the better public infrastructure.

Linked Aged Care Services – Older people have the right to live in a community that has appropriate aged care services available in the home and in residential care if they require it.

Housing Benchmark

A range of home-based aged care services must be available at no cost when required. The service must provide flexible assistance options according to a person's needs with immediate access to no cost residential care if needed.

Current scenario

No major aged care service provider meets this target.

Background

During the 20th Century, Australian governments became increasingly responsible for the provision of aged care services.

With increasing emphasis by governments on the provision of home based care through the Home and Community Care Program (HACC) since 1985 and Community Aged Care Packages (CACPs) Program since 1992, need has far outstripped the resources made available for the services. Waiting lists for CACPs are now as long as 12 months. As service providers have limited budgets with which to provide assistance, fees are negotiated with the client and the level or hours of service limited. This can mean more costs eating into the pension for an older person and service gaps that are required to be filled by a person's spouse or family, thus putting physical and mental stress on loved ones.

One of the major problems with aged care services in the home can be social isolation. A frail older person may have great difficulty getting out of their home to visit friends and family. The home service worker may be one of their few personal contacts they receive each week. Agency staff have demanding time-lines when attending a person's home and may not be able to provide the social support the person really needs. This can mean long periods of isolation for many older people.

Due to government emphasis on home based aged care services and increasing need, older people who require hostel or nursing home care may find they have to wait a lengthy period of time to access residential care services. An applicant may put themselves on a waiting list at a number of facilities until a vacancy becomes available. This can put extreme pressure on family, friends and home based services. Older people who have been hospitalised as they

wait for entry to a nursing home have been termed “bed blockers” by administrators who see older people as problem statistics rather than real people.

Tenant Participation

Older tenants need to be recognised as valuable contributors to the development of legislation, policies and procedures on issues that affect them, and this participation needs to be recognised as a fundamental right resourced by government.

Housing Benchmark

Tenant participation needs to be formally recognised by government with the provision of tenant representative funding for all housing sectors that is sourced independently from the particular housing tenure's landlord.

Current scenario

Limited funding is provided to public housing tenants. Apart from HAAG, Community Housing tenants, tenants/residents of Independent Living Units, and private rental tenants have no funded representation whatsoever.

Background

Older people are often left out of government and community consultation processes. They are generally seen as retired, consumers of services, no longer engaged in the contemporary issues of the day. In fact, older people have an enormous amount to contribute to society due to their wealth of knowledge and life experience.

More specifically, older people who live in rental accommodation are disenfranchised, being unable to represent their needs to government and the community.

In public housing, the State Government took away meaningful community participation in the mid-1990's by de-funding fifty-two public tenant groups across the state and the Public Tenants Union of Victoria. Significantly, the current State Government has not restored this funding, and has provided minimal administrative grants for any groups who are able to form as volunteer organisations. The Victorian Public Tenants Association has been funded to resource the public tenant sector but is still in a formative stage.

In private rental housing (including caravan park and rooming house residents), tenants do not have direct access to processes of consultation or

lobbying through a representative organisation of tenants, on issues that affect them. The Tenants Union of Victoria provides an advocacy and policy role as a tenants' legal aid service.

Residents in Independent Living Units have been disenfranchised for decades due to the welfare structure of their housing and the lack of legal protection provided by the Retirement Villages Act. The funding of a Retirement Villages Residents Association is a necessary outcome of the current Retirement Villages Act review.