



# Submission to Victorian Social Housing Regulation Review: Interim Report

## 28 February 2022

Housing for the Aged Action Group (HAAG) welcomes the opportunity to respond to the Victorian Social Housing Regulation Review Interim Report. In making this submission we drew on our experience and expertise working with and for older people experiencing or at risk of homelessness for over 30 years. This submission is informed by the contribution and experience of our members, in particular our members living in public and community housing and our Cultural and Linguistically Diverse Working Group.

### **1. Tenant at the centre**

HAAG supports an explicit objective in the regulatory system to protect and safeguard the interests of current, prospective and future tenants, supported by annual reporting by the Minister against benchmarks. The regulatory system should ensure that tenants have safe, affordable and secure housing, and that they are aware of, and can exercise their rights.

HAAG supports a charter for service standards for public and community housing landlords, to be backed up by a strong regulatory and enforcement function.

HAAG believes that housing is a human right, so therefore supports the Charter of Human Rights and Responsibilities Act applying to community housing.

We note that there is tension between the practical application of putting “tenants in the centre” in the broader context of a housing policy direction focussed on transfer of stock and redevelopment of public housing. While this independent review of social housing regulation is occurring, Homes Victoria is simultaneously relocating existing public housing tenants from their homes under the public housing renewal program. Those tenants are not “at the centre” of this decision, and the practical aim of applying this approach is questionable in a context where tenants feel powerless in the face of the decisions made by government to move them out of their communities and into an uncertain future.

## **2. Common service delivery standards and regulation across public and community housing**

HAAG is strongly supportive of a uniform set of service delivery and tenant management standards in public housing and community housing, so that tenants in both public and community housing have the same sets of rights.

The practical barrier to applying the same service delivery regulations is the financial imperatives on community housing providers which create a disincentive for them to accept tenants on the lowest incomes. This will need to be addressed and the disincentive removed for common service delivery standards to be meaningfully applied.

## **3. Tenant empowerment**

HAAG supports the proposed measures, including tenant involvement embedded in policy and regulation development, and in decision-making, through a formal process such as tenant groups, stronger best practice guidelines and plain English approaches to regulation and reporting.

We believe that housing providers should have a higher requirement to involve tenants in decision making process, and that tenants should be supported to do this. A community development approach that empowers participation is appropriate. Housing co-operatives are a good model for tenant involvement in the decision-making affecting their housing.

Any tenant representation model must ensure that tenants are not adversely affected through their involvement, for example, the real or actual threat of eviction for exercising their rights, and should strive to be representative of all tenants. This requires additional time and resourcing, for example, paid community development workers, the use of interpreters and bilingual community leaders.

HAAG supports a dedicated representation and advocacy function for both community and public housing tenants, which should be adequately resourced. The VPTA is an appropriate vehicle for this.

## **4. Tenancy sustainment**

HAAG is strongly supportive of a “no evictions into homelessness” policy.

The best measure to make eviction a last resort is more public housing. Public housing has a demonstrably greater capacity to manage difficult tenancies than community housing has, including by greater budget flexibility that allows for

significant repayment plans for rent arrears, more options to relocate renters experiencing challenging behaviours. It is unclear to us how transfers of tenants between community housing providers is to be managed.

Registered housing providers must publish their policies that aim to ensure eviction is a last resort, and empower the Registrar or similar body to amend policies that insufficiently protect renters against eviction. There should be a meaningful appeal or review mechanism with the power to quash notices to vacate that have been served inconsistently with those policies.

## **5. Dwelling standards**

HAAG is supportive of all properties to comply with minimum standards. Minimum standards for energy efficiency, including cooling, are essential to combat the effects of climate change.

We do not believe that mandated sprinkler systems and combustible cladding be subject to a cost benefit analysis, but be considered an essential requirement for tenant safety with self-evident benefits, regardless of cost.

Over half of our clients have a mobility issue that impacts on their housing, and many fall into homelessness due to a lack of accessible housing. We are therefore strongly supportive of the proposal to require all social housing providers to undertake disability modifications, to be accompanied by funding from the Victorian Government where otherwise not funded.

## **6. Dispute resolution**

HAAG is supportive of a dispute resolution body that is independent, free, fair and easy to access for tenants of all housing types. This body must have the capacity to identify and address systemic issues, and compel the regulator to act on these issues. This should be an independent body, separate from Consumer Affairs Victoria.

HAAG is supportive of exploring options for a restorative justice approach to intra-tenant disputes

## **8. Professionalisation of the frontline social housing workforce**

HAAG is supportive of minimum training standards for housing workers and accreditation and a code of conduct for housing organisations, to be embedded in regulation. The housing workforce needs to be adequately resourced so that workers have the time to manage their case loads appropriately and to attend training.

## **9. Affordable housing**

Affordable housing receiving government subsidies should be accountable to government and allocation mechanisms should be transparent and fair.

Unregistered affordable housing providers, such as independent living units, should be supported by government to improve their housing management and small providers should not be disadvantaged or disincentivized from continuing to provide this important housing type, which addresses the “missing middle”<sup>1</sup> cohort.

## **10. A social housing regulator: structure and governance**

HAAG has concerns about this approach. The current Homes Victoria board consists of people who are property developers, and frames housing as investment rather than a human right.

## **11. Regulation of public housing and Homes Victoria**

HAAG supports the application of consistent standards and scrutiny for both public and community housing, and there should be one independent regulator responsible for both community housing and public housing.

We believe that public housing delivery should be supported and grown, however, that currently is at odds with current social housing policy and commissioning functions which is focused on transfer of stock to community housing, and growth of community housing sector only.

## **12. Growth and innovation I: reducing unnecessary regulatory burden and barriers**

Specialist providers of services to designated communities, such as older people, LGBTI and CALD communities, are important to provide culturally safe and appropriate housing and services. Many of these providers, or potential providers, are small and may be disadvantaged by the burden of regulation. They will require support to meet standards under the regulation.

## **13. Growth and innovation II: emerging models**

HAAG does not support for-profit entities to provide social housing. As we have seen in the retirement housing sector and the aged care sector, for-profit operators do not provide good outcomes for older people, and the profit imperative disadvantages the most vulnerable in our community. The most effective use of

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<sup>1</sup> People who retire without owning their own home and with a small amount of assets are ineligible for social housing yet cannot afford other housing options – this group is the ‘missing middle’. See [https://www.older tenants.org.au/sites/default/files/missing\\_middle\\_briefing\\_note\\_feb2021.pdf](https://www.older tenants.org.au/sites/default/files/missing_middle_briefing_note_feb2021.pdf)

government funds is direct investment in public housing, not providing profits for developers.

#### **14. The role of regulation in sector growth**

HAAG supports Homes Victoria publishing of data on housing need and commissioning social housing to address identified needs. Community housing Industry Association should support their registered agencies, especially their smaller agencies, to grow their stock, especially to meet the needs of specific vulnerable cohorts (Aboriginal, LGBTI, CALD older people, older people living in regional Victoria, for example).

The best way to facilitate sector growth would be direct investment in public housing.

#### **15. Regulatory approach**

HAAG broadly agrees with the proposals to provide additional resources to the regulator allowing greater focus on tenants, and to embed direct tenant engagement.

#### **16. Performance reporting for transparency and accountability**

HAAG is supportive of a uniform performance indicator framework, with uniform presentation of performance reporting. This should be presented in Easy English and be accessible to those without access to the internet. Regular reviews with a consultation process that includes tenants and prospective tenants is also desirable.

Performance indicators should include eviction rates, rent setting, repairs and maintenance wait times and responsiveness to requests, energy rating, accessibility of buildings, qualitative and quantitative data on tenant involvement (not just tenant satisfaction).

#### **18. Prospective social housing tenants**

HAAG's Home at Last service provides support for tenants aged 50 years and older, who are eligible for social housing, through person-centred case management and outreach support. This includes assistance with applying for public and community housing, assistance with offer interviews and sign ups, and assistance with moving and settling into their new homes. We provide information to over 1000 people a year and assist around 150 people a year into public and community housing. Our early intervention and prevention approach assists people living in private rental who are prospective housing tenants to avoid homelessness. We are supportive of increased resources for this program, to allow us to expand our reach into regional

areas of Victoria and to increase our early intervention and prevention program reach.

The HAAG CALD Reference Group recommends that the language, complexity and length of the Priority Housing Application forms be addressed. Language used needs to be clear and simple for those who have limited literacy in English. The questions asked in the application should be concise and should only assess eligibility. They recommend that following an eligibility check, the applicant is referred for assistance to fill out the remainder of the questions. As it stands, the application form is far too long and intimidating for someone with English as their second language. There should also be a DFFH run- call centre which can assist people to assess whether they are eligible for public and community housing.

Eligibility criteria needs to be clear, transparent and on the front page of website. It should be translated into major languages so that they can be accessed in paper form by various communities in need.

Whilst older people can now apply for priority housing (over 55s) on their own, the burden falls to services such as ours to support people when this would not be necessary if the forms were accessible.

We are supportive of education and guidance to landlords about the issues for low income renters, and how to be an ethical landlord, however, we are sceptical about the effectiveness of voluntary codes of practice for landlords in an environment where housing is seen as an investment and not a human right.

We are supportive of more support for tenants in rent arrears, and rooming house and caravan park operators being subject to stronger regulation that raises the standard of the provision of rental accommodation for vulnerable and disadvantaged people.

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