

#8 A BETTER DEAL FOR PUBLIC HOUSING TENANTS

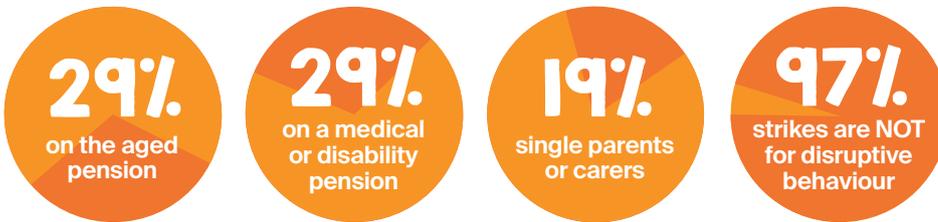
THE PROBLEM

The vast majority of public housing tenants pay their rent on time and meet all of their tenancy obligations, however the Residential Tenancies Act currently contains provisions that discriminate against public housing tenants.

Too many people feel the public housing system is unfair and they feel powerless and vulnerable when dealing with the Housing Authority.

THE FACTS

Public housing tenants:



Misconceptions about public housing tenants are common, however the reality is that 29% of public housing tenants are on the aged pension, 29% are on a disability or medical support pension, and 19% of tenants are single parents or carers. The overwhelming majority of tenants (97%) have not had a disruptive behaviour strike issued against them^[1].

An investigation by the Equal Opportunity Commission found that “public housing tenants are subject to a harsher regime than tenants in the private market”^[2]. Some people who live in public housing are among

the most disadvantaged people in our community, living on very low incomes with serious illness, the impacts of trauma and other challenges.

There are specific provisions, known as the ‘Three Strikes Policy’ to evict tenants due to disruptive behaviour that do not apply to the general public or private rental tenants.

The ‘three strikes’ provisions are carried out by the Housing Authority, who issue a ‘strike notice’ for disruptive behaviour or if they consider a tenant to be in breach of their tenancy agreement. Upon a third strike notice termination

proceedings begin through the Court. There is no appeal process for strikes in WA.

Of the 495 public housing evictions across WA for the 2015-16 financial year: 212 were due to rent arrears and water bills, 157 for poor property standards and just 71 for disruptive behaviour.^[2]

This disproportionately affects Aboriginal people, people with mental illness and severe trauma and complex needs. Often the tenant is penalised for being the victim of family violence or having a family member with serious mental illness^[4].



[1]<http://www.rethinksocialhousing.com/The-Facts>

[2]A Better Way: A report into the Department of Housing's disruptive behaviour strategy & more effective methods for dealing with tenants. WA Equal Opportunity Commission (June 2013)

[3]<https://www.abc.net.au/news/2017-04-17/volunteers-pitch-in-to-prevent-indigenous-families-being-evicted/8448104>

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“Threatened with eviction due to discovery they had been undercharging rent and I could not pay it. After crying on the phone to no avail I had an advocate call and say what I said yet it was favourably resolved.”

“I was charged full market rent during a period I wasn’t working. The staff were unhelpful, insisted on their position and decided I had to pay full market fee for 20 days that I was not working. Usually what they do is they would adjust the rent according to your income. They were not willing to deal with my complaint... I had just to keep on emailing them! No support so I paid rent I did not owe to the department!”

“Dept of Housing only allowed me 3 days to accept this one bedroom dwelling, took out a shed, air conditioner and pergola previous occupier installed. Absolutely disgusted with all the social services, many times I have been suicidal.”

THE SOLUTION

Discriminatory provisions within the Residential Tenancies Act should be removed and public housing tenants should be entitled to the same protections as other tenants.

This includes:

- scrap the Three Strikes Policy for disruptive behaviour
- redirect the funds for the Disruptive Behaviour Management Unit into services to provide support to address the issues tenants are facing and sustain tenancies well
- require complaints about tenants to be substantiated and if not substantiated, the complaint should not be recorded on the tenant file
- ensure the new THRIVE and other support programs are helping people early in their tenancies and providing support to address crisis rather than punitive compliance regimes
- establish a objective standards for assessing property condition and undertaking inspections
- establish minimum standards for property condition and maintenance
- establish an accessible and affordable dispute resolution process
- ensure that tenants have a right of appeal to strikes

The Equal Opportunity Commission recommended that the Housing Authority refocus its efforts on sustaining public housing tenancies by providing support for tenants who are vulnerable in order to enable them to maintain their tenancy, avoid homelessness and reduce the incidence of antisocial behaviour in the community. This is clearly in the interests of the whole community.



“It is essential that such support is provided to prevent individuals and families particularly involving young children, and people with mental illnesses from being evicted. Homelessness should never be used as a punitive measure to shape behaviour in a group with such well documented disadvantage”

- The Equal Opportunity Commission

