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TENANCY MANAGEMENT IN SOCIAL HOUSING

Organisation: Tenants' Union of NSW

Name: Mr Chris Martin

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TENANTS' UNION OF NEW SOUTH WALES

Tenants' Union of NSW
Suite 201
55 Holt Street
Surry Hills NSW 2010
ABN 88 984 223 164

P: 02 8117 3700
F: 02 8117 3777
E: tunsw@clc.net.au
tenantsunion.org.au
tenants.org.au

Submission to the

NSW Parliament Public Accounts Committee

Inquiry into tenancy management in social housing

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Introduction

About the Tenants' Union

The Tenants' Union of NSW is the State's peak non-government organisation for people who live in rental housing, whether private rental housing, social housing, residential parks, boarding houses, or marginal rental accommodation.

We are a specialist community legal centre with our own legal practice in residential tenancies law, and the primary resource agency for the State-wide network of local Tenants Advice and Advocacy Services (TAASs). This network comprises 15 generalist TAASs and four Aboriginal TAASs.

We welcome the opportunity to make the present submission. We make it on our own behalf, and on behalf of the TAASs.

Tenancy management in social housing – a specialist function

Social housing tenancy management is a specialist function that cannot properly be transferred to and carried out by private agents. This should be acknowledged at the outset of any comparisons between tenancy management arrangements in public housing and those in community housing and those in private rental housing.

Private rental housing and social housing are very different sectors, and tenancy management in each sector is different. New South Wales, like other Australian jurisdictions, has a 'dual' rental housing system, in which the private rental and social housing sectors do not compete with each other, serve different clienteles, and deliver very different outcomes in terms of choice, security and affordability. The way in which social housing delivers its outcomes involves administering entitlements, which makes social tenancy management relatively complex and onerous. Social housing's unique urban and community form – the estate – also presents special challenges for social housing tenancy management.

The dualism of the private rental and social housing sectors, and the specialisation of social housing tenancy management, has deep historical roots of enduring significance.

We are not uncritical of dualism of our rental housing system; on the contrary, we support reforms for greater equity across the sectors, particularly through growing both the social housing sector and the involvement of institutional investors in the private rental sector. This objective is not achieved by merely transferring social housing tenancy management to private agents.

We are also not uncritical of the way in which tenancy management is conducted in the social housing sector. The improvement of tenancy management, particularly in public housing, has been deliberately pursued since the 1980s, and it remains a work in progress.

However, it should be acknowledged that this long program of reform, which can be characterised by its ethos of 'client service', has achieved improvement in social housing tenancy management. We submit that improvements in this vein should continue. Conversely, transferring social housing tenancy management functions to private agents offers little prospect of improved client service for social housing tenants, and the real risk of worse service. The concept of agents owing obligations of service to tenants as customers or clients has little basis in the law of New South Wales or in the current occupational culture of agents.

To improve social housing tenancy management, we particularly recommend that social housing tenants and applicants should be able to have administrative decisions by social housing providers reviewed by the NSW Civil and Administrative Tribunal (NCAT). This would address problems in the current system of review, allow defective

decisions to be corrected and raise the standard of decision-making generally. We also recommend that social housing providers and regulators take steps to ensure that the policies that guide their administrative decision-making are complete and accessible.

To improve the provision of support services to social housing tenants, we particularly recommend increasing funding to the TAASs so that they may provide more information, advocacy and community education services to social housing tenants.

Social housing tenancy management in our dual rental housing system

The rental housing system in New South Wales, as in other Australian States and Territories, is a dual system of separate and different social housing and private rental sectors. [1]

The private rental sector houses a wide range of households, with incomes ranging from low to high. The sector offers choice, but only limited affordability: 62 per cent of low-income households privately renting are in housing stress (that is, they pay more than 30 per cent of their income in rent).[2] Some private rental households are entitled to receive Commonwealth Rent Assistance (CRA), which operates as a co-payment and does not ensure affordability: about 40 per cent of recipients are still in housing stress after the payment.[3] Private rental also offers only minimal security of tenure: tenancies are typically subject to an initial fixed term of six or 12 months, and thereafter become periodic agreements, which landlords can terminate without grounds on 90 days notice. The sector is also structurally insecure, dominated by landlords with small-holdings (73 per cent of landlords have an interest in only one property) owned for speculative purposes (67 per cent of landlords operate at a loss).[4] In one study, 26 per cent of landlords sold up and exited within 12 months entering the market; amongst negatively geared landlords, 50 per cent exited within 12 months.[5]

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[1] Burke, T (2006) 'Drawing Private Rental Housing into the Social Housing Net', paper presented to Shelter NSW conference, June 2006, accessed at: http://www.shelternsw.org.au/publications/conference-papers/doc_view/16-terry-burke-drawing-private-rental-housing-into-the-social-housing-net

[2] Centre for Affordable Housing Local Government Housing Kit Database (2011 Census), accessed at: www.housing.nsw.gov.au/Centre+For+Affordable+Housing/NSW+Local+Government+Housing+Kit/Local+Government+Housing+Kit+Database/
'Low-income household' means a household in the lowest two quintiles.

[3] Welfare Rights Service (NSW) and Shelter NSW (2014), 'The Impact of Rent Assistance on Housing Affordability for Low-Income Renters: New South Wales', accessed at: https://www.welfarerights.org.au/sites/default/files/news/rent%20assistance%20report_0.pdf

[4] Australian Taxation Office (2013) 'Taxation Statistics 2010-11', accessed at www.ato.gov.au/uploadedFiles/Content/CR/Research_and_statistics/In_detail/Downloads/cor00345977_2011CH2IND.pdf
Figures are for all Australia.

[5] Wood, Gavin and Ong, Rachel (2010) 'Factors Shaping the Decision to Become a Landlord and Retain Rental Investments', AHURI: 28. Figures are for all Australia.

The social housing sector, on the other hand, is narrowly targeted to households with low incomes and, increasingly, other factors of disadvantage, such as homelessness or disability. Almost 90 per cent of public housing tenants have incomes low enough to be eligible for a rental rebate; of these tenants, 95 per cent receive a Centrelink payment as their main form of income. More than 35 per cent of public housing tenants have a significant disability, and more than 55 per cent of allocations of public housing are currently made to applicants on a priority basis: that is, they have an urgent needs for housing that they cannot meet in the private market.[6]

The social housing sector offers little choice, but it does offer affordability: low-income households pay rents equivalent to 25 per cent of the household's income, or the market rent for the property, whichever is lower.[7] Social housing also offers relative security: in most cases, social housing tenants can expect to remain in social housing as long as they comply with their tenancy agreement.[8]

Common to private rental and social housing is the application of the *Residential Tenancies Act 2010* (NSW), but the dualism is marked here too, with numerous provisions of the Act – including additional grounds for termination, additional obligations for tenants, and additional factors to be considered by the Tribunal when making orders – applying only to social housing tenancies.

The dualism of the rental housing system is longstanding. For a short period after the establishment of the first enduring social housing authorities (for example, the NSW Housing Commission, established 1942) and funding arrangements (the Commonwealth-State Housing Agreement 1945), social housing was a real alternative and competitor to both private rental housing and owner-occupation. By the latter half

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[6] NSW Auditor-General (2013) 'Making the Best Use of Public Housing: performance audit': 14, 20 and 44.

[7] In public housing, moderate-income households pay on a sliding scale to 30 per cent, or the market rent, whichever is lower.

[8] Public housing tenants who commenced their tenancies after 1 July 2005 are subject to reviews as to their eligibility, in terms of income, to remain in public housing. This has a strong work disincentive effect, so in fact very few public housing tenants are found at review to be ineligible. Pre-1 July 2005 public housing tenants, and all community housing tenants, are not subject to reviews. For more on the 2005 reforms and their work disincentive effect, see our submission to the NSW Parliament Select Committee on Social, Public and Affordable Housing at www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/362BFC5049E655BFCA257C92001908D3

of the 1950s, however, the sector's growth and, consequently, its ability to compete with the private sector was reduced, as funding was redirected to subsidies for owner-occupation and large programs of sales of social housing properties commenced. Since then, social housing has become increasingly marginalised, and rental housing's dualism has become increasingly entrenched.

We highlight below two features of the rental housing system's dualism that make social housing tenancy management a specialist function. The first is the way in which the social housing sector delivers its distinctive outcomes as a matter of administering entitlements.

Social housing tenancy management and the administration of entitlements

Social housing providers make a wide range of decisions that affect the rights, interests and expectations of individual applicants and tenants. Table 1 sets out some common social housing administrative decisions. All of these decisions can have very significant impacts on the lives of individual applicants and tenants.

Table 1. Common social housing administrative decisions

Decisions affecting applicants	Decisions affecting tenants
Eligibility for social housing	Eligibility for a rental rebate, and the amount of the rebate
Eligibility for priority assistance	Cancellation and variation of a rental rebate
Eligibility for Rentstart private rental assistance (temporary accommodation, bond loan, etc)	Modifying premises to accommodate a tenant's disability
The location, size and form of dwelling offered	Whether a tenant may keep a pet
The length of the term of tenancy offered	Eligibility for a transfer to another dwelling
Whether an applicant's refusal of an offer is reasonable	Whether the social housing provider will request that the tenant transfer to another dwelling
Suspension or removal of an applicant from the waiting list	Eligibility to remain in social housing
Whether an occupant may be	Commencement of proceedings to

recognised as a tenant	terminate a tenancy

Social housing administrative decisions are governed by administrative law and social housing providers' policies. These policies set out procedures, eligibility criteria and other factors in social housing decision-making, which indicate to applicants and tenants what they are entitled to expect of the social housing provider, and guide the social housing provider's officers in their decision-making. Most social housing administrative decisions directly affect the housing social housing tenants receive, or the terms on which they receive it, and so are part and parcel of social housing tenancy management.

This is particularly so in relation to decisions and practices in relation to rents. As noted above, the social housing sector delivers affordability through a system of income-related rental rebates, which is different from the CRA that operates in the private sector.[9] Eligibility for CRA is determined by Centrelink, and CRA is structured as a co-payment (that is, the amount paid varies according to the rent) and paid in cash to the tenant (it does not vary the rent legally payable by the tenant to the landlord). By contrast, eligibility for social housing rental rebates is determined by social housing providers themselves. The amount of the rebate varies according to the social housing provider's assessment of the tenant's household income. Both these decisions require the collection detailed information as to the members of a tenant's household, their relations, their incomes and assets, and the respective types of their incomes and assets, and the assessment of this information according to detailed policies. This is a relatively complex and onerous administration.

Furthermore, because income-related rents are effected through rental rebates credited by social housing landlords to the tenant's rental account, rather than cash payments by another agency to the tenant, the rent legally payable by the tenant is varied.[10] This means that such basic matters of tenancy management as how much rent is legally payable, and whether a tenant is in arrears, are inextricably connected with the administration of social housing rental rebates.

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[9] Public housing tenants are not eligible for CRA. Community housing tenants, on the other hand, are not ineligible. Where they are eligible, however, community housing providers still charge an income-related rebated rent, calculated to maximise and capture the CRA payment for the community housing provider's benefit. The result is an income-related rent, which an even greater degree of administrative complexity.

[10] *NSW Land and Housing Corporation v Diab* [2014] NSWCATAP 27.

Another basic matter of tenancy management – the termination of tenancies – is similarly connected with the administration of expectations about the security of social housing. As noted above, most social housing tenants are entitled, as a matter of policy, to expect to continue to be housed, provided they comply with their tenancy agreement (post-2005 public housing tenants must also remain eligible at review). This means that where a social housing provider is considering action to terminate a tenancy, it will be required to give the tenant the reason for the pending termination and afford them an opportunity to put their case, in accordance with principles of procedural fairness.

Furthermore, where the reason for termination is for the social housing provider's property management purposes, the decision will also involve making offers of alternative social housing accommodation, which in turn involve administrative decisions about the tenant's entitlements to dwellings of a particular size and location. The connection between these administrative processes and decisions and the legal actions required to terminate a tenancy is made even closer by sections 143-150 of the *Residential Tenancies Act 2010* (NSW), which require social housing landlords to provide for such processes where termination is sought on the grounds of ineligibility or an offer of alternative social housing premises – and if a social housing landlord fails to do so, the termination may not proceed.

Social housing's urban and community form

A second feature of our dual rental housing system is the development, on social housing's side of the divide, of a distinctly concentrated urban form – the estate – and, with it, a distinct community form.

More than one-third of social housing properties in New South Wales located on estates of 100 or more social housing properties[11]; and more are located in smaller concentrations (including small estates, apartment buildings and townhouse complexes). These communities are distinctive concentrations of persons with low incomes and with factors of disadvantage; they are also unique concentrations of tenants with a common landlord and linked contractual obligations.

Under the *Residential Tenancies Act* 2010 (NSW), it is a term of every residential tenancy agreement that the tenant must not 'interfere, or cause or permit any interference, with the reasonable peace, comfort or privacy of any neighbour of the tenant' (section 51),

[11] NSW Auditor-General (2013): 29.

and that the landlord must 'take all reasonable steps to ensure that the landlord's other neighbouring tenants do not interfere with the reasonable peace, comfort or privacy of the tenant in using the residential premises' (section 50(3)).

These linked obligations, applied to the unique urban and community form of social housing estates, mean that conflicts between neighbours may be pursued through complaints to the common landlord, and become tenancy disputes. This presents an extraordinary challenge for social housing tenancy management.

The historical development of social housing tenancy management

Social housing tenancy management reflects current features of the social housing sector; it also reflects its own distinctive history.[12]

The roots of social housing's distinctive practice of tenancy management go back prior to the development of social housing. In late nineteenth century London, the housing reformer Octavia Hill devised and operated a system of tenancy management for low-income working class households in premises placed under her management by private landlords on a 'five per cent philanthropy' basis. Hill described her tenancy management as 'a tremendous despotism' that combined close surveillance and instruction of tenants by a lady rent collector (Hill stipulated that 'ladies must do it, for it is detailed work; ladies must do it, for it is household work') with strict insistence on rent payment (as much for its supposedly character-building effect on tenants, as to pay a return to the landlords).

When social housing schemes began to be established in New South Wales and elsewhere in Australia in the early twentieth century, the Octavia Hill system was a ready point of reference for tenancy management: for example, the Commonwealth Housing Commission (1944) recommended that State housing authorities adopt Octavia Hill methods 'where necessary'. In fact, as the post-war social housing system grew, the tenancy management practice of the NSW Housing Commission was concerned primarily with property management – particularly tenants' proper use and care of dwellings, lawns and gardens – and moral instruction and surveillance was a strong secondary concern. As a result, the Housing Commission's style of tenancy

[12] The following section, including references, is drawn from Martin, Christopher (2010) 'Government-Housing: Governing crime and disorder in public housing in New South Wales', PhD thesis, Faculty of Law, University of Sydney.

management was high-handed, patronising and authoritarian – as indeed was its approach to social housing policy generally.

The high-handedness of the Commission was heightened as the clientele of social housing changed, particularly as more vulnerable persons became housed in the social housing sector in the 1970s and 1980s. Around this time, too, the Commission, like many other state agencies, became the subject of a pervasive critique of expertise and authority that emphasised the different experience and knowledge of the people and communities who actually had to live with its activities. Over the decades since then, the provision of social housing has been reformed, with the abolition of the Commission, its replacement by the Department of Housing and, lately, Housing NSW, and the addition to the sector of community housing providers; and one of the objectives of this long program of reform has been to breakdown the legacy of high-handed tenancy management and policy through the cultivation of an ethos of 'client service'.

Numerous developments have contributed to the gradual realisation of this objective. Other examples include initiatives in work organisation (such as the formation of multi-disciplinary client service teams in public housing in the early 1990s); in tenant participation and community development (in which the community housing providers have been influential); and in the training and professional development of social housing officers (in which the Australasian Housing Institute, established 2001, has been influential). We draw particular attention to the development of a system for the review of social housing administrative decisions, including by appeal to the Housing Appeals Committee (established 1995), which has allowed applicants and tenants to seek to have flawed decisions corrected and generally helped raise the standard of decision-making.

These developments, and the ethos of client service to which they have contributed, have improved social housing tenancy management, which remains a work in progress. Further improvement is best pursued by building on these developments and strengthening the ethos of client service.

The service of private agents

Unlike in social housing, there is little concept in the private rental sector of obligations of 'client service' being owed by agents to tenants.

As a matter of law, a private agent's client is the landlord who engages them. Under the *Property Stock and Business Agents Act 2002* (NSW), an agent must comply with certain rules of conduct, whomever ever they are dealing with (*Property, Stock and Business Agents Regulation 2003* (NSW), Schedules 1 and 2), but their primary obligation is to their client, the landlord.

As a matter of occupational culture, the notion that tenants may be 'clients' to whom obligations of service are owed is little developed amongst agents. Agencies do not compete with one another in terms of the quality of service they provided to tenants. There is no established practice of measuring tenant satisfaction in the private rental sector. From our contact with the TAASs, it appears that the lack of a client service ethos is felt particularly in relation to persons with low-incomes or other factors of vulnerability. The Aboriginal TAASs report that they frequently deal with tenancy problems arising from the insensitivity of agents to the cultural obligations of Aboriginal people, such as accommodating family members or being away at family events. The Aboriginal TAASs also report problems with agents managing properties for Aboriginal corporations, particularly in their use of termination notices without grounds and other termination proceedings. Other examples of bad practices against low-income or vulnerable persons reported recently by TAAS include:

- agents charging fees for providing information in support of RentStart applications;
- agents charging fees for rent payments by Centrepay;
- agents refusing to deal with a tenant's advocate;
- an agent charging a fee for the lodgement of tenancy applications;
- an agent charging $20 for photocopies of documents provided to a tenant;
- an agent refusing to let premises to any persons who are in receipt of Centrelink payments;
- an agent refusing to let premises to persons who propose to pay the bond with a RentStart loan;
- an agent giving notices of termination on the ground of rent arrears to tenants in receipt of a Start Safely subsidy (paid by Housing NSW to assist victims of domestic violence) when the subsidy is paid out of step with rent; and
- an agent listing a former tenant on a residential tenancy database for damage done to a property in the course of a psychotic episode in which the tenant was involuntarily hospitalised.

We note that the standard tenancy application form published by the Real Estate Institute of NSW and used widely by agents asks applicants to declare whether they are

also applicants for social housing, presumably so that they may be ruled out in the vetting of applications.

We acknowledge that there are agents who are thoughtful and helpful in their dealings with tenants, and agents who are knowledgeable and sensitive about disability and other factors of vulnerability. It appears to us, however, that this is a matter of personal ethics, or a personal interpretation of the requirement, under the *Property Stock and Business Agents Act 2002* (NSW), to act with 'professionalism', rather than a systemic result, and that the private sector generally is not well-placed to deal with the special functions of social housing tenancy management.

Improving social housing tenancy management

We have characterised the improvement of social housing tenancy management as a work in progress, and more needs to be done.

We focus here on two areas where further improvement should be sought. One is the system for the review of social housing administrative decisions, which we recommend should be reformed to provide review by the NSW Civil and Administrative Tribunal (NCAT). The second area for improvement relates to social housing providers' policies, which set out what applicants and tenants can expect of the social housing provider and guide the making of administrative decisions.

Review of social housing administrative decisions

Under the current system for the review of social housing administrative decisions, social housing providers will, at the request of an applicant or tenant, internally review a social housing decision about that person. (Internal review is sometimes known as 'first tier review'.) In most cases, the internal review will be conducted by an officer other than the original decision-maker. After conducting an internal review, most social housing providers will also submit to a request by the applicant or tenant for external review (or 'second tier review') by the Housing Appeals Committee (HAC). HAC reviews a social housing decision by conducting an interview with the applicant or tenant, and examining the file provided by the social housing provider. HAC will then either recommend that the social housing provider change its decision, or decline to make the recommendation. [13]

We acknowledge that HAC reviews have lead to the correction of many bad decisions, and that it has contributed to improvements in social housing decision-making generally.

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[13] An applicant or tenant can also seek review ('judicial review') by the Supreme Court of NSW. The Supreme Court of NSW may, in the exercise of its inherent jurisdiction, review the administrative decisions of NSW State Government agencies. This means public housing applicants and tenants may apply to the Supreme Court for judicial review of decisions by Housing NSW. It is not clear whether the decisions of community housing organisations are subject to judicial review: the question has yet to be tested in litigation. In practice, few applicants and tenants apply for judicial review, because they find prohibitive the complexity and cost usually associated with proceedings in the Supreme Court. Where judicial review is undertaken, Housing NSW is also exposed the complexity and cost of proceedings.

There are, however, problems with HAC and its processes, and a better system for review is needed.

HAC lacks a legislative basis. HAC is established as a ministerial advisory body, without a basis in legislation. This limits the power of HAC's decisions, which are recommendations only (discussed below). It also means HAC can be abolished or changed by the State Executive without reference to Parliament, which detracts from HAC's independence.

HAC makes recommendations only – not binding determinations. HAC claims a strong record of compliance with its recommendations (92 per cent of recommendations to Housing NSW, and 100 per cent of recommendations to community housing providers, are complied with), but there are problems with this record. First, it remains a problem that Housing NSW does not comply with recommendations in relation to even a minority of tenants and applicants (in 2012, about 32 tenants and applicants). Secondly, the merely recommendatory nature of HAC review may discourage some tenants and applicants from even applying to HAC. Thirdly, and perhaps most seriously, HAC's practice of using compliance with recommendations as a measure of its performance may lead to HAC making recommendations that are more easily complied with. This detracts from HAC's independence.

HAC's processes are not always fair or rigorous. HAC deliberately conducts its hearings in an informal, non-adversarial manner, so as to be more accessible to applicants and tenants. This informality, however, may result in insufficiently rigorous scrutiny of all the matters in issue, and to processes that are procedurally unfair. For example, we are aware of cases in which HAC has made a decision on the basis of information, contained in a tenant's file, that was not put to the tenant in the hearing, and that would have been refuted by the tenant had it been put.

We submit that applicants and tenants should be able to apply to NCAT review of social housing administrative decisions, either as the second tier of review (replacing HAC) or as a third tier (after HAC). NCAT is well-placed to review social housing decisions: NCAT's Administrative Division inherits the functions and powers of the Administrative Decisions Tribunal (ADT) – as well as many of the ADT's Members and their expertise in review of administrative decisions. NCAT also has Members who are familiar with social housing from their experience in its Consumer and Commercial Division, which deals with tenancy matters.

We recommend that both the *Housing Act 2001* (NSW) and the *Community Housing Providers (Adoption of National Law) Act 2012* (NSW) be amended to provide that NCAT may, on the application of a social housing applicant or tenant, review an administrative decision of a social housing provider.

Social housing policies

All social housing providers have policies that set out what applicants and tenants can expect of the social housing provider, and that guide the social housing provider in making social housing administrative decisions. Housing NSW has its own policies, which also apply subject to certain special provisions to tenancies of the Aboriginal Housing Office managed by Housing NSW.[14] Each community housing provider has its own policies, too, the contents of which are supposed to reflect the policies of the Community and Private Market Housing Directorate of Housing NSW (CPMHD).[15]

These policies are crucial for the consistent, fair and reasonable management of tenancies and administration of entitlements in social housing. At present, however, there are deficiencies in the state of policies of both Housing NSW and various community housing providers.

Housing NSW has detailed and comprehensive policies available on its website. For present purposes, we will leave aside problems in the intention or outcomes of any of these policies, and focus instead on problems of their presentation and accessibility.[16] Numerous policies are obscurely titled (for example, the policy about reviews and appeals of decisions is titled 'Client Service Delivery and Appeals Policy') or obscurely located (for example, the policy about reviews as to continuing eligibility is located within the policy titled 'Types and Length of Lease Policy'). Also, much of the detail of the policies is contained in a few very large omnibus 'policy supplements', which are difficult to navigate, further obscure the location of policies and make it almost impossible to determine the date of changes to particular policies.

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[14] www.housing.nsw.gov.au/Forms+Policies+and+Fact+Sheets/Policies/

[15] www.housing.nsw.gov.au/Community+Housing+Division/Policies+and+Fact+Sheets/Policies/

[16] For the most serious problems of intention and outcome of policies, see our submission to the NSW Parliament Select Committee on Social, Public and Affordable Housing, per footnote 8.

We recommend that Housing NSW, in consultation with tenants and representative organisations, review the presentation of its policies with a view to implementing a clearer scheme.

The accessibility of community housing providers' policies is variable. Most community housing providers make their policies available on their websites, but some do so incompletely, and some do so in ways that make access and navigation difficult (for example, locating policies under the title 'Forms'; or making policies available only in the form of a single large manual).

We are also aware of some community housing providers whose policies provide for the use of termination notices without grounds. For example, one community housing provider's policy states that it may give a termination notice without grounds where 'a tenant is in breach of the terms of their tenancy, but there is insufficient evidence to take action under the Residential Tenancies Act 2010'.[17] This really is begging the question: if there is insufficient evidence of breach, the tenant should not be presumed to be in breach. Use of termination notices without grounds is inconsistent with the principle of security in social housing and with principles of procedural fairness.

We recommend that CPMHD and the Registrar of Community Housing, in consultation with community housing providers, tenants and representative organisations, review community housing providers' policies to ensure that they are complete, consistent with social housing principles and CPMHD policies, and accessible on providers' websites.

[17] http://www.homesnorth.org.au/downloads/HNNoCauseTerminationsPolicy.pdf

Support services for tenants: the Tenants Advice and Advocacy Services (TAASs)

Of the numerous services providing support for social housing tenants, we focus on the TAASs, which provide a unique service to tenants. TAASs provide legal information, advice, advocacy and community education services to all tenants, and prioritise assistance to social housing tenants because of their vulnerability and the legal complexity of their cases.

In the year to June 2014, TAASs opened a total of 3 574 contacts with public housing tenants, which accounts for 14 per cent of all contacts opened.[18] Of these contacts, 1 138 (32 per cent) involved the TAAS advocating for the tenant with Housing NSW; 571 (16 per cent) involved the TAAS assisting the tenant to prepare for a Tribunal hearing; and 546 (15 per cent) involved a TAAS advocate attending a Tribunal hearing for the tenant.

TAASs are funded under the Tenants Advice and Advocacy Program (TAAP) administered by NSW Fair Trading using monies from the Rental Bond Board Interest Account and the Property Services Statutory Interest Account[19]. TAAP funding has not increased in real terms since 2002, even though the number of tenancies in New South Wales has increased over the period by 25 per cent, and the number of social housing tenancies has increased by almost three per cent. We recommend that TAAP funding be increased by $5 million, to reflect the past increase in tenancies, and henceforth increase in real terms according to the growth of the rental housing system.

[18] Figures for community housing tenants are not available

[19] The Tenants' Union is also funded under the TAAP as the primary resource agency for the TAASs.