TENANCY MANAGEMENT IN SOCIAL HOUSING

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Improving Communication in Social Housing: The Core Element in Tenancy Management

Submission to the Public Accounts Committee
on Inquiry into Tenancy Management in Social Housing

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Introduction

Side By Side Advocacy (SBSA) is a community based, not-for-profit organisation that provides advocacy support for intellectually-disabled people who reside in the Northern Sydney Region. Our agency is funded by the Australian Government through the Department of Social Services.

Tenancy and People with Disability

Although our agency targets clients with intellectual disability, we also assist clients who have other forms of disability ranging from acquired brain injury, autism spectrum disorder, physical disability, psychiatric disability, and sensory disability.

In 2012-2013, Side By Side Advocacy (SBSA) had a total of 97 clients. Table 1 shows that a little less than one-half (49%) of our clients lived in public housing and less than a quarter (19%) were in supported accommodation. There was a total of 24 clients, living with relatives and/or renting privately, who approached our agency for assistance in access to social housing. Of these 24 clients only four were given priority housing and the others are still waiting to be housed.

Table 1. Housing Tenure of SBS Clients, 2012-2013

All Clients	N = 97	%=100
Group Homes/ Supported Accommodation	19	19
Community Housing	11	11
Living with Relatives	13	14
Private Renting	7	7
Public Housing	47	49

Anti-dialogical[2] Communication

All our clients living in both public and community housing have similar complaint, that of difficulty in communicating with housing officers. Advocate agencies such as Side by Side Advocacy encounter similar experience. Messages are not returned and when they do, Housing Officers speak in what can only be described as ill-mannered, discourteous, impolite and patronising.

Anti-dialogical communicative interaction is common particularly in the housing sector, because of my direct experience in dealing with individuals and organisations in this sector. In thirteen years of work as a tenant advocate employed in a non-government agency, the most

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[2] Antidialogical communicative Interaction is defined as antagonistic, disrespectful and negative communication as opposed to dialogical communicative interaction which is characterised by respectful, informative and positive communication between individuals.

disturbing aspect that I faced and have dealt with was the anti-dialogical nature of communication, which was most evident in social housing sector between tenants and the Housing NSW officers.

Throughout the years, I built up a network of friends among both tenants and Housing NSW officers, but due to the nature of my work as tenant advocate, I developed more trust with tenants. Friendships with Housing NSW officers came about through previous relationships with them, for example, with those who had been community workers and were now officers holding positions or responsibility within the Department hierarchy, with officers whom I faced in the Residential Tribunal and for whom I developed mutual if guarded respect, and with those who showed genuine interest in resolving issues in favour of the tenants.

In the course of my work, I encountered antagonism from both sides and in some cases, this led to certain residual animosity. There were tenants who complained about my race and expressed doubts of my ability to represent their case in the Tribunal, which requires a high standard of English, and who made their feelings known to my employer. There were housing officers who because of my persistent advocacy on behalf of tenants ensured that I would not be able to speak to them at all.[3]

Most housing officers, tenants complain, avoid a commitment to genuine communicative exchange and justify this behaviour as simply following the Housing NSW rules and regulations and the residential tenancy law. Housing officers who are new to their jobs are fearful that if they do not follow the rules, their jobs are on the line. They often blame 'the system', with most complaining about how they, too, are not aware of what is going on 'above'. Some officers seem confused and rattled as to why they are the target of the wrath of tenants when they are only instruments of their employer, the Housing NSW. Accordingly, tenants' complaints revolved around the anti-dialogical communicative interaction with housing officers.

Often the most effective way to achieve results was to speak to a 'higher authority'. Generally, these officers did not even have to refer to rules and regulations in resolving issues before them, as they are more comfortable in applying their discretionary power. They feel more obligated to resolve the case and are often ready to reach a compromise.

Despite efforts by some housing officers to resolve a case, in many instances they genuinely complain about being 'constrained by the bureaucracy' and justify their decisions by statements such as 'my hands are tied', 'unfortunately it is the law', 'it is outside my power,' and other similar phrases. This 'system' as a separate 'thing', which is perceived to be more powerful than the individual, is also detached, often unreasonable and most times unreachable by even the people in positions of power. In addition, in most instances the system becomes

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[3] During the course of writing this submisstion, our agency had three four social housing clients. A simple tile repair is going on to its third year. Installation of bathroom rails is on its fourth year. A bird's nest issue on the eaves took 12 months. Messages are not returned and emails and letters are not responded.

the scapegoat associated with a lack of initiative, of openness and desire to achieve a genuine understanding and conclusion of issues through communicative interaction.

We welcome the opportunity to make this submission to the Public Accounts Committee. This submission will confine itself to the Term of Reference below:

- Possible measures to improve tenancy management services

This submission focusses on the single component that is largely ignored in any deliberations regarding tenancy management: which is lack of humane, respectful and sincere tenant-landlord communicative interaction. It is submitted that tenancy management is about human beings (tenants and housing officers) interacting to achieve successful tenancy in social housing, and that improving tenancy management services at the community or local level should focus on improving the relationship between housing officers and tenants.

People with Disability and Tenancy Management in Social Housing

> In common with private (i.e. for–profit) landlords, the core responsibilities of social landlords concern the management of properties and tenancies. Distinct from the former, however, social landlords have obligations to contribute to social welfare, for example by setting rents at affordable levels, and by promoting tenant wellbeing, neighbourhood upkeep and community vitality.
> *- AHURI, Positioning Paper No.160. July 2014, p.5.*

For people with disability and their network of support workers, tenancy management in social housing is all about their relationship with housing officers. Tenancy issues such as rent arrears, rent increase, repairs and maintenance, neighbour disputes, etc. are discussed and should be resolved at the local interaction level, between the housing officers and the tenant. It is submitted that the core foundation of human relationship in social housing is the housing officer-tenant relationship. The main task of the social landlord is to ensure first and foremost, that the local level tenancy management is successful in implementing its social responsibilities, that is, ensuring that social justice and human rights[4] of individuals are guaranteed, beginning with according each other respect as human beings. Next is ensuring the rights and responsibilities of individuals under tenancy law. There is an absence of support structure actively promoting and sustaining respectful, professional interaction between the housing officer and tenant. Hence, negative and disrespectful relationship continues to reproduce and expand. This pattern influences policies and laws

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[4] Since 1976, Australia has accepted an obligation to recognise the right of all persons within the country to an adequate standard of living, including adequate housing, and the continuous improvement of his/her living conditions. This obligation, embodied in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), was accepted without reservation by Australia when it ratified the ICESCR. By virtue of this obligation, Australia, like other contracting States, has undertaken to take all steps to the maximum of available resources with a view to progressively achieving the full realisation of the right to adequate housing (Devereux, 2005, p. 88).

which then (as a reaction) put in place structures which consequently, perhaps unintentionally, support and even further strengthen this negative relationship.

The theme that defines tenancy management, it is submitted, is tenancy and the goal of landlord-tenant relationship is 'maintaining and sustaining tenancy'. The realisation of this goal is constantly being threatened by the discourteous, ill-mannered communication, which almost always ends in threats of eviction or the Tribunal, and most significantly, the exacerbation of anti-dialogical relationship. **There is no discernible difference between housing managers in private and social housing, as regards their manifest attitude and behaviour towards tenants.**

Although implied in the code of ethics, mission statements and other corporate literature of social housing, their housing officers lack an appreciation of the role of the social landlord as a provider of the basic human right to shelter and an understanding of and commitment to equality, social justice and human rights. There is a lack of training on the philosophical underpinnings of the welfare state, orientation of social justice and equity and the importance of human rights in the implementation of the welfare provisions in public housing. This observation applies to both tenants and housing officers.

Tenants and community workers complain that housing officers lack the practice of effective communication strategies with clients. There is a lack of a mechanism to make housing officers aware of the necessity of fostering dialogic communicative interaction based on respect, honesty, sincerity and trust. There is absence of training with respect to acceptable conduct in telephone communication, letter writing and in verbal/personal communication.

Eviction and the threat of eviction, is the main source of anti-dialogical communicative interaction between tenants and housing officers and is being used extensively by housing officers in their power-relations with tenants, this submission found. This is supported by observation and practice of the decade of Tribunal experience by advocates. Conversely, tenants are increasingly using the threat of compensation through the Tribunal as their experience with litigation expands. The economic and social costs of litigation are aggravating the already anti-dialogical tenant-landlord relationship.

Flow of anti-dialogical communicative interaction in social housing.[5]

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[5] Morden, A. (2010), p.195.

Eviction/Threat of Eviction

Power-relating is an exercise through eviction and threat of eviction

Stacey declared that 'Ideology is the basis upon which people choose desires and actions and it unconsciously sustains power relations' (2005). Human interaction is power-relating. Hence, power can be good or bad, the goodness and badness relates to how power is used towards another person. The enabling and inclusionary power of the housing officer is their ability to allocate a property, deciding whether to carry out repairs and deciding whether to help tenants or not. Tenants and community workers experience the day-to-day interaction is anti-dialogical, resolution of tenancy issues are delayed, and at times require intervention by a higher authority and /or shadow networks of social and welfare workers. The discretionary power is used in the form of constraint and exclusion against tenants.

Eviction

> Power is the enabling-constraining relationship where the power balance is tilted in favour of some and against others depending on the relative need they have for each other (Stacey, 2005, p. 9).

In a landlord-tenant relationship in social housing, the inclusion or enabling (allocation) and exclusionary or constraining (eviction or threat thereof) power clearly lies with the landlord. Not surprisingly, the threat and reality of eviction, this study found, was the single source of most anti-dialogical communication between the housing officer and tenant. Most clients of this agency admitted having been threatened or perceived to have been threatened with losing their homes. Examples of these threats are: 'you will lose your house'; 'I will evict you'; 'if you are not happy, you are always free to go'; 'I can evict you anytime'; and 'you will be evicted'. In a meeting with a housing officer, a group of tenants complained about the persistent noise coming from a unit of a newly moved tenant who had episodic moods. Instead, they were bluntly told that were always free to move or be transferred. This lack of sensitivity especially towards tenant who had been in their homes for more than 40 years is not uncommon. This type of power according to Mann (1986, pp. 101-131) is power derived from administrative infrastructure. Eviction is always a source of a highly emotive and bitter power struggle between the housing officer and tenant.

Atkinson, Habibis, Easthope and Goss (2007), conducted a review of literature on research undertaken regarding demanding behaviour in social housing. This report was written within the context of finding out the causes and solutions to help save tenancies of those who, because of their demanding behaviour, were in danger of losing their tenancy. In this review, a study from the international, national and local researches had looked into the dynamics of the housing officer-tenant relationship regarding the issues of eviction or threat of eviction. A suggestion was made regarding the 'provision of supportive landlord practices such as balancing social and economic imperatives and linking housing with other services', but ran short of identifying that eviction is a power exercised at the local level by housing officers in their interaction with the tenant. The one-sided perspective reflects the widespread use of the

reductionist or systems view in social analysis. This way of thinking alienates or objectifies both the housing officers and tenants, treating this 'thing called eviction' as something imposed on them and not a result of their direct interaction. The freedom and evaluative choices of both housing officers and tenants are diminished as 'blame' or responsibility is directed to something else other than their mutual conduct, that is, their interaction, how they negotiated their conflicts, their ideologies, values and choices and that eviction emerged out of the dynamics of communicative interaction and power-relating.

The threat of eviction had been imposed not only upon tenants who exhibited 'demanding behaviour'. All tenants that were interviewed by this agency and those who came from other agencies, reported that even those who did not have 'demanding behaviour' had experienced being threatened with eviction at least once and some had orders of termination issued against them once or twice.

Recommendations:

This submission proposes two related legislative measures to improve tenancy management services in social housing:

1. Requiring social housing landlord to undertake evidence-based study on:

   1.a. local interactions in social housing, most particularly researches on street-level bureaucrats or front-line workers, how they engage in their task, how they interpret and implement policies, how are they made accountable for their actions, their normative and evaluative preferences, and the quality of their communicative interaction and general relationship with tenants who are their direct responsibility. Similarly, further research on the use of discretionary powers of front-line workers, social and welfare workers, health workers, generalist and specialist workers employed by non-government agencies is suggested. Performance assessment should ask how they engage in their task, how they interpret and implement policies, how they assist their clients, how are they made accountable for their actions, their normative and evaluative preferences, the quality of their communicative interaction and general relationship with clients, with co-workers and other housing officers.

   1.b. on the dynamic of relationship between tenant leaders and tenants, tenants and community workers; between housing officers; housing officers and community workers, researchers and tenants, is recommended. The research need to focus away from the sociology of economics and politics of poverty. People's concerns go beyond material or economic issues. In dealing with our clients, we hear time and again people being more concerned, in their day-to-day living, with symbolic resources, that is, their family, neighbours, their relationship with people, how they are treated, whether they feel valued and respected, their sense of self-worth, and how they feel. The emotions of shame, sadness, anger, envy, hatred,

frustration and hopelessness, but also their preferences, happiness, hope and love, their lives lived. Focus on the subject means focus on the human qualities, the evaluative and normative human beings in interaction.

2. Hiring and Training of Housing Officers

At the level of formal educational training, a housing officer should have a degree in Social Work. At the very minimum, a formal education requirement must be a two-year Diploma of Community Welfare Work. This course allows the individual to gain theory and practice of communication, consultation, group work, advocacy, case management, casework intervention, policy and research, crisis intervention, conflict and violence management, administration and client (customer) service. Then, a further educational qualification with equivalent theoretical and ideological exposure in social work and social science subjects should be a requirement. Additionally, as housing is a specific sector, housing officers should include formal electives in housing studies.

In tenancy management, the appropriate level of educational training and background considered essential for housing officers needs to be critically examined. The essential role played by street-level workers (government and non-government) in the development and application of government policies is in the ideological and normative values and choices they make as they act out their discretionary powers.

3. That social housing landlords apply and strengthen the social justice and human rights responsibilities that make them distinct from private or profit landlords.

For both tenants and housing officers and other individuals who are involved in social policy and change in social housing, suggestions are focussed on the ideology and ethos associated with the organisation where the principles of social justice and human rights are considered essential if quality and sustainability of tenancy management are the objectives.

> *The absence of an explicit conception of social justice in political life has the result that arguments about public policy are made without any attempt to explain from the ground up what is their justification (Barry, 2005, p. 10).*

3.a. That social housing landlords should establish, strengthen and expand the structures and processes of the dialogical communicative interaction between the housing officers and tenants based on the important role played by front-line workers or housing officers in paving the way for genuine communicative exchange.

3.b. That social housing landlords should promote equality and strengthen the social justice principles and practices underpinning the establishment of public housing.

3.c. That social housing landlords should reinforce the perception of social housing as a just and humane network set up within the philosophy of the welfare state[6] and founded on the principles of social justice and human rights.

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[6] Offe argues that for the welfare state to extend into more democratic and egalitarian directions to maintain and sustain legitimacy of the capitalist system, in J Offe, 'Political authority and class structures' in P Connerton (ed.), *Critical Sociology*, Penguin, Harmondsworth, 1974, pp. 388-421. Other Neo-Marxists such as Habermas

3.d. That social housing landlords should incorporate within tenancy management the emphasis on human relationships founded in human rights, the right to housing. Effective tenancy management requires the implementation of social justice, the equitable distribution of rights, opportunities and resources in housing. Effective tenancy management in public housing should be based on maintaining and sustaining a tenancy and therefore, should be measured firstly, by the number of cases that have been successfully resolved through dialogical communication at the client service level, and secondly, by a decreased number of evictions.

3.e. That social housing landlords should establish rules and procedures associated with managerial ethics as a principal feature in implementing social justice projects. As street-level workers, housing officers have discretionary powers to steer the tenant-landlord relationship. Recognising this power, the housing officers have a discretionary power to lay a ground for an open, honest and respectful relationship. Just as managerial positions have the potential for oppressive practice and denial of human rights, so do managers have the capacity to practice and enhance the cause of human rights, as Ife suggests:

> *The key to such practice is to ensure that it is set up with genuinely participatory and dialogical structures and processes, so that it is not a case of the word of manager being law, or the manager exercising her/his power in such as way that it is oppressive or denies the other actors full participation. Management can be participatory and dialogical as long as the manager takes steps to create the space for participation of the others involved and does not seek to use the potentially unequal power relationship to dominate and control (Ife, 2000, pp. 179-180).*

3.f. That social housing landlord should establish a programme for street-level workers such as the housing officers to acquire the theoretical and practical background of the principles of case work within which are embedded the principles of social justice and human rights together with the ideologies, namely Humanity and human solidarity. Experience in social and welfare work, a record of advocacy and backgrounds in collective actions/movements are equally significant from which one could show one's commitment to human rights.

3.h. It is submitted that sustaining humane tenancy management means ensuring that the principles of equality, social justice and human rights are reflected in social housing landlord's policies and programs and are practised by the housing officers in their interaction with tenants.

3.i. should establish a structure and process to implement, monitor and assess the performance of social justice and human rights in public housing.

3.j. should set-up an education and training programme to promote dialogical communicative interaction between housing officers and tenants. Social landlord's training programme should be permanently integrated within its structures, making available courses and other training on social justice, equality, human rights and to

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and O'Connor argue that interventions in welfare state are designed to correct or compensate for the dysfunctional effects of accumulation, negative feedbacks to correct the behaviour of the capitalist economy, avoid crisis and maintain legitimacy. See J. O'Connor, *The Fiscal Crisis of the State,* St Martin's Press, New York, 1973, p. 6; J Habermas, *Legitimation Crisis*, Beacon Press, Boston, 1975, pp. 60-66.

practice of dialogical communicative interaction for both tenants and landlords and other community workers.

3.k. Learning from others and drawing on examples of best practice in tenancy management. Social housing landlords should allocate resources, such as scholarships and grants, to encourage and promote continuous exposure and learning for both housing officers and tenants, regarding local and global experiences in the landlord-tenant relationship. This may involve a field trip, attendance to relevant national and international housing conferences, a short-term orientation and training and a full course in housing. These opportunities should be open to tenants and housing officers.

Conclusion

That tenancy management is tenant-landlord relationship and communication is a human undertaking that defines the quality of their interactive relationship. To improve tenancy management services, we need to look into the quality of communication between the housing officers and tenants. This submission asks that this largely ignored area in tenancy management be addressed through the implementation of education and training and monitoring of the quality of communicative interaction between housing officers and tenants.

Let us begin with local interaction, the practice of dialogical communicative interaction, i.e. a respectful, sincere and honest communication for both housing officers, tenants and all of us who touch their lives.

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