

Wednesday 28th May 2014

The Hon Paul Green MLC
Chair
Select Committee on Social, Public and Affordable Housing
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr Green,

Thank you for the opportunity to provide further information to the Select Committee on Social, Public and Affordable Housing.

I write on behalf of the Illawarra and South Coast Tenants Service to respond to questions on notice arising from hearings on 30th April 2014. The responses to these questions are provided below.

Question 1: How much funding do you receive?

Response: \$347,500 plus 10% GST per year for 3 years, from 2013-2016.

Question 2: How many people work at the service?

Response: 4 workers, equivalent to 3.4 equivalent full time positions.

Question 3: Perhaps you could give us the number of disputes you had to take to the tribunal for the last four or five years so we can see if the pattern changed.

Response: Housing NSW separated from Land & Housing Corporation in July 2011. In the two years prior (July 2009 – June 2011) we advised 74 Housing NSW tenants on repairs issues. In the two years after the change (July 2011 – June 2013) we advised 91 Housing NSW tenants on repairs issues. This represents an 11% increase. Tribunal representation for repair issues remained steady over this period.

Question 4: Could you give us a copy of those case studies? (In relation to the vacant bedroom charge)

Response:

Case study 1

Audrey* is an elderly pensioner who has resided in her HNSW property for over twenty years. Her husband died earlier this year, and she currently lives with her adult son. Audrey lives in a four-bedroom house and would be classified as under occupying the property as she has two spare bedrooms. Audrey uses her spare bedrooms for valuable purposes, relying on them to accommodate family when they visit from interstate.

One spare bedroom is when my children come in. I have four children and six grandchildren. When she comes in, I need my rooms. They come every four and five weeks. Because my husband passed away four months ago and they are very worried about me.

One of my grandsons is coming to the University of Wollongong. So I need my house for him too, I need this bedroom for him.

Audrey has strong attachments to the local area, and her support services, which are integral to her wellbeing, are located nearby.

Thirty three years I have lived in the same house. This is my life. My neighbours are my friends, they are my family. All my friends they live in here for more than 20 years. My doctor is nearby, my community group.

Audrey would pay the additional charge if asked to relocate to a smaller property, even though this would place her in a position of significant financial hardship. The tenant's willingness to pay the extra charge is indicative of her level of attachment to her home. Audrey has limited capacity to pay the additional and would have to reduce her expenditure on other necessities such as electricity and food.

I prefer to pay the tax because the extra bedrooms are so important to me. If the worst comes to the worst, I have to pay an extra \$20 and then at the end of the year it is an extra \$1000 of my rent.

Audrey has concerns that she will require the assistance of a personal carer to assist her with daily tasks as she ages and would need to accommodate them in a separate bedroom in her home.

The only thing I want to say is I will only last another two years. Because myself I'm not very well before. I am not young any more. If something happens, my daughter has to stay with me.

Case study 2

Brian*, a disability support pensioner in his late 50's has been a tenant in a HNSW property for over 40 years. Following the death of his mother and the recent move of his father into an aged care facility, Brian continues to reside by himself in his four-bedroom home.

As a transplant recipient, Brian requires the additional bedrooms to maintain his health and fitness.

Being a transplant patient, I can't go out in the sun. So I got one room done up for a gym, and one of the rooms is done up for a kidney machine, and that leaves the third one.

He makes valuable use of the third bedroom, using the room when family members visit from interstate.

My brother comes down from QLD and brings his three daughters.

As a single person, he relies heavily on his local community and on the support of his neighbours with whom he has formed valuable and irreplaceable friendships with over the decades.

I have a lot of support around here. If I was moved to another area, I would not have that support. Even though I don't know, they keep an eye on me.

I was talking to someone the other day and they were talking about other people they make sure are all right. And that was happening at the other end of the street.

Brian concedes that being asked to relocate to a smaller property would have significant negative mental and physical health implications.

I could be moved to anywhere in the wider area, I know no one over there, and it takes me a while to make friends. Actually, it would be no good for my nerves. I'd be worried about everything and what was going to happen, and if I went out and the house was safe, and if I went out and accidentally let a door or window open I know the neighbours would look after everything. In a new place I wouldn't have that security.

Brian is sympathetic to families on the housing pathways register who are waiting for suitable housing, but has concerns for his own health should he be asked to downsize to a smaller property.

I'm talking now and thinking it's a bit selfish when there are families that need houses, if I was fit and healthy I wouldn't worry but I have to look after my health. I don't know what the effects would be if I really got stressed out.

Brian feels discriminated against as a public housing tenant, noting that such a charge is not imposed on tenants in other types of housing.

They are going against people that can't fight back who don't have the resources to fight back. If they did it to ordinary people and asked them to pay an extra \$20 in land tax or downsize, there would be an uproar. But because they are pensioners and they live in public housing its ok. There are a lot of people that don't have respect for public housing tenants. They are going to be hitting people that least can afford it.

He feels like the policy will unfairly target the older people in the community who have been in their homes for a number of years.

With what they are doing, they are going to push people out of the community they have lived in for 30 or 40 or 50 years to somewhere where they have got no support and know no one. It is hard enough to make friends when you move into an area. I think it is better to leave people where they are secure.

Question 5: Do you have actual cases of that? (In relation to changes to who can succeed a public housing tenancy)

Response:

Case study 1

Mark* is a public housing tenant who has resided in a HNSW property for over 40 years. He made an application for succession of tenancy in 2011 after the death of his mother several years earlier and after his father moved into an aged care facility due to his failing health. His application for succession was approved, however had Mark sought succession after March this year, his application would have been rejected unless he could establish he was eligible for priority housing.

As a single older person whose parents are now both deceased, Mark relies heavily on the local community surrounding his property for support, safety and friendship.

Everyone is checking up on me, they will come and knock on the door and give me a phone call. Once they see the blinds open they know I am all right. I wouldn't have the support that I have got here.

Had Mark not been able to succeed the tenancy of his parents, he would have had to seek accommodation in the private rental market, which he concedes would be difficult.

As soon as a house comes up, you have 10-20 people for it. I am just going on what I read in the paper about the housing shortage.

I would have real difficulty finding accommodation. If you have any sort of life support machine, you would have a hell of a lot of trouble finding private housing.

Mark found the process of applying for succession overwhelming at a time of significant life change, and notes the complexity of the process.

With dad going into a nursing home, there was a whole lot of paperwork and you're running around doing things.

Asked about his opinion on the new policy and its impact on tenants, Mark stated:

You are in the same situation I am in, and you lived there, and your parents suddenly die on you and everything is set up for you, and they are just going to put you out. That is cold hearted, honestly it is.

Case study 2

Monique* is 29 is a young Indonesian woman who was granted permanent residency in Australia in 2010. Monique married a HNSW tenant and moved into his premises two years ago with her five year old daughter with the permission of HNSW. Monique's husband died in October 2013. Monique applied to succeed the tenancy of her deceased husband, but was found ineligible as despite being the spouse of tenant, she was not aged over fifty five. Monique is on a single parent pension, has no private rental history, has very limited English language speaking skills, and has limited social support of connection with the local community. Despite this, Monique was not found to be eligible for priority housing, and was granted a six-month provisional lease. Monique appealed this decision to the Housing Appeals

Committee who upheld the original decision of HNSW to deny the tenant recognition as a tenant. Monique was required to vacate the premises at the end of the six-month provisional lease.

* Pseudonyms have been used to protect the identity of the tenants in the above case studies.

Question 6: Please give us some anonymous details of those. (In relation to market rent valuations that have been challenged)

Case study 1:

Rent increase amount: \$390/week to \$440/week (additional \$50/week)

Tribunal outcome: \$395/week (additional \$5/week)

By consent: Yes

Case study 2:

Rent increase amount: \$330/week to \$440/week (additional \$110/week)

Tribunal outcome: \$390 (additional \$60/week)

By consent: Yes

Case study 3:

Rent increase amount: \$115/week to \$155/week (additional \$45/week)

Tribunal outcome: \$135/week (additional \$20/week)

By consent: Yes

Case study 4:

Rent increase amount: \$285/week to \$430/week (additional \$145/week)

Tribunal outcome: \$380/week (additional \$95/week)

By consent: Yes

Case study 5:

Rent increase amount: \$110/week to \$155/week (additional \$45/week)

Tribunal outcome: \$135/week (additional \$25/week)

By consent: Yes

Case study 6:

Rent increase amount: \$300/week to \$470/week (additional \$170/week)

Tribunal outcome: \$350/week (additional \$50/week)

By consent: Yes

Case study 7:

Rent increase amount: \$305/week to \$400/week (additional \$95/week)

Tribunal outcome: \$320/week (additional \$15/week)

By consent: No

Case study 8:

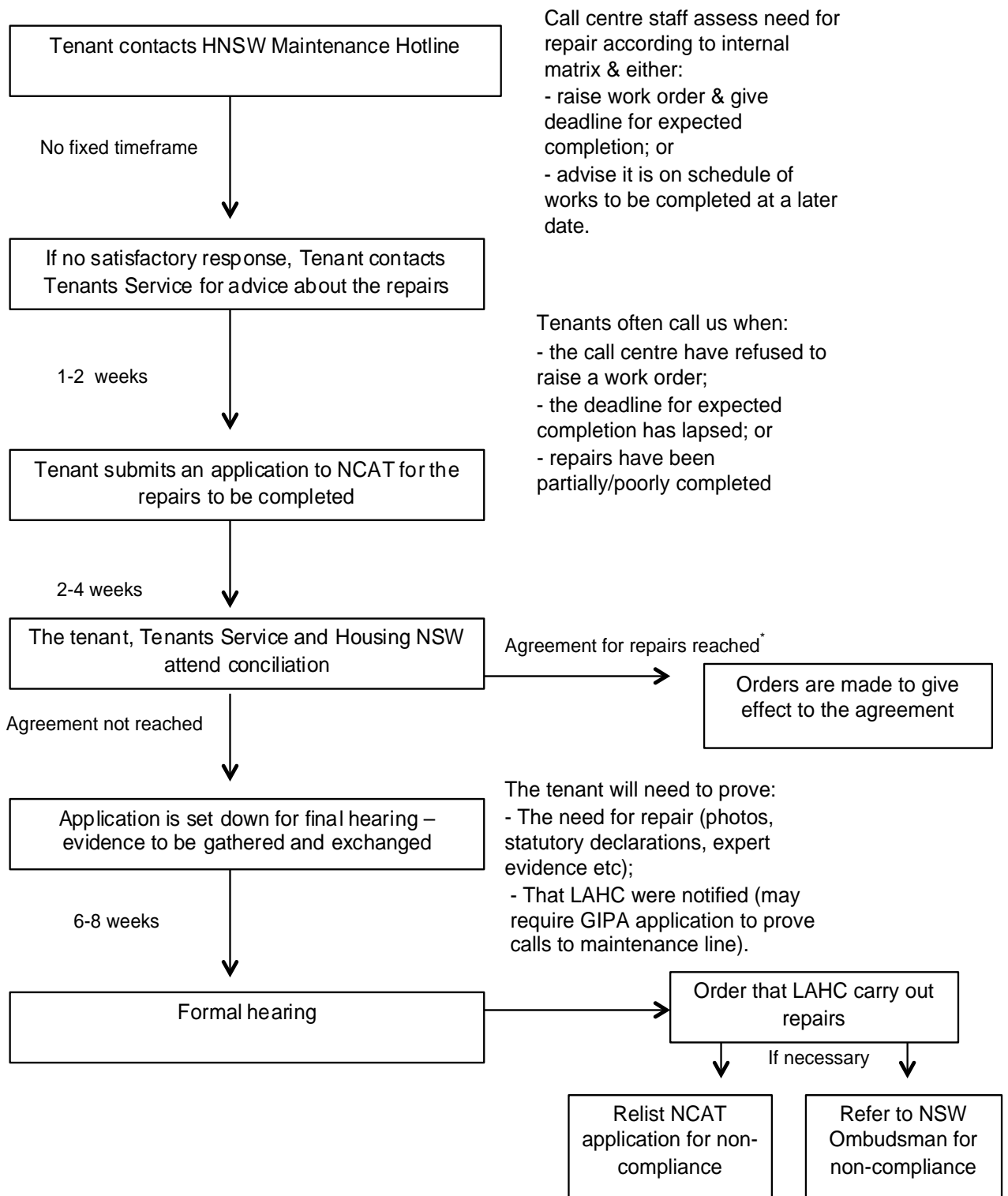
Rent increase amount: \$350/week to \$440/week (additional \$90/week)

Tribunal outcome: \$390/week (additional \$40)

By consent: Yes

Question 7: Please supply to the Committee a flowchart of tenant issues, which agencies deal with these issues and the time lines.

Flowchart of Housing NSW Repairs Process



* It is very unlikely that an agreement is reached at conciliation because tribunal appearances are made by Housing NSW (rather than Land & Housing Corporation), and Housing NSW staff have no authority to enter into legally binding agreements for repairs on behalf of LAHC.

Thank you for allowing us to clarify these matters with the Committee. We look forward to reading the Committee's report. Should you have any further questions, please do not hesitate to contact us.

Yours sincerely,

Warren Wheeler
Team Leader
Illawarra and South Coast Tenants Service