

**Submission  
No 13**

## **INQUIRY INTO SOCIAL, PUBLIC AND AFFORDABLE HOUSING**

**Organisation:** Public Interest Advocacy Centre

**Date received:** 31/01/2014

---



31 January 2014

Our Ref: LS

The Director  
Select Committee on Social, Public and Affordable Housing  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

[socialhousing@parliament.nsw.gov.au](mailto:socialhousing@parliament.nsw.gov.au)

Dear Sir/Madam,

### **Inquiry into social, public and affordable housing**

The Public Interest Advocacy Centre (PIAC) welcomes the opportunity to respond to the terms of reference to the Inquiry into social, public and affordable housing currently being undertaken by the Select Committee on Social, Public and Affordable Housing.

PIAC is an independent, non-profit law and policy organisation that works for a fair, just and democratic society, empowering citizens, consumers and communities by taking strategic action on public interest issues. PIAC identifies public interest issues and, where possible and appropriate, works co-operatively with other organisations to advocate for individuals and groups affected.

Through its project, the Homeless Persons' Legal Service (HPLS), PIAC has significant experience with people who experience mental illness who are homeless or in housing crisis, and who are seeking to access social housing, or have had difficulties sustaining their social housing tenancy. Since it commenced in 2004, HPLS has provided free legal advice and representation to over 8,000 people who are homeless or at risk of homelessness. In 2012, HPLS helped 929 clients with a range of civil and criminal law matters. Of these, 17 per cent displayed some form of mental illness or self identified as having a mental illness. From January 2010 to December 2012, the HPLS Solicitor Advocate provided court representation to 241 individual clients facing criminal charges. Of these 48 per cent disclosed that they had a mental illness.

Level 7, 173-175 Phillip St  
Sydney NSW 2000  
DX 643 Sydney  
Phone: 61 2 8898 6500  
Fax: 61 2 8898 6555  
[www.piac.asn.au](http://www.piac.asn.au)  
ABN: 77 002 773 524

In 2012, HPLS provided advice and assistance to 77 people who had tenancy and/or housing related disputes with Housing NSW. Of these, 15 people displayed some form of mental illness or self identified as having a mental illness. In all of these 15 cases, the individual was either in receipt of a Centrelink payment, or did not receive any income at all. This would suggest that none of the 15 individuals could afford accommodation in the private rental market, with public and community housing likely to be the only option for safe, secure accommodation.

The difficulties experienced by people who have lived experience of homelessness and mental illness accessing and sustaining social, public and affordable housing were documented by PIAC in 2013 when it published the discussion paper, *Skating on thin ice – Difficulties faced by people living with mental illness accessing and maintaining Social Housing*, a copy of which is attached to this correspondence. Based on the casework of HPLS, the discussion paper looks at the close relationship between homelessness and mental illness, and considers alternative strategies to respond to the needs of homeless people with mental illness who are reliant on social housing for their accommodation needs.

Given the likelihood that people living with mental illness are reliant on disability support pensions or other forms of Centrelink payments, or are on low incomes, social housing is the most likely option for stable, safe accommodation. For people with mental illness, legal issues associated with obtaining and sustaining tenancies with social and community housing providers is one of the more commonly identified areas of legal need. This is confirmed by HPLS casework, in which problems with social housing is the second most commonly reported legal problem for people with mental illness.

The difficulties identified through HPLS casework and exemplified in the case studies included in this discussion paper illustrate particular situations to which people with mental illness seeking to apply or maintain social housing are vulnerable. These include:

- Poor customer service and delayed/inadequate communications from Housing NSW;
- Inappropriate offers of social housing premises that are unsuited to the physical or psychological needs of the applicants;
- Inflexible application of Housing NSW policies in relation to accessing priority status;
- Housing related debts leading to tenancy termination; and
- Neighbour disputes.

The discussion paper identified some key areas for action, which would improve the ability of people with lived experience of homelessness and mental illness to access and sustain social, public and affordable housing. These include:

- Ensuring that all staff in Customer Service Operations in Housing NSW receive training focused on how to effectively engage with homeless people who live with mental illness. This training should be developed in consultation with people who have experienced homelessness.
- That Housing NSW ensure that there is consideration of a person's background and experience of mental illness before placing them in public housing, so that they are not placed in areas or accommodation in which they may feel at risk, unsafe, or where the accommodation is otherwise inappropriate given their particular circumstances.
- That Housing NSW ensures that there is easier access to transfer for people living in public housing if they have a history of mental illness and are fearful for their personal safety or have concerns about becoming/returning to homelessness because of the area in which they are housed.
- That where a social housing tenant has fallen into arrears with their rent payments, or is facing other tenancy related debt, that Housing NSW adopt an 'eviction as a last resort'


policy. In such circumstances, Housing NSW should make multiple efforts to contact the tenant via mail, telephone and personal visits, in order to ascertain if the tenant is facing circumstances of financial hardship or crisis, with a view to referring the tenant to appropriate support services. Only after multiple attempts to contact the tenant have been unsuccessful should Housing NSW consider issuing a written warning that it is considering a Notice of Termination.

- That Housing NSW develops procedures to enable identification of social housing tenants in financial crisis or hardship, by virtue of a history of falling into rental arrears, and provide warm referrals for such tenants to appropriate welfare support and financial counselling organisations.

PIAC welcomes the opportunity to have input into the Select Committee Inquiry in to social, public and affordable housing. The inquiry presents as a timely opportunity to consider appropriate strategies in responding to the difficulties faced by people with lived experience of homelessness and mental illness in accessing and sustaining stable, affordable accommodation.

We would be pleased to discuss this submission with you. Please do not hesitate to contact Louis Schetzer, Senior Policy Officer if you would like to do so.

Yours sincerely

  
**Edward Santow**  
**Chief Executive Officer**  
Public Interest Advocacy Centre

**Louis Schetzer**  
**Senior Policy Officer**  
Homeless Persons' Legal Service  
Public Interest Advocacy Centre

Enc.