

Inquiry into Homelessness, June 2020

About the Tenants' Union NSW

The Tenants' Union of NSW is the peak body representing the interests of tenants in New South Wales. We are a Community Legal Centre specialising in residential tenancy law and policy, and the main resourcing body for the state-wide network of Tenants Advice and Advocacy Services (TAASs) in New South Wales. The TAAS network assists more than 25,000 tenants, land lease community residents, and other renters each year. We have long-standing expertise in renting law, policy and practice. The Tenants' Union NSW is a member of the National Network of Tenant Organisations (NATO), an unfunded federation of State and Territory-based Tenants' Unions and Tenant Advice Services across Australia. We are also a member of the International Union of Tenants.

About this submission

Everyone deserves a home. Housing is the basis from which we ensure our communities' well-being. This is not simply about the material, physical and structural protections housing provides, but also a sense of home and belonging within a wider community. The Australian housing system, and in particular the private rental market, has failed to ensure everyone has access to safe, secure, affordable housing. This failure increases both the risk of homelessness for vulnerable renting households, and the barriers to people developing a pathway out of homelessness.

We focus on the insufficient protections and supports provided for people who rent their homes, particularly in the private rental market. This submission outlines a range of policy and legislative reforms to our rental housing system/s to address two key issues in the private rental market, that of insecurity and a lack of safe, liveable homes that are affordable for those on low or very low incomes. It also establishes the need for an increase in funding to adequately resource supports and systemic advocacy for people who rent their homes.

Recommendations

In summary we recommend:

- That the Australian Government works with state and territory governments to ensure no grounds or no reason eviction provisions are removed from tenancy law in all Australian jurisdictions.
- That the Australian Government works with state and territory governments to ensure better regulation regards the application process. This can be achieved through a requirement for increased transparency regarding the decision making process for applicants, and the introduction of standardised rental application forms that remove the ability to seek unnecessary information.
- That the Australian Government permanently increase rates of social security payments above the poverty line prior to phasing out the Coronavirus Supplement.
- That the Australian Government invest substantially in social housing by building new stock, repairing old stock, and acquiring and repurposing available private market stock as social housing stock as part of economic stimulus for COVID-19 recovery.
- That the Australian Government ensures that states and territories adequately resource free, independent legal advice and advocacy services for renters.
- That assessment of adequacy of resourcing takes into account the additional funding required for effective and appropriate provision of information, advice and advocacy supports for Aboriginal and Torres Strait Islander renters, renters from culturally and linguistically diverse communities, and renters with a disability.
- That the Australian Government adequately resource the National Association of Tenants Organisations (NATO) to ensure renters have a voice and peak body able to represent their interests and provide a comprehensive overview across jurisdictions.

Background: Failure of Australian housing system

“There is no right to housing in Australia. A ‘housing first’ response, that is, access to permanent housing, with additional support if needed, mitigates the detrimental effects of homelessness and the shelter environment on the outcomes of families and children”

kylie valentine, Hazel Blunden, et al, Supporting families effectively through the homelessness services system, AHURI Final Report¹

The Australian housing system has failed to ensure everyone has access to safe, secure, affordable housing. Issues around the lack of security and affordable housing are particularly acute for those who rent their homes, who on average are on lower incomes than homeowners; and are more likely to have precarious employment. This places them at particular risk in times of crises, whether that is individual life crises such as illness or loss of a family member. Or whether that is broader crises, such as bushfires or a pandemic. Low income renters are particularly vulnerable.

The precariousness of low-income renters is evident in the latest data in the Australian Bureau of Statistics’ Housing Costs and Occupancy series, and the detailed analysis provided by the Productivity Commission.² Over the last 20 years there has been an increasing reliance on the private rental market for those on low or very low income, relative to social housing. Just over a million low income households rent in the private rental sector.³ Two-thirds (66%) of these households are paying more than they can afford, with more than 30 percent of their weekly income being spent on rent. Almost a quarter spend more than half of their income on rent.⁴

This leaves vulnerable households in a very precarious position, with little money left each week for other necessary household items. People are going without basic essentials such as food and medication to pay the rent.⁵ Almost a third of all low income private renters do not have \$500 in savings for use in an emergency⁶ - placing them at a higher risk of homelessness if faced with an unexpected life event, such as serious illness or injury, death of a spouse, loss of employment, or family separation.

Moreover, the Productivity Commission’s analysis show that among low-income private

¹ valentine, k., Blunden, H., Zufferey, C., Spinney, A. and Zirakbash, F., Supporting families effectively through the homelessness services system, AHURI Final Report 330, 2020, p33, <http://www.ahuri.edu.au/research/final-reports/330>, doi: 10.18408/ahuri-7119201, accessed 23 June 2020

² Australian Bureau of Statistics (2019) Housing Occupancy and Costs, 2017-18 – cat no 4130.0; Productivity Commission (2019) Vulnerable Private Renters: Evidence and Options, Commission Research Paper, Canberra; Australian Productivity Commission, Vulnerable Private Renters: Evidence and Options, September 2019, <https://www.pc.gov.au/research/completed/renters/private-renters.pdf>, accessed 23 June 2020

³ Ibid.

⁴ Productivity Commission (2019), p53.

⁵ NSW Council of Social Services (2020) Cost of Living in NSW: Austerity hits home, <https://www.ncoss.org.au/sites/default/files/public/policy/Cost%20of%20Living%20final.pdf>, accessed 23 June 2020

⁶ Productivity Commission (2019), p54.

renters in rental stress, older persons, people with a disability, people with low educational attainment, and Aboriginal or Torres Strait Islander people are much more likely to be in rental stress (that is, paying over 30% of their income towards rent).⁷ Households with Aboriginal or Torres Strait Islander people are both more likely to be renting and face a range of health vulnerabilities as a community. Aboriginal and Torres Strait Islander people are three times more likely to be living in overcrowded homes.⁸

Each of these factors compounds the difficulty of dealing with affordability problems and the risk posed by evictions. Mounting debts and eviction for these renters increases the risk of homelessness and long term poverty. An early and effective intervention to prevent homelessness is regulation to improve security in Australian private rental market/s. Reforms to provide greater security can relatively quickly and easily be achieved, alongside the more long term initiatives to increase the supply of permanent, affordable housing as well as other supports.

Impacts and opportunities identified during the COVID-19 pandemic

The COVID19 pandemic has highlighted and exacerbated the existing inequalities of our failing housing system. That we were already aware of the problems, does not make them any less urgent. As the United Nations Special Rapporteur on the Right to Adequate Housing, Leilani Farha, noted in her COVID-19 Guidance Notes:⁹ *“In the face of this pandemic, a lack of access to adequate housing is a potential death sentence for people living in homelessness and puts the broader population at continued risk. COVID-19 has exposed the myth of individualism, revealing the ways in which our collective wellbeing depends not only on our own ability to “stay home”, but the ability of others to do the same.”*

Many renters were impacted significantly by the pandemic. Many lost jobs or income. Despite the National Cabinet’s announcement of an Evictions Moratorium at the end of March, many lost or continue to face the prospect of losing their rented homes as a result of the pandemic. While everyone has been told to stay ‘safe at home’ and limit or avoid contact as much as possible, renters have been facing the health implications of being forced to move. They are leaving their rented homes because they can’t afford the rent, rent reduction negotiations have failed, they are accruing debt, they have no other options or otherwise through no fault or decision of theirs. Despite the evictions moratorium announced and implemented in all jurisdictions except the Northern Territory, vulnerable tenants have faced eviction during the pandemic - largely because at implementation the moratorium protections were too limited.

See Appendix 1 for an overview of the Evictions Moratorium measures introduced. For a comprehensive overview and analysis of the success of these we recommend to you the NATO Submission to the Senate Select Committee on COVID-19’s Inquiry on the Australian Government’s Response to COVID-19.

⁷ Productivity Commission (2019), p67

⁸ Australian Institute for Health and Welfare (2019) Indigenous housing, <https://www.aihw.gov.au/reports/australias-welfare/indigenous-housing>, accessed 23 June 2020

⁹ Leilani Farha (2020) COVID-19 Guidance Note: Protecting those living in homelessness April 2020, https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_homeless.pdf, accessed 23 June 2020

Case study: Ben's story – eviction during a pandemic

Until earlier this year Ben lived in Sydney's inner west in a sharehouse with three other housemates and his two dogs. He first contacted the Tenants' Union NSW in early May to share his story:

"Our house has been deteriorating for years and the owner has refused to maintain it. In February the house flooded and a portion of it became virtually unliveable due to flood damage, including black mould. The flooding of the house was entirely preventable, as this problem had been occurring for years every time there was heavy rains, including a major flood in Sept 2019, and another in late January. We'd reported the problems then. We reported the problem again in February. No tradesperson or expert was sent. The agent claimed the owner was "hard to reach" in the United Kingdom.

We had been trying to negotiate for repairs since the flooding occurred. With the health crisis we added on a request for a rent reduction due to the conditions of the house, as well as some relief because of the impact of COVID-19. We were getting nowhere and started thinking about next steps and applying to the Tribunal to get things sorted. When we finally told the agent we were going to the NSW Civil and Administrative Tribunal, we were handed a "no grounds" termination notice two days later and before we'd had a chance to file our application.

All four current tenants are impacted by COVID-19 and have nowhere to go. I am the head tenant, have two dogs (making renting difficult), no income due to COVID-19, and am not originally from New South Wales (NSW) so have no close friends to call on here for help."

When he first shared his story two of Ben's flatmates had just moved out. The granny flat they had been living in was close to uninhabitable because of the flood damage. They had lost income due to COVID-19. Receiving the 'no grounds' eviction was the last straw. His last remaining flatmate was laid off work due to COVID-19 and is struggling to pay her share of the rent. She chose to stay, mostly so Ben "wouldn't be left in the lurch". She is, Ben said, "loyal to a fault, and I have been fighting for her almost as much as I have been fighting for myself".

Ben has applied to the Tribunal to challenge the eviction as retaliatory, and for a rent reduction because of the flood damage. He's still trying to negotiate a rent reduction through his agent on the basis of his household being COVID-19 impacted. In the meantime, he is trying to cover as much of the rest of the rent as he can. His hearing was last Friday, and he now nervously awaits the Tribunal's decision.

"If this doesn't work out in a favourable way it won't just be me impacted, my flatmate will also be looking for a new place during a Pandemic, it really does affect her too. And it's also likely to break up a happy home. I know some others in this position might join forces and find something else together, but in my particular situation, that's not going to be possible. And that literally breaks my heart."

Key issues in the private rental market

Lack of security

Evictions for no reason increase the risk of homelessness

Close to a third of all Australian households rent their homes. Current trends indicate this number is increasing - in NSW, for example, the number of households renting increased from 31% in 2015/16 to 34% of households in 2017/2018. Households are also renting for longer. A third of all private renters are long-term renters who have been renting continuously for 10 years or more.

Unfortunately renters do not experience the same security and comfort in their homes as homeowners. Many are constantly worried about losing their home and feel powerless to assert their rights. A significant cause of this is the legal insecurity they face.

In almost all jurisdictions across Australia renters can be evicted for no reason or 'no grounds'. This means a landlord can evict a tenant where no breach of agreement has occurred and no reason is required to be provided to the tenant. We are aware a significant number of renters who receive a 'no grounds' eviction notice are evicted in retaliation (for asserting a right) or because of discrimination. The ability for landlords to evict without grounds undermines all other rights provided under tenancy law, as renters feel unable to assert these.

'No grounds' or no reason eviction provisions in tenancy law fundamentally undermine the security of the tenancy contract. A survey Tenants' Union NSW undertook with Marrickville Legal Centre of over 600 NSW renters in 2018 found 75% of renters reported just the possibility of a receiving 'no grounds' eviction deters them from asking for repairs or requesting improvements to their home. Renters' responses indicated many - close to two thirds of those surveyed - live in a constant state of anxiety about the security of their housing.¹⁰ This rose to close to three quarters of renters who had previously experienced a 'no grounds' eviction. Feeling secure about housing ensures renters can make 'home' in the places they live. That secure base allows renters to fully participate in their communities, in education and learning, in the workforce.

The impact of a 'no grounds' or no reason eviction and subsequent forced move is profound. There is an immediate and significant impact for households that receive a 'no grounds' eviction in terms of household upheaval, emotional stress, and financial strain. For low income and vulnerable renters in particular, it increases the risk of eviction into homelessness. Recognising this the Australian Productivity Commission recently recommended removing all no grounds or no reason eviction provisions from tenancy law as a necessary reform to improve the welfare of vulnerable private renters.¹¹ It also recommended extending notice periods for all 'no fault' eviction provisions (including sale of property).

¹⁰ Tenants' Union NSW and Marrickville Legal Centre (2019) Lives Turned Upside Down – NSW renters' experience of 'no grounds' evictions, p6

¹¹ Australian Productivity Commission (2019) Vulnerable Private Renters: Evidence and Options, September 2019, p123, <https://www.pc.gov.au/research/completed/renters/private-renters.pdf>, accessed 23 June 2020

Apart from being an effective homelessness prevention strategy reforming tenancy law in this way would be good for the economy. In NSW the NSW Productivity Commission identified evictions have a significant direct cost to the NSW economy.¹² They cited NSW Treasury's estimate that the over 23,000 renting households forced to move each year result in total direct costs of \$116 million per annum, primarily due to the relocation costs incurred by renters.

The National Housing and Homelessness Agreement (NHHA) that commenced July 2018 provides funding to ensure states and territories improve access for all Australians to secure and affordable housing.¹³ A requirement of the NHHA is that all states and territories have a publicly available housing and homelessness strategy, and that these address priority policy areas including tenancy reform. The NHHA provides the Australian Government with a mechanism which could ensure states and territories' tenancy legislation meet a nationally consistent standard that protects against and/or reduces risks of evictions into homelessness by removing 'no grounds' or no reason eviction provisions.

Recommendation

- That the Australian Government works with state and territory governments to ensure no grounds or no reason eviction provisions are removed from tenancy law in all Australian jurisdictions.

Securing housing without fear of discrimination

In the private rental market the process for applying for housing is competitive with the decision to accept or reject an application lying solely with the landlord, or in many cases a real estate agent advising the landlord. This puts many, especially vulnerable and/or low income, tenants at a disadvantage.¹⁴ Many face discrimination, both lawful and unlawful, during the rental application process.

Across all Australian jurisdictions there are some legislative protections against discrimination in the provision of rental housing on the grounds of a tenant's age, disability, race, sex, sexual orientation, marital status, pregnancy or responsibilities as a carer. However the prevalence of renters reporting experience of discrimination suggests current legislative protections are inadequate for addressing unlawful discrimination.

Discrimination in the private rental sector in Australia is well established.¹⁵ A national

¹² NSW Productivity Commission (2019) Kickstarting the productivity conversation, October 2019, p120, http://productivity.nsw.gov.au/sites/default/files/2019-10/0709-04_Productivity%20paper_Full%20version-Final-RRR_1.pdf, accessed 23 June 2020

¹³ National Housing and Homelessness Agreement in effect from 1 July 2018, http://federalfinancialrelations.gov.au/content/housing_homelessness_agreement.aspx, accessed 23 June 2020

¹⁴ Bronwyn Bate (2020) 'Rental security and the property manager in a tenant's search for a private rental property', *Housing Studies*, vol.35, no.4, pp.589-611.

¹⁵ See various publications from Western Sydney University's Ethnic Discrimination in the Private Rental Housing Market project, https://www.westernsydney.edu.au/challengingracism/challenging_racism_project/our_research/et

survey of renters undertaken in 2017 by Choice, National Shelter and NATO found widespread discrimination in the private rental market. One in two renters reported experiencing discrimination when applying for a rental property in the previous five years.¹⁶ This included discrimination on the basis of having a pet (23%); receiving government payments (17%); age (14%); having young children (10%); being a single parent (7%); race (6%); needing to use a bond loan (5%); gender (5%); disability (5%) and sexuality (2%). See Table below.

Discrimination limits options for renters, and where alternative accommodation is not easily found increases significantly the risk of vulnerable and low income renters being pushed into homelessness.¹⁷ It should be noted discrimination during the application process is likely to be a live issue for many of the individuals and families in NSW looking for new rental housing when the temporary accommodation provided by the NSW Government via a one off \$34 million funding allocation for homelessness strategy is no longer available.

Recommendation

- That the Australian Government works with state and territory governments to ensure better regulation regards the application process. This can be achieved through a requirement for increased transparency regarding the decision making process for applicants, and the introduction of standardised rental application forms that remove the ability to seek unnecessary information.

[hnic_discrimination_in_the_private_rental_housing_market](#), accessed 23 June 2020.

See also: Short P, Seelig T, Warren C, Susilawati C, Thompson A (2008) Risk-assessment practices in the private rental sector: Implications for low-income renters, AHURI Final Report No.117;

Solonec, Tammy, (2000) Racial Discrimination in the Private Rental Market: Overcoming Stereotypes and Breaking the Cycle of Housing Despair in Western Australia, 5(2) Indigenous Law Bulletin 4

¹⁶ Choice, National Shelter, NATO (2017) Unsettled: Life in Australia's Private Rental Market, p20, https://files.tenants.org.au/policy/Unsettled_Report_2017.pdf, accessed 23 June 2020

¹⁷ Australian Productivity Commission (2019) Vulnerable Private Renters: Evidence and Options, September 2019, p87, <https://www.pc.gov.au/research/completed/renters/private-renters.pdf>, accessed 23 June 2020

WHO IS REPORTING DISCRIMINATION?




Who?	Why? Key areas of discrimination	Comparison
75% of people who previously had a disagreement with their landlord or agent about the bond	For receiving a government payment (42%), Having a pet (39%), Age (24%), Having young kids (23%), Being a single parent (18%), Needing to use a bond loan (18%), Gender (12%) and Disability (11%)	+31% more likely to face discrimination than people who haven't had a disagreement
60% of households with income less than \$50,000 per annum	For receiving a government payment (33%), Being a single parent (17%), Needing to use a bond loan (10%), Disability (9%)	Households with incomes over \$100,000 report similar levels of discrimination but for fewer reasons – better off households are only as likely to face discrimination as low income households if they own a pet. 
59% of people with personal income less than \$35,000 per annum	For receiving a government payment (33%), Disability (9%), Needing to use a bond loan (8%) 	+13% more likely to face discrimination than people with personal incomes over \$100,000
56% of women 	For having a pet (31%: +17% more than men), Having young kids (13%), Being a single parent (11%), Needing to use a bond loan (7%)	+14% more likely to face discrimination than men
55% of people under 35 years old	Age (22%)	+14% more likely to face discrimination than those over 35
54% of regional renters	Having a pet (33%), Having young kids (15%)	+6% more likely to face discrimination than metro renters

Table: Who is Reporting Discrimination? Source: Choice, National Shelter, NATO, Unsettled: Life in Australia's Private Rental Market, 2017, p22

Affordability

To adequately address provision of affordable, secure, safe housing governments needs to invest substantially in public and community housing. Social housing waiting lists in each state and territory are long and unwieldy. Prior to the COVID-19 health crisis close to 200,000 eligible applicants across Australia were waiting for social housing. In NSW the wait times for public housing range from between 2- 10+ years across the state. In the Greater Sydney area wait times are consistently 5 years or longer, and in the inner west and Eastern suburbs 10+ years.¹⁸

The above data does not include the full number of people requiring social housing to ensure their housing costs are affordable. The current shortfall in provision of genuinely

¹⁸ Department of Communities and Justice NSW, Expected Wait Times, <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>, accessed 23 June 2020

affordable dwellings for people in receipt of the lowest 40% of incomes was calculated by Troy et al (2019) to be 651, 200 in 2016 and is projected to rise to 1, 023, 900 by 20366 . A large number of people experiencing this shortfall are currently being supported, though inadequately, by Commonwealth Rent Assistance.

Raise the rate

During the pandemic the Australian Government introduced a COVID-19 Supplement to be paid to those on Jobseeker, Youth Allowance and other eligible payments. This supplement has played a significant role in supporting those who unexpectedly lost employment as a result of the pandemic. It also had the added benefit of providing much needed relief for those already on Newstart (now Jobseeker), Youth Allowance, and other payments who had been struggling to meet daily living costs because of the low level of payments.¹⁹ The November 2019 Rental Affordability Index reported prior to the COVID-19 supplement a single person on Newstart (now Jobseeker) would be required to pay at least 77% of their income on rent to live in a capital city, and 135% of their income to live in Greater Sydney.²⁰

The recent Senate Inquiry into the adequacy of Newstart and other related payments acknowledged the inadequacy of payment levels. Newstart and other support payments have not seen an increase in real terms in 25 years. The Inquiry recommended that a national definition of poverty be established, and that Newstart (now Jobseekers) and other related social security payments be set at a level to ensure those relying on payments were not living in poverty.

At present the Australian Government plans to phase out the supplement. Without a permanent increase to support payments recipients will again be pushed below the poverty line (50% median income) and their risk of homelessness significantly increased.

Recommendation

- That the Australian Government permanently increase rates of social security payments above the poverty line prior to phasing out the Coronavirus Supplement.

Real investment in public and community housing

The number of people now waiting for social housing has likely significantly increased since the health crisis. We do not have social housing systems that are able to absorb and quickly house people forced out of the private rental market due to a sudden loss of income. While the number of people renting their homes has significantly increased over the last 20 years, the percentage of households renting their homes from a state or territory

¹⁹ NSW Council of Social Services (2020) Cost of Living in NSW: Austerity hits home, <https://www.ncoss.org.au/sites/default/files/public/policy/Cost%20of%20Living%20final.pdf>, accessed 23 June 2020

²⁰ SGS Economics and Planning, Rental Affordability Index, November 2019 Report, https://www.sgsep.com.au/assets/main/Projects/SGS-Economics-and-Planning_RAI-November-2019.pdf, accessed 23 June 2020

housing authority dropped from 6% to 3%.²¹

The most effective protection against an increase in rent assistance costs, particularly for housing costs, is the provision of housing by governments, whether it takes the form of public housing or funding delivered to community housing with direct operating grants. As well as reducing the need for measures like rent assistance, provision of 'non-market' housing provides positive pressure on market housing by introducing real competition and higher standards. It is an effective lever for governments to drive positive outcomes for both direct assistance recipients and others.

Supporting community recovery from the COVID-19 pandemic, including economic recovery and the easing of inequality and disadvantage that have emerged, could usefully be achieved via significant investment in social and affordable housing. Investment could, as others have identified in further detail,²² involve the following:

- Building new, additional social and affordable housing stock in states and territories
- Repairing old social housing stock,
- Rapidly acquiring available properties in the private market to repurpose as social housing stock

Recommendation

- That the Australian Government invest substantially in social housing by building new stock, repairing old stock, and acquiring and repurposing available private market stock as social housing stock as part of economic stimulus for COVID-19 recovery

Resourcing of support and systemic advocacy

Free legal information, advice and advocacy

Tenants Advice and Advocacy Program (TAAP) workers play an effective role in homelessness prevention by consistent, successful negotiation to save vulnerable tenants from homelessness.

In NSW the Tenants Advice and Advocacy Program (TAAP) funds a network of 24 organisations across New South Wales. These services provide free information, advice and advocacy to tenants in their local areas. The network brings together the skills and expertise of highly skilled advocates who work to ensure that high quality professional

²¹ Australian Bureau Statistics (2019) Housing Occupancy and Costs 2017 - 2018, <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4130.0~2017-18~Main%20Features~Housing%20Tenure~3>, accessed 23 June 2020

²² Equity Economics, Supporting Economic Recovery in NSW, https://www.ncoss.org.au/sites/default/files/public/policy/Equity%20Economics%20-%20Supporting%20Economic%20Recovery%20in%20NSW_Final_220620.pdf, accessed 23 June 2020, see also Community Housing Industry Association, SHARP Proposal, <https://www.communityhousing.com.au/wp-content/uploads/2020/05/SHARP-Program.pdf?fbclid=IwAR1mVAcZS0brXfw5evX-uLtWhro4OgBgSsysUZwCldxyWv5sJpiV7jaLhE>, accessed 23 June 2020

advice and advocacy is available to all tenants in New South Wales. In NSW the Tenancy Advice and Advocacy Program is in the unique position of having four specialist Aboriginal TAASs, plus an Aboriginal Resource Unit and Aboriginal Legal Officer who is based at the Tenants' Union NSW.

In our experience people come to Tenants' Advice and Advocacy Services (TAAS) when they are at risk of homelessness, seeking advice and assistance early to stop initial problems becoming large. NSW Tenants' Advice and Advocacy services play a significant role in preventing evictions and maintaining tenancies, which benefits both tenants and landlords. A 6 month research project we undertook with the TAAP network in 2012 found that in over 80% of cases involving a high risk of termination, assistance provided by TAAP workers helped prevent eviction. Tenants' Advice and Advocacy Services assist in stabilising the housing situation of tens of thousands of people every year and help prevent homelessness and the disruption of schooling and employment for individuals and families.

Over the last fifteen years demand for tenancy advice and advocacy services has increased and the indications are that demand will continue to increase for the foreseeable future. Resourcing of services has not kept pace with the growth in the number of residential tenancies in NSW and the growth in the number of disadvantaged households in the rental market whose tenancies are especially precarious. The capacity of Tenants' Advice and Advocacy Services to provide assistance has been significantly constrained by the lack of adequate resourcing for the network.

COVID-19 again proved the importance of free, independent and accessible legal information, advice and advocacy support for renters. In just one month at the start of the COVID-19 pandemic, the Tenants' Union NSW COVID-19 and Renting Information page was visited in 1.2million sessions. Website sessions seeking information on tenants leaving their tenancy early increased 602%, and rent arrears factsheet increased 493% in the period 23rd March to 4 May compared to the equivalent period in 2019. Visits that sought contact details for local Tenants' Advice and Advocacy Services increased 900% and average 10,000 each week over the period. We also experienced a significant increase in requests for assistance through social media channels while requests for assistance in other areas (i.e. non COVID-19 related matters) largely continued at the same rate prior to the pandemic.

Recognising the need for additional resourcing of Tenants' Advice and Advocacy Services during this time the NSW Government has provided a one-off funding grant of \$2.3 million for 2020 - 2021 for the TAAP network to provide support for renters with questions about COVID-19 related matters. This funding for the network provides one additional worker for a year in each mainstream Tenants' Advice and Advocacy Service in NSW.

The adequate resourcing of Tenants' Advice and Advocacy Services needs to be understood as an essential part of any homelessness prevention strategy. Funding for such services should in all jurisdictions be increased to ensure services can better meet demand. Future increases to funding should be tied to growth in the number of tenancies, and the number of disadvantaged tenants. Additional funding for services and supports targeted to particularly vulnerable groups and/or those with specific needs around accessibility is also required.

Recommendation

- That the Australian Government ensures that states and territories adequately resource free, independent legal advice and advocacy services for renters.
- That assessment of adequacy of resourcing takes into account the additional funding required for effective and appropriate provision of information, advice and advocacy supports for Aboriginal and Torres Strait Islander renters, renters from culturally and linguistically diverse communities, and renters with a disability.

A voice for renters in the national conversation

While there are peak real estate industry bodies, state and territory and nationally, as well as community and public housing providers this is not the case for renters. As consumers, renters are disadvantaged and vulnerable to market changes.

The COVID-19 pandemic again highlighted the need for housing advocates with experience and expertise in residential tenancy systems to be part of the national conversation. At a time when state and territory based tenant organisations were facing significant demands within their own jurisdictions and capacity was severely limited, the absence of resourcing for the National Association of Tenants' Organisations was keenly felt. Resourcing NATO would have ensured the bringing together of the expertise and experience of state based organisations without any draining of capacity within those organisations.

Resourcing of NATO would generally better ensure a voice for renters and their interests within national housing and homelessness conversations towards encouraging best practice and consistently high standards across all state and territory residential tenancy legislation. It would also better enable tenant organisations to provide input and understanding on how residential tenancy legislation and practice can be better aligned with commonwealth levers and legislation, including general tax settings, and legislation, standards and initiatives relating to financial and insurance services to ensure hoped for outcomes, such as homelessness prevention.

Recommendation

- That the Australian Government adequately resource the National Association of Tenants Organisations (NATO) to ensure renters have a voice and peak body able to represent their interests and provide a comprehensive overview across jurisdictions.