

#WE LIVE HERE

PUBLIC & COMMUNITY HOUSING EDITION

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On the night of 9th September 2017, anyone looking across the south eastern suburbs of Sydney would have seen something magical; two tall grey towers lit up with a patchwork of multicoloured squares against the darkening evening sky.

Photo: Jessica Hromas

It was the opening night of #WeLiveHere2017 and the lights were the windows of the two social housing tower blocks in Waterloo – Matavai and Turanga – that have dominated the southern skyline of Sydney since 1976, dramatic examples of Sydney's brutalist architecture.

Waterloo is changing. In 2015 the NSW State Government announced the redevelopment of the Waterloo Estate, including six large tower blocks and several low rise dwellings. Some 3,600 residents – many of them elderly or people with a disability – will be relocated in the process.

#WeLiveHere2017 was a community arts project to put a human face to public housing, to encourage compassion, action, and, where necessary, resistance

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"It's small but it's handy to everything – shops and doctors, the park for Ruby. It's definitely my home. I feel safe and secure." – Brian, Waterloo Estate Tenant

Photo: Lee Stefan

EDITORIAL

Julie Foreman – Executive Officer, TUNSW

Redevelopment of social housing has been an issue the Tenants' Union has closely monitored for many years. For this edition of *Tenant News* we asked tenants who have been relocated or are facing relocation to tell us about their experience.

Since the first Commonwealth State Housing Agreement in 1945, under which Australian governments made a concerted effort to build public housing for the first time, social housing has been an integral part of the Australian housing landscape. Most importantly, it has ensured that over the years countless thousands of Australians could rely on the security of home, even if they were not so lucky as to own one of their own.

The tenants in this edition have highlighted the strength of their community as well as the practical benefits of the place they call home such as being close to transport and health services. So quite naturally there are feelings of uncertainty about the future when redevelopment is discussed.

Uncertainty was what public housing tenants expressed when learning about the transfer of the management of their tenancies from FACS Housing to community housing providers (CHP). The management of up to 14,000 properties will be transferred over three years. The TU and Shelter held three workshops this year with tenants in this situation to find out what questions and concerns they have and to clarify what we could do at this time. We have printed that information on page 6.

Unfortunately, the 2016 Census shows a continuing fall in the proportion of Australian households who live in social housing from a high point of over 7 per cent of all households in 1991 to 4.2 per cent in 2016 (which is the lowest proportion of households in social housing during the last 35 years). Declining funding from successive Federal governments is a significant cause. Over the last 20 years or so government has tried to administer or ration its way out of this shortfall including tightened eligibility, increased rents and reduced security. More recently, transfers to CHPs (who access Commonwealth Rent Assistance) and large-scale redevelopments are ways State governments are working to halt the decline in public and community housing.

Yes, a social housing system requires investment. So I pause here to note that in 2015/16 residents in public housing contributed \$826 million in rent. As an aside, in 2015/16 negative gearing and capital gains tax benefits accrued to investors in the order of \$6-7 billion dollars. For homeowners, through Capital Gains Tax exemption, pension asset test & land tax exemption the bill was \$36 billion dollars.

As a society we have decided that having a home is important for everyone – and social housing is an important part of how we achieve it! 🏠

#WE LIVE HERE

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to the rapid urban development we are experiencing in cities across Australia and globally. Residents of the two towers were given "a thin track of LED – you can hardly see it," says Brian, one of the participating residents. "They come with a remote control and a sheet explaining what the artists thought each colour could signify as your mood. So you can pick a colour to express a bit of emotion on the day. Or you can have it fading from one colour into another; I like a bit of fading myself."

Brian lives on the 11th floor of Turanga. He moved here three years ago taking up an offer for a transfer from a community housing provider. He had been sharing a two-bedroom unit in Bondi; he now lives in a bedsit with Ruby, his seven-year old kelpie. "It's small but it's handy to everything – shops and doctors, the park for Ruby. It's definitely my home. I feel safe and secure."

Brian did not know when he accepted the offer that redevelopment was being planned for the Waterloo estate. He found out 6 months into his tenancy. "I was shocked really. I painted the unit when I first moved in, I thought 'Oh well, I shouldn't have done that.' But after a while I was a bit resolved to it."

"What cheesed me off about the whole thing," says Felix, another participating resident, "was that they weren't being honest. They claimed this development was just because of putting in the new Waterloo railway station. But when you look at the plan it's a vast development. Which is fair enough. You just wish they would tell you the truth."

Felix came to a bedsit on the 19th floor of Matavai from a boarding house five years ago, with his poodle Maltese

terrier cross. "It's great here. Everyone is over 55 years so we have no trouble. It's a nice little community. I've got some friends here. We look after each other. That's the saddest part of having to move, the break-up of the community." It is hoped that residents can move within the estate and stay connected.

Neither of them needed much convincing to be part of the project. "Clare and Carolina, the two girls who organised it, were downstairs one weekend grabbing people as they came in asking whether they would like to be involved in this project putting coloured lights in your window," says Brian. "Because they are going to be pulling it down. I think the idea was to state that there are a lot of people living here. You pass these tall buildings all the time – I've known them for a long time in Sydney – and you don't give them another thought."

"I think it was to get some media," Felix says. "The media usually does bad reports about this place 'suicide towers'. We're just ordinary people. It's not about trying to stop the project. Like I said, I saw the plans and it looks great. It was just to get some attention."

"We had an opening night on the green" says Brian. "We had a smoking ceremony. It was a good community feeling. A lot of people here you don't really talk to much. I've been here three years and I still come across people I've never seen before. It's certainly meant I've talked to more people in the building."

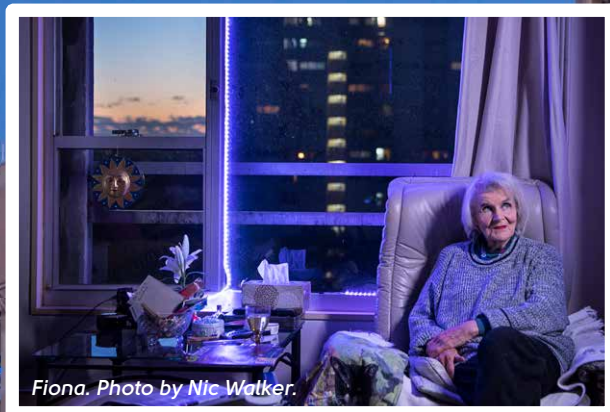
Neither of them knows in detail what the process or time frame for relocation is. "They haven't released any master plan or anything like that yet," says Brian. "Just last week they said they are not going to be relocating anybody till after

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"They claimed this development was just because of putting in the new Waterloo railway station. But when you look at the plan it's a vast development. Which is fair enough. You just wish they would tell you the truth." – Felix, Waterloo Tenant



Felix. Photo by Lee Stefen.



Fiona. Photo by Nic Walker.



Brian. Photo by Lee Stefen.



Henry. Photo by Nic Walker.

BOARDING HOUSES ACT FIVE YEARS ON

Hayley Stone – TU Policy Officer

John's' room has an infestation of rats. The rats are coming through a hole in the back of his wardrobe and are eating his food, and destroying his property. John has tried to get rid of the rats himself, but there are too many. He has asked the proprietor to assist but was told to contact the local Council. John does not want to be evicted. He knows that he can apply to NCAT for an order that the proprietor provides the place to him in a state that is reasonably clean, but he does not want to get the proprietor off-side.

With increasing pressure on the private rental market driving up rents and a woefully inadequate social housing system, boarding houses are a vital source of accommodation for people facing socioeconomic disadvantage.

There is no typical boarding house resident, but a common feature across residents is economic and social vulnerability. Many live with a physical disability or mental illness, a number are elderly, residents are frequently on income support or extremely limited incomes and most have some level of social isolation. Up until 2012, limited regulation existed to protect residents from exploitation, and many suffered under extremely poor conditions.

The *Boarding Houses Act 2012* ('the Act') reflected over 40 years of lobbying by public interest groups, including the TU, to try to provide rights and enforceable protections for residents of boarding houses. It aimed to regulate the Boarding House industry as a whole and to ensure that residents receive

'quality' services from proprietors. TU has been monitoring the Act's operation to develop our submission to the five-year review of the Act.

Indications so far are that the Act has had limited success in ensuring residents receive quality services. Although the Act prescribes a number of rights for residents, including the right to a place that is reasonably clean, in reasonable repair and reasonably secure, reasonable notice of rent increases, the right to know the rules of the property prior to moving in, and reasonable notice of termination, we know that most residents are not accessing these rights because the act does not safeguard them against retaliatory eviction or excessive rent increases.

At the same time the Act is also failing to regulate the industry as a whole.

RESIDENTS HAVE RIGHTS!

- | | |
|--|--|
| ✓ You should get reasonable notice for inspections. You're entitled to reasonable privacy and security . For example, it is unreasonable if the landlord enters your room without any notice in the middle of the night. | ✗ The deposit cannot be more than 2 weeks rent . You should receive your deposit back within 14 days of the end of the agreement. |
| ✓ Your room and the common areas should be clean and in reasonable repair . Some local councils have rules about boarding houses and they may be able to help you if the owner will not do necessary repairs. | ✗ You can't be required to leave (evicted) without reasonable notice, in writing . The manager should also tell you the reason for eviction. It could be for a simple reason like the owner wants to sell the building. |
| ✓ You are entitled to receipts and a written agreement . If the landlord will not give you receipts, keep a record of your payments, for example in a diary. | ✗ The manager cannot fine you for breaking rules or the occupancy agreement. The manager should explain the rules and the details in the agreement before you move in. The rules might refer to things like visitors, music and common areas. |
| ✓ You can apply to the NSW Civil and Administrative Tribunal to resolve disputes. The <i>Boarding Houses Act 2012</i> gives the Tribunal power to deal with some disputes and you, or the owner, can apply to them. | ✗ The rent cannot be increased without 4 weeks notice, in writing . It does not matter how often you pay rent, 4 weeks notice still applies. |

Excerpt from TU boarding house residents brochure, available at tenants.org.au/resources/boarders-and-lodgers

The Act established a centralised publicly accessible Boarding Houses Register, managed by NSW Fair Trading. Registration should trigger an initial compliance check of the premises and appropriate enforcement action if the premises are found to be non-compliant.

But our research indicates that up to 50% of known proprietors are not registering, either deliberately or otherwise and that listings are often incomplete or inaccurate.

This means that many boarding houses are still operating 'under the radar' and are only discovered if complaints are made. But as we have found, in many cases, complaints will

not be made, because residents do not want to be kicked out.

Also, responsibilities for enforcement of the Act have fallen on Local Councils without additional funding. As a result, Councils are struggling to complete compliance checks on registered properties and are struggling to enforce regulatory compliance in general.

It is not all doom and gloom though. There are reports that more residents are recovering their security deposits now that they can apply to NCAT to have them returned. There are indications the occupancy principles are beneficial in providing some prescriptive

'rights' that residents can refer to when negotiating with proprietors and when properties are listed on the Boarding Houses Register, residents are able to locate proprietors' details – essential for an application to NCAT.

Although the Act provides a useful framework, and represents a significant step forward, it needs to be strengthened to realise its aim as a regulatory framework for the delivery of quality services to residents. Incentives for registration must be increased, rights must be accessible to residents and their advocates, and deficiencies in relation to compliance need to be remedied. 🏠

#WE LIVE HERE

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2018. But they are demolishing the block on the corner of Raglan Street for the new Waterloo railway station. I think they've started to move people from the southern end where the two and three storey walk up flats are; they are 1940s, 1950s and a lot more run down. I guess the towers will be last of what they'll do. They've said most people will be able to move into a new place. They haven't said anything about what that might be, but I guess there will

be a lot of studios still. I suppose they might not give you much option in the first instance."

"They've said nobody is going to be sent out West," says Felix.

"A lot of us have doctors that we have to be close to. I have to be close to Saint Vincent's Hospital."

The residents have been told that they will be able to come back and live in Waterloo if they want to when

the project is completed. But "It's a 20-year project and I may be dead in 20 years," says Felix, "so coming back here...it's immaterial. We get to keep the lights once the project is over," he said, smiling. "Use them every Christmas!"

FACS Housing have said that it is the intention for the majority of tenants to be able to move from their current homes straight into the new social housing in the area. 🏠



Photo: Jessica Hromas

TRANSFER OF TENANCY MANAGEMENT FROM PUBLIC HOUSING TO COMMUNITY HOUSING PROVIDERS

In October 2016 the Government announced the transfer of tenancy management for thousands of tenanted public housing properties from the Department of Family and Community Services (FACS Housing) to registered Community Housing Providers (CHPs). Expressions of interest were called for, and CHPs invited to tender for contracts.

The successful tenders have recently been announced, with around 14,000 properties to be transferred to nine CHPs across a number of regions. For more details, visit the Social Housing Management Transfer website at www.facs.nsw.gov.au/reforms/social-housing/management-transfer-program

Tenants affected are in these areas:

- Maitland and Port Stephens – to *Hume Community Housing*
- Singleton, Cessnock, Dungog, Mid-Coast, Muswellbrook, Upper Hunter – to *Compass Housing*
- Gunnedah, Tamworth, Walcha, Liverpool Plains, Armidale Regional, Glen Innes, Gwydir, Guyra, Inverell, Moree Plains, Narrabri, Tenterfield, Uralla – to *Homes North*
- Shoalhaven – to *Southern Cross Community Housing*
- Coffs Harbour, Bellingen – to *Mission Australia Housing*
- Nambucca, Kempsey, Port Macquarie-Hastings – to *Community Housing Limited*
- Ryde, Hornsby, Ku-ring-gai – to *Link Housing*
- Northern Beaches and Mosman – to *Bridge Housing*
- North Sydney, Hunters Hill, Lane Cove, Willoughby – to *St George Community Housing*

How will this affect you?

If you live in one of the properties to be transferred:

- You will not need to move out of your home.
- Your landlord will no longer be FACS Housing. Instead you will pay your rent to a Community Housing Provider (CHP), and deal with the provider for all tenancy management issues.

- You will not be required to sign a new agreement and the conditions of your lease will remain the same after transfer.
- You will not have a choice about the transfer.

FACS Housing have said they will get in contact with you to let you know who the CHP is for your area. They will introduce you to the provider and invite you to a meeting with them.

Rent and other charges

Initially you should not see any changes to your income after rent and water charges when your tenancy is transferred.

At the point of transfer the CHP will continue to calculate your rent in the same way as FACS Housing, however there will be one key difference. After the transfer you may become eligible for Commonwealth Rent Assistance (CRA) as a tenant of a CHP. CRA is a Commonwealth rent supplement, and you will need to apply for CRA from Centrelink when your tenancy is transferred. If eligible, you will need to pay the full amount of any CRA you receive to the CHP as part of your rent. Your rental subsidy will be calculated to ensure you do not pay more than you already do, before the CRA gets added.

The CHP will be able to apply their policies for calculating rent and water charges when:

- Your income changes
- 12 months from when FACS Housing last assessed your subsidy, or
- Your current agreement's fixed term ends and you sign a new lease with the new CHP

This may result in a small change to the amount you pay in rent and water charges.

If you are currently required to pay a vacant bedroom charge you will continue to have to pay this.

If you have concerns about changes to your rent or other charges arising from a transfer to Community Housing contact a Tenants' Advice Service.

Repairs and maintenance

You will continue to call the Maintenance Line on 1800 422 322 to report any repairs and maintenance issues. If the problem gets worse or you have not had any response in the initial agreed timeframe you should get back in touch with the Maintenance Line. If you continue to have problems getting repairs or maintenance done you should contact your new CHP directly to follow up on the issue.

If you require legal advice or assistance regarding a repair contact your local Tenants' Advice Service.

Pets

If you are allowed to have pets under your current agreement, you will continue to be allowed to have suitable pets after the transfer.

Complaints and dispute resolution

After the transfer, you will continue to be covered by the *Residential Tenancies Act 2010* and are able to make an application to the NSW Civil and Administrative Tribunal if you are unable to resolve a dispute about your tenancy. Get advice from your local Tenants' Advice Service first.

If you are unhappy with a decision relating to a policy (for example around rent calculation) that the CHP makes you can appeal the decision. You will first need to make an 'internal appeal' with your CHP according to their complaints or appeal procedures.

If you are unhappy with the outcome you can then appeal this decision to the Housing Appeals Committee (HAC). This Committee is an independent agency who can review decisions of social housing providers for tenants – www.hac.nsw.gov.au. 🏠

For more info or advice on transfers or Community Housing Provider tenancy management, call your local Tenants' Advice & Advocacy Service – contact details on the back cover or at tenants.org.au

FROM MILLERS POINT TO GLEBE

“That was the big thing in all of this, the loss of community. You can’t create it from outside.”

– Paddi O’Leary



Photo: Lee Stefen

Paddi O’Leary was a tenant in social housing at Millers Point and participated in tenant action to reverse the policy of relocation and also supported tenants through the process of relocation. She talked with Paul van Reyk from the TU about her relocation from there to Glebe.

I had lived there almost 12 years. I was living up in Byron Bay and my partner got cancer so we lost everything and had to move to Sydney to be close to hospital. After he died I was working and I had an accident so it was just as well we had social housing. I was on WorkCover at first, but I couldn’t walk for almost four years.

My house in Millers Point was on Dalgety Street, a worker’s cottage, one up one down. It was nice; it had a laneway out the back. It was close to everything and there was a park at the end. Everyone got on with everyone. Another resident and I created a lovely garden in the back laneway. There was a nice community feel about it.

I was over in Ireland visiting family and I came back and a friend of mine rang me and said “You’re all going to be evicted.” I said “Don’t be stupid, they can’t do that!” But sure enough, when I got home, there was a letter saying “You are going to be relocated; your house is going to be sold.”

In the beginning I was really shocked. It was a very central location. I could walk everywhere. There was a bus stop just down the road, and the doctor wasn’t too far. But all the services began changing. I didn’t particularly want to go. But the day we had the first tenants’ meeting I said “I will go so that others can stay.” I was very worried especially about the elderly, they were more entrenched, some of them had been there for two generations. We were still thinking they couldn’t move the whole community out.

When the reality hit, I call it “the silent tsunami,” it just swept through the whole community and people were traumatised. I became an advocate for people who were being relocated at Millers Point because of the injustice of their situation.

Watching people moving was quite hard. People having no neighbours anymore, so feeling really isolated and thinking “Well, we may as well go.” It got to where mainly the elderly were left, because they were so entrenched in their community. Then going to the Tribunal was even quite upsetting. Friends would say to me, “Why are you doing all this?” And it’s because I would like to think that if it happens again in the future, someone would fight for me.

I was getting very run down helping a lot of people, so I ended up going

across to Ireland where I got very sick and had to stay for several months. When I got back I was still quite unwell. I had said from the start that I would go, but now I really had to go. So I ended up moving last year around Christmas time. The place is great but it feels so much bigger than my other place. It was much hotter during the summer. The house in the Rocks was so cool because it was that older style. I’m not very good in the heat. It’s not my old house, not my original home, but I’ve made it homely. I’m fortunate to have it but then it doesn’t seem fair that we were on the top of the list when there are women fleeing domestic violence, families with kids.

I’ve kept in touch with a lot of the ex-residents because I was so involved with a lot of them. Some are fine, but some are concerned this is going to happen again. I walk around and let residents back at Millers Point know if there is a vacant house and suggest that they should move to Glebe, because a lot of the other ex-tenants have moved here and we could have at least a little bit of a community, still be able to check in with one another, because that was the big thing in all of this, the loss of community. Unless you have had the experience of being in a functioning community you wouldn’t miss it. You can’t create it from outside. 🏠

KNOWLEDGE IS POWER: TENANTS' UNION RESEARCH ON HOUSING & TENANCY

The Tenants' Union regularly carries out research into housing and tenancy matters. Here's a brief look at some of our work over the last 12 months.

Rent Tracker

Rent Tracker is our new online publication to help tenants, journalists and others understand changes in the rental market, drawing on data from the Rental Bond Board, along with other publicly available data about rents.

Some of what we have found in 2017:

- There are more tenants in NSW than ever before, with bonds held in the Rental Bond Board rising much more quickly than the population.
- For tenants renting houses in the west of Sydney there hasn't been a lot of movement in rents for new dwellings over the last year. Of course that's no guarantee a tenant hasn't had to deal with a rent increase or two.
- Greater Sydney generally added more than 27500 new rented homes to the market, with the fastest growing areas Camden lodging 20% more bonds than this time last year, and Lane Cove just over 15%.

- The renting population of NSW also grew, though somewhat more slowly. Lithgow-Mudgee and Lake Macquarie both saw increases of around 6% of rental stock and were the largest increases outside of the Greater Sydney area

Airbnb's effect on rents



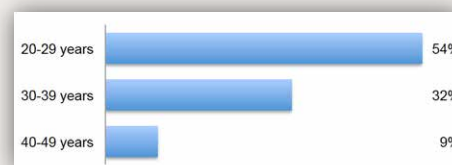
In April 2017 we did research on the impact of Airbnb on rents in Sydney, looking at data from the previous summer listing period.

Based on this data Airbnb did not appear to have a singular, measurable impact on the tenants of Sydney. Even in Airbnb hotspots such as Sydney's Eastern Suburbs and CBD rents did not appear to have been rising in direct response to Airbnb, at the exclusion of other likely factors. More research and better data is required before strong conclusions can be drawn,

and we look forward to the results of further study of the phenomenon that is currently being undertaken by some Sydney based academics.

Affordability impacts aside, the prospect of property owners ending tenancies without grounds in order to experiment or cash in on short term letting over the summer months remains a concern. The experience in other cities around the world indicates that there are commercial operators who can have a serious effect on tenants but New South Wales has an opportunity to prevent the same thing happening here.

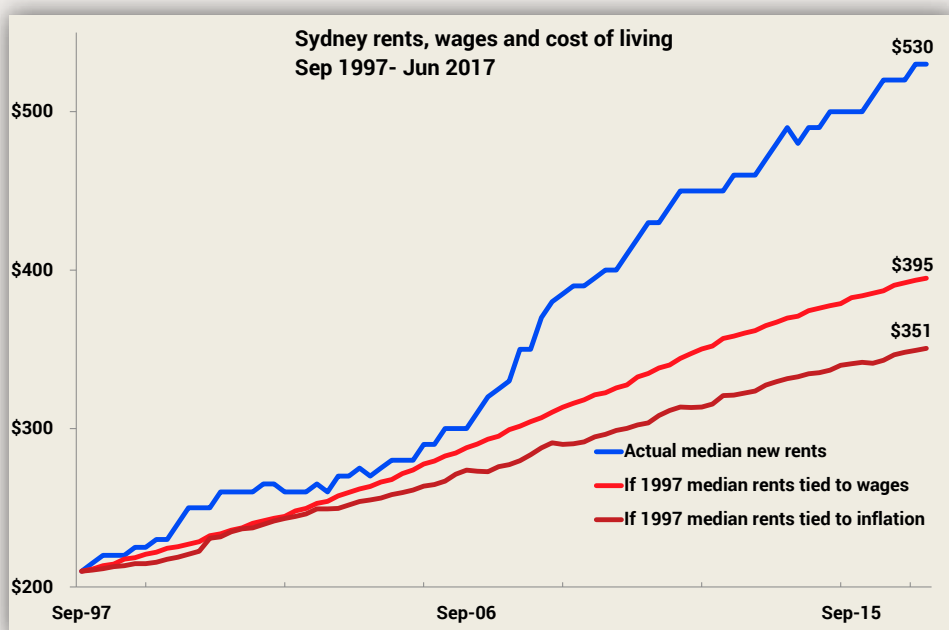
Sharehousing



Sharehousing survey – age of respondents

Between December 1st 2016 and January 12th 2017, TU and Tenants Advice and Advocacy Services in NSW conducted a survey of people who have lived in a sharehouse over the last five years. What we found was this:

- Sharehouse residents are unlikely to have written tenancy agreements covering all housemates. The vast majority of respondents had lived in a shared house or flat in NSW during the last five years, without their own or another person's name being added to the lease.
- Significant disagreements are common amongst sharehouse residents. Of those who had lived in a sharehouse where there was no written sub-tenancy agreement, more than half had experienced a significant disagreement between housemates.
- Disagreements are not easily resolved, and outcomes are often unsatisfactory. A large

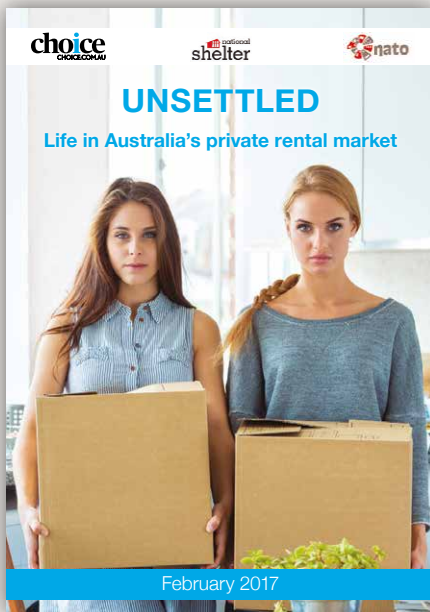


Source: Rent Tracker, based on Rent and Sales Reports, Consumer Price Index.

majority, nearly 70%, of people were either unable to resolve the dispute, or dissatisfied with the outcome.

- Sharehouse residents strongly support improved rights An overwhelming majority of sharehouse residents supported minimum notice periods for evictions, access to dispute resolution in a tenancy tribunal and bond lodgements.
- There is no clear reason why sharehouse residents don't sign written tenancy agreements.

Unsettled. Life in Australia's private rental market



We participated in research on the experiences of people in private rental done by CHOICE, the National Association of Tenants' Organisations and National Shelter in October 2016. What the research found was:

- 83% of renters in Australia have no fixed-term lease or are on a lease less than 12 months long
- 62% of people say they feel like they can't ask for changes
- 50% of renters report experiencing discrimination when applying for a rental
- 50% of renters worried about being listed on a residential tenancy database
- 20% renters experiencing leaking, flooding and issues with mould
- 8% of renters are living in a property in need of urgent repairs. 🏠

STAY INFORMED WITH EMAIL BULLETINS FROM THE TU

The Tenants' Union sends out free monthly email bulletins with news and analysis for renters and community workers. We also send *Tenant News* electronically, *Make Renting Fair* campaign email updates, and *Outasite Lite* – an e-bulletin for residents of Land Lease Communities. Thanks to everyone who is subscribed to our e-bulletins and those who receive *Tenant News* by email – it's a great way to save costs and stay connected with our work and campaigns. We encourage everyone who isn't already subscribed to do so at: eepurl.com/JBMVb



Housing affordability and renters' rights on the agenda

Federal Budget watch

There has been much discussion recently about renting and housing affordability measures in the coming Federal Budget. For instance there's talk of an affordable housing taskforce to come up with a UK-style affordable housing bond aggregator that will suit local conditions, as well as intensifying speculation that first home buyers could be allowed to raid their superannuation funds in order to come up with a deposit before applying for a loan. [Read more on the TU blog here](#). Also check out our other recent articles: [Federal Budget watch – housing affordability front and centre](#) and [Lent and I vote](#)

Australia, the land of indefinite, insecure tenancies?

TU Advocacy and Research Officer Leo spoke to ABC News about a report which shows that Australia has one of the lowest rates of home ownership amongst millennials in the 9 countries analysed. We pointed out that what people really want are homes they can rely on – [watch the 5 minute clip here](#). We also recommend this simple, 4-point manifesto by Jess Irvine of the Herald: [A manifesto for Generation Rent](#)



Escaping an unsafe rental nightmare



"When I tried to assert my rights, the landlord gave me an illegal 14-day eviction notice, and also illegally locked me out of the property three times. He's a real backyard bully." – Kellee, Central Coast tenant.

Win for Aboriginal family in Coffs

Last year an Aboriginal family in Coffs Harbour with seven kids had their lives disrupted by building work. The family was renting a house on a large block and the landlord decided to redevelop by building another house on the block, without even asking for consent. So the tenants got help from the Aboriginal Tenants' Advice and Advocacy Service, and applied to the Tribunal for compensation and rent reduction. [More](#)



Liveable homes, liveable climate

Brad Smith from the Nature Conservation Council looks at how NSW is going in transitioning from fossil fuels to renewable energy. [Read more](#)



Power savers making gains

Sixty households in Coonamble are the latest to learn how to save electricity and cut their bills. Find out more about the program, plus tips for all renters. [More](#)



Community power revolution

Erlend Howden, tenant and member of Blue Mountains Renewable Energy Co-op, talks about ways tenants can be involved in community-owned solar. [More](#)



Renters forgotten in housing affordability debate

The 2017 Federal Budget has been dubbed 'the Budget that forgot the renters' – unless you're a renter who's well-off enough to be pursuing a first home purchase. But chances are your landlord is pretty happy with the Budget's housing affordability measures. We analyse the Budget and consider what 'Lenny the Landlord' might think of its headline measures on our blog, the Brown Couch – [The Landlord's Budget](#).



A fair go for first home buyers

The government has developed a new package of measures designed to improve housing affordability across NSW.

Residents take action over water

'Pay only for what you use' – that's what the FACCS Housing policy says, and that's what will happen for hundreds of social housing tenants who've been overpaying for their water use for several years. Minto Resident Action Group (MRAG) and social housing tenants in newly built multi-unit buildings in Bradbury noticed that they were being charged water as a percentage of their rent even though they had a separate meter. [Read more](#)



Storm damage or mould problems?

After the severe storms and floods we've had lately (particularly in northern NSW), many tenants are dealing with storm damage and mould problems. The TU factsheets on [storm damage](#) and [mould](#) are being used and shared widely, and we also commented in a *Sydney Morning Herald* article, [Sydney's rain and humidity triggers outbreak of dangerous mould](#).



Margaret Nicoll (pictured with her partner Rod) is a home owner who is concerned about the impact of ever increasing electricity charges.

ELECTRICITY PRICING: ARE YOU BEING OVERCHARGED?

MAKE RENTING FAIR

Jemima Mowbray – TU Policy and Campaigns Officer

For many people who live in social housing one of the clearest benefits is the security it brings – you finally have some protection from the ever present threat of eviction that hangs over you when you are a renter in the private market.

In NSW current tenancy legislation allows landlords in the private market to terminate a tenancy without having to give a reason. They can do this by issuing a 'no grounds' termination notice – either at the end of a fixed term with only 30 days notice, or at any point during a periodic tenancy with 90 days notice.

This means private renters are often scared to enforce their rights because they know they can get kicked out for things like asking for repairs or challenging an excessive rent increase. While the same legislation covers social housing tenants, social housing landlords in general avoid using these 'no grounds' notices.

Make Renting Fair is a community campaign calling for law reform to end these unfair evictions.

The campaign so far...

Spreading the word

Support for the campaign continues to grow. So far, Make Renting Fair has been endorsed by over 90 organisations – including community organisations, unions and faith-based organisations. Our petition has over 800 signatures (if you haven't yet signed you can take action at rentingfair.org.au) and almost 700 people follow us on Facebook. We've recently held stalls at Surry Hills Festival and community day at Poets Corner in Redfern, and in November we'll be talking to thousands of festival go-ers at the Newtown Festival.

Meeting with politicians

In mid September the campaign was invited to participate in a cross party Parliamentary Briefing on the need for NSW tenancy reform

hosted by Jenny Leong (Greens, Newtown), David Mehan (Labor, The Entrance) and Alex Greenwich (Independent, Sydney). With around a dozen Members of Parliament or their representatives in the room and a number of follow-up meetings

organised for those who couldn't attend on the day, the Briefing provided an excellent opportunity to start some real conversations with politicians from across the parties about the need to tackle the problem of unfair evictions.



Redfern tenants and community show their support for Make Renting Fair.



Kristy (centre) was unfairly evicted. She told her story to media & Labor MPs at a Make Renting Fair event at Western Sydney Community Legal Centre.



Make Renting Fair campaigners with MPs at a NSW Parliamentary Briefing.

Taking inspiration from VIC's win

In October the Victorian Government announced a range of reforms to its tenancy laws aimed at making renting fair. These include reforms working towards no more evictions without a good reason; allowing pets for renters; and capping rent increases at a maximum of one per year. The announced reforms are a big win for renters in VIC – but it's also great inspiration for us here in NSW. Make Renting Fair supporters jumped on social media to let Matt Kean, Minister responsible, know that if VIC can do it, then so can NSW!

Is anyone taking notice?

There have been really positive signs that some in NSW Parliament are listening. Jenny Leong, the member for Newtown, last year launched a Greens campaign on renter rights and has long been a vocal supporter of law reform to protect against unfair evictions.

At the end of October, NSW Labor announced a new policy platform strengthening renters' rights. They promised a NSW Labor government would introduce significant reforms to end unfair ('no grounds') evictions and cap rent increases to once a year. This is an important step in the community campaign to making renting fair in NSW.

Next steps

The NSW Government has not yet made any commitments around tackling unfair evictions. But with the outcome of last year's review of tenancy law not expected to be finalised until early next year, the NSW Government still has an opportunity to include protections against unfair evictions in this round of reforms.

Watch this space as the Make Renting Fair campaign continues. If you haven't already, please join us by endorsing the campaign, signing the petition, liking us on Facebook and sharing with your friends and colleagues. 🏠

Find our more and get involved at rentingfair.org.au

TENANCY Q&A

Grant Arbuthnot – Principal Legal Officer, Tenants' Union of NSW



Q "I have a letter from Housing accusing me of having a blue with my neighbour. It invites me to an interview. I hardly see my neighbour. I have no idea what this is about. What does it mean? What should I do?"

A It may be a mistake, but that cannot be assumed. It may be the first stage of a process under the FaCSHousing Antisocial Behaviour Management Policy. ¹ See also *Five Key Changes to Social Housing Policy* ² on tenants.org.au.

You should go to the interview with a support person. If you cannot make it at the proposed time, negotiate an alternative time. At the interview you need to remain calm and try to learn as much as you can about the alleged problem. Do not be rushed into making agreements or admissions. Take your time and plan on replying in writing at a later time. Get some advice from your local Tenants Advice and Advocacy Service.

The policy¹ is written around amendments to the Residential Tenancies Act 2010. These amendments from 2015 include a process for "strikes" against tenants in social housing. It is a baseball metaphor: three strikes and you are out.

Strikes are said to be for events that each alone would not justify eviction. The process of notifying strikes however can lead to eviction proceedings in the Tribunal. Three strikes in any 12 months can lead to eviction proceedings. The third strike comes in the form of a Termination Notice. But there is some process before that stage.

The stages of the strike process:

- Allegation letter – the letter you have
- Interview
- Warning letter
- Strike notice
- Submissions by the tenant – within 21 days
- Written notice confirming the Strike
- Review application by the tenant – within 21 days
- Review Panel binding decision
- Strike confirmed or withdrawn

This is the process for strikes one and two. It can be ended, at any time, by FaCSHousing withdrawing the strike.

The sting in the tail of this system is that if tenants do not participate by at least making submissions (5th stage above) then the Tribunal may have to ignore your evidence against the strike notice allegations.

We recommend that tenants thoughtfully participate in the submissions and review processes to the extent possible. This will ensure that a Tribunal hearing after a third strike is about the facts, not assumptions based on strike notices.

Get advice from your local Tenants Advice Service if you receive a Termination Notice, on any basis. Contact details on the back page or tenants.org.au. 🏠

1. housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy

2. tenants.org.au/news/five-key-changes-social-housing-laws

STAY IN TOUCH

The Tenants' Union of NSW is a membership-based co-operative and a community legal centre specialising in NSW residential tenancies law. We're also the resourcing body for Tenants Advice & Advocacy Services.

The Tenants' Union has represented the interests of all renters in NSW since 1976. We have a proven track record of improving tenancy laws and providing legal assistance and training.

We encourage you to support us in our work for safe, secure and affordable housing. Together we can achieve more. Please fill in this form, tick the appropriate boxes and return to the address below.

Name:

Organisation:
(if applicable)

Address:

Email:

Phone:

SUBSCRIBE (It's free!)

- Send me *Tenant News*.
- Send me the Tenants' Union email bulletins.
- Send me additional copies of *Tenant News* to give to others.

VOLUNTEER

- would like to participate in the TU's volunteer program.

JOIN (You don't need to join to get advice or to subscribe.)

I apply for membership of the Tenants' Union of NSW Cooperative Ltd as an:

individual tenant individual (non-tenant)
 tenant organisation organisation (non-tenant)

Membership fees (GST included):	1 year	5 years
Low wage / pension / benefit	\$8.00 <input type="checkbox"/>	\$35.00 <input type="checkbox"/>
Waged worker	\$16.00 <input type="checkbox"/>	\$70.00 <input type="checkbox"/>
Organisation	\$32.00 <input type="checkbox"/>	\$150.00 <input type="checkbox"/>

Donation: \$ Total: \$

Signed: Dated:

Name (please print):

Payment method

- Enclosed cheque or money order payable to Tenants' Union of NSW
- Deposit into our bank account below
(for online deposits, please give reference: "MEM" plus your surname)

Account name: Tenants' Union of NSW

BSB: 062-004

Account number: 00802624

Address: Suite 201, 55 Holt St,
Surry Hills NSW 2010

Phone: 02 8117 3700

Fax: 02 8117 3777

Web: tenantsunion.org.au



Get free tenancy advice



Tenants Advice and Advocacy Services

Eastern Sydney	9386 9147
Inner Sydney	9698 5975
Inner West Sydney	9559 2899
Northern Sydney	8198 8650
Southern Sydney	9787 4679
South Western Sydney	4628 1678
Western Sydney	8833 0933
Blue Mountains	4782 4155
Central Coast	4353 5515
Hunter	4969 7666
Illawarra South Coast	4274 3475
Mid Coast	6583 9866
Northern Rivers	6621 1022
North Western NSW	1800 836 268
South Western NSW	1300 483 786



Aboriginal Tenants Advice and Advocacy Services

Greater Sydney	9833 3314
Western NSW	6884 0969
Southern NSW	1800 672 185
Northern NSW	1800 248 913

Free Tenants Rights Factsheets are available on the Tenants NSW website

www.tenants.org.au

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