N.S.W.

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HOME OWNERSHIP: GETTING OFF THE TREADMILL

Australia is on a home ownership treadmill. Although governments pur more and more money into salvaging home ownership -

- Australian workers are finding that their housing costs are eating up more and more of their packet.
- Australian tenants are paying higher rents but continue to be excluded from the advantages attached to home ownership.

Interest rates rise, more government money is poured in, housing costs rise again, and so the vicious circle continues.

It's time to get off the home ownership treadmill......

BACK TO THE BASICS

Australians wrongly assume that home ownership is the only acceptable way to provide decent, secure housing for the whole population. The reality is very different. Consider these facts:

- . Subsidies for home owners already cost the taxpayer heavily, and would cost a great deal more if all Australians were to be assisted in this way.
- Despite these subsidies, the cost of buying a home is rising, so that now only <u>two-income</u> households can afford to buy.
- . The banks, not the people, are the real beneficiaries of these subsidies. Australian banks are now the most profitable in the world at a time when the building industry is stagnating and more Australians than ever are suffering hardship in housing.
- . Despire a waiting-list of over 100,000 households, successive Liberal governments have slashed expenditure on public housing. Yet an expansion of public housing is the only realistic way to help the 2 million Australians now living in poverty.

The basic question is: what is the best and cheapest way for the government to ensure that all Australians are able to get decent, secure housing at a price they can afford? The answer is more and better public housing.

THE ADVANTAGES OF PUBLIC HOUSING

Studies show that two million Australians are living in poverty. Most of them are trapped in the private rental sector where they have no choice but to pay very high rents without any long-term security. They are unable to take advantage of government subsidies to home owners because all the cards are stacked against them: either they haven't the income needed to save a deposit, or they are regarded as bad risks by the lending institutions, or, if they do get a loan, the cost of repayments pushes them dangerously below the poverty line.

Low and moderate income earners should be offered the choice of public housing. This doesn't mean crowded high rise flats; it means perfectly normal houses, old and new, located in all suburbs. The only difference is that the legal title is held by the State Housing Authority, not the bank. Occupiers of public housing can get the same advantages as home buyers, without the heavy costs and the worries about meeting repayments. Look at this comparison:

	Public Tenants	Home Buyers
Access	No cost. No need to save a \$12,000 deposit or even a \$300 bond.	The high cost of saving a deposit puts home ownership out of reach of low and moderate income earners.
Choice	A large stock of public housing can give people a wide choice of types and locations. Choice does not depend on in- come.	Choice depends entirely on how much money you have. Low in- come earners have no choice but to accept the lowest quality in the most poorly served suburbs.
Weekly Costs	Much lower than private tenants and comparable to home owners in the long run. People on pensions and benefits are also eligible for rental rebates.	High at first (comparable to private tenants) but reducing over time. No rebates for people on pensions and benefits.
Autonomy	Changes can be made to the Public Housing system so that all tenants have the same rights as home owners - to carry out renovations etc. Flat dwellers can have the same co-operative control as strata title dwellers.	Home owners have considerable autonomy - but no more than publitenants could have.
Security	Public tenants have com- plete security of tenure so long as they pay the rent. If their income falls they are eligible for a rebate.	Home buyers have complete securit of tenure as long as they keep up their repayments. If their income falls they are likely to suffer a mortgage foreclosure and everything.

WHY HOME OWNERSHIP IS SO POPULAR

In Australia the only popular way to obtain housing is through home purchase.

Compare home ownership with private to see why:

Take the example of a family who bought a typical house in the typical way in 1963. They would now be repaying around \$13.00 per week.

By comparison, say that an investor purchases the house next door and rented it out at \$14.30 per week (allowing for a 10% profit margin). In 1965 the occupants would have been paying around \$17.00 per week. By 1982, their rent has risen to \$75.00 per week.

Their neighbour's \$13.00 per week looks a far better proposition! But for the renting family, unable to afford to buy, there's no chance of getting a cut of such a deal.











TRUE AND FALSE

Our example shows it is quite <u>true</u> that home owners get a better deal than private tenants. But it is false to conclude the home ownership is "the best of all possible worlds".

Economic reality is now exploding this mytg, as rising interest rates are aqueezing more people out of the home-buying market and are causing hardship to those people "lucky" enough to be paying off a mortgage.

It is important to find out why we've been talked into this unfair system.

HOW THE BANKS PROFIT FROM HOME OWNERSHIP

When Australian families BUY their homes, many groups of people make money.

The Banks and Building Societies who finance home loans, the Finance Companies who finance even higher cost loans, property developers and land speculators.... take one example: The Banks.

A family who bought in Mortgagetown in 1945 borrowed 986 pounds. But over the life of their loan, they actually paid out 1,800 pounds to the bank.

A present day example:

A family borrowing \$44,000 at current bank interest rates would actually pay out \$124,428 over 25 years.

In this way, banks are able to make enormous profits. In 1982, banks scored three positions in the first 10 of the top 200 companies on the Australian Stock Exchange which had made the greatest profits.

But the home finance business is even more luctrative than the Mortgagetown example suggests. In that example, the bank was paid 1,800 pounds. However, many homes do not have just the one owner.

In the Mortgagetown house had been sold in 1955, the new owners would have borrowed somewhere around \$6,800 and paid out \$11,538 to the bank over the next 25 years. If that family then sold up in 1982, the new owner (perhaps a first home buyer) would need a loan of around \$44,000 and at current bank interest rates, would actually pay \$124,428 over the next 25 years.

Remember that if the house had not been sold and resold, only 1,800 pounds would have been paid out on this house!

Because homes are sold and resold, each time at current market valuations, the finance sector is able to make super profits out of home ownership. The following table shows the operating profit for the major Australian banks over the last 2 years:

BANK	1980 \$ million	1981 \$ million	Increase %
ANZ	135.99	175.39	29
Bank NSW	123.79	165.04	33
CBC	34.50	43.84	27
State	32.89	41.92	27
National	75.85	101.43	33.70

Source: Annual Reports

In fact, comparisons show that Australian banks are the most profitable in the world! The Bank of N.S.W. ranks No.5, the Commonwealth No.6 and the ANZ No.1 in the world's top 150 banks. These profits are largely due to their activities in home ownership.

Compare these increases in bank profits with your wage increase: average weekly earnings increased by 12.6% from 1980 to 1981.

Australians have been talked into a home ownership monopoly system because it benefits the finance sector and the speculators and the wealthy and the government who wish to ensure that Australians are looking after the interests of the money makers. Little thought is given to the demands home ownership makes on the Australian financial system and the problems of tying up so much capital. Little thought is given to whether it's a fair system.

THE GREAT HOUSING TRICK

- 1. The first part of the trick is for the government to offer subsidies to home buyers which do nothing to help the people most in need of housing. These subsidies (e.g. the Family House Tax Rebate and the Deposit Assistance Scheme) give the illusion of helping people become home owners but in reality simply boost the profits of the banks.
- The second part of the trick is for the government to make every other form of housing so unattractive to so scarce that no one wants it.

Private tenancy is unattractive because of high rents, low quality, poor security of tenure and bad tenancy laws.

Public housing has been made unattractive because it has so ofte taken the form of concrete high-rise flats or densely-built estates. Political decisions have resulted in the slashing of expenditure on public housing so that there are now very long waiting lists.

To top it off, the government has changed its rent system in a way that makes public housing even less attractive. It has decided to keep putting its rents up according to whatever the private market is charging.

Naturally, many more people decide government housing is out - and home ownership is the only answer.

THE HOME OWNERSHIP MONOPOLY TRICK IS COMPLETE!

THE HOME OWNERSHIP MONOPOLY

The winners . The finance market

. Speculators . Investors

. Developers

 Estate Agents and Solicitors

and . Better off home

buyers

The losers . Private tenants

. Homeless

. The families trapped into buying who can't really afford it.

THE VIABLE ALTERNATIVE: BETTER PUBLIC HOUSING

The aim of this pamphlet has been to expose the bad side of the 'Home Owner-ship M mopoly' and to show people that there is a way to step off this treadmill.

A growing number of people can't afford to buy a house or keep up the payments on one. And they can't afford the very high rents in the private sector. The answer is to demand that the government puts its money (our money) into public housing system, not into the coffers of the banks in the guise of home-ownership subsidies.

In the long run, this weuld be the cheapest option for the taxpayer and the public tenant.

COST-RENT PUBLIC HOUSING: MUCH CHEAPER IN THE LONG RUN

Earlier on, we described the case of a house bought by a family in 1945, then re-sold several times at even higher prices. Now suppose the government had bought it instead, and rented it permanently to that household. To cover costs, the government today would have to charge only \$14.56 per week in rent. This is known as a 'cost-rent formula', and it means that the longer the government has owned a house the lower the rent it needs to charge.

But there is one problem: for houses bought more recently at higher prices, the government would have to charge higher rents. The answer to this problem is for the government to average out the weekly rentals on older and newer public housing stock. Consider the following table:

For a house bought in 1948 the cost rent would now be \$14.56 per week

	1952	11	\$15.23	it	
	1958	u u	\$15.56	11	
	1963	n n	\$17.65	**	
	1970	11	\$22.73	14	
	1975	п	\$61.45	**	
39	1980	11	\$80.10	**	

By averaging the cost rent on all these houses, the government would have to charge only \$32.76 per week. This is known as a 'pooled historic costs' for mula.

Now suppose the government did this on a large enough scale. Under this scheme, Australian families renting government housing would benefit from lower rents even though their incomes grew - as did the buying family mentioned earlier.

If the Australian people fought to have the government provide homes - well built and well located and in good supply - to be run on a cost rent basis, they would have a real choice about their housing.

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NEW WATER

RATING SCHEME

In July 1982 the Hunter District Water Board introduced a new rating system. Having been confronted with 12 years of poor planning, mismanagement etc. by the previous Board, the new system was introduced in an attempt to amass at least \$100 million needed for capital works and an accelerated maintenance programme.

This new rating system contained two new elements:

- 1. a fixed charge (based on land value)
- a volume related charge (which is variable and is based on the water used)

Prior to the introduction of this new rating system, tenants had only been required to pay for excess water used. The landlord was responsible for payment of all other normal water and sewerage rates.

When the new rating system was introduced, Newcastles Tenants Advice Service feared that the following problems would arise:

- i Rents would be increased on properties to cover anticipated water charges.
- ii Tenants would be regarded by the owners of the rented premises as 'users' and, as such, would be seen as being responsible for payment of the water rates.

We saw (i) particularly occurring where there was only one water meter for a property containing several units. Rather than attempt to divide the water rates among the tenants, landlords would increase rents (as leases expired) to cover the anticipated water charge.

Unfortunately, our fears were realised. The initial response of landlords was, indeed, to increase rents. However, some of those landlords have also since receiving water accounts, presented those to tenants for payment. This procedure has effectively increased the cost of private rental accommodation in the Hunter, as well as having adversely affected the landlord/tenant relationship.

Since then the Newcastle TAS has found that tenants have been faced with rent increases, threatened disconnections of water for refusal to pay rates, retaliatory evictions and a deterioration in the relationship they have had with their landlord. Some tenants have been forced to sign statements agreeing to pay the "usage" section of the water rates in order to maintain their tenancy. Others have been required to sign 5A leases which contain alterations to clauses relating to rates and charges in order to obtain housing.

The happenings in the area of the Hunter District Water Board could be duplicated elsewhere. In view of such spread of this new system the Tenants Union has made a submission to the Taskforce currently reviewing the operations of the Sydney Water Board requesting that in any attempt to improve cost efficiency the position of tenants should be borne in mind:

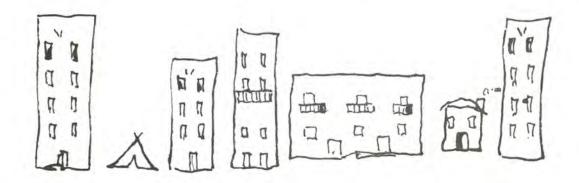
Private rental is an expensive, insecure and virtually unregulated form of housing tenure. More than 20% of the population must make their home in the private rental market as home ownership is increasingly difficult to achieve and public housing inadequate to cope with the demand. There have

been estimates that two thirds of those living in private rental are eligible under the stringent criteria for public housing indicating the significant numbers of low-income earners experiencing housing difficulty. Private rental is a sensitive and tense market where it is almost impossible to reconcile a landlord's desire for a profitable return on his or her investment and a tenant's need for a stable, affordable and appropriate home.

Currently it is the lanlord's responsibility to pay the water rates. This obligation is designated in Clause 5 of the standard lease. In the absence of comprehensive landlord and tenant law, the terms of the tenancy relationship are prescribed by the lease agreement. In residential tenancies the landlord assumes responsibility for the statutory outgoings, in commercial tenancies these outgoings are negotiable.

As a general "rule of thumb" water rates comprise around 25% of an average rent. If there is a general increase in a cost such as water, the tenant pays through a rent increase. What we are particularly concerned with here, though, is to avoid a change in a water-rating system which could cause rent inflation. Unfortunately, the new Hunter water rating system, highlighting water "use", did provide the opportunity for rent inflation. Thus, if changes are considered for the Sydney rating system, we hope the Task Force seriously contemplates the repercussions for tenants. Ill-considered changes will exacerbate inhereent tensions in the sensitive market of private rental which provides so many low income earners with their home.

Tracey O'Shea, Newcastle T.A.S. and Regina Haertsch, T.U.R.U. Project Officer.



RECENT LANDLORD/TENANT REFORM IN NEW SOUTH WALES

In 1975 the Commission of Inquiry into Poverty argued that the present law of landlord and tenant is in many respects unfair to tenants, particularly the poor and disadvantaged. A major report to this Inquiry prepared by Bradbrook described the existing law as a "scandal" and concluded that there are grave deficiencies which need to be remedied in the interests of tenants. (1)

It can be argue that new legislation must be weighed in favour of tenants, because tenants are in an unequal bargaining position. Besides, housing is more than a commodity - it serves the basic need of shelter.

The Poverty Inquiry identified seven main areas in which tenants require assistance from the law and from official agencies. It stated: (2)

"Tenants need:

- access to informed advice on their legal position and on the rental market generally, both before and after entering into a residential lease;
- (2) remedial legislative action for specific problems, such as recovery of bond money when the lease terminates;
- (3) a set of fair and sensible rules to be applied by courts or tribunals in disputes with landlords;
- (4) protection from improper eviction by the landlord;
- (5) a guarantee that the effect of legislative reforms will not be frustrated by the terms of standard form leases;
- (6) protection from landlords who require payment of excessive rents;
- (7) tribunals that offer the opportunity of securing speady and cheap resolution of disputes with landlords."

Landlord and tenant legislation is a state responsibility. Most legislative activity in the area of landlord and tenant in N.S.W. has revolved around the implementation or the removal of rent control. (3) Rent Control was first introduced under the Fair Rents Act, 1915 following the report by a select committee of the Legislative Assembly "on the enormous increase in house rents." In 1926 grounds for evictions were prescribed in the Act. After many amendments rent control was phased out by the middle of 1933, although provisions continued for the reduction of rents on some premises. In 1939 it was agreed at a Premiers' Conference that rents should be controlled during the war period. The Commonwealth's National Security (Landlord and Tenant) Regulations were applied in N.S.W. to this end. These regulations also prescribed grounds for eviction. Following the defeat of a referendum in 1948 seeking to give the Commonwealth Parliament power to legislate on rents and prices, the Commonwealth regulations were repealed and the N.S.W. Parliament passed the Landlord and Tenant (Amendment) Act, 1948 to take their place. The provisions of this Act have been gradually whittled away so that by 1982 only approximately five percent of residential tenancies remained subject to it. (4)

The types of problems which tenants face today include: (5)

- discrimination when searching for accommodation (usually expressed in the demand for references);
- unequal bargaining position when negotiating the lease;
- inability to force the landlord to do repairs;
- excessive rent increases;
- invasion of privacy;
- threats of eviction without justifiable reasons, including retaliatory eviction when the tenant seeks to enforce those rights which do exist;
- bond disputes; and,
- particular problems of tenants living in rent controlled premises.

In the main these problems all boil down to the lack of security of tenure for those 95% of tenants who live in premises not subject to rent control. Once the fixed period of the lease has expired or if no lease was signed, the landlord is not required to give any reason when requesting a tenant to vacate. It is uncommon today for landlords to sign leases for periods longer than six months. This means that many tenants are reluctant to insist on what rights they have for fear of receiving a retaliatory "notice to quit". For example, municipal councils have limited powers to order landlords to do repairs, but the tenant must weigh up the benefit of having council place an order on the landlord to undertake repairs against the risk of a retaliatory eviction. The standard form of lease used by most landlords gives the tenant only one option if the landlord fails to do repairs and that is to terminate the lease. This only re-emphasises the tenants' lack of security. The Tenants' Union believes that security of tenure can only be achieved through eviction control and mechanisms which give protection from excessive rents. The Tenants' Union supports the establishment of a Residential Tenancies Tribunal to provide quick, accessible and cheap resolution of tenancy disputes. (6)

Since taking office in 1976 the Labor Government has brought in a number of amendments and regulations to overcome glaring anomalies. In 1976 it increased the allowable combined income of occupants of rent controlled premises to \$10,000 per annum, although this figure has not been adjusted since for inflation; in 1977 it outlawed discrimination on the grounds of race, sex or marital status; in 1977 it established the Rental Bond Board to hold tenants' bond money and allowed for disputes over the return of bond money to be heard before the Consumer Claims Tribunal (7); in 1978 it banned "lock-outs" by requiring all evictions to be through the court; in 1981 it extended anti-discrimination legislation to cover disability; and, in 1981 it limited by regulation the amount that a real estate agent can charge for handling a lease.

These changes in no way come to grips with the major problems facing tenants. Also, there are now at least ten major statuses in N.S.W. which pertain to the landlord and tenant relationship.(8)

The lease document has become much more important in regulating the relationship. Most residential leases signed in N.S.W. are the standard form of lease produced by the Real Estate Institute of N.S.W. In response

to the Poverty Inquiry's findings and perhaps in an attempt to forestall any major overhaul of landlord and tenant legislation in N.S.W. this body introduced a new standard form of lease in 1977 which was a considerable improvement on the previous one. However, its terms were still heavily weighted in the landlord's favour, landlords were free to change any of its clauses and it provided no redress for the tenant when the landlord breached its conditions, other than for the tenant to leave. In 1980 the Real Estate Institute amended this standard form of lease to strengthen the position of landlords.

Following the establishment of the Tenants' Union in 1976 there was a massive outpouring of information with a voluminous tenants' right manual and a series of leaflets. A network of over 30 Tenants' Advice Services supported by the Tenants' Union is now spread across N.S.W., in addition to the Department of Consumer Affair's own Rental Advisory Service established in 1978. However, such information only serves to highlight the weaker position of tenants.

In the absence of any move to introduce new landlord and tenant legislation in N.S.W., the Tenants' Union in early 1982 produced a "model lease" which provides tenants with increased security and guarantees rights in a number of problem areas. Although it is anticipated that very few landlords will use this lease, it is one focus of the union's ongoing campaign for just tenancy laws.

Although the Poverty Inquiry called for total reform to landlord and tenant legislation over seven years ago, the N.S.W. Government has been very reticant about introducing such legislation. In February 1978, the Minister for Consumer Affairs, Mr. Syd Einfeld, organised a public seminar on the Landlord and Tenant Act to allow public discussion of this Act. Following this seminar the Minister established a Landlord/Tenant Act Reform Committee to make recommendations for substantial reform. (9) The make up of this committee reflected a conservative bias with the majority believing that government supervision of individual transactions, such as landlord and tenant, should be limited to "bare essentials." Through this committee the Minister sought to achieve consensus among landlords and tenants on what changes are necessary. This reform Committee met over a two year period between February 1979 and February 1981. The Minister released its interim report for public comment on 28th July, 1980.(10) On the whole this report merely codified existing practices with a few notable exceptions. Firstly, it recommended the establishment of Residential Tenancies Commissioner and a Tribunal for resolving disputes. Secondly, it provided a procedure for the streamlining of evictions. Thirdly, it recommended a formula for lifting the rent on controlled premises to market rent over a 4 year period. The report refused to recognise the rights of de facto partners or the plight of boarders and lodgers. The report failed to provide tenants with security of tenure. In contrast to the recent South Australian and Victorian pieces of legislation, this report recommended that, outside of the period of a lease, a tenant be given only 30 days notice and that no reasons need be given on a 'notice to quit.' Thus, any gains achieved in the establishment of a Tribunal would be totally undermined as tenants would be reluctant to go to the Tribunal for fear of retaliatory 'notices to quit.' In fact the majority of the Reform Committee refused to accept the broad concept of retaliatory evictions. This means that those who will benefit from the establishment of a Tribunal will be largely landlords. The Tenants' Union launched a vigorous campaign involving community groups, unions and A.L.P. Branches against many of the recommendations in the interim report, the whole thrust of which was seen to favour landlords at considerable disadvantage to tenants.(11) Many of these groups forwarded submissions to the Reform Committee. After considering submissions received the Reform Committee forwarded its final report to the Minister at the end of March, 1981. This report has not been released but it is believed that it does not differ substantially from the interim report.

However, it proved impossible to achieve consensus because the interests of landlords and tenants often proved very much in conflict. Thus the report contains dissenting views on many issues. In the middle of September, 1982 the new Minister for Consumer Affairs, Mr. Paul Whelan, wrote to a member of the Tenants' Union stating that he would shortly seek Cabinet approval for preparation of a bill based largely upon the majority recommendations of the Reform Committee. This is very disturbing to tenants. The Minister went on to say that the bill would be no more than "exposure legislation" and resulting submissions would enable the government to decide upon the form of final legislation.

The above letter from the Minister amply demonstrates the N.S.W. Labor Government's lack of political will to legislate in this area, despite its own state party platform which proposes a statutory lease and emphasises the importance of security of tenure for tenants. It is understood that the minority recommendations in the Reform Committee's report provide the basis for fair landlord and tenant legislation. Further, in August, 1981 Cabramatta Community Centre initiated a project which led in July, 1982 to the launching of a document, entitled Reforming a Feudal Law. (12) The project was undertaken with the support of the Australian Consumers' Association and over 40 community-based tenant and welfare groups. It made extensive recommendations which also would form the basis for fair landlord and tenant legislation. Will the experience of the last six years be repeated with our Labor Government refusing to commit itself one way or another?

Robert Mowbray, Tenants' Union member.



NOT ONLY LANDLORDS BUT AGENTS TOO

From the tenants point of view it might be thought that the problems and unpleasantnesses of tenancies are more likely to be created by landlords than by agents. An agent is a go between, an intermediary who in theory is acting for tenant as well as landlord.

Unfortunately not all agents are objective about tenancies and some of them create just as many difficulties for the tenant as does any landlord. The following situations have recently occurred to me and to several people known to me. The fact that I am currently aware of four people with agent hassles may just be coincidence on the other hand it may be an indication of a wider situation of tenant-agent relations.

The agents with whom I deal have made four seperate errors relating to the lease and to rent receipts. On the first three occasions I pointed out the errors. On the fourth occasion one of the Agency staff arrived at my door saying, rather loudly, that my rent was overdue. I found the receipt and discovered that an error had been made. I decided to write a leter to them stating that I was rather tired of the errors that kept making and would they please do something about this. They did. They immediately wrote back to me saying that my rent had gone up \$5 per week.

J. and other people in her building were constantly being bothered by a group of very difficult elderly tenants. J. finally rang the agents who initially said they would check $\underline{\text{her}}$ references despite the fact that they were aware that the other tenants were regularly bothering people.

A. had had what she assumed to be a perfectly straightforward tenancy. However when she gave notice of her intention to leave, the agents said that she owned rent. Despite the fact that A. will no doubt be be shown to be innocent of this charge, since she has all her receipts in order, she will still have the nuisance of a court hearing.

B. had particularly noisy and offensive neighbours. He made several complaints to the agents who made no response at the time. However on the expiry of B's lease the agents asked $\underline{\text{him}}$ to leave.

In all the above cases there is the common element of of a tenant being penalised by an agent for either making a quite justifiable complaint or for or for no apparent reason at all. Although these penalties are not extreme they say quite a bit about the vulnerability.



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Phone: 698-8033



Are you a tenant?(please) Are you a home-owner?.... (tick) Cost: Pensioners) Unemployed) \$2 Students)

APPLICATION TO JOIN TENANTS' UNION

Name.....

Address.....

Telephone.....

Occupation....

Organisations \$15 This covers purchase of shares and a service fee.

I enclose \$....

I declare that I am over 18 years of age.

Signature.... Witness....

Date....

Cut along dotted line and return to:

Tenants' Union of N.S.W. Co-op. Ltd., 118 Regent Street, REDFERN. N.S.W. 2016.

NSW., AUS REDFERN