

tenant

1093

JIT/1/2

NEWS

No. 50 NSW MARCH 1994

THINKING PERSON'S ISSUE



Illustration by JUDY DUNN

INSIDE

NEW TENANTS' SERVICES!

ANNUAL GENERAL MEETING

CARAVANS-GOOD LIFE?

OLYMPICS UPDATE

NEW ABORIGINAL WORKER

PUBLIC HOUSING INQUIRY

NETWORK NEWS

A WORLD VIEW

About the Tenants' Union:

The Tenants' Union of NSW promotes the interests of tenants, including boarders and caravan park residents.

Since 1976 we have advocated many improvements to laws and administrative procedures affecting tenants and worked to increase awareness of tenants' rights.

Each year the Union continues to publicise developments in tenants' access to their rights and housing justice. We gratefully receive contributions of up to 1500 words and invite feedback or suggestions for future issues.

The current Board of the Union is:

Sarah Crawford
Jenny Fisher (Treasurer)
Tracy Goulding
Alistair Hart
Mick Hillman (Chair)
Jenny Holdcroft
Katy Jenkins
Beth Jewell
Sandra Koller
Robert Mowbray
Jake Rance
Rita Wilkinson (Secretary)

Staff of the Union are:

Sue Creek
Paul Mortimer
Bob Clayton

This issue was produced by: Paul Mortimer, Nick Warren (Editor)

Contributors: Beth Jewell, Di Evans, Sue Creek, Leetina Smith, Ann Brennan, Sarah Crawford, Monique Gooch and Bob Clayton

Contents

New tenants' services!	1
Posters to work places	1
Annual General Meeting	1
Water bills	2
Public housing inquiry	3
Olympics update	3
Letters to the Editor	4
Staff change	4
Workshops 1994	5
Access committee progress	5
Public housing eviction trends	6
Boarders - progress stalled	6
Caravans - the good life?	7
Tribunal decisions	8
Additional terms	9
Department responds slowly	9
Waverley service launched	10
Bond Board news	10
Book on hostel rights	10
Some rents fall	10
UK news	11
Mardi Gras Fair	11
Tenants of the world!	12
UN Commission	13

New community-based tenants' services !

Robert Webster, NSW Minister for Housing and Planning, has undertaken to fund a number of community-based tenants' advice services across the state. He announced this in Parliament late last year. This took place when the law was changed so that surplus Rental Bond Board money could be used to help rescue HomeFund.

We do not need to emphasise the importance of this decision.

Tenants across the state would benefit from local services sensitive to the needs of local residents. It appears they will cater for public and private tenants, people from a non-English speaking background and other marginalised groups. For country areas a 'gap service' (possibly a 008 free phone service) has been proposed to assist isolated tenants.

A working party has been set up to prepare a proposal for parliamentary approval on the form these services should take.

The Tenants' Union, Combined Legal Centres, the Uniting Church and other tenants' services are represented on this working party which met on February 24 to discuss the final draft of the proposal. The Tenants' Union's representative is Beth Jewell.

It is planned that the Minister will make a decision in March on the program's design and level of funding, and the first services are hoped to be up and running by September of this year.

We have promoted a general model which is supported by the peak community bodies. We have also promoted specific services for aboriginal and migrant tenants. The Tenants' Union and others have emphasised the need to fund workers to co-ordinate the program's training, production of resources, and community education. We feel that the Tenants Union would be best suited to fill this co-ordinating role.

We dare to hope for a good program of services. Tenant News will keep you updated

Posters to work places project

1,500 'Tenants Have Rights' posters have been put on display at major workplaces throughout NSW. They were distributed by the Federated Engine Drivers and the Building Workers Industrial Union (including building sites), and the Public Servants Association and Public Servants Association and Public Sector Unions (to Government Departments).

Union delegates and workplace delegates were given the posters to display. This is an effective way to let people know about tenants' rights

If anyone else wants posters, let us know (02 247 3813), as we've printed plenty. They're very eye catching, in four colours and tell people that tenants have rights and where to get advice.

Annual General Meeting: new Board members invited

The Tenants' Union of NSW is holding its 1994 Annual General Meeting on Monday 21st of March at its office at 68 Bettington Street Millers Point, (The Rocks). All members and their friends are welcome. This is a good way to meet Tenants Union people and find out what we have been doing. After the formal part we go across the road to the Hotel for food and drinks.

Also, nominations are invited for new Board members, to be elected at the Annual General Meeting. The Board of the Tenants Union meets once a month to decide what work the Tenants Union will do and what its policies are. If you are interested in being a Board Member ring 247 3813 before the AGM so that you can be nominated

Water bills: everything you wanted to know

Sue Creek

The Tenants' Union Hotline receives frequent enquiries about who has to pay for water bills. There is much confusion over this issue and tenants are often paying when they are not liable. This article is an attempt to clarify the situation and provide a background to the issues involved.

Background:

In July 1990, the Sydney-Illawarra-Blue Mountains Water Board moved to a so-called 'user pays' system, as have several other water authorities in NSW. At the time, the Tenants' Union raised several issues on behalf of tenants concerning the equity and legality of how the Water Board was going about it (reported in Tenant News No. 40, Oct 1990).

Two years later, the Government Pricing Tribunal NSW (GPT) commenced an Inquiry into water pricing and billing. In its final report released in October last year, the GPT recommended (picking up many of the points made in the Tenants' Union submission) that:

- the landlord pay the water usage charges where the property is not separately metered;
- landlords pay the access charge;
- for all 'new' tenancy agreements which are separately metered, the tenant pay the water usage charges. (However, it is not clear what constitutes a 'new' agreement - is it the one you enter into when you first move in or could renewal of an agreement represent a 'new' agreement?);
- in strata title properties which are not separately metered, the Body Corporate bill the landlord for all charges; and
- the Residential Tenancies Act be amended to include repair or, if necessary, replacement of water appliances that are leaking as urgent repairs. (Unfortunately, the GPT had deleted reference to its earlier interim recommendation that appliances which are replaced should be replaced with water-efficient appliances); and

- continuing assistance to pensioner tenants must be addressed by Government as part of the Customer Service Obligations program for the water industry.

Whilst these recommendations have yet to be adopted, other changes *have* been introduced. Last year, the Water Board abolished the environmental levy (which was a landlord responsibility to pay). However, this appears to have been partly 'added into' the cost of the water usage part of the bill (via increased costs) - which tenants can be asked to pay in certain circumstances. As a consequence, many tenants have had to pay much higher water bills.

Tenants' current liability:

The State Government has yet to make a decision on the GPT recommendations. It is important to stress, that until this situation changes, tenants' liability remains:

- they do **not** pay for water usage if the premises are not separately metered *or* there is no additional term in their tenancy agreement stating they will pay for usage. (Many printed agreements in existence already have this included as part of the standard additional terms, including some versions of the agreement produced by the Real Estate Industry. Check to see if this clause is in your agreement);
- tenants do **not** pay the water access charge;
- tenants in strata title premises which are not separately metered do **not** pay any part of the water bill.

The Tenants' Union continues to monitor the government's 'reform' initiatives and to advocate for a more equitable billing system for tenants.

Public housing inquiry report

Olympic Games update

Source: 'Impact' Feb, 1994. Publication of ACOSS

The long awaited report of the Industry Commission's Inquiry Into Public Housing, released last month, is a mixed bag. Its most significant finding is that provision of public housing is the most cost-effective way to provide housing assistance. However, it notes that as people have a variety of housing needs, a mix of assistance - including rent assistance, community housing and head leasing is appropriate.

It argues that institutional arrangements make it impossible to assess whether the current mix of assistance are meeting needs or achieving housing objectives. As a result, it recommends changes to the roles of state and federal governments, a separation of property and tenancy management, and changes to waiting lists and rent setting.

It also recommends that Aboriginal housing assistance should be provided mainly through public housing programs.

The government has reacted cautiously to the report's major recommendation and has rejected the changes to Aboriginal housing assistance.

However, many of the detailed issues and proposals will be considered in the lead up to the renegotiating of the commonwealth State Housing Agreement due by the middle of next year.

The report will be considered by an inter-departmental committee and the Planning, Housing and Local Government Ministers meeting before going to cabinet in about three months.



In the last issue of Tenant News, a strong case was put for the immediate establishment of a Social Impact Assessment process to identify the full range of impacts (including housing-related) associated with holding the Games in Sydney. This would assist the development of a management plan to maximise the social benefits and minimise the negative impacts of the Games.

Government action: In its response to a NCOSS survey of the Political Parties (NCOSS News, Feb '94, p.14), the government stated that it is "in the process" of organising an integrated social impact assessment study and management process. It also acknowledged "there might be, for example, specific impacts on Aboriginals, homeless persons, low-income persons in the private rental market, people with disabilities, and people from non English speaking backgrounds, as well as residents near the Olympic zones and other sports sites". So when can we expect the SIA announcement, Mr Fahey

Community sector activity: NCOSS is convening an Olympics housing 'reference group' of interested community sector organisations and individuals. (TU is represented and all are welcome to the monthly meetings). The aim is to be ready with consistent and considered policy when the formal social impact study starts, and to form an on-going housing reference group for advice re consultation and implementation.

One of the positive outcomes of this reference group so far has been that Shelter NSW and the University of Western Sydney (both of whom are members) have recently decided to jointly fund a short-term preliminary study of the impact of the Olympics on housing costs and low income households. The aims are to:

- examine the relevance of similar hallmark events overseas and within Australia;
- examine the relevance of this experience in terms of Sydney's Olympic bid; and
- outline positive policy measures to diminish the negative consequences of the Sydney Games on housing affordability and related issues.

The Tenants' Union will have input via the project sub-committee. Shelter proposes to use the project report as a basis for a conference to be held around April.

Letters to the Editor

Koori Project Officer

Hi, my name is Leetina Smith, I am the Aboriginal (Koori) Project Officer for SATCO. Now you may not have heard about SATCO - but it stands for Strata and Tenancy Commissioners Office. This position has been newly created to help Koori people. My job involves:

- educating Kooris on their rights and responsibilities as tenants/ landlords.
- providing information on tenancy issues affecting Kooris in their local communities.
- provide specialist support with respect to enquiries and/or complaints about landlords and tenants.

I can be contacted on 02 229 6119 or toll free on 008 451 301. If the toll free number is busy, I can be contacted on the 229 6119 number and I will return your call, or through writing to the Tenancy Commissioner's Office, GPO Box 4102 Sydney 2001.

Because I'm new in this job I would be more than grateful if anyone/ any organisation would ring me just to make contact, so therefore in future enquiries we know of each other. I'm looking forward to working with you.

Leetina Smith
Koori Project Officer

The Tenants' Union congratulates the Tenancy Commissioner for creating this important position and welcomes Leetina to her new job - Ed

Who's money is it anyway?

Dear Editor,

Do tenants in the private rental market in New South Wales ever wonder what happens to the bond money which is invested with the Rental Bond Board?

As from Jan 1990, the bond money has been returned promptly with commercial rates of interest, but prior to that time, and during the days of high interest rates, The Rental Bond Board amassed considerable capital.

Whose money is it and who may have a say on how it is spent?

Many of us assumed that it was spent on creating more public housing or maybe housing the homeless, because research, such as the National Housing Strategy, indicated that private tenants were likely to be low income people waiting for the only housing they could afford, public housing.

It is possible that Rental Bond Board funds will be used to compensate HomeFund borrowers.

Consumers are assured that only surplus funds, as identified by audit, and leaving plenty for day-to-day service to investors, would be transferred to the Housing reserve Fund, and then with an amendment to the Home Purchase Assistance Authority Act, the money held in the Rental Bond Board Interest Account may be used by the Minister where the Department of housing is ordered to pay money to a HomeFund Borrower.

To most of us, this is a little complicated, and the consumer may have been unaware of what was happening. Perhaps those who have money invested with the Rental Bond board should try to find out how much capital is surplus and what is being done with these funds.

Ann Brennan
West Albury

Staff change

Sue Creek, our Legal/Policy Officer, is leaving the Tenants' Union after 5 unbroken years of dedicated service. She has actually worked with the Tenants' Union every year since 1985. We trust that she is progressing to even better things, and extend well-deserved thanks and best wishes. Sue has helped to bring the Tenants' Union through a very difficult period of operation.

There will be a farewell party for Sue on March 25. Contact the office for details.

We are currently going through the process of employing a new worker, and we should have that person on board by early April.

Workshops 1994

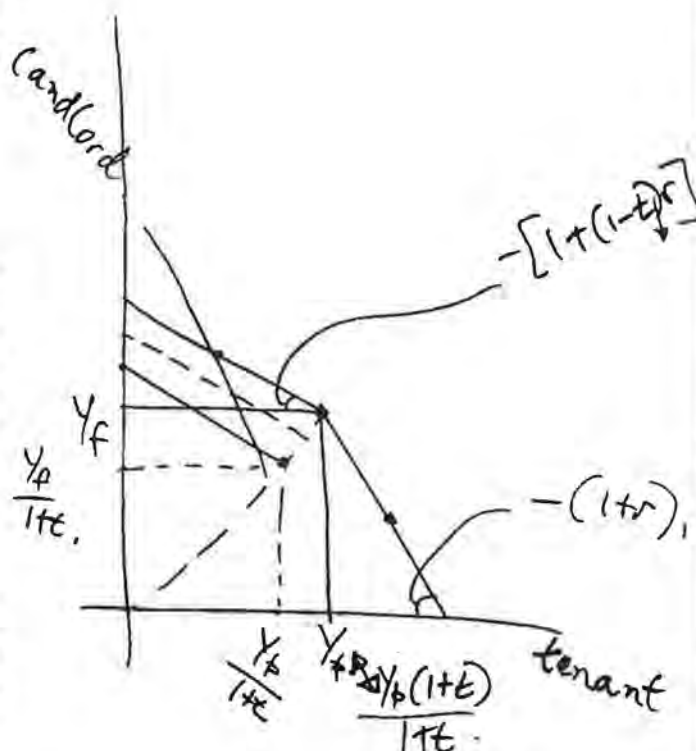
The Tenants' Union will run a series of one-day workshops in April/May 1994. These cost only \$15 for individual members.

Wednesday 20th April	Sydney City
Thursday 5th May	Parramatta
Friday 20th May	Sydney City

These workshops help community workers and others to be able to give information and assistance to tenants who are having problems to do with renting. Workers are often asked about tenants' rights and simply don't have the basic information they need. The workshops give the basic information and show you where to get more detailed assistance.

They are also very useful for individual tenants.

The one day covers repairs, evictions, bond money, privacy, rent increases, tenancy agreements, standard forms, Residential Tenancies Tribunal, costs and charges, and how to provide tenants' advice. Anyone interested in attending should contact the Tenants' Union on 247 3813. Additional workshops can be organised on request.



Access committee progress report

Sarah Crawford

Following on from the launch of the Migrant Access to Tenants' services report, the Tenants' Union access Committee has grown to include representatives of the Tenants' Union Board, ethno-specific agencies and community based tenancy services.

We have had meetings to discuss developments in access to tenants' services by migrants and others with the Rental Bond Board, the Tenancy Commissioner's Tenancy Service and the Residential Tenancies Tribunal, and are at present seeking a meeting with the Minister for Housing, Robert Webster.

The three government instrumentalities have reacted to the Tenants' Union report with differing levels of enthusiasm, however, progress has been noted with many positive initiatives having been taken.

We are having ongoing consultations with the new Edu-

cation and Liaison Officer at the Tenancy Commissioner's Tenancy Service, the Service has appointed a new Aboriginal Access Worker, and the Service is providing information through the media in a number of languages with promotions on language-specific radio programs and in newspapers, information videos on SBS and the Service's own booklets.

The Rental Bond Board is publishing information pamphlets in languages other than English, and is including information on the standard forms in different languages. The Tenants' Union Access Committee will contribute to the Board's activities when appropriate.

The Residential Tenancies Tribunal is distributing its video, with a total of ten languages planned. Tribunal members have received instruction on the use of interpreters.

Public housing eviction trends

Sue Creek

The Department of Housing's most recent Annual Report still shows a very high level of DOH applications to the Tribunal for evictions, but some change is occurring in Departmental policy and practice over this issue.

Readers may recall our campaign to stop the Department of Housing from evicting public tenants without a reason. Often these evictions were motivated by alleged nuisance to neighbours, and using the 'no cause' eviction provisions allowed under the Residential Tenancies Act made it a lot easier for the Department as it didn't have to prove any case.

Our campaign resulted in a successful outcome (on Christmas Eve 1991) from an appeal to the Supreme Court. This decision meant the Department had to comply with the principles of natural justice by informing the tenant of the case against them and an opportunity to respond, before commencing eviction proceedings.

When the new Director of Housing was appointed in 1992, the Supreme Court decision was raised with her to see that procedures were in place to ensure that the decision was being properly implemented at the regional Departmental level.

Whilst the most recent DOH Annual Report (1992/93, p.21) stills shows a very high level of applications for orders of possession - 1213 in 92/93 compared with 1059 in 91/92 - the number of evictions has dropped from 185 in 91/92 to 64 in 92/93.

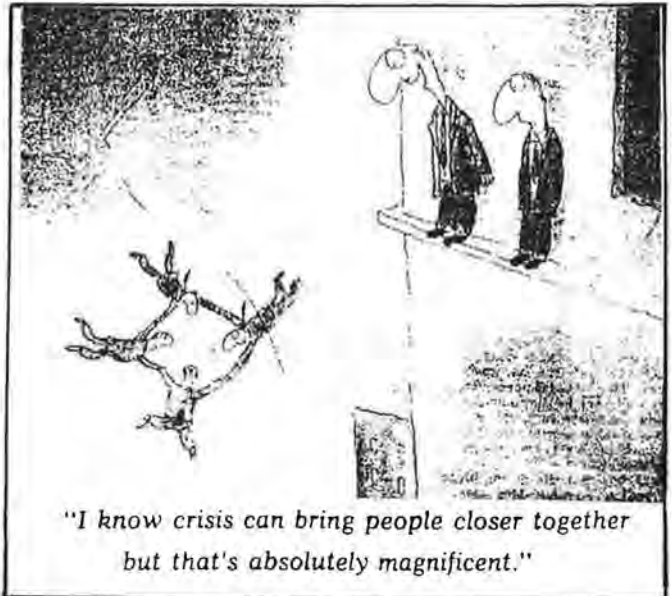
Another problem noted by tenant advocates has been the Department's tendency in the past to 'abuse' the Residential Tenancies Tribunal process by applying for termination hearings as a threat to get the tenant to stop breaking the terms of their agreement (usually by getting behind in the rent).

The Annual Report (p.21) acknowledges a change in Departmental policy on this issue "to request Orders of Performance for breaches of tenancy wherever possible rather than pursuing eviction through Orders of Possession". This is a welcome change. The Report lists 2026 applications for Orders for Performance in 92/93 compared with 1178 applications for Orders to stop breaching agreement or to consent to repay rent arrears in 91/92.

We will continue to monitor these trends and raise matters of concern with the Department.

Public tenants and the Tribunal

An interesting statistic from the Department of Housing's most recent Annual Report is that in 1992/93 there were only 25 Residential Tenancies Tribunal applications made by public tenants, compared with 3,864 by the Department. An astounding differential.



Boarders and lodgers: progress on hold

There has been no progress on the Boarders and Lodgers Bill since it was withdrawn from NSW Parliament by Joe Schipp in late 1992.

The Minister for Community Services has set up a taskforce on private (for profit) boarding houses/hostels for people with disabilities. It seems that any action is on hold until the report of that taskforce is considered and released by the Minister.

That taskforce was due to report to the Minister in December 1993, but as yet no report or decisions have been made public.

Caravan parks - the good life?

*Di Evans, Vans and Village Project
WESTHIRN*

There are over 900 caravan parks and mobile home villages across N.S.W, they are permanent homes to a significant number of families. While a number of these people enjoy the alternative lifestyle and benefits of park living, there are just as many who feel they have been cheated and are now trapped in a nightmare they can't escape.

On the positive side, parks and villages are often built close to beaches, river and other recreational areas and project an atmosphere of fun and leisure that is hard to come by in suburban and new estate areas. The communal style of living can provide a sense of security and safety and residents claim friendships are easier to form in a relaxed community setting.

Negative aspects can be divided into three groupings, legal, physical, and social.

Legal issues are by far the greatest concern of residents. Tenants of caravan parks can be classified into two groups, those that rent both a site and unit of accommodation in a park or village, and those who own their own home but rent the site it is situated on.

Both groups of tenants are covered by the Residential Tenancies Act, The Code of Practice for Caravan Parks and Mobile Home Villages and Ordinance 71 of the Local Government Act.

Despite legislation, park and village residents, even if they own their own home, can be evicted for no reason at all. Clause 58 of the R.T.A. states 'A landlord may give notice of termination of a residential tenancy agreement without specifying any ground for the termination'. Even though the law allows for tenancy agreements of up to 20 years the majority of park residents are on continuing agreements and can be evicted for no reason, at any time (provided appropriate notice is given).

If a home owning tenant is evicted it can cost up to \$10,000 to relocate their home to another park, if this cost is beyond the tenant's means they can sell their home on-site, but must be prepared to pay the park proprietor a premium of the sale proceeds (up to 12 percent)

Visitors fees, though legal, are another area of concern. Park residents, even if they own their home can be charged for the privilege of having someone come to visit. In most cases visitors fees are charged at the rate of \$2 per person per night, however, some parks have been known to charge \$10 per person per night.

Physical issues include the size of the accommodation and the general standard of the park. Rented on site vans are often very small and in need of repair, storage space in cupboards and refrigerators is rarely adequate and requires residents to shop more frequently or purchase from expensive on site shops, significantly increasing the already high cost of living. The general state of some parks is also an area of concern with many residents claiming lack of maintenance to communal areas and inadequate amenity blocks.

Social issues are often caused by the location of the park or village, even though in many instances this was the initial reason for the resident moving to the park. Lack of adequate public transport affects the majority of parks. Parks built on the outskirts of cities isolate residents from the existing community services and facilities such as government departments, shopping centres, schools, medical services and recreational facilities.

Residents claim it is difficult to form relationships with people not living at the park and hard to keep up with extended family networks. School children and young adults suffer even more as it is difficult for them to use recreational facilities and participate in after school activities.

Many park and village residents no longer see this community style of living as 'the good life' instead they feel trapped, helpless and abandoned by the wider community.

If the park and village lifestyle is to become a viable alternative to traditional housing, residents must be protected. Physical standards must be improved, adequate public transport must be provided but most of all residents need legislative reform and true security of tenure.



Tribunal decisions

1. No notice of rent increase

Source: 'Residential Tenancies Update' - Case No: 93/8187

A tenant was awarded \$1,500 for extra rent paid because the landlord did not give proper notice of rent increase.

Two leases had been signed one from February to April 1990 at \$280/fortnight and one from April to October 1990 at \$300 fortnight. Both leases were signed at the end of January 1990. The Tribunal ruled that this was not the correct way to give notice of a rent increase, and ordered the return of rent paid above \$280/fortnight.

2. Bond claim after tenant terminated early

Source: 'Residential Tenancies Update' - Case No: 92/13455

A tenant gave a notice of termination to the agent and left 3 months in to a 6 month lease, for breaches by the landlord. The tenant then claimed her bond and this was contested by the landlord because the tenant left before the end of the agreement.

The landlord lived above the tenant. The tenant said the landlord broke the agreement by:-

- receiving electricity for the landlords flat through the tenants electricity meter.
- creating excessive noise by keeping dogs upstairs which kept her awake as late as 4 am.
- Not carrying out repairs and cleaning.

The tribunal apparently accepted that these had occurred.

The agent presented a condition report which was appar-

ently a sham. Everything had been marked as clean and working, even in areas such as entrance, storeroom/shed, balcony/porch and garage/carport which did not exist.

The tenant wrote her own ongoing inspection report e.g. 'kitchen - poor state of repairs - lino buckling and lifting. All cupboards dirty. Dead and living cockroaches. Bench top dirty and mouldy.

Even under these circumstances the Tribunal had to decide if there was sufficient cause for the tenant to terminate early. Quite often, the tribunal rules that early terminations by tenants are not valid because there was not enough reason to terminate.

The tribunal noted that when the agent received the termination notice he should have challenged this. Instead he only told the tenant that the termination notice was illegal (it was not) and had no further correspondence. The Tribunal seems to have concluded that the agent's silence equalled consent to the termination.

The tribunal ordered that all of the Rental Bond be returned to the tenant.

3. Rent abatement

Source: Combined Pensioners and Superannuants Association

A Department of Housing tenant recently applied to the RTT for a rent abatement of 2 weeks under section 16 of the Act (withdrawal of services).

The Department was renovating her duplex home whilst the tenant remained living there.

During the two week period, the tenant was without a hot water system which meant washing and showering was not possible for days at a time. The tenant was also required to use an outside port-a-loo.

Numerous other inconveniences were experienced.

The RTT found in the tenant's favour and granted the two weeks rent abatement.

Additional terms 1

Investigators with the Tenancy Commissioner's Office have decided to pay particular attention to unacceptable 'additional terms' in leases. These are usually extra clauses that go against the Act.

Examples they have cited include:-

- * "Tenant agrees to have the property professionally cleaned at termination". This charge can't be made compulsory, and the expense may not be necessary.
- * "The obligation to pay rent continues until the keys are returned." Rent has to be paid until the agreement is terminated - a tenant isn't necessarily in possession because keys haven't been returned.

The maximum penalty for putting in such additional terms is \$2,000.

Additional terms 2

The most commonly used Residential Tenancy Agreement is that produced by the Real Estate Institute (REI). This version omitted to include the mitigation clause (which states that if either party breaks the lease, the other side has to try and minimise your losses), plus included several misleading additional terms (at tenants' expense).

To overcome these shortcomings (and to persuade the government to amend the prescribed agreement in the Residential Tenancies Act), the Tenancy Legal Working Party produced an alternative agreement.

We were successful on both fronts. Late last year, the REI modified a number of its contentious additional terms and added in the mitigation clause after the Act was amended in September to require this, following negotiations with the Tenants' Unions. We will continue to campaign to achieve further improvements to the REI agreement.

Department responds slowly

Monique Gooch

Combined Pensioners and Superannuants Association

A new NSW Department of Housing Scheme, allowing automatic deduction of rent from social security pensions was introduced late last year, with some bureaucratic bungling.

The scheme followed an agreement between the Commonwealth Social Security Department and the State Department of Housing. rent is deducted from a person's pension by the DSS, and forwarded to the Department of Housing, at no cost to the pensioner.

When all is going well, the scheme saves tenants the necessity of carrying large amounts of cash to pay their rent, and the time and expense of travelling to department of Housing offices to pay.

But an unfeeling and bureaucratic attitude on the part of some Department of Housing staff marred the introduction of the scheme and severely disadvantaged some tenants who had trouble adjusting to it.

One example, raised with the CPSA, involved an elderly tenant who inadvertently paid her rent in cash after signing on for the deduction scheme.

For the first week of the scheme, this tenant paid her rent twice. When she realised her mistake and contacted the Department she was told she would not get a refund.

The tenant was left penniless. Despite promises by the Department of Housing that the tenant would be reimbursed, it took between three and four weeks for this to happen.



Launch of Waverley Tenants' Service

In what is hoped to be the first of many new community-based local tenant services, the Waverley Tenants' service was launched by the Mayor of Waverley, Councillor Barbara Armitage, on February 8, 1994, at ECHO Bondi Junction Neighbourhood Centre. The launch was a great success, attended by staff and Board Members of the Tenants' Union, representatives of community legal centres, local community organisations and local tenants. The highlight of the launch, apart from the Mayor's speech, was a huge cake in the shape of a block of apartments, in the red brick common in the Bondi area, complete with Hills Hoist, garden and pool on the roof!

Waverley Tenants' Service is an independent tenancy advice and advocacy service funded by Waverley Council for the tenants in the Waverley area, covering the suburbs of Bondi, North Bondi, Bondi Beach, Bondi Junction, Dover Heights, Waverley, Tamarama, Bronte and Clovelly. For information or assistance call Sarah Crawford on 387 3979.

Bond Board news

Source: Rental Bond Board's newsletter 'Refund'.

1. Landlord charged over signing of blank claim form.

The Bond Board is concerned that sometimes tenants are asked to sign uncompleted refund forms at the beginning of a tenancy. This means the landlord can then fill in whatever details they like at the end of the tenancy and claim the bond money.

A landlord is before the courts now for allegedly falsely obtaining a tenant's signature on a blank form at the same time as the tenant signed the tenancy agreement.

2. Refund bond into bank account.

Bonds can be refunded quickly if there is no dispute. Simply Fax the claim form to the Bond Board and they can transfer the money directly into your bank account within 2 days. The Fax numbers for bond claim forms only are 02 261 5609 or 008 803 655

Book on rights in hostels

The Accommodation Rights Service has produced a book entitled 'You Have Rights in Hostels and Serviced Apartments - A Residents Guide'.

The NSW Tenancy Commissioner, Bob Browne, said of this book: "People must have access to easy to understand information. This publication has set out to give everyone a plain English guide to a complex housing option. The authors have brought together, in an easily understood format, a wide range of Commonwealth and State government laws and practices. Residents and their advisers will find this guide to be an indispensable source of helpful, accurate and up to date information."

In case you're wondering what a hostel is, the book says: "A hostel is a form of accommodation for older people or people with disabilities who need some help with daily tasks, such as making meals, bathing or dressing. They do not provide care in the way nursing homes do, but they may provide personal care services."

For a copy of the book ring The Accommodation Rights Service on (02) 281 3600.

Some rents fall

Across NSW, median rents for one, two and three bedroom dwellings (newly rented) actually fell \$5/week in the quarter ending September 93. In Metropolitan Sydney median rents remained about the same. These figures are from 'Rent Report', issued by the Department of Housing.

With signs of better economic news, it is likely that the real estate industry will start to look for higher property prices - higher rents mean higher profits for landlords and higher commissions for agents. However, there is no sign yet that the rental market is on the way up. High unemployment rates and steady average wages work against steep rent increases. Too many people just don't have the money for more rent.

Median rents for dwellings in Metropolitan Sydney in the September 1993 quarter were: 1 bedroom \$140, 2 bedroom \$180, 3 bedroom \$225. Dwellings include houses and flats.

U.K. housing news

From the May/June 1993 issue of ROOF, UK Shelter's housing magazine, comes this brief review of England's housing sector by ROOF/John Muellbauer

Housing's morning after: The painful consequences of ending the 1980's home ownership boom are still being felt throughout the economy:

- There are over 350,000 mortgage borrowers more than six months in arrears. There were over 75,000 homes repossessed in 1991 and 68,000 in 1992.
- As many as 1.7 million households are estimated to have negative equity (their being worth less than their mortgage). Given insurance contracts between mortgage lenders and insurance companies, these households find selling and moving difficult, if not impossible.
- There is a widespread concern that falling housing wealth is part of the reason for weak domestic demand (though the trade deficit is over 10 billion pounds!) The average UK house price-to-income ratio is almost back where it was in 1982.
- The severest building recession on record is also acting as a brake on domestic demand. The proportion of building firms going bust reached the highest levels ever recorded - almost seven per cent of all firms last year.

Homelessness acceptances are running at over three times their 1979 level, despite tighter criteria. Completions of social housing are less than 25 per cent of their 1978 level.

- Beginnings of some revival in the private rented sector are being seen, but growth is from a very low base: by 1990 the private rented sector (including housing associations!) was down to ten percent from 42 per cent in 1951.

The premium of southern house prices over the UK average, which reached a peak in 1988, has fallen close to historical lows.

Gay and Lesbian Mardi Gras Fair

Bob Clayton

The Tenants Union was represented at the Gay and Lesbian Mardi Gras Fair at Jubilee Park on Sunday February 13th. The Fair is traditionally rained out (Fred Nile's devilish work) but this year it went ahead on schedule. It did rain on Saturday night and Sunday morning. The Fair organisers bravely accepted the weather bureau's assurances that there would be no rain and it proved correct.

The TU shared a community stall with the Gay and Lesbian Immigration Task Force which was also an advice giving stall. Sarah Crawford and Rita Wilkinson (T U Board Members) took turns to give tenancy advice. Jacklyn Walker assisted by walking through the large crowd handing out TU membership applications.

We sold some copies of 'Your Rights as a Tenant' gave out lots of stickers and some posters. As usual 'Slum Landlord in the Boot' proved very popular.

It was a hot and humid day but thankfully our stall backed onto the water and we also had a tree close by. Nevertheless we all ended the day somewhat sunburnt and Rita bravely went back to work.

All the stall workers took turns to watch the Miss Fair Day Pageant and The Dog Show. We didn't feel qualified to enter either event.



Tenants of the world!

Paper Delivered by the International Union of Tenants representative at the UN Commission on Human Development, number 14, 27th April 1993, in Nairobi's UN Centre, Gigiri

International Union of Tenants was founded 1926. We have a long history, but now we are looking to the future and the HABITAT II conference in Istanbul, Turkey, in 1996. IUT would like HABITAT II to take up rental housing as a major point - referring to article 29 in the "Global Strategy for Shelter to the Year 2000".

We from IUT have discussed this with several delegates at this meeting. They have told us that it is too difficult (!) Can that really be an answer from this body? Do you really mean, that it is better to discuss easier topics, than to discuss the problems of rental housing, when tenants constitute the vast majority in urban areas in developing countries?

IUT supports that the rental housing discussion could take up:

- Construction and financing of rental housing by private public partnerships.
- The rights of the tenants to protection and security of tenure.
- Tenants participation in the management of housing and all the experiences there are from European countries like Denmark, United Kingdom, Finland, France, Austria etc and USA and Australia - just to mention a few.
- Good experiences of creating workable relationships between tenants and landlords.

Obviously rental housing contains much more necessary debate and decisions. We from the IUT are ready to play our role, both in the preparatory work and afterwards.

Let me start with the following reading: "One other area that will need environmental attention, particularly with a view to the future, is rental housing. The rental sector in most developing countries is large and is growing steadily; it often comprises at least 50 per cent of all urban housing stock.

In view of the importance of rental housing in the total housing stock, particularly in low-income settlements, governments will have to come to some decision as to promotion of rental housing as an effective way of expanding production options for shelter.

"Until now, on the levels of both research and policy, rental housing options have been largely ignored, but the evaluation of rental options requires detailed research on local housing markets, the impact of rent control, particularly in conditions of a high rate of inflation, and on ways of promoting a sufficient supply of rental housing, especially for low-income groups."

This was a quote of article 29 in the Global Strategy. IUT agrees, but so far we have not seen much of it - not in UNCHS - not in national programmes.

We have found that many governments have ministries acting in different ways. One is considering housing as a commodity, another ministry considers housing as an activity and a third considers housing as a right. It seems that the ministries are very seldom talking to each other about housing.

Tenants are the majority of people living in urban areas. Even self-built houses are often rented to someone else. In the squatter settlements there are also many more tenants than we believe at first sight.

All tenants have in common that they are not protected enough. They usually lack security of tenure and rights according to the UN Committee on Economic, Social and Cultural Rights.

We would like Habitat II to take up rental housing in all its aspects.

- Protection of tenants and security of tenure.
- Tenant participation and tenant management as the UK representative spoke so well about and which is a good community participation.
- Rent regulation - different forms - workable and non workable.
- More private rental housing as part of other construction contracts.
- Better relationships between landlords and tenants - towards less conflicting relationships.

IUT represents today a growing number of organisations in both Asia and Africa. We are ready to play our role in the future work for better rental accommodations all over the world.

UN Commission on Human Settlements

From 'The Global Tenant', publication of the International Union of Tenants

The United Nations body responsible for housing, the UN Commission on Human Settlements (UNCHS) met last year in Nairobi, Kenya. This meeting brought together UN staff, government representatives, non-Government organisations (NGO's, including the International Union of Tenants) and the new UNCHS Under-Secretary General, Ms Elizabeth Dowdeswell.

In her inaugural address, Ms Dowdeswell outlined her vision of UNCHS's role and in part she said:

"Human settlements, how they develop and grow, are of critical importance to sustainable development. Human settlements are where the vast majority of the world's people live, and in the next century they will be living in urban, mostly large urban, settlements. But how are they living there now? How will they live in future? For if it is indeed true that cities and towns are a reflection of a society's achievements, as well as of its unfulfilled needs, then there can be no better mirror than our human settlements; and their current state, particularly in developing countries, but not only there, should give us ample grounds for concern, if not outright alarm.

In a world which is moving together as a consequence of the telecommunications revolution and technological change, in a world of greater awareness and cultural interpretation, can we really expect that the poor in the developing world will continue to passively accept such conditions of life, such hopelessness, as their deserved fate? As international organisations committed to social and economic development, as national governments committed to welfare of our people, as thinking and intelligent human beings, our answer to that question must be a resounding "No".

The situation which I have just described briefly must be seen against a background of rising developing world urbanisation which is adding approximately 50 million people a year to urban population of developing countries as a whole.

What indeed should be the major directions for the Commission, and for the Centre?

I should like to suggest that the first should be the improvement of the living environment in both rural and urban settlements. The second direction is community development, the third should be the improvement of the environment in all human settlements, especially large urban centres and the fourth major thrust of the Commission's work should be the improvement of settlement management.

As to principles which should guide that future substantive work, I should like to suggest that the first of these be decentralization, for it encourages policy development and management capacity at the local level where policy is implemented. The second is participation, for this results in more representative and democratic decision making as well as in transparency and accountability at all levels of government.

The third and last is partnership, in the form of close co-operation between the public sector, on the one hand, and private entrepreneurs, community and women's groups, and NGO's, on the other, so as to mobilize all available experience, talent and resources for sustainable human settlements.

I cannot but stress this last point, for I have always believed in the importance of involving people themselves in the decisions which effect their lives and involving them and their organizations as partners in development."

Changing your Address?

If you move, please let us know so we can send you your Tenants' News. Phone us on 02 247 3813 or write to us at 68 Bettington Street, Millers Point. 2000.

YES I want to join the Tenants' Union of NSW

Name _____

Address _____

Postcode _____

Telephone (h) _____ (w) _____

First language _____

Please tick

☐ New membership ☐ Renewal

Are you a: ☐ Tenant ☐ Home Owner

☐ Other (specify) _____

FEES

Membership runs from 1 January to 31 December. New members can pay half fees after 30 June. New membership fee includes cost of share(s).

YEARLY FEE

Tick the fee that applies

No (or low) wage/pension/benefit \$8

Waged worker \$15

Organisations \$30

Donation \$ _____

I enclose \$ _____

Signature _____

Date _____

Return to: Tenants Union, 68 Bettington Street
Millers Point 2000

OFFICE USE ONLY

Service Fee _____ Shares _____

Donation _____

Receipt No _____ Membership No _____

Times for tenants' advice

The 'Hotline' provides tenants' advice on
(02) 251 6590.

At present it is open Monday to Friday,
9.30 to 1.00 and 2.00 to 5.00.

Available: typewriter and photocopier toner

The Tenants Union has the following surplus stock. We
want to get rid of it so we'll take the best offer - just take
it off our hands.

Typewriter: Brother EM 200

Photocopier Coloured Toner for Canon NP 3000 copier.
3 boxes blue, 5 brown, 4 green, 1 red. (4 cartridges/box)

SURFACE
MAIL

POSTAGE PAID
IN AUSTRALIA
IN AUSTRALIA
POSTAGE PAID

TENANT NEWS

TENANTS' UNION OF NSW CO-OP LTD,
68 BETTINGTON ST
MILLERS POINT NSW 2000

REGISTERED BY AUSTRALIA POST
PUBLICATION NUMBER NBH-2043