

# tenant NEWS

The newsletter of the Tenants Union of NSW

No. 65 July 1999

## Housing crisis hits NSW

We have known it for a long time, we have watched it develop, and now Government statistics confirm that it's here - the housing crisis. Sydney has long been Australia's most expensive city for renters, but now it seems that increasing numbers of disadvantaged people and families find themselves permanently excluded from the private rental market.

Last month's NSW housing Budget slashed \$12m from the public housing purse (see page 3). This decrease of funds gives us further confirmation of this government's indifference to the hardships faced by ordinary Australians.

### More renters, less home owners

More people are renting than ever before. In the 1996 Census, 31% of Sydney households rented their dwelling compared to 23% who were purchasing. (*NSW Housing Indicators Report*, Department of Urban Affairs and Planning, 1999). This represents a significant shift.

Less people are entering home ownership despite low interest rates and steady median sales prices - job uncertainty and cost of initial market entry are causing people to rent longer. Renting is no longer a transitional form of tenure. Over 40 % of private renters have paid rent for more than a decade, trapped by the weight of rent payments and consequent inability to save for a deposit. (*Ian Winter, Social Polarisation and Housing Careers*, Australian Institute of Family studies April 1998).

Sydney vacancy rates are at 2.6%, indicating a tight market. Yet what this figure fails to illustrate is the harsh competition for the few available dwellings at the more affordable end of the private rental market. Gentrification and the Olympics-led investment boom has caused a rapid loss of low-cost housing stock with no replacement or adequate planning mechanisms to address this loss.

The private rental market fails low income people - it doesn't provide security of tenure and it is unaffordable. Providing subsidies for low income people in the private rental market is not cost effective. The 1995 Senate Inquiry into Housing Assistance in Australia found that the most cost effective mechanism of providing housing for low income people in the long term is the buying and building of public and community housing.

Squatters are regularly evicted from these derelict terraces in Darlinghurst. They are overshadowed by the exclusive Horizon apartments, which have just won a major design award.



## Olympics Bill: a fair Games for tenants?

The Olympics investment hype will soon reach fever pitch. Agency billboards scream "lucrative Olympic rental corridor" on properties from Redfern to Homebush. Rents seem to be steadily increasing in all the inner-city suburbs. In the same month that the Department of Fair Trading unveiled its Olympics landlord education material (discouraging eviction of long-term tenants) Ian Cohen from the Greens introduced a Private Members Bill into Parliament proposing that rent increases be linked to CPI only, over the Olympic period. The Bill aims to protect tenants from the kinds of rent acceleration and forced eviction seen prior to the Atlanta and Barcelona Games. It also contains a second part which was created to protect victims of domestic violence (see article page 6).

Current NSW Residential Tenancies legislation is weak - tenants can be evicted for no reason on a 60-day termination notice and only a handful of tenants have successfully contested rent increases in the past 10 years of the Residential Tenancies Act. Poor legislation to protect tenants will make it easy for unscrupulous landlords to evict tenants during the Olympics period. The new Bill has the support of the Tenants Union and tenancy and housing organisations across the State.

### Homelessness on the increase

Homelessness is on the increase with 33% more calls made to the Sydney Homeless Persons Information Service in the past year. According to the Centre, homeless rates have tripled in the last 6 years from approximately 9,000 to 27,000 across Sydney. A Carr Government Report (1998) showed that in 1997, 50% of those trying to obtain a crisis bed in NSW were turned away; in all 28,000 homeless people plus 9,000 dependant children. To quote from the *NSW Housing Indicators Report*, September 1998: "A range of housing demand pressures has contributed to this increase (homelessness). These include declining rental affordability, low levels of rental vacancies and the widening deposit gap for first home buyers".

### Rents and the GST

Since 1996 Commonwealth funds through the Commonwealth State Housing Agreement have decreased by 12% in real terms while the number of applicants on the public housing waiting list in NSW has increased to 96,700. Most people on the

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# FREE!

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# Welcome to Tenant News

This issue chronicles the increasingly desperate renting situation for low income tenants in New South Wales. Disappointingly, it also chronicles the lack of any positive responses from government. This seems to be the inescapable conclusion whether we look at rates of homelessness, public housing waiting lists, proper legislative protection of tenants' rights or adequate response to the social dislocation of the proposed Olympics. This is also a time of record profitability in the private market for landlords. Government policies have not delivered their stated aims of increasing affordable housing supply. Tossing money at landlords in this way has failed miserably in achieving stated social outcomes.

Despite the clear housing crisis and numerous submissions to government proposing better outcomes for New South Wales renters, we still are waiting to hear of any positive program the new Carr government is prepared to support. So far, we only know that this government is not supporting Bills currently before parliament to protect tenants from Olympic profiteering and to protect the tenancy rights of victims of domestic violence.

Maybe next time we will have some good news to report?

Nicholas Warren, Chair

## About the Tenants' Union

The Tenants' Union of NSW promotes the interests of tenants, including boarders and caravan park residents. Since 1976 we have fought for fairer laws and have worked to let tenants know about their rights. We welcome your involvement and membership. *Tenant News* is our regular publication.

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The views expressed herein do not necessarily reflect those of the editors, or Tenants' Union staff.

# Goodbye, Dear Shirley...

With much regret, the staff of the Tenants Union farewell Shirley, who for some time has been the sympathetic face of the Tenants' News, every lonely tenant's friend and our very own Page 2 girl. Shirley has decided that the time has come to cash in her chops and head into retirement....

# ...and Hello...?

But here's the good news: we're offering a double movie pass to the reader who can find us the best Shirley successor. The ideal candidate will be good looking, smart and capable of meeting the challenge of being everybody's favourite agony aunt. Send us a picture and a character profile, and we'll let you know our decision next edition. In the mean time, keep sending those tall tenancy tales to: 68 Bettington St, Millers Point Sydney 2000.

## Dear Tenants News

My roof was trashed by the hail storm. The landlord was really good about it up to a point, but we are unable to agree on what the rent should be while parts of the house are unusable. Barry, the landlord, has organised for the repairs to be done and has given us notice of people coming to do them. We have fallen out over the rent. He says that he is doing all he can and should not suffer any more loss, so, we should pay full rent. What can we do? We will be one bedroom down for six weeks and will not have a laundry for four weeks. We understand that the damage is not Barry's fault but is it reasonable for us to pay him for the whole place when we are not getting it?

Hayley

Randwick

P.S. Give my regards to Shirley and say Bon Voyage from me!!

Dear Hayley,

Barry does not get to make up the rules as he goes along. In the event that a tenancy is affected by an 'Act of the Gods' like a hailstorm, every mortal's responsibilities are regulated by a higher power: the **Residential Tenancies Act 1987**.

From what you have described, Barry seems to have a pretty good understanding of his legal responsibility to do maintenance and give notice of all people needing entry to your home. In a sense, you're right in saying that you shouldn't have to pay the full amount when you're getting reduced service - that's not what you agreed to. Unlike you, Barry has an insurable interest in the house. It is also possible for Barry to be insured for loss of rent.

Well Hayley, the Residential Tenancies Act gives us some clues as to how your rent can go down. There are three ways. First, by agreement. I know you have tried, but, try again. Deal in writing and use arguments based on this advice. Second, if parts of the premises are unusable because Barry has not repaired them you may be able to get the Residential Tribunal to reduce the rent under section 47 because Barry has effectively withdrawn facilities provided with the premise. Third, you can use section 61 which says that if the premises are partly or wholly uninhabitable due to no fault of landlord or tenant, then the rent abates (reduces) accordingly. Section 61 only applies where the state of the premises is due to event/s not caused by any breach of the agreement.

Section 61 of the Act does not give a tenant a direct application to the Tribunal - it only provides tenants with a *defence* to an application by a landlord for payment of alleged arrears of rent. If you cannot agree on the rent while parts of the place are unusable you can take a stand on the rent and pay an amount you think is reasonable. The landlord could then make an

application to the Tribunal. In defending yourself, you use Section 61 to explain your actions. Sadly, the Act forces tenants to adopt a position and stick to it even before knowing if it will go against them, and by how much.

1. You will need to demonstrate that you have tried to negotiate with your landlord, and that you have adopted to pay reduced rent because you see no other available option. Where there is another remedy, like rent reduction under section 47 or orders for repairs, the Tribunal will not be impressed by a rent strike.

2. You must put your claim about the rent to the landlord in writing and have calculated the rent in a demonstrably rational way. Calculation methods might be based on

- what it would cost to rent a similar facility elsewhere
- the reduction of useable floor area
- the number, and relative importance, of the rooms of the house.

In your case a combination of floor area (for bedrooms) and importance (laundry) might be appropriate.

3. Remember that you're taking a bit of a gamble and that the Tribunal member's decision might not go your way, should you get that far. You could be up for the amount of withheld rent. In any case, it is important to put aside the difference of the rent, if possible, as insurance against an adverse Tribunal decision.

It is also possible for you to go to the Tenancy Commissioner and ask for the Commissioner to help bring you and Barry to an agreement (section 16(1b)). If, after this, you still do not agree, the Commissioner may consent for you to apply to the Residential Tribunal for an order in respect of the dispute (section 16(1c)). This is an indirect route to the Tribunal. The Tenancy Commissioner is contacted through Renting Services at the Department of Fair Trading on 9377 9100 or 1800 451 301.

I suggest that you use this information to start fresh negotiations with Barry, as your first step. The folks at Eastern Area Tenants Service, who give advice in your area, have recently become experts in the field of hail damage advice, so I recommend you call them on 9386 9147 if you need further help.

Regards,

Tenants News

P.S. Last time I saw Shirley, she was driving off into the sunset in an open top Cadillac with a bottle of Bollie, a handsome Schnauser and a wistful expression...



# STOP PRESS STOP PRESS STOP PRESS

## Budget Cut of \$12m to NSW Housing

The recent budget cut \$12 million from funding for housing. The main effect of this will be fewer new public housing dwellings. The Budget emphasis was on a decline in new stock, and increases in leasing from the private market, and in the upgrade of aging stock and retirement of DoH debt. The Tenants Union is concerned about the cuts in dollars at a time of crisis, plus the reliance on leasing and the lack of relief for those in the private market.

For more information call David Ramsay, Policy Officer Tenants Union (02) 9247 3813.

## Department of Housing rebate cancellation - is it really fraud?

by Damien Hennessy and Peter Mott

Recently there has been a spate of public tenants having their rent rebates cancelled by the Department of Housing (DoH) under a policy inappropriately called Rental Fraud. The stakes are potentially high for a tenant who is hit with a rebate cancellation - thousands of dollars of debt and no roof over their head. Yet, the DoH continues to pursue a 'guilty until proven innocent' approach, and many vulnerable tenants are losing out.

Rental rebates are an equity measure to ensure public housing is affordable. Rebates are an essential component in the provision of public housing, assisting over 90% of NSW public housing tenants.

The idea of a rental rebate system is quite simple, however the execution of it can be extremely complex and confusing. Rental rebates work by the DoH determining a "market" rent for the property, getting the tenant to pay a proportion of household income (between 20%-25%), and then paying the difference as a rebate on behalf of the tenant (to itself in effect). The tenant has to regularly complete a household income assessment form to determine rebate eligibility. The calculation performed by the Department to determine eligibility for a rebate can be complex and a lot of tenants find the form hard to complete.

There is generally confusion about whether or not additional occupants should be declared. For example, do you tell the Department if your daughter has returned home for a while? How about if your boyfriend stays over a few nights a week? The DoH rebate form does not provide any answers about the difference between a visitor and a resident.

For large and extended families it can be difficult to know what income to declare. DoH makes the assumption that every person residing in the premises should contribute to the rent. In many instances this is not feasible or culturally appropriate. Tenants and household members who

receive casual or sporadic income also experience difficulties with the rebate forms.

If the Department of Housing suspects a tenant is receiving a rebate to which they are not entitled they can cancel the rebate and charge the tenant the "market" rent. Too often the Department will arbitrarily decide that a tenant is not entitled to the rebate and cancel it when further investigation may have resolved the issue. The Department can also backdate the removal of the rebate, so that a tenant with a perfect rent record can suddenly find themselves thousands of dollars in arrears. Fraudulent misrepresentation requires a high

degree of proof and is therefore difficult to establish without strong evidence. Fraud generally results from a deliberate attempt to deceive and to obtain a benefit by wilful deception. In many cases, the Department bases its action on probability not proof.

Tenants are left to compete with the huge resources of the Department (the DoH has its own solicitors and hires private investigators) to challenge the alleged debt, and to fight for the roof over their heads. The DoH's harsh rebate cancellation measures may result in an outcome completely at odds with the intention of the rebate system. A system that aims to promote affordable housing is reduced by DoH tactics into a system that can result in debts and evictions.

It would be more appropriate for the Department to take a more conciliatory approach to the investigation of a possible problem with a rental rebate. The DoH should initially try and resolve any query with the tenant, informing the tenant of their rights and giving the tenant time to respond and to seek independent advice if necessary. Rebates should only be cancelled if the Department after this process has clear proof of fraud and the tenant has been given the opportunity to respond to the evidence, and not before. It's only fair.

**Matt Turner, Tenants Caseworker at South-West Sydney Tenants Advice and Advocacy Service, has had a lot of public tenants contacting his service recently. A large number had just received a letter from the Department of Housing stating that the Department suspects the tenants had failed to fill in their rebate form properly.**

**If you are in the same position, his advice is simple; "Tenants should contact their local Tenants Advice and Advocacy Service. There are a few parts of the law that are unclear when someone's rebate is cancelled, and you will need some help." However, all is not lost if you have just made an error in your rebate form. "If you have made a mistake and then you fix it," Matt said, "the Department should recalculate the rebate based on the new details rather than cancel it completely."**

**He stressed that tenants should be aware that any information they give to the Department of Housing can be passed on to other government agencies, such as Centrelink, the Taxation Office, or even the Police.**

## New privacy laws good news for database tenants

Soon, tenants who have been prevented from renting in the private market since being listed as 'bad tenants' on industry files, may be able to take action to clear their names. Peak tenancy organisations see proposals for new Commonwealth privacy legislation as an opportunity to force tenancy database organisations to improve their practices. New Commonwealth codes for regulation in the private sector will mean that organisations that operate tenant databases will have to

- let tenants know that they are listed,
- provide tenants with access to their files,
- give people the ability to correct information,
- only hold information that is correct and
- only hold information for a limited length of time. This will give tenants recourse that does not exist in the current unregulated environment.

The Bill will enter parliament in October this year, with the strong support of advocate organisations, who see current listing practices as allowing unacceptable abuses of rights and privacy. The proposed regime is considered to be a 'light touch' and encourages industry to develop and monitor its own codes based on Information Privacy Principles. The Federal Privacy Committee will have a role in monitoring complaints, particularly if no industry code exists. The Privacy Commissioner will have the power to revoke, vary and approve industry codes, and to randomly check or audit organisations' compliance with codes.

The current Commonwealth Government has resisted previous attempts to get legislation off the ground to regulate the private sector, saying that the cost of business compliance was too high. Early this year this position was reversed when the European Union decided that they may not trade with countries that do not have adequate privacy protection in the private sector, and after pressure from the Victorian Government who are developing State legislation to regulate privacy issues in the private sector.

## What are 'bad tenant' databases?

These are electronic listings of 'bad' tenants, run by companies for profit, which provide information to real estate agents and land lords. Information is supplied by industry and there is no way of knowing if the information kept about people is true or false. A tenant can pay money to find out if they are on the list, but the owners of the lists have no current obligation to notify people who are on the lists, or why. It is very difficult to have your name removed from the list, or to have the information changed. These lists have prevented some tenants from being able to rent at all.

The Tenants Union and the National Association of Tenancy Organisations (NATO) are keen to have tenancy databases regulated.



# Boarders and lodgers

## The forgotten people

by Peter Mott

As we approach the year 2000 it should be a cause of community outrage that boarders and lodgers living in NSW are still without basic legal rights. Although advocates have achieved much needed improvements in the rights of various tenant groups, boarders and lodgers remain the forgotten people.

Boarders and lodgers are explicitly excluded from the provisions of the Residential Tenancies Act 1987 (RTA) and have no protection against arbitrary eviction, rent increases nor access to an independent dispute resolution mechanism.

Community activists and lobby groups, such as the Boarders and Lodgers Action Group (BLAG) and the Coalition for Appropriate Accommodation (CASA), have been campaigning for a long time to get basic legislative protections in place and a better deal for boarding house residents. Several times legislation has appeared close: a Bill was tabled in 1991, but nothing has survived to be enacted into law.

In 1995 a Federal Government funded report, *Minimum Legislative Standards for Residential Tenancies in Australia*, provided more evidence

wait for legal protection would be over. Close, but still no cigar - as the draft exposure Bill that was expected to be released for comment never saw the light of day.

Now the Department of Fair Trading has established a competition policy style working party to investigate the need for regulation of boarding houses to provide basic protections for boarders and lodgers. Contact the DoFT Project Officer, Dominic Wong, on 9338 8956, for a copy of this issues paper.

*"When the Carr Labor government promised, prior to the last election, to improve the situation for boarders and lodgers it appeared at long last the wait for legal protection would be over."*

Often it can be difficult to determine whether someone is a tenant or a boarder. The Residential Tenancies Tribunal has determined that people who may have been thought of as boarders are actually tenants and therefore covered by the RTA.

This legal reasoning is based on the notion that if the owner has not given away the exclusive right of possession to the occupant, but rather remains in possession and exercises control as "master" of the house, then it is likely to be a boarding situation. Each case will be determined on the facts of the occupancy arrangement.

for legislative protection. It noted that boarding houses are not considered sufficiently different to general private tenancies to warrant the lack of application of the basic rights and responsibilities embodied in tenancy law. It also argued that the decision to invest or disinvest in the boarding house sector is unlikely to be influenced significantly by the application of residential tenancies legislation. Yet again, more supporting evidence but still no law.

When the Carr Labor government promised, prior to the last election, to improve the situation for boarders and lodgers it appeared at long last the

Although the level of boarding house stock continues to decline, they remain an important source of alternative accommodation for many people on low incomes. The public housing waiting list is heading towards the 100,000 mark and the prohibitive costs of the private rental market leave people with little housing choice. De-institutionalisation policies have also resulted in more people living with a disability relying on the boarding house sector. Recent reports have highlighted the changing profile of boarding house residents, with increases in the number of women and young people.

Major challenges lie ahead to stop the decline in the level of boarding house stock and to provide appropriate levels of support services and accommodation choices for people living with a disability. Recent announcements about the provision of \$66 million to overhaul the licensed boarding house industry is a promising start. But, the most pressing challenge remains giving boarders and lodgers basic legislative protection.

## Housing crisis...



Above: One inner-city council makes its response to people who live and work on its streets.

From page 1 ...

general waiting list can expect a 10-12-year wait for public housing in Sydney.

The GST will cause further losses of funds to the public housing sector, as states may no longer receive 'quarantined' levels of funding from the Commonwealth in the form of tied grants. Plus, additional costs will place a greater burden on tenants: although rents are exempt from GST, rents will rise because of the extra cost of goods and services used to repair, renovate, upgrade or simply maintain properties. Agents management fees and charges are not exempt from the GST and this will mean higher rent levels. No compensation measures for GST rent increases have been negotiated.

### The future: 2010 and beyond?

The future is grim for low income households who will be forced to pay higher rents. More rental accommodation will be in poor condition as landlords and their agents skimp on maintenance in order to make a profit. The GST will, over time, make investment in private rental housing more expensive. In a low interest rate environment, negative gearing (a blunt investment tool that does

little to provide affordable housing) will have less appeal. Future investors will be in there for the long term and capital gain will be a major incentive. In the future they will also have a keener interest in rent levels - high rent levels. Dr Andrew Beer, in his recent article in *Parity* (p11, Vol.12, Issue 4 1999.) states future higher rents will further erode the ability of tenants to save for the deposit they need in order to get into home ownership:

"Growth in the private rental sector will have a substantial impact on government programs. At one level it will be used to justify the closing down and selling off of the State housing Authorities (for why should public tenants be so much better off when private rental holds the greatest concentration of disadvantage?) while at another level it will force the continued expansion of Rent Assistance."

As current trends indicate that this is indeed, the pattern of government spending, the future for secure, affordable housing for Sydney's disadvantaged seems bleak.



**In November 1984 I moved out of home just days after my eighteenth birthday. With the generous assistance of the highly prized DSS "Special benefit" I moved into a 4 bedroom slum in Redfern ...**

I lived with my girlfriend and some art students from what was then the City Art Institute. We paid \$25 each a week. The house had a kicked-in back door, no hot water in the kitchen and burn marks the size of saucepans that looked like crop circles, all over the carpet. Oh yeah, there was a poltergeist too. It's a Porsche show room now.

After 10 months of incessant break-ins and telekinetic activity the household split. My girlfriend and I moved into a renovated 2 bedroom terrace in Boundary St, Darlinghurst. We could only afford the place because we shared a room and split the rent 3 ways with a third. We paid a whopping \$45. These were the days of the Darlinghurst squats and the now legendary 'Oasis' drug den but already St Vincents was demolishing rows of terraces that it owned nearby and the squeeze on affordable housing was on.

Anyway there was trouble in paradise so me and girlfriend X decided we needed our own rooms. This of course meant paying more rent in addition to the cruel and unusual punishment that is 'house hunting'. We trundled all over Surry Hills in our winkle pickers and paisley shirts. Proximity to our favourite venues like the Trade Union Club and Hopetoun Hotel was a must. Fortunately it was also an affordable dream at that time. We found a \$180 per week 3 bedroom exposed brick place. It was in Prospect St - the name couldn't be further from the truth but that's another story.

After that I moved to a huge place in Albion St with some unemployed muso types. We paid \$70 dollars each a week. The rooms were huge but basic. We lived on Lebanese takeaway and pastizzi but there were signs that the rot had well and truly started. The Hopetoun (at the intersection of Foveaux and Crown streets) drew hordes of undesirable types who looked like wanna be stockbrokers. They drank muchos Corona and sang Billy Joel songs too loud in their 'eccentric' striped shirts, bow ties and braces. The inner city was slipping away with every sad swig and cover band. I moved west.

So began my long association with Newtown and surrounds. Myself, my sister and some mates set up a 5 bedroom house in Lewisham in the early months of 1988. We paid \$70 a week each. The landlord was the devil's spawn. This I know because he visited almost daily.

The house was sheer Victorian elegance. It had a beautiful frangipani in the backyard and a formal lounge room made for parties. I was 21 and still interested in that sort of thing so this was all good - except for landlord part! We ended up having a huge barney with him "so we moved on".

Things went a bit down hill from there. I moved into a country style cottage in St Peters before aircraft noise was a political issue. (Little did we know that soon there would be no escape from the big jet engines' roar this side of John Howard's

electorate). I never did adjust to the super sonic flatulence of the jets on a Sunday morning. I was glad to leave the place where night was like day. Fluoro lighting from the BP station filtered our sleep and the 747s stirred us at dawn. I can't remember how much rent we paid but I think it was around \$80 each per week.

I was able to exploit a friendship and pay subsidised rent in my next place in Bishopgate St, Camperdown. I rather ingeniously shifted a wardrobe across the entrance from the lounge room to the dining room and wallah... a 3 bedroom place became our 4 bedroom home. We had lotsa fun in that house which was conveniently located a stones throw from the Carlisle Castle Hotel. Two of us were studying and 2 of us were working. I'll

I moved to Wilson St Newtown, just opposite the posh park with the Morton Bay figs. It was a find really. We'd been searching for weeks. You know the way it goes - everything seems fine... wow.. this could be the place... then bedroom number 3 is the size of a confessional box or the living room has a mirrored ceiling. In Wilson St the corner shop sold good coffee and King St was a short stroll away. The white ants had practically eaten the support beams away (in fact next door's bathroom fell through one day) but it was a great house and a relative steal at \$103 per week each. I stayed there for 3 years. Incidentally, the girls who took over the house now pay \$120 per room.



## Single, white female: a sharehousing memoir by Eileen

*"The house had a kicked-in back door, no hot water in the kitchen and burn marks the size of saucepans that looked like crop circles, all over the carpet. Oh yeah, there was a poltergeist too. It's a Porsche show room now."*

always associate that house with Coopers Ale, lentil soup and Sinead O'Connor's first album. At this particular historical juncture, ours was a species of domicile termed "semi-veg mixed household". I paid \$65 a week for the dining/bedroom.

I had a downward slide and moved into a slum in Glebe, albeit a massive one. Life was good despite the perennial cat shit and arterial roadway on the other side of the front door. The women I lived with were great and remain some of my best friends. The rent was \$70. The house was dilapidated. It's since been tarted up and I wonder how much the rent would be now?

We're well and truly into the '90s now. It's all Nirvana and back to front baseball caps now. I moved to Cardigan St, Stanmore. I love a jacaranda lined avenue. We lived in the ugliest house in the prettiest street. Still, we never got burgled. There was a vegie patch and a back deck and guess what... the rent was \$90 a week.

All good things must come to an end and my affair with share housing did after 13 long years. I moved into a one bedroom flat in Stanmore. A veteran of share housing and its ecumenical styles, I'm impervious to orange lino floors and aluminium window frames. My flat is a dump. It has mice, cockroaches and white ants. It's directly under the flight path and adjacent to a busy thoroughfare. Nothing works and it's a battle to get even minor repairs done. But it's somewhere to lay down my head in this chokka town. I pay \$165 week in rent. The woman upstairs moved out last weekend and her [identical] flat was relet for \$175pw.

Life comes a full circle and once again I'm considering diving into domestic bliss with the significant other. We're looking for a love nest somewhere in the geographic region that is Newtown/Enmore. I'm told by a reliable source (the shameless real estate agent who was showing people through what can only be described as a den of Dickensian squalor) that you can't find a "nice" 2 bedroom place for less than \$320 per week. She should know. In the final analysis I'll pay up or choose between misery, Meriton or Melbourne.



Janet was sharing a flat in Lidcombe with her partner Ben and her ten-year-old son, Daniel. Janet and Ben had put the twelve-month tenancy agreement in both of their names. Things were going okay for a month or so after they moved in, until Ben lost his job and began drinking heavily. Since then, Janet began to feel unhappy about Ben's violent mood swings, and felt that she and Daniel were unsafe. Then one night, Ben started hitting her. This happened on and off for about five months, until the police intervened. Ben was arrested, charged with assault, then released on bail. He took a room at a boarding house close by.

Not long after, Janet and Daniel were taken to a refuge in the middle of the night by a friend. A court Apprehended Violence

Order, designed to keep Ben away, had failed to deter him. Ben had used his keys to get into the flat, and waited for them.

There was more than six months left of the flat's fixed-term tenancy agreement. Janet felt she couldn't go back to the house, but didn't see how she could terminate the lease. Ben had told her the lease was her problem. All her stuff was in the house, but she was too afraid to go and get it. At the same time, she felt at a loss to deal with the estate agents - her guilt and fear made it difficult for her to discuss what was happening. She felt depressed and overwhelmed by a sense of powerlessness.

## Law reform: safety for tenants escaping domestic violence

Domestic violence is a leading cause of homelessness for women and children. Women who are forced to flee violent homes can be placed in situations of debt, hardship and insecurity by current tenancy laws. A new Amendment Bill, before Parliament this month, seeks to address the problems faced by tenants who are victims of violence in the home. Says Carol Alcock, manager of the Marion Centre Women's Refuge:

"Women using our Centre often have tenancy problems which are hard to resolve. For some women, problems only arise when they try to get a new lease (and find that they have been blacklisted by an agent previously)."

Carol puts moving to a place of safety and security at the top of the list of priorities for women escaping domestic violence. Alternatively, some women may want to take over the household lease, if the violent partner can be kept away from the family, and the family is supported. Naturally, there are grave safety concerns for women who stay in a violent household because they are afraid about the consequences of breaking the tenancy agreement.

### Research supports changes to law

The *Safe as Houses* project, conducted in 1997 at Redfern Legal Centre, researched the impact of current tenancy laws on victims of domestic violence. Says Kylie Kilgour, Tenants Worker at Redfern Legal Centre and author of *Safe as Houses*:

"Current tenancy laws need to be changed so that women can get out of a violent situation quickly and safely, and with a minimum of additional stress."

Recommendations from this project have now become part of the Residential Tenancies Amendment (Domestic Violence) Bill 1998, which aims to give:

- the right to apply to the Tribunal for termination of tenancy in situations of domestic violence
- the right to apply to the Tribunal for recognition as a co-tenant in situations of domestic violence
- the right to apply for recognition as a tenant in situations of domestic violence.

A further recommendation states that conciliation in the Tribunal - which is often favoured as a way of getting both parties to come to an agreement - is inappropriate in circumstances of domestic violence, and that a tenant should have the option of bypassing this requirement. These legislative changes are based on Queensland's Act. (Queensland has had tenancy legislation supporting domestic violence victims since 1994.)

A competition policy review of The Residential Tenancies Act 1997, conducted by the Department of Fair Trading, is considering these amendments.

## NESB Womens Research Project

### Research on Non-English Speaking Background Women's Access to the Private Rental Market

The research aims to identify the barriers that NESB women face when negotiating housing through the private rental market. The research will act in providing guidelines for further community action and development in addressing the issues being raised. Currently the housing sector is undergoing massive restructuring. In this climate of change, it will be particularly important for NESB women and those that work on behalf of this target group, to understand more fully the barriers that exist in accessing accommodation and tools to counter these changes. To be involved, share ideas, suggestions, stories; have casework experience, or just want to find out more contact Pearl Hui, at Immigrant Women's Speakout Ass'n 9635 8022.

## Disability advocates fear changes to law

Disability advocates have made urgent delegations to the Minister Faye Lo Po to urge her to stand by the current housing legislation for people with disabilities, under the Disability Services Act.

The minister suggested late last year that she intended to overrule the DSA requirement that no more than six people with disabilities be housed together, claiming the rule to be too restrictive.

Members of a number of disability advocate groups have expressed grave concerns about what this may mean for future housing developments for people with disabilities. They are fearful that it may mean a return to the bad old days of 'warehousing' people in large-scale institutions, where individualised care becomes virtually impossible, and where, ultimately, people become excluded from full participation in community life.

The Disability Services Act is widely regarded as a sound articulation of the rights of people with disabilities to appropriate, individualised care and housing, and participation in community life. A Law Reform Commission Review of the DSA, which is currently underway, may also influence the Minister's decision.

## A Bond Board for the U.K.

The British newspaper *The Independent* has recently reported developments for the rights of tenants in the United Kingdom. The article states:

'Greedy landlords who are swindling private tenants out of millions of pounds in deposits are to have their powers removed under a new scheme aimed at protecting vulnerable people, such as students and low-income families who rent houses.'

The new scheme? It's a rental Bond Board very much like our own, which acts as an independent deposits facility and aims to safeguard tenants' money until they vacate the premises.

With 600,000 private tenants in Great Britain, this is a move which the consumer lobby groups consider to be long overdue. A total of £240 million was deposited by British tenants last year. Government research found that almost 25% of tenants had their deposits unfairly withheld by their landlords.

The absence of a fair regulatory system has meant that landlords have been able to decide how much to levy for the deposit and how much, or when, to withhold it - no doubt at great cost to some of the community's most vulnerable.



# Ripped..... A sharehousing rent scam off

**I came to Australia to undertake a six-month master's thesis. When I first arrived, I went to a backpacker's hostel for two weeks, where I started my journey looking for a flat. Finding a suitable room in share accommodation is quite a hard job. After looking around for about a week, and having seen 134 rooms already, I began to feel pressured to find a place so that I could start my study ...**

I decided to move into a 3 bedroom flat sharing with 2 students from China, as I was interested in Chinese culture anyway. When I accepted the large and bright room, I was assured that the messy state of the flat would be cleaned up after the previous tenants moved out. This didn't happen. I set this concern aside as a 'minor thing'.

The room was advertised for \$125 a week, which was quite a lot for me, however, I really wanted to move out of the hostel and the flat was very close to the Uni. The head tenant assured me that the rent for the whole flat was \$320 a week. After discussions, the head tenant agreed to let me have the flat for \$120 a week. As I had the biggest room, it seemed fair that I paid \$120. The bond of four weeks' rent made me feel uncomfortable and it later turned out to be fortunate that I insisted on a receipt for the \$480.

I moved in on the Thursday, so the next rent payment was due on a Thursday, but the head tenant insisted that I pay on the Wednesday. Her attitude and manner made me feel suspicious so, when the opportunity arose, I privately asked my fellow tenant what rent he was paying - he told me he was paying \$80 per week. It took me 3 weeks to clarify what was going on. I was fortunate to discover that the owner of the flat lived next door. When I found her, I asked her what the total rent for the flat was each week, and she told me \$225! So, the next evening we all had a big quarrel - in which I realised the two tenants were in it together, and the landlady found out the whole story. I argued for the rent to be split more fairly. The head tenant argued that she had the right to rip me off for she had been living longer in the flat!!!

At the conclusion of the meeting it was agreed that my rent would be reduced to \$90 a week and they would each pay \$70, which seemed fair in my opinion. Immediately after this discussion, I had to go away for a 4-day conference and was due to return on the next rent day. The head tenant approached me and said that I could only stay if I paid \$105 a week otherwise I was to move out immediately. She refused to accept my \$90.

Upset and frustrated, I decided to find out about my rights, and called the Department of Fair Trading Tenancy Advisory Service. They told me, basically, that I had no rights. Thankfully, I was given the number of the Tenants Union Hotline by the Housing Officer at the University; the Hotline gave me good, detailed advice. After this advice, I communicated with the Head tenant only in writing. At this point, she again refused to lodge my bond or give it to the landlady. The TU Hotline people told me to write a letter to the head tenant formally stating that I accepted the offer made at our meeting to pay rent of \$90 a week. I also included a sentence to the effect that: I noted that to increase my rent above \$90 a week would involve following the requirements of the Residential Tenancies Act and giving me 60 days written notice.

With this happening I decide that it was better to move out and I wrote a second letter giving 21 days notice of termination of my tenancy. The answer from the other tenants was that they would only accept my \$90 rent if I moved out sooner than the 3 weeks. At the same time, they wanted to have spare keys to my room in order to show it to other prospective tenants. After receiving my termination notice the head tenant was afraid I would leave her with a huge phone bill so she locked up the mobile receiver in her room - on Christmas Eve. I had resolved that I would not give her any money for the phone bill since, in the end, I moved out with ten days to spare. The head tenant did not want to give me back my bond on the day I moved out, at which point I told her I would be going to the Residential Tenancies Tribunal.

Clearly, she must have had some legal advice, for she lodged the bond with the RBB that afternoon. She then refused to give me a claim form for the

refund of the bond. In the end it was a hard fight and required another mention of the Tribunal before I got the form at all. She had completed the form so that she would receive all the money. Eventually, she agreed to white-out all the references to herself, and I received the money as I was supposed to.

Whilst matters were eventually solved to my satisfaction, I paid a high price for this incident and lost 4 weeks valuable time for my thesis. I found that I could not sleep well and that I had become emotionally affected since the other tenants and I had begun to quarrel. It is worthy of note that despite this quarrel and the fact that the land lady was interested in a fair rent being charged, they continued to offer this room for \$125 a week, as I saw it advertised on noticeboards at the Uni. In addition, they described the room as furnished, which was a complete misrepresentation, since all the furniture was old and falling apart.

In hindsight, these are the recommendations I would make to any overseas student:

- ask to see the lease agreement which the tenants have signed - this way you can check the total rent for the premises.
- check market rent levels for the area you are considering in local papers and the Sydney Morning Herald - even if you gain a basic idea of rent levels in the area you will be well prepared when you actually go and start to look for a place.
- be aware of contacts like the Tenants Union so that you can seek alternative and independent advice - the government funded service does not tell you all you need to know and is inclined towards a view that share accommodation is a problem area and that you have no rights - this is not true!!
- insist on getting a receipt for every payment you make.
- if you are required to pay a bond ask the head tenant if they plan to lodge it with the Rental Bond Board.

Dagmar Gramatzki

## Housing freeze due to hail storm

People approved for priority housing by the Department of Housing may now face a long wait, according to reports which estimate the Department's hail damage bill to be in the millions. Since the Department has had to relocate many tenants in the city, it is expected that it could be some time before vacancy rates return to normal. The same might be said for the private market, according to real estate agent's reports.

April's spectacular storm - which devastated roofs, ceilings and windows at many properties in Sydney's Eastern Suburbs - continues to cause distress for many tenants who were made homeless by the damage. Tenants Advice lines have been jammed with callers making desperate enquiries about how to deal with emergency

repairs and where to find suitable alternative accommodation. In some cases, landlords have pressured tenants to move out unfairly, claiming the premises to be uninhabitable. In many of these cases, the problem could have been solved by simply securing a tarpaulin over the damaged roof.

The Department of Housing issued a press release saying that rent abatements would be available to all tenants whose homes were affected by the storm. The Department also provided temporary accommodation for public and private tenants who were made homeless.

### Rehearsing the Olympics

Sydney's hail-homeless will testify to the difficulty a person currently faces, when searching for short-

term shelter. The storm has highlighted Sydney's lack of emergency housing and the city's poor preparation for providing large-scale welfare relief. Some housing workers have commented that the hailstorm could be seen as a rehearsal for the Olympics, which is expected to cause an emergency housing crisis.

Many of Sydney's hotels have been booked out for weeks surrounding the Olympics since the announcement of Sydney's winning bid. People drawn to the city in search of work, people made homeless by opportunistic rent increases for the Olympic period, and people who would usually be placed in temporary accommodation by Community Services will have little access to emergency housing during this time.





# Tenants Have Rights!

## How to avoid problems

- ☒ Start by reading your residential tenancy agreement. Get some help if you can't understand it.
- ☒ Tell your landlord, or the landlord's agent, about any problems and tell them what you want. You should confirm anything you agree to in writing and to send your landlord a copy.
- ☒ Remember that the agent works for the landlord.
- ☒ Keep a written record of what happens between you and your landlord or agent, including what each of you said and when.
- ☒ Keep copies of your:
  - Residential Tenancy Agreement
  - Condition Report
  - receipts for rent and bond money
  - all letters and written records.
- ☒ Never sign a blank form or any papers you don't understand.
- ☒ If you receive notice of a Tribunal hearing you should always attend.
- ☒ Remember that if you stop paying rent you can be asked to leave. Rent strikes do not work.

## For more help

Contact your local Tenants Advice and Advocacy Service. Workers will be happy to call you back if you live out of the area.

## Inner Sydney

02 9698 5975

## Inner Western Sydney

02 9559 2899

## Southern Sydney TAAS

02 9787 4679

## South West Sydney

02 9601 6577

## Eastern Suburbs Tenants Service

02 9386 9147

## Western Sydney Tenants service

02 9891 6377

## Northern Sydney

02 9964 9654

## Central Coast TAAS

02 4353 5515

## Hunter TAAS

02 4929 6888

## Illawarra/South coast

02 4274 3475

## Mid Coast TAAS

1800 777 722

## North Coast TAAS

1800 649 135

## North Western NSW

1800 642 609

## South Western NSW

1800 642 609

## Aged Tenants Service

1800 451 488

## Aboriginal Services

## Western NSW

1800 810 233

## Southern NSW

1800 672 185

## Northern NSW

1800 248 913

## Greater Sydney

02 9690 0020

**Your landlord can't evict you—only the Residential Tenancies Tribunal can do this.**

**Tenants' Union Hotline**  
Ph: (02) 9251 6590

Phone advice:  
Mon-Fri 9.30am-1pm and 2-5pm

# Get a new lease on life... join the Tenants' Union!

## 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 .....

