

## Beach-side tenants fight Olympic tide



Actor Michael Caton and a local tenant (above) lend their support at a meeting of outraged Bondi tenants. Record levels of eviction and rent increases in the Waverley Local Government Area have galvanised tenancy groups to campaign for law reform, ANNETTE WADE Co-ordinator of EATS explains.

The Eastern Area Tenants Service (EATS) has taken up the challenge to defend a group of tenants from the Waverley local government area, who are threatened with evictions and rent increases. Olympics-related market speculation is thought to be causing problems for large numbers of tenants in the area.

The Residential Tenancies Act contains provision for tenants to challenge excessive rent increases, but doing so is extremely difficult. The first hurdle for the tenant is proving that the rent increase will place the rent above the market rent of the area. EATS' tenancy workers are finding it increasingly difficult to advise tenants because of the rapid escalation of market rents in the Waverley area. EATS also believes that soaring numbers of tenants receiving 60-day 'no cause' termination notices, is linked to rent increases.

Many landlords are using the relative ease of eviction as a 'backdoor' method of achieving a high rent increase without having to deal with the sitting tenants. Likewise, under current tenancy laws it's very difficult for most tenants to challenge these cases in the Residential Tribunal.

Sadly this means the loss of many long-standing members of the Waverley community. It is not just low-income tenants being forced out - in recent times rents have risen to such levels that they are now unaffordable to most working people. EATS estimates that around 1 in 10 of the tenants they advise are in this situation. The tenancy services regularly receive reports of mass rent increases and evictions where the tenants have not sought advice or assistance. Fears of 'bad tenant black-listing' or not being able to get a reference deter tenants from taking any action to protect their rights.

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### Tribunal accepts Olympics evidence

One man's recent win in the Residential Tribunal represents a symbolic victory for all struggling Sydney tenants. FIONA BRITTON reports.

The Residential Tribunal, which mediates disputes between landlords and tenants, accepted evidence in Mircia Lupu's hearing that there is an Olympic effect on rent levels.

In a test case run by Eastern Area Tenants Service, the Tribunal member accepted that rent increases for Mr Lupu's Bronte bedsit were the result of market volatility connected to the Olympics, which had the effect of raising rent levels in his area. It is the first time such an argument has been used to successfully fight a rent increase.

Mr Lupu's rent had increased 36% in 11 months. The member determined that Mr Lupu's rent should be increased by an amount substantially less than what the landlord tried to charge.

#### Market rents "excessive"

When a tenant makes an application to the Tribunal that a rent increase has been excessive, the member usually considers the tenant's rent against market rents for similar premises in the area. But Annette Wade from EATS argued that an anomalous market had been created in Waverley by landlords eager to cash in on the Games 'goldrush'. Rents have skyrocketed throughout the area, creating an excessive market rent level. Ms Wade quoted former Tribunal Chairman Mr Harley Rustin who had stated his rejection of the argument that "the test of what the general market level is, is what could be obtained if the property was put on the open market".

Expert Tribunal witnesses indicated that there had been sharp escalation in Waverley rents

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Printed by Marrickville Print and Design

ISSN-1030-1054

**Aims of the Tenants Union**

The Tenants Union aims to represent the interests of tenants in NSW, both private and public, including boarders and lodgers and residential parks by:

- raising awareness about tenants' problems and rights
- providing high quality advocacy and advice to tenants
- lobbying for improvements in residential tenancy laws
- promoting secure and appropriate housing solutions
- supporting, training and resourcing local, independent statewide tenants advice services

The Tenants Union has been active in promoting the rights of more than 1.5 million tenants in NSW since its formation in 1976.

Over this time we have advocated to government, developed policies for law reform and campaigned for more just and equitable laws to cover renting in NSW. We have also produced numerous resources that provide information to tenants about their rights and tenancy law in NSW.



tenants' union of nsw

**Olympics impact**

There is no doubt in the minds of tenants, tenancy workers and landlords that the Olympic Games has created an environment to be cashed in on. Not every landlord intends to evict tenants for lucrative short-term rentals, however this speculation has accelerated a gentrification process which will be felt long after the games are over - particularly in the Waverley municipality.

**Mayor supports Bondi campaign**

While EATS has been an active supporter of the Rentwatchers campaign and the Tenants Union's work on tenancy law reform, pressure and frustration from local tenants and services convinced us that local action was needed to support these campaigns. This decision to act coincided with an announcement by Waverley Mayor Paul Pearce, in response to complaints from tenants, that he intended to publicly 'shame' any greedy landlord who raised rents excessively or evicted a tenant for no reason.

The campaign was launched at a Saturday morning rally at the Hall Street Post Office in Bondi Beach on the 13th May 2000. A small but committed group of tenants turned up to hear speeches from Mayor Pearce, EATS, Rentwatchers and the Tenants Union. The media response was excellent, with many opportunities for tenants to tell their stories to radio and newspaper reporters. The rally gave the tenants the incentive to continue the campaign.

**Bondi tenants fight back**

As part of this campaign, EATS decided to team up with local tenant and film maker Tim Burns and his company Burning Illusions, to make a documentary and record tenants' stories. The aim



was to highlight the impact on the Bondi community. It was hoped that this project could provide further 'proof' to the State Government that inadequate tenancy laws did have a huge effect on local communities. Waverley Council provided funding for the film project, though resources were very limited.

Six brave tenants come forward to 'star' in the documentary. Lesia Hrubbyj and Jenny Fraser who are both sole parents, and Katrina Macmillan faced eviction. Mircia Lupu, Bob Smith and Wendy Holl had received excessive rent increases - a small number of the hundreds who were faced with a similar problem.

On June 21st, *Against the Tide - Bondi Tenants Fight Back* was launched at a public meeting attended by around 80 tenants - including local actor Michael Caton, star of the film *The Castle*, who was happy to lend his support.

Motions calling on the State Government to immediately amend the Residential Tenancies Act to guarantee a minimum level of security of tenure, limit rent increases and abolish 'no grounds' evictions, were passed at the meeting. Forty tenants committed themselves to being part of a campaign group to work on these issues. The motions and the video have been sent to Fair Trading Minister John Watkins, Housing Minister Andrew Refshauge and Premier Bob Carr with no response.

**What happened to the Bondi tenants from the documentary?**

Lesia Hrubbyj and Bob Smith's tenancy issues have had a happy ending. A local businessman bought Lesias' unit and allowed her to stay and Bob's son moved in with him which meant he could stay. Less fortunate were Jenny Fraser and her daughter who were forced to move to Blacktown. Katrina McMillan moved out and Wendy Holl settled with her landlord for a smaller rent increase.

Mircia Lupu's new rent was more than his income so had to rely on donations to stay in his flat until his case was heard by the Residential Tribunal (see results on front page).

This article was published in *Inner Voice* - Winter 2000

From page 1

**Olympic evidence accepted by Tribunal**

since December 1999. Rod Plant spoke as Executive Officer of Shelter NSW and as a member of the Ministerial Olympics Monitoring Committee. He argued that the Committee had reported that Waverley Local Government Area was part of an 'Olympics Corridor', where opportunistic rent increases had occurred.

Councillor Paul Pearce, Mayor of Waverley, stated that his office had received unprecedented numbers of complaints about landlords acting to evict tenants, and about rent increases. Before this year, complaints about these matters were minimal, he said.

**Law reform still needed**

Annette Wade is pleased about the Tribunal's recognition of the Olympics. But she urges that

law reform is still the object of the campaign at EATS:

"It's notoriously hard to fight a rent increase in the Tribunal because the law puts the onus on tenants to prove that the rent is excessive compared to other rents in the area. In a rental market where whole suburbs have seen huge rent increases, that's just unfair to tenants."

"Not all tenants will get the backing of expert witnesses and a tenants advocate in the Tribunal."

"Tenants will only be assured of a fair go when the law is changed. Landlords should not have the option to evict tenants with 'no cause', put the rent up and re-let the premises"

Ms Wade also warned that the law makes no provision for a rent reduction for tenants who have had rent increases over the Olympics.

**"Tenants will only be assured of a fair go when the law is changed."**

# Boarders and lodgers and backpackers too

**He sits on a park bench in Burwood and wipes his forehead with shaky hands. Daniel is anxious. And he has a lot to be anxious about. Daniel is 51, and lives in a boarding house. The caretaker is violent, there are holes in the roof and the mattresses are stained. "I think I'm in hell," he says. SASCHA HUTCHINSON and TARA RAVENS get both sides of the boarding house story.**

This is the reality for many of the 20,000 people in Sydney who have no option but to call a boarding house home - or live on the streets.

In an attempt to combat the poor living conditions in many boarding houses, the NSW Department of Fair Trading convened a high-level working party. It aims to assess the need for legislation giving boarders, as well as boarding house owners, rights under the law.

Boarders' rights have been a contentious issue since 1987, when they were excluded from the Residential Tenancy Act. Despite an election promise by the Labor Party in 1991 to rectify this situation, eight years later nothing has changed.

"Not only are we seeing the conversion of boarding house accommodation to cash in on the Olympics, but during the Games period we're going to see boarders and lodgers evicted," says Will Roden, Policy and Liaison officer with the Shelter NSW.

"Tenants will be put out so boarding house owners can get higher paying tourists in for the short term," he warns.

Not according to Suzanne Jervay of the Property Owners Association. "The Olympics are exactly a two week period. Will you throw out all your residents for a two-week period? No. It's ludicrous."

Ms Jervay, who owns two boarding houses, warns against government intervention. "We're fighting for the survival of this type of accommodation," she says.

"Boarding house owners are terrified of any legislative control. The Olympics have hurt our industry very badly. They've become the excuse, the hook to attack the owners and the service we provide."

There is widespread speculation about why boarding house legislation is on the government agenda.

"That's the million dollar question," says Peter Mott, from Marrickville Legal Centre. "I would hope they have a commitment to the public, that they could see the injustices, but that's not likely."

A fire at a boarding house in Ashfield intensified public concern over conditions. The working party met for the first time soon afterwards, but a year later, legislation is still a long way off. And for boarders like Daniel, the worries grow.

"There were 44 of us in that place and we had to share two kitchens and three bathrooms. There were holes in the roof and all the mattresses were cut."

Daniel was forced to leave the boarding house after he complained. He is not alone.

"It's so unjust," says Peter Mott. "It is inconceivable that boarders and lodgers have no fundamental legal protection. I've always thought there has to be legislation at the end of this, but that's not the way the system works. You don't necessarily get what is fair and just."



**"It's so unjust ... It is inconceivable that boarders and lodgers have no fundamental legal protection."**

Many doubted that legislation would be passed in time for the Olympics. "I don't think it's very likely," said the Reverend Harry Herbert, director of the Uniting Church Board for Social Responsibility. "I don't think the Government has a very strong commitment to it. This is an issue that has been fobbed off for a long time. I'd like it to be dealt with before the Olympics, but I wouldn't have much confidence."

MPs rejected a bill eight years ago to give boarders legal rights, due to objections from the hotel and

**For the thousands of people who rely on boarding houses for long-term accommodation, rising charges and pending closures are a real threat.**

motel industry. Government efforts to maintain boarding house stock have failed, largely due to the fact that it pays boarding house owners better to convert their property to more expensive accommodation. In the past five years, South Sydney Council has seen 76 per cent of boarding houses in the area close, according to the 1998 Inner Sydney Boarding House Report. Burwood's boarding house stock was down by 39 per cent, Leichardt by 41 per cent and North Sydney by 27 per cent. Overall this has meant a loss of thousands of boarding house places, with 51 per cent of stock converted to flats, 23 per cent to private residence, and the rest to other commercial purposes.

Housing officials accept that the Government has to maintain boarding houses as a form of low-cost accommodation, or have thousands of homeless people forced to live on the streets.

Almost three-quarters of boarders are long-term residents, with 51 per cent having lived in a boarding house for more than a year, and 18 per cent for more than 10 years.

For the thousands of people who rely on boarding houses for long term accommodation, rising charges and pending closures are a real threat. This fear is shared by government officials who are keen to encourage boarding house owners to stay in the business as a way of keeping evicted tenants off the streets.

"The owners seem to have an extraordinary political persuasion with the government," says Harry Herbert. "I don't know what they've got, but if we could bottle it and use it, I'd like to have it."

"I think the threat they make is that if you muck us around we'll go out of business - and the Government is naturally concerned that if all these boarding houses shut, there won't be any accommodation left for low-income people."

Boarding house residents are among the most vulnerable in the population. About 20 per cent are unemployed, and a further 30 per cent rely on pensions. Close to a fifth have some form of disability. But they still have no legal protection.

"They don't have the legal rights every other social group is entitled to," says Peter Mott. "It doesn't make sense that boarders and lodgers, who are particularly vulnerable, are excluded from the law's protection."

But for the Government there is no easy solution. While boarders need legal rights, legislation could jeopardise the accommodation they rely on. "If you get legislation that benefits boarding house residents too much, you will get a lot more people

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# Proof

The Official Government line is that there is no Olympics impact on the Sydney rental market. Yet the Government's own analysts have evidence of Olympics effects in their quarterly rent and sales figures. We say there's more than enough proof. NICK WARREN reports.

Independent monitoring of rent levels for the Department of Fair Trading has provided evidence that the Olympic Games are accelerating processes of gentrification and raising housing costs in Sydney.

The latest monitoring report, released at the end of August and covering the period January to March 2000, confirms previous evidence of high level rent rises and increasing concern around evictions.

In this report, the consultants, Robyn Kennedy and Peter Phibbs, found inflationary pressures in a larger number of local government areas than in previous quarters, median rent increases higher than in previous quarters and an increase in inquiries to Tenants Advice Services in relation to both rent increases and terminations.

From the start, community members have called on the NSW Government to ensure that everyone benefits from the 2000 Games. When the bid was being promoted, we were promised that everyone would 'share the spirit' and the benefits, and that the Olympics would not impact adversely upon tenants in NSW. The Government acknowledged the risk to tenants when it made this commitment.

Despite the evidence of high social costs from previous mega-events, preparations in Sydney have been poorly coordinated, secretive and poorly informed. Key recommendations based on Australian and international experience, have been ignored.

### Private renters bear the cost

This is particularly evident in the private rental market. Rental market monitoring has not led to action. The Minister for Fair Trading has consistently commented only on parts of the independent Olympics Monitoring Reports, that

support the governments predetermined position of 'no negative impacts'.

This is despite the report consistently showing the impact of gentrification and increasing displacement of tenants. Supporting evidence comes from the Rental Bond Board, Tenants Advice & Advocacy Services and the Residential Tribunal. Official scepticism about the precise cause of these impacts, has meant the Government maintains its "we can't see any Olympic impact"

### Upward trends in rent increases and terminations

Ring	Termination by Landlord			Rent Increase		
	March 98	March 99	March 00	March 98	March 99	March 00
Inner	72	164	284	61	73	177
Middle	74	90	99	18	27	44
Outer	279	287	387	44	60	197
Total	425	541	770	123	160	418

From: March Quarter, 2000 Olympics Monitoring Report, Kennedy & co.

stance. For the Carr Labor Government, it seems that all Olympics impacts are good impacts and you shouldn't mention homelessness and the Olympics in the same sentence.

The Olympics have stimulated an enormous boom in construction and property development in Sydney. About \$9 billion worth of sporting facilities, \$4 billion worth of work on 10 office blocks, four luxury hotels, and 11 residential and apartment blocks, \$200 million on 'beautifying' the city, and \$1.5 billion on refurbishing Darling Harbour (The Australian, 18 July 1998).

These developments are concentrated west from the city centre along the foreshores of the harbour and the Parramatta River to Homebush Bay - traditionally home to a high proportion of low-income and working class people.

### Six years' preparation

This accelerated gentrification was identified as a potential impact to Government in 1994. Yet the intervening years have seen very little constructive reform of our tenancy laws, despite

major reviews into tenancy legislation on competition principles, reports into the need for Boarders and Lodgers legislation and independent Olympics monitoring. At this moment, the government is sitting on two major reports recommending reform.

On 13 May 1999 Ian Cohen of the Greens introduced a Bill to protect tenants to the NSW Upper House. In his second reading speech, Mr Cohen said "Finding secure, affordable housing has become much harder for vulnerable members of the community over the last decade. The Olympics should be seen as an opportunity to address this long-term problem, rather than an excuse for allowing it to deteriorate further, with predictable and negative long-term consequences for everybody."

The Bill was rejected by the NSW Legislative Council in September 1999 because of the lack of government support.

Shelter released a report in 1999 entitled *Ready... Set... Go...! It's Time for action on housing and homelessness* (see opposite). This report made many practical suggestions for the NSW Government to ensure that the steady increase in homelessness will not lead to a crisis during the Olympics. It also recommended amendments to the Residential Tenancies Act as outlined above, but this did not occur.

The hardship that these pressures are creating, is evident in the number of people seeking assistance from Tenants Advice Services on these issues. Tenants Services have seen an enormous growth in these inquiries over the last two years, particularly in Sydney's inner ring and outer ring of suburbs (see table). A little Government action would go a long way to address these problems, but holding your breath in anticipation of this, is not advised.

## Canadian activists want Bread Not Circuses

As Toronto makes preparations for its 2008 Olympic Games bid, Canadian activists are travelling the globe to learn how to protect their communities from the lasting impact of mega-events. NICK WARREN, the Tenants Union Policy and Publicity Officer, reports on Hulchanski's visit.

Dr David Hulchanski, Professor of Housing at the University of Toronto visited Australia in late August, to address a state conference on affordable housing in Queensland. While here, he took the opportunity to investigate Sydney's Olympics preparations first hand.

Professor Hulchanski has a particular interest because Toronto is bidding for the 2008 Olympic games. David works with Bread Not Circuses, a campaign to examine and publicise the truth around Toronto's Olympics bid. His University research confirms what other studies of mega-events have found - that these events only serve to widen the gap between rich and poor and that the associated development and gentrification often displace the most vulnerable in our society.

### David speaks to Sydney activists

Sydney's housing and community workers heard Professor Hulchanski describe Toronto's preparation for Olympic social impacts. Much of what David reported was familiar to the local audience. Clearly, the pattern of denial and

inaction which has been seen in Sydney, is repeating itself in Canada.

The Toronto Bid Committee's preliminary social impact report was released in response to pressure from Bread Not Circuses. As they expected, the report downplays any possible negative impacts.

He reflected on the similarities between our two countries. We share a history of multi-ethnic immigration and indigenous displacement. Common themes in our recent political debates reflect our similar social and economic development. Sydney's Olympic experience will provide useful evidence to Toronto activists who are predicting lasting Olympic effects.

### Games fever grips Toronto

David commented on how the idea of a bid has taken hold of the city's officials and power elites, without any general popular support. The political climate has changed and dissenting voices have been silenced. Until recently, the Mayor of Toronto was an outspoken advocate for more action on

housing affordability and homelessness. Since the bid announcement, his office has gone quiet.

Canadians are being lobbied with 'private polls' that claim to show mass support for the Games bid, and which appeal to their nationalism, city pride and economic self-interest. One of David's major concerns is that, like in Sydney, the bid is being sold on rhetoric about ill-defined widespread economic benefits, assurances that there will be no cost to the public, and foggy notions about a 'world city' and the global economy. Of course, there is a denial of any possible adverse impacts.



Hulchanski in Sydney, August

**Last year Shelter NSW produced a report called *Ready... Set... Go!* which recommended 46 strategies for safeguarding rights during the Olympics. Did the Government deliver? WILL RODEN from Shelter reports.**

*Ready... Set... Go!* identified the negative impact of the Games on homeless people, private renters and other groups, and then developed a detailed plan for government action in the lead up to the Olympics.

**Homelessness**

*Ready ... Set ... Go!* found that demand for homelessness services is likely to increase during the Games and the supply of available accommodation will shrink. The report suggested that homeless people would be more visible than usual and that they would be vulnerable to abuse and harassment from authorities and members of the public.



# Not ready, barely set, but here we go

The report recommended that the NSW Government:

1. Establish an Olympics and Homelessness Task Force comprising representatives from government and the community sector to develop a complete set of Olympic impact management strategies;
2. Secure accommodation for homeless people during the Games by establishing new short to medium term accommodation facilities in areas of high demand, using surplus government property, pre-booking low cost accommodation, and preparing an emergency temporary accommodation plan utilising community halls, etc;
3. Use other major events as 'test events' to trial homelessness strategies;
4. Develop a Homelessness Code of Conduct with the police, local government and the Olympic Co-ordination Authority (OCA); and
5. Establish a Homelessness Ombudsman to oversee the Homelessness Code of Conduct.

Since this time, the Department of Housing (DoH) has taken the lead role in developing a contingency plan for homelessness during the Games. The DoH has been reluctant to reveal the full details of its plan but we understand that 300 units of low-cost accommodation have been pre-booked and that a number of surplus government properties have been adapted to temporarily house homeless people. In addition, OCA has taken a lead in developing a homelessness code of conduct between police, security guards and other groups.

The two questions about the Government's Olympic homelessness plans are:

1. Will the extra accommodation be enough? It is impossible to predict the number of people that will be homeless during the Games, so the DoH must put in place a contingency plan with greater capacity and flexibility. Such a plan would incorporate 400 to 500 beds in a number of medium-sized fully staffed centres, another 800 to 1,000 identified places that can be equipped and staffed at short notice if required, and a fall-back option of community halls that can be equipped and staffed if numbers exceed those provided for in the first two accommodation options.
2. Will the code of conduct be monitored? A Homelessness Code of Conduct has been

established (see page 6). Although the NSW Government rejected the proposal for a Homelessness Ombudsman, the State Ombudsman has agreed to take complaints about breaches of the protocol. Despite lobbying by advocate groups, the protocol has no legislative power.

**Tenants**

*Ready ... Set ... Go!* also examined the impact on tenants. The construction of new facilities and improved amenity around Homebush has been partly responsible for rent increases in the Olympic Corridor (from Parramatta to the City of Sydney). The report noted evidence of rent gouging and displacement of tenants in the lead up to the Games.

Consequently, *Ready ... Set ... Go!* recommended that the Residential Tenancies Act 1987 be amended to limit rent increases to one per year, replace provisions allowing 'without grounds' termination of leases with 'just cause' provisions, and more effectively control excessive rent increases. It also recommended that a temporary rent cap should apply for a limited period in 2000. This would limit rent increases to the consumer price index.

To date the response from the NSW government has been extremely frustrating. There has been no acknowledgment that there is any impact on private renters from the Olympics. This is despite recommendations made in a government commissioned report to strengthen residential tenancy legislation to protect tenants from unfair rent increases in the lead up to the Games (1).

Instead the government has adopted a strategy of only monitoring changes in the private rental market. The report warns that this approach will fail unless the State Government uses tools to mitigate the negative effects of the Games, including increased rents, uncertainty for tenants, and the possible displacement of tenants.

**Boarders and lodgers**

The second area of concern identified in *Ready ... Set ... Go!* was the impact on boarders and lodgers. In the lead up to the Games significant amounts of boarding house stock have been lost as owners have chosen to redevelop their properties for tourist accommodation. The report noted that during the Games it is highly likely that long term residents of boarding houses will simply be evicted and replaced by higher paying tourists.

The report recommended that boarders and lodgers be given protection under legislation so that they enjoy similar rights to tenants. It also proposed that State Environmental Planning Policy 10, which deals with the retention of low cost housing, should be extended in its geographical coverage and to include private hotels/motels and pubs providing longer term accommodation.

The NSW Government has been slow to protect boarders and lodgers. While some changes have recently been made to planning provisions protecting boarding house stock, there is still no legislation for the rights of boarders and lodgers.

**Caravan park residents**

The final area of concern in the report was the impact on caravan park residents. Many long term residents are highly vulnerable to impacts from tourists, especially those with 'trial tenancies'. *Ready... Set... Go!* recommended that 'trial tenancy' provisions be rescinded and that the NSW government ensure that long term caravan park sites are not used for visitor accommodation during the Games. So far there has been no action on these issues.

**A co-ordinated response**

The social impact management for the 2000 Olympics to date has been piece-meal. To encourage a coordinated approach, it was proposed that a sub-committee of the NSW Cabinet be established to oversee progress in managing the social impacts of the Games and that an issues manager be nominated from within the NSW Premier's Department to coordinate the whole-of-government response to the social impact management of the Olympics.

Neither of these recommendations has been adopted. The Government has instead taken the approach of identifying lead agencies in each social impact area. This has led to an uncoordinated response. Some agencies, such as the Department of Housing have taken affirmative action but others, such as the Department of Fair Trading, have made no attempt to protect low income tenants.

Before too long, we'll we find out how well we prepared ourselves.

1 The 2000 Olympics and the Residential Tenancy Market (Cox, Kennedy, Phibbs & Sutherland, 1998) made a number of recommendations for tenants' rights under legislation.

# I am a boarder...

## Tenants Advice Services

See back page for your local service

## Olympics

# Survival

If you live in a boarding house in Sydney in the year 2000 you are probably feeling very insecure by now as landlords all over the city try to milk the Olympic cash cow. You might have overheard the caretaker or landlord talking about "getting backpackers" in, or perhaps you suddenly find painters slapping on a fresh coat of paint. Maybe a sign has just been put up advertising the place as having "rooms to let". Polly Porteous, a tenancy worker at the Inner Sydney Tenants Advice Service, has some good advice for boarders & lodgers who feel at risk.

### What do I do if live in a boarding house and the owner has started bringing backpackers or tourists in?

The first thing you should do is contact your local tenants advice service. They will be able to advise you about your legal rights to resist eviction. You or the tenants advice service can then call the local council to find out if the owner of the property has permission to run the place as a tourist or backpacker hostel. Councils have local environment plans and zoning regulations which may stop "commercial" premises (e.g. backpacker hostels or tourist lodgings) from operating in areas zoned as residential. It is also necessary for owners to lodge development applications if they wish to change a boarding house to another use. This takes some time. Ultimately the Department of Housing and the local council have the power to refuse permission for the change to occur. If the owner doesn't have permission to run a backpackers or tourist hostel, the council may be able to order them to stop bringing tourists in immediately.

### What do I do if I am told to leave my boarding house?

You should contact a tenants advice service immediately. They will advise you about your legal status: for example, are you a boarder, lodger, tenant under the Residential Tenancies Act or a protected tenant? It is important to determine your status as this can affect what advice is given. In general the following categories may apply;

**You are a Boarder/Lodger:** If the landlord has a lot of control over the resident's use of the premises (has "mastery"), the resident is likely to be a boarder or lodger. Technically, a boarder is a lodger who receives meals. But the terms are often interchanged. There is no legislation that covers boarders/ lodgers rights. In common law boarders have a "contract" for accommodation that lasts for as long as the amount of rent they have paid, e.g. they pay rent every fortnight, they have a contract to receive accommodation for 2 weeks. So, if the landlord wants to increase the rent or evict, they should give 2 weeks notice. The problem here is that if the landlord fails to give this amount of notice, the boarder/lodger would have to apply to the Local Court or (in the case of evictions) to the Supreme Court. This is extremely expensive, inaccessible and time-consuming. Therefore boarders have effectively no legally enforceable rights. That is why it is important to seek advice.

**You are a Tenant:** If the resident has "exclusive possession" of their room, and the landlord doesn't have mastery of the room, they are a tenant under the Residential Tenancies Act. Tenants have the right to be given certain amounts of notice for eviction and for rent increases, as well as rights to repairs and to have "quiet enjoyment" of the premises. Tenants can assert their rights through the Residential Tribunal.

### Do I have any extra rights if I've lived in my boarding house a long time?

If you have lived in the same room since 1986 you might be termed a "protected tenant." Protected tenants are covered by the Landlord and Tenant (Amendment) Act 1948. This law was introduced after World War 2 during a housing shortage, to protect tenants from unfair evictions. The law still applies to certain "controlled" premises which can include a room in a boarding house. Protected tenants have the right to be only charged "fair" rents, which are much lower than market rents; they also have very strong rights to resist evictions. There are still many people who are unaware that they could be protected by this legislation. The most important thing to look out for is whether you have been living in the premises since before 1986. If you have, it is extremely important that you seek advice from your local tenancy service or the Tenants Union Hotline. Ph: 9251 6590

# Homeless protocol

## Legal help

For 24-hour assistance to homeless people from September 9 - 30

9698 7277

During the Olympics period, a protocol for the treatment of homeless people will be in operation in Sydney's CBD. This protocol has been developed by the Olympic Coordination Authority and will be used by all relevant staff in organisations such as the NSW Police, the Department of Housing, Sydney City Council and the Olympic Security Command Centre in any contact they have with homeless people.

The protocol has some important principles such as:

- \* the right of all people to be in public places;
- \* people won't be harassed or moved on from Olympic Live Sites or public places unless some action occurs which constitutes a breach of the peace;
- \* service provision and assistance will continue to be provided to homeless people during the Olympics;
- \* people who are paid or voluntary staff will get appropriate training which enables them to relate to homeless people in a 'courteous' manner and to provide assistance if required.

Overall, the protocol is perfectly clear that the person is to be left alone unless they either request assistance, appear distressed or in need of assistance or are behaving in a manner which 'threatens their safety or the safety and security of people around them'. Should any of these situations arise, staff are then instructed to immediately contact the City of Sydney's Homeless Outreach workers. Phone: 9265 9087.

Clearly the difficult issues will arise over definitions of what constitutes a 'breach of the peace' or at what point someone's behaviour is considered to be a threat to themselves or others. Redfern Legal Centre is coordinating a roster of lawyers to be able to assist anyone who requires legal representation. Phone: 9698 7277.

The Homeless Protocol will be monitored by the State Ombudsman as well as advocacy groups like the Tenants Union, Shelter, NCOSS and Redfern Legal Centre.

## ...I am a tenant

If you are a tenant during the Olympic games in Sydney and you happen to live in the desirable Eastern suburbs or the inner west's 'Olympic Corridor' you may feel uneasy if your landlord has started to behave strangely. Here are some tips for tenants during the Olympic madness.

**My landlord tells me that at the last minute he wants to rent my place to tourists. When I don't agree, he tells me he will lock me out - what should I do ?**

First of all your landlord cannot just kick you out. If a landlord wants to evict you he has to serve you a 60 day notice. Even then, you can stay beyond the date on the termination notice, The Landlord would have to make an application to the Residential Tribunal (RT) seeking vacant possession of the premises. Only the RT can evict a tenant. If a landlord changes the lock and locks you out they could find themselves being fined as much as \$22,000.

**My landlord says that he could be getting \$2000 a week for my place during the Olympics and he wants to give me a huge rent increase. What should I do?**

The Landlord has to serve you with a written, 60-day notice of the rent increase. Even then you can try to fight the rent increase at the RT. This can be tough. It is wise to contact your local Tenants Advice Service for further information. Remember you only have 28 days once the notice of the rent increase is received to get your application to the Tribunal (see back page).

**My landlord has friends visiting from overseas and he wants them to stay at my place during the Olympics. Do I have to agree?**

This is one of those rare clear cut cases. The landlord has no right at all to do this. Under the Residential Tenancies Act (RTA), as a tenant you have the right to quiet enjoyment of your home. If the Landlord keeps harassing you about this issue it is best to send him/her a warning letter telling them that if they continue to insist, you will go to the Residential Tribunal and ask for orders that they stop . The landlord could incur a \$550 fine.

**I rely on public transport. I have a Tribunal hearing on the other side of the city, and I am concerned that I won't be able to get there. What should I do ?**

Fax the Residential Tribunal immediately saying you have trouble with the transport and that you will be late. Explain why you have a particular difficulty that sets you apart from the average person using the transport system. The Residential Tribunal Act gives the sitting member wide powers to make decisions so the member may hold what is called an 'ex parte' hearing - this just means that they can make a decision even if you are not there. Even though your side of the story was not heard you will be bound by this decision. One option you could take if this happens is to lodge what is called a 'Section 63' application. If you have a good argument they might set aside the decision and set a new hearing for you. This is fairly complicated and you would need to get advice from a tenancy service or solicitor about your particular circumstances.

During the Olympics the RT will be operating from suburban venues (see page 8).

**If I need tenancy advice who should I contact ?**

First try contacting the Tenancy service in your area, under tenancy in the white pages - or see contact numbers below. These services will be operating throughout the Olympic period.

The Tenants Union will be operating the tenants Hotline on 9251 6590 for urgent tenancy advice. The Department of Fair Trading has a telephone advice service for tenants and landlords, on 9377 9100 or 1800 451 301.

**Tenants  
Union  
Hotline  
9251 6590**

**Olympics  
SURVIVAL**

## ...I am homeless

If you are a homeless person or do not have anywhere to stay the following Questions & Answers may help you.

**I am used to sleeping rough around the city. Will I still be able to do this during the Olympics?**

While the CBD is not entirely classified as a 'live site' (see below) there will be lots of places within the CBD that are. Security and Police are going to want to keep public events and queues problem free and there is a chance that if you are perceived as a 'problem' you will be moved on - even if you are not doing anything wrong. This breaches the Homeless protocol (see page 6). The Homeless Protocol seeks to assist homeless or 'street' people during the Olympic Games period, and may conflict with the Olympic Arrangements Act 2000 (OAA) which allows police, rangers and some security guards to move people on for any reason - such as just 'not liking the look of them'. The state Ombudsman and volunteers working on Redfern Legal Centre's - Legal Assistance Line will be specifically asked to record any complaints or information about actual or potential breaches of the Homeless Protocol.

**Which laws apply to Olympic 'live' sites (Olympic venues)**

Live sites are covered by the OAA 2000 laws. Public spaces can be closed off in both the Sydney Harbour Foreshore area and the Homebush Bay area. Relevant authorities have the power to close any part of the public domain to the public and once closed, it is an offence to enter that area without authority. These authorities also have powers to charge admission to enter parts of public space and limit the number of people entering. Someone in a 'Live Site' area will be subject to the same laws as if they were at Homebush Bay or in the area covered by the Sydney Harbour Foreshore Authority

**Where do these new laws apply?**

**Sydney Harbour Foreshore Authority Regulation 1999 ('SHFAR'):** Applies to the foreshore areas from Elizabeth Bay through to east Balmain, it includes Woolloomooloo Bay, the area around Circular Quay, Walsh Bay, Millers Point and Cockle Bay, and goes inland to include part of Pyrmont and Ultimo (bounded by Broadway and Wattle St) as well as the Australian Technology Park area in Redfern.

**Homebush Bay Operations Regulation 1999 ('HBOR'):** the Homebush Bay area. The Olympics Arrangements Act 2000 (OAA) allows for the HBOR to apply to any areas in NSW. These areas include Olympic sites and areas near Olympic sites.

**Emergency  
housing  
Homeless Persons'  
Information Centre  
9265 9087  
9265 9081**

**Housing  
referrals  
Accommodation referral  
service for agencies  
1800  
152 152**

Continued over page

This occurs by Ministerial order, and takes effect from the day it is published in the NSW Government Gazette. This means overnight any areas may be subject to the HBOR laws. It would not be difficult for a homeless person to be in breach of the new offences within these gazetted sites.

**Who has the power to enforce these new laws?**

\* Sydney Harbour Foreshore Authority rangers and police cover the Sydney Harbour Foreshore Authority areas which are; the CBD, Darling Harbour, parts of Ultimo, the Rocks, and Circular Quay.

\* Police, authorised 'officers' from the Olympic Coordination Authority, and 'Olympic civilian guards' cover Homebush Bay and areas covered by Homebush Bay Operations.

'Authorised officers' are required to wear an ID card to be shown on request, but are not required by law to have any particular qualifications or training. They could include security guards, re-deployed government employees, or volunteers. It is not just Police who have these extra powers.

**What if I am approached by the Police or security forces during the Olympics, and moved on?**

In all general areas (NSW) :

\* A homeless person can be 'moved on' if police give a 'reasonable direction' to prevent obstruction, harassment or intimidation. So if you are blocking a footpath or scaring someone, police may ask you to 'move on'. It is an offence to disobey such a direction (max. penalty: \$220).

\* Before giving the direction the police officer must: identify themselves as a police officer, (including their name, and place of duty), give a reason, and warn you that disobeying a direction to move on may be an offence. These powers are enforceable in all OAA jurisdictions.

\* Police, rangers and authorised officers can move you on, if they believe you are causing 'annoyance or inconvenience', or breaching the SHFA regulations. They are not required to give a reason to move you on. They can use reasonable force, after a warning that disobeying the direction may be an offence and could attract a fine.

\* They can use 'reasonable force' (including the use of 'passive restraints') to move you on. They are not required to give a reason to move you on. It is an offence to disobey a direction to move on, after a warning has been given that disobeying the direction may be an offence, and could attract a fine.

**What if I am harassed by visitors to the city? What should I do and who can I contact for support?**

\* If they are a visitor to the city, try and remember what they were wearing, or what nationality they might be.

\* If the police, rangers, security officers or anyone else harasses you or are violent towards you, and there are others around, try and get a witness's name or phone number.

\* If the police officer or other person has an identification number, write it down. Redfern Legal Centre's is providing FREE LEGAL ASSISTANCE 24 hours a day during the Olympics September 9 - September 30: Phone: (02) 9698 7277

The SCC has employed eight two-person teams of outreach workers. They are there to assist homeless persons, should the homeless person be in distress or request assistance. They are not to attempt to 'move' homeless people out of the Sydney CBD, unless the homeless person wants to be referred to some accommodation. If anyone needs emergency accommodation during the Olympics. Phone the Homeless Persons Information Centre 9265 9087 or 9265 9081 operating 9 am - 10 pm Mon - Friday, Sat 9 am - 4pm, Sun 10 am - 4 pm. If you have no money to make calls, Centrelink offices, Police stations, charities and welfare agencies should be able to assist. These agencies can phone the freecall number 1800 152152 to refer you to emergency accommodation

**If I feel that I have been treated unfairly by police or security forces, what should I do?**

Phone Redfern Legal Centre's FREE LEGAL ASSISTANCE (02) 9698 7277 and/or the NSW OMBUDSMAN'S OFFICE Freecall 1800 451 524

As part of the Legal Assistance Line, volunteers will be specifically asked to record any complaints or information about actual or potential breaches of the Homeless Protocol. Data on this aspect of the Assistance Line's activity will be forwarded to the Council of Social Service of NSW (NCOSS). The NSW Ombudsman's Office can receive any complaints about breaches of the Protocol.

**Police complaints:** If injury occurs because of unreasonable force, the person could go to court, with legal assistance. Redfern Legal Centre will attempt to arrange free lawyers and barristers if a court case is necessary, for example if a homeless person had been assaulted by a security guard, ranger or any other person. Force used must not be 'unreasonable', however it must be remembered that under the Olympic Arrangements Act, a person can be removed using passive restraint.

**Residential Tribunal venues during the Olympic period**

To assist Residential Tribunal clients with their travel arrangements during the Olympic Games the tribunal will hear matters in special venues in addition to the city hearing rooms, from 11 September to 6 October. Applications will be listed at the following venues:

**Redfern Court House, Coroners Court Glebe, Waverley Court House, Burwood Court House Hornsby Court House, Ryde Court House, Manly Court House, Narrabeen Community Arts Centre.**

Applications to the Tribunal will be accepted as normal during this period. A notice of hearing will be issued advising clients of where and when their hearing will take place. Most hearings at this time will be heard at 10 am. The registry will attach a reminder sheet to each notice - remember to read each notice carefully.

**Ph: 9641 6400 or freecall 1800 451 292**

**Olympics fallout:  
An assessment proposal**

**In early June, the NSW Council of Social Services (NCOSS) wrote to the Minister for the Olympics (as well as the Opposition and Upper House MPs) seeking support for a proposal for the NSW Parliament to hold a post-Olympics Inquiry. KATE LEE from NCOSS reports.**

The inquiry would:

\* conduct an evaluation of the costs and benefits to NSW of hosting the Sydney Olympics and Paralympics;

\* identify the short and long term fiscal, social and environmental legacies of Sydney hosting the Games; and

\* provide recommendations for best practice approaches to be followed by the NSW Government in planning and managing future international hallmark events.

The Inquiry could be conducted by an appropriate Parliamentary committee, take public submissions, hear evidence from a range of governmental and other representatives, and produce its report within 12 months of the conclusion of the Games.

NCOSS' intention is to focus on learning the real lessons of what is required to maximise the benefit of hallmark events across the community, and to minimise the negative impacts, in particular on already vulnerable sections of our communities. There are many decisions concerning fiscal commitments, venue management arrangements, Departmental budgets and costs, and social and environmental impacts management which need to be assessed as part of this exercise. Clearly any impacts related to housing and homelessness would need to be assessed.

The Government responded to NCOSS by indicating that the Auditor General will complete a report by June 30 2001. However this report would be limited in scope and would not address the broader, critical questions which a post-Olympics Inquiry would. SOCOG will also be responsible for producing a host city Games report for the International Olympic Committee (IOC) after the Games. However, this report will focus on the conduct of the event itself. Given the Government's response, such an inquiry would now need support from the Upper House and the Opposition.

A post-Olympics inquiry would provide the best opportunity for the public of NSW to fully comprehend the critical issues that must be successfully addressed in hallmark events in the future.





PETER MOTT writes that as we all know, there are some prophecies that we don't want to come true. In the last Tenant News, Boarders and Lodgers Action Group (BLAG) warned:

**"As we approach the Olympics the temptation for boarding house owners to remove residents for short term profit will be too tantalising to resist. The situation confronting our community is clear. We either enact legislation to protect boarders rights or doom boarders to homeless nights".**

Now hundreds of boarders in the inner-west are facing nights on the streets, just as predicted. The recent closure of an estimated 15 boarding houses owned by In-West Holdings has meant the eviction of as many as 300 boarders in the past two months. Never has the need for law reform and affirmative action been so clear.

Conversions of boarding houses to backpackers in the inner city area have similarly resulted in large-scale evictions.

Tenants workers at Marrickville Legal Centre report situations where boarders have been given as little as two hours notice to pack-up their belongings and leave their home. For some boarders, this scenario was played out several times as they were then evicted from the next boarding house to which they were relocated.

Relationships have suffered, communities have been torn apart and some boarders have ended up living on the streets. Incredibly high rates of stress have been experienced by the boarders due to the uncertainty around the closures and the lack of legal rights around the evictions. Anyone with an episodic illness is particularly at risk as stress is the major trigger for bouts of illness.

**NSW Labor wrong on boarders' rights**

Social justice was a major theme at the recent launch of Federal Labor's draft housing policy, at Glebe Town Hall. Yet there was little in the package for boarders and lodgers. Around the corner on the morning of the launch another Glebe boarder was evicted with little notice and with no

# Evicted!

The closure of 15 boarding houses owned by one company forced 300 boarders onto the streets.

legal avenue to defend the eviction. BLAG looks forward to the NSW Labor Government rising to the social justice challenge, and immediately implementing legislation to protect the rights of boarders.

The absence of legislative rights for boarders has meant that people living in boarding houses have few options when threatened with eviction. In some circumstances, boarders can apply to the Residential Tribunal asserting that they are tenants. Most boarders who would not be considered tenants can be evicted with very little notice. Their only legal option is to go to the Supreme Court - not a real choice for many boarders who are aged, ill and poorly connected to community supports. In reality, boarding house owners know that they are judge, jury and executioner as far as boarders are concerned.

Much of this stress and fear could be avoided if NSW boarders enjoyed the same rights as boarders in Victoria and South Australia.



Two of the In-West Holdings properties which were closed.

## Boarders and lodgers and backpackers too

From page 3

leaving the industry," says boarding house owner Ken Foreshaw. "There's no doubt about that."

As boarding house stock decreases, the Government is becoming increasingly lenient with boarding house owners. The 1998 Marrickville Boarding House survey found fire safety measures, including smoke alarms, were not readily apparent in the 98 premises they visited. Local councils are inclined to turn a blind eye to enforcing these costly regulations for fear of further closures.

Regardless, boarding houses will continue to close. Some 87.5 per cent of owners find their business either borderline profitable or unprofitable, according to the Marrickville survey. And while the underprivileged need accommodation, the fact remains that boarding house owners are running a business.

"I shouldn't have a government institution telling me 'We want you to house these people'," says Ken Foreshaw. "If I think it's going to make me some money, and the opportunity is there for some business, I can make my own choices. You don't go buying a sandwich shop because you believe everyone needs a free lunch - it's that simple."

The Olympics will bring Sydney a cash bonanza for some, but social disaster for many. It's a trend the city has seen before. "During the bicentenary

is when most of the backpacker hostels in Kings Cross and Glebe came into existence - before then they were boarding houses," says Polly Porteous of Redfern Legal Centre.

"Why wouldn't you slap on a fresh coat of paint and charge ridiculous prices, when you read in the media every day about the lack of tourist accommodation?" She says tenants are being evicted to make way for Olympic visitors.

"The more rundown boarding houses in Kings Cross are now renovating, and the old-age male pensioners, who can't afford to pay \$130 a week have nowhere else to go but the streets.

"In the past five years the number of homeless people has quadrupled, and this will intensify in the lead-up to the Olympics."

The challenge for the Government is to pass legislation which gives tenants legal rights, but protects the boarding house industry.

"You'll find a whole bunch of owners who say any legislation is a bad thing," says Ken Foreshaw. "But if the legislation does address the problems, I don't have any great difficulties with it. I certainly don't mind boarders having some security of tenure. But by the same token, I still need to retain the right to remove somebody if they're causing havoc."

This is a sentiment shared by Peter Phibbs, co-author of the 1998 Inner Sydney Boarding House Report. "There's a need to strike a balance between the boarders and the fact that it is a fragile economic sector," Dr Phibbs says. "Boarding house owners can make so much more money from other uses."

Inevitably, the social brunt of the Olympics will hit the most vulnerable sector of our community the hardest. Sydney could have thousands of people homeless on the streets and parks in a way not seen in Australia since the Depression. Daniel, who knows his worries about where he will live are fast becoming a reality, stands to shake our hands. "I wonder where I'll be in September?"

This article is reprinted with the permission of the Australian Centre for Independent Journalism at the University of Technology Sydney.

**Postscript:**

The fear that giving boarders legal rights leads to boarding house closures was addressed by the Tenants Union in its submission to the current NSW Review. Despite similar fears, the evidence from South Australia and Victoria, where there is legislation, is that appropriate laws do not lead to disinvestment.

# How will low-cost housing survive?

## Olympics or no Olympics, the ongoing question is: how do we protect low-cost housing?

Recent changes to State Environmental Planning Policy number 10 (SEPP 10) help protect affordable housing by providing guidelines for local government and recommending they act to preserve existing affordable housing. SEPP 10 aims to retain low-cost rental housing for people on low incomes, particularly long-term renters.

The policy applies to boarding houses, hostels and low rental residential flats which are not strata titled. So duplexes, terraces and town houses are not covered by SEPP 10.

### What is low-cost housing?

The term low-cost housing is generally associated with boarding houses and hostel accommodation. However, low rental residential flat buildings are included under SEPP 10 coverage and therefore should be protected.

Low-cost housing can be found in many areas and can be a significant proportion of the housing in some suburbs. For example, where home purchase prices are relatively low, market rentals may reflect this.

'Affordable' housing generally refers to a reasonable rent in relation to a person's income. For households on low incomes, housing costs should not be more than 30% of their income. The

number of bedrooms required and suitable location are also considered when assessing affordability.

### What can we do to protect low-cost housing?

Firstly, it is necessary to find out how many flats are not under strata title in our area.

Secondly, median rents in the area must be considered. For example, Wollongong Local Government Area records the median weekly rent for a two bedroom unit as \$135 per week and a three bedroom unit as \$180 per week. Blocks of flats with rents that are less than the median rent at any time in the previous 24 month period prior to the landlord lodging a development application, are subject to SEPP 10 requirements. So in the local government areas where SEPP 10 operates, it now covers approximately 50% of all residential flat buildings.

There are more than 200 low-rent flats in the Illawarra which would be subject to SEPP 10 according to Wollongong Real Estate Agent and property manager Judith Wawszkowicz: "So if the median rent for a one bedroom unit is \$100 then the good condition one bedroom units on my list for \$90 will come under SEPP 10".

Ms Wawszkowicz suggested that problems could arise if a landlord wants to strata the units or upgrade and increase the rent to reflect the

improved condition of the premises. There is a risk that some low-cost housing will disappear and tenants on low incomes will have fewer options.

Tenancy advocate Shauna Wilkinson from the Illawarra Legal Centre Tenancy Service, is concerned that low-cost housing will disappear if local government authorities fail to monitor development or Strata Title applications. "It is imperative that local Councils find out what housing covered by SEPP 10 exists in their area and cross check this against applications by developers. The developer should only get consent for the development when they have complied with the SEPP 10 criteria", she said.

"Workers in the community need to get in touch with local boarding house residents and talk about their rights.

### Council Guidelines

Ms Wilkinson concluded that the next step is ensuring that local governments are empowered to protect low-cost housing:

"Once we have an idea of how much housing is in each of our local areas we need to look at what local government guidelines say about how to enforce SEPP 10".

Considering local government guidelines we see that when Councils receive development applications for properties covered by SEPP 10 they must consider the following issues:-

\* Is there sufficient comparable accommodation in the locality?



## This is where

You go down a narrow side-of-the-house pathway - it's a little overgrown, and the brickwork path is uneven. You find yourself in the back courtyard, where the central feature is an old table. On it sits a filled ashtray and the local paper. A couple of the boarding house residents are sitting around, catching the sun. Smokey the cat darts under a bush - appearing as nothing more than a grey blur - as a couple more chairs are dragged out into the sunshine. As folks get settled, remarks about their home, their life, the other residents, come easily...

### "What will happen to Smokey?"

#### Who are the people who lived here?

They were all really good people. They sort of looked after each other. A lot of fellas are elderly and some of them have problems.

Quite a lot of the fellows had debts. A lot of them had their worries.

A lot of them have been in the situation where they have been moved out before. They haven't got much security.

People are always talking about their lives and moving on.

I decided with this condition (rheumatoid arthritis) I had two choices. I can top myself or educate myself. So I decided to educate myself.

One thing I have noticed is that most people suffer from depression. I don't mean just having the odd day when you are depressed, I mean living in black depression.

It is very hard to get a grip on life. I have noticed that a lot of people live like this.

Since I've been here maybe 300 people come and go here. They like it. It's close to everything. The rent is cheap.

At the moment we've got a cat called Smokey. What will happen to Smokey?

### "Yes there has to be rights for people who live in places like this."

#### What did you think when you were given notice?

Well I think every single person felt quite dejected when they saw the notice. They gave up and said 'what's the point?'

A lot of people were really down about moving.

They got scared. Their self-esteem is pretty low.

I thought that we didn't have a leg to stand on.

People panicked and left.

I didn't know what the law was or that tenants could be protected in any way in these places.

I have lots of stuff here. Cupboards and things. I suppose I could put it all into storage and live down the beach.

You always feel like a little boy, sort of thing. Like they're the parents or something. It is one of those setbacks. You feel like you are looked down on. Yes, there has to be rights for people who live in places like this.

Photographs on these pages were taken in Kings Cross and Glebe

- \* Will there be any adverse social and economic effects that could arise?
- \* Have adequate arrangements been made to rehouse displaced residents?
- \* What will be the cumulative impact by the loss of this low rental housing?
- \* Is the accommodation structurally sound and what costs are necessary to comply with Council standards?

**What is 'comparable rental?'**

Comparable rental refers to housing which is no more than 5% higher than the current rental for something similar. That is, in similar state of repair, similar size and has similar facilities available.

**What is an adverse social impact?**

The impact on the tenant is considered when someone is forced to leave their home against their will, or becomes homeless because of moving into something unsuitable and short term. An adverse impact also occurs if a tenant is forced to move into housing which is isolated, or far from supports and services.

Broader social impacts are also given consideration. Checks would be made to see if other housing services have registered an increased demand because of the closure of specific low-rental accommodation. Longer waiting times for public housing or other social housing may result from the closure of a boarding

house of low rental flats, and would also indicate a wider social effect.

**What is 'cumulative impact'?**

If affordable housing continues to disappear, it could mean that people on low and fixed incomes will eventually have nowhere to go. This changes the nature of an area. For example, a town may have low-cost housing for transitory workers such as fruit pickers or short term contract workers at industrial sites. If the boarding houses or low-cost flats disappear near this employment, workers housing costs may outweigh the employment benefits and force them to seek work elsewhere.

**Could some residents in low-cost housing be protected tenants?**

Yes. Tenants who have lived in the premises for a long time should contact a tenancy worker to find out if they are covered by legislation which protects their right to stay in the premises.

**Making Councils keep affordable housing**

Finally, we need to ensure that local government council workers and Councillors know about SEPP 10 and how it operates. Council workers and management need to ensure that developers comply with the conditions of SEPP 10 as part of the approval process. This must be monitored. If the developer fails to comply with the SEPP 10 conditions, then approval for the development should be withdrawn. If there is a dispute between the developer and the Council the matter will go to the Land and Environment Court.

When community workers have concerns about the loss of low-rent housing in their areas they should contact the Department of Urban Affairs and Planning and discuss their concerns. Further, the Local Government and Shires Associations of NSW have just completed a guide to the role of Local Government in creating and maintaining affordable housing. We should remind our local government workers that affordable housing is much-needed, and essential for a healthy and stable community. Finally, we should continue our efforts to protect and develop public housing stock for tenants in need of secure, affordable housing. Collaboration between the Department of Housing, other relevant State authorities and Local Government are essential to protect and increase low cost housing.

**Contacts:**

Local Government and Shires Associations of NSW, Housing Policy Officer (02) 9242 4000

Department of Urban Affairs and Planning, 1 Farrer Place, Sydney NSW 2000 GPO Box 3927, Sydney NSW 2001 Telephone: 02 9391 2132 Facsimile: 02 9391 2399

State wide Tenancy Advice and Advocacy Services are listed on the back page or by contacting the Tenants Union Hotline 02 92516590.

**Written by SHAUNA WILKINSON and SHARON CALLAGHAN from Illawarra/ South Coast Tenants Advice and Advocacy Service**



SHAUNA WILKINSON and SHARON CALLAGHAN spoke to some boarding house tenants in Wollongong. They wanted to find out more about the people who live in boarding houses. How did they get there and why do they stay? How do they feel about the future of this style of living? What can they tell the law makers and the activists? This is what they said ....

**"People wouldn't have a clue how it is for people living here."**

**What's it like living here?**  
It is a hard way of living ... not having any money.  
Once you get into the system of being like a lower class citizen it is really hard to get out of it.  
I tell you what, these people ..... when they owned it, when it was your birthday they'd put on a Barbeque. I tell you what. There wouldn't be any beer but there'd be cake or orange juice or coffee. Everyone would mix. That's what I liked about the place.  
The situation is ..... they have all had problems here and they don't say anything.  
People are living on the smell of an old oily rag. A lot of people cannot make it on their own, you know.  
For the average person on a very low income, they have a lot of pressures put on them from Centrelink and other places.  
People wouldn't have a clue how it is for people living here.

**"I love the place."**

**Why do you live here?**  
Well, I love it. It's close to everything. Close to the shops, close to the pub. Close to my family. I moved in because everything was close by.  
There are no other places in Wollongong that are cheap and aren't full up.  
They all liked to be centrally located.  
The only reason I came here was for the low cost of rent. People wouldn't actually be here if they had the money.  
Oh, I had no money and nowhere to go.  
My work is casual so some weeks I don't get much income at all.  
If it is a reasonable place and the rent is cheap, it is a place to fall back on.  
A lot of folk have nowhere to go. I mean it is a very lonely environment.  
I can't walk around much. My doctor and specialist are here.  
You get to love the place and the people in it. That's why. I moved in the front room here, over the road from work and I've been here ever since. I love the place.



# 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**  
02 9787 4679

**South West Sydney**  
02 9601 6577

**Eastern Suburbs**  
02 9386 9147

**Western Sydney**  
02 9891 6377 or 1800 625 956

**Northern Sydney**  
02 9884 9605

**Central Coast**  
4353 5515

**Hunter**  
4929 6888

**Illawarra/South coast**  
02 4274 3475 or 1800 642 609

**Mid Coast**  
6583 9866 or 1800 777 722

**Northern Rivers**  
6622 3317 or 1800 649 135

**Western Region NSW**  
6362 9809 or 1800 642 609

**South Western NSW**  
1800 642 609

**Aged Tenants Service**  
9281 9804 or 1800 451 488

## Aboriginal Services:

**Western NSW**  
6884 8211 or 1800 810 233

**Southern NSW**  
4472 9363 or 1800 672 185

**Northern NSW**  
6643 4426 or 1800 248 913

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

**Tenants' Union Hotline**  
Ph: (02) 9251 6590  
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 one co-op share. All fees include GST.

Yearly Fee: Tick the fee that applies

- No (or low) wage/pension/benefit    \$8
- Waged worker    \$16
- Organisations    \$32

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 .....

