



tenant news

Free newspaper of the Tenants' Union of NSW

Issue 74 December 2003

Boarders and Lodgers get their day in Parliament

On 7 October, International Tenants Day, the Boarders and Lodgers Action Group launched the start of a renewed campaign to introduce legislative protection for people living in boarding houses around NSW.

There are approximately 9000 people living in boarding houses across NSW. According to the most recent census, the highest concentration of boarding houses are in the Inner West, Inner City and Eastern Suburbs of Sydney. Significant numbers of boarding houses are located in the Illawarra and Newcastle regions.

The boarders and lodgers campaign, launched at NSW Parliament House, drew together community workers, community legal centres, tenancy workers, people living in boarding houses, and politicians. Over 70 community service organisations have endorsed the campaign.

Mainstream media were noticeably absent from the press conference. According to BLAG Convenor Carmen Jauregui, this is typical. She says "Over the past two decades there has been an almost complete lack of interest by Parliament and mainstream media."

Why is this the case? Is it because most residents of boarding houses are poor, disadvantaged, and a significant number have mental illness or an intellectual disability? Or that being a relatively small group with little voting power, boarders and lodgers pose little threat to the government of the day? Or is it simply because, in Sydney's greedy property market, there is no room for the voices of people who don't own property?

These were among the questions raised by the guest speakers at the campaign launch. Sylvia Hale, Greens councillor on Marrickville Council (an area with the highest concentration of boarding houses in the state) and now a NSW Greens MP, said that she found it very difficult to understand why the NSW Government "was unable to accept the simple package of legislative measures being put forward by the Boarders and Lodgers Action Group." [see Insert box] If these rights are being afforded to people in other parts of Australia – Qld, Victoria, South Australia, NT – why can't NSW boarders and lodgers be given these rights?

Leonie Manns, Chairperson of Mental Illness Council, spoke at the launch about her experiences as an activist and as a person living with a mental illness. Leonie has in the past lived in insecure accommodation, including boarding houses and on the streets. She spoke of the need that people with mental illness have for that most basic of all human rights – the right to safe housing. Boarding houses are often not safe, because residents can be evicted on the whim of a landlord or the caretaker.

The Reverend Bill Crews, of the Exodus Foundation in Ashfield, recounted his experiences working with homeless people and people living in boarding houses.

He said that "Time and time again, research shows that the one predictor of a person's health is the quality of their housing."

If someone lives on the streets, their health inevitable suffers. If a person lives in a boarding house, due to the insecurity of their tenure, and the lack of proper regulation of unlicensed boarding houses, very often

What does BLAG propose?

The Boarders and Lodgers Group has developed a draft proposal which provides rights and security of tenure to boarders and lodgers. This includes:

- standard agreement which has basic statements of rights and duties
- provisions protecting privacy and providing access to rooms,
- regulation of house rules
- rental bond limited to one week's rent
- correct termination notices
- written notice of rent increase
- rent receipts
- evictions and other disputes settled via the Consumer Trader and Tenancy Tribunal.

they are just one step away from homelessness. The best health outcomes are reserved for home-owners. In the experience of Exodus and other homelessness organisations, the best way to improve people's health is to provide quality, regulated, low-cost accommodation. Crews noted that some boarding house operators ran cash businesses: if they were forced to issue rent receipts, or could be taken to the Tribunal by residents, the 'shonkiness' of their business operations would be revealed.

Questions from those who attended captured the puzzlement many people have over why it is so hard for boarders and lodgers to have their rights protected in NSW. Paul Pearce, Mayor of Waverly Council (an area with the third highest concentrations of boarding houses in NSW), now a NSW Labor MP, was put on the spot defending his party. Pearce said, "there is a perception within my party that legislating for boarders and lodgers rights would kill investment in the boarding house industry." In Pearce's view, this perception is misguided. In his experience, zoning regulations of local councils have a much greater impact on the availability of boarding house stock, than the existence of legislative regulation.

Pearce also said, "There are people who operate on cash who may pull out of the market, but as boarding houses long term are a lucrative business, there will continue to be investment."

As Leonie Manns wryly remarked, "I am not aware of any poor owners of licensed boarding houses", those houses regulated by the Department of Community Services to provide accommodation for people with intellectual disabilities.

Clover Moore, Independent MP for Bligh (the area with the second-largest population of boarding houses in Sydney), suggested that, reducing land tax for boarding houses could be a incentive for owners to retain their properties as boarding houses rather than convert to backpackers or residential flats. Moore also said she would be prepared to put legislation to the Legislative Assembly supporting rights for boarders and lodgers.

After the campaign launch, Newtown Neighbourhood Centre held a BBQ for boarders, lodgers and community workers. Newtown Neighbourhood Centre runs a Boarding House Project, which includes an Arts project, a social group and the Active Link Initiative providing support for people who live in licensed boarding houses to access recreational, education and vocational services. The BBQ was well attended by residents who live in boarding houses and workers. ♦

To contact BLAG, call the Tenants' Union on (02) 9247 3813. For more information about Newtown Neighbourhood Centre, call the centre on (02) 9516 4755.



Campaign Launch NSW Parliament House 7 October 2003.
Above: Leonie Manns, Chairperson of Mental Illness Council
Below: Paul Pearce, Mayor of Waverly Council



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held by the Tenants' Union of NSW.*

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 of NSW is a community
legal centre that has been active in promoting
the rights of more than 1.5 million tenants
in NSW since 1976.

Over this time we have advocated on behalf
of tenants to State and Federal governments,
and we have developed numerous resources
providing information for tenants and tenants'
advocates regarding the rights of tenants
in NSW.

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Editorial

Government useless on boarder protection

By Harvey Volke



At this stage of the electoral cycle, if we don't get
boarders and lodgers legislation through the NSW
parliament in the next 12 months, we won't get it at all
in the life of this state government.

And if we don't get it from a Labor government,
we certainly won't get it from the other lot. On the
other hand, it's worth remembering it was an ultra-
conservative Liberal housing minister (Joe Schipp) who
actually introduced boarders and lodgers legislation in
1990. Too bad the laws were so badly written they were
properly consigned to the waste-bin of history.

So this coming year has to be the Year of the
Boarder.

And it's shameful we even have to talk this way. There
is no good reason why boarders and lodgers should not
have the protection of law, none. It is shameful that in
a society with a vestigial (however vestigial, alas, that

may be) commitment to human rights, boarders and
lodgers don't have any access to even the most basic
of housing rights.

Once and for all, let us get rid of the absurd notion
that the only way boarders and lodgers can get housed
at all is on condition they have no rights. What sort of
society requires that sort of choice?

And let us get rid of the absurd notion that if boarders
and lodgers get any rights at all, there will be a flight of
investment capital and they'll be worse off. That is a
proven lie. It has been proven by experience worldwide
with human rights and tenancy legislation, and by
countless research studies. Any government that says
or pretends otherwise is lying in its teeth. Either that,
or it's gutless.

Stop the lying. Protect our boarders! ♦

Boarders Rights or Homeless Nights



Boarders and Lodgers Sleep Out

Show your support for legislative reform to protect the rights of boarders and
lodgers in NSW by coming to a rally and sleep out in Newtown.

Date: Friday 19 December 2003
Time: 7.00pm
Where: Newtown Neighbourhood Centre
1 Bedford Street Newtown (opposite Newtown Station)
Speakers: Myree Harris RSJ.
Entertainment and Free BBQ
BYO sleeping bag
Drug and alcohol free event

Contact the Boarders and Lodgers Action Group for details:

Indi Evans: 9516 4755

Vanessa Whittington: 8267 4397

RSVP: Elizabeth De Freitas: 8577 5109 by 12 December 2003

Rights for Boarders Now!

you can do something about it

02 9247 3813 www.tenants.org.au



BOARDERS CASE STUDY:

Two days notice after a year's stay

The following case is just one of many boarder/lodger cases which tenancy services see every year. Usually the residents are elderly or disabled and don't want to speak out. In this case, the two boarders decided to speak out on behalf of others in their situation. Here is their story.

Interviews by Polly Porteous

Fran and Josh are two young part-time workers and artists who moved into a Marrickville boarding house last year. The room was only \$150 a week, and the owner didn't ask for a bond, which was a real bonus for Fran and Josh as they didn't have much money. They signed an "Occupancy Agreement" in late November 2002, moved their stuff into the top room, and for a while life seemed good.

It wasn't long before Fran and Josh realised the owner was pretty keen to be involved in the daily life of the boarding house. He or various property agents would come around "two or three days a week", just mucking around in the garden, or knocking on residents' doors to ask for rent. As Fran said "We had no privacy whatsoever."

In early winter a window in Fran and Josh's room smashed – it was an old window with a frayed sash that wore through. They told the owner about it four times, but the owner did nothing to fix it. They lived through winter with that broken window.

Fran and Josh admit that they fell behind in the rent, at one stage paying \$2000 to catch up. But they point out "We always kept to our promises. Whereas the owner promised he would fix the window when we paid up our rent but he never did."

In Fran's eyes things started going really downhill when another tenant "did a runner" and Josh and Fran offered to help clean up that tenant's room. From that point on the owner seemed to think that Fran and Josh would also do a runner. They overheard him telling other residents that he didn't trust them, that they were messy and irresponsible and "they must be using drugs". One day the owner appeared at the property and began throwing their stuff off the balcony into the garden below.

Then on 8 October the property manager called Fran and Josh and told them they had two days to be out. The reason? "We want to renovate your room."

The property manager said they would call the police if they were not out after two days.

Fran says it was obvious the owner was just getting back at them for standing up for their rights. "He hated us because we're young, he thinks all young people are junkies."

As Josh says, "He views his tenants as scum, cos he knows that we just can't afford anything better." But the owner was more than happy to make profit from the tenants. According to Fran and Josh's calculations, the property made about \$1000 cash-in-hand. Rent receipts were never issued.

On 10 October Fran and Josh moved out to stay with Fran's brother temporarily. Fran says "We were so sad the night we left. We loved that place! Even if it was a dump. But we left our room in a great condition, it was cleaner than when we moved in. And we didn't do a runner, we paid all the rent that we owed."

Their room was empty for two months, for about the same time that Fran and Josh were looking for other accommodation. Other people at the boarding house told them that the window was fixed but no other renovations were done before new tenants moved in. As Josh says "It's obvious that all this was cos we stood up to him and that's why he chucked us out."

Fran and Josh finally found a new place, a flat in a Glebe terrace. This time they made sure they had a residential tenancy agreement, and they obtained bond from the Department of Housing. "We won't live somewhere like that without a lease", Fran says. "I just don't wanna have those sorts of confrontations any more."

Tenant News contacted the Inner West Tenants Advice and Advocacy Service at Marrickville Legal Centre, which is Fran and Josh's local service. We asked them the following questions.

What are the current laws that apply to Fran and Josh?

Under current legislation Fran and Josh's living arrangements potentially offer them no legal protection from unfair practices and arbitrary evictions. In NSW boarders and lodgers are exempt from the Residential Tenancies Act and hence lack any of the statutory legal rights afforded to tenants. With no legislation to appeal to Fran and Josh are in the unenviable position of having no legal framework to work within to challenge their landlord's behaviour. In short they would have no choice but to simply walk away from the situation having no obvious means for seeking recompense.

What would happen under the Tenants' Union's proposed laws?

Under the proposed Boarders Bill Fran and Josh living arrangements would no longer exist in a legal vacuum. Their rights and obligations as well as those of the owner would be clearly and legally defined making it less likely for disputes to arise. The enactment of minimum legal standards for boarders and lodgers would ensure an element of fairness and clarity in Josh and Frans' relationship with the owner which currently does not exist.

The owner would have an unequivocal obligation to maintain the property and attend to requests for repairs. Provisions would be in place to protect Josh and Fran's privacy and regulate the owner's access to their rooms reducing the likelihood of misunderstandings resulting from less or, in their case, entirely undefined boundaries. More importantly though a legal process for eviction would be in place to prevent what can essentially mean the difference between having somewhere to live and being homeless.

Finally, Fran and Josh would also have access to a quick and low-cost dispute resolution mechanism which they could have appealed to if they felt the owner was breaching their rights. ♦

Thanks to Fran and Josh—good luck in your tenancy future! Thanks also to Elizabeth De Freitas and Jesse Booth of Marrickville Legal Centre



Boarders and Community Workers at BBQ, Newtown Neighbourhood Centre, 7 October 2003



Koori Network News: Aboriginal People – discrimination and lack of access to the private rental market

By Cathy Bingham and Meryl Crole of Murra Mia Tenants Service.



As everyone knows, the private rental market is an extremely competitive one. In the current climate this problem is becoming increasingly evident in regional areas. Due to various factors, including continuing escalating house prices in our major cities and the first homebuyers grant, it is well known that retirees and first homebuyers are buying up properties in country areas where housing is comparatively more affordable. This in turn is inflating home prices, causing a serious shortage of rental accommodation and of course increasing rental prices.

Indigenous people have always had problems accessing the private rental market and the current climate is only exacerbating the situation.

In the past two years our service has seen a significant increase in the numbers of homeless Aboriginal people seeking assistance at Murra Mia Tenants Service. In the small country towns in our area, Aboriginal people commonly face discrimination at the hands of landlords and real estate agents. Issues people have raised with us time and time again as to why they cannot access the private rental market include factors such as family size, family names (making judgements/assumptions based on prior dealings with other family members) and a lack of rental references. Another problem is an inability to produce enough I.D. to satisfy the '100'point system commonly used by the agents. Many clients are not even given the opportunity to apply for accommodation and if they are, more often than not their application is declined.

We believe, based on the experiences of our clients, that racism is alive and well within the real estate industry. A typical example is this. We often assist people in crises to obtain temporary accommodation through the Department of Housing. While in temporary accommodation clients must provide evidence to the Department of Housing that they are actively looking for accommodation and 'accommodation seeker records' are provided to the client for the agents to sign as proof. The real estate agents are often refusing to sign these forms for Aboriginal people, yet non-Indigenous people do not seem to have any problems. It follows that if the agents are not even willing to sign a piece of paper, what chance do these people have of being approved for a rental property?

Recently we were assisting a number of clients who were all in temporary accommodation at the same caravan park. A number of them had asked the park management if they could extend their stay or even rent a tent site. All were told that this was not

possible, yet we know that a non-Indigenous person in the same situation made the same request and is currently leasing a cabin in the park.

Interestingly enough we have found that our clients have had more success in obtaining rental accommodation through private landlords. The downside of this is that private landlords are less likely to have an understanding of their rights and responsibilities. As all tenant advice workers will appreciate, this can lead to problems during the tenancy.

During the last 200 hundred years of white occupation of this country, Indigenous people have constantly been told they have no rights to be there and to move on to another area. After 200 years of being told to move on it follows that when an Indigenous person receives a notice of termination they will quite often comply and vacate the premises without question. Consequently the tenant ends up with no reference and very little chance of gaining another rental property. Most Indigenous people are unaware that only the Consumer, Trader and Tenancy Tribunal has the power to order them to vacate. Often landlords and real estates use threats and bluff the tenant into vacating the premises if they have not complied with the notice.

Problems being faced by Aboriginal people seeking rental properties are more apparent today, more so than in earlier years as Aborigines were known as fringe dwellers. Up until the sixties Indigenous people were not welcome or allowed to live inside town limits.

Only those Aboriginal people lucky enough to have a good rental history, a knowledge of their rights and the ability to stand up for them, have any chance of acquiring any form of a tenancy.

Housing companies within Aboriginal communities provide long-term accommodation for low-income earners, but there are never enough houses for everyone or funding for growth. Housing for some community members is near impossible if there is a rift within that community. Nepotism is a real problem in situations where one family runs the organisation and housing stock is low.

These issues are slowly killing any hope of independence for the future of Aboriginal people in finding and maintaining accommodation in the rental market. ♦

Murra Mia is the Southern NSW Aboriginal Tenants Advice and Advocacy Service. It is located in Batemans Bay on the south coast and provides advice and representation to Aboriginal tenants living from Wollongong, down to the Victorian border and right across to Mildura.

Tenants rate a mention

Here are a few tenancy stories which made it into NSW media in the last few months. Please feel free to send the TU your media stories, specially from radio, TV or regional newspapers.

Woman sues Department of Housing over cockroaches

A Liverpool tenant's former home was so infested with cockroaches that one fell into her ear. She and her three children finally left the property after 6 years, but only after the tenant had been admitted to hospital three times for a depressive condition. The tenant sued the Department of Housing in the Supreme Court for negligence and breach of contract. After her barrister's opening address, the Department reached a confidential settlement said to be up to \$100,000. (Daily Telegraph 28/10/03 p 2, SMH 28/10/03 p 4)

Sydney's poor old tenants

Stan Zemanek, 2UE's talkback shockjock, experienced what it might be like to be at the mercy of a nightmare landlord. Zemanek had been renting a 19th floor flat in the Observatory Tower (a big flash residential high-rise in the city), while waiting for his 25th floor flat to be renovated. When he left, the owner claimed \$3,500 from Zemanek's \$4,800 bond, stating that the tenant had stuck hooks all over the walls. The real estate agent said "It looks like a spotted dog in there". Zemanek disputed the claim in the Consumer, Tenancy and Trader Tribunal but neglected to turn up on the day it was listed. (SMH Stay in Touch 14/10/2003) We wonder whether he might do a Pauline Hanson and become an advocate for tenants now that he has experienced life on the other side of the renting game?

"Landlords' Champion" given enough rope on ABC TV

Tenants advocates in NSW were stunned when the "Landlords' champion" Len Pretti was a guest on Andrew Denton's chat show Enough Rope (ABC TV, 25 August 2003). Mr Pretti is a Sydney real estate agent. He appeared on a panel of real estate agents and made what can only be described as some bizarre comments. Here are some quotes, taken directly from the transcript (<http://www.abc.net.au/enoughrope/stories/s932344.htm>)

Len Pretti: [talking about one particular tenant] He got behind the rent two and a half weeks, and my cagey ways, I thought, "He has gone." I broke in with the police — which is illegal, but that's OK — and, um... broke in with the police

♦♦♦♦♦

Andrew Denton: There's never a laugh in the job?

Len Pretti: Um...well, if you say when a tenant shoots through, and leaves half their furniture behind, which is good stuff, that's pretty good, because I like scavenging through. Then you get the 20 cent piece, the 10 cent piece... They've got no money to pay rent, but they leave a \$5 note here, \$20... You've got to lift things up. You'd be amazed at the stuff they leave behind — videos, TV cameras, cars...

♦♦♦♦♦

Continued — Page 5



Q: Can I keep a pet in the property?

First of all, it depends what your pet is. A pet pretty much includes any non-human animals, and also fish, birds, mammals, reptiles, frogs and presumably insects. Tamagochi and robotic dogs are not defined as pets. Carnivorous plants are still plants.

Then it depends on what your residential tenancy agreement says. Many agreements say that the tenant agrees to not keep pets on the premises. Some say that the tenant agrees to not keep pets on the premises unless the landlord has given prior (written) consent.

If you have pets and you are moving into a new place, it's always best to negotiate with the owner or the agent before you move in. You may want to provide a "reference" for your pet – from former landlords, real estate agents, animal-trainers or neighbours. The reference would explain that your pet is well-trained and has not caused problems in the past. You might also want to offer to have the carpets steam-cleaned (to get rid of any possible fleas or pet-smells) when you leave the property.

Strata units (flats) can introduce an additional complication. Strata by-laws should be attached to your residential tenancy agreement and they are part of the legal terms of that agreement. The by-laws often include a total prohibition against keeping animals, or a term stating that you must have prior written consent of the Owners Corporation (Body Corporate) before you get a pet. This means that either the Owners Corporation or the landlord can take action against you if you have pets without permission.

Breaching a 'no pets' term of a residential tenancy agreement can be the subject of a Notice of Termination of tenancy. The Tribunal can make orders of termination and possession (eviction) for serious and/or persistent breach of such a term.

Even assuming you have the proper consent to keep your special pet, there can still be problems. Neighbours can be disturbed by noise or smells. Neighbours can be frightened or injured by some pets. These also breaches of your agreement for Notice of Termination and tribunal proceedings.

In the country the keeping of animals can take on different proportions. It is pretty common for people living in the country to have chickens, or a horse or two, some sheep, alpaca or other animals.

If your keeping of animals is for trade, profession, business or agriculture and it turns out to be the predominant use of the premises then your agreement to rent the place is not covered by the Residential Tenancies Act 1987. This means that you do not have access to the tribunal and you will have to go to court for formal disputes.

Another thing that happens in the country is landlords try to charge for "agistment" on top of the rent when tenants keep stock-animals like horses, cattle or sheep. These charges are illegal and may not be demanded under the Residential Tenancies Act: the landlord is just trying to rip you off. Agistment is when someone who is occupying land takes in the stock of another person and becomes responsible for the welfare of that stock. This does not apply where tenants are bringing their own animals onto the land.

On top of all these laws, some pets can be downright illegal, perhaps because they are native animals, dangerous or should be in a zoo.

Pets not to have in your backyard 1: Crocodile

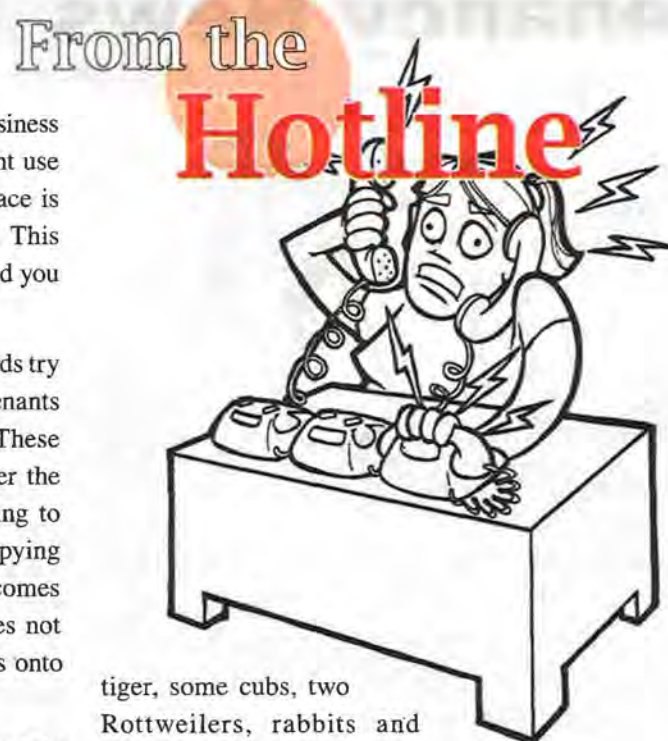
Rangers from the National Parks and Wildlife Service visited a home in Kurnell in November after some neighbours complained about a crocodile kept in the yard. Fang, a 2.5 metre saltwater croc weighing 35 kg, had been with the Copes family since he was born over 13 years ago. He was part of a touring troupe of crocodiles which the Copes used to take around to schools. They had an exhibit license granted by the Department of Agriculture, but the license lapsed in 1998. In 2000 the Copes moved to Kurnell with just the one crocodile, Fang, who was the runt of the mob and therefore the Copes' favourite. The Copes built a fully-enclosed area with a pool and a deck in their backyard, and some neighbours "treated Fang as the street's star attraction". However it is illegal to keep a croc as a pet in NSW, so the NPWS rangers removed Fang and took him to Taronga Zoo. (SMH 6/10/03 from website www.smh.com.au).

Pets not to have in your apartment 2: Tiger

In October, police removed a 180-kilogram tiger from a public housing apartment in New York's Harlem neighbourhood.

Police became aware of the tiger after a man sought treatment for bite wounds from a hospital. He claimed to have been bitten by a pit bull terrier, but doctors believed the bites could not have come from a dog and they alerted police. A team of police and animal control officers then went to the man's apartment, drilled a hole in the door, and spotted a tiger inside. They tranquillised the animal and took it to a wildlife preserve in Ohio.

A one-metre cayman alligator was also removed from the five-bedroom apartment. Neighbours said that a second



tiger, some cubs, two Rottweilers, rabbits and a tarantula had lived in the apartment until June, when some familymembers moved out taking the animals with them.

Animal control officers had not responded to residents' previous complaints.

"He just has a love for animals," said his sister, Cynthia Yates. "There's nothing wrong with that." (SMH 5/10/03 from website www.smh.com.au) ♦

Thanks to Grant Arbuthnot for legal advice. You should seek advice from your local Tenants Advice and Advocacy Service if you have specific questions.

The Tenants Union Hotline operates between 9.30 am–1 pm, and 2 pm–5 pm on weekdays. A tenants adviser can provide information over the phone, or may refer you to your local tenancy service.



From Page 4

Andrew Denton: Len, I'm...I'm...afraid to ask this, but I'm going to. You've got... I know 90% of your tenants are actually good tenants. But you've got a bee in your bonnet about a bad tenant. How ruthless are you with them?

Len Pretti: I've gotta think about that. Um, well, before the laws changed in '89, I would say I was very ruthless. And I'm proud to say I was, because, um...

Andrew Denton: What's ruthless? What do you mean, ruthless?

Len Pretti: Well, running off with the water meter, taking their fuse wedges, um, changing their locks, putting superglue in their locks. Done all that. And I'm proud of that. No, hang on, hang on. I'm proud of what I've done because before the legislation changed — even now, it's still bad — the things that people got away with... You've gotta realise, you people are all paying taxes. And there's people out there that are bludging on the system and to get a Housing Commission, they will do anything to stop paying their rent. You and I are paying taxes to get these people back into these houses. No way in the world I like that, it irritates me. You see, what they're earning, we're

working hard for what we're getting, and they're getting 1,000, 1,200 bucks a week. You know, they're bludging on that system. And that irritates me. If you're a tenant and get behind in rent with no genuine excuse, my staff will stick it up you. They'll take you to the tribunal, we'll run you, we'll get you, you'll pay arrears — end of story. End of story, 'cause you deserve it. If you don't look after the landlord, who will you look after? The tenant? Why? If you're a tenant... Most of the people deserve to be tenants. ♦



Tenancy News Across the Globe...



Afghanistan – 30 families evicted to make way for ministers' housing

At least 12 houses were bulldozed in Kabul in September, to make way for new housing intended for cabinet ministers, government officials and mujahideen commanders. A crew of 100 armed police officers broke down the walls, injuring at least two children. About 30 families lost their homes. The UN Special Rapporteur on Adequate Housing, Miloon Kothari, was in Kabul at the time and strongly condemned the government for allocating prime land to government employees, given that thousands of ordinary people had applied for land in the city. President Hamid Karzai ordered a freezing of the demolitions and an inquiry into the development plans. (SMH 23/9/03 p. 10)

Czech Republic – no more rent regulation?

Described by Radio Praha as “one of those things that can set off a heated debate in any Czech pub every single time”, the issue of rent control vs. rent deregulation is one of the most crucial facing the new republic. Twelve years after the fall of communism, 90 percent of all renters in the Czech Republic live in regulated-rent flats. The majority are owned by local government authorities, but rent regulation also applies to private landlords, unless the landlord and tenant agree otherwise. These sorts of private agreements occur when people want to commence new tenancies in new places. The system therefore clearly advantages sitting tenants, mostly older generations, some of whom are extremely wealthy and politically conservative. New tenants or immigrants looking for new leases are left with little choice but to pay much higher rents on an open market, compared to long-term tenants who continue to enjoy similar, identical apartments for as little as a quarter of the price.

The Constitutional Court struck down the regulated-rent system in June 2000, making its ruling effective as of Jan. 1, 2002. Despite this, the National Government has yet to introduce tenancy legislation. Landlord associations are pushing for complete deregulation, but the Social Democrats argue that this would simply turf poorer tenants out on the street. One idea which has found favour with tenants' organisations is for laws based on those in Germany. These would set rental rates that would mirror individual towns based on definite criteria such as area, locality, and building type, with a minimum and maximum level of rent. 2004 looks likely to be the year when the Czech republic has to make a decision, so it will be interesting to watch.

Ireland – You public tenants, keep off the grass!

Residents in luxury apartments in Dublin Docklands have been told by the complex's private management

Ever wondered how other tenants live? What tenancy rights are in other countries? Here are the experiences of tenants in just a few other countries around the world. Some countries, like Afghanistan, are in the process of rebuilding their legal and civil system, and issues relating to housing and land rights are central to the sort of system being developed. Other countries, like the Czech Republic, are making the transition from rent regulation to the free market and finding along the way that poorer tenants are feeling the pinch. More familiar to NSW tenants are the experiences of Irish public housing tenants, who find themselves being excluded from residential complexes.

If you are from another country, or have recently been travelling, feel free to send in information about what you experienced yourself (tunsw@fcl.fl.asn.au).

company that a communal green space is out of bounds to social tenants.

The warning came after some of the children from the social apartments had been playing in the area. Tenancy agreements however do not mention that the communal space is out of bounds.

Sinn Féin Councillor Christy Burke said that there has been talk of a wall or a wire mesh going up around the green area.

“The company that developed the apartments promised a play area for children and in the absence of a proper play park, the communal area is all the residents have. Building a wall around it is discrimination,” Burke said.

Three blocks of the developments were built for private buyers and one for social tenants, under government rules which oblige private developers to provide 20 percent of their developments for social housing. The 20% rule has since been dropped by the government.

[<http://republican-news.org/archive/2003/July31/31clar.html>]

Nigerian tenants facing 450% rent increases

Residents of Nigeria's capital city Lagos have faced massive rent increases over the past 5 years. Most people pay over half their income in accommodation costs. The typical rent for a 3-bedroom flat may cost up to US\$1850 per month. Nigeria does have a law which checks arbitrary rent increases and guarantees security of tenancy, but in practice tenants face difficulties asserting their rights. Ninety percent of residents in Nigeria's urban centres are tenants, but supply of rental accommodation is in severe shortage. Some tenants are so desperate to get accommodation that they pay 1-2 years rent in advance. However some landlords then forcefully evict such tenants, often using hired hoodlums, so that the landlord can then fleece the next lot of desperate tenants. Evicted tenants are forced to live in the ever-expanding slum areas.

[IUT, Global Tenant, September 2003]

Correction: Swiss population says NO to referendum on tenancy laws

In the last edition of the Tenants News, we reported that Switzerland had agreed to a referendum giving stronger rights to tenants. This story was based on an article which said that there was little doubt the referendum would get up. However it didn't! In fact 2/3 of the population rejected the referendum – a shock result given that 70% of the Swiss population are tenants. Analyses by tenants' advocates found that the cause of such a shock result was that 20% of the Swiss population are foreign residents. Although all 20% are

tenants, they have no votes. So this then leaves only 50% of the resident population as tenants. Advocates said that the referendum was also badly written and difficult to understand. In addition, referendums which call for a ‘yes’ vote are more difficult to win than those calling for ‘no’. Finally, a hugely expensive campaign from the Landlords' Associations alleged that the referendum changes would make it harder to get rid of troublesome tenants.

[IUT, Global Tenant, September 2003] ♦

... and around Australia

Report from the National Association of Tenancy Organisations

The National Association of Tenancy Organisations, or NATO for short (which can cause some confusion particularly for journalists), continues to advocate on the rights of tenants across Australia. NATO is an unfunded coalition of peak tenants organisations from each state and territory in Australia. NATO tends to meet around other National Conferences, mostly during the annual National Association of Community Legal Centres conference in September every year.

NATO's major project over the past two years has been a comprehensive report on tenancy law in every part of Australia. Leaking Roofs was originally published in 1990, and at the time provides a comparison of existing tenancy laws with recommendations for certain standards to be common across the country. Since then most states and territories have had major legislative changes to tenancy law, so the report needed major rewriting. The Tenants Union of NSW took on this task. The text has now been finalised and the report will be launched in 2004.

NATO also continues to organise and lobby on national tenancy issues, particularly in relation to Bad Tenant Data Bases and on the Commonwealth State Housing Agreement. Most recently, NATO provided a submission to the Productivity Commission's Inquiry into First Home Ownership. With a federal election coming up next year, and with housing issues gaining prominence mostly through sky-rocketing rents and property prices in urban areas, NATO will be increasingly active in 2004. ♦

For further information about NATO, contact Chris Martin at the Tenants' Union of NSW on 02 9247 3813.



Site Sorties:

Four thousand people affected by mass evictions from Residential Parks

This column is contributed by the Parks and Village Service (PAVS)



Meriton recently announced that the Landsvale Park in South West Sydney, which houses 1,000 people, would be redeveloped. This brings the number of NSW residential parks affected by closure or loss of accommodation since 2000 to 39 parks. This means that around 4,000 housing places will have been lost in three years.

In PAVS' experience, parks being targeted for redevelopment are in coastal areas and on the borders of Sydney where the value of land has sky rocketed.

Park residents are given very little protection against redevelopments. The current provisions of the Residential Parks Act do not insist on a Development Application being approved before a park can claim it is closing and issue termination notices. It does not give compensation for those who cannot move their dwelling nor does it provide the costs for re-location as soon as the termination notice is issued. This is a real problem, because with so few alternative vacant sites available, residents need to be able to provide money

quickly to guarantee themselves one of these rare sites.

The redevelopment and mass-evictions experienced by NSW park residents bear resemblances to mass evictions and land clearances in Scotland and Ireland during the 18th and 19th centuries. The tenure people have in Residential Parks is similar to that of the Scottish crofter or the Irish peasant. People either rent their dwelling and the site, or they own their dwelling and rent the site. So ownership is divided. The current wave of mass evictions mirrors similar historical events fuelled by the profits which could be gained from alternative uses for land. The Scottish crofters experienced mass land clearances and the Irish peasantry mass evictions when the land on which their dwellings sat was targeted for "more profitable" use than housing.

Only solidarity amongst the tenants had any impact in the 18th and 19th Centuries. The picture is similar today. As one example, hard work and lobbying by residents of the Gosford Local Government Area has led to a proposed

Local Environment Plan which aims to retain Residential Park Housing and ensure parks cannot close unless there are adequate plans for re-housing residents.

The involvement of tenancy advocates and residential park residents groups will also be crucial as the Residential Parks Act goes into a review process early next year. Residents and advocates will be working together to strengthen the provisions of the Act as they relate to termination and change of use.

Only by working together can residents achieve a change to improve their security of tenure. It is hoped they will be more successful than their historical predecessors. ♦

More information about Scottish experience can be found in John Prebble, *The Highland Clearances*, Penguin, 1969 and Thomas Keneally, *The Great Shame: A Story of the Irish in the Old World*, Random House, 1998.

Tenant News Showcases:

Our mystery cartoonist strikes again

THE CONTINUING
ADVENTURES OF
JOHN HOWARD

PUBLIC TENANT





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 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.
- ✓ If you stop paying rent you can be asked to leave. Rent strikes do not work.

Remember: your landlord can't evict you - only the Tribunal can.

For more help

Contact your local Tenants' Advice and Advocacy Service.

Sydney Metro

Inner Sydney	9698 5975
Inner Western Sydney	9559 2899
Southern Sydney	9787 4679
South West Sydney	9601 6577
Eastern Suburbs	9386 9147
Western Sydney	9891 6377 or 1800 625 956
Northern Sydney	9884 9605

Coastal

Illawarra/ South Coast	4274 3475 or 1800 807 225
Central Coast	4353 5515
Hunter	4929 6888 or 1800 654 504
Mid Coast	6583 9866 or 1800 777 722
Northern Rivers	6621 1022 or 1800 649 135

Greater Western NSW

North West	6772 8100 or 1800 836 268
South West	6361 5307 or 1800 642 609

Specialist

Older Persons Tenants' Service	9281 9804
Parks and Village Service	9281 7967

Aboriginal Services

Western NSW	6882 3611 or 1800 810 233
Southern NSW	4472 9363 or 1800 672 185
Northern NSW	6643 4426 or 1800 248 913
Greater Sydney	9564 5367 or 1800 772 721

Tenants' Union Hotline

Mon-Fri 9.30am-1 & 2-5pm	02 9251 6590
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www.tenants.org.au

For fact-sheets and for further information about the Tenants' Advice and Advocacy Program



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

Membership Application

TAX INVOICE

I would like to apply for membership of the Tenants' Union of NSW Co-operative Limited, ABN: 88 984 223 164

Name / Organisation: _____

Address: _____

Phone: (home) _____

Phone: (work) _____

This is a: (please ✓ one)

☐ new membership ☐ renewal (Membership Number) _____

I am a: (please ✓ one)

☐ tenant ☐ tenant organisation
☐ non-tenant ☐ non-tenant organisation
☐ other (please specify) _____

Annual fee runs from 1 January to 31 December.
 New members can pay half fees after 30 June.
 First membership fee paid covers cost of share.

unwaged \$8.00 waged \$16.00 organisation \$32.00
 (all include GST component)

Please find enclosed cheque / money order to the Tenants' Union for:

Membership: _____

Donation: _____

Total: _____

I am over 18 years of age. I support the objectives of the Tenants Union of NSW.

Signed: _____

Date: _____

return to: Tenants Union of NSW, 68 Bettington Street, Millers Point 2000