

Council to Homeless Persons response to Social Housing Regulatory Review Consultation Paper 2:  
Service delivery and tenant experience



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## Introduction

Council to Homeless Persons (CHP) welcomes the opportunity to respond to the social housing regulatory review consultation paper 2: service delivery and tenant experience (the consultation paper).

Tenant experience and service delivery must be at the core of Victoria's social housing system. A system of housing designed for those who have been unable to sustain stable housing in the private rental market, must be designed to support those with the highest needs. Foremost among these must be those experiencing homelessness.

Throughout this submission we call for a range of mechanisms to be implemented to support consistency, transparency, and consumer-directed service provision. Yet despite the diversity of recommendations in this submission, the outcome sought is the same. We seek to identify changes that would allow Victoria's social housing system to better meet the needs of those who are ill-placed to sustain private housing.

Designing a housing system around those most unlikely to succeed in market-based housing is an ambitious task. It requires a total refocus away from traditional tenancy management, towards a client's needs. Victoria's existing social housing system already has in place many of the largest building blocks needed to achieve this outcome. The next steps are outlined in this submission, and require ambitious action.

It is our belief that now is the time for that aspiration to be enacted to achieve a truly tenant-focused social housing system, alongside the Victorian Government's unprecedented investment into social housing.

It is our hope that this Social Housing Regulation Review will inform the way forward to achieve this goal.

# Recommendations

Recommendation 1: That a focus on equity drive improvement, rather than a focus on uniformity between the standards that apply for those in social housing and those in the queue.

Recommendation 2: That a focus on integration of housing and support, focuses on improved availability of support services, while maintaining the clear separation of housing and support.

Recommendation 3: That the principle of flexibility applied to allow diversity of providers be extended to include flexibility needed to support a diversity of cohorts in social housing.

Recommendation 4: That the promotion of accountability and transparency be a core aim of this review.

Recommendation 5: That the review consider the financial viability of providing social housing for single people. This may include a single person household viability supplement.

Recommendation 6: That regulatory systems that can promote youth-adapted models of social housing be implemented.

Recommendation 7: That the review call for the development of a tenant voice framework.

Recommendation 8: That allocations policies should differentiate between different prioritisation groups, and include a comparatively higher weighting for **people with "homeless with support" prioritisation** (except in instances where a specialist provider has cause to be exempt).

Recommendation 9: That the review require regular publication of data on social housing allocations, including by prioritisation category and sub-category, including by age, income level and type, category, gender and Indigenous status, by each social housing provider and each DFFH local area office.

Recommendation 10: That the 75 per cent threshold for allocations to priority groups be increased.

Recommendation 11: That the agreements under which a very significant **proportion of Victoria's existing social housing stock is currently exempted from** participation in the Victorian Housing Register be reviewed.

Recommendation 12: That a system of choice-based letting be implemented, supported by an online platform, and supported decision making where required.

Recommendation 13: That the review seek to progress the work of *Mana-na worn-tyeen maar-takoort*, especially objectives 5.1 and 5.2.

Recommendation 14: That social housing providers (and local area offices) be required to publicly report on housing exits, including by VHR allocation category, demographic cohort, and property type to which the tenant is moving, in order to both identify and address issues in tenancy management locally and system-wide.

Recommendation 15: That the review support greater oversight of the performance of individual providers.

Recommendation 16: That the review consider the training, time allocation, and remuneration needs of the social housing workforce if it is to deliver best-practice social tenancy management.

Recommendation 17: That Victoria require a higher level of reporting than required by either the NRSCH or current arrangements.

Recommendation 18: That the review recognise that for-profit provision of social housing is inconsistent with best practice social housing management.

Recommendation 19: That the review recognise that participation in the NRSCH is inconsistent with driving service improvement.

Recommendation 20: That common standards of reporting, and minimum **standards for social housing providers' organisational policies be implemented.**

Recommendation 21: That a universal complaints and appeals process be implemented across social housing providers.

Recommendation 22: That the DFFH customer charter be embedded in regulation across the social housing system.

Recommendation 23: That the review seek to improve outcomes for highly vulnerable tenants housed outside of the social housing sector.

Recommendation 24: That the review seek to improve outcomes for residents of marginal accommodation, including considering the following:

- improving minimum standards for marginal accommodation;
- improving monitoring, compliance and enforcement;

- including marginal accommodation in a uniform social housing disputes mechanism;
- developing minimum standards for management practices, and;
- planning for better linkages between rooming houses and the supports their residents require.

Recommendation 25: That the social housing regulatory review consider means for improving housing outcomes for those awaiting a social housing allocation. This may include an opt-in incentive-based system for private landlords to house social housing eligible tenants.

Recommendation 26: That a duty to assist be implemented as means for supporting social housing applicants awaiting an offer of social housing.

Recommendation 27: That a common social housing disputes or appeals mechanism be instituted.

Recommendation 28: That any form of alternative dispute resolution which seeks agreement between parties **include the adequate provision of renters'** advocates.

Recommendation 29: That a human rights approach to social housing be embedded by implementing recommendations 32, 33 and 34 of the *Parliamentary Inquiry into Homelessness*.

Recommendation 30: That the need for greater support to be provided to social housing residents be considered, while maintaining the clear separation of housing and support.

Recommendation 31: That a detailed homelessness strategy should be produced as an outcome of the 10-year social and affordable housing strategy.

Recommendation 32: That any single regulator is resourced to include a focus on performance management and driving strong outcomes from social housing providers.

Recommendation 33: That the review support a single independent regulator.

## What are guiding principles for social housing regulation?

The consultation paper proposes a range of principles for effective social housing regulation. Here, we provide comment on a number of the proposed principles.

### Equity

The consultation paper proposes a focus on equity “such that people in the same circumstances receive similar services, rights and protections, irrespective of their housing provider”. This principle is laudable, and should be included. It will however be important to note that Victoria’s social housing system is characterised by scarcity; there are too few social housing properties for those who need them. For many people experiencing homelessness, social housing is the sole appropriate long term housing outcome. The goal of equity must be to also improve the rights and protections of those awaiting a social housing offer, such as those in private rental properties or rooming houses. These rights and protections must be increased, without a decrease in the standard of social housing, or the level of support and subsidy provided to social housing tenants.

### Integrate housing with the support services needed

It is true that many social housing residents have support needs, and that both individuals and the communities in which they live, function better when these supports are provided. Improving the provision of support services to social housing residents would improve tenant outcomes and improve the overall functioning of the social housing system, and should be pursued by this review. However, it is important that a separation remains between a person’s housing, and their supports. It would be unjust to make a person’s housing contingent on their active engagement with supports – and grossly inappropriate to withdraw people’s supports when they leave or lose their housing. Instead, the focus of integration must be on both the greater provision of support services, such that they are available to social housing residents, and enhanced pairing of support with housing.

### Be flexible to allow for a diversity of providers and for innovation

The proposed principle of flexibility, in order to allow for a diversity of providers is positive. Social housing should reflect the needs of its tenants, and where cohorts of tenants have specific needs, it is important that the social housing system is flexible enough to make this provision. Council to Homeless Persons contends that reference to a diversity of providers and housing stock, while positive, does not go

far enough, and that this principle could be improved by specifically referring to the diversity of cohorts among social housing residents.

### Promote accountability and transparency

CHP strongly supports the objective of promoting accountability and transparency in social housing. Accountability and transparency are among the greatest priority areas for improvement in Victoria's social housing system. We will have more to say throughout this submission on ways in which greater accountability and transparency can be achieved.

Recommendation 1: That a focus on equity drive improvement, rather than a focus on uniformity between the standards that apply for those in social housing and those in the queue.

Recommendation 2: That a focus on integration of housing and support, focuses on improved availability of support services, while maintaining the clear separation of housing and support.

Recommendation 3: That the principle of flexibility applied to allow diversity of providers be extended to include flexibility needed to support a diversity of cohorts in social housing.

Recommendation 4: That the promotion of accountability and transparency be a core aim of this review.

### Key issues with the regulatory environment

In relation to this discussion paper's focus on the social housing regulatory environment, tenant experience and service delivery, one key issue not otherwise canvassed is the inherent funding disincentive in relation to providing housing for some of the largest cohorts on the VHR waiting list.

Providing quality housing for single people is more expensive relative to their income and hence the rent they pay, than it is for other household types. This presents a barrier for single person households in accessing social housing. Given that the greatest shortage of social housing is in the one-bedroom stock type, the regulatory review should investigate the financial viability of providing such housing. This may include proposing alternative funding models, such as a single person household viability supplement, to better meet this need. It should not

include an exploration of charging a higher proportion of income as rent to single person households.

It is abundantly clear that the existing funding arrangements do not support the financial viability of providing social housing to young people (whose incomes are typically lower than those of older cohorts). Given that one in six people coming to a homelessness service is aged between 15-24 years, it is clear that this must be more clearly a priority population. The regulatory review must further recognise that a social housing model for young people will in many ways differ from a model for adults. The review should implement regulatory systems that can promote youth-adapted models of social housing, including giving consideration to medium term tenure models, alternative rent-setting arrangements, factors impacting on shared arrangements, such as individual leases and apportioned liability, and a higher level of subsidy to make the provision of social housing to young people financially viable.

Recommendation 5: That the review consider the financial viability of providing social housing for single people. This may include a single person household viability supplement.

Recommendation 6: That regulatory systems that can promote youth-adapted models of social housing be implemented.

### Improving the focus on tenant experience and voice

A greater focus on tenant voice should be supported by this review. The benefits of tenants' voices in service delivery are wide-ranging, as are the roles which tenants can perform – from the boardroom to the individual building. In order to prioritise system-wide consideration of how to include tenants' voices in social housing delivery, this review should call for the development of a tenant voice framework for social housing.

Recommendation 7: That the review call for the development of a tenant voice framework.

### Housing allocations

There is significant room for improvement in the way in which social housing allocations are operating. This includes in the allocations policies of individual

entities, the comparative level of priority given to those with “homeless with support” prioritisation, and in the level of detail about allocations which is reported.

Currently, each social housing entity allocates social housing in accordance with its own allocations policy. These policies are required to be published by social housing entities. A review of these policies highlights an alarming difference between the allocations policies of the largest provider, the Department of Families, Fairness and Housing (DFFH), and those of many other providers. The DFFH policy allocates “to the household on top of the list by effective date and category”.<sup>1</sup> This type of commitment is not included in the sample of allocations policies of other providers reviewed by CHP in preparation for this submission.

The absence of a requirement to allocate to households at the top of the list by effective date and category leaves open the possibility that individual providers will allocate properties to those on the VHR in prioritisation categories often associated with higher incomes – to the detriment of those in higher prioritisation categories. This not only disadvantages those in the “homeless with support” category when seeking social housing, but undermines the principles of the social housing system. Social housing allocations policies must appropriately differentiate between different prioritisation groups, and retain the comparative priority for people with “homeless with support” prioritisation.

As noted in the discussion paper, community housing providers have a level of flexibility in determining allocations. CHP understands that to an extent this is appropriate, as it is recognised that certain properties will have existing tenant profiles with which the next eligible person may be incompatible. However, it must also be recognised that decisions where individual households are deemed an inappropriate match for a current vacancy is very likely to disadvantage only the most vulnerable households. Far greater onus than is current, must be placed on social housing providers to use this power sparingly. For this reason, it is essential that social housing providers report on allocations with significantly more granularity than currently, in order to make transparent any distorted patterns of allocations.

Reporting of allocations, including by: prioritisation category and sub-category, by age, income level and type, category, gender and Indigenous status; should be regularly published and made publicly available, by each social housing provider – and in the case of the Department of Families, Fairness, and Housing, by each local area office.

Given that both public and community housing (that is in scope for VHR priority allocations) currently achieve around 90 per cent of all allocations to households in priority groups, it would also be beneficial if the social housing regulatory review

were to recommend an increase in the 75 per cent threshold (for allocations to priority groups).

Recommendation 8: That allocations policies should differentiate between different prioritisation groups, and include a comparatively higher weighting for **people with “homeless with support” prioritisation** (except in instances where a specialist provider has cause to be exempt).

Recommendation 9: Require regular publication of data on social housing allocations, including by prioritisation category and sub-category, including by age, income level and type, category, gender and Indigenous status, by each social housing provider and each DFFH local area office.

Recommendation 10: Increase the 75 per cent threshold for allocations to priority groups.

It is also necessary to review the system under which a great proportion of Victoria's existing social housing stock, particularly community housing, is currently exempted from the Victorian Housing Register. Council to Homeless Persons believes that the goal of the social housing system should be to deliver the greatest impact on homelessness in the community, and consequently should maximise the number of properties that are available to highly vulnerable people on the lowest incomes. To this end, when the Government invests public money into social housing, that housing should remain visible via the accountability and transparency of the VHR.

It is important to understand VHR exemptions as a core aspect of allocations. While properties which have been included on the VHR are subject to an organisation's allocations policy, those which have been exempted are typically not. This has ramifications on which stock (and how much stock) is made available to the most vulnerable people – those for whom the system operates.

Recommendation 11: Review the agreements under which a very significant **proportion of Victoria's existing social housing stock is currently exempted from participation in the Victorian Housing Register.**

Allocations would further be enhanced by implementing a system of choice based letting. Allowing eligible tenants to nominate which properties they would like to accept, and then following a prioritisation process, would give social housing residents rights far more akin to those in the private rental market, where tenants do choose which properties for which they would like to be considered.

Consultation with CHP's lived experience advisory group, *the Peer Education Support Program*, highlights a further benefit to the system of choice based letting – they advise that hard to let properties would be re-tenanted far more quickly, as people experiencing homelessness sought a rapid housing option.

It is worth noting that choice-based letting would require supported decision making be available for some of the highly disadvantaged individuals for whom the social housing system operates. It would also benefit from an online platform, allowing prospective tenants to browse properties, and easily submit near-uniform application forms for relevant vacancies. Lastly, choice-based letting must be understood as operating alongside allocations policies, and not as an alternative to them. Social housing providers would still need to undertake a prioritisation process once applications are received.

Recommendation 12: Implement a system of choice-based letting, supported by an online platform, and supported decision making where required.

### Culturally safe and appropriate housing

The social housing regulatory review should seek to make significant inroads on *Mana-na worn-tyeen maar-takoort*, the Victorian Aboriginal housing and homelessness framework. CHP notes that the review is well placed to significantly advance two of the objectives of *Mana-na worn-tyeen maar-takoort* in particular; create a strong and viable Aboriginal housing and homelessness sector, and make the mainstream housing and homelessness system culturally safe. This is especially true insofar as these objectives relate to the housing sector.

The consultation paper is correct in noting that many smaller providers of Aboriginal housing would face intense challenges in meeting the current regulatory requirements of registering as a housing association. However, *Mana-na worn-tyeen maar-takoort* does not call for a diminution of the registration standards, instead, setting out a pathway to support Aboriginal Community Controlled Organisations to achieve the existing standards. While we won't reproduce the relevant section of *Mana-na worn-tyeen maar-takoort* in full in this submission, it is clear that the many of the priority actions can and should be delivered through this review. Among others, this should include supporting governance capacity, industry/sector shaping, and Aboriginal workforce capacity.

This review should further advance the objective of making the mainstream housing and homelessness system culturally safe. The regulatory review may deliver this through requiring cultural safety policies which embed a certain level of practice.

This can be effected by making recommendations with regard to relevant workforce capability, and especially by requiring that the data and evidence that enables continuous improvement and accountability by social housing providers is published.

Recommendation 13: That the review seek to progress the work of *Mana-nā worn-tyeen maar-takoort*, especially objectives 5.1 and 5.2.

### Performance reporting for accountability and transparency

Earlier in this submission we made recommendations with regard to the level of reporting that social housing providers should be required to provide about allocations. These recommendations should not however be limited to allocations but should also be extended to housing exits. As there is great practice variation between different local area offices at the Department of Families, Fairness and Housing, we recommend these reporting obligations also be extended to each local area office at DFFH.

Enhanced reporting is required about both the number and cohorts of those who exit social housing, and the circumstances of their exit (including the type of property to which they are moving). This will allow for better monitoring of tenancy management, including of highly vulnerable renters. This would serve a dual purpose, assisting both providers and DFFH to address instances where individual providers are failing to adequately sustain tenancies, while also drawing attention to system-wide issues of tenancy sustainment for particular cohorts.

Recommendation 14: That social housing providers (and local area offices) be required to publicly report on housing exits, including by VHR allocation category, demographic cohort, and property type to which the tenant is moving, in order to both identify and address issues in tenancy management locally and system-wide.

### The regulatory approach

A major focus of this submission has been the need for greater transparency, to be achieved through far more detailed reporting of housing allocations and housing exits. This should be provided at the individual provider level for community housing organisations, and at the local area office for public housing. Council to

Homeless Persons is strongly supportive of greater oversight of the performance of individual providers.

Recommendation 15: That the review support greater oversight of the performance of individual providers.

### Scope for workforce professionalisation

The role of the social landlord differs greatly from that of a private landlord, and these differences must be reflected in property management practices. Whereas private rental properties operate with the aim of generating profit, the goal of social housing providers is to provide and sustain tenancies for the most highly vulnerable people in our community – those who have not achieved sustainable tenancies in the private market.

The role of the social housing workforce encompasses the role of private tenancy managers, and then extends that role. Engaging with highly vulnerable individuals and both developing and seeking to achieve jointly held aims of tenancy sustainment is both skilled work, and time intensive. This workforce must have available to support them, in order to develop these skills, a sufficient time allocation to deliver best-practice social tenancy management, and remuneration which reflects the additional expertise required.

Recommendation 16: That the review consider the training, time allocation, and remuneration needs of the social housing workforce if it is to deliver best-practice social tenancy management.

### The National Regulatory System for Community Housing

Throughout this review, we have consistently called for a higher standard of reporting from social housing providers (including community housing providers), than is currently available under the existing Victorian regulatory system. We argued above that this reporting will improve both the quality of services and tenants' experience – especially where that quality is failing to meet expectations. The NRSCH, rather than improving existing standards, allows for a lower standard of reporting. Victoria can and should do better than both current systems.

Nor should Victoria follow the NRSCH's lead in allowing for-profit provision of social housing. We explore this further in our response to consultation paper 3.

Recommendation 17: That Victoria require a higher level of reporting than required by either the NRSCH or current arrangements.

Recommendation 18: That the review recognise that for-profit provision of social housing is inconsistent with best practice social housing management.

Recommendation 19: That the review recognise that participation in the NRSCH is inconsistent with driving service improvement.

### A common set of standards for community and public housing providers?

Council to Homeless Persons has throughout this submission called for a higher standard of reporting from social housing providers, in order to drive practice improvement. The variations in practice that are seen between different social housing providers are not limited to the community housing sector. Inconsistent practice between different local area offices of the Department of Families, Fairness and Housing exist, with some area offices consistently providing a less client-centred approach, resulting in worse (and sometimes unjust) outcomes for tenants.

A common set of standards for community and public housing providers would go some way to remedying this situation. CHP believes that in so far as public data reporting goes, public housing local area offices should individually also be required to meet these common standards.

A common set of standards is further required in order to ensure that individual community housing providers' policies meet consistently high standards.

Recommendation 20: That common standards of reporting, and minimum standards for **social housing providers'** organisational policies be implemented.

The regulatory review should also seek to implement a universally applicable complaints mechanism and appeal process across public and community housing providers. Currently, individual organisational mechanisms result in inconsistent treatment for residents of different social housing providers. Instead, a universally applied social housing complaints mechanism would allow tenants to assert their right to fair process.

CHP understands that DFFH is currently working on a customer charter, detailing the expectations that tenants of public housing may have of their landlord. The

regulatory review should consider embedding this charter in regulation across the social housing system.

Recommendation 21: That a universal complaints and appeals process be implemented across social housing providers.

Recommendation 22: That the DFFH customer charter be embedded in regulation across the social housing system.

### A set of standards covering providers of housing to vulnerable tenants

Council to Homeless Persons is strongly supportive of this review delivering additional protections for vulnerable tenants. Those living in marginal housing, such as rooming houses, supported residential services (SRS's) and caravan parks are recognised as experiencing homelessness due to the deficiencies of those accommodation types. The extraordinarily high level of vulnerability among residents of these marginal housing types means that most would be eligible for social housing. Yet, with too little social housing available, many are forced to live in unacceptable conditions.

Currently, many forms of marginal accommodation operate to standards of physical condition and cleanliness, though compliance remains mixed, especially in privately-owned accommodation. This issue is exacerbated by long-running inadequacies in the monitoring, compliance and enforcement regime.<sup>2</sup>

Additional to these concerns however are poor management practices. These range in severity from failure to register properties (in order to skirt minimum standards), to the use of violence by associates of operators against tenants, in order to have complaints withdrawn, or to enforce debts.<sup>3 4</sup>

Outside of the poor behaviour of individual operators however, sits the larger, structural problem. Marginal accommodation is characterised by the extremely high support needs of their residents – and yet in the case of rooming houses, there is an almost complete lack of rooming house focused in-reach support services in Victoria.

A range of options are available to this review, and each should be considered. This includes, but is not limited to: improving standards for marginal accommodation, improving monitoring, compliance and enforcement, including marginal accommodation in a uniform social housing disputes mechanism, developing

minimum standards for management practices, and planning for better linkages between rooming houses and the supports their residents require.

Recommendation 23: That the review seek to improve outcomes for highly vulnerable tenants housed outside of the social housing sector.

Recommendation 24: That the review seek to improve outcomes for residents of marginal accommodation, including considering the following:

- improving minimum standards for marginal accommodation
- improving monitoring, compliance and enforcement
- including marginal accommodation in a uniform social housing disputes mechanism
- developing minimum standards for management practices, and
- planning for better linkages between rooming houses and the supports their residents require.

In addition to those highly vulnerable people living in rooming houses, the discussion paper considers whether the needs of people on the Victorian Housing Register waiting list can be afforded greater rights in private tenancies. Given that this cohort are identified, through their inclusion on the VHR, as needing greater protection than the *Residential Tenancies Act* provides, the regulatory review should consider means for improving housing outcomes for those awaiting an allocation. This may include an opt-in, incentive-based system for private landlords to house social housing eligible tenants.

Recommendation 25: That the social housing regulatory review consider means for improving housing outcomes for those awaiting a social housing allocation. This may include an opt-in incentive-based system for private landlords to house social housing eligible tenants.

Overseas jurisdictions have achieved significant success in assisting people to avoid homelessness through a mechanism known as a 'duty to assist'. This places an obligation on local authorities to make reasonable efforts to stabilise existing housing which is at-risk or to provide access to alternative housing. This obligation has been seen to move the focus of support from crisis management, to prevention, and improves the experience of support for consumers.<sup>5</sup>

Recommendation 26: That a duty to assist be implemented as means for supporting social housing applicants awaiting an offer of social housing.

## An improved system for dispute resolution

There is significant scope for improving dispute resolution processes for social housing tenants. Here we focus on an alternative dispute resolution mechanism for social housing residents, as well as on improvements that can be made at VCAT for this cohort.

A common disputes or appeals mechanism across social housing has great potential to create more uniform practice, and greater consistency in outcomes for social housing residents. Social housing residents and the services that support them when their tenancies run into trouble, report regularly feeling frustrated at decisions that are made against clients which are contrary to what was expected. Too often, this results in evictions from social housing where other options were considered viable by advocates for social renters. It is worth noting that an eviction from social housing is a particularly bad outcome, and can result in exclusion from both private and social housing, the outcome of which is often prolonged episodes of homelessness.

Recommendation 27: That a common social housing disputes or appeals mechanism be instituted.

The consultation paper made reference to alternative dispute resolution mechanisms, as instituted for part of 2020. Here, Council to Homeless Persons warns caution. The Residential Tenancies Dispute Resolution scheme involved three phases for resolving a dispute; direct negotiation between landlord and tenant, mediation between the parties, and ultimately an arbitrated decision.

These mechanisms sought to find solutions agreeable to all parties. While a laudable aim, it must be understood within the context of the prevailing cultural ideas as to the primacy of landlords' needs over those of renters. This, paired with a high level of caution among renters when it comes to avoiding eviction, means that too often renters accept outcomes that are less than they could have achieved through a fairly arbitrated process.

Should this review determine that negotiated or mediated outcomes are an appropriate mechanism for resolving disputes, social renters, who number among the most vulnerable in the community, must have adequate access to advocacy support. This includes not just the capacity for advocates to participate in such mechanisms, but also a vast increase in the availability of such support. Only this way will negotiated or mediated outcomes have a bulwark against the tendency to privilege the position of landlords.

Recommendation 28: That any form of alternative dispute resolution which seeks agreement between parties include the adequate provision of **renters'** advocates.

One option available to this review, is to seek improvements in the current VCAT process for dispute resolution, rather than seeking to implement an alternative process. Currently, VCAT is only empowered to consider social housing tenancies under the provisions of the generalist *Residential Tenancies Act*. However, a recent Parliamentary Inquiry into Homelessness found that community housing providers should be recognised as public authorities for the purpose of the *Charter of Human Rights and Responsibilities Act*, that the Victorian Civil and Administrative Tribunal (VCAT) judge social housing evictions against the Charter of Human Rights, and that the right to housing be specifically included in the Charter.

Such measures could give VCAT greater purview to disallow evictions that meet only the thresholds of the *Residential Tenancies Act*, rather than the higher standard we must expect of social housing providers.

Recommendation 29: That a human rights approach to social housing be embedded by implementing recommendations 32, 33 and 34 of the *Parliamentary Inquiry into Homelessness*.

### An integrated system of support

The discussion paper has correctly identified a mismatch between the support needs of social housing residents, and the level of support available to meet these needs. CHP would however advise that the relevant question is not "how do we integrate support services into social housing programs", but instead "how can we improve the availability of support to social housing residents". It is vital that a clear separation between the provision of housing and support is maintained, in order to ensure that a renter's right to one, is not undermined by a discontinuation of the other. The ability to direct one's own care is fundamental, and must not be made contingent on which housing offer a person has received.

Instead, the review should recognise that support services for people experiencing homelessness are hampered from providing significant post-housing support by the low provision of both time limited and ongoing case management support. Greater provision of long-term case management, consistent with a housing first approach, has a very strong track record both internationally<sup>6</sup> and locally,<sup>7</sup> of helping highly vulnerable tenancies to succeed. Other renters with fewer complexities in their life would nonetheless benefit from short-term case management to resolve crises as they occur. However, the availability of these supports is far too rare.

Council to Homeless Persons contends that the appropriate role of supporting highly vulnerable tenancies sits most appropriately in many instances with the specialist homelessness services, whose case management programs are housing-focused by design. This review should find that a detailed homelessness strategy should be produced as an outcome of the Victorian Government's upcoming 10-year social and affordable housing strategy.

Recommendation 30: That the need for greater support to be provided to social housing residents be considered, while maintaining the clear separation of housing and support.

Recommendation 31: That a detailed homelessness strategy should be produced as an outcome of the 10-year social and affordable housing strategy.

### Bringing it all together: a single housing regulator

While it is true that tenants may benefit from greater consistency of practice under a single housing regulator, it is important to note that a single regulator would need to balance its two, somewhat conflicting aims. A single regulator would need to manage both performance oversight, relating to the outcomes achieved by social housing providers, especially the outcomes achieved for the most highly vulnerable renters, as well as financial viability. While the viability of social housing providers is a necessity, a strong independent regulator must focus on performance management and driving strong outcomes from social housing providers.

With that concern noted however, there are significant possible benefits from a single housing regulator, including more consistent practice in handling complaints, a higher level of practice and consistency in organisations' policies, and the ability to drive a higher standard of reporting.

Recommendation 32: That any single regulator is resourced to include a focus on performance management and driving strong outcomes from social housing providers.

Recommendation 32: That the review support a single independent regulator.

# References

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- <sup>1</sup> Victorian Government Department of Health and Human Services, 2019, *Public Housing Allocations Operational Guideline*, p.7
- <sup>2</sup> See Foley, M., 2009, *Rooming House Standards Taskforce; Chairperson's report*, Victorian Government, Melbourne, p.23
- <sup>3</sup> Council to Homeless Persons, 2014, *The State of Rooming House Reform in Victoria*, p.21
- <sup>4</sup> Dandenong Rooming House Network, 2016, *Creating Home; A research report into rooming houses in the City of Greater Dandenong*, p.16
- <sup>5</sup> Gaetz, S., Schwan, K., Redman, M., French, D., & Dej, E., 2018, *Report 6: Duty to Assist – A Human Rights Approach to Youth Homelessness*. Canadian Observatory on Homelessness Press, Toronto.
- <sup>6</sup> Pleace, N., 2016, *Housing First Guide Europe*, FEANTSA the European Federation of National Organisations working with the homeless, pp. 20-22.
- <sup>7</sup> Chamberlain, C., & Johnson, G., 2018, *From long-term homelessness to stable housing: investigating 'liminality'*, in *Housing Studies*, Volume 22, Issue 8, pp. 1246 – 1263.