

NO ROOM IN THE BOOM

TENANCY WEEK 2-8 OCTOBER 2006 *Addressing the Rental Crisis in WA's Economic Boom*

Whilst WA is experiencing an unprecedented economic boom, many renters are suffering and are in severe hardship due to shortages of rental properties, huge rental increases, unnecessary evictions and discrimination.



Become involved in the campaign during 'Tenancy Week'.

Have your say to ensure rental issues and public housing become a priority issue to be addressed.

For more information and activities, visit: www.taswa.org

Join in the numerous events around the State.

Sign a postcard petitioning for change.

Why not organise something in your local community?

Check out our "Tenancy Week" special edition and get involved!

editorial message

Welcome to this special edition of TAS Talk. This edition is devoted largely to promoting Tenancy Week which will run from October 2nd-8th. This year's theme is "No Room in the Boom" and focuses on the plight of the many West Australians who are not sharing in the benefits of the current boom and whose housing situation has worsened because of the boom.

This is a perfect time for community action. You will find details in this issue of a range of ways you, or your agency, can add your weight to the campaign. We hope the 2 pages of articles about the campaign will inspire you to read more and to organise an event for the week.

Detailed information on ways you can support this campaign are available on the TAS website:
www.taswa.org.

Rob Spinks - Executive Officer

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tas news

TAS Training Courses

Having a comprehensive understanding of tenancy law and Homeswest will assist you in providing accurate information, appropriate support, and effective advocacy to your clients on tenancy matters.

Core Training Courses:

Tenancy Law for Community Workers

21 & 22 Sept 2006
6 & 7 Nov 2006

Tenancy Law – Homeswest Issues

Pre-requisite: Tenancy Law for Community Workers
19 & 20 Oct 2006
20 & 21 Nov 2006

Court Advocacy (Tenancy)

Pre-requisite: Tenancy Law for Community Workers
& Tenancy Law Homeswest Issues
30 Nov, 1 & 4 Dec 2006

New Course:

Tenancy Discrimination – Making a Complaint

Presented by the Equal Opportunity Commission
Pre-requisite: Tenancy Law for Community Workers
& Tenancy Law Homeswest Issues
23 Oct 2006

Coming Up Early 2007:

Residential Parks (Long Stay Tenants) Act – Training for Community Workers

Register your interest with TAS.

For further details contact TAS on (08) 9221 9499 or download a Training Calendar and registration form from www.taswa.org. All training comes to you at no cost. Bookings are essential.

Acknowledgements

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Late Rent May Attract Legal Action

The following monthly TAS column for 'The West Australian' newspaper was published on Saturday 12 August, 2006. Aimed at tenants, it discusses the breach process for rent arrears.

Under the *Residential Tenancies Act (1987)*, if you are in rent arrears (behind in rent) the owner/agent may immediately take legal action. There are two alternative actions they may take against you.

One action the owner/agent may take for you to pay the rent arrears is to give you a breach notice in the form of a letter or a **Breach Notice for Non-Payment of Rent (Form 21)**. This notice should give you not less than 14 days to pay the rent arrears.

If you pay the rent within this period, the owner/agent can not take any further action.

If you are unable to pay the rent arrears within this period and are unable to negotiate a repayment plan with the owner/agent, they may then give you a **Notice of Termination for Non-Payment of Rent (Form IA)**.

The Form IA will state the date by which you need to leave the premises, but it is important to realise that the owner/agent cannot force you to leave without a court order.

If you pay the rent arrears after you have been given a Form IA, the owner/agent may still apply to the court to evict you.

They can only apply for a court order to evict you not less than 7 days after you were given the Form IA and within 30 days after the date you were required to leave the premises.

The other action the owner/agent may take for you to pay rent arrears is to give you a **Notice for Termination for Non-Payment of Rent (Form IB)**.

If you pay the rent within 7 days of receiving this notice, the owner/agent can not apply to the court. If you do not pay the rent owing within this period, the owner/agent can apply to the court for an order for the rent to be paid and an eviction order.

The court hearing date to hear the owner/agent's application can not be earlier than 21 days from when

the Form IB was given to you.

Unlike the Form IA process, you can stop the court application to evict you by paying the owner/agent the rent arrears and the owner/agent's court application fee. You have up until one day before the court hearing to stop the court application.

If you do this, the owner/agent should then contact the courts before the hearing date to withdraw their application. You can check with the court to see if the application has been withdrawn. If it has not, you must go to the court on the hearing date to make sure the application is withdrawn. Take all relevant documentation with you to court.

If the owner/agent does not act within the set legal timeframes they will need to start the process again to continue legal action against you.

As required by the Act, it is necessary for a Form IA and Form IB to contain certain information to be valid. They must be in writing; in the 'prescribed' form; be signed by the owner/agent; identify the rental premises; state the date by which you need to leave the premises (cannot be less than 7 days after you receive the notice); and state reasons why the form has been sent (e.g. rent arrears).

It is usual that Notices are sent by post. The Act states that when the notice is posted it is deemed to have been delivered in the ordinary course of post. The number of days for the ordinary course of post will differ for metropolitan and country areas and will take into account weekends and public holidays.

Mistakes in rent calculation do happen. If you think the owner/agent's calculations are wrong, let them know straight away. Write a letter to explain why, and include documents like rent receipts to support your calculations.

To avoid legal action for rent arrears it is important that you contact the owner/agent to explain your financial situation and try to come to an arrangement to pay the arrears.

Test Your Legal Knowledge

Quiz Questions:

1. What form can the owner send to the tenant without sending a breach notice first?
2. How many days after the tenant is given a Form IA can the owner apply to the court?
3. If you are given a Form IB, how many days before the court hearing can you pay the rent to stop the court process?
4. What happens if the Owner does not comply with the notice requirements under the Residential Tenancies Act?
5. Can the owner evict a tenant without a court order?

*See bottom of page 8 for answers

CAMPAIGN: NO ROOM IN THE BOOM **Addressing the Rental Crisis in WA's Economic Boom**

Get Ready for Tenancy Week!

Tenants Advice Service and the Tenancy Week Steering Committee are pleased to announce this year's Tenancy Week and campaign '**No Room in the Boom**'.

This is the second time Western Australia has run Tenancy Week, with last year's successful campaign being primarily focused on boarders and lodgers, with the title: 'Where will they Live – Housing Options for the Most Disadvantaged'.

Tenancy Week coincides with International Tenancy Day which is part of a world wide campaign to highlight housing issues facing tenants. Housing is a human right and for many, renting is often the only viable housing option, especially those on lower incomes. In Australia, the number of people renting compared to home ownership is increasing, yet the emphasis by decision makers is still on affordable home ownership. Issues facing tenants are often overlooked. Tenancy Week is therefore an opportunity to raise awareness of tenant's rights and specific matters affecting tenants in WA.

As we are in a well publicised housing crisis, the theme for this year's Tenancy Week is '**NO ROOM IN THE BOOM: Addressing the Rental Crisis in WA's Economic Boom**'.

Purpose of WA Tenancy Week

- Provide information and education opportunities on tenants rights, responsibilities and resources
- Campaign for particular policy changes on issues currently affecting tenants or sub-groups of tenants
- Broaden public awareness of renting issues and encourage involvement in Tenancy Week and the campaign
- Acknowledge tenants' positive contribution to the State, whether it is as a private, public or social housing tenant.

Campaign Objectives

The objectives of the campaign is to lobby for:

- More affordable renting options, ensuring there is a greater supply of rental properties now and in the future.
- Better consumer protection for tenants to ensure they are not vulnerable to short term market spikes (eg abolish letting fees, abolish option fees, and link rent increases to CPI).
- A redirection of revenue created by the economic boom toward increasing public and social housing stock.

There is a Rental Crisis!

There has been much in the media recently about how unaffordable home ownership is becoming. Western Australia's property market has now escalated to being one of the most expensive States in which to purchase properties.

Whilst some attention in the media has been given to the situation of the supply shortage of rental properties and the subsequent rising costs of renting, little attention has been paid to how serious this matter actually is and the impact it is having on tenants, their families and the welfare sector. In particular, not much has been said about what action should be taken to address this problem.

In Sydney, the increase in the average rental price for the past year was 1.1%, in Brisbane it was 6.3% and yet in Perth it was 25-30%, making Perth one of the most expensive cities in which to rent. The rental for an average 3 bedroom property in Perth is now about \$250-300 or more, even if you are living in a modest suburb. Some analysts say this is only going to get worse. Simon Tennant an economist from the Housing Industry Association, recently stated that "there is undoubtedly a rent crisis in Australia at the moment". It has been predicted by other analysts that this rent crisis is not going to abate, but get worse. Some analysts are even predicting that rental prices are not likely to be going down in the near future but rather will continue to rise over the next decade.

Even if people are earning an average income, there is evidence that rent price increases are putting many people in housing stress (i.e. their rent is more than 30% of their income). People on low incomes, in personal crisis such as domestic violence and living on Centrelink payments, are particularly disadvantaged by the current situation. And what are the housing alternatives for people who cannot secure or remain in the private rental market? There are few alternatives to renting in the private rental market with public housing through Homeswest, becoming even more difficult to get into. Consequently waiting periods, even for priority public housing, is very lengthy. Many of these people remain in crisis accommodation (SAAP) services for extended periods of time because there is no alternative accommodation available.

If the situation is not addressed promptly, homelessness will become a much greater problem.

There is a need for the voices of the tenants to be heard and for something to happen urgently. After all, if a 1% rise in interest rates is affecting mortgage owners greatly, what of the effect of 25% rent rises for tenants?

tenancy week 2-8 october

International Tenants Day

This year International Tenants Day (ITD) is being held on October 2nd. ITD is an initiative of the International Tenant's Union (IUT), a non-Government organisation founded in 1926 in Zurich, Switzerland, with the purpose of safeguarding the interests of tenants.

In May 1986, the Council of the IUT issued a directive making the first Monday in October 'International Tenants Day', a worldwide day of tenant action and advocacy. It coincides with the United Nations Habitat Day. UN Habitat Day is a human rights based initiative set up to reflect on the state of human settlements, especially the living conditions of the urban poor and the basic right to adequate shelter for all. It is also intended to remind the world of its collective responsibility for the future of human habitat.

Events

Tenancy Week & Campaign Launch

Guest Speakers talking on: Addressing the Rental Crisis in WA's Economic Boom!

Forum: Is Discrimination in Accessing Rental Accommodation Increasing?

An opportunity for community workers and interested public to discuss this issue and contribute to a submission to the state government and to the UN Special Rapporteur on Affordable Housing.

Workshop: Know your Tenancy Rights

A workshop for tenants to learn about tenancy law and how best to deal with tenancy issues.

Campaign Desk

A tent will be outside the Wesley Centre, corner of Hay and William Street, in the city. This will have postcards for people to sign to support the campaign objectives, publications for tenants, and information about the campaign.

Check for dates and further details on the TAS website: www.taswa.org/itw

Become involved

Community groups, organisations and individuals are encouraged to become involved or show support in the campaign. This could include:

- education sessions on tenants rights.
- Getting a story in your local paper.
- Having a campaign table in a shopping centre distributing postcards petitioning for change.
- Putting up posters.
- Organising forums or meetings in the local government area to discuss campaign issues.
- Show support by coming to some of the events and signing a petition post card yourself!

On the TAS website you can get more information about how to become involved. Tenants can also email in their tenancy stories and agencies can promote their Tenancy Week activities.

Tenant Stories

The following stories encapsulate some of the issues that come through on the Telephone Advice Line (TAS), from Tenant Advocates and community workers.

Clare, single retired woman who lives in an apartment on a fixed term tenancy for 12 months and was recently offered another fixed term lease, however with a \$60 a week price increase. Clare is on a pension and can not afford the increase. She asked about subletting the spare room to make ends meet, however her tenancy agreement does not allow this. She says she has no option but to move.

Clare - West Perth

Terry moved a year ago, with his wife and 2 primary aged school children, to Port Hedland to work for a small business. He lived in a place for the past 12 months on a periodic lease for \$190, however the owner recently gave him notice that his rent will increase to \$300. Since this is a 63% increase in rent, he said he will have to leave Port Hedland because he is not on a "mining wage", but an average salary.

Terry - Port Hedland

Jenny a sole parent on a Centrelink payment has been living happily in the same house for 6 years. The owner recently gave her notice that her rent will increase by \$50. Jenny said it is just not possible to pay this with her current income and so said she will have to move.

Jenny - Cannington

Palo and her partner were living in a house for 2 years and the owner recently terminated their lease. Palo managed to rent a house in the same area and noticed that the same house was being advertised for rent \$90 more than she had been paying.

Palo - Churchlands

Mohammad recently got a well paid job on the other side of Swan River, and decided to it would be better to relocate closer to work. He decided to visit a local real estate agent for a 3 bedroom house he saw advertised. The real estate agent took the application form out of his hand when he told them he had 4 children.

Mohammad - Balga.

"..if a 1% rise in interest rates is affecting mortgage owners greatly, what of the effect of 25% rent rises for tenants?"

Hidden National Housing Crisis in Australia

UN Special Rapporteur's Preliminary Observations on Adequate Housing in Australia.

Between July and August 2006, the United Nations Special Rapporteur Miloon Kothari, at the invitation of the Australian Government, came to examine and report on the status of the right to adequate housing in Australia. Particular attention was paid to aspects of gender equality and non-discrimination; to engage in dialogue with Government and the civil society; and to identify practical solutions and best practice in achieving rights to adequate housing. Western Australia was the only State he did not visit.

The final report by Miloon Kothari will come out early next year, however the Preliminary Observations document clearly identifies that Australia has a "serious hidden national housing crisis", which is having a crucial and direct impact on the most vulnerable groups of the population, in particular households of low income. In his report Kothari says that considering that Australia is one of the wealthiest nations in the world, that he "fails to understand why housing is not considered as a national priority" (in Australia). He equates the problem of affordable housing in some cases as a "humanitarian crisis".

Kothari notes that there is widespread unaffordability and that this is creating a greater demand for public housing. He expressed concern that the Governments current mindset of seeing "housing as merely as a commodity

does not acknowledge the central role it places in the development of an individual and of the society in general." He suggests that the \$21 billion given to the high end market through generous tax benefit of capital gains, should have a small redistribution to alleviating the housing crisis for low-income households.

The preliminary observation report also identifies concerns about tenancy laws and anti-discrimination acts ability to protect tenants from discrimination, "black-list" databases and retaliation issues for tenants, citing that the current unaffordability market means that the most vulnerable in the society (such as, indigenous, women, people on benefits, refugees), are particularly experiencing discrimination. The Preliminary Observations report makes specific reference to Indigenous peoples housing crisis, saying that Aborigines live in some of the worst housing in the world.

Further information can be submitted to the Special Rapporteur for his final report. Details can be forwarded to Kothari's assistant Bahram Ghazi on email bghazi@orchr.org, by October 2006. Alternatively, send information to TAS on email tas@taswa.org. TAS will be sending in a submission.

The preliminary observations document of the UN Special Rapporteur is available as a PDF on TAS website, under the 'Tenancy Week' link.



Tenant Advocacy in the Pilbara Region

Michael Reason, the Tenant Advocate of the Pilbara Community Legal Service (PCLS) office in South Hedland, spoke with TAS about its services and the types of tenancy issues encountered in the Pilbara.

What areas in the Pilbara does PCLS service?

The Pilbara Community Legal Service (PCLS) has offices in South Hedland, Roebourne, Karratha and Newman. The service also extends to the townships of Dampier, Point Samson, Wickham, Tom Price, Paraburdoo, Marble Bar, Nullagine and a telephone service to Onslow. The area of coverage is quite extensive and involves a bit of travelling and a lot of telephone talk.

We are lucky to have experienced workers on board to ease the way for us new kids on the block. I would like to thank Pat Stingle in Newman, Susy Griffith in Roebourne, Nannette Williams in Karratha and welcome aboard Kate Moyes who has recently taken up the position as Aboriginal Tenancy Advocate in Karratha.

What are the most common issues encountered at the South Hedland PCLS office?

In the 4 months that I have been the Tenant Advocate at the South Hedland office, the client base has been dominated by Homeswest issues. The following breakdown of client activity gives a good indication: Homeswest – 75, Private rental – 3, employer provided accommodation – 2 and caravan parks – 2.

The majority of Homeswest issues centre on access to housing with 80% of these being for priority assistance. The strain on the rental market in the north west of the state is well documented. A further burden in the Hedland area is the introduction of the Homeswest new 'Living Program'. While this in itself is a good thing and long overdue, it has severely restricted public housing in the short term as houses that have been earmarked for either demolition or serious refurbishment requires tenants to relocate either temporarily or permanently.

What are the main Homeswest issues that you deal with?

Probably the two biggest issues (apart from housing availability) are support letters and previous debts.

Organisations that provide support letters for people applying for priority assistance, are not providing in-depth or knowledgeable information regarding issues affecting their client's circumstances. These include letters from other government departments, community support agencies and medical practitioners. A meeting has

already been held with Homeswest and one is planned with community agencies in the near future. Preliminary discussions have also been held with other stakeholders.

Information provided in support letters is vital in the appeals process. It should provide a professional opinion based on factual information and relate specifically to how the client's housing issue impacts on his/her personal circumstances, for example, medical, family or any other reason why the client is being seen by a support agency.

What is the private rental market like in Port Hedland?

The private rental market in Port Hedland is not quite as bad as Karratha but is making every effort to catch up or even surpass prices in Karratha. At present, accommodation starts at \$300 per week for a one bedroom unit to \$1,000 per week and up. Caravan parks are full and about 8 houses are available for rent between three real estate agencies.

What issues is the Roebourne PCLS office dealing with?

Susy Griffith from the Roebourne PCLS office says that they are dealing only with Homeswest issues. That the majority of issues centre on accessing Homeswest properties, that is, applications for housing, transfers and priority assistance.

What issues is the Karratha PCLS office dealing with?

Nan Williams and Kate Moyes tell me that their client issues have been about 75% Homeswest. The rest have been private rental issues, with a couple of employer provided housing and caravan park issues thrown in for good measure.

At present, the private rental market has maxed out. There have been no private rentals on the market for the past several weeks. Prior to the unavailability of accommodation in the private rental market, rent prices started at \$600 per week and went up from there. Chalets at the caravan park are \$160 per night (sleep 4). Current issues include availability of housing and rental increases.

If you would like to contact Michael Reason at the South Hedland PCLS office call (08) 9140 1613 or email michaelr@pcls.net.au.

tenancy services

Ruah Tenancy Support

Anna Paris, an Executive Manager in Ruah Community Services, spoke with TAS about Ruah Tenancy Support and its services to reduce homelessness in the private rental market.

Can you tell us a bit about the Ruah Tenancy Support?

The South East component of Ruah Tenancy Support is funded through DCD Private Rental Support & Advocacy Services, to prevent homelessness in the Perth south east corridor private rental market. Professional mobile case management support services are offered to any individual or family who are at threat of being evicted and have a desire to stabilise their tenancy.

The model works from a 'responsibilities' perspective, and engages with tenants who are having difficulty managing their home due to underlying disadvantage such as poverty, mental illness, substance use, domestic/family violence, under/unemployment, lack of social and support networks to reduce crisis, and so on.

Case management has a focus on reducing both the tenancy risk as well as supporting people in a tailored and flexible manner to increase their capacity to manage the underlying contributing factors.

How does Ruah Tenancy Support help people who have been homeless?

Ruah Tenancy Support can also work with people who have been homeless and have commenced a new tenancy, to strengthen and safeguard their new home, and to settle and build a sense of community through being linked to new and local people, faces, and places. This is of particular benefit to people exiting SAAP refuges and hostels to private rental housing.

Ruah has the capacity to extend the provision of this part of the service to new tenants in the greater Perth region who have been referred through the DHW Homeless Helpline.

How important to Ruah is the tenant and Property Manager/Landlord partnership?

A fundamental principle of the service model is the emphasis of partnership between tenants and property managers/landlords. Ruah believes that property manager/landlord engagement is critical to find solutions that achieve 'healthy' tenancies and consequently prevent homelessness. A negotiation model enables both parties to achieve win-win outcomes. For example, a property manager will be supported to receive all rental arrears and regular rent paying routines, whilst the tenant will achieve improved housing and other quality of life outcomes. Both parties benefit from a stable tenancy.

When do tenants finish their work with Ruah?

Tenants finalise their work with Ruah when they and their property manager/Landlord identify the tenancy is stable and the eviction threat has been lifted, and tenants feel confident and resourced in managing their homes and other aspects of their lives.

What kind of outcomes does Ruah achieve?

Most people who use the Ruah Tenancy Support services are referred at the point of crisis, often when a breach or termination notice is posted. On average 75% of households who use Ruah stabilise their home and successfully prevent homelessness, and another 10-15% successfully end their tenancy on the best positive note. This outcome ensures they are supported to finalise their tenancy responsibilities well, to retain bond, a reference, and are not placed on a tenant database. These are all critical to ensuring tenants remain competitive in the current private rental crisis experienced in WA.

For requests for services, page the Team Senior - Dawn Greenwell on (08) 9480 5500.

For program information, contact Anna Paris direct on (08) 9227 7012.

- Quiz Answers:
1. The owner can send a Form 1B to the tenant without a breach notice first.
 2. The owner can apply to the court 7 days after a tenant is given a Form 1A.
 3. The tenant can pay the rent owing up until one day before the court hearing.
 4. The Owner has to commence the proceedings again.
 5. No, the owner can not evict a tenant without a court order.

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