**NLAF Housing Law Working Group**

**Report to NLAF – November 2013**

1. **Meeting of the housing law working group**

The following organisations are represented on the working group.

* CLCs (Kingsford Legal Centre, Macarthur Legal Centre)
* LawAccess NSW
* Law Society of NSW
* Legal Aid NSW
* Tenants’ Union
* Public Interest Advocacy Centre, including the Homeless Persons’ Legal Service
* Justice Connect
* Mental Health Coordinating Council

The working group met on 11 November 2013 at the offices of the Public Interest Advocacy Centre (PIAC).

**2. Activities / outcomes**

The objectives of the working group are set out in its Terms of Reference. This report outlines the progress of the group towards achieving these objectives:

* 1. ***Identify practices / systems / models of service provision that are successful in supporting vulnerable people at risk of homelessness to maintain and sustain their tenancies*.**

The working group has begun to identify relevant models and practices. Reports and explanations of the programs are being progressively uploaded to the NLAF housing law working group webpage on the NLAF website.

There was discussion of PIAC’s recent report, *Skating on Thin Ice*, which looks at issues faced by people with mental illnesses in applying for and sustaining tenancies.

**2.2 *Engage with Housing NSW***

*Engage with Housing NSW to develop a constructive working relationship in which to address the housing related legal issues of tenants living in social housing.*

*Engage with Housing NSW to facilitate access to assistance (both legal and non legal) for tenants at risk of losing their tenancy.*

The Working Group has developed a good relationship with Housing NSW, with a focus on three issues. The first is improving the practice of Housing NSW to deal with and process requests, and CTTT orders, for housing repairs. There has been good dialogue with Housing NSW on this issue, and information sharing about the scope of the problem and methods to improve Housing NSW’s processes for ensuring that housing repairs take place in a timely manner. Further dialogue is expected on this issue.

The second point of engagement is intended to develop policies and practices within Housing NSW, which ensure that tenants are not evicted for rent arrears, except as a measure of last resort. Discussion has been held with Housing NSW to improve and broaden its methods for contacting tenants who are in rent arrears so that there are more ‘early warnings’ given to tenants and more creative approaches taken to allow a tenant who is struggling to pay their rent to do so over a period of time, or through a mechanism such as Centrepay. There has also been discussion about the varying practices in different Housing NSW offices, and discussion about training to ensure more consistent service practices that focus on achieving best practice.

The third area has been on training for Housing NSW client service officers (CSOs) in how to deal with tenants who have a mental illness. There was agreement that the ability of CSOs to recognise mental health issues and work confidently and effectively with affected clients varies markedly across Housing NSW offices. Housing NSW is committed to improving its training in this regard, and will work with Working Group members to develop and implement appropriate training for CSOs.

Housing NSW is also engaging with consumer representatives on this issue through forums such as the NSW Premier’s Council on Homelessness.

**2.3 *Housing and Mental Health Agreement***

*Investigate the progress that has been made towards implementing the Housing and Mental Health Agreement.*

*Engage with Housing NSW and Health NSW in relation to the implementation of the agreement. For example, participation in Housing and Mental Health District Implementation and Coordinating Committees (DIACCs) and the development of their work plans.*

Housing NSW and NSW Health have approached each of the 15 district committees and asked them to review how they think they have been performing against the work plan. The Senior Executive Committee is in the process of discussing the review findings, which give a brief overview of the problems already raised. The information will be available once the Senior Executive Committees of Housing NSW and Health NSW have met and made formal recommendations.

**2.4 Collect data about tenant experiences and map expressed legal need**

*Develop a database of case studies that illustrate:*

* *the difficulties / barriers / challenges to sustaining a tenancy (including case studies involving CTTT decisions that impact adversely on the continuation of social housing tenancies); and*
* *successful maintenance of a tenancy, for vulnerable people at risk of homelessness living in social housing (and renting in the private rental market, if it is reasonably practical to collect this data).*

The working group members have begun collection and compilation of case studies relating to:

* repairs;
* back dating rent subsidies; and
* termination of tenancies where the procedures and processes for terminating tenancies as mandated by Housing NSW, have not been followed.

**3. Next meeting**

The working group is scheduled to meet again in February 2014.

Ed Santow

**Chair, NLAF Housing Law Working Group**

**CEO PIAC**

**November 2013**