

14th July 2021

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
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Dear Chairperson

Submission to the Community Support and Services Committee's Inquiry into the Housing Legislation Amendment Bill 2021

Background

Q Shelter welcomes the opportunity to provide a submission to the Queensland Parliamentary Community Support and Services Committee ('the Committee') inquiry into the Housing Legislation Amendment Bill 2021. Q Shelter acknowledges that the committee is also considering the Residential Tenancies and Rooming Accommodation (Tenant's Rights) and Other Legislation Amendment Bill 2021. However, this submission is concerned with the Housing Legislation Amendment Bill 2021 ('the Bill') introduced by the Minister for Housing, Hon Leeanne Enoch MP on 18 June 2021.

Q Shelter supports a tenancy framework that delivers the Queensland Housing Strategy (2017-2027) objective of '*Every Queenslanders has access to a safe, secure and affordable home that meets their needs and enables participation in the social and economic life of our prosperous state*'. Q Shelter supports the action in the recently released Housing and Homelessness Action Plan 2021-2025 to provide a fair and accessible housing sector.

The importance of private rental housing in Queensland

Q Shelter provided a submission to the Open Doors to Renting Reform *Consultation Regulatory Impact Statement* (C-RIS) on renting in Queensland in December 2019 supporting the recommendation provided in the C-RIS. We would like to draw to the Committee's attention key information from this submission that demonstrates the critical role that the private rental sector plays in housing Queenslanders, particularly those with low incomes:

- Rental housing is a significant and growing tenure in Queensland increasing from 25.2% in 2006 to 32.2% in 2016ⁱ. This is the highest proportion of any tenure type in Queensland, and is higher than the national figure of 24.9%¹

¹ In Queensland 27.4% of occupied private dwellings were full owned, and a further 31.4% with a mortgage.

- Private rental is not a residual tenure, and is a normative housing experience for a larger number of households. Just over 33% of all private rental households nationally are long term renters who have been living in private rental accommodation continuously for ten years or moreⁱⁱ
- Private rental accommodates a broad range of households with research reporting an increase of families with children, private renters at midlife, older people including households returning to private rental after home ownership and family breakdownⁱⁱⁱ Private rental households accommodate a greater diversity across the income spectrum, particularly an increase of lower income households. Nationally, the long term rental cohort is over represented by low income households² with 45.5 per cent of all long term renters being low income^{iv}. The fastest growth in private renting has been among households that include at least one Indigenous person, a person aged over 65 years, or a person with a disability or long-term health condition^v
- In Queensland, housing affordability for low income renters is a significant issue with over 40 per cent of low income private rental tenants as at 30 June 2019 were paying 30 per cent or more of their gross income on private rent^{vi}. This results in households not being able to make ends meet, and having little left over to meet other expenses.

We would also like to bring to the Committee's attention the importance of private rental housing within the context of the shortage of supply in social housing in Queensland:

- It is estimated that an additional 175,000 dwellings needed in Queensland over the next 20 years^{vii}. This translates to 8,750 additional dwellings per year
- There is an projected short fall of 174,900 social housing dwellings in Queensland (2016-2036) with 79,200 of these dwellings in the Greater Brisbane area^{viii}
- There are 26,397 households registered for social housing in Queensland (September 2020)
- There are 10,229 households currently assisted through the National Rental Affordability Scheme (NRAS) that are likely to require continued affordable housing at the conclusion of NRAS in 2026^{ix}
- These challenges are exacerbated by the likely increase in the number of Queenslanders needing housing into the future, with the population projected to increase from just over 4,840,000 people in 2016 to more than 7,100,000 in 2041^x
- Increasingly people who are seeking social housing have high and complex needs and without robust support may struggle to sustain their tenancies in the private rental market
- The current private rental market across most regional and urban centres is increasingly difficult to access due to very low vacancy rates. The loss of a tenancy in the private rental market will possibly cause vulnerability to homelessness and housing instability among households previously sustaining their housing independent of interventions from the social housing and specialist homelessness system.

What this means is that long term private renting is becoming a more normative experience for a larger number and more diverse range of households. This is particularly the case of low income households. This can often translate into a substantial proportion of long term private renters living in the private rental sector due to limited

² This is defined as households with incomes in the lowest 40 per cent of the income distribution (based on household equivalised income).

choice about their housing. The recent Queensland Government Covid-19 Homelessness Response has absolutely relied on the private rental market to house some people who could not be accommodated in the social housing system.

The recent budget announcements by the Queensland Government, of \$2.9billion towards social housing and homelessness, is a welcome significant investment in housing in Queensland. However, there remains considerable reliance by government on the private rental market to accommodate households who are not eligible or not able to access social and affordable housing provided by government or community housing organisations. The importance of the private rental market is demonstrated by the introduction through the Queensland Housing Strategy (2017-2027) of an enhanced range of products³ to assist people into the private rental market, and to support those who are currently within the private rental market. The most recent Housing and Homelessness Action Plan (2021-2025) also aims to 'enhance the suite of products and services to assist people to obtain and sustain private housing'. Private rental housing is also a key feature of the Queensland Housing Investment Growth Initiative through the Help to Home initiative, seeking to head lease 1000 properties over two years from the private market to better support people in need.

Tenancy Sustainment

Q Shelter supports a tenancy sustainment framework that integrates and synergises different types of intervention based on assessed need. Tenancy sustainment is a way of working to ensure long term sustainable housing solutions are achieved.

A tenancy sustainment framework will work to:

- Support people's exit from homelessness into sustainable housing
- Support people to maintain their tenancy for the duration of their need
- Support people to transition well into a suitable and affordable housing option as their needs or eligibility changes
- Identify early risks to existing tenancies across all tenures and appropriately re-engage support to sustain that tenancy.

The elements of a tenancy sustainment framework are illustrated below. One of the key elements of the framework is a favourable legislative framework that prevents evictions and improves security of tenure. Tenancy regulation acts as a preventative and early intervention measure. It is important to ensure that people have greater access to legal protection from unfair and without cause evictions.

³ This includes Bond Loan Plus, Rent Subsidy, No Interest Loan Scheme, and head leasing.

Tenancy Sustainment Framework



Q Shelter 2020

Security of tenure is vitally important to prevent lower income households from bearing the costs of multiple moves in the private rental market with associated instability and disruption from relationships, support and education. Research by AHURI characterises the Australian private rental market as 'insecure' with high rates of voluntary and involuntary residential mobility by tenants^{xi}. Tenants move in the private rental market as a result of 'constraints' or 'choice'. Constraints include a dwelling being sold or recovered for the owners use or a lease not being renewed for other reasons. Other 'constraint' reasons for moving include a lack of safety in the home, rental arrears, breakdown in family relationships^{xii}.

Households in private rental move much more than households in other tenures, [t]he percentage of PRS households who had moved three or more times in the past five years (a high and potentially destabilising rate of mobility) was 39.5% compared to only 7.8% for other tenures (Stone et al. 2013). It is difficult to establish a home that provides identity, security and a sense of belonging when housing is insecure.

As the Productivity Commission note *[c]ertainty over one's living location also promotes community and economic involvement, such as participating in local social and sporting activities and holding a job, and helps in maintaining continuity with services such as healthcare and schooling*^{xiii}

Housing transition is a critical life event, and moving from a tenancy can be problematic if it is not voluntary or not clearly stated. It can have a long term impact on the wellbeing of a household, including impacts on physical and mental health, as well as household stability and sense of control. It can disrupt access to place based services and this has a considerable impact on vulnerable households, families, older people and people with disability. Ending a tenancy may also precipitate a crisis in the household, leading to

failed tenancies and homelessness, and becoming costly to households, government and community.

Households that are considered vulnerable prefer stability in their housing arrangements, but are more likely to move involuntarily. However, these households are more likely to not have the money required to move house. Furthermore, insecure housing tenure, eviction and poor physical housing conditions have a correlation with poorer mental health. Singh et. al (2019) state that '*insecure housing can be very destabilising for families and individuals*'^{xiv}.

According to the AIHW (2019) accommodation issues (including housing crisis, inadequate or inappropriate dwelling conditions and that previous accommodation had ended) were nominated nationally as a reason for seeking help in over half of all clients; identified by 52% of clients (or around 149,500 clients nationally), similar to previous years. More than one-third (34% of clients) were experiencing housing crisis^{xv}.

The proposed Housing Legislation Amendment Bill

Q Shelter welcomes the proposed legislation to modernise the rental laws in Queensland, including:

- The provisions relating to domestic and family violence. Domestic and family violence (DFV) is the main reason women and children leave their homes in Australia. The improved tenancy law protections for people experiencing DFV will enhance tenants' ability to exit a tenancy quickly and safely, and with less financial hardship. However, we would like to see included in the legislation the ability to install security devices without prior agreement from the lessor to help keep tenants safe.
- The provisions to make it easier for households to keep pets and other animals in their home.
- The provisions on minimum standards with regard to access and amenities that relate to safety, security and reasonable functionality. However, Q Shelter requests that the prescribed minimum standards include specifications for standards for lighting, ventilation and privacy.

Housing plays a critical role in the health and wellbeing of communities and poor quality housing can have adverse consequences, such as respiratory conditions and asthma associated with cold, damp and mould. Children and the elderly are especially at risk, particularly the health and development of children^{xvi}. Factors associated with poor housing quality and limited safety are not able to be mitigated by many households with poor housing resources and many vulnerable households may not be able to afford to move by choice. They may feel at risk by asserting their rights around repairs and maintenance. It may be that households do not have much choice in the quality of the dwelling that they can choose because of limited financial capacity, locational choice, or are blacklisted in the private rental market.

Low income households are more likely to live in dwellings that are older, less likely to have active or passive energy efficiency features built into them, and have less efficient appliances. This result is the increased price of utilities has a greater impact on low income households. It is recognised that renting in an 'intractable barrier' to the costs and access of more efficient homes^{xvii}.

Q Shelter is concerned that the proposed legislation does not include provisions for residents and tenants to undertake minor modifications. Households who rent continually in the private rental sector for ten or more years have been increasing, and the fastest growth in private renting is among households that include people with a disability or long term health condition. Additionally, there are more families with children in long term rental. It is crucial that households are able to undertake minor modification that not only

make their rental dwelling feel like home and provide a sense of belonging, but also enhance the ongoing affordability of their property, achieve accessibility outcomes, and can make their dwellings safe. Q Shelter understands that minor modifications are to be dealt with in the next stage of the reforms which currently has no timeline.

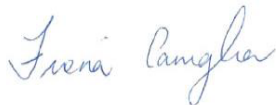
Q Shelter welcomes the removal of 'without grounds' evictions and inclusion of an increased number of approved reasons and additional grounds. However, we do not support the inclusion of a 'end of a fixed term'. The inclusion of this reasons to end a tenancy is effectively similar to a 'without grounds' eviction at the end of a fixed term tenancy.

The previous sections of this submission have demonstrated the significance of this tenure in Queensland as a housing tenure, particularly for low income households. Additionally, a tenancy sustainment approach to housing provides for a favourable legislative framework to enhance security of tenure, and act as a preventative and early intervention measure. The inclusion of a notice to leave at the end of a fixed term agreement does not support at tenancy sustainment approach to housing. It still provides the ability for a lessor to evict a tenant at the end of the period arbitrarily. The previous sections of this submission have outlined how housing transitions, particularly an involuntary moving, can have severe consequences for households including homelessness.

Q Shelter notes arguments that further reforms to protect tenants contravene the Human Rights Act in Queensland. We are aware that the Human Rights Commissioner has spoken in favour of improved protections for tenants saying that the current difficulties in accessing housing are justification for limiting the rights of lessors who should be required to provide a reason for ending a tenancy at the end of a lease.

For further details about this submission, please contact me [REDACTED] or at [REDACTED]

Yours sincerely



Fiona Caniglia
Executive Director

About Q Shelter

Q Shelter welcomes the opportunity to provide this submission to the Parliamentary Inquiry into Homelessness.

Queensland Shelter Incorporated (Q Shelter) is a state-wide industry and peak body for the Queensland housing and homelessness sector with a broad-based membership base that includes passionate individual members, as well as not for profit (NFP) and for profit organisations. We provide an independent and impartial voice on behalf of the housing and homelessness sector, as well as on behalf of those Queenslanders who do not have access to secure and affordable housing. We also work to strengthen the capacity of community housing providers and specialist homelessness services to deliver better outcomes for those in need. Started in the 1980s by committed community members, Q Shelter was Incorporated in 1993.

Q Shelter's vision is that every Queenslander has a home.

Our purpose is to lead the sector in solutions that address the housing and homelessness needs of vulnerable Queenslanders.

For over thirty years, Q Shelter has worked with members and stakeholders to improve housing outcomes for vulnerable Queenslanders. Q Shelter provides products and services that build the strength and capacity of the housing and homelessness sector. Q Shelter also works with regional networks and members to improve policies and programs responsive to the needs of people vulnerable to homelessness. Our members come from across Queensland and include community housing providers (CHPs), local governments, specialist homelessness services, Indigenous Community Housing Organisations (ICHOs). Q Shelter also works with housing and homelessness networks in fifteen areas across Queensland.

Q Shelter is part of a network of Shelter organisations in each State and Territory, and is a member of the National Shelter Council, the Council to Homeless Persons (CHP) (Qld), and participates in the national Community Housing Industry Association (CHIA).

Throughout this submission we draw on our experience as a housing and homelessness peak and on the diverse views of our members and of the broader community housing industry.

Q Shelter is a member of the Making Rent Fair Alliance.

Q Shelter is also a member of the Ministerial Housing Council Sub-Committee, including the COVID-19 Housing Security Sub-Committee.

- ⁱ See <https://profile.id.com.au/australia/tenure?WebID=120&EndYear=2006&DataType=EN>
- ⁱⁱ *Ibid.*
- ⁱⁱⁱ See Stone, W., Burke, T., Hulse, K. and Ralston, L. (2013) *Long term private rental in a changing Australian private rental sector*, AHURI Final Report No.209. Melbourne: Australian Housing and Urban Research Institute.
- Sharam, A. (2015) *The voices of mid-life women facing housing insecurity*, Swinburne Institute for Social Research, Melbourne. Sharam, A., Ralston, L. and Parkinson, S. (2016) Security in housing: the impact of housing and key critical life events, SISR Working Paper, 1 October 2016, Swinburne University of Technology, Melbourne.
- Hulse, K., Parkinson, S. and Martin, C. (2018) *Inquiry into the future of the Private Rental Sector*, AHURI Final Report 303, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/303>, doi: 10.18408/ahuri5112001.
- Productivity Commission 2019, *Vulnerable Private Renters: Evidence and Options*, Commission Research Paper, Canberra.
- ^{iv} Page 13, op cit, Stone, W., et al. (2013)
- ^v Page 4, Productivity Commission (2019), *Vulnerable Private Renters: Evidence and Options*, Commission Research Paper, Canberra.
- ^{vi} Page 16, Department of Housing and Public Works, *Queensland Housing Profile*, Queensland Government. July 2021
- ^{vii} Page 4, op cit, AHURI Final Report No. 315.
- ^{viii} See https://www.ahuri.edu.au/data/assets/pdf_file/0025/29059/AHURI-Final-Report-306-Social-housing-as-infrastructure-an-investment-pathway.pdf
- ^{ix} QGSO op. cit.
- ^x Page 5, Department of Housing and Public Works, *Queensland Housing Profile*, Queensland Government.2019.
- ^{xi} Hulse, K. and Saugeres, L. (2008) *Housing insecurity and precarious living: an Australian exploration*, AHURI Final Report No. 124, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/124>.
- ^{xii} Page 14, op cit, Hulse, K. and Saugeres, L. (2008).
- ^{xiii} Page 22, op cit, Productivity Commission (2019).
- ^{xiv} Singh, A., Baker, Daniel, L. and Bentely, R. (2019) 'Poor housing leaves its mark on our mental health for years to come' *The Conversation*, 29/07/19, <https://theconversation.com/poor-housing-leaves-its-mark-on-our-mental-health-for-years-to-come-120595>.
- ^{xv} AIHW (2020) *Specialist Homelessness Services Annual Report 2019-2020*, Australian Institute of Health and Welfare, <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-annual-report/contents/summary>.
- ^{xvi} See Dockery, A. M., Ong, R., Colquhoun, J. and Kendall, G. (2013) *Housing and children's development and wellbeing: evidence from Australian data*, AHURI Final Report No.201. Melbourne: Australian Housing and Urban Research Institute.
- ^{xvii} ACOSS (2017) *Empowering disadvantaged households to access affordable, clean energy*, Fact Sheet, <https://www.acoss.org.au/wp-content/uploads/2017/12/Factsheet-empowering-disadvantaged-households-Final.pdf>.