

Contemporary Housing Case Studies from South Australia

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The Australian Bureau of Statistics last conducted their Census of Population and Housing in 2016, which reported that approximately 6,224 people in South Australia were experiencing homelessness.¹ More recent data from 2018–2019 estimates that the number of homeless people in the Greater Adelaide area alone is 6,092, with an additional 7,626 people at risk of homelessness.² Given the developments that have occurred since these data collections, including the COVID-19 pandemic, a worsening national housing crisis,³ stagnating wages⁴ and increased inflation,⁵ many homelessness organisations believe this number to be much higher.⁶

Such data and statistics are crucial to understanding the extent of homelessness and to devising effective reforms and solutions, but even more so are real life case studies putting these numbers into context of those in our society who are living these statistics. Over the last six months at JusticeNet SA's Homeless Legal, we have come across hundreds of cases of people who are experiencing, or are at risk of, homelessness. Several cases demonstrate the limits of the existing legal framework in adequately confronting housing insecurity. They also attest to the urgent need for action to implement new policies informed by an understanding of the intersecting issues affecting people experiencing or at risk of homelessness, which ultimately benefit our society as a whole.

Barriers for migrants — Yuval**

Yuval has been living in hostels and crisis shelters across Adelaide for the past few months since he separated from his spouse. He is struggling to find stable, long-term

housing. He cannot afford to rent privately, but he also is unable to register his interest in public and community housing because he does not meet the eligibility criterion of having an independent income.⁷

Yuval's spouse was the sole income-earner for their family whilst Yuval looked after their children. As Yuval has been out of the workforce for several years, he is struggling to find employment. Additionally, Yuval became an Australian permanent resident only in the last year, so he is not yet eligible to receive Centrelink payments.⁸ With the new resident waiting periods for Centrelink ranging from two to four years, Yuval does not see any long-term solutions to his housing insecurity and income needs in these circumstances and, as a result, is growing more despondent.

Lawful termination of tenancy — Jake**

Jake had been a model tenant for over ten years whilst renting in the private rental market in Greater Adelaide. He always paid his rent on time and always received a good reference from previous landlords. Jake was renting his unit for three years until one day, he was notified that his lease was not going to be renewed at the end of its term. Under the *Residential Tenancies Act 1995 (SA)* (RTA), a landlord can terminate a fixed term tenancy at the end of the fixed period without specifying a reason so long as 28 days' notice is given.⁹ Although a reason was not required, Jake's landlord told him it was nothing personal — they needed the property so that their own son could move in instead. As Jake was given a valid notice of termination, there was not much that could be done to challenge it from a legal perspective.

Jake struggled to find alternative accommodation within the 28 days. The amount of properties available in his area was scarce and of the few options he came across, he was outbid by other applicants. With his minimum wage job, he could not afford to keep up with rent bidding but was also ineligible for public or community housing as his income exceeded the income and asset limit.¹⁰ He did not have a strong social support network and ultimately ended up living in his car for more than a year until he was finally able to find another rental in his budget. Jake has said his experience of being homeless has changed him forever and he still does not feel secure in his current position.

Clashing policies for people with low-incomes — Rachael**

Rachael lives in public housing in the Adelaide and was notified that she is in breach of her tenancy because she has an interest in a property. The property is a modest one in regional South Australia, which is being tenanted to her extended family at well below market rates. The rent received is just enough to cover the mortgage.

Rachael is unable to live regionally because her essential mental and physical health supports are in Adelaide, but she is unable to afford private rental rates in the city on her limited income. She is prepared to sell the property to keep her tenancy, however she is unable to do so because she is involved in family law proceedings and there is statutory charge over the property.

Rachael is in the difficult position of choosing between her legal assistance or her tenancy. To maintain her legal assistance; she must keep the regional house, and face eviction for breaching the tenancy.



To maintain the tenancy; she needs to sell the house (potentially making her extended family homeless in the process) and will then lose her legal assistance meaning any meagre proceeds of the sale will quickly be consumed in retaining lawyers. Either way the system is sending a clear message — social mobility is out of Rachael’s reach.

Key Takeaways

From the above examples, a few themes emerge.

First, people who are not shielded by generational wealth and strong social networks are just one unexpected, but not uncommon, life event away from experiencing or being at risk of homelessness. Such events include the non-renewal of a lease, the loss of a job, an injury or illness or the breakdown of a marriage or relationship.

Second, people are expected to relinquish what little upward mobility they may have in order to qualify for support. In Jake’s situation, he felt as if he was being punished for having a full-time minimum wage job as it excluded him from access to public and community housing, despite his income not being enough to survive in the private rental sphere. In Rachael’s situation, her interest in a modest regional property, the value of which would not even cover her legal fees, is a barrier to her remaining in

public housing and accessing health services not available regionally.

Third, in the face of inadequate laws and policies, lawyers working in the community legal space are limited in the assistance we can provide. We can negotiate with landlords to delay an eviction, but the eviction will go ahead at some point. We can triage clients to housing services, but their fates remain in the hands of private landlords or social housing providers. Similarly, inadequate laws and policies disempower staff within these organisations (for example, a housing provider) because, in their view, their hands are tied as they are only applying the policy, not creating it.

Addressing the root causes of these issues ultimately requires a united voice from the community. Laws and policies need to balance the interests of housing providers and renters more fairly with a common goal of preventing homelessness, which is of benefit to everyone in society. The South Australian government is currently undertaking a much-needed review of the *Residential Tenancies Act* and will consider reforms in respect of prescribed reasons for termination and non-renewal of leases, maximum bond amounts, rent bidding, housing standards and more.¹¹

However, legal solutions alone cannot resolve the issue, material solutions are necessary. This includes building

more social and affordable housing, raising wages and government payments to keep up with inflation and reducing waiting periods for access to social services. People should not be pushed to the brink before qualifying for support. A more preventative approach to ending homelessness is ultimately beneficial to economic and social well-being of society as a whole.

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** Names and details slightly changed to maintain privacy.

Endnotes

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