

What help is out there for tenants?

The top issues property managers see with tenants are rent arrears, damage and neighbourhood disputes as identified in a recent survey.

When asked what information would be helpful to support tenants, the top three areas were financial counselling (68%), tenancy support services (58%) and mental health services (32%).¹

Housing Justice has put together this resource with information and support available for tenants to address issues that may arise.

This resources covers:

- Signs of stress • Privacy and confidentiality • Rent arrears and financial stress
- Neighbourhood disputes/disturbance • Cleanliness, hoarding and squalor
- Domestic violence • Mental health services • Community services

Signs of stress

Are you concerned a tenant may not be coping?

The following are some signs of stress that may indicate a tenant needs support.

Rent arrears

- Missed rent payments and reluctance to discuss this debt
- Financial difficulty – lack of money to meet other essential needs i.e. food, essential services (gas/electricity)
- Essential services being disconnected/restricted- phone, gas, electricity, water.

Difficulty with neighbours

- Reporting fear of safety
- Anxious and distressed- fear of neighbours, quiet peace and enjoyment compromised, worried.
- Police involvement
- Complaints from neighbours about behaviour.

Trouble maintaining the property

- Complaints from neighbours
- Contact with council
- Presentation issues- hygiene etc

- Poor condition of property observed during inspections.

Other signs

- Withdrawal
- Avoidance (not answering phone calls or knocks at the door)
- Not allowing entry for maintenance etc.

It is likely you have tenants that require support or are linked in with community and mental health services. 86% of community and mental health workers recently surveyed stated in the last 6 months they have worked with clients who have experienced tenancy stress.²

Privacy and consent

What is consent to share information?

Consent is an approval provided by a person about the sharing of their personal information. The individual must have the capacity to give consent. Consent to share information must be informed, given freely, specific and current.

There may be situations when you are concerned about a tenant and would like to talk with someone or refer them to a service.

Most agencies require the consent of the person before they will speak with you. They may however give general information or advice.

Who can contact you about a client?

The Estate Agents (professional conduct) Regulation 2008, set out standards of conduct expected of agents and agent's representatives on their day to day dealings with clients (sellers and landlords) and consumers (buyers and tenants).

In regards to privacy and confidentiality this legislation states:

*"Estate agents and agents representatives must not: use or disclose confidential information they obtain while acting for a client, unless authorised by the client or required to do so by law."*³

Under what circumstances can you share information without consent?

In some circumstances there may be laws that enforce people to provide information. Privacy laws generally allow the sharing of information between government agencies and other specified organisations where there is a serious and imminent threat to a person's safety.⁴ This may include police, Child Protection or other concerned agency/person.

These circumstances may be where there is a risk of harm to children or severe concerns around the welfare of an individual i.e. police may request access to a property for a welfare check.

Police may also request addresses or other specific information about a client for criminal purposes.

More information on privacy:

<https://www.oaic.gov.au/privacy-law/>

Rent arrears and financial stress

Rental arrears is the most obvious cause of tenancy stress, however it may be a sign of other personal issues, for example: loss of employment, separation, gambling, financial abuse, depression or other physical and mental health issues.

75% of property managers surveyed stated rent arrears was an issue with tenants. Community and mental health workers stated 60% of clients evicted from private rental were as a result of rental arrears.

Financial advice and counselling

Anglicare Victoria

(03) 5448 1000 or free call 1800 244 323

FMC- Mediation and Counselling Victoria

1800 639 523

www.mediation.com.au

Bendigo Family & Financial Services

5441 5277

www.bendigofamilyandfinancialservices.org/index.html

Rural Financial Counselling Service Victoria

54422424

www.ruralfinancialcounselling.org.au

Potential financial assistance

St Vincent de Paul

16 Hopeton St, Bendigo

5443 5688

Haven, Home, Safe

10-16 Forest Street, Bendigo

5444 9000

<http://www.havenhomesafe.org.au/>

Personal experiences from a tenant's perspective

Mary* was running her own successful business from home where she lived with her daughter. Mary experienced severe depression that gradually reduced her capacity to function and maintain the business – therefore effecting her financial situation. Mary used all her savings but then went into rental arrears. "During this time my depression was so heavy that I felt the property manager wouldn't understand or care and the real estate were trying to kick me out."

Although Mary had previously self-managed other episodes of depression in this instance she needed support. "There was no one available to help me during this time."

The approach her real estate agency took, a common one, was to send daily text messages regarding the arrears as well as the necessary notices to vacate. Mary was so low that these reminders of her financial difficulties caused her to further avoid contact, not just with the real estate but with anyone. Every time a text message or call came through was a further trigger towards her downward spiral.

Mary's suggestion for an approach that worked: "My personal loan was in default at the same time as my arrears. The manager of the bank rang up and left a very gentle message about wanting to help sort this matter out. The gentle approach was comforting and worked. I arranged a time to meet and we came to an arrangement that suited me at the time. I had previously had numerous cold phone messages and letters which didn't work for me. I know everybody will have different methods, but a personal, gentle approach, I feel would have made a difference when I was going through this."

* Not her real name

Neighbourhood disputes and disturbance

Neighbourhood disputes was an issue placing tenancies at risk for 55% of property managers surveyed. Community and mental health workers stated 25% of their clients evicted were due to a neighbourhood dispute issue.

Independent mediation is highly recommended to assist tenants to resolve neighbourhood disputes and avoid further escalation. Mediation can be accessed through the Dispute Settlement Centre.

Role of independent mediator

Mediation involves a meeting conducted by a trained and accredited mediator who is impartial. Mediations are confidential and participation is voluntary for all participants. Mediators help identify and explore the issues in dispute, develop options, consider alternatives, work together to reach an agreement.

Mediators help resolve any type of dispute aiming to reach a long-lasting agreement that is fair to everyone involved.⁵

Avoiding escalation

Refer to support and advice services early to avoid issues getting out of hand, risking tenancies.

For advice and assistance

Dispute Settlement Centre

81 Bull Street, Bendigo
5440 6100
www.disputes.vic.gov.au

Consumer Affairs Victoria

1300 55 81 81
www.consumer.vic.gov.au

“Mediation helped me to sort out a dispute that had been going on for 12 months.”

Cleanliness, hoarding and squalor

Cleanliness was identified as an issue placing tenancies at risk for 60% of property managers surveyed. Hoarding and squalor falls under the area of cleanliness.

For extensive information on cleaning, hoarding and squalor and support services go to www.hoardingresources.org.au/cleaning-services-2.

Domestic violence

Domestic violence is a major factor contributing to homelessness in Australia, particularly for women.⁶

Surveyed community and mental health workers identified 28% of client evictions were a result of domestic and family violence.

Possible signs of DV

- Stating no access to money to pay rent
- Physical signs i.e. black eyes, other visible physical injuries
- Avoidance - not answering phone/ attending appointments
- Partner may not allow them to talk when having inspections/meetings
- Damaged property i.e. holes in walls.

Note: these are potential signs ONLY.

A women may not be ready to accept assistance for a number of reasons – fear of safety may be one.

What you can do

- Provide contact numbers for her to seek assistance.
- Provide advice and assistance to minimise missed rent payment i.e. direct debits, Centrepay.
- Provide information about her tenancy options under the Residential Tenancies Act 1997 (RTA).

For DV advice and assistance

Centre for Non Violence

18 Forest Street, Bendigo VIC 3550
5443 4844
www.cnv.org.au

Women's Support Line

1300 134 130
www.wire.org.au
1800 RESPECT (1800 737 732) 24 hour advice

Centrelink Social Worker

132 850 or tenants can go directly into a Centrelink office

Residential Tenancies Act and Domestic Violence

The Residential Tenancies Act 1997 (RTA) was amended in 2008 as part of the Family Violence Protection Act 2008 (FVPA) to greater protect the rights and safety of victims of domestic and family violence (DFV).

A victim of DFV becomes a Protected Person once they have an Intervention Order (IVO). The protected person has the right to change the locks and have the perpetrator excluded from the property.

The following applications to VCAT can be made:

Section 233A Termination

Ending of the existing tenancy agreement and requiring the landlord to enter into a tenancy agreement with the protected person and other persons (if any), provided it can be demonstrated sustainable.

Section 233C determination of parties' liability under the existing tenancy agreement

Relating to for example damage to the property and utility charges. Note: This application can only be made if an application under s233A is also being made.

Section 234 reduction of fixed term tenancy agreement

Application made by protected person to end the lease agreement.

Further information and the VCAT application forms are available at: <https://www.vcat.vic.gov.au/resources/document/protected-person-application-guide-100kb-15-pages>

Further information regarding tenancies and family violence see:

<https://www.consumer.vic.gov.au/housing-and-accommodation/renting/during-a-lease-or-residency/changing-the-lease-in-violent-situations>

Advice around domestic violence and tenancies

Housing Justice

54 Mitchell Street Bendigo VIC 3550
5445 0990
www.housingjustice.org.au

Consumer Affairs Victoria

1300 55 81 81
www.consumer.vic.gov.au

Tenants Union Victoria

9416 2577
www.tuv.org.au

Types of mental health support

Emergency Response

There are services that respond in the event of a mental health emergency. An emergency may be when there is a serious risk of harm to a person or others.

If you have an immediate concern for a tenant's wellbeing:

Psychiatric triage (information, assessment and referral)

1300 363 788
24 hours a day, 7 days a week.

TIP: If you are concerned about someone and the next of kin is not contactable or able to check, you can contact the local police to do a 'welfare check' where they visit the person's address.

Acute inpatient Care

Inpatient care may be used when a patient is very unwell and cannot remain safely in the community. Inpatient care units assist people to get treatment to return home with community mental health support.

Bendigo Psychiatric Services

5454 6000
<http://www.bendigohealth.org.au/>

Facilities include Alexander Bayne Centre (ABC), Vahland House, Prevention and Recovery Centre (PARC), Marjorie Phillips and Youth Prevention and Recovery Care (YPARC).

Community mental health support

Tenants may be involved with numerous community services to address physical, mental and social needs. Supports may reduce the issues placing someone's tenancy at risk. The following is a summary of key contacts as a starting point to suggest to tenants for assistance.

ACSO

1300 022 760 Intake and assessment line for community mental health
www.acso.org.au/what-we-do/connect/get-help-mental-health-issues/

Anglicare Victoria

5448 1000 or free call 1800 244 323
www.anglicarevic.org.au

Care Connect

4444 2680
www.careconnect.org.au/Home

Golden City Support Services

5434 2777
www.gcss.org.au/support/mental-health/

MIND

1300 286 463
www.mindaustralia.org.au

Partners in Recovery

5441 7004
www.pir.net.au

A person's General Practitioner (GP) and Primary Mental Health Teams are also key supports.

Other community services agencies may be working with someone who has a mental illness.

Headspace Bendigo

5434 5345
headspace@bchs.com.au

Community services

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Tenant advocacy & support services

Consumer Affairs Victoria

1300 55 81 81
www.consumer.vic.gov.au

Housing Justice

5445 0990
www.housingjustice.org.au

Housing Justice provides information and advice to tenants on their rights and responsibilities. If they are not the right service they are more than happy to provide advice of relevant services available to assist your tenants.

Family support services

Anglicare Victoria

Child First
5440 1147 or free call 1800 260 338
www.anglicarevic.org.au

Bendigo Community Health Service - Family Services

5448 1600
www.bchs.com.au

Child Protection reporting line

131 278
www.dhs.vic.gov.au/for-individuals/crisis-and-emergency/reporting-child-abuse

Disability support services

Department of Health & Human Services (DHHS)

5434 5555
www.dhhs.vic.gov.au

Golden City Support Services

5434 2777
www.gcass.org.au

Radius Disability Services

5440 8900
www.rds.org.au

Amicus

5441 2666
<http://amicus.org.au/>

Drug and alcohol services

ACSO (Central intake service)

1300 022 760
www.acso.org.au/what-we-do/connect

Bendigo Community Health Services

5448 1699
www.bchs.com.au

Salvation Army Bridge Program

5440 8450
www.salvationarmy.org.au/en/Find-Us/Victoria/Bridge-program

Cultural support services

Bendigo & District Aboriginal Cooperative

5442 4947

Loddon Campaspe Multicultural Services

5441 4288
www.lcms.org.au

Acknowledgements

Thank you to the following organisations for their input and feedback:

Anglicare Victoria

DCK Real Estate Agents

Local community mental health services

PH Property

This resource was made possible with the funding and support of Partners in Recovery.

Housing Justice is supported by the Victorian Government.



References

¹ Housing Justice- Property Managers Survey 2015

² Housing Justice: Community Worker- Private Rental Survey 2015

³ www.consumer.vic.gov.au/businesses/licensed-businesses/estate-agents/running-your-business/professional-conduct/professional-conduct-and-obligations

⁴ www.alrc.gov.au/publications/30.%20Information%20Sharing/information-sharing-between-agencies

⁵ www.disputes.vic.gov.au/mediation

⁶ www.aihw.gov.au/media-release-detail/?id=6442464600