



Comment on

**Draft Statement of Requirements for the
Development, Implementation and
Management of a Pilot Homeshare Program
in the ACT**

May 2012

About ACTCOSS

ACTCOSS acknowledges that Canberra has been built on the traditional lands of the Ngunnawal people. We pay our respects to their elders and recognise the displacement and disadvantage they have suffered as a result of European settlement. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' vision is to live in a fair and equitable community that respects and values diversity and actively encourages collaborations that promote justice, equity and social inclusion.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS receives funding from the ACT Government - Community Services Directorate.

ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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Introduction

ACTCOSS appreciates the opportunity to provide comment on the Draft Statement of Requirements for the Development, Implementation and Management of a Pilot Homeshare Program in the ACT.

The thought and innovation behind this project is a welcome addition to the dialogue underway on ways to address affordable housing in Canberra. ACTCOSS is hopeful this program will not only reduce the number of Canberrans living in housing stress, but will also pave the way for further innovation and future development in this crucial area.

Before implementation of the Homeshare program, it is vital to first address a number of concerns and issues needing clarification. A high level of planning is yet to occur with regard to working out important legal, ethical and logistic details for the Homeshare program.

Pro forma agreement and ‘affordability’

ACTCOSS supports the development of an agreement between the homesharers and householders, and believes this requires a standard pro forma agreement to be developed by the service provider. This document is necessary in ensuring an understanding between the parties (householder and homesharer) with regard to each individual’s rights and responsibilities.

Of concern is the lack of clarity on what may constitute ‘affordability’. It is understood the pro forma agreement must be flexible enough to suit the needs of both parties in each circumstance; however, it is necessary for the chosen service provider to develop clear guidelines around what should be included. It is vital there is an identified appropriate monetary range for rent payments, as well as for expected domestic contributions. The Government, as the initiator of the project, need to provide clear direction on what constitutes ‘affordable’ under the program.

Recommendations:

- The service provider develop a standard pro forma agreement.
- The service provider clearly identify a monetary range for rent payment and what constitutes appropriate domestic contributions.

Legal protection and accountability

An issue of great concern for the sector is the legal protection of those who will be homesharers. The lawful status and protections for homesharers need to be clearly recognised in the tender process and in implementation. It is vital the Government and service provider recognise that agreeing to exchange rent for shared occupancy rights legally enters both homesharers and householders into an Occupancy Agreement. This agreement affords certain occupancy

protections under existing ACT legislation, and the program should, at a minimum, operate in accordance with the ACT Occupancy Principles¹.

The pro forma agreement which will be signed by both householders and homesharers should reflect the rights and responsibilities of occupants and grantors that already exist in the ACT. Of particular relevance is the occupant's right to a clear agreement prior to the arrangement on what specifies as grounds for eviction. It is necessary to clarify such matters beforehand in order to prevent wrongful eviction and the potential for homelessness.

It is unclear how the Homeshare program will operate within the ACT Government's 'no exits' into homelessness policy. It is appropriate the Government and/or implementing agency make a commitment to rehouse individuals in the event their Homeshare arrangement does not work out. Ensuring no participants are exited into homelessness from this program is vital in order for the Government to continue to support this important policy.

Recommendations:

- At a minimum, the Homeshare program operate in accordance with the ACT Occupancy Principles.
- The pro forma agreement recognise the rights and responsibilities of occupants and grantors that already exist in the ACT, most notably, the occupant's right to a clear agreement on what specifies as grounds for eviction.
- Ensure no program participants exit into homelessness.

Recruitment and matchmaking

There is a need for clarity with regard to the recruitment process for this program. The presentation at the Industry Briefing was clear in communicating the program would be based on supply, as it was acknowledged there might be a much greater number of interested homesharers than householders. The way participants will be recruited and matched should be fair and equitable and works within the ACT Human Rights framework.

Recommendation:

- Clarify the Homeshare program's recruitment process and ensure equity.

Links to other programs

With regard to finding 'suitable resolutions to any issues that may arise between householders and homesharers' (task k, Item 3.1.1), there is ample opportunity

¹ Tenant's Union ACT. *Other Accommodation: The Occupancy Principles*. Viewed 17 May 2012. <<http://www.tenantsact.org.au/Default.aspx?PageID=4842936&A=SearchResult&SearchID=5328850&ObjectID=4842936&ObjectType=1>>.

to link with other housing management programs operating in Canberra. There are new programs developed under the Community Services Directorate which could serve to address and resolve disputes for homesharers and householders, such as the Improved Support for Stronger Communities supports and the Friendly Landlord Service. Using existing programs strengthens models already in place and gives added support for tenants who may be in need of it.

Recommendation:

- The program link with other programs such as the Improved Support for Stronger Communities supports and the Friendly Landlord Service.

Safety

It is unclear which party will be financially responsible for the required police checks and whether or not this will be part of the newly implemented Working with Vulnerable People Checking System (WWVPCS). These concerns should be clarified before beginning the tender process.

Further, there must be more processes and procedures in place to ensure the safety of both householder and homesharer beyond the mandatory police checks. As not every offence will have resulted in a conviction or charge, it cannot be assumed that simply because a person has no convictions or charges on their record they will pose no risk to other participants in the program. It is essential this program is accompanied by other appropriate risk management processes, put in place by both the Government and the service provider to ensure the best possible protection for vulnerable community members.

Recommendations:

- Clarify who is responsible for financing police checks.
- Clarify whether or not the Homeshare program will be a part of the WWVPCS.
- The Government and chosen service provider develop appropriate risk management processes and procedures to protect participants.

Recognising vulnerable people

Concern has been raised by the community the Economic Development Directorate does not consider the future homesharers in this program to be 'vulnerable'. It is disingenuous to suggest employed people on low incomes in private rental will not be vulnerable. As they will be renting in return for services as well as payment, and possibly without security of tenure, they would seem therefore by definition to be vulnerable. While this does not mean homesharers will necessarily need added support, it is appropriate to recognise this

vulnerability and to resource the scheme appropriately to allow referral and other support (see *Links to other programs*) as required.

Recommendation:

- The program recognise the vulnerability of participants and resource the scheme appropriately to provide support as required.

Engaging with older people and people with disabilities

It is understood this program is being developed with the aim of expanding beyond traditional Homeshare programs in order to be more broadly available for ‘householders who may wish to make a spare bedroom available to low income earners in the exchange for support and/or affordable rent’. While it is heartening the ACT is considering new and innovative ways to address affordable housing, the dual-purpose present in traditional Homeshare programs – to provide mutual support between homesharers and older people and/or people with disabilities – is lost in this model. ACTCOSS considers this to be a missed opportunity for many people living in the ACT.

Further expansion of an ACT Homeshare program should include the targeting of older people and/or people with disabilities as householders as a way to address multiple community needs. These include: addressing affordable housing; supporting independent living; reducing carer costs for older Canberrans and Canberrans with disabilities; and promoting social inclusion.

Recommendation:

- Include older people and people with disabilities as a target group for householders.

Consultations

Liaising with organisations such as the Tenant’s Union ACT, ACT Shelter, and other community organisations is an important way for the Government to receive meaningful feedback from the community. As demonstrated, there are a number of issues arising which must be addressed before implementing a Homeshare program for the ACT. ACTCOSS welcomes the opportunity to provide feedback at this stage in the program’s development and would like to see community consultation continue throughout all development phases of this innovative program.

Recommendation:

- Continue to consult with the community and organisations throughout the duration of the process.