

Final Report

Evictions and housing management

authored by

**Andrew Beer, Michele Slatter, Jo Baulderstone
and Daphne Habibis**

for the

**Australian Housing and Urban Research
Institute**

Southern Research Centre

June 2006

AHURI Final Report No. 94

ISSN: 1834-7223

ISBN: 1 921201 02 9

ACKNOWLEDGEMENTS

This material was produced with funding from the Australian Government and the Australian States and Territories. AHURI Ltd gratefully acknowledges the financial and other support it has received from the Australian, State and Territory governments, without which this work would not have been possible.

DISCLAIMER

AHURI Ltd is an independent, non-political body which has supported this project as part of its programme of research into housing and urban development, which it hopes will be of value to policy-makers, researchers, industry and communities. The opinions in this publication reflect the views of the authors and do not necessarily reflect those of AHURI Ltd, its Board or its funding organisations. No responsibility is accepted by AHURI Ltd or its Board or its funders for the accuracy or omission of any statement, opinion, advice or information in this publication.

AHURI FINAL REPORT SERIES

AHURI Final Reports is a refereed series presenting the results of original research to a diverse readership of policy makers, researchers and practitioners.

EXECUTIVE SUMMARY

This research set out to establish an evidence base around public and private sector rental evictions in Australia that will assist in the formulation of policies and strategies that reduce the cost burden of evictions on housing providers and managers. Ideally, that evidence base would result in fewer evictions and less disruption within the lives of low-income people vulnerable to eviction.

Residential tenancy disputes and housing evictions exert a direct impact on public sector housing management in three critical ways:

1. Evicted persons may be forced into homelessness. Government or non-government agencies carry the cost of meeting their short and medium term housing needs. In some instances persons evicted from State Housing Authority (SHA) dwellings may immediately draw upon further SHA accommodation, or other SHA support such as a bond guarantee. SHAs may find it necessary to over-ride their debt policies so that evicted persons avoid homelessness;
2. There are housing management costs to SHAs in evicting their tenants. Evictions bring direct costs and carry only limited benefit for the management of the public stock. However, failing to evict tenants may generate other problems – such as significant problems with arrears of rent – and this gives rise to a substantial dilemma in housing management: whether to evict or not. Difficult and disruptive tenants within the public rental sector, many of whom have multiple and complex needs, raise other issues regarding eviction and the most appropriate strategies for the management of the public housing stock (Parliament of South Australia 2003);
3. High levels of tenancy disputes and evictions within the private rental market may generate a perception of market failure amongst landlords, who then become reluctant to invest in low cost rental housing. This raises rents within the private rental sector and increases demand for publicly-funded housing.

This research set out to generate knowledge about evictions and evictees that can be used to inform policies which reduce the cost burden of evictions on public housing providers and managers. The research also sets out to consider strategies for reducing evictions in the private rental sector in order to generate more positive attitudes amongst private providers to rental housing.

All Australian jurisdictions have procedures for dealing with failed tenancies. In some States and Territories a body such as a Residential Tenancy Tribunal adjudicates on landlord/tenant disputes (SA, Victoria) while elsewhere these matters are dealt with by the Magistrates Court (Tasmania, Queensland). Moreover, all State Housing Authorities and community housing bodies (housing associations and co-operatives) have policies and procedures for dealing with evictions. There are strong commonalities in the way different States and Territories deal with evictions, but the differences can be significant: long term caravan park residents in South Australia, for example, are not covered by residential tenancies legislation and therefore do not have recourse to the Residential Tenancies Tribunal if threatened with eviction. In Queensland they are covered by the equivalent legislation and have greater rights.

Four key research questions were addressed in this research project:

- Who are evictees and what factors – substance abuse, gambling, unemployment or the breakdown of families – resulted in the failure of their tenancy? What is the profile of persons evicted from the public rental sector compared with those displaced from the private rental sector? What are their attitudes to eviction and what, if any, strategies do they engage in to avoid eviction?
- Where are evictees housed after they have been ejected from their dwelling? Who provides shelter to this group, under what terms and at what cost? To what degree are they forced into temporary accommodation for an extended period?
- What is the impact of evictions on private rental housing supply and the demand for government-provided housing support? To what extent do evicted persons rely upon government-provided crisis accommodation, publicly-provided bonds and other supports?
- What policy interventions can reduce the frequency and impact of evictions? What steps can public sector agencies take to enhance the sustainability of tenancies, and the robustness of the private rental sector?

In undertaking this research we anticipated that it would be possible to identify a range of factors that predispose tenancies to fail. It is likely that non-housing factors will be associated with evictions – such as unemployment, drug or other substance abuse, gambling or psychiatric disability or household break up – as well as housing factors such as limited previous experience renting, a record of prior evictions, high housing costs relative to income. The relative importance of these hypothesised factors was not known at the commencement of this research.

Through this research we conducted interviews with approximately 150 evicted persons across South Australia, Tasmania and Victoria. We made contact with these people via recruitment through service providing agencies. We found that:

- Many tenants were effectively evicted – or evict themselves – prior to any formal action being taken by landlords. In many instances these tenancies may have been retained if the tenant had engaged with the appropriate processes – a Tribunal or the Magistrates Court;
- Tenants within the private rental sector were more likely to leave early than persons in the public rental sector facing eviction. This may reflect the fact that the public sector is seen as much less likely to see an eviction process through to completion, or it could reflect the higher value attached to public rental housing by low income groups;
- Approximately 70 per cent of the evictees we interviewed were on a government provided statutory income prior to eviction and this rose to 90 per cent after eviction;

- There was a noticeable tendency for evicted persons to move from private rental housing into the public rental sector after eviction. This includes both State Housing Authority Housing, community housing and SAAP funded agencies;
- Most evictees turned to friends and relatives to provide accommodation upon first eviction, but some ended up sleeping rough, sleeping in cars or in emergency shelters. Significantly, a significant percentage of evictees end up in other institutions – gaol, hospital, and psychiatric care facilities – after eviction. A tenant's presence in these institutions also contributes to their likelihood to be evicted;
- The persons most at risk of eviction appear to be:
 - Persons living alone;
 - Young people;
 - Sole parents;
 - Older men;
 - Persons with substance abuse problems;
 - Women escaping domestic violence.
- The interview data shows that most evictions occurred because of rent arrears and this finding is consistent with the established evidence base around this topic. However, we also found that a significant number of our respondents had been evicted because of damage to the property, or as a consequence of the complaints of neighbours;
- Most respondents had been evicted only once but others had experienced multiple evictions;
- Some of the women we interviewed reported they were victims of domestic violence. Often they abandoned their tenancy in order to flee violence in the home. This group experienced multiple disadvantage as they were first victims of violence, secondly they lost their homes and third they suffered the stigma – and potential discrimination within the market – of having been evicted;
- The persons covered in this study were largely evicted from the private sector, but others had been evicted from the public sector and from Supported Accommodation Assistance Program housing. Evictions from the latter largely took place as a consequence of a breach of lease conditions;
- A substantial number of evictees reported problems with abusive behaviour by landlords and or discrimination by landlords;
- Evictions create additional demands on the housing and welfare sector. As noted before, evicted persons tend to find longer term accommodation in the public sector and in the short term they require emergency assistance,

assistance with furniture and other goods, and often additional income support;

- Evictees reported that they often experience very severe personal outcomes as a consequence of their eviction. This includes the loss of furniture and other chattels, but also relationship breakdown and in some instances the loss of dependent children into care facilities;
 - Many evictees have lives of considerable hardship and eviction is a further burden in an already difficult set of circumstances.
- The majority of evictees do not appear to contest their eviction. They report a sense of helplessness/powerlessness. Eviction is seen by the respondents as regrettable but unavoidable. Few evictees stated that have heard of tenant advocacy services such as the Tenant's Union and even fewer called upon their assistance. It is proposed that more could be done to empower tenants and both the system responsible for administering eviction processes (Magistrates Court or a Residential Tenancy Tribunal) and Centrelink could play a more effective role. Both are key points of contact for evictees;
- With poor living skills being a contributing factor to evictions for young people, programs that develop life skills among young people could substantially reduce the level of eviction amongst this age cohort.

Overall the research confirms that eviction is a major problem for the providers of public housing assistance and for the public sector as a whole. Evictions generate a number of challenges for the public sector with:

- A percentage of evictees ending up in high cost hospitals or other institutions;
- Children separated from their parents;
- The education of children disrupted;
- Additional demands placed on the public housing sector, as well as emergency housing; and,
- The majority of evicted persons ending up homeless, with a small proportion experiencing the worst forms of primary homelessness.

Programs and strategies are needed that provide better advice and support to tenants facing eviction. In addition, efforts need to be extended that attempt to educate tenants about the processes surrounding the termination of a tenancy.

CONTENTS

EXECUTIVE SUMMARY	iii
LIST OF ABBREVIATIONS	ix
1 INTRODUCTION	1
2 EVICTIONS: DEFINITION AND CONCEPTUAL ISSUES	4
2.1 Understanding Evictions.....	4
2.1.1. <i>Eviction: physical or ‘formal’</i>	4
3 THE METHODS EMPLOYED IN THIS STUDY.....	8
3.1 Quantitative Data Collection and Analysis.....	8
3.1.1 <i>Data Collection in South Australia</i>	10
3.1.2 <i>Data Collection in Tasmania</i>	10
3.1.3 <i>Data Collection in Victoria</i>	11
3.2 Qualitative Data Collection and Analysis.....	11
4 ANALYSIS: ADDRESSING THE RESEARCH QUESTIONS	13
4.1 Who are Evictees and What Factors Resulted in the Failure of their Tenancy?.....	13
4.1.1 <i>Evidence from the Three Case Studies: Who, Why, How and by Whom?</i> 14	
4.1.2 <i>South Australia</i>	23
4.1.3 <i>Tasmania</i>	25
4.1.4 <i>Victoria</i>	30
4.2 Where are Evictees Housed after they have been Ejected from their Dwelling?.....	34
4.2.1 <i>South Australia</i>	38
4.2.2 <i>Tasmania</i>	39
4.2.3 <i>Victoria</i>	41
4.2.4 <i>What is the Impact of Evictions on Private Rental Housing Supply and the Demand for Government Support?</i>	42
4.2.5 <i>The Demand for and Use of Public Services</i>	42
4.2.6 <i>South Australia</i>	42
4.2.7 <i>Tasmania</i>	43
4.2.8 <i>Victoria</i>	44
4.3 What Policy Interventions Can Reduce the Frequency and Impact of Evictions?	45
4.3.1 <i>South Australia</i>	46
4.3.2 <i>Tasmania</i>	47
4.3.3 <i>Victoria</i>	48
5 CONCLUSIONS AND POLICY IMPLICATIONS	49
5.1 Who Are Evictees and What Factors Resulted in the Failure of their Tenancy?.....	50
5.1.1 <i>Factors Contributing to Eviction?</i>	50
5.1.2 <i>Attitudes to Eviction</i>	54
5.1.3 <i>Strategies to Avoid Eviction</i>	54
5.2 Where Are They Accommodated After Eviction?	55

5.3	What Impact on Private Rental Housing and the Demand for Government Assistance	55
5.4	What Policy Interventions Can Reduce the Frequency and Impact of Evictions?	56
5.5	Conclusion	60
REFERENCES	61

LIST OF ABBREVIATIONS

AIH	Australian Institute of Housing
CRA	Commonwealth Rent Assistance
FAYS	Family and Youth Services
REIA	Real Estate Industry of Australia
MACHA	Multi Agency Community Housing Association
MOSS	Merri Outreach Support Service
OARS	Offenders Aid and Rehabilitation Services
OCBA	Office of Consumer and Business Affairs
RGIV	Real Estate Institute of Victoria
SAAP	Supported Accommodation Assistance program
SASH	Salvation Army Supported Accommodation
SHA	State Housing Authority
SJYSS	Southern Junction Youth Support Service
TUV	Tenants Union of Victoria
VCAT	Victorian Civil and Administrative Tribunal

1 INTRODUCTION

Evictions are an important, but much under-studied, feature of the Australian housing market. They are significant because on the one hand they are central to the functioning of the housing market – tenants face eviction if they fail to pay rent or meet other conditions within their lease – and on the other hand they raise questions of human welfare and social justice. Persons who are evicted may end up homeless and may impose additional demands on the public sector for housing and other support. The scale of evictions across Australia needs to be appreciated: Slatter and Beer (2003) estimated that there are 1,000 bailiff-assisted evictions each year in South Australia and 6,000 evictions where the tenant leaves prior to the bailiff enforcing a possession order. To place that in perspective, South Australia represents approximately 8 per cent of the national total which suggests that there are 12,000 bailiff- or police-assisted evictions in Australia each year and 80,000 to 100,000 evictions in total. Evictions are largely – but not exclusively – a feature of the private rental market and an increased policy emphasis on this sector as an instrument for the delivery of affordable housing (Yates 1999) has made the process of eviction a question of greater significance than previously. The majority of evictions are initiated by landlords because of arrears of rent (Slatter and Beer 2003) although eviction proceedings can be initiated for a range of other reasons including damage to the property and disrupting the neighbourhood.

This research set out to establish an evidence base around public and private sector rental evictions in Australia that will assist in the formulation of policies and strategies that reduce the cost burden of evictions on housing providers and managers. Ideally, that evidence base would result in fewer evictions and less disruption within the lives of low-income people vulnerable to eviction.

Residential tenancy disputes and housing evictions exert a direct impact on public sector housing management in three critical ways:

1. Evicted persons may be forced into homelessness. Government or non-government agencies carry the cost of meeting their short and medium term housing needs. In some instances persons evicted from State Housing Authority (SHA) dwellings may immediately draw upon further SHA accommodation, or other SHA support such as a bond guarantee. SHAs may find it necessary to over-ride their debt policies so that evicted persons avoid homelessness;
2. There are housing management costs to SHAs in evicting their tenants. Evictions bring direct costs and carry only limited benefit for the management of the public stock. However, failing to evict tenants may generate other problems – such as significant problems with arrears of rent – and this gives rise to a substantial dilemma in housing management: whether to evict or not. Difficult and disruptive tenants within the public rental sector, many of whom have multiple and complex needs, raise other issues regarding eviction and the most appropriate strategies for the management of the public housing stock (Parliament of South Australia 2003);
3. High levels of tenancy disputes and evictions within the private rental market may generate a perception of market failure amongst landlords, who then become reluctant to invest in low cost rental housing. This raises rents within the private rental sector and increases demand for publicly-funded housing.

This research set out to generate knowledge about evictions and evictees that can be used to inform policies that reduce the cost burden of evictions on public housing providers and managers. The research also sets out to consider strategies for reducing evictions in the private rental sector in order to generate more positive attitudes amongst private providers to rental housing.

All Australian jurisdictions have procedures for dealing with failed tenancies. In some States and Territories, a body such as a Residential Tenancy Tribunal adjudicates on landlord/tenant disputes (SA, Victoria, NSW) while elsewhere these matters are dealt with by the Magistrates Court (Tasmania, Queensland). Moreover, all State Housing Authorities and community housing bodies (housing associations and co-operatives) have policies and procedures for dealing with evictions. There are strong commonalities in the way different States and Territories deal with evictions, but the differences can be significant: long term caravan park residents in South Australia, for example, are not covered by residential tenancies legislation and therefore do not have recourse to the Residential Tenancies Tribunal if threatened with eviction. In Queensland they are covered by the equivalent legislation and have greater rights.

Four key research questions were addressed in this research project:

- Who are evictees and what factors – substance abuse, gambling, unemployment or the breakdown of families – resulted in the failure of their tenancy? What is the profile of persons evicted from the public rental sector compared with those displaced from the private rental sector? What are their attitudes to eviction and what, if any, strategies do they engage in to avoid eviction?
- Where are evictees housed after they have been ejected from their dwelling? Who provides shelter to this group, under what terms and at what cost? To what degree are they forced into temporary accommodation for an extended period?
- What is the impact of evictions on private rental housing supply and the demand for government-provided housing support? To what extent do evicted persons rely upon government-provided crisis accommodation, publicly-provided bonds and other supports?
- What policy interventions can reduce the frequency and impact of evictions? What steps can public sector agencies take to enhance the sustainability of tenancies, and the robustness of the private rental sector?

In undertaking this research we anticipated that it would be possible to identify a range of factors that predispose tenancies to fail. It is likely that non-housing factors will be associated with evictions – such as unemployment, drug or other substance abuse, gambling or psychiatric disability or household break up – as well as housing factors such as limited previous experience renting, a record of prior evictions, high housing costs relative to income. The relative importance of these hypothesised factors was not known at the commencement of this research.

This Final Report presents the outcomes of research into housing evictions in Australia. Field work for this research was undertaken in South Australia, Victoria and Tasmania, with approximately 150 interviews with evictees undertaken across

these jurisdictions. The three locations were chosen because they represent large and small States where market pressures and the frequency of eviction could be expected to vary with population size, they have a range of legal processes for dealing with eviction (ie Magistrates Court and Tribunals) and differing policy frameworks. This Final Report builds upon the conceptual and theoretical issues discussed in the Positioning Paper. It briefly reviews the material discussed in the Positioning Paper, it presents the outcomes of qualitative data collection in Victoria, South Australia and Tasmania and it presents the quantitative outcomes of interviews with evictees. The Final Report then goes on to consider the policy implications of this work and how governments can better manage evictions and their consequences.

2 EVICTIONS: DEFINITION AND CONCEPTUAL ISSUES

Evictions have not received a great detail of attention within the housing management literature in Australia, or internationally. In part this reflects the public sector focus of much Australian research – with most evictions taking place within the private rental sector – but it is also a function of disciplinary boundaries. Evictions are most commonly studied as part of the legal system and lawyers and criminologists have made a relatively small contribution to housing research in Australia (see Bradbrook 1975; Baldwin 1997). Internationally, while some research has been published (Crane and Warnes 2000) differences between legislation and institutional context make direct comparisons difficult. Evictions therefore receive partial coverage within the research literature and represent an undeveloped field in Australian housing and urban research.

2.1 Understanding Evictions

Any examination of evictions in the residential sector must begin with an understanding of landlord/tenant legislation, as it is legislation that provides the framework within which evictions take place. Landlord/tenant regulation has a long history, with Kennedy *et al* (1995) noting that the history of this legislation can be traced back to the common law dating from the thirteenth century. The law became preoccupied with the tenant's rights in the land rather than the contractual interest (Bradbrook 1987, p. 2). However, the late 20th century saw a change in perception and legislation was widely introduced that emphasised the tenant as a consumer in what is often an unequal relationship. A new legal balance was struck between landlord and tenant, more appropriate to modern circumstances, recognising that a residential tenancy is a complex contractual arrangement for the provision of housing services (Kennedy *et al* 1995, p.5).

An eviction is the removal of a tenant from premises so that the landlord may resume possession. It is the most acute manifestation of the landlord's interest in, and rights in, the property. An eviction reflects the landlord's decision: an eviction does not take place at the tenant's initiative.

2.1.1. *Eviction: physical or 'formal'*

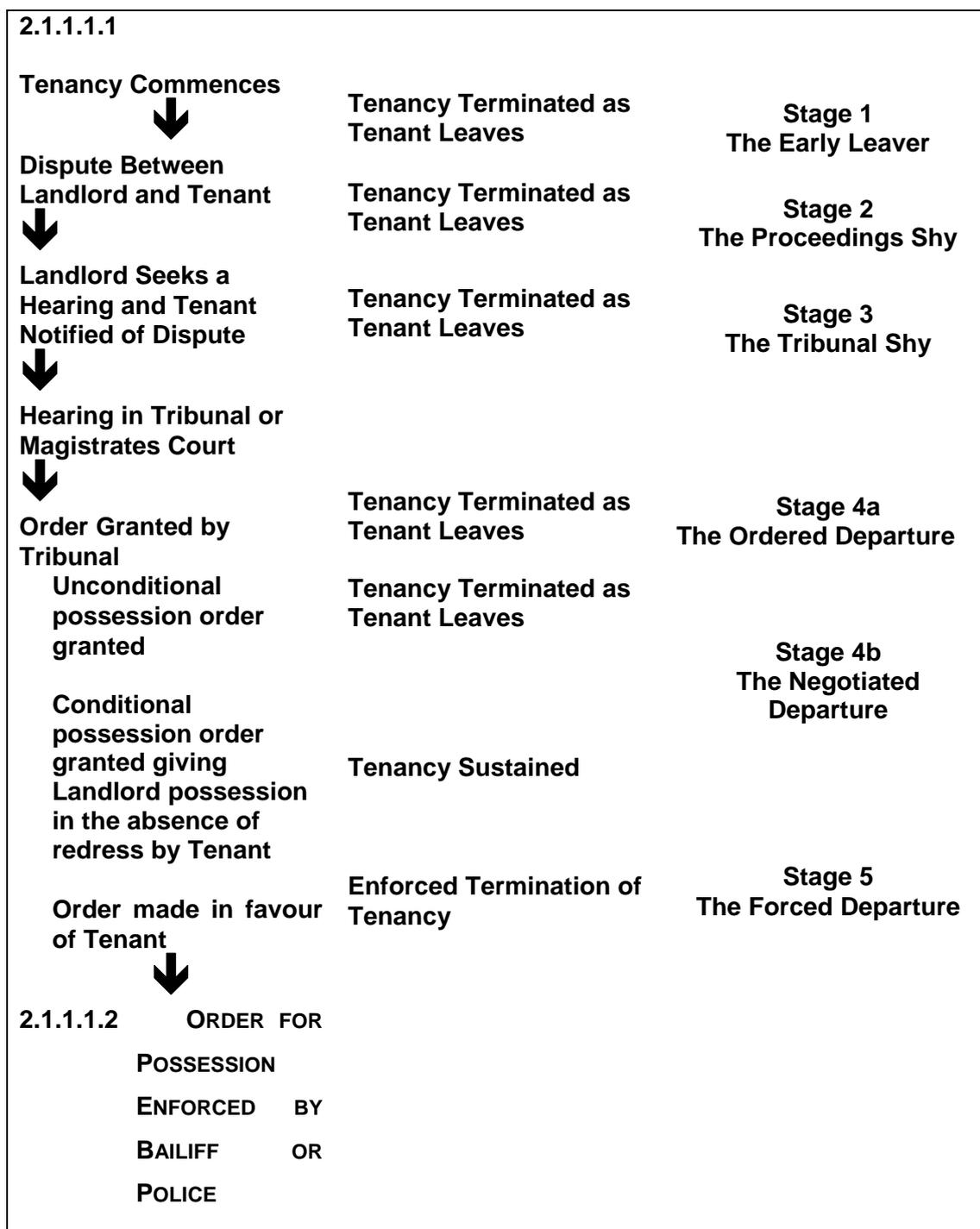
The residential tenancy legislation of each State and Territory prescribes the circumstances in which a landlord can seek vacant possession. It also sets out the process that must be followed. The term 'eviction' is often reserved exclusively for the final act of this process: the forceful exclusion of recalcitrant tenants by a bailiff or the police after an Order for Possession has been obtained against them. However, once a landlord has indicated that the process is to be set in train, many tenants may quit the premises in anticipation of an Order. Alternatively they may leave the property when the Order is granted without the intervention of bailiffs or the police. It is important to recognise that these legislative frameworks directly shape the eviction process, with respect to their timing, cost and implementation. Direct action by a landlord to eject a tenant is illegal.

Figure 2.1 presents the eviction process in schematic form. Significantly, there are a number of stages to the process. In Stage 1 tenants may decide to leave the dwelling at the onset of the dispute with the landlord, while in Stage Five a bailiff or police officer removes the tenant from the dwelling and organises to change the locks on the property. We argue that tenants who leave their dwelling – or are forced to leave their dwelling – at any of the five stages identified have been evicted. There are therefore a number of exit points available to – or forced on – the tenant. From the landlord's perspective eviction can be a time consuming – and therefore costly – exercise. Research in South Australia showed that on average it took six weeks to achieve a bailiff-assisted eviction. This was roughly twice the time covered by the bond (Slatter and Beer 2003). We should recognise also that tenants do have rights and that not all tenancy disputes are found in favour of the landlord. Moreover, evidence from the Residential Tenancy Tribunal in South Australia suggests that Tribunals are reluctant to grant unconditional orders for possession and are more likely to award a conditional order thus extending further the time taken by landlords to secure vacant possession (Slatter and Beer 2003).

Data on the number of bailiff (or police) assisted evictions suggest that they are merely the tip of an iceberg. Reliable statistics are difficult to unearth on this topic: some of the reasons for this are discussed below. Such data as has been explored is instructive. For example, data from South Australia's Office of Consumer and Business Affairs and the South Australian Housing Trust show that a total of 55,000 tenancies ended during the year to 30 June 2001. During the same period there were 7,593 hearings in the State's Residential Tenancies Tribunal, of which 5,546 appear to be applications for possession (OCBA 2001, p. 18). There were also 1,075 bailiff-assisted evictions (Slatter and Beer 2003, p. 21). Inevitably, some of those evictions related to Orders made in the previous year. However, it is clear that the vast majority of tenancies, whether public or private, ended without a Tribunal hearing. While the proportion ending with physical eviction doubled over the period July 1997-June 2001, this should be kept firmly in perspective by noting the increase was from 1 per cent to 2 per cent of all terminating tenancies.

The remaining 54,000 terminations may plausibly include cases where the tenants left before they were ejected because a possession action had been begun, or intimated, by their landlord. Whether this occurs, and if so, why, are two of the issues the current study is designed to investigate.

Figure 2.1 Schematic Representation of the Eviction Process Tenancy Stage Outcome Eviction Stage



For the purposes of this work, therefore, we include as ‘evictions’ (i) situations where tenants leave *in response to* the landlord obtaining a formal order of possession against them and (ii) situations where tenants leave *in anticipation of* the landlord obtaining or enforcing a possession order. Broadly categorised, these may be

termed 'physical' and 'formal' evictions respectively, or 'eviction' and 'eviction by anticipation'.

This spectrum captures more accurately the extent of moves by residential tenants made at the landlord's initiative, and permits a more revealing exploration of the context and outcomes of those moves.

3 THE METHODS EMPLOYED IN THIS STUDY

This research has employed both quantitative and qualitative research methods. It is worth recognising that this project is one of the first studies in Australia to interview evictees. Previous research and writings on the subject of eviction have focussed on administrative data on the eviction process (see, for example, Slatter and Beer 2003), SHA or SAAP records (Horn 2002) or have presented the views of key industry groups, such as landlords or tenant advocacy groups. The views, opinion and experiences of evictees have not generally been incorporated into the published literature because a) they have been seen to be a difficult group to identify and contact; b) they have been recognised as a vulnerable group who may be reluctant to contribute to research projects and c) research into evictions in Australia has tended to focus on the *processes* of eviction rather than the *outcomes*. More recently, investigations into aspects of homelessness have included accounts of eviction but not as a specific focus of inquiry (Forell et al 2005). Our concern with evictees, their outcomes and the implications for social housing providers represents a significant innovation in research into this topic but we need to acknowledge that evictees are – inevitably – a partial source of information on evictions. The views reported by this group are influenced by their own subjective position and they will emphasise or remember some aspects of the circumstances leading to eviction and downplay other factors. Nevertheless, the report of their experiences of eviction is an invaluable contribution to the evidence base around this topic. It is important to note also that the data presented in this report is not drawn from a random sample and cannot be interpreted as being representative of the population as a whole. However, the data do reflect the experiences of important groups within the population of evictees and the information obtained from this group should be interpreted as such.

3.1 Quantitative Data Collection and Analysis

The primary method of data collection was face-to-face interviews with persons who had been evicted. A survey was developed following the completion of the Positioning Paper, Ethics Approval was obtained and interviewees were recruited for the study. The survey took the form of a semi-structured interview, with individuals given the opportunity to provide answers to discrete or closed questions and respond to a number of open-ended questions, where they could tell their story. A single survey was developed and applied in each jurisdiction in order to assist in developing a uniform picture of evictions and their consequences across Australia.

The recruitment of participants is clearly one of the greatest challenges in undertaking a survey of evictees: evictees may be reluctant to identify themselves publicly; they are not a large group and are therefore not visible within a general population survey; and as a population they may have other characteristics (eg low income, high levels of mobility et cetera) that make data collection challenging. The researchers sought to overcome this problem by recruiting evictees through social service agencies likely to provide assistance to people who have been evicted. In addition, participants to the survey were compensated for their time and travel expenses.

Interviews took place in the premises of the social support agencies that participated in the study. All interviews were treated as confidential. Data collection took place in 2004 with data collected first in South Australia as a pilot of the feasibility of recruiting and interviewing 50 evictees. Data collection was extended to Victoria and Tasmania in the second half of 2004 once the practicality of the survey and its methods had been demonstrated.

The survey asked questions about:

- The number of times a person had been evicted;
- The reasons they had been evicted;
- Whether they had experienced discrimination or harassment leading to an eviction;
- Where they found accommodation after eviction;
- The subjective experience of eviction;
- Rent paid; and,
- The types of services they had used post eviction.

Every effort was made to limit the surveys to an hour's duration and this inevitably affected the amount of data that could be collected. Detailed information was only asked about the most recent eviction, though some respondents wished to discuss all their evictions. In South Australia, for example, the 50 interviewees between them had been evicted 74 times. We need to recognise that the most recent eviction may not have been the most typical or informative eviction.

When interpreting the results of these interviews it is necessary to note the following:

- First, the people included in this study were not drawn from a random sample of evictees and may not be typical of all evictees and all circumstances surrounding eviction. The South Australian respondents included a significant representation of people with drug and alcohol abuse, were victims of domestic violence or were young people; the Tasmanian sample comprised single older men and young people; while the Victorian participants were largely single people and those who were sharing accommodation when they were evicted. There are almost certainly other groups within the population of evictees across Australia but they are not included within the population of this study and these other groups may have very different housing and life course trajectories post eviction.
- Second, many of the respondents in this study had been evicted previously. On average our respondents reported 1.5 evictions per person, with some having a history of a much larger number of evictions. Many of the single older men in Tasmania had been through repeated cycles of eviction and homelessness, including sleeping rough on the streets;
- Third, the overwhelming majority of respondents in our study were already active users of the social security/income support system. As discussion

later in this report shows, the majority relied upon government-provided benefits for their income and their post eviction housing support was just one more instance of contact with the welfare system.

3.1.1 Data Collection in South Australia

Data collection in South Australia was completed by May 2004. Fifty persons were interviewed from a range of agencies, including the Southern Junction Youth Support Services (SJYSS); the Multi Agency Community Housing Association (MACHA) and OARS – a social service dedicated to assisting ex-prisoners. The social support agencies that assisted with data collection dealt with a diverse range of clients in a wide range of locations. Six agencies in total assisted with the research and this number included four agencies that primarily deliver services to adults and two that assist young people. Two of the agencies were emergency relief agencies, with one based in northern Adelaide and one in southern Adelaide. Other services were based in the centre of metropolitan Adelaide and in the inner west.

Dr Jo Baulderstone completed all fifty interviews in South Australia.

3.1.2 Data Collection in Tasmania

Although Tasmania was not initially as affected by the inflationary impact of the Federal Government's first home owner grant as were more urbanised States such as Victoria and NSW this has changed in the last few years as a result of both the real estate boom and the shrinking of the social housing sector. Residential price growth in Hobart for the year November 2003-4 was 32.9 per cent (REIA 2004) thereby reducing the prospects of home ownership for individuals and families in lower income brackets. This, together with an increase in one-person households, has placed pressure on the rental market (Cameron 2002), which is one of the tightest in the country. For the September quarter in Hobart the vacancy rates were 2.2 per cent, which was 0.2 per cent lower than the previous quarter (REIA 2004). Declining Commonwealth funding has also seen the public housing sector shrink. In February 2003 there were 302 individuals and families classified by Housing Tasmania as Category 1 (those in 'greatest need') waiting for an offer of a home (Housing Tasmania n.d.). These developments have meant that low-income individuals and families face considerable problems accessing the rental market. Although the property market appears to have slowed, there is little evidence that this has resulted in any increase in the availability of low-cost rental housing.

Data collection in Tasmania took place over a four month period between August and November 2004. Respondents were recruited through a combination of snowballing and self-referral using posters placed at the Tenants' Union of Tasmania and four Supported Accommodation Assistance Program (SAAP) funded services: City Mission, Anglicare, Colony 47 and SASH. City Mission in Launceston provides crisis and transitional housing services to single men; the Salvation Army Supported Accommodation (SASH) service provides transitional housing to men, with or without children in the Hobart region. It is the only supported accommodation service in the state which specifically targets offenders leaving prison; Anglicare and Colony 47 in Launceston and Hobart respectively provide a number of SAAP services. The

services utilised for the study were the Private Rental Assistance service (Anglicare) and the CA\$H program (Colony 47) which offer assistance to low-income people in private rental.

Some 36 interviews were arranged in Tasmania through the agencies listed above. A further 15 interviewees were recruited through snowball techniques. Snowballing commenced with two University students who had experienced eviction.

Of the 51 people interviewed in Tasmania the researchers discovered subsequent to the interview that five did not meet the study's criteria because they had not been evicted according to the definition used in this study. This outcome may well reflect the 'downside' of compensating respondents for their expenses. The final sample size in Tasmania, therefore, was 46.

Interviews in Tasmania were undertaken by Research Assistants employed as part of the project under the direction of Dr Daphne Habibis of the University of Tasmania.

3.1.3 Data Collection in Victoria

Invitations to participate in this study were advertised by a variety of non-government agencies located across the greater Melbourne area. They included generalist welfare agencies and agencies whose services are exclusively housing-focused.

The 47 Victorian participants who responded to the advertisements were varied in age and included a relatively high proportion of people who expressly identified significant drug, alcohol or mental health issues as part of their experience, whether past or ongoing. Some, but not all, linked these factors to their housing history or their experience of eviction.

Only eight Victorian interviewees had been accompanied by a child or children when they were evicted. Two others had been pregnant. On the other hand, of the 71 evictions described to researchers, the major proportion had occurred when the interviewee was a living alone, whether in separate accommodation such as a flat or house, or shared house or boarding house, a backpackers hostel or private lodgings.

Interviews in Victoria extended from July to December 2004 with interviewees recruited through the auspices of the Tenants Union; Hanover Social Services (St Kilda); Melbourne City Mission (based in the city); and, the Brotherhood of St Laurence based at Coolibah/Frankston. Once again, participants in the study were drawn from a range of circumstances and locations within the metropolitan area.

The majority of interviews in Melbourne were undertaken by Ms Maggie Reynolds of Monash University, with additional interviews completed by Ms Michele Slatter and Dr Bridget Kearins of Flinders University.

3.2 Qualitative Data Collection and Analysis

Qualitative data was collected as part of the semi structured interviews undertaken through this research. The qualitative material is used throughout the report to 'give

voice' to the participants in the study and to reflect their views of the eviction process. Participants in the study were asked to describe their most recent eviction in detail and it was this narrative that provided the basis for subsequent qualitative analysis.

The qualitative material provides deeper insights into the views, motivations and aspirations of the evictees. It also provides insights into the types of assistance that would have helped them avoid eviction in the past, and would help them into the future.

4 ANALYSIS: ADDRESSING THE RESEARCH QUESTIONS

This section calls upon the qualitative and quantitative material collected through the course of this research to answer the four key research questions that lie at the core of this project, namely:

- Question 1.** Who are evictees and what factors – substance abuse, gambling, unemployment or the breakdown of families – resulted in the failure of their tenancy? What is the profile of persons evicted from the public rental sector compared with those displaced from the private rental sector? What are their attitudes to eviction and what, if any, strategies do they engage in to avoid eviction?
- Question 2.** Where are evictees housed after they have been ejected from their dwelling? Who provides shelter to this group, under what terms and at what cost? To what degree are they forced into temporary accommodation for an extended period?
- Question 3.** What is the impact of evictions on private rental housing supply and the demand for government-provided housing support? To what extent do evicted persons rely upon government-provided crisis accommodation, publicly-provided bonds and other supports?
- Question 4.** What policy interventions can reduce the frequency and impact of evictions? What steps can public sector agencies take to enhance the sustainability of tenancies, and the robustness of the private rental sector?

Each of these questions is addressed and the insights gained from the research used to advance the evidence base. The discussion of the policy implications is left to a later section. The four key research questions provide the major organising structure for this section. For each question, the evidence from the three jurisdictions is presented separately because the nature of the interviewees, the circumstances that led to their eviction, and the support services they have used vary considerably. This variation is a consequence of the recruitment process, with different types of agencies giving access to varied clients. Throughout this section the quantitative data from across all three States is discussed first followed by an examination of particular issues to emerge from each case study: South Australia, Tasmania and Victoria.

4.1 Who are Evictees and What Factors Resulted in the Failure of their Tenancy?

- Question 1. Who are evictees and what factors – substance abuse, gambling, unemployment or the breakdown of families – resulted in the failure of their tenancy? What is the profile of persons evicted from the public rental sector compared with those displaced from the private rental*

sector? What are their attitudes to eviction and what, if any, strategies do they engage in to avoid eviction?

4.1.1 Evidence from the Three Case Studies: Who, Why, How and by Whom?

4.1.1.1 Who are the Evictees?

Across the three jurisdictions most commonly evictees were living by themselves both at the time of their eviction and subsequent interview (Table 4.1). The data suggest that for a range of reasons that will be explored later, single persons living alone are most vulnerable to eviction but sole parents and couples with children are also vulnerable. People living alone and sole parent households are both over-represented amongst evictees, as are people sharing with friends/other adults. Group households comprise just 6 per cent of households nationally but 20 per cent of the evictees interviewed. As later discussion will show, many young adults are evicted and they are likely to be living in group households. Interestingly, the relative stability in household type at eviction and at interview indicates that people remain in the types of household structure they were evicted from.

Table 4.1 Household Type at Eviction and Interview

Family Status	At Eviction		At Interview	
	Number	Per cent	Number	Per cent
Living alone	48	33.0	52	35.9
Single adult with children	23	15.9	34	23.4
Couple without children	18	12.4	13	9.0
Couple with children	23	15.9	18	12.4
Sharing with friends/other adults	29	20.0	27	18.6
Other	2	1.4	1	0.7
Missing	2	1.4	0	0
Total	145	100.0	145	100.0

Eviction is a difficult and traumatic process for adults but many evictees also care for children who may be significantly affected by the disruption to their life. As Table 4.2 shows, 84 children were present in households at the most recent eviction reported by participants in our study. Twelve respondents indicated that they had other dependents – most likely children by earlier relationships, with whom they do not live.

Table 4.2 Households with Children by the Number of Children Present at the Time of the Most Recent Eviction

	0-4 Years	5-9 Years	10-14 Years	More than 15 Years
One child	25	12	7	4
Two children	5	3	4	1
Three children	1	1	1	2
Four children				
Total number of children in age group	31	16	12	7

Most evictees interviewed as part of this study had a marginal attachment (at best) to the paid labour market (Table 4.3). Only eight per cent were in paid employment at the time of their eviction, with a further 15 per cent employed part time or casually. People not in the labour force made up the single largest component of the population of evictees, followed by unemployed persons looking for work. Importantly, engagement with the formal labour market was higher at the time of the eviction compared with the interview, and this may suggest that evictions make it more difficult to find, or keep, paid employment.

Table 4.3 Labour Force Status at Eviction and at Interview

	At Eviction		At Interview	
	Number	Per cent	Number	Per cent
Employed full time	12	8.3	6	4.1
Employed part time	11	7.6	4	2.8
Employed casually	11	7.6	12	8.2
Unemployed (looking for work)	35	24.1	46	31.8
Not in labour force	71	49.0	75	51.7
Other	1	0.7	0	0
Missing	4	2.8	2	1.4
Total	145	100.0	145	100.0

Of those who were currently not in full time employment, 20 of the 145 (14 per cent) reported that they had never been employed full time, while 34 had not had full time employment for two or more years (23.4 per cent) prior to their eviction, 12 had been without full time employment for between one and two years (8.3 per cent) prior to eviction and three had been without full time work for between six and 11 months prior to their eviction.

Most evictees relied upon government support for their income (Table 4.4). By the time of the interview, almost 90 per cent of the evictees stated that they relied upon government financial assistance, with 73 per cent relying upon a pension or other support payment. Consequently, few evictees earned an income from wages and salaries, while the number of research participants who relied upon a spouse's

income fell from four cases at eviction to zero at the time of interview. This decrease most probably reflects the instance of women fleeing violence in the home. The incomes of parents supported a small number of evictees and this reflects the presence of young people within the group.

Table 4.4 Source of Income at Time of Interview and Eviction

	At Eviction		At Interview	
	Number	Per cent	Number	Per cent
No income	4	2.8	0	0
Government payment	106	73.1	129	89.0
Wages/salary/own business	17	11.7	8	5.5
Spouse's income	4	2.8	0	0
Government payment and wages	7	4.8	4	2.8
Parent's income	1	0.7	2	1.4
Other	2	1.4	0	0
Missing	4	2.76	2	1.4
Total	145	100.0	145	100.0

Evictees reported that they drew upon a range of government benefits and pensions. Some 46 were on Newstart allowance at the time of their most recent eviction (32 per cent of the total) with 41 receiving Newstart allowance at the time of their interview. Twenty stated they were in receipt of disability pensions at the time of their eviction (rising to 32 at the time of interview) while 24 received the parenting payment when they were evicted, and this figure rose to 30 at the time of interview. Other nominated sources of government provided primary income included: the youth allowance (14 instances at the time of eviction); Austudy (1 case at the time of eviction); Abstudy (1 case at the time of eviction); the age pension (one) and the Department of Veterans Affairs disability pension (1 case at eviction and six cases at the time of interview).

Approximately half of all participants in the study stated that they received supplementary government payments, with 20 receiving family payment when they were most recently evicted; 20 receiving Commonwealth Rent Assistance (CRA); and 12 receiving both payments. The reported number of persons in receipt of these benefits rose by approximately 50 per cent between the date of the most recent eviction and the date of interview, and *this* is most likely a function of the greater support provided to these people through welfare agencies – the mechanism we used to recruit participants in this study. One preliminary conclusion is that evictees may not be aware of their full entitlements within the income support system, or have not chosen to make use of them, and this places them at greater risk of tenancy failure.

4.1.1.2 How Were They Evicted?

The majority of respondents to our survey stated that they had very recent experience of eviction: four of the 145 valid responses were in the process of being evicted at the time of interview, just over a third had been evicted within the previous

six months and just over 10 per cent were evicted more than five years ago (Table 4.5). We can therefore conclude that the respondents to our survey have in large measure been evicted within current policy and housing market settings.

Most respondents reported they had lived in the accommodation they were evicted from for a relatively short period. Some 33 respondents (23 per cent) had lived in their dwelling for three months or less upon eviction; a further 31 had lived in the dwelling for between three and six months (21 per cent) and 36 had resided in that property for between six months and one year (25 per cent). Only nine per cent of respondents had lived in their dwelling for two or more years prior to eviction. Overall, the data support the contention that many tenancies fail at a relatively early stage and that longer-term tenancies carry fewer risks for tenants and landlords alike (Slatter and Beer 2003).

Table 4.5 When Were You Last Evicted?

	Number	Per Cent
Eviction in train	4	2.8
Within the last week	4	2.8
Within the last month	11	7.6
Two to six months	32	22.1
Seven to just under 12 months	19	13.1
1 year	13	9.0
1 to less than 2 years ago	17	11.7
2 to less than 3 years ago	11	7.6
3 to less than 4 years ago	7	4.8
4 to less than 5 years ago	6	4.1
5 to less than 6 years ago	4	2.8
6 to less than 10 years ago	7	4.8
10 to less than 20 years ago	2	1.4
20 or more years ago	2	1.4
Missing	6	4.1
Total	145	100.0

As discussed in Section 2 above and in the Positioning Paper for this project, evictions can take place through both formal and informal processes with tenants might feel impelled to move on in the absence of formal action by the landlord. Table 4.6 shows that:

- As would be anticipated, due to the role of private renting being the main rental tenure, most evictions take place in the private rental sector;
- SHAs are the second most common source of evictions, but the ‘other government’ sector is more prominent than would be anticipated based on the existing literature. This may reflect the number of evictions from SAAP and equivalent agencies who are often contending with the challenging circumstances surrounding a tenancy that may prejudice its success;

- Importantly, almost as many respondents to our survey reported that they had been evicted through informal processes within the private rental market, as had been evicted as a consequence of formal proceedings. This reinforces the importance of understanding evictions, as defined by this study, as including the extent of moves by residential tenants made at the landlord's initiative whether responding to or anticipating formal action and,
- A group of evictees have had their tenancies terminated multiple times. They may simply be 'bad tenants' or they may constitute a vulnerable group for whom finding and sustaining appropriate and affordable housing remains a significant challenge.

Table 4.6 Formal and Informal Triggers to Eviction

	Formal Action - Private Rental	Formal Action - SHA	Formal Action - Other Government	Formal Action - Co-operative Housing
Number of Times Left				
1	56	16	11	4
2	12	4	2	0
3	5	1	0	1
4	0	0	0	0
5	1	0	1	0
More than five	4	0	0	0
Total	78	21	14	5
	No Formal Action - Private Rental	No Formal Action - SHA	No Formal Action - Other Government	No Formal Action - Co-operative Housing
Number of Times Left				
1	28	8	5	2
2	14	1	2	0
3	4	1	0	0
4	1	0	1	0
5	1	0	0	0
More than five	3	0	0	0
Total	51	10	8	2

Earlier research (Slatter and Beer 2003) suggests that relatively few respondents are evicted by bailiffs. In this study, five respondents indicated that they had been evicted by a bailiff (or equivalent) from the private rental sector (and none had been evicted by a bailiff more than once), two had experienced a bailiff assisted eviction within the public housing sector (with one person being evicted in this way on two occasions) and one bailiff assisted eviction was recorded for each of the 'Other Government' and 'Co-operative' housing sectors.

The data presented in Table 4.7 further reinforces the view that most evictions occur through informal processes and take place either before formal action commences, or early in the process. Using the framework presented in Table 2.1:

- Just under one third of evictees participating in this study were 'early leavers';
- Some 44 per cent of evictees were 'proceedings shy';
- Seven per cent were 'Tribunal shy';

- There were just three instances of an ‘ordered departure’;
- There were only two cases of a ‘negotiated departure’;
- There were only 10 cases (five per cent) of ‘forced departures’.

More than anything else these data highlight the fact that formal administrative statistics on eviction and Tribunal/Magistrates Court processes merely represent the ‘tip of the iceberg’. People vulnerable to eviction are inclined to leave early in a dispute with a landlord, with over 70 per cent leaving by the time a formal request to vacate has been served.

Table 4.7 Stage of Departure

	Number	Per cent
Dispute with landlord, expected to be evicted	47	32.4
Formal request to vacate	64	44.1
Application to Magistrates Court/Tribunal	11	7.6
Application listed in Magistrates Court/RTT	1	0.7
Unconditional order for possession	3	2.1
Conditional order for possession	2	1.4
Police/bailiff evicted	10	6.9
Other	7	4.8
Missing	0	0
Total	145	100.0

4.1.1.3 Why Were They Evicted?

Respondents were asked why they were evicted (Table 4.8). Rent arrears was the major reason for eviction reported by our respondents though a significant number of private tenants were evicted for ‘other’ reasons – possibly a consequence of the owners desire to move back into the property or to sell the property. One person stated that they had been evicted from public housing on more than five occasions as a consequence of the complaints of neighbours.

Failure to maintain the property was the second most significant stated reason for eviction, followed relatively closely by complaints from the neighbours. As will be discussed elsewhere in this Final Report, respondents gave other reasons for the termination of their tenancies that reflected discrimination, anti social behaviour and harassment on the part of both parties. When asked what was the ‘main reason for their eviction’ 68 respondents indicated that it was their failure to pay rent (47 per cent of the total), a further 40 per cent indicated that it was for ‘other’ reasons, usually as a consequence of the complaints of neighbours or because of the failure to maintain the property. When asked for additional reasons for their eviction respondents suggested a range of further factors including: age discrimination, discrimination against families and discrimination based on race.

4.1.1.4 By Whom Were They Evicted?

As discussed above, most participants in this study were evicted by private landlords. Other housing providers, including SAAP agencies, SHAs and community housing agencies, also evicted tenants. Based on interview responses, SHAs tended to evict for arrears of rent and/or as a consequence of the complaints of neighbours, whereas SAAP agencies and other welfare providers were reported as evicting because of breach of lease conditions.

Table 4.8 Reason for Eviction

Private Rental				
	Rent Arrears	Complaints from Neighbours	Property Not Maintained	Other/Don't Know
Number of Evictions				
1	53	12	13	53
2	7	0	1	0
3	2	0	0	0
4	1	0	0	0
5	1	1	0	0
More than Five	0	0	0	0
SHA Housing				
	Rent Arrears	Complaints from Neighbours	Property Not Maintained	Other/Don't Know
Number of Evictions				
1	9	7	9	1
2	2	0	0	0
3	0	0	0	0
4	0	0	0	0
5	0	0	0	0
More than Five	0	1	0	0
Other Government Housing				
	Rent Arrears	Complaints from Neighbours	Property Not Maintained	Other/Don't Know
Number of Evictions				
1	7	5	4	1
2	0	0	0	0
3	0	0	0	0
4	0	0	0	0
5	0	0	0	0
More than Five	0	0	0	0
Community/Co-operative Housing				
	Rent Arrears	Complaints from Neighbours	Property Not Maintained	Other/Don't Know
Number of Evictions				
1	1	0	1	3
2	0	0	0	1
3	0	0	0	0
4	0	0	0	0
5	0	0	0	0
More than Five	0	0	0	0

4.1.1.5 Attitudes to Eviction and Strategies to Avoid Eviction

Relatively few respondents instigated active measures to avoid eviction. Only 13 respondents stated they sought assistance from the Tenants Union (or equivalent) to dispute their eviction. It should be noted that there is no Tenants Union in South Australia so the data gives a somewhat misleading impression. That said, both Victoria and Tasmania have such supports in place, less than 15 per cent of respondents stated they made use of these services. A substantial proportion did not use these services because they had not heard of them (17 of 54 responses); some respondents simply did not want help (2 cases); others 'couldn't be bothered', one person was happy to leave anyway; while three people reported that they couldn't contact these services because of their circumstances – they had no money to call, they were in jail or they were in hospital.

Many of the responses suggest a feeling of helplessness amongst evictees. In four cases respondents indicated that they 'had been in the wrong, they thought there was no chance of getting help'; nine people felt that it would be a 'waste of time', while seven people felt that such services 'couldn't help me because of my lease or living arrangements'. One person reported that felt seeking support would be 'too risky, feared the consequences'.

It would appear that for a variety of reasons people at risk of eviction do not take action to avoid losing their homes.

4.1.2 South Australia

Each of the case studies deserves separate attention because the composition and characteristics of each group are distinct and shed a fresh light on the eviction experience.

The South Australian participants tended to come from a wider range of circumstances than in the other jurisdictions, and this reflected the spread of agencies that assisted in the recruitment of interviewees. In some ways the South Australian respondents were typical of the wider group of evictees covered in this study, with most (29 of the 50) falling into the category of 'early leaver', 19 evicted as 'proceedings shy/Tribunal shy' tenants, 11 experiencing an ordered departure, five experiencing a negotiated departure and four people were facing eviction but retained their property through the Tribunal process.

The qualitative material collected as part of the interviews provided additional insights into the causes, or reasons behind, eviction. Of the 50 South Australian respondents:

- Four indicated that they were evicted because the landlord wanted the property for their own use. However, in two instances the tenants felt this was an excuse as the property was still on the rental market some months later;
- 21 respondents stated they were evicted because of rent arrears;
- Nine reported they were evicted because of problems with their neighbours;

- One believed the primary cause of their eviction was their troublesome relationship with their neighbour;
- One person noted they was evicted because of the condition of the property;
- Two respondents indicated that the primary reason they were evicted was that they abandoned (ie left) the tenancy. That is, they left the tenancy because they expected to be evicted;
- Breach of lease conditions was indicated in seven cases, primarily in the supported accommodation sector.

Interestingly, 13 respondents (20 per cent of the South Australian total) indicated that inappropriate behaviour by landlords contributed to the eviction. Examples included:

- Coming to the property late at night to collect rent;
- Asking for sex in lieu of rent;
- Entering the house without the tenant's knowledge;
- Perceived discrimination on the basis of youth, single parent status, Aboriginality and being a drug user.

Embedded within the narratives provided by the respondents are indicators of those factors that contribute to making individuals more vulnerable to eviction. Some of the factors include drug and alcohol abuse within the household. In some 15 instances drug and or alcohol abuse, either the evictee's abuse or the partner's, were indicated as contributing to the eviction.. Some people reported they were evicted because they trusted other people to pay the rent and this could be a friend or a partner. Domestic violence against women was a factor mentioned in five instances. These women abandoned their tenancies – which were in joint names or in their name alone – in order to leave an abusive partner. They saw themselves as triply disadvantaged because first they suffer the abusive relationship, second they lose their home, and finally they have to bear the cost and stigma of eviction. Others (six cases) reported that while they had not suffered from violence in the home, a relationship breakdown contributed to the eviction. One woman reported that relationship breakdown led to depression and a failure to pay the rent, while a second respondent left work when her partner left and couldn't manage on the parent payment alone.

Poverty and inexperience contributed to the evictions of a number of South Australian respondents: seven indicated poverty alone contributed to their evictions, they:

...just couldn't make ends meet

and they

prioritised other things over rent – particularly food or other things for children.

Eleven respondents attributed their eviction to their inexperience in the rental market and in budgeting, while others reported that their eviction followed a financial crisis – car accidents followed by a delay in receiving compensation, or car breakdown or the hospitalisation of a child. Finally, four people acknowledged that mental health problems contributed to their eviction. However, under-reporting is possible on this matter: not all people who suffer mental health problems are willing to speak of their condition openly. One person admitted that they had a long history of a transient lifestyle and once again, many other respondents probably fitted this pattern but did not enunciate it at the interview.

Amongst the South Australian respondents few took positive steps to avoid eviction. The qualitative data collected from some fourteen respondents indicates no action was taken to avoid the loss of their home, people in this circumstance tended to be victims of domestic violence, persons suffering a relationship breakdown and those who were considering leaving wished to leave the property anyway. Of the remainder, four stated they approached a Non-Government Organisation for assistance, four sought help from Centrelink, the same number sought assistance from friends, three approached the South Australian Housing Trust (SAHT) for help and two sought assistance from the South Australian Family and Youth Services (FAYS) – because of prior dealings with them. Three tenants approached their landlord directly.

4.1.3 Tasmania

The Tasmanian sample was overwhelmingly drawn from long term renters on low incomes and in housing stress. Very few indicated they were in the workforce and a substantial proportion had a disability. Nearly all were ‘early leavers’ in the process of eviction and very few reported that they had heard of the Tenant’s Union or other housing advocacy service. Many were already in unstable accommodation such as caravan parks or boarding houses. For a number of respondents the eviction took place from crisis or transitional accommodation in the homelessness stage of a housing crisis cycle (MacKenzie and Chamberlain 2003). For almost all respondents eviction resulted in a period of homelessness of varying levels of severity and length.

The respondents in Tasmania fell into two main groups:

- Single, older men with multiple and complex needs and a history of multiple evictions and homelessness;
- Single, young people who had experienced only one eviction.

The remaining groups included single parents, intact families and Indigenous Australians. There were also a few people who did not fit easily into any category apart from sharing the general characteristic of low income and/or disability.

4.1.3.1 Single Older Men

Fifteen respondents were single, older men who, with one exception, were recruited through transitional support services such as SASH and Colony 47. It was reported that all were unemployed with four out of five receiving a disability pension. Over

half described themselves as having mental health problems; five had a history of imprisonment, ten referred to substance use and two to a gambling addiction. Three respondents identified as being Indigenous. In all but two cases respondents stated they had more than one of these risk factors for eviction.

A core characteristic of this group of single older men was their experience of multiple evictions followed by prolonged periods of primary homelessness. Although rent arrears figured prominently as the cause given for their most recent eviction, there were often multiple reasons, including the sale of the property, violence, complaints from neighbours, property damage and failure to pay bills. A number also felt that the alleged reason for the eviction was really an excuse to get rid of them.

For this group the eviction was one of a long series of 'disasters' that had become normalised. Overall the group had the highest number of respondents who were already residing in marginal accommodation such as caravans, hotels, boarding houses or transitional or crisis support accommodation, apparently often as a result of an earlier eviction. None of the respondents reported that they challenged the termination of their tenancy, which was usually conveyed informally and reportedly sometimes involved the threat of physical force by landlords. In many cases the response to eviction was to abandon the tenancy, leaving behind their bond and often losing the few personal possessions they had:

I've always just been moving from place to place ... it always seems like I am between places ... it all seems like a big effort ... I haven't left many places on good terms ... lots of times I've just ran off.

Respondent "Craig" also explained that most of his evictions were due to rent arrears and damage to the property. ¹He has never been good with money:

When I get paid I just blow it ... on anything really: food, drugs ... usually weed ... pot can be pretty expensive.

He attributed his tendency to damage property both to his tendency to 'party pretty hard' and bipolar disorder:

'Sometimes I just go a bit loopy ... draw all over the walls ... paint on the walls.'

"Mike's" story provides further insight into the interaction between low income, disability, challenging behaviours such as gambling and/or substance use and eviction and homelessness.

"Mike" stated he was 45 when he was evicted from his public housing home as a result of rent arrears. He said he did not contest the request for him to vacate his unit, as he knew he was 'in the wrong'. He was unemployed and had fallen into rent arrears as a result of gambling and alcohol addiction. He reported that these addictions had begun when he was 18 years old and he explained them in terms of

¹ All names used in this report are fictional and have been changed to preserve the anonymity of the respondents.

depression. His mother and cousin had both committed suicide and he himself had made several suicide attempts. He said that stress, worry and anxiety were his constant companions.

“Mike” indicated that he enjoyed gambling because it helped him come out of himself. He could have a drink in his hand, be sitting at the TAB or hotel with machines and would talk to other punters. At one point he reported he had inherited \$17,000 but gambled it away within a month. He observed that at the time he felt great because the staff would reserve a special seat for him and call him by name. However, it also meant that when he lost the money he would have to go through garbage cans for food, and pick cigarette butts off the streets for smokes. This was a situation he faced each week as his pay would disappear on alcohol and bets each pay day.

When he was evicted “Mike” stated that he left his few possessions behind and went into a shelter. This was followed by a six month period in a rehabilitation unit, followed by assistance from CA\$H in the form of transitional support accommodation and eventual accommodation in public housing. He reports that he is currently receiving a disability support pension and has chronic health problems.

“Mike” seemingly has no informal support networks, instead relying on public and voluntary sector services in the period following the eviction. This was a characteristic shared by all the respondents in this group, with the exception of one Indigenous respondent. Unlike other members of the group, however, “Mike’s” eviction, as observed by the respondent, eventually resulted in the establishment of stable accommodation and successful control of his gambling and alcohol addictions.

4.1.3.2 Low-income Young People

Fourteen of the respondents were single people on low-incomes. All but three indicated that they had experienced only one eviction that occurred when they were under the age of 25. Only one was in full time employment and most reported they were on Newstart. Nine of these respondents were recruited through snowballing and three were students. At the time of eviction this group of low-income young people reported they were in stable accommodation including share houses and boarding with a family. The reasons given by respondents for their eviction varied from rent arrears (five cases); sale of the property (three cases); breaking the lease through damage or inadequate maintenance (three cases) and breaking the lease: noise and/or neighbour complaints (three cases).

Low income, together with poor financial management, was identified by respondents as being a cause of the rent arrears leading to eviction. Whilst two respondents blamed the rent arrears on flatmates, the more usual reason was the difficulties of juggling priorities on a limited budget:

All we cared about was getting food, pot and getting our assignments done – we just forgot about paying rent, it wasn’t a priority.

When you have a heavy week, for example, lots of bills, rent goes to the bottom of the priority because the consequences of not paying

rent don't seem as immediate. The rent is usually on a Friday and with the week-end coming up you take a little bit out to cover things like going to a movie, getting a DVD (and) paying for groceries, with the intention of making up that money next time round, but you don't do it.

We worried more about other important things: hydro, phone, doctor's fees, cigarettes, pot. The usual. Finding time to pay rent was also difficult, as we didn't have a car. We would both be at uni all day and by the time we got a bus into town, the bank was closed...Friday was rent day. If we didn't get it in on time, we usually took out \$50 or so for the weekend rather than saving it to pay on Monday. We were just irresponsible with it.

Based on comments from respondents, substance use was also a factor both because it was costly and as a source of antagonism with landlords and neighbours. This related to a more general sense expressed by seven respondents that, whatever the formal reason for eviction, discrimination on the grounds of lifestyles associated with youth was a contributing factor.

"Katie" reported she was 18 years old when she and her 17-year-old friend were evicted from their privately rented home. She indicated that the formal reasons given were that someone other than the leasee had been staying in the rented house for a number of weeks and this person had brought their dog with them although pets were not permitted on the property.

According to "Katie" the person had actually left some time ago and she believed the lease did not exclude pets. She felt the real reason was that the landlady had seen empty alcohol bottles in their recycling bin and didn't want tenants that drank.

Perceived discrimination on the grounds of lifestyles was also evident in the instance of "Tracey" who was 18 years old when she was evicted from her flat. She describes herself as '... a kid, I had just moved out of home and gained a bit of independence . . . I was right into the party scene . . . it got pretty wild sometimes'. The eviction followed an evening of 'pre-clubbing' drinks with friends which 'got out of hand' resulting in red wine being spilt on the carpet and glass in the front door being cracked. "Tracey" reported that following complaints about noise by the neighbours the landlord called early the following day and within two days she was informed that she had breached her tenancy and was evicted. She also had a friend staying who had a small dog although her tenancy prohibited pets.

4.1.3.3 Other Groups

There were six respondents (five females, one male) who were single parents with all but one receiving the supporting parent pension. Reportedly, none of the respondents had experienced more than one eviction. Three of the respondent indicated they were forced to leave their home because the property was sold or the owner wished to occupy it. In only one case was arrears identified by the respondent as the reason. Two respondents, both of whom were evicted because the property was being sold, stated they had sought assistance from the Tenants Union.

4.1.3.4 Indigenous Respondents

Five of the respondents described above identified as Indigenous. All but one were on a disability pension. Three fitted the profile of the single, older men. All but one indicated that they had experienced more than one eviction. None identified rent arrears as the reason for eviction. Instead they reported they were evicted as a result of family conflict or other challenging behaviour with substance use mentioned by three. In each case the eviction was apparently followed by a long period of homelessness and heavy use of SAAP services, even when family support was available.

4.1.3.5 The Landlord-Tenant Relationship

Breaching of the tenancy agreement was the most common reason identified by respondents for the landlords' decision to ask the tenant to leave. A number of respondents stated they left with debts not covered by their bond. Awareness that they were at fault is one of the reasons why so many respondents were "early leavers". However, this does not account for the "early leavers" whose home was sold or being reoccupied or who felt they had not breached their tenancy.

There were many stories provided by respondents of landlords acting inappropriately (see Table 4.9) although this was not necessarily related to the most recent eviction. The most common was false claims of rent arrears or damage. In some cases it was reported that rent was being paid directly by Centrelink and in two cases tenants were supported by the Small Claims Court when they challenged the landlord's claim. It was also indicated that harassment was relatively common and included continual phone calls demanding tenants leave, verbal threats of violence and the presence of 'heavies'. Five respondents indicated that they were summarily evicted by landlords with no notice or only seven days instead of the statutory fourteen days.

Seventeen respondents felt they had been discriminated against. The perceived reasons varied from the presence of children:

...some landlords just don't want kids around.

to assumptions about lifestyle related to youth:

He just thought we were 'no good' young louts ... he thought we were 'druggies'.

Table 4.9 Incidents of Inappropriate or Illegal Landlord Actions, Tasmania

Action	Frequency
Harassment and intimidation	12
False claim of arrears or damage	10
Discrimination	17
Failure to return bond	6
Substandard housing	5
Inadequate notice of eviction	5
Eviction following tenant complaint	3
No clear reason for eviction	3
False claim of sale, renovation or landlord occupation	4
Sexual harassment	1

Three believed they were evicted because they had complained about the condition of the property. A number of tenants complained that landlords kept their bond even though they had no right to. The overwhelming feeling conveyed by tenants was their sense of powerlessness. This perception is the most likely explanation behind the decision made by those who left their home although they felt they not breached tenancy agreement.

For the older, single men as well as some other respondents with a background of multiple evictions, the sense of powerlessness appeared to be related to a life-history of poverty, marginalisation, insecure living arrangements and physical and mental health problems. Their disabilities, combined with their low level of literacy meant they had limited coping skills and no hope of adequate representation in the Small Claims Court:

I didn't have the confidence to prove my case ... I was already depressed; when things are going that way you assume that things are going to keep going like that.

For these respondents the cycle of tenancy abandonment followed by homelessness had become routine even though the precarious living arrangements that followed eviction made them unhappy.

Your life's really bad after being evicted ... you've got nowhere to go ... you can't get another place.

4.1.4 Victoria

The evictions described by the Victorian participants in this study occurred across a range of accommodation and a variety of tenure. Only 12 stories related to public (Housing Commission/Office of Housing) housing, whereas 44 related to private rental. It should be noted that 15 of these 44 incidents were evictions from shared accommodation, accommodation that originally depended merely on an informal

agreement between the interviewee and other occupiers. Some of these evictions reportedly occurred at the landlord's instigation; in other cases the respondents indicated that the informal arrangement broke down and the interviewee was required to leave by the other residents. The stories indicate that 15 evictions were instituted on behalf of landlords by agents. Although it has been estimated that 75-80 per cent of Victorian residential tenancies are professionally managed, this rather lower degree of agent activity probably reflects the reality of sharing arrangements that break up, where the tenant (acting as a 'landlord') effectively evicts another occupier by terminating their permission to stay. Other situations described by the respondents included 13 evictions from rooming houses, two from private boarding arrangements, one from a student Homestay and two from caravan parks.

In many of these situations occupiers are likely to only have limited legal rights if faced with eviction. Victorian law does extend some protection to residents in rooming houses (if they include more than four rooms for rent) and to residents of caravan parks who have been in the park for a minimum of 90 days. Nevertheless, immediate notice to leave may be given in cases where the occupier is a danger to people or property, where they or their visitor have caused damage to the premises or where they or their visitor have interfered with the quiet and peaceful enjoyment of the premises. In several other cases, the prescribed period of notice is very short; for example, a rooming house resident who is seven days in arrears with rent is entitled to a minimum of only two days notice under the law. A caravan park resident in a similar situation is entitled to only seven days notice. Informal sharing arrangements, whether arranged with a tenant or an owner-occupier are also very precarious for the incomer, who is unlikely to have any protection under the tenancy legislation at all.

Many of the stories disclosed by the Victorian contributors reflect the legally precarious quality of their tenure. Eight of the 45 participants described housing careers now exclusively characterised by such vulnerable and precarious arrangements. They had become accustomed to moving frequently and often with little notice.

4.1.4.1 Why were they evicted?

In the stated reasons for eviction among the Victorian interviewees, arrears of rent features frequently, but it does not comprehensively dominate the picture. Damage to premises and behaviour issues also feature regularly. Interviewees stressed that it was not necessarily their own actions that precipitated eviction. Several people quoted instances of sharers or others trusted to pay rent not forwarding payment to the landlord; of sharers or their visitors causing damage and of noise and nuisance behaviour attributable to other occupiers but resulting in the eviction of all.

Another group of cases further highlight the precarious security of shared arrangements. On a number of occasions, interviewees indicated they were evicted when a sharing arrangement broke down. Mostly these situations reflect a falling out between friends, family or acquaintances, where the person evicted was a lodger or informal subtenant. Some, however, merely mark the end of the common interest in the arrangement. For example, one interviewee described how the others with whom he shared decided to move to various destinations that were more convenient for their needs, leaving him as sole occupier. He discussed the possibility of a new lease in his own name but stated that the agent, learning that he was not yet 18,

declined to pursue this and he was obliged to leave. Another interviewee related how a multi-party sharing arrangement gradually decreased to just two people, himself and another. The rent became unsustainably high and they fell into arrears and were evicted.

Lastly, a few cases show landlords giving notice to accommodate their own needs. Sometimes these are market-related, such as notices of impending sale or imminent rent increases that were unaffordable. Others invoke the landlords' stated need of the premises for accommodation for themselves or their family.

While the 'reasons' above quote the formal explanations for eviction, the Victorian interviewees also reflected on the causes behind them. Several commented, for example, that they had fallen into rent arrears when their job ended, or full time work stopped and their incomes reduced. Others indicated they had withheld rent in an (unsuccessful) attempt to persuade the landlord to effect vital repairs to the property. Some mentioned alcohol, drugs or mental health issues as interfering with prompt and regular payment and two highlighted perceived mistakes by Centrelink as leading to arrears.

Drug or alcohol use was identified by respondents as being involved in several of the 'damage' evictions. However, interviewees attributed half of these cases to the acts of others. Some cases involved former partners of women tenants who were fleeing domestic violence. Damage, or even trashing, by the partner was identified as resulting in the woman being evicted from her accommodation with a debt for the damage when the lease was in her name.

Behaviour issues feature particularly among the responses by interviewees who had been evicted from rooming houses. Mental health and anger management issues were mentioned as affecting a number of these cases. Other problems focused on noise. One interviewee told how they became angry and embroiled in a fight when the noise of other rooming house occupants had proved intolerable to him. Two respondents believed that 'their' noise was not unreasonable but apparently much older neighbours complained and were given preference, in one case by a rooming house manager and in the other by the landlord.

The evictions from public housing seemed to result from a range of problems including arrears and damage. These were attributed by respondents to issues with drugs or alcohol now overcome or to difficulties compounded by mental health problems, acquired brain injury or other disability that had compromised their ability to manage their tenancy.

Problems between sharers were mostly not explained by the respondent except as a "falling out". In some cases the dynamics were reported as becoming extremely challenging: tensions arising when the resident landlord had an affair with the tenant's partner, or when a landlord suspected that the occupants knew of his diverse and illegal business activities would probably have tested the most sophisticated inter-personal skills. However, most disputes that were described centred on rent payment, the behaviour of visitors or future plans.

Overall, the evictions described in the Victorian study highlight the compromising effect personal circumstances can have on people's capacity to manage tenancy relationships successfully. They also illustrate the precarious character of informal and shared arrangements. Where the interviewee was part of a sharing

arrangement, their security was contingent on maintaining the shared enterprise. If they were not 'on the lease' their position was especially vulnerable. In apartment blocks, rooming houses and caravan parks, where soundproofing is imperfect and space at a premium, privacy is eroded and behaviour that might be tolerable in more spacious surroundings can become contentious, provoking and intolerable. Where legal security of tenure is limited, as in rooming houses and caravan parks, eviction can easily follow.

4.1.4.2 How Did They Respond?

In three quarters of the Victorian evictions described to this study, the interviewee indicated they moved out before any date had been set for a formal hearing of their case. This bare statistic masks an even more marked pattern of immediate departure: on three occasions the interviewee noted that they left their accommodation in anticipation of problems, abandoning their base and pre-empting any discussion of their situation and on a further 36 occasions the respondent left as soon as they were told informally that their occupation was in jeopardy. This is not to say that all the respondents left without some attempt to discuss or negotiate their position. Twelve, all in private rental properties, stated that they tried to reach an agreement about time to pay arrears of rent but were unsuccessful.

On another 16 occasions, the interviewee reported that they left after receiving formal notice to remedy the breach of tenancy. The remaining evictions occurred after a Tribunal hearing, including five where police assisted in ensuring that the premises were vacated. The interview data suggest that public housing tenants were more likely to remain in occupation until a Tribunal order was effective against them. On the other hand, respondents who had been evicted from rooming houses moved very promptly indeed: 11 indicated that they moved immediately a problem arose. This may reflect the robust rights of termination reserved to rooming houses proprietors under the legislation. People who were accompanied by children at the time of an eviction were more likely to remain until they had received some formal notice, but even from this small group (8 people) only two remained until a formal order had been obtained against them. Interviewees did not expand greatly on why they had left when they did, other than to comment that there appeared to be 'no real alternative'.

Seeking advice: very few threatened evictions seem to have prompted interviewees to seek advice. On six occasions the respondent mentioned that they had asked for advice from an outside source. While one interviewee reported they had approached several agencies including Consumer Affairs, the Tenants' Union of Victoria Housing for the Aged Action Group, and the Tribunal the other five, however, stated they had sought advice from an agency and these were as diverse as the police, housing workers, a university housing office and the Support and Accommodation Rights Service. Another interviewee stated he had been arrested while his housing situation was in dispute and had received some housing advice from a barrister whose primary role was to assist with his criminal defence. One respondent reported they had sought advice from a community legal service after moving out. This apparently restricted the options available to her, but she explained that she had been fearful of retaliatory action by the landlord if she had appeared to dispute her right to stay in the property. Finally, one young interviewee commented that he would have asked a friendly neighbour for help and advice but she had been

away on holiday when his housing crisis developed and he knew of no one else he could approach. Notably, only one person mentioned that they had contacted the Tenant's Union of Victoria. The one person who stated they had contacted the police for advice had done so as he was being evicted from a rooming house; the other situations concerned public and private rental equally.

Engaging with formal process: ten interviewees mentioned they had been a party to an action in the Victorian Civil and Administrative Tribunal en route to their eviction. In most cases these appear to have been actions where the landlord or agent sought possession, not merely a formal repayment agreement, from the tenant. Five of these cases, a relatively high proportion, were reported as involving public housing tenants. In two of these cases, the respondents stated they were unable to attend the hearing and present their case, one because she was in hospital and one because of family matters. One of the private tenants indicated they had already moved out but was anxious to attend the Tribunal hearing to ensure if possible that his reliable rental record was confirmed so that he avoided any entry on a 'blacklist' (tenant database). Based on comments by respondents, some of the other Tribunal hearings appear to have taken place without the tenant's participation: they were merely made aware of the proceedings when presented with the outcome.

4.2 Where are Evictees Housed after they have been Ejected from their Dwelling?

Question 2. Where are evictees housed after they have been ejected from their dwelling? Who provides shelter to this group, under what terms and at what cost? To what degree are they forced into temporary accommodation for an extended period?

The destination of tenants after eviction is clearly an important issue as it affects the demand for services and their need for other support from the health and welfare sectors. As Table 4.10 shows, based on information provided by respondents most evictees were concentrated in the low rent end of the housing market at the time of their eviction, with 80 per cent paying less than \$150 per week in rent. This outcome reflects, in part, the low incomes of this group. At the time of the interview evictees indicated that they were still overwhelmingly concentrated in the low cost end of the housing market. Clearly then, evictees were overwhelmingly concentrated in the less expensive end of the housing market prior to eviction and remained in that sector post eviction.

Table 4.10 Rent Paid at Eviction and Time of Interview

	Rent Paid At Time of Eviction		Rent Paid at Time of Interview	
	Number	Per cent	Number	Per cent
Less than \$50	14	9.7	12	8.3
\$50 to \$99	59	40.7	57	39.3
\$100 to \$149	44	30.3	43	29.7
\$150 to \$199	11	7.6	11	7.6
Less than \$200	11	7.6	8	5.5
Missing	6	4.1	14	9.7
	145	100.0	145	100.0

The tenure of evictees at eviction and at interview provides further insights into the longer term housing outcomes for evictees. Table 4.11 shows evidence of a substantial change in tenure patterns between tenure at eviction and tenure at time of interview: whereas 55 per cent of evictees reported they were in the private rental market prior to losing their home, only 25 per cent of respondents were in this tenure at the time of interview. This suggests that, in the medium to long term, eviction results in tenure change. Put another way, evictees from the private rental market leave that tenure and end up dependent upon other tenures – including government services and less secure forms of rental. When compared with tenure at eviction, at their interview respondents were more likely to be living in emergency housing and support housing; there was a greater representation in shared/informal living arrangements; there was greater reliance on SHA accommodation and community housing; and, some respondents mentioned that they were living in very insecure accommodation such as a car, squat or tent. Importantly, three of the respondents stated they had entered home purchase at the time of interview and this may have been linked with the establishment of a new relationship. In addition, the reported number and percentage of persons living in a rooming house or hostel was lower at interview than at eviction, possibly reflecting the frequency of eviction from rooming houses and difficulties in gaining access to this tenure again.

Table 4.11 Housing Tenure at Most Recent Eviction and at Interview

	Tenure at Eviction		Tenure at Most Recent Interview	
	Frequency	Per cent	Frequency	Per cent
Emergency housing (SAAP)	2	1.4	11	7.6
Transitional support housing	5	3.4	14	9.7
Sharing, informal arrangements	5	3.4	12	8.3
Private rental	80	55.2	36	24.8
SHA rental	15	10.3	22	15.2
Renting – other govt housing	11	7.6	21	14.5
Renting – community housing	2	1.4	7	4.8
Renting – caravan	6	4.1	1	0.7
Rooming house/hostel/hotel	13	9.0	10	6.9
Boarding – private home	2	1.4	2	1.4
Purchasing/living in own home			3	2.1
Living in car/tent/park/squat			4	2.8
Missing	4	2.8	2	1.4
	145	100.0	145	100.0

Respondents to the survey were asked what accommodation they moved to after eviction and these results are presented in Table 4.12. Critically, sharing and informal arrangements were reported as the most common form of housing after eviction. In large measure this reflects the practice of calling on relatives or friends to provide shelter, possibly because of the shortage of more formal accommodation options. Emergency housing and rooming houses were the next most important forms of housing immediately post eviction. Interestingly, gaols and hospitals and diverse other government services were equally important forms of accommodation immediately after eviction and this may reflect the hospitalisation of persons with mental illness and/or the incarceration of persons 'sleeping rough' on the streets. It is important to acknowledge the high level of missing responses for this question, which reflects the respondents' partial recollection of their movements at that time.

Sharing and informal arrangements became less important with the second and subsequent moves. Significantly, and as discussed previously, many respondents appear to have left the private rental sector after their eviction, with growing representation amongst community housing organisations, SHA accommodation, transitional and emergency housing. It is likely that some respondents moved from shelter to shelter over time and this is reflected in the on-going importance of emergency housing, even after four moves.

Overall, the data presented in Table 4.12 suggest that:

- After eviction many people rely upon friends and relatives to provide immediate support;
- Some people are housed in emergency or transitional housing;

- A relatively small percentage find accommodation in SHAs, and it is worth noting that assessment criteria for public rental housing often award priority to people who are homeless, with evictees meeting this criteria;
- Less conventional forms of accommodation such as rooming houses, rooming houses, private board and caravan parks accommodate a significant minority of this group, with the potential for on-going insecurity in their housing;
- Some people end up homeless, including living rough;
- A significant percentage end up institutionalised within public sector organisations outside the housing sector. This includes hospitals and gaols.

Clearly eviction has a substantial impact on the demand for government assistance. It contributes to the demand for public housing, it generates demand for emergency and transitional housing, and it adds to the demand for health and criminal justice services.

Table 4.12 Accommodation After Eviction

	First Accommodation After Eviction		Second Accommodation After Eviction		Third Accommodation After Eviction		Fourth Accommodation After Eviction	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Emergency housing	12	8.3	12	8.3	7	4.8	4	2.8
Transitional housing	1	0.7	2	1.4			1	0.7
Sharing/informal arrangements	43	29.7	9	6.2	5	3.4	3	2.1
Renting privately	6	4.1	11	7.6	1	0.7	3	2.1
Renting from a SHA	3	2.1	7	4.8	9	6.2	3	2.1
Community housing			4	2.8				
Caravan park	4	2.8			4	2.8		
Rooming house	12	8.3	10	6.9	4	2.8		
Rooming privately	2	1.4	2	1.4	4	2.8	1	0.7
Car/tent/park			1	0.7				
Gaol, hospital, not elsewhere defined	12	8.3	8	5.5	3	2.1	3	2.1
Missing	50	34.5	79	54.4	108	74.5	127	87.5
Total	145	100.0	145	100.0	145	100.0	145	100.0

4.2.1 *South Australia*

Many respondents reported considerable difficulty in finding a place to live after eviction.

“Sharon” stated she was staying in a shelter – she wasn't keeping to curfew rules and was told she'd have to go – she didn't think she had any choice so left – moved in with step-mother who had recently separated from father. She then got back in touch with her boyfriend while living with her step-mother and they both moved in with her father for a while. They were looking for private rental housing and had lots of interviews but had no references. She thinks they were discriminated against because of age, plus pregnancy. Her partner had heard of Centacare, so they contacted them and were put on list for a house. They moved into a place the day she went into labour. She indicated they are now on the waiting list for a SAHT house and feel safe that Centacare won't evict them unless they do something wrong and they can stay until they get a SAHT house.

“Sharon” felt that the main impact was not knowing where they could go to live – it was difficult staying with step-mother then father as they had recently separated and things weren't good between them.

Other examples from South Australia illustrate the difficult position many evictees find themselves in within the pathology of their lives.

“Steve” reported he was sharing with friends and was a heavy drug user. He had left accommodation (private and public) several times after periods of not paying rent. On the most recent occasion he was served notice and given a week to get out. He moved in with parents and then found another place to rent. He has a partner who was also a drug user. Both were gaoled off and on and had spoken of settling down but not done anything. After his most recent arrest he decided he didn't want to go on with this sort of life where they would keep being split up as one or other was gaoled. Both applied for drug court last year. The partner was given a suspended sentence and Steve was approved for drug court. He was provided with a house through Centacare for 12 months – though this will finish in March, but his caseworker has agreed he can look for a place after Christmas. He stated that he is not allowed to have his partner living with him while in the drug courthouse though both have got off drugs. He mentioned that she is on SAHT priority 1 list – and has been offered a place in Elizabeth but they want to keep away from the area – they are hoping to get a house in Modbury through SAHT and ultimately buy it.

“Steve” indicated he didn't know what sort of help was available and what things he was entitled to at the time he was evicted. While in prison he commented he had learnt about different NGO services and more about government entitlements – allowances and services he can get. He noted that life without drugs is better – less drama, no more worrying about 'court and coppers', and now he can 'remember what he watched on telly last night'.

The case of “Steve” outlined above illustrates the case of a drug user, but other South Australian respondents reported that they had suffered severe car accident injuries at the time of their eviction, they had been subject to child protection orders and had suffered from relationship breakdown.

4.2.2 Tasmania

For many respondents in Tasmania eviction was followed by long term housing instability, with the story varying according to the stage at which the eviction took place in the cycle of homelessness. The tendency to abandon their tenancies meant that these respondents faced severe difficulties in re-entering either the private or public rental markets. With no family or friends to draw on for most of the members of this group the eviction was experienced as a severe crisis. The following responses were typical:

“Katie” felt stunned, angry and upset about what was happening and had nowhere to go

We were devastated, the house was cheap, it was just really good for us.

The eviction had a big impact on my life ... I had everything set up ... I was quite happy where I was ... then I had nowhere to go.

It was also noted that often there was social fallout from friends or partners whose behaviour was felt to have contributed to the eviction.

Even though it was equally my fault, I resented him for helping me screw up my rental record so I had to live with his wanky-blokey-mates. He resented me too.

There were, however, two respondents for whom the eviction was more of a nuisance than a crisis:

It was just a pain in the bum, just a nuisance; I had settled in, I didn't think that I would have to leave. I was working full time, I just didn't have time to move ... It was the biggest rush in the world, I had to take two days off work ... there was nothing I could do.

The post-eviction housing trajectory of these younger respondents was quite different from that of the single, older men. All but three indicated that they had strong support networks, often in the form of family, usually parents, and were also assisted by friends. It seems that the usual pattern was a return to the family home or staying with friends until an affordable private rental home was found.

Only three respondents in Tasmania mentioned they used services and in each case the eviction was followed by a prolonged period of homelessness. Two of these respondents reported they had experienced eviction a number of times and each had an additional risk factor. One identified substance use as an issue and two had left home in their early teens, with one respondent explaining that his father was ‘an alcoholic’ and he had been ‘kicked out’ of home. In some cases SAAP services were seen not being able to assist, either because all the crisis accommodation was full or because they had already been evicted from it. “Pete”, who indicated he was evicted from a men’s shelter describes what life on the street was like:

It was really hard ... It's pretty shit being stuck in the same clothes for months on end and being wet and cold ... but you learn to survive ... you just have to.

Hotel accommodation was also prohibitively expensive. One Indigenous respondent, who noted he was evicted after he complained about lack of maintenance, was placed in a hotel by Anglicare at a cost of \$160 per week – about eighty per cent of his disability pension. As there was no lease, he was unable to get rent assistance. He reported that he spent \$40 per week on medication for cystic fibrosis and epilepsy and so had little money for food.

With one exception eviction was a major event in the lives of the older single men included in the Tasmanian case study and was followed by a significant period of homelessness. Although all but one reported good informal support networks most were heavy users of SAAP services, relying on crisis and transitional supported housing in the post eviction period. The four respondents with intact families had a similar profile to that of the single parents, although two had been evicted more than once. Two indicated they were forced to leave their home because it had been sold, one sought assistance from the Tenants Union and although most had family or friends to support them they commented they were also heavy users of SAAP services. Like the single parents the eviction was experienced as a catastrophic event and resulted in either primary or secondary homelessness. As with the other groups, SAAP crisis services were perceived as often unable to assist, even when children were involved. “Marie”, a 32 year old Indigenous woman with three young children, describes the impossibility of finding anywhere to live after attempts to stay with various relatives had failed:

They spent a night in the car before returning to her mother's place but were 'kicked out'. They tried women's shelters but they were full. They tried friends, but they could not help her. There was no emergency housing available. They arranged to stay in a caravan park for a couple of weeks but could not afford the \$230 per week rent. They tried Aboriginal Housing but were knocked back because of a \$1,300 debt.

Parents in both these groups indicated they were particularly concerned about the effect of housing instability on their children.

“Raelene” reported that she and her five children were thrown out of their home of 18 months by her abusive ex-partner when he discovered she was renting from his mother. Anglicare placed the family in a hotel for four weeks whilst they waited for a vacancy in a women's shelter. “Raelene” described how distressing it was for the children to have to pack up every day from the hotel and come to Anglicare. She said that if she hadn't had her friend to support her in practical ways she would not have been able to go on.

The remaining respondents were all on low incomes and all but one were evicted because of rent arrears. All but one had experienced more than one eviction. None had custody of children and only one had a partner. The reason for eviction appeared to be a combination of disability, poor financial management and drug use. Although half indicated that they used SAAP services in the period following eviction,

most found acceptable accommodation in the private rental market usually after a period of staying with friends.

4.2.3 *Victoria*

Overwhelmingly, the Victorian interviewees moved into situations of primary, secondary or tertiary homelessness after they were evicted. A small minority of evictions (a total of 9) saw the respondent move into the relative security of public housing, private rental, a university hostel or community housing. By contrast, nine indicated that they lived on the streets; two moved to caravan parks; 14 moved into hotel/motel/rooming house accommodation; five moved into emergency hostel accommodation, and 26 moved in to live with friends or relatives, 'couch surfing'. A small minority of the Victorian interviewees had moved so many times, voluntarily and through eviction that they seemed accepting of the disruption involved. One respondent mentioned they had experienced seven moves in 18 months. Another had lived in 20 properties over a few years; one 33 year-old had lived in 53 different households and another interviewee had moved 40 times since 2002. For these respondents, the moves were described as just 'how it is'. However, the vast majority of interviewees had been more settled and described the impact of eviction in negative terms.

Some spoke fairly generally. 'It stuffed me right up' said one man who found himself on the streets and back in the drug-ridden milieu he had hoped to leave behind him. 'It was really scary and awful' said a young woman of a formal eviction by the police. 'Being evicted was one of the worst things I've ever had to face' remembered a former health professional, mother, wife and homeowner whose life had changed dramatically with the onset of a psychiatric condition.

Other interviewees identified specific problems that resulted from their evictions. Feelings of guilt and shame were common. Several mentioned isolation and loss of support networks. Forced by cost or the lack of housing options to move to unfamiliar areas, often further away from family, from doctors, clinics, counsellors and friends, the loneliness and separation had been challenging and, at least temporarily, detrimental. Moving into living arrangements such as a rooming house or onto a friend's couch meant a loss of autonomy and privacy and submission to restrictions that limited 'normal' activities. Friends couldn't visit. Pets were forbidden. Noise was anti-social. Close quarters made for friction and tempers could easily boil over. The threat of another forced move was constantly present. One man commented: 'it sucks when you've got nowhere to go'.

Some moves were experienced as even more hazardous. One woman described the impact of being homeless after eviction. Her situation had become constantly unsafe. She had to set her standards lower, deal with violence, become prey to men, and suffer abuse. She reported her behaviour as changing from cautious to risky and drugs were always a threat. Two men described the experience of being homeless and living on the streets as being such a shock that it encouraged them to change. One, who had had problems with alcohol and 'used to sing a bit' was determined not to risk homelessness again. The other, who had 'lost everything' when he was evicted, thought with hindsight that surviving the experience had made him stronger.

Some interviewees had seen major changes in their circumstances as a result of evictions. Several were poorer. They had lost their jobs when they moved. One had

had to leave university. Others lost possessions. Goods put out on the street by a landlord were stolen from the pavement. Locks were changed and goods destroyed. The costs of removal and/or storage were too high to contemplate. Families fractured when children were entrusted to relatives for long term care or were, as mentioned by one respondent, as being 'taken by the authorities'. One man, who commented he was forced to move by the sale of the house he had rented for six years, could not find anywhere affordable and suitable for his children to come and stay, and noted that shared parenting arrangements were suspended and ultimately destroyed. Another man who moved to a relative's caravan also commented he found it hard to maintain the cycle of his children's visits. He had no fridge or stove and the cost of always eating out blew his budget.

4.2.4 What is the Impact of Evictions on Private Rental Housing Supply and the Demand for Government Support?

Question 3. What is the impact of evictions on private rental housing supply and the demand for government-provided housing support? To what extent do evicted persons rely upon government-provided crisis accommodation, publicly-provided bonds and other supports?

4.2.5 The Demand for and Use of Public Services

As the previous section has argued, of the total respondents few evictees return to the private rental market, at least in the short term. In large measure, their immediate housing needs are met by friends and relatives, as well as emergency accommodation, SHA and community housing. A number of respondents in the study also indicated that they looked to the community and public sector to help meet other needs that resulted from their eviction. For example, 25 respondents stated they received help from the State Housing Authority in the form of a bond or a bond guarantee. Thirty one participants in the study received help in the form of assistance with furniture, as evicted persons commonly lose their furniture when they are displaced from their tenancy. In large measure this need was met by the large scale welfare agencies – St Vincent De Paul, Anglicare, the Salvation Army, Colony 47 etc – with friends and family assisting in a minority of cases. A further 31 respondents reported assistance in moving after their eviction and 12 received help in securing white goods for their new premises. In both instances, welfare agencies were the primary source of help. A few evictees reported they sought and received assistance with food, transport and financial support.

4.2.6 South Australia

One way of understanding the impact of eviction on the demand for public services is to focus on the perceived needs of evictees. The South Australian respondents reported a wide range of impacts:

- Two noted they lost employment as a result of eviction, with one respondent observing that as a casual worker they could no longer be offered employment as they had no contact number;

- Three respondents reported negative health outcomes, which were mostly stress related;
- Ten respondents indicated that their children had behavioural problems as a consequence of eviction: some parents were blamed by their children for the need to move school, others mourned the loss of friendships, one respondent stated that their child was denied entry to their school of choice;
- In six cases eviction was seen to contribute to the fragmentation of a household, including relationship breakdown and the loss of children from the family. As one woman noted 'I had to give the children to welfare 'til I could get a place';
- Six evictees reported that they lost their bond as a consequence of eviction, though it is likely that a significantly higher proportion are likely to have lost this capital because they would have forfeited their bond when they left the dwelling. Most respondents simply did not report this outcome;
- Seven respondents noted that they suffered emotional problems as a consequence of eviction, they felt stressed and humiliated and as one person noted 'you can deal with homelessness on your own but with kids it makes you feel like a failure';
- Fully 21 respondents reported that they lost goods as a result of eviction. In most instances tenants reported they were unable to remove the goods before the eviction date and the landlord disposed of them;
- One person observed that they felt isolated as a result of eviction, 'homeless people don't look nice and don't smell nice, and they can't do anything about it until they are housed';
- Some 27 respondents reported that they experienced homelessness through eviction, including couch surfing, sleeping cars and living in emergency shelters;
- Nine evictees stated they were left with a debt as a result of the loss of their dwelling. Debts included losses associated with property damage and the loss of whitegoods that were still being paid off.

4.2.7 Tasmania

In Tasmania, based on the data provided by respondents, the extent to which respondents used housing and other welfare services in the post-eviction period was closely associated with the same factors that determined vulnerability. The heaviest service users were those with multiple risk factors, especially those already on the revolving door of marginal accommodation arrangements, eviction and homelessness. In addition to having few informal social supports the history of abandoned tenancies and accumulated housing debts left them with few housing options. The presence of dependent offspring was also associated with intensive use of services, as was being Indigenous or being on a disability pension. Those least likely to use services, were young, single people experiencing eviction for the

first time, especially if they had strong family support. This group were also most likely to describe the social fallout that followed eviction in terms of damaged relationships with partners and friends associated with the experience.

Despite the many differences between these groups all their stories portray how challenging it was to find an alternative home: single, older men with challenging behaviours, single parents, couples with children, young people, Indigenous Australians – all reported extreme difficulty in finding somewhere affordable, yet decent, to live. Many respondents expressed a wish to live in public housing but few achieved this during the study period no matter how desperate their situation. One respondent said that she was a 'category 3' on the public housing list even though she reported a history of state care, repeated homelessness and that her baby had acquired brain injury. It was the experience of respondents that even crisis accommodation was in tight supply with respondents in most groups sometimes finding that nothing was available.

The tight accommodation market makes the respondents' lack of resistance to eviction all the more surprising. Extraordinarily few reported that they sought to exercise their statutory rights in an effort to hold on to their home. This included those whose home was being sold as well as those who felt the landlord was wrong and discriminatory. Whilst a sense of disempowerment in relation to the landlord was a common thread in their stories, the underlying reason for this appears to be a lack of information about their tenancy rights and the pathways to accessing these. This suggests that much more could be done to empower tenants to understand their statutory rights.

4.2.8 Victoria

We have seen that the Victorian interviewees threatened with eviction seemingly did not generally seek any advice; they simply moved out. In most cases, interviewees reported they didn't seek any help locating new accommodation either – a point possibly reflected in the very insecure destinations that they reached, as described below. However, help was obtained after 16 of the 71 episodes of eviction. Mostly (in 10 cases), interviewees reported help from non-government housing agencies who were able to provide accommodation or advocate on behalf of the evictee with housing providers and, in three cases, gave some assistance in moving possessions or furnishing the new base. In two cases, interviewees noted that their doctors advocated for them, and the police helped one further interviewee. In the three remaining cases friends or relatives gave practical assistance, including helping to find accommodation and giving the interviewee's children a home. (These cases do not include the times when the interviewee themselves moved in with friends or relatives after being evicted: those cases are described below.)

4.3 What Policy Interventions Can Reduce the Frequency and Impact of Evictions?

Question 4. What policy interventions can reduce the frequency and impact of evictions? What steps can public sector agencies take to enhance the sustainability of tenancies, and the robustness of the private rental sector?

Low income is a key factor behind the vulnerability of the majority of respondents to eviction. All respondents described the difficulty they had in meeting their rental commitments. Once in rent arrears they indicated it was impossible to repay their debt, however, whilst low income was a necessary cause of eviction it was rarely sufficient. Although the most common precipitating factor behind the failed tenancies was rent arrears, difficult and challenging behaviour also featured prominently in the accounts by respondents, both as a factor on its own and in combination with arrears. It seems that low income was therefore nearly always compounded by other risk factors including youth, disability, drug use and access to informal social networks. The combination of specific risk factors appears to be related to whether the eviction was likely to be a single or repeated event.

Disability, especially psychiatric disability, figured prominently in stories of multiple evictions, often complicated by drug use and limited social resources. This suggests that level of social coping, access to resources and social background, as well as knowledge and confidence about working the system, are critical in determining post-eviction housing careers. Sole parent status, the presence of dependents or youth, were also more likely to be associated with only one eviction. It seems that respondents in these social groups were more likely to learn from their experience and avoid its repetition. In addition, these people were more likely to have family and friends who assisted them in the period following eviction. Whilst drug use was implicated in many evictions its role appeared to be mediated by the presence of other risk factors such as disability, or youth.

Domestic violence and family breakdown did not figure prominently as a cause of eviction in these stories. Nor did many respondents fit the profile of the 'working poor'. This is likely to be an effect of the method of recruitment, with the project methodology depended on liaison with a variety of agencies whose clients were invited to participate in the study. The fact that many respondents reported no family to assist them when facing eviction suggests that family breakdown was an important background variable. The sale of the property or its re-occupation by the landlord, or their family was also an important variable indicated by respondents and is most likely related to the boom in the housing market.

Four conclusions can be drawn from the points raised above:

- First, many of the evictees seemed to have only a vague idea about the type of assistance that would have helped them avoid displacement from their rental properties. Eviction was an apparent consequence of a broader set of life circumstances and many reported that they left their tenancy early because they recognised that they were at fault and assumed therefore that the situation was irretrievable, or they believed they were powerless to avoid

eviction. It is speculated that some probably did not award priority to the things they needed to do to maintain their tenancy, whether that was paying their rent, maintaining good relations with their neighbours or keeping the property in good condition. Strategies that can empower vulnerable tenants may well be effective in changing behaviours and attitudes toward renting amongst some potential evictees.

- Second, it is likely that strategies that increase the incomes of vulnerable persons are likely to result in a reduction in the incidence of eviction. This may include additional income support payments, assistance in finding paid employment or other measures.
- Third, there is a notable distinction, based on the experience of respondents, between tenancy advice services – which appear to be largely under-utilised – and welfare services – which are used by many of the evictees included in this study. Strategies and processes that better integrate the two sets of services may have long-term benefits in reducing the incidence of eviction.
- Fourth, the *impact* of eviction could be substantially reduced through more services and better integration of existing services. The evictees covered in this study faced multiple challenges and were already being dealt with by public and community services. A case management approach that included strategies to avoid eviction and deal with the consequences of eviction could reduce the costs to individuals and the welfare system as a whole.

4.3.1 *South Australia*

A number of respondents in South Australia were drug users or faced multiple disadvantages in other ways. Their examples highlight the complex interactions between the welfare system, the housing market and the justice system. For example, “Genny” stated she was a heroin user and was living with a partner who was dealing. They were in private rental through an agent. Their 12-month lease had expired, but they stayed on without a lease as they were looking for somewhere else to live. She reported they had always been good tenants, had got on well with the agent who was helping them find a place.

According to “Genny”, they were arrested and given police bail. The house was raided 10 days later and they were arrested again and remanded in custody. At the time they were up to date with the rent. “Genny” reported that a business associate continued to pay the rent for them while they were in jail, however did not get receipts from the agent. Apparently, the house was broken into and some goods stolen and the woman paying the rent reported it to the police and got a message to “Genny” – she wanted to ring the police and the landlord, but the prison staff, reported “Genny”, made it difficult saying ' I'm going off shift soon, wait for the next ones'. It was further reported that friends went to the house to collect “Genny's” possessions. They found a neighbour there who said the landlord had asked him to pack everything up. It seems that no notice was ever sent and seemingly the agent knew they were in jail but told the friends he hadn't known where they were and so the place was abandoned.

For others, eviction came after dealing with the challenge of their substance abuse. “Tony” stated he had a history of drug use, which he attributed partly to living with people who were also drug users. He indicated that he had stopped using heroin, was getting casual work and was settled living on his own in a rented place that was part of a house that had been divided into three flats. He related how he spoke to the owner about a smell of gas in the yard of the house. According to “Tony” a month went by before the owner came to investigate – he dug up the pipes, which “Tony” said looked like tree roots as they were so rusted. The owner 'repaired' the pipes with electric tape and silicon. Subsequently, “Tony” reported how he received a gas bill of \$480, which was six times higher than his usual quarterly bill. He contacted the landlord who told him it was the tenant's responsibility. “Tony” said he disputed this and that he wouldn't pay rent, as he couldn't afford to cover the gas bill and the rent. Apparently, the owner told him he would have to leave within a week, as he hadn't paid rent.

Other groups of vulnerable people also face eviction though some are able to gain access to services. “Sandy” reported she was living in private rental accommodation in a rural area. She had moved there, as she had not been able to find anywhere else to rent that she could afford, though even the rent there was higher than she felt she could manage. “Sandy” noted how she had found a job but couldn't get day care for the children and had to give it up. She then started to fall behind in her rent, and then her car was defected and she couldn't get the children to school. She reported how the electricity bill jumped by \$100 as she was using small heaters to heat the house in winter. Her washing machine that was still being paid off blew up. Her phone was disconnected as she hadn't paid bills and she could see eviction happening. She indicated that she walked to the town and phoned lots of agencies, with Anglicare giving her the phone number for the Emergency Housing who, according to “Sandy” were really helpful and not judgmental at all. They found her accommodation in SAAP housing.

4.3.2 *Tasmania*

Only two respondents amongst the young people in Tasmania reportedly took any action to challenge the landlord's claims against them. In neither case did this involve challenging the eviction itself. One tenant indicated that they delayed departure until she received a formal letter outlining the reasons for the eviction, another employed a lawyer to reduce claims of damage. One of these respondents was a University student, the other was in part time employment. “Craig” provides an example of the more common reaction. Although he felt the landlord was 'shortchanging' him and his friends in their share house, he stated he did not take the issue any further because he felt the landlord had all the power:

What could I do? The way he saw it, was the way it was going to be.

For other respondents, the sense of powerlessness appeared to relate to a lack of understanding of their legal rights as well as a desire to maintain a 'clean' rental record. One young person described why he was an early leaver even though the eviction 'came out of nowhere'. “Dylan” experienced the eviction as unfair because he felt he had done nothing wrong but did not want to 'get in bad with the real estate' as this might jeopardise his future chances of renting. Although he knew about the

Tenants' Union he said he didn't use it as he 'did not know what the go was'" and 'didn't know how to go about it'.

Lack of information about their statutory rights appeared to be an important factor influencing all these respondents.

Single parents and couples also spoke of their concern to protect their children from any unstable accommodation arrangements.

We weren't very happy about it... We didn't think it was worth doing anything about; we've got a daughter so we were pretty desperate to get on with things... we couldn't be bothered going through all the hassles with it... you can't be on the streets with children.

I thought it was wrong but if that's the way it's going to be there's no point kicking up a fuss.

Even when tenants said they tried to negotiate with landlords, few of the landlords apparently were willing to engage. As "Clare" commented:

I tried to tell him that he would get his money... he was always going to get it; it was just a matter of time... he just wouldn't listen.

Even when landlords were willing to negotiate, respondents indicated they could not meet the conditions. "Julie", a University student, describes how she and her partner succeeded in gaining a period of three weeks to repay their \$1050 rent arrears debt but this was insufficient.

We were both on about \$350 a fortnight and we still had to live. We couldn't have even given him a quarter of that...

4.3.3 *Victoria*

Many interviewees seemed fatalistic about their evictions: nothing could have prevented them. Often such comments reflect a more mature reflection on earlier times. For example, one man simply said 'nothing would have helped: I was self-destructing at the time'. Others remarked that they had been 'in with the wrong crowd'.

Relatively few suggestions were made about prevention. A couple of people wished they had known of the Tenants' Union of Victoria 'in time'. An overseas student explained how different Australian arrangements were and how important it was for 'someone' to explain clearly such practicalities as condition reports, bond procedures and VCAT hearings to tenants, especially those from non-English-speaking backgrounds. An interviewee who had found herself evicted during a period in hospital wished that there had been a hospital social worker who could have helped secure her 'somewhere to go to' when she was discharged. Lastly, two interviewees looked to the bigger picture for more security. One said 'employment' would have helped him. The other said that 'getting back with my family' would have helped her fragile mental state and strengthened her capacity to cope.

5 CONCLUSIONS AND POLICY IMPLICATIONS

In this Section we draw together the findings from the three empirical studies and respond to the research questions that lie at the heart of the project.

Four research questions have shaped this project:

1. Who are evictees and what factors – low income, substance abuse, gambling, unemployment or the breakdown of families – resulted in the failure of their tenancy? What is the profile of persons evicted from the public rental sector compared with those displaced from the private rental sector? What are their attitudes to eviction and what, if any, strategies do they engage in to avoid eviction?
2. Where are evictees housed after they have been ejected from their dwelling? Who provides shelter to this group, under what terms and at what cost? To what degree are they forced into temporary accommodation for an extended period?
3. What is the impact of evictions on private rental housing supply and the demand for government-provided housing support? To what extent do evicted persons rely upon government-provided crisis accommodation, publicly-provided bonds and other supports?
4. What policy interventions can reduce the frequency and impact of evictions? What steps can public sector agencies take to enhance the sustainability of tenancies, and the robustness of the private rental sector?

Approximately 70 per cent of Australian households fully own their home or are purchasing it. These households have 'security of tenure'. They have control of the decision whether to move or stay; they are not subject to the superior will of a third party (assuming that, if purchasing, they continue to make prompt mortgage repayments). For other Australians, however, whether in private rental, public rental, community housing, a boarding- or rooming- house, a caravan park or shared housing, 'security of tenure' is limited. Their arrangements are inherently precarious. Some are regulated by statute, some by diffuse common law rules. In all cases these occupiers may be obliged to leave at the instigation of their 'landlord'. Compared with owner-occupiers, the control they have over the decision whether to stay or go is limited.

The rental sector experiences considerable mobility. A survey of boarding house residents in South Australia depicted a highly mobile population with approximately two-thirds of residents moving on a regular basis (DHS 2002). Across the private rental sector, similar patterns of frequent moves and great mobility have emerged (Minnery *et al* 2003). Interestingly for this study, earlier work by the Department of Social Security found that (only) 45 per cent of tenants moved as a result of their own desire (DSS 1997). In the light of these findings, it may not be surprising that control of the decision to move seems to be the single most important factor in selecting a rental property for many tenants, especially the more vulnerable such as older people, households with children, those on the lowest incomes and people receiving rental support (Minnery *et al* 2003).

Most moves happen without any dispute and certainly without any recourse to formal dispute resolution (Slatter and Beer 2003). However, this study focuses on moves made at the landlord's initiative. For the purposes of the project we have adopted an inclusive definition of 'evictions'. It covers both (i) situations where tenants leave *in response to* the landlord obtaining a formal order of possession against them and (ii) situations where tenants leave *in anticipation of* the landlord seeking or enforcing a possession order. This captures more accurately the range of moves by residential tenants made at the landlord's initiative, and permits a more revealing exploration of the context and outcomes of those moves.

The three State studies explore the interviewees' experiences of eviction. The experiences are not proposed as representative but as illustrative. As explained in Section 3, the project methodology depended on liaison with a variety of agencies whose clients were invited to participate in the study. A diverse group of agencies was approached to ensure inclusion of a range of experience. Interviewers selected from amongst clients expressing interest to achieve a broad balance of age, gender and housing history. Nearly all participants were on low incomes. Many had left school early with few qualifications. Drugs, alcohol, mental illness and/or abuse featured in many narratives. Iterative homelessness was a feature many described as a part of their past experience.

Some unexpected patterns can be discerned. The South Australian interviewees, for example, had mostly been evicted from landlord-managed private rental. The Tasmanian study reflected a higher incidence of eviction from boarding houses and caravan parks. Stories from the Victorian study highlighted the precariousness of shared accommodation. Despite these variations, however, the remarkable features of the interviewees' stories are the common threads that run across State boundaries and across household and tenure types.

5.1 Who Are Evictees and What Factors Resulted in the Failure of their Tenancy?

Question 1. Who are evictees and what factors – low income, substance abuse, gambling, unemployment or the breakdown of families – resulted in the failure of their tenancy? What is the profile of persons evicted from the public rental sector compared with those displaced from the private rental sector? What are their attitudes to eviction and what, if any, strategies do they engage in to avoid eviction?

5.1.1 Factors Contributing to Eviction?

Life events: Many of the interviewees identified specific life events as triggers for their unstable housing careers. These included the death of parents/carers; the breakdown of relationships or the death of partners; leaving the guardianship of the Minister; the experience of domestic violence or other abuse and 'falling in with the wrong people'. Vulnerable from such trauma and often without effective formal or informal support networks, some interviewees reported they had turned to drugs or alcohol or had experienced incapacitating depression or other psychiatric or psychological illness. Their accommodation had then been compromised. Problems

included arrears of rent; disruptive, anti-social or violent behaviour; property damage; hoarding and failure to maintain the premises in a habitable state.

Low income: (nearly) all the participants in this study reported they were in receipt of a low income, whether from employment, pension, benefit, grant or allowance. The majority of the evictions described related to arrears of rent. (The others described mostly concerned behavioural issues or the breakdown of relationships within the accommodation). Several common themes ran through accounts of arrears. For many interviewees, rent was prioritised after bills or expenses needing 'immediate' payment such as utilities, medicines or children's costs. Frequently households with rent arrears had other outstanding debts. In some cases it was reported by respondents that expenditure on drugs and/or alcohol competed with other commitments. Mostly, bills were 'juggled' but respondents indicated how unexpected expense could fatally derail this. While most tenants, in principle, preferred to plan spending in advance in practice they responded to the most immediate demand. This has been described as the 'considerable mis-match between tenants' attitudes, preferences and behaviour' (Ford and Seavers 1998). Thirdly, a recurrent scenario from the case studies was of arrears arising when repairs were not done and rent was withheld in an attempt to pressure the landlord to act. Some participants, especially younger tenants, commented that they had no real sense of budgeting or coping with tenancy matters and no guidance in how to manage their accommodation. Others reported that they had been prejudiced by their landlord's delay: arrears had reached an 'impossible' amount by the time action was threatened, ironically a consequence of kindly-meant practice.

No advice, information or support: Studies have shown that most people who face problems do not seek advice from any formal source (Kempson and Moore 1983; Kempson 1989; Adkins *et al* 2004; Ellison *et al* 2004; Pleasance *et al* 2004; Forell *et al* 2005). That was apparently the case with evictees in this study. Indeed, hardly any of the respondents indicated that they were aware of the existing advice services, despite active and energetic tenants' services being well-established in Victoria and Tasmania. Very few reported that they used the formal justice processes to defend or contest the eviction even where they believed it was 'unfair' or 'wrong'. Instead, interviewees seemed to look for practical housing-related help (with accommodation, bonds, household goods, transport or storage) *after* they had been evicted

It is clear that an apparent absence of information and understanding about rights, responsibilities and the realities of renting contributed significantly to some interviewees' vulnerability to eviction. The lack of preparedness of young tenants is one example of this and has been identified in earlier studies (Roland 2001). Similarly, for those tenants who said they withheld rent in an attempt to pressure the landlord into arranging repairs became vulnerable through lack of information. They had placed themselves in arrears and faced eviction, loss of bond and possibly further claims for the state of the premises. As a result, their future chances of renting may have been prejudiced, having lost eligibility for bond assistance and been listed on a data-base of defaulting or undesirable tenants

Similarly, interviewees tended to see arrears as fatal to their tenancy and walked away, some even in anticipation. In practice, arrears can be negotiated and an advisor could have alerted them to this and helped them negotiate. Where the tenancy is otherwise satisfactory there is some evidence that agents and landlords would prefer to arrange the debt rather than face the disruption of a change of tenant

(REIV 2001). There is also considerable evidence that Tribunals will maintain the tenancy if incremental repayment is agreed, rather than ordering possession for arrears, especially if the tenant participates in the hearing (TUV 1988; Slatter and Beer 2003).

Many people seek (or retain) information only when they need it. Most do relatively little information seeking when they are facing a problem or a critical situation (Kempson 1989). Often only one source is approached and 'most information obtained from newspapers, family and friends and television comes fortuitously' (Edwards and Fontana 2004). Many do not seek information or advice beyond their immediate family and friends (Kempson 1989; Genn 1999; Adkins *et al* 2004; Edwards and Fontana 2004, Pleasance *et al* 2004; Forell *et al* 2005). 'The most significant difference between people who take (informed) advice and those that do not seems to be the fact that one group has contact with a knowledgeable lay person while the other does not' (Harris 1984). Barriers to advice can include alienation or powerlessness; 'too much hassle'; fear of the cost; fear of the time taken; hearing bad reports of the quality of the service and failure to get through on by phone (Genn 1999; Edwards and Fontana 2004). However, educational attainment may be the greatest barrier to seeking advice when needed. Genn's study showed that 'respondents with the lowest level of education were less likely to seek advice, perhaps because they did not realise advice may help or perhaps because a certain level of awareness and education is necessary in order to be able to access advice'. This is echoed in a recent Australian study, which showed level of education, income and cultural background as the principal influences on the acquisition of information (Edwards and Fontana 2004).

Mental health: a number of interviewees reported they had experienced eviction when suffering mental illness. The interview data suggests that violence, anger management problems or anti-social behaviour were particularly likely to lead to eviction from situations of multiple-occupation, such as boarding houses and shared accommodation, irrespective of their underlying cause. This could be doubly unfortunate for the evictee if their mental state also made it intolerable to live alone. . It seems from this study that homelessness was viewed as preferable. Where mental health issues seemingly compromised the tenant's capacity to clean and maintain their property, they were at risk of eviction irrespective of the type of arrangement or the nature of the landlord. In many cases the only ongoing support mentioned was a general practitioner.

Drugs and/or alcohol: a number of interviewees referred to drugs and/or alcohol as contributory factors to an eviction. In most cases it was seen as compromising their physical or mental capacity to manage their accommodation. However, some participants mentioned damage to premises arising when disputes about delivery or payment for drugs got out of hand. One interviewee spoke about the behaviour of a fellow tenant and guests as regularly causing damage and disruption and leading to the (public) landlord ultimately evicting the household. The expense of drugs was also recognised by some as prejudicing rent payments.

Youth: Ford and Seavers (1998) writing about English tenants noted landlord 'concerns over the attitudes of some younger, single tenants who sometimes tolerated default "too easily" and would "walk away" without compunction'. More recently a small study of 'successful tenancies' pointed out that 'individual life circumstances and stages often seem to play an important role in stabilizing

accommodation'. It quoted participants who recognised 'having reached a stage in life where they have a sense of being part of an established family with all that means by way of commitments to building routine and security' (Kolar quoted in MOSS 2005). Others 'felt it was simply "time" to stay in the one place' (MOSS 2005). Such comments suggest there should be no surprise that some of the interviewees for this study described with apparent equanimity experiences (sometimes of multiple evictions) that occurred to them as young(er) people. When asked what could have prevented them, they answered 'nothing'. They were 'in with the wrong crowd'; 'not thinking'; 'too young'.

On the other hand, some interviewees highlighted the ongoing need for support and connection that young people require despite appearing streetwise and capable. They pointed with anger to the damaging effects of 'being cast off' without support from family or from guardianship of the State. Effects included housing instability leading to homelessness and multiple other issues in chaotic lives which they often described as stabilised 'by chance', by 'good luck' or by 'coming across' a supportive agency or worker.

Sharing: a number of interviewees described problems stemming from shared accommodation. Shared housing arrangements take many forms and arise in many ways. They can be very appealing because of the lower cost, chance of a better location, promise of company, speed of arrangement, informality and apparently flexible duration. Alternatively, sharing may be the only option offered. For single people, especially as inner-metropolitan rents rise, they can seem to be a good option. However, the flip side is their inherent instability. Legally, 'shared housing is a complex and unclear area' (Kennedy *et al* 1995; Redfern Legal Centre 2005; Tenants' Union of Victoria 2005) and that each sharer's legal rights and responsibilities are hard to predict, identify and enforce. A shared arrangement is only as strong as its weakest (least reliable) link and success depends to an unreasonable extent on the continuing co-operation of all involved, making the arrangement hostage to the parties' inter-person dynamics and individual priorities as well as to its own legal ambiguities. Some arrangements will collapse if one or more sharers move out because this ends the lease or leaves an unaffordable rent for those who remain. A considerable number of interviewees described 'vicarious default' leading to eviction: arrears because of sharers' failure to contribute or failure to pass on collected rent to the landlord; damage from others' guests or their friends; complaints from neighbours prompted by others' behaviour. Sharing that begins as a workable group of friends can quickly change by substitution into a group of incompatible strangers whose lack of cohesion defeats successful maintenance of the arrangement. These are particularly challenging situations for young sharers and it has been suggested that shared tenancies should not be used for transitional housing for young people (Keys *et al* 2005).

Informal arrangements: the inherent weakness of accommodation sharing arrangements is exacerbated by the informality that often accompanies them. Informality can complicate disputes because it spawns uncertainty between the parties. The agreement, and the parties' behaviour, becomes almost endlessly contestable. Practical problems can arise in proving payment, in outlining the agreement, in showing intention as to length of stay or the parties' expectations. Unfortunately, 'informality happens' and interviewees described how they had become its victim.

5.1.2 Attitudes to Eviction

Interviewees generally saw eviction as an undesirable experience. They described a range of negative impacts, emotional, social and financial. Emotional effects included feelings of failure, of wrongdoing, of hopelessness, of anger, of embarrassment and of intense anxiety. In some cases eviction saw the loss, theft or destruction of personal items, including irreplaceable mementos and personal belongings, leaving permanent emotional scars. Some interviewees considered that the emotional damage of eviction had left them permanently less able to cope. Among the financial costs, interviewees noted expenses related to moving, storage, household set-up, replacement of household goods and, in a small number of cases, the loss of employment. Some respondents indicated they had split up their family after eviction, children staying with diverse relatives while another home was found. Social dislocation was also mentioned by many interviewees: having to move away from established support systems and social networks. Anxiety about moving to unknown areas, especially with children, or having to move away from children, was a recurrent concern. Respondents also mentioned the problems of being named on tenant data bases as a result of eviction, a consequence feared by most and intensely resented by those who suffered from 'vicarious' default.

On the other hand, some interviewees, especially men describing events when they were single and/or young(er), seemed less concerned and more phlegmatic about the experience.

5.1.3 Strategies to Avoid Eviction

Although most interviewees made attempts to pay rent by juggling expenses, very few described any strategies to avoid eviction. From the interviews, there was instead a sense of inevitability once problems arose or were anticipated, leading respondents to leave the tenancy or housing arrangement prematurely. The interviewees generally did respond to problems: very few seem to have waited passively until they were forcibly moved out. On the other hand, few actively asserted a right to stay. In general they seemed to:

- *Move out quickly and early*, some abandoned the premises in anticipation of a problem, most moved as soon as a problem arose or was imminent without waiting for any formal notification of action;
- *Did not seek advice, information, support or advocacy* to defend their accommodation although some did talk about the problem with friends or family;
- *Did not contact* the landlord/manager/agent to discuss or argue the point.
- *Did not engage* with the legal process, Tribunal, court or complaint process.

Early leaving can be expensive to the tenant and to housing assistance schemes, with many tenants in this study walking away from their bond. It was perceived by respondents that this may limit future housing options if the tenant is placed on a tenant data base and is excluded from further housing assistance until they repay

bond assistance. Moving out in such circumstances can also result in additional calls for material or financial support.

A very small minority of those interviewed had attempted to avoid eviction by formally arguing their case or at least by attempting to negotiate with the landlord or agent. Mostly, however, the case studies revealed a situation of tenants who are easily intimidated by apparent failure; who lack confidence and information; who may be impulsive rather than considered; who are fatalistic. This echoes the 'rather negative and powerless quality, ... the sense of helplessness, powerlessness, fear of acrimony and concern about cost' found by Genn among the respondents in her study who had done nothing when faced with a 'justiciable problem' (Genn 1999).

5.2 Where Are They Accommodated After Eviction?

The majority of respondents included in this study looked to friends and relatives to provide them with accommodation after eviction. This was, however, a partial solution and evictees commonly moved on to other forms of housing within a relatively short period.

A percentage of those we interviewed stated they had moved on to SAAP funded emergency accommodation or transition housing, while some reportedly found accommodation in SHA housing or community housing. This post-eviction experience of the respondents may reflect, in part, the nature of the sample. As data discussed earlier showed, the majority of respondents relied upon government-provided benefits for their income and post eviction housing support was just one more instance of contact with the welfare system. This may well explain why very few of our respondents returned to private rental housing after eviction. While some did return to the sector – and others moved on to owner occupation – many more moved on to other government provided housing. More generally, the data collected as part of this research suggests that evictees dissipate throughout the housing system: some return to the family home, others live on the streets or in squats, some move into shelters, while others enter – or re-enter – public housing.

5.3 What Impact on Private Rental Housing and the Demand for Government Assistance

As discussed above, evictions generate demand for public or community sector housing assistance and have a very limited direct impact on the private rental sector. Critically, evictions result in a number of demands for support from the public sector:

- In the first instance there is the demand for housing as evicted persons are confronted by homelessness;
- Evictees often lose their furniture and other chattels and they frequently call upon welfare services to help them establish new tenancies;
- In many instances, such as people with a psychiatric disability who are rendered homeless by an eviction, government supports are needed to help

people re-establish their lives after leaving hospital, gaol or another institution.

It is worth noting that in a number of jurisdictions being homeless results in priority allocation of SHA housing. The majority of persons evicted, including those evicted from public rental housing, meet this criterion and are therefore more likely to be accommodated within the sector, even if it takes some time. Eviction – which is primarily a private sector phenomenon – seems to have the net effect of moving difficult tenants who have a history of delinquency in paying their rent into the public and community sectors.

5.4 What Policy Interventions Can Reduce the Frequency and Impact of Evictions?

The three State studies describe different experiences of eviction. The South Australian interviewees, for example, had mostly been evicted from landlord-managed private rental. The Tasmanian study reflected a higher incidence of eviction from boarding houses and caravan parks. The Victorian work highlighted the precariousness of shared accommodation. Despite these variations, however, the remarkable features of the interviewees' stories are the common threads that run across State boundaries and across household and tenure types. The principal response to the underlying issues encountered by respondents in this study must be structural: improving education, employment and housing opportunities and providing adequate options for mental health/substance abuse support. However, other policy intervention and housing management practices may also be suggested to reduce the incidence of evictions.

Support in the Early Stages – Many evictions occur quickly, before the tenancy arrangement has been well established. Where the occupant is at risk of tenancy failure some level of support at least during the first few months may help to avoid eviction (LenMac Consulting 2005; MOSS 2005; Keys *et al* 2005; Slatter and Beer 2003; Slatter and Crearie 2003; Kolar 2003; O'Brien *et al* 2002). Earlier support with establishing the tenancy would also be useful and possibly educational/empowering: for example, assistance completing condition reports for private rental and establishing rent arrangements help to encourage stronger tenancy skills and confidence. Public landlords are already exploring ways of achieving this by linking their own tenants with appropriate agencies. In some jurisdictions the Private Rental Assistance Program is being developed to ensure private tenancies accessed with housing assistance bond monies are also supported (Jacobs *et al* 2005a). There is some evidence of success in encouraging wider support of private tenancies. The Private Tenancy Liaison initiative of the South Australian Housing Trust, funded by the State's Social Inclusion Board, has been well received by private landlords and real estate agents and Reports of the Common Ground Community's Clinical Services work in the United States also provide encouragement to increase attention to this area.

Information, Advice, Advocacy – There is a need to enhance the provision of and access to tenancy advice for tenants. As previously noted, the apparent absence of information about rights, responsibilities and the realities of renting, contribute significantly to some interviewees' vulnerability to eviction. The interviews show a remarkably low level of awareness of any existing 'tenancy' help.

Information on rights and responsibilities needs to be effectively delivered. In principle this is easier in respect of landlords and agents. It seems clear that in some quarters the law is being ignored. Obligations to repair, to give appropriate notice, to give receipts for payments and to act appropriately in respect of tenants' possessions are the major problems highlighted here that result in increasingly insecure tenure and in costs ultimately borne by government or community agencies. Education rather than enforcement has been regulators' strategy of choice and more vigorous communication strategies may be necessary to support a more stable sector. At the same time, information needs to be available to tenants, possibly by broadening the access points.

Moving accurate information closer to the everyday networks of vulnerable households would be one major step towards effective delivery. Suggestions from interviewees in this study include the provision of well-publicised phone services; information at Centrelink offices and basic information from support workers could improve delivery and might enhance tenants' capacity and confidence. Indeed, Medical centres/practices, Centrelink offices, social workers, real estate agents and Housing Trust/Office of Housing switchboards should not be underestimated as potential routes to advice and support (Chamberlain and Johnson 2000; Pleasance et al 2004).

Even strengthening public awareness of key providers increases the chance that friends and family will act as 'signposts' to them, assuming they also have a popular reputation as reliable and accessible.

Importantly, delivery needs to be targeted to the particular customer group. Face-to-face information is preferred by many (Metters 2002; Edwards and Fontana 2004; Ellison *et al* 2004). Client groups on low incomes are likely to have less ready access to internet sources. Brokerage, liaison and cross-agency collaboration need to remain 'risk aware'. The work done by SAAP agencies and the development of the 'social landlord' model advocated by Kolar (2003) and Jones (2002) would go towards providing timely and appropriate assistance to the most vulnerable groups.

At the same time, information without more support is likely to be insufficient:

For many ... the provision of information and guidance about how to take a problem forward did not meet perceived needs. What was wanted was someone to take over and deal with the problem – to make difficult phone calls or to write difficult letters. Moreover, some respondents were so emotionally drained by the worry about the problem that even if they would normally feel competent and confident, at that particular time and in those particular circumstances they were not able to manage dealing with the problem. They did not want to be *empowered*, they wanted to be saved. When respondents talk about abandoning or giving up because of 'the hassle' involved in trying to deal with a problem, this simple colloquialism actually obscures what is in many cases an important form of paralysis. ... (original emphasis). Genn 1999; also Nixon *et al* 1996.

Affordable housing options – The supply and availability of low cost accommodation for single people needs to be increased. This demographic group is increasing. It includes a disproportionate number of single males found in a recent study to be isolated from friends and social support (Flood 2005 TAI). The shortage of affordable accommodation sees singles, particularly single men, look to share

accommodation, an inherently unstable and precarious arrangement. How far the legal situation of parties to a sharing arrangement can be protected is unclear.

Income support – Adequate incomes are necessary. Without adequate incomes, budgeting skills and financial literacy remain of theoretical relevance. Problems highlighted by Burke and Ralston indicate that competing claims for insufficient income increase the risk of eviction for rent arrears for many beneficiaries (AHURI 2003). One measure should be the development of education and training opportunities for those outside the formal labour market, as one part of the strategy for addressing the impact of eviction.

Direct debiting – One way of addressing the risk of rental arrears is through the use of direct debiting. In a recent study, ‘successful tenants’ identified direct debit of rent from income, whether Centrelink or waged, as the single most important factor contributing to them sustaining their tenancies (MOSS 2005). Direct debiting is already heavily encouraged by public and many private landlords. The ‘successful tenants’, whose characteristics closely resemble many of the interviewees for this study, suggested landlords should reward tenants who established and maintained direct debit. The current discussions of schemes resembling the ‘Gold Star Service’ introduced by Irwell Valley Housing Authority in England are expected to lead to such tenant reward schemes being introduced by some SHAs (Jacobs *et al* 2005b).

Financial literacy – There is a need to improve financial literacy beyond the formal education system and into the community. Research has indicated that lower financial literacy scores are likely to come from young males who were unemployed, with lower than average educational achievement, lower than average personal and household income and no history of paid employment (Commonwealth Bank Foundation 2004). Enhanced financial literacy could assist in managing debt. The group most at risk appears to overlap with the groups most vulnerable to eviction and consequent homelessness.

Shared Accommodation – Although the problems connected with shared housing have been identified and to some extent explored (Kennedy *et al* 1995; Goddard *et al* 1998) no significant changes have been introduced. This is an important area needing reform. Demographic trends show the number of single person households is increasing and a recent study found single males to be isolated from friends and social support (Flood 2005). The legal and practical dimensions of the issue mean that this is a challenging area to reform successfully. However, the 1998 report *The Fair Share* (Goddard *et al* 1998) made cogent and constructive recommendations. The problem needs urgent attention if the significant numbers of sharers are to enjoy more sustainable tenancies and stable housing. Attention should be directed to establishing a clear statement of rights and responsibilities, so that the uncertainty resulting from informal arrangements is reduced. While ‘commonsense’ strategies and an understanding of legal rights would undoubtedly help some groups to ‘keep “mates” in housemates’ the inherent instability of shared accommodation requires a much clearer and more realistic structure (Redfern Legal Centre 2005; Tenants’ Union of Victoria 2005) Further research, legislative change and public education are required to draw legal rights and real life practice closer together in a workable combination.

Support for young tenants – The timely provision of support for younger tenants moving into accommodation could build better capacity to sustain their tenancies. This could include informal advice on budgeting, on tenancy rights, and on managing a tenancy more generally. Where tenants are young and particularly vulnerable (for

example former State Wards; young parents) enhanced initial support and an extended period of support may both be appropriate. Delivering support and life skills (including tenancy skills) to young people demands continuing innovation and specialist attention, particularly if their lives are chaotic or their life chances otherwise compromised (Lownsborough *et al* 2004). A survey by Shelter SA in 2001 (Roland 2001) indicated the failure of generalist public education in successfully informing young tenants of their rights and responsibilities. Even otherwise competent and successful young people face discrimination in the housing market and can find the tenancy relationship a challenge to their social skills and coping capacity (Lister 2002).

As more is understood about the predictably unpredictable behaviour of adolescents, it may be timely to reconsider how best to provide housing to independent youth. Adolescents 'respond more strongly with gut responses than they do with evaluating the consequences of what they're doing'. They also are disadvantaged by apparent maturity: although 'physically mature, they may not appreciate the consequences or weigh information the same way adults do. So we may be mistaken if we think that [although] somebody looks physically mature, their brain may not be mature...The evidence now is strong that the brain does not cease to mature until the early 20s in those relevant parts that govern impulsivity, judgement, planning for the future, foresight of consequences...' (Yurgelun-Todd quoted ABA 2004). The problems in maintaining tenancies or living arrangements are obvious. Bespoke responses are likely to fail. Tailoring arrangements and support to negotiate the characteristics of adolescence and the expectations of law and tenancy management requires very group-specific, even individual-specific attention.

Integration with Income Support – More could be done to provide information and assistance to tenants at risk of eviction through Centrelink. The evictees covered in this study had a very high reliance on government provided incomes, with Centrelink and associated institutions used by some respondents when facing eviction. It is the one agency with whom virtually all evictees in this study dealt with on an on-going basis. Unlike SHAs, Centrelink is not a landlord and therefore there is none of the possible ambiguity when public housing authorities seek to provide support to potential evictees, some of who are their own tenants. Centrelink could operate as a source of information and referral. It could also look to introduce training that would help vulnerable people manage their budgets, deal with relationship problems and better manage their households.

Better Tracking of Evictees – While some tenants in this study reported that they involuntarily left their tenancies because of the *anticipated* actions of landlords or as a consequence of intimidation, many other tenancies are terminated after formal proceedings have been instigated. Tribunal and Magistrates Court processes emphasise the legal position of both parties and make little reference to the human welfare consequences. Clearly, the decisions of Magistrates and Tribunal members cannot be influenced by the potential human impacts of an eviction but the administrative processes that support that system can be enhanced to:

- Provide information on how to secure advocacy and support in contesting an eviction (as discussed above);
- Inform tenants on sources of support such as financial counselling, emergency assistance etc; and,

- Institute processes that would better track the passage of evictees through the housing system. A number of states already have internal 'common clients' protocols in place and extending these information systems to address the challenges confronting evictees would make considerable sense. This research project has made a contribution to the evidence base around the outcomes of evictions, but further investigation and policy development by the relevant authorities is needed. Enhanced information systems would be an important first step. This is a particularly acute priority in those jurisdictions where addressing homelessness is a government priority.

5.5 Conclusion

Evictions may well be an inevitable – and indeed a necessary feature of rental housing. Evictions ensure the efficient operation of housing markets and reduce the cost of rent delinquency for landlords, however, the data presented through this research suggests that the process of eviction can result in the transfer of poor and/or difficult tenants from the private rental sector to the public rental sector. Rent arrears were the most common stated cause of eviction but it is important to acknowledge that a percentage of tenants who participated in this research reported they were evicted because of the complaints of neighbours. For many of the respondents in this study eviction was simply another unfortunate set of events within an already difficult and disadvantaged life. For the young, eviction was often a consequence of inexperience and limited life skills, while others were evicted because of events beyond their control – the costs of hospitalisation, an episode of psychiatric illness, accident or relationship breakdown. Some female evictees suffered multiple disadvantage associated with being a victim of domestic violence, losing their home and suffering the stigma of eviction. Persons living alone appear to be especially vulnerable to eviction.

The majority of the people interviewed through the course of this study were not part of the formal labour market. Education and training opportunities for employment need to be part of the strategy for addressing the impact of eviction, but policy also needs to accept the imperative of dealing with the short term manifestations of eviction: increased demand for support services, a higher level of homelessness, institutionalisation of persons in mental health facilities, hospitals and gaols. The public and community sector needs to be better resourced and empowered to deal with these challenges. In the medium term, there is a need to improve the life skills of vulnerable tenants, whether they are older single men, young people, persons sharing accommodation or women at risk of domestic violence. There are a number of potential models documented in the literature (for a review see Beer *et al* 2005) and their widespread implementation would make a positive contribution to the wellbeing of Australian society.

REFERENCES

Australian Bureau of Statistics, 2004, *Australian Social Trends 2004* Catalogue No. 4102.0, AGPS, Canberra

Adkins, J., Slatter, M. and Baulderstone, J. 2004 *Sexcluded? Women, Homes and Sex Discrimination 2004: A Snapshot Study*, Shelter SA, Adelaide at: [www.sheltersa.asn.au/sexcluded.pdf](http://sheltersa.asn.au/sexcluded.pdf)

Australian Institute of Housing 2004 Public Housing in Australia: Looking Back and Looking Forward, *Housing Works* vol. 2 no. 2 November 2004, joint issue with *Parity* vol. 17 no. 10.

Cameron, P., 2002 *Condition Report: Low Income Earners in the Tasmanian Private Rental Market*, Anglicare Tasmania Social Action and Research Centre, Hobart.

Chamberlain, C. and Johnson, G. 2000 *Early Intervention: A research paper prepared for the Victorian Homelessness Strategy*, Department of Human Services, Melbourne.

Commonwealth Bank of Australia 2004 *Improving Financial Literacy in Australia: benefits for the individual and the nation. Financial Literacy for Life, Research Report*, Commonwealth Bank Foundation, Sydney.

DHS 2002, *It's No Palace*, Department of Human Services, Adelaide.

DSS 1997, *Overview of the Australian Private Rental Market: Policy Research Paper No. 72 October 1996*, Housing Access Branch, Department of Social Security Commonwealth of Australia, Canberra.

Edwards, S. and Fontana, A. 2004 *Legal Information Needs of Older People*, Law and Justice Foundation of NSW, Sydney.

Ellison, S., Schetzer, L., Mullins, J., Perry, J. and Wong, K. 2004 *The legal needs of older people in New South Wales*, Law and Justice Foundation of NSW, Sydney.

Flood, M. 2005 *Mapping Loneliness in Australia*, The Australia Institute at www.tai.org.au

Ford, J. and Seavers, J. 1998 *Housing Associations and Rent Arrears: Attitudes, Beliefs and Behaviour*, Centre for Housing Policy, University of York.

Forell, S. McCarran, E and Schetzer, L. 2005 *No Home, No Justice, The Legal Needs of Homeless People in NSW*, Law and Justice Foundation of NSW.

Genn, H. 1999 *Paths to Justice: What People Do and Think about Going to Law*, Hart Publishing, Oxford and Portland, Oregon.

Goddard, J., Kessels and Associates and Stamatellis, S. 1998 *The Fair Share Reform of residential tenancies law in NSW as it relates to share housing*, Tenants' Union of New South Wales, Miller's Point.

Harris, D. 1984 *Compensation and Support for illness and injury*, Clarendon Press, Oxford.

Horn, M. 2002 Analysis of SAAP clients in Victoria (2000-01) who had been renting public housing immediately before start of support, Hanover, Unpublished.

Housing Tasmania, n.d. *Towards and Affordable Housing Strategy, Background Paper No. 1, Social Housing*, Housing Tasmania, Hobart.

Jacobs, K., Natalier, K., Slatter, M., Berry, M., Stoakes, A., Seelig, T., Hutchison, H., Greives, S., Phibbs, P. and Guiran, N. 2005a *A Review of Private Rental Support Programs and their effectiveness in assisting tenants on low incomes AHURI Final Report*, AHURI, Melbourne.

Jacobs, K., Seelig, T., Slatter, M. and Beer, A. 2005 *A review of housing management tenant incentive schemes AHURI Positioning Paper*, AHURI, Melbourne.

Kempson, E. and Moore, N. 1983 *The use of information and advice services: a review of research*, Community Information Project.

Kempson, E. 1989 *Legal Advice and Assistance*, Policy Studies Institute, London.

Kennedy, R., See, P. and Sutherland, P. 1995 *Minimum Legislative Standards for Residential Tenancies in Australia*, Commonwealth Department of Housing and Regional Development, Canberra.

Keys, D., Mallett, S. and Marven, M. 2005 *Making a Place to Belong: Homeless young people, support, accommodation and exclusion*, Key Centre for Women's Health in Society, University of Melbourne.

Kolar, V. 2003 *Kicking Into the Wind: Longitudinal study of outcomes for families who have experienced homelessness. Second Report* Hanover Welfare Services, South Melbourne.

LenMac Consulting Pty Ltd 2005 *Sustaining Housing After Homelessness*, Final Report to the National SAAP Coordinating and Development Committee.

Lister, D. 2002 The nature of tenancy relationships: landlords and young people in *The Private Rented Sector in a New Century*, Lowe, S. and Hughes, D. (eds), The Policy Press, Bristol.

Lownsborough, H., Thomas, G. and Gillinson, S. 2004 *Survival Skills: Using life skills to tackle social exclusion*, Demos, London and Crisis, St Paul, Minnesota available at www.demos.co.uk/catalogue/survivalskills

MacKenzie, D and Chamberlain, C. 2003 *Homeless Careers: Pathways in and Out of Homelessness*, Swinburne University of Technology and RMIT University.

Metters, M. (ed.) 2002 *Poverty Trapped. Experts speak about their experiences of poverty in South Australia*, Anglicare SA, North Adelaide.

Minnery, J., Adkins, A., Grimbeek, P., Summerville, J., Mead, E. and Guthrie, D. 2003 *Tenure Security and its impact on Private Renters in Queensland AHURI Final Report*, AHURI, Melbourne.

Merri Outreach Support Service (MOSS) and La Trobe University School of Social Work and Social Policy 2005 *What factors impact on people's capacity to maintain long-term tenancies? Did the SAAP experience help them?* Department of Family and Community Services, Canberra.

Nixon, J., Hunter, C., Smith, Y. and Wishart, B. 1996 *Housing Cases in County Courts*, The Policy Press, Bristol.

O'Brien, A., Inglis, S., Herbert, T. and Reynolds, A. 2002 *Linkages between Housing and Support: what is important from the perspective of people living with a mental illness* AHURI Final Report, AHURI, Melbourne.

Real Estate Institute of Australia 2004 *Market Facts September Quarter 2004*, REIA, Deakin.

Real Estate Institute of Victoria 2001 *REIV in the News: Maintaining a viable private rental market*, REIV, Melbourne.

Roland, J. 2001 *Round My Place*, Shelter S. A., Adelaide.

Slatter M. and Beer A. 2003 *Housing Evictions: A South Australian Study*, Australian Council for Community Services Research, Flinders University, Adelaide.

Slatter, M and Beer, A. 2004 *Evictions and Housing Management: Towards More Effective Strategies*, Positioning Paper, AHURI, Canberra.

Slatter M. and Crearie, M. 2003 *Setting them up to Fail?* Paper presented at the National Housing Conference 2003, http://www.nationalhousingconference.org.au/Download/Thursday/Sess20b_Slatter_020f.doc

Tenants Union of Victoria 1988 *Evictions 1988*, Tenants Union of Victoria Inc, Fitzroy, Victoria.

AHSF 2003, Department of Health and Human Services, Tasmania, *Affordable Housing Strategy Framework*, Hobart

Berry, M. and Hall, J. 2001 *Policy Options for Stimulating Private Sector Investment in Affordable Housing Across Australia. Stage 1 Report Outlining the Need for Action*, Australian Housing and Urban Research Institute, Melbourne.

Bradbrook, A. J. 1975 *Poverty and the Residential Landlord Tenant Relationship*, AGPS, Canberra

Gale, A. 2003, 'Successful Tenancies: Stopping the Revolving Door' a paper presented at the National Homelessness Conference 2003, http://www.afho.org.au/4_publications/conference_papers/Gale.pdf accessed 22.08.03.

Baldwin, John, 1997, *Small claims in the County Court: the bargain basement of civil justice?* Clarendon, Oxford

Burke, Terry 1998 'Housing Reform and Disputation' in Burke, Terry *Responsive Jurisdictions for Changing Times* Swinburne, Hawthorn

Chamberlain, C. and Johnson, G. 2000, *Early Intervention: a research paper prepared for the Victorian Homelessness Strategy, Department of Human Services, Department of Human Services, Melbourne.*

Cossar, Fiona, Cunningham, Trevor, Gabriel, Maria and Meadows, Dennis 1977, Tenants' union clients: people with problems, *Legal Service Bulletin*, August 1977, pp 277-281. Elton, Brian 1991, *The supply-side of the private rental market*, National Housing Strategy, Canberra

Crane, M. and Warnes, A.M. 2000 Evictions and prolonged Homelessness, *Housing Studies*, vol 15 no 5, pp 757-773.

Phibbs, Peter 2001, 'Housing assistance and non-housing outcomes', Paper presented at the National Housing Conference, Brisbane, 2001

HCB 2003, *Housing and Community Building Business Plan 2003-4*, Office of Housing, Department of Human Services, Victoria
<http://hnb.dhs.vic.gov.au/ooh/oohninte.nsf/frameset/Ooh?OpenDocument>

Hulse, K. and Burke, T. 2000 K. 'Social exclusion and the private rental sector: the experiences of three market liberal countries', paper presented at The ENHR 2000 Conference, Gävle, June 2000.

Kennedy, R., See, P. and Sutherland, P. 1995 *Minimum Legislative Standards for Residential Tenancies in Australia*, Commonwealth Department of Housing and Regional Development, Canberra.

McBrearty, Alison and Bradley, Lori-Anne 2000, *Voices: Experiences of Eviction in Ottawa*, Centre for Equality Rights in Accommodation, Ottawa.

Metters, Mark (Ed.) 2002, *Poverty Trapped. Experts speak about their experiences of poverty in South Australia*, Anglicare SA, North Adelaide.

Minnery, J., Adkins, B., Grimbeek, P., Sommerville, J., Mead, E., Guthrie, D. 2003 *Tenure Security and its impact on Private Renters in Queensland*, Australian Housing and Urban Research Institute, Melbourne.

Morrison, J., 2000, *More than just a home ...The Experiences of Some Public Housing Tenants*, Department of Housing, Brisbane

NSW 2003 New South Wales Department of Housing, *Policy EST0020A: Renewable Tenancies* at <http://www.housing.nsw.gov.au/>

Office of Consumer and Business Affairs (OCBA) 2001 *Annual Report of the Office of Consumer and Business Affairs 2001*, OCBA, Adelaide.

Ogus, Anthony, 1994 *Regulation, Legal Form and Economic Theory*, Clarendon, Oxford.

- Pleasance, P., Buck, A. Balmer, N. O'Keefe, A. Genn, H. and Smith, M. 2004 *Causes of Actions: Civil Law and Social Justice*, Legal Services Research Centre, Stationary Office, Norwich.
- QDH Queensland Department of Housing 2000 *Improving People's Lives Through Housing*, Brisbane
- Ramsay, Jennifer, 2000, *Early Intervention Pilot Project Final Report*, Centre for Equality Rights in Accommodation, Ottawa.
- Raymond, Sue 1998, 'Third parties' involvement in residential tenancy law: lessons from experience' in Burke, Terry *Responsive Jurisdictions for Changing Times* Swinburne, Hawthorn.
- Redfern Legal Centre 2005 *The Share Housing Survival Guide*, 2nd edition, Redfern.
- SAHT 2002 The South Australian Housing Trust *Annual Report 2001 - 2*, SAHT, Adelaide.
- SAHT 2003 The South Australian Housing Trust *Annual Report 2002 - 3*, SAHT, Adelaide.
- Slatter, M., Baulderstone, J., Beer, A., Israel, M. 2000, Report on the Residential Tenancies Tribunal Listings Project, Flinders Consulting (unpublished)
- Slatter M. and Beer A. 2003 *Housing Evictions: A South Australian Study*, Australian Council for Community Services Research, Flinders University, Adelaide.
- Slatter M. and Crearie, M. 2003 *Setting them up to Fail?* Paper presented at the National Housing Conference 2003, www.nationalhousingconference.org.au/Download/Thursday/Sess20b_Slatter_020f.doc
- Tenants Union of Victoria and St Kilda Legal Centre 2005 Keeping the 'Mates' In Housemates, Melbourne.
- Tenants Union of Victoria 1988 *Evictions 1988*, Tenants Union of Victoria Inc, Fitzroy, Victoria.
- TH 2003 Territory Housing *Housing Services Operational Policy Manual*, Department of community Development, Sport and Cultural Affairs, Darwin.
- Wulff, M. and Maher, C. 1998 Long-term renters in the Australian Housing Market, *Housing Studies*, vol 13, pp 3-18.

AHURI Research Centres

Queensland Research Centre
RMIT-NATSEM Research Centre
Southern Research Centre
Swinburne-Monash Research Centre
Sydney Research Centre
UNSW-UWS Research Centre
Western Australia Research Centre

Affiliates

National Community Housing Forum



Australian Housing and Urban Research Institute
Level 1 114 Flinders Street, Melbourne Victoria 3000
Phone +61 3 9660 2300 Fax +61 3 9663 5488
Email information@ahuri.edu.au Web www.ahuri.edu.au