

**Risk-assessment  
practices in the private  
rental sector:  
implications for low-  
income renters**

authored by

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# EXECUTIVE SUMMARY

This Positioning Paper provides the context, sets out the theoretical framework and outlines the research strategy underpinning a study into the factors influencing risk-assessment and tenancy allocation practices used by property managers in the private rental market.

The study builds on previous research demonstrating that a relatively large proportion of low-cost private rental accommodation is occupied by moderate- to high-income households (Seelig 2001a; Wulff and Yates 2001; Yates *et al.* 2004). However, this is occurring in an environment where the private rental sector is now the *de facto* main provider of rental housing for lower-income households across Australia (Seelig *et al.* 2005a).

The following research questions will be addressed:

- What factors are taken into account by real estate agents in their assessment of risks entailed in the allocation of rental tenancies to different categories of tenants?
- What procedures (qualitative and/or quantitative) do real estate agents use to evaluate risks at the point of allocation of tenancies?
- Do real estate agents attach greater risk to low-income renters?
- If so, what aspects of low-income status are perceived, by real estate agents, to constitute risks in rental tenancies?
- What factors are perceived, by real estate agents, to mitigate any specific risks arising from or associated with tenants' low-income status?
- What role might the processes of risk-assessment in the private rental sector play in shaping the movements of low-income households within the rental sector?

The policy context of this study acknowledges that risk-assessment and tenancy allocation practices are rooted in the broader structural and behavioural patterns of the private rental market as a whole, and are linked to the ways in which landlord-tenant relations are defined in social, economic and legislative terms. The role of the private rental sector in housing lower-income households, the provision of direct State housing assistance to private renters, and private rental sector policy provide the contextual markers that are relevant to this study.

The underlying research strategy proposed for the project involves taking an institutional ethnographic approach (Smith 1987), a realist method of enquiry that takes everyday, experiential knowledge as evidence of the workings of wider social (institutional) structures. The focus of enquiry, in this instance, is the institution of the private rental market.

Individual and group in-depth semi-structured interviews will be undertaken with property agents in selected localities in New South Wales, Queensland and South Australia. A small number of tenant advocates and community-housing providers will also be interviewed to complement the interviews with the property agents. Phase 1 has involved the trialling and confirmation of the interview strategy to be used in Phase 2 of the study.

The researchers aim to identify and describe:

- Factors that real estate agents take into account in assessing the 'risks' in allocating affordable housing to low-income households
- Routine practices and formalised procedures employed, at the point of allocation, to evaluate relative risks and potential trade-offs in the allocation of low-cost housing
- Likely outcomes for low-income householders of real estate agents' risk-assessment practices, under different market conditions

- Factors or specific arrangements perceived by real estate agents to mitigate or reduce risks associated with low-income status of tenants and increase tenants' capacity to obtain affordable housing in the private rental sector
- Potential impact of risk-assessment and related practices upon housing pathways of low-income tenants seeking affordable housing in the private rental sector.

Thus, the research will suggest directions for developing strategic policies to address factors linked to low-income status that are understood to constitute 'risks' in private rental, and are likely to preclude or limit low-income householders' access to affordable housing in the private rental sector.

# 1 INTRODUCTION

## 1.1 Background

This project aims to address AHURI Agenda Research Question (2) in Research Area 4.1:

What are the various factors included in 'risk-assessments' by real estate agents in allocating 'affordable' tenancies? How are these risks quantified and managed? What are the key outcomes of their decision-making?

In this research, the primary focus of attention will be on 'the moment of allocation' – a set of interconnected actions that entails property inspections, the receipt of tenancy applications, assessment and evaluation of applications, and the decision, on the part of a real estate agent or property manager, to recommend and/or offer a tenancy in the private rental market.

The research approach is sociological. The processes at work in the allocation of tenancies that lead to evident distributive inequalities in the private rental sector are the focus of the investigation. The principal aim of this research is to describe, from the perspective of real estate agents, what these processes are and how they are motivated. What role these processes play in shaping the movements of low-income households within the rental-housing sector will be assessed from this perspective. In order to ascertain the impact of these processes on low-income tenants, especially those who may not be visible to real estate agents, agents' accounts will be placed in context and read against other narratives of access and exclusion among low-income tenants. Ultimately, the aim of this research is to conduct a systematic analysis of the accounts of real estate agents in order to discern whether risks are assessed and managed, and, if they are, how this contributes to patterns of disadvantage and exclusion of low-income households in the private rental sector. At the same time, through an understanding and analysis of real estate agents' perspectives, the research aims to identify ways of enhancing the capacity of low-income tenants to access private rental housing and sustain tenancies in the private rental market.

## 1.2 Income–rent mismatching in the housing system, and tenants 'at risk'

There is a growing body of literature that documents the increasing pressure being placed on the low-rent market and on the ability of low-income households to access this market. While there is a reasonably even spread of low- (21.4%), middle- (23.5%) and high- (19.6%) income households across all private rental (ABS 2005), Yates *et al.* (2004: 22) found that only 39% of low-rent dwellings were occupied by low-income households in 2001, and demonstrated, as have others (Seelig 2001a; Wulff and Yates 2001), that a relatively large proportion of low-cost private rental accommodation is occupied by moderate/high-income households.

Low-income householders are forced to compete with moderate- and high-income households for affordable tenancies in particular private rental markets. Of the 3.74 million income units in receipt of income support nationally in 1999, 34% were private renters, and 33% of these low-income renters were paying more than 30% of their income in rent while having less than \$20,000 in assets (Purdon & Twyford 2000: vii).

A variety of factors are implicated in patterns of income–rent mismatching:

- Ongoing shifts in programs of public housing assistance (from direct provision to rent/other assistance) that promote private rental as the preferred mode of provisioning
- This trend, coupled with 'targeting errors' entailed in eligibility criteria that exclude low-waged households from rent assistance (Wood, Forbes & Gibb 2005)

- 'Supply' factors, such as the loss of low-rent stock through upgrading and/or transfers of housing stock from rental to owner-occupied, especially in inner city areas (Atkinson 2000, 2002; Badcock 1991; Wildin & Minnery 2005)
- Patterns of demand for rental accommodation driven largely by middle- to high-income owner-investors and renters in changing urban and regional localities (Beer 2001; Wildin & Minnery 2005; Yates, Randolph & Holloway 2006)
- Moderate- to high-income renters making 'lifestyle' choices, following labour market shifts and/or seeking out cheaper housing to save money, thus increasing demand for low-rent dwellings.

Low-income renters may not always seek low-rent accommodation, because it may not be adequate for their needs (Landt & Bray 1997). Instead, they may choose to make trade-offs between rent costs and commuting or other costs (Yates *et al.* 2006). However, they may be forced to re-locate to areas of more affordable housing, even if services are more limited and employment less accessible (*cf.* Burke & Hulse 2002; Marshall *et al.* 2003). Or they may find themselves forced into or 'trapped' in higher-cost housing. Where there is competition for tenancies, moderate- to high-income renters may simply out-compete low-income renters in the process of application and assessment (*c.f.* Adkins *et al.* 2003; Short *et al.* 2004). Especially in tight (low vacancy) markets, property managers may actively exclude low-income renters because they perceive low-income *per se* as presenting greater risk (Yates *et al.* 2004) or as being associated with other needs (Purdon & Twyford 2000).

In a study of low-income households with 'additional housing need', Purdon and Twyford (2000) identified young people, older people, people with disabilities or mental illness, Indigenous Australians and large families as more likely to have additional housing needs (beyond the key needs for affordable, safe and secure housing) and more vulnerable to exclusion from the private rental market. Among a range of factors implicated in low-income householders' inability to access affordable housing in the private rental market, Purdon and Twyford identify 'landlord/real estate agent discrimination', citing Attridge (1992), Burdekin (1993), Sach and Associates (1991) and a range of anecdotal evidence. They also note the difficulty of assessing the extent of discrimination in the private rental market (pp. 156, 164) and the paucity of Australian data on housing-related discrimination *per se*<sup>1</sup>.

There is, however, a considerable body of work, in Australia, that documents significant and systematic barriers to private rental entry and/or sustainable tenancies for particular categories of people, namely Indigenous Australians, those with mental or physical disabilities, recently arrived refugees, and sole parents, among others (see, for example, Beer & Foley 2003; Bleasdale 2006; Burke & Hulse 2002; Cooper & Morris 2002; Flatau *et al.* 2005).

Elsewhere, particularly in the United States, there is more substantial evidence of systematic discrimination against minority groups in finance/insurance industries and real estate sales (Boehm, Thistle & Schlottmann 2006; Galster, Wissoker & Zimmerman 2001; Kim & Squires 1998;)<sup>2</sup>. This body of evidence is mixed, however, and research has also shown that where anti-discrimination legislation has been introduced, earlier documented forms of discrimination are declining or are at least much less apparent (Galster *et al.* 2001; Ross & Turner 2005), although Galster and

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<sup>1</sup> Statistics published in the Annual Reports of the Human Rights and Equal Opportunities Commission, Australia indicate that 3% or fewer complaints dealt with by the Commission on issues of race, disability or age discrimination pertained to matters of housing, accommodation or, in the case of race discrimination, access to land.

<sup>2</sup> The 'paired test' research technique used in several of the U.S. studies, that focus specifically on 'discrimination', would not meet the ethical standards of the AHEC National Statement on Ethical Conduct on Research Involving Humans (1999) because the testing was carried out without the informed consent of the research participants.

Godfrey (2005) and Massey (2005) argue that this observed trend may signal the emergence of more subtle forms of discrimination.

In the present research, risk-assessment and risk-management practices of real estate agents in the private rental sector are viewed as complex, multi-dimensional and multi-focal social practices (*cf.* Tulloch & Lupton 2003)<sup>3</sup>. Under particular conditions of the market and regulatory environment, risk-assessment has become increasingly formalised through the routine collection of tenant 'data' (Seelig 2003; Short *et al.* 2004). Information such as income level, employment status, age, occupational status, household composition and rent references are routinely requested and used to weigh up tenants' capacity and competency to pay rent and care for rental property. Reference checks and tenancy database checks are routine practices in the private rental sector. They are undertaken to reduce uncertainty about the likelihood of tenant default. Increasingly, real estate agents perceive these practices as being essential aspects of assuring their professional indemnity in the event of tenant default and ensuing legal action on the part of landlords, their clients (*pers. comm.* with key informant: industry body, June 2006; Short *et al.* 2004).

This research seeks to better understand how, in these (routine) processes, particular characteristics and/or circumstances of tenant applicants are assessed and evaluated. Hulchanski's (1994, 1997) critique of the use of seemingly 'objective' criteria for assessing tenant applicants focuses attention on the ways in which the routine workings of private rental markets can lead to systematic exclusion of low-income households (*cf.* Ericson, Barry & Doyle 2000; Hagner & Klein 2005; see also Chapter 3 below).

The 'workings' of private rental markets entail, of course, a broader range of processes and conditions than those perceived to be associated with different categories of tenants or the particular circumstances and dispositions of landlords, or regulatory frameworks governing relations in the private rental sector (Adkins *et al.* 2003; Seelig 2001a). Different, fluctuating market conditions and, in particular, prevailing vacancy rates, are critical parameters.

### **1.3 Vacancy rate as a critical parameter of the market**

Analysis of recent rental supply trends indicates that consolidation and growth, evident over the past couple of decades, has not been distributed evenly across cost segments in the market. A long-term pattern of contraction in low-cost rental supply has been documented and is evident in a widespread pattern of gradual increases of median rents and low vacancy rates (O'Dwyer 2003; Yates & Wulff 2000; Yates *et al.* 2004).

Vacancy rates are an important variable indicating demand for housing *per se*, and in their effects upon competition for lower-cost tenancies. Vacancy rates across all major capital cities have been in slow decline since early 2003; in the March quarter of 2006 low vacancy rates prevailed across all capital cities: 1.5% in Brisbane, 1.7% in Adelaide, 1.8% in Melbourne and Canberra, 2.0% in Sydney, 2.2% in Hobart and 3.3% in Darwin.

Vacancy rates are also extremely low in regional areas experiencing rapid economic growth (for example, in Mackay, Queensland, the vacancy rate for the first quarter of 2006 was 0.7%) but vary considerably between areas of growth and areas of relative decline (for example, in the same quarter Gympie, Queensland, the comparative rate was 4.8%). In all States, vacancy rates also fluctuate over various quarters, sometimes significantly.

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<sup>3</sup> A clear focus upon distributive inequalities as outcomes of risk-assessment practices in the private rental sector is maintained, but this project will not address the related questions of when and where risk-assessment practices are 'discriminatory' in the sense conveyed in law. These questions are not within the methodological scope of the present enquiry.

Reductions in supply of low-cost rental stock in inner-city areas have occurred where older housing stock has been renovated, upgraded or converted for 'niche' (e.g. short-stay overseas students) or 'lifestyle' (e.g. inner-city singles) markets, and/or has been transferred to owner-occupiers or replaced by new, higher-density but upmarket apartment blocks. Significant shortfalls also have occurred in specific localities such as Mackay in Queensland, where a sharp resurgence of investment in regional mining areas has led to rapid population increase (*cf.* Beer 2001). Data on median rents for metropolitan areas and regions show an overall pattern of steady increases in line with CPI (O'Dwyer 2003; Yates *et al.* 2004) – this pattern may obscure the significant, localised increases in rents that are likely to result from the above trends.

At the same time, alternative forms of lower-cost housing such as boarding houses and rental caravan parks have largely disappeared (Seelig, Burke & Morris 2005b). These trends are compounded by inadequate and inappropriate dwelling conditions and management standards, and discrimination in the private rental market (Burke, Neske & Ralston 2004; Colmar Brunton 2004). Moreover, losses or limits on supply of low-cost rental housing are made worse because much of the remaining low-cost housing is not occupied by lower-income households, who are spread across several cost parts of the sector (except perhaps the most expensive segment).

## 1.4 Research questions

This project will investigate the influence and interplay of the factors noted above on the processes of risk-assessment in the private rental sector, with particular attention to tenancy allocation practices. It will address the following research questions:

- What factors are taken into account by real estate agents in their assessment of risks entailed in the allocation of rental tenancies to different categories of tenants?
- What procedures (qualitative and/or quantitative) do real estate agents use to evaluate risks at the moment of allocation of tenancies?
- Do real estate agents attach greater risk to low-income renters?
- If so, what aspects of low-income status are perceived, by real estate agents, to constitute risks in rental tenancies?
- What factors are perceived, by real estate agents, to mitigate any specific risks arising from or associated with tenants' low-income status?
- What role might the processes of risk-assessment in the private rental sector play in shaping the movements of low-income households within the rental sector?

In Chapter 2, this paper examines the policy context of this study of the routine practices of real estate agents. In Chapter 3, a broader exploration of factors that are likely to shape the risk-assessment and related practices of real estate agents in the private rental sector is undertaken. Chapter 4 presents a broad conceptual framework for the collection and analysis of data. Chapter 5 outlines steps undertaken in Phase 1 (the developmental phase) of the project and the methods of research proposed for Phase 2 (the full-scale phase) of research.

## 2 HOUSING POLICY CONTEXT

### 2.1 Overview

As indicated in the introductory chapter, the present research is concerned with understanding the practices of real estate agents, as professional property managers, in assessing and managing risks in private property rental. While many practices take place at the individual level, they are rooted in broader structural and behavioural patterns of the private rental market as a whole and are linked to the ways in which landlord–tenant relations are defined in social, economic and legislative terms.

This chapter aims to highlight some of the main housing policy contexts for the present study. Three issues are discussed briefly: the role of the private rental sector in housing lower-income households; the provision of direct state housing assistance to private renters; and private rental sector policy.

### 2.2 Role of the private rental sector in housing lower-income households

#### 2.2.1 *Historical role of the private rental market*

Private rental housing has had an important place in the Australian housing system (Bourassa, Greig & Troy 1995; Burke 1999a; Paris 1993). In the second half of the twentieth century, the proportion of dwellings used for private rental housing declined in Australia (ABS 1992, 1996, 1998; Bourassa *et al.* 1995; Hayward 1992) and in a number of other industrialised countries (Burke 1996; van Vliet 1990). Since the 1980s, however, demand for private rental housing in Australia has expanded, unlike many other similar nations (Paris 1993) and despite forecasts to the contrary (Burke 1983; Paris 1984). During the 1990s, this increase in demand for private rental housing became more significant in the context of changes in public housing policy (Dalton & Maher 1996; Yates 1996). As Burke (1999b: 1) argues,

Australia is one of a handful of countries where the private rental sector has been going through a period of expansion, with this modest growth being paralleled by a resurgence of public policy interest in the sector.

In 2001, this form of housing represented around 20% of all housing nationally (ABS 2002a). Rates of private rental housing can be higher in some States – Queensland, for example, has the highest rate at 26%. In some specific locations, often inner city suburbs, half or more of all housing can be in the private rental sector. Indeed, regional and local variations in rates of supply and associated trends accentuate the significance of local markets and the need for localised analysis.

#### 2.2.2 *Role of the private rental sector in catering for lower-income households*

While it has always played a role in housing low-income and other households (Berry 2000: 661), the private rental sector is now the *de facto* main provider of rental housing for lower-income households across Australia (Seelig *et al.* 2005a). Again, this is not a uniquely Australian situation. Kemp (1988) and Whitehead (1996) also refer to the private rental sector being increasingly relied upon for low-income households in many advanced industrialised nations, in the context of less-interventionist government and greater expectation of market provision.

More households in receipt of income support payments are renting privately than are resident in public housing, and most lower-income working households who rent do so in the private sector. Just under one million households, or well over half of all private renters, are now in receipt of rent assistance and the majority of these income support recipients receive the maximum amount of rent assistance available (Department of Family and Community Services, 2005).

Over the past decade or so, important shifts around and within the private rental market have consolidated the role of the private rental sector in catering for lower-income households. Two long-term trends in the broader housing system have provided external pressures on the private rental sector: the long-term decline in home purchase rates, and restricted access to social housing (Seelig 2001b; Maclennan 1988). While recent housing tenure data suggest that there has been an increase in access to home purchase in Australia since the last Census (ABS 2005), linked perhaps to the First Home Owners Grant program and to recent market phenomena, the longer-term trend is a slow decline in overall owner-occupation (purchase and outright ownership combined), driven largely by falling levels of home purchase.<sup>4</sup> The indications are that it is lower-income households who face the greatest difficulty in accessing home purchase, because of housing affordability.

Concurrently, access to social housing for low-income households has become much more difficult. This is in the context of a static, in some cases shrinking, public housing sector, long waitlists and falling allocation rates, and is the cause of public housing policy changes that target a smaller population of low-income households with complex and/or chronic needs. In effect, in most States and Territories, being on a low income *per se* continues to be a necessary condition for public housing eligibility, but is no longer a sufficient condition; the demonstration of additional needs is now also required. This is quite likely to result in a growing population of low-income renters in housing need who in earlier times may have been able to enter public housing but who must now remain in the private rental market.

Indeed, recent research for AHURI on the housing pathways of income support recipients underlines the role of the private rental market as a 'gateway tenure', which effectively sits at the centre of the housing system (Seelig *et al.*, forthcoming).

## **2.3 Provision of direct housing assistance in the private rental sector**

In the context of emphasis on the private market as the preferred provider of housing, there are two main forms of direct housing assistance for private tenants, and these are distinguished by the level of government providing the assistance and a corresponding difference in assistance type and function.

### *2.3.1 Commonwealth*

While the Commonwealth Government supports private rental investors through the tax system (negative gearing, capital gains tax, depreciation), and helps fund a range of housing assistance in the public and private rental sectors through the Commonwealth State Housing Agreement, it also provides direct housing assistance to private renters through the Commonwealth Rent Assistance (CRA) program. CRA 'is a non-taxable (indexed) income supplement payment ... (for) eligible income support customers who rent in the private rental market' (Department of Family and Community Services and Indigenous Affairs, 2006).

To be eligible for CRA, a household must be in receipt of an income support payment (pension, allowance or benefit, but excluding those getting only the base rate of Family Tax Benefit Part A). In practice, the household must also be paying beyond a minimum threshold of rent to receive CRA 'at the rate of 75 cents for every dollar of rent paid above the specified minimum rent threshold until the maximum rate is reached' (FaCS 2006). Maximum payments are capped at the full rate of CRA regardless of how much additional rent is paid. The minimum and maximum rent thresholds and the capped full rate of CRA vary according to household composition. Maximum CRA entitlements

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<sup>4</sup> Release of the 2006 Census data may indicate whether the more recent trends (taken from population sample surveys, which traditionally overstate rates of owner-occupation) are a short-term aberration, or indicative of a more significant shift back to home purchase.

vary from \$67.07 per fortnight (under the *Social Security Act 1991*) for single persons with no dependent children who share premises and pay rent of \$179.02 or more per fortnight, to a maximum of \$133.70 per fortnight (under the *Family Assistance Act 2006*) for a single parent or a couple with three or more children who are paying \$296.15 or more and \$352.71 or more per fortnight, respectively (FaCS 2006).

The number and types of household units who were receiving CRA in 2005 are summarised in Table 2.1.

**Table 2.1: Number of income units receiving CRA, Australia, 2005**

<i>Type of income unit</i>	<i>Number of recipients</i>	<i>Proportion of recipients (%)</i>
<i>Single, no dependent children</i>	363,089	38.6%
<i>Single, no children, sharer</i>	129,300	13.7%
<i>Single, 1 or 2 dependent children</i>	193,414	20.6%
<i>Single, 3 or more dependent children</i>	33,476	3.6%
<i>Partnered, no dependent children</i>	78,477	8.3%
<i>Partnered, 1 or 2 dependent children</i>	100,619	10.7%
<i>Partnered, 3 or more dependent children</i>	40,043	4.3%
<i>Partnered, ill or temporarily separated, no dependent children</i>	2,702	0.3%
<i>Unknown income unit</i>	na	
<b>Total</b>	941,120	100%

Source: Adapted from SCRGSP (2006): Table 16A, p.46

The 2006 Report on Government Services indicates that, in 2005, of the 941,000 plus income units who received CRA payments, '65 per cent ... qualified for the maximum rate of CRA payments' (SCRGSP 2006: 16.87); some 35% of CRA recipients were paying more than 30% of income on rent and 9% of CRA recipient income units paid more than half their income on rent. The same analysis indicates that under Commonwealth modelling, without CRA, the proportion paying more than 30% would have been 68%, and the number paying more than half would have been 27.5% (SCRGSP 2006: 16.89). The key point here is that while rent assistance clearly has some impact on affordability outcomes, it does not guarantee such outcomes.

### 2.3.2 States

Private rental assistance is also provided or funded by State and Territory governments 'to low income households experiencing difficulty in securing or maintaining private rental accommodation' (SCRGSP 2006: 16.10). Examples of private rental assistance or support programs include:

- bond assistance
- rent in advance or rent debt assistance
- assistance with relocation and utility costs
- repairs and maintenance
- housing information and tenancy advice and advocacy services.

Assistance commonly involves one-off payments, as a grant or loan that must be repaid over time, or a guarantee. The 2006 Report on Government Services indicates that:

In 2003-04, CSHA private rent assistance was provided to just over 150,000 households across Australia. Of the \$78 million spent, about \$50 million was provided in bond loans and guarantees, and \$24 million in rental grants and subsidies. This assistance often supplements the assistance provided to households by the CRA program as part of Centrelink payments (SCRGSP 2006: 16.11).

Jacobs, Natalier and Rottier (2004a), citing figures provided by the Australian Institute of Health and Welfare, provide the following summary of state housing assistance.

**Table 2.2: Households assisted by type of State private rental assistance**

<i>State/ Territory</i>	<i>Bonds</i>	<i>Rent in advance/arrears</i>	<i>Relocation expenses</i>	<i>One-off grants</i>
<b><i>NSW</i></b>	16,756	8,587	73	4,660
<b><i>VIC</i></b>	13,938	26,934	2,104	1,028
<b><i>QLD</i></b>	17,397	671	-	-
<b><i>WA</i></b>	15,359	-	-	-
<b><i>SA</i></b>	13,650	11,600	-	-
<b><i>TAS</i></b>	3,882	750	148	4,849
<b><i>ACT*</i></b>	-	-	-	-
<b><i>NT</i></b>	655	-	-	-
<b><i>Indigenous households</i></b>	2,521	880	8	145
<b><i>Australia</i></b>	81,637	48,542	2,325	10,537

Source: Jacobs *et al* 2004a

\* Data for the ACT was not available in the most recent AIHW 2004 Report

While the provision of direct housing assistance in the private rental sector helps tenants manage the financial requirements of establishing a tenancy (bond and rent in advance assistance) and maintaining it (CRA), and some other costs, all of these examples assume the availability of affordable rental housing, and that lower-income households' main hurdles in the rental market are financial ones. The current range of private rental sector assistance and support programs do not directly address the issues of discrimination in the market. Nor do they address the problems of inadequate supply in specific locations or cost segments. Thus, while a bond loan and rent assistance will provide practical help in meeting some of the costs of renting, they are of little use if a prospective tenant is unable to find a property manager or landlord who will accept them.

## **2.4 Private rental sector policy**

There is surprisingly little formal private rental sector policy beyond the regulation of the private rental market through tenancies legislation (discussed in Chapter 3). Although it can be argued that there is a strong and growing reliance by national and state governments upon the private rental sector in providing housing for low-income consumers, this is mostly implicit in housing assistance programs. It is rarely articulated in housing policy, and private rental housing policy has little presence. While the States are slowly coming to realise the need for policy focused on private rental, it cannot be said that the Commonwealth is policy active in this area. There is a level of complacency about private rental market capacity. For example, in its submission to

the 1997 Senate Inquiry into Housing Assistance, the Commonwealth Government via the then Department of Social Security said:

The private rental market ... has proven to be a robust and diverse sector which caters for a range of community needs. There is little evidence of chronic market failure in the private rental market ... For the majority of low income tenants, it would ... appear that access to housing should be possible in the private rental market, assuming that it is affordable for people on low incomes. ... [T]here is not a chronic failure in the supply of private rental housing ... the rental housing market operates reasonably well for people without special housing needs. (62-4)

The overall effect has been a general lack of policy frameworks at a state or national level for supporting lower-income private renters who face challenges in securing and maintaining affordable housing in the private rental market.

## **2.5 Policy relevance of the research**

As this chapter has identified, the present research is being conducted within specific policy contexts, which provide the backdrop for how, where and why the study is being undertaken, and also provide a framework for how the findings of the research may be applied in contemporary policy debates and discussions.

In summary, the housing policy context for this research relates to the role of the private rental sector in housing lower-income households. While the private rental market occupies an important place within the wider Australian housing system, its significance in catering for the needs of lower-income households has increased recently. It is now the main tenure for the majority of low-income renters, as access to both social housing and more affordable home ownership has diminished. While shifts in the prevailing rental market conditions cause some variation in opportunities for lower-income households to access specific tenancies, their dependence on the private rental market as a tenure form is less changeable.

This situation raises questions about the provision of direct housing interventions and support in the private rental sector, either through individualised assistance to tenants, or through collective responses such as tenancy law and formal policy initiatives. Current housing assistance to renters seeks, in the main, to provide financial relief through income supplementation to help service rent commitments, and through loans and grants to meet rental access and tenancy establishment costs. While providing obvious benefits to tenants, these forms of assistance are all limited in addressing the non-financial, risk-related difficulties that lower-income tenants may encounter when seeking private rental housing.

Rather than guaranteeing access to housing, tenancy laws invariably seek to regulate how applications and contracts for tenancies are undertaken. The issues of risk-assessment and risk-management by estate agents and other property managers are not attended to directly by tenancy law. Indeed, the limitations on how property managers process rental applications and assess tenants' suitability and desirability are actually found in other legislation – such as anti-discrimination and trade practices laws – and in professional conduct guidelines and codes of practice (see Chapter 3).

Similarly, formal private rental policy, where it exists at a national or state level, is mostly silent on the challenges and difficulties experienced by lower-income households seeking private rental housing. Given the important role of the private rental market in housing lower-income households, this is anomalous if not altogether surprising: it underlines the relatively laissez-faire attitude of governments in Australia towards private rental issues at a broad policy level.

## **2.6 Scope of the present research**

This research will focus on the routine practices of real estate agents for assessing and managing risk at the point of allocation or tenancy agreement in the private rental sector. Describing these practices as they occur under different economic, social and cultural conditions of local rental markets will serve to identify and highlight forms of provisioning (ownership, control and distribution) that may serve to overcome the persistent market-state divisions in rental housing. In so doing, it may work alongside statutory regulation of residential tenancies and programs aimed at building capacities among highly vulnerable tenant groups, for securing access to appropriate and affordable housing for them.

### *2.6.1 Potential outcomes from the present research*

It is expected that this research will identify and describe:

- factors that real estate agents take into account in assessing the 'risks' in allocating affordable housing to low-income households
- routine practices and formalised procedures employed, at the point of allocation, to evaluate relative risks and potential trade-offs in the allocation of low-cost housing
- likely outcomes for low-income householders of real estate agents' risk-assessment practices, under different market conditions
- factors or specific arrangements perceived by real estate agents to mitigate or reduce risks associated with low-income status of tenants, and increase tenants' capacity to obtain affordable housing in the private rental sector
- potential impact of risk-assessment and related practices upon housing pathways of low-income tenants seeking affordable housing in the private rental sector.

Thus, it will provide evidence and suggest directions for strategic policy to address the risk factors associated with low-income status that influence the allocation of tenancies and restrict low-income householders' access to affordable housing in the private rental sector.

### **3 THE PRIVATE RENTAL MARKET: LEGISLATIVE REQUIREMENTS, INDUSTRY STANDARDS AND LOCAL CONTEXTS**

In seeking to understand distributive outcomes in the housing system, it is important to acknowledge that allocation processes in low-cost rental housing are shaped not only by the economic opportunities and constraints that produce varied patterns of demand and supply but also by the social relations of the (rental) market. This includes:

- relationships defined formally by legislation, such as those specified in Rental Tenancy Acts for landlords and tenants;
- professional practices and relationships, as specified in 'fair trading' legislation such as the *Property Agents and Motor Dealers Act (Qld) 2000*;
- civil relations, as guided by anti-discrimination and privacy legislation;
- relationships spelled out in formal codes of practice;
- relationships dictated in standard industry documents/forms such as landlord–agent contracts or tenancy application forms; and
- relationships specified in industry and enterprise policies that identify who is (and/or will be held) responsible for particular actions or omissions.

Moreover, the social relations of the market will also encompass informal, interpersonal relationships between and among different market players, and may be sustained, in some instances, on the basis of trust.

In the sections that follow, the key features of the private rental market are discussed in considering the context and reference points for 'local' practices of risk-assessment in the field of private rental.

#### **3.1 Legislative requirements and industry standards**

Statutory requirements and industry standards establish further conditions of the market that shape the risk-assessment practices of real estate agents. Formally established regulations and guidelines may increase efficiency in risk-assessment and rental processes, and reduce uncertainty about the social relations and conditions of private rental, for both property managers and tenants. Further, they are likely to be used as reference points in the production of 'local' practices.

##### *3.1.1 Legislative requirements of agents*

The regulation of real estate agents in the letting of residential property and the application of risk-assessment practices in each State and Territory occurs through statutory licensing of real estate agents. These statutory licensing requirements impose on those involved in the sale, leasing and collection of rents for residential property a requirement that all industry participants *inter alia* meet minimum educational and operation experience levels. Licensing requirements also provide for minimum levels of acceptable professional practice, particularly in relation to the ethical management of client monies through trust account provisions. Licensing and the collection of license fees by State governments are promoted as justifiable means of supporting consumer protection, particularly through the work of the Office of Fair Trading or similar consumer protection strategies. In addition to the requirement for the licensing of agents, there are statutory and industry-based provisions to regulate the practice of real estate agents.

In Queensland, for example, regulations under the *Property Agents and Motor Dealers Act 2000* provide a 'Practice Code of Conduct' which establishes minimum levels of ethical and professional practice for all licensed real estate agents. The code of

practice, while principally addressing the sale of freehold property and the relationship between the freehold owner client and the agent, also provides limited guidance in dealing with customers in respect of residential leases. Section 7 of the regulation imposes a requirement to treat customers honestly and fairly, while section 23 places an obligation on the agent to 'take all reasonable steps to find out or verify the facts material to the sale, purchase, exchange or lease that a prudent real estate agent would have found out' (*Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation (Qld) 2001*).

In addition to the explicit code of conduct and licensing requirements of real estate agents, industry practitioners are also governed by a number of other statutes that regulate their dealing with clients and customers. At a federal level, anti-discrimination legislation makes it an offence to discriminate against a prospective tenant on grounds of sex, marital status, parental status, pregnancy, race, disability, age, religion, political or trade union activity or lawful sexual activity (*Anti-Discrimination Act 1991*). The *Trade Practices Act 1974* further regulates the profession in preventing misleading and deceptive behaviour and unconscionable conduct in trade or commerce. These provisions are likely to impinge on risk-assessment processes applied to tenancy applications, but do protect tenants from unethical behaviour designed to exclude or induce them into a tenancy.

The industry is highly regulated through statutes in terms of entry to the profession and the conduct of business in an ethical and fair manner. Industry bodies provide limited additional guidance.

### 3.1.2 Industry standards

The real estate industry has a strong national industry association with divisions in each State and Territory, and although membership of the Real Estate Institute is not required in order to practise, most agencies are affiliated to the Institute. The Real Estate Institute regulates its membership with a code of professional practice in each State. This code provides for ethical dealing between agents and with customers and clients. In particular, with respect to leasing, it places an obligation on members not to discriminate or act unconscionably. At article 38, the code provides for 'Tenants' rights to be respected; members shall, consistent with the law and the terms and conditions of their property management agreement, competently manage the property of clients with due regard for the rights, safety and health of tenants and others lawfully on the premises' (Real Estate Institute of Queensland 2006).

The focus of both statutory and industry practice as it relates to tenant risk-assessment is centred on meeting legal provisions regarding discrimination and the financial standing of the prospective lessee. The Real Estate Institute of Australia provides some guidance in respect of risk-assessment of prospective tenants to its members; a number of proprietary checklist and form management systems (discussed below) are available in the market. These processes are designed to ensure that agents follow a systematic approach to receiving and evaluating tenancy applications. The approach is largely aimed at answering two questions: has the applicant demonstrated ability to pay the rent; and has the applicant demonstrated evidence of ability to care for the property (Holt 2006: 31). These two questions are invariably answered through reference to tenancy databases, verification of income and checking of previous living arrangements.

#### **Standardised application procedure**

Industry bodies in the States and Territories provide proprietary or 'standard' application forms that property agents can choose to use 'as is' or adapt for their agency's purposes. In many cases, agencies adapt the application form as a means of eliciting more information to assist in assessing applications. The REIQ and Consumer Affairs Victoria 'standard' application forms, for example, include the applicant's contact

details, their current and previous renting arrangements, and details, type of pets and registration details, student details, employment or self-employment details, next of kin, and personal references. The REIQ application also includes several questions concerning the applicant's past tenancy history such as bond refund, eviction and debt; and potential applicants are asked directly if there would be reasons that their ability to pay rent may be affected, and are required to provide 100 points of identification at the time of submitting their application. While the application developed by Consumer Affairs Victoria does not include a privacy/consent statement, the REIQ application includes a statement of understanding and consent. By signing, the applicant declares that:

- the information supplied is true and correct
- they understand that their personal effects will not be covered by lessor insurance
- they understand the purpose for which the information had been collected.

At the same time, they give the agent permission to:

- check their identification and references as a means of determining their 'ability to care for the property, ... [and their] character and creditworthiness'
- forward their details to others such as insurance companies, tenancy data bases, sales people and other real estate agents.

The REIQ privacy/consent statement also asks the applicant to 'acknowledge and accept' that if their application were to be rejected, 'the agent is not legally obliged to provide reasons as to why'<sup>5</sup>.

It would appear that most property agents vary standard forms in a manner that they believe will best meet their information needs and assist them in assessing potential applicants for a property. Inclusion of requests for additional information, in the main, are justified on the basis that it will assist the agent in determining whether the applicant has the ability to pay the rent and/or care for the property. Additional information requested in rental applications can include such matters as:

- whether the applicant intends to apply for a bond loan through the State or Territory housing authority
- the applicant's total income, liabilities and living expenses
- previous employment details (as opposed to current employment details)
- reasons for leaving or having left a property
- a declaration that the applicant is not bankrupt.

Some real estate agents will use the standard residential tenancy application form developed by the State or Territory consumer affairs or real estate institute, but may also note that applicants may volunteer supporting information over and above that which they are required to provide, to assist them in the application process.

### **Standard checks**

Proprietary, 'standard' checklists are also available for use by real estate agents in processing applications. Lists include tasks involved in assessing (ability to meet rental payments), checking (tenancy default databases and tenant ledger if supplied) and verifying (personal references, next of kin, employment information, previous lessor and/or agents' references) information provided on the application form.

The application of 'objective' criteria to assess the suitability of tenants is a facet of risk management that is employed routinely at this stage. A housing expenditure to income ratio of less than 30% is a widely accepted benchmark of housing affordability (Chen &

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<sup>5</sup> As per the standard REIQ Application Form provided to researchers during the Key Informant interview.

Tong 2006; Fisher, Pollakowsk & Zabel 2006). Property managers across the industry cite and apply this benchmark to discriminate between applicants who can and cannot afford to pay rent, but it is clear from preliminary research and from published data on the distribution of incomes and rents (Seelig 2001a; Wulff and Yates 2001; Yates *et al.* 2004) that this benchmark is not always applied strictly. The conditions in which property managers vary this 'rule of thumb', and the decision-making processes involved, are a primary focus of this research. Other 'objective' criteria for assessing eligibility of applicants include judgements about house size (number of bedrooms) matched against applicants' household size and composition (e.g. number of adults and children; males and females)<sup>6</sup>.

Most agencies now routinely use tenant databases to verify information provided by applicants. Agencies may subscribe to commercial databases such as the Tenancy Information Centre Australasia (TICA), the National Tenancy Database (NTB) and Trading Reference Australia, or refer to in-house, company or agency records. The use of tenancy databases has been a contentious issue in recent years, with litigation and government investigation into the legitimacy of listings within some databases (Guthrie 2002; Lavarch 2002; Seelig 1997; Short *et al.* 2004; Consumer Affairs and Fair Trading 2001). However, tenancy databases are now accepted as a legitimate tool for landlords and agents in assessing an applicant, provided checks and balances are in place to ensure that the information held is accurate and fair. Tenants have a right to be informed of a proposed listing, and can dispute the validity of the listing, seeking redress through dispute resolution services or small claims tribunals. Listings can only be instigated on limited grounds and only after giving the tenant the opportunity to redress the default. (See, for example, *Residential Tenancies and other Legislation Amendments Act (Qld) 2000*.)

Over and above standards checks and the use of tenant databases, some companies issue 'preferred tenant' cards as forms of recommendation for tenants who have proved highly reliable in paying rent and conscientious in caring for rental property.

All of these materials and the processes they facilitate may be viewed as a repertoire of risk 'technology' that has developed in the private rental market to 'manage' tenants and tenant applicants, and to exclude those who are 'unmanageable' (*cf.* Allen & Sprigings 2001; Kelly 2001; McDonald, Marston & Buckley 2003; O'Malley 2000a,b). How such technology is applied and adapted in different local contexts and particular circumstances will be a focal point of interviews with property managers. The interview protocol, described in Chapter 5, illustrates this.

### 3.1.3 Regulation of residential rental tenancies

#### **Role and scope of residential tenancies legislation**

Constitutionally, it is the States and Territories that are responsible for residential tenancy legislation. Each jurisdiction has specific legislation concerning the rights and responsibilities of landlords (lessors) and tenants, and of real estate agents and other property managers acting on behalf of landlords. Tenancy laws in Australia have been modernised and updated in recent years. The oldest main pieces of legislation still in force are the NSW *Residential Tenancies Act 1987* and the WA *Residential Tenancies Act 1987*; all the other main Acts in the jurisdictions have been enacted during the 1990s (Australasian Legal Information Institute 2006). In some States and Territories, other supplementary Acts and Regulations cover more specific rental situations, such as boarding house and caravan park residences.

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<sup>6</sup> It is useful to note that Hulchanski (1994, 1997) and others (e.g. Mwarigha 2003) are sceptical about the fairness of so-called objective criteria of assessment such as the rent/income ratio (Hulchanski 1997) and draw attention, in particular, to the manner in which 'objective' criteria are interpreted as indicators of other perceived 'risks'. Their analyses suggest an important line of inquiry in the present context.

While each State and Territory has established its own sets of legislative standards and processes for regulating landlord and tenants relations, most of the Acts are compatible. Most Residential Tenancy/ies Acts cover a similar range of issues:

- basic descriptions of what types of tenancies are covered and which are excluded (boarding and lodging arrangements are the most contentious in this area)
- the forms and requirements for tenancy agreements or leases
- rental bonds and other fees and charges
- rent and rent increases
- general rights and responsibilities during a tenancy in terms of dwelling standards, repairs and maintenance, entry and privacy, and so on
- processes for enforcing performance under the tenancy terms and conditions, and how breaches may be resolved
- time periods and processes for tenancy terminations by landlords and tenants
- whether and how dispute resolution or further legal processes will apply.

In the main, contemporary Australian tenancy laws have tended to focus on 'balancing rights and obligations' as their main purpose, and have aimed at ensuring basic conditions and processes, rather than taking a strong consumer protection role. For example, they have not sought to provide a right to housing, but instead prescribe when renting comes under legislative jurisdiction, and have regulated aspects of access to housing. Contemporary tenancy laws in Australia have also not sought to regulate rent levels (although this was sometimes a feature of much older legislation), but have provided a framework for managing rent increases. Similarly, today's tenancies Acts do not attempt to provide real security of tenure in the form of unfettered discretion to tenants to end or maintain a tenancy; rather, they lay out rules and processes for termination and eviction.

### **Rights and interests in the application process**

One important area of tenancy law in the context of risk-assessment is the tenancy application process. It is important to highlight particular aspects here.

The first is that, in the absence of any legislative right to housing, the decision to accept or reject an application for a tenancy lies exclusively with the landlord or their agent/property manager. Unlike the public sector, there are no bureaucratic requirements to specify eligibility or accountability of process; rather, the power lies wholly with the rental housing provider. Although some level of transparency may be provided through the use of standardised application forms, there is no prescription concerning how a private rental housing provider may or should choose between two or more equally 'qualified' applicants (unlike the public sector, where rules usually exist about allocation systems and processes, such as wait turn, priority, segmented categories, and so on). This makes the tenancy application process one of the main sites of competing interests. Risk-assessment is clearly central to whether any given applicant is taken on into a tenancy.

The second and related point is that the effective power of landlords and prospective tenants may be mitigated by rental market conditions, and in some circumstances, applicants may be able to exercise some level of power over the application process. The main example of this is where vacancy rates are reasonably high, and landlords are experiencing difficulties in finding tenants. How far they might go in relaxing their requirements is unclear, and it may be possible to explore this matter in the present study.

At the time of writing (and of the study), vacancy rates are generally low, and this suggests that there are many more prospective tenants than properties available for

rent. In these circumstances, a range of informal practices emerge that may supplement or effectively usurp the formal application procedure.

### **3.2 Local structures and informal relations in the field of private rental**

Apart from the 'structuring' effects of the market and the interactions of market and statutory processes at the industry level, the social organisation and interconnected workings of local markets also establish routine practices and patterned modes of interaction. At the local (face-to-face) level, social relations in the field of private rental are continuously and repeatedly negotiated. The size and organisational structures of real estate agencies, and the diversity or concentration of their business activities across rental/sales and residential/commercial/industrial properties, will shape their operating system/s and their relations with clients and customers. Clear differences are apparent, for instance, between large-scale, multi-site agencies and 'local' agencies; between those offering a range of services and those concentrated in the property rental field.

Divisions of labour in real estate agencies also are evident and are such that younger and/or less experienced personnel are more likely to be employed in property management (not sales). Within the property management field, they appear more likely to be engaged in inspections and leasing than overall property management. Although there is little empirical data available, the generally low salary rates paid to property managers may be indicative of this division of labour. The tasks of checking tenancy databases for applicant records and following up applicants' personal, rental and employment references also may be handled separately from property inspections and receipt of tenancy applications.

Such disaggregation of the 'property management' role within larger companies in particular, may be associated with more 'procedural' management of tenancy applications. Although this could be perceived as a fairer (more 'objective') process of assessment than one that entails greater discretion on the part of the single property manager or leasing agent, it is not clear, from available research, whether this is the case. What actually happens in the interactional processes of allocation is not well documented.

The presence of other 'agents' may also influence risk-assessment practices and ultimately the provision of private rental housing to low-income householders. These others might include: owner-managers (both small and large stock-holders); community-housing organisations whose positions in the field might vary (both among and within organisations) from lessee through to provider; tenants who actively seek other tenants to take part in joint or common tenancy arrangements (e.g. through local notice-boards); and property owners who operate in informal ways and seek tenants through 'word-of-mouth' or by referral through informal networks of tenants, friends and associates, or family members. The practices of these 'other' agents will not be attended to directly in the present research. They will be kept in mind, however, to the extent that they may provide alternative opportunities for low-income tenants to access low-cost, affordable housing and thus may constitute a significant 'buffer' against the effects of risk-assessment by real estate agents in local markets.

#### ***3.2.1 Informal relations in the field of private rental***

As noted in Chapter 1, the social relations of the private rental market include relationships at the informal, interpersonal level between real estate agents, tenant applicants and other players. In Phase 1, it became apparent that interpersonal relationships among and between tenants and agents, whether cursory or sustained over time, have been the basis for formal tenancy relations in the private rental sector. Informal, local networks among low-income tenants can provide referral networks, advance notice of vacancies, and opportunities for access in highly competitive

markets or, on the other hand, warnings about unsympathetic agents (Pers. comm. with key informants, a housing advocate, and a crisis and transitional housing provider, July 2006). Likewise, informal exchanges among real estate agents/property managers may serve to inform them of reliable or unreliable tenants, and/or risks likely to arise in dealings with particular types of tenants, which may shape their work practices.

Such informal processes will receive attention in the present research. To the extent that they are evident, they may provide valuable insights into the connections between formal and informal practices of rental tenancy, and possible ways to strengthen any beneficial aspects of these arrangements so that positive outcomes for low-income tenants, their landlords and their agents might be achieved at the local level.

### 3.2.2 *Strategic, local practices*

The two clearly articulated criteria for access specified above – ‘ability to pay’ and ‘ability to care’ – are the bases of multiple, locally constructed meanings and strategies wherein expert systems and standard practices interplay with local risk-assessment practices. As noted, real estate agents have a range of local practices for application, checking and evaluation, which contribute to a suite of risk minimisation practices.

Some widely accepted and applied practices may exclude people even before application. For example, many agencies advise that an application form will not be accepted unless all information requested has been supplied and copies of supporting documentation, such as proof of income, ID and references, are provided. Similarly, some real estate agents require a key deposit from the potential applicant to view a property, an amount (\$50 or more) that may be beyond immediate reach for low-income applicants.

Other strategic practices designed to select ‘best’ tenants include ‘lease auctions’, where competing applicants bid on the rent, and ‘group vetting’, where several prospective tenants are invited to attend a group interview held by the agent or landlord and where comparative judgements can be made efficiently prior to any offer of tenancy.

Observation of applicants’ behaviour and deportment is another salient strategic practice for assessing ‘risk’. All agents who contributed to Phase 1 of this project noted the extent to which they rely on ‘judgements’ about applicants who present in person: punctuality, dress, discipline of children, and manners, were among the factors mentioned as influential. It is important to note that the criteria entailed in these personal judgements were variable, referenced to agents’ professional experiences in particular circumstances, and, in some cases, to agents’ understandings of landlord ‘specifications’. In referring to landlords’ expectations (prescriptive and/or proscriptive) about tenant characteristics, most Phase 1 participants highlighted instances where following landlords’ instructions would have breached anti-discrimination laws. Such instances evidently create professional dilemmas for agents, who appear to work strategically around a range of ‘pluses and minuses’ in tenant applicants and may ‘force’ landlords to make the ‘final decision’ in order to avoid the risk of non-compliance with the law, while at the same time satisfying the landlord. Not having to provide reasons for rejecting an application is a significant safeguard for property managers and their clients in these circumstances. In a highly competitive environment, tenant applicants generally are able to accept lack of success.

For each case of rental tenancy, agents’ risk-assessment practices, and the actions of applicants, can be viewed as elements of sets of connected, persistent but iterative practices. For agents, experiential links might be seen as constituting ‘practice wisdom’ or a ‘management style’; for tenants, they might be key constituents of a ‘rental history’ (Adkins *et al.* 2003; Short *et al.* 2004, 2007).

### 3.3 Tenants and the private rental market

In Australia, there is evidence, albeit limited, that over time, at least five groupings of private renters have emerged. Drawing on some of the trends in length of time spent in rental housing identified by Wulff (1998), other known factors within the contemporary housing system, and earlier conceptual work by Paris (1993: 183–6) and Wulff and Maher (1998: 85), Seelig (2006) postulates the following types of tenants in the private rental market today:

1. The 'lifecycle private renter', for whom renting privately is not likely to be for the long term, provided they can secure a mortgage in the future. They are likely to be mostly younger people, student households, or working households on moderate to higher incomes.
2. The 'rational private renter', who genuinely chooses to rent even though they could probably afford to purchase a home. They are likely to be working households on higher incomes, but some others may also prefer the flexibility of renting over other options.
3. The 'blocked aspiring home purchaser', who is renting privately and would like to become a homeowner now, but is unable, for the present at least, to afford a mortgage. They are likely to be working households on low to moderate incomes.
4. The 'trapped would-be social renter', who is renting privately and would like to get into social housing because of affordability or tenure security concerns but is effectively blocked from the social sector because wait times are too long, or their because their needs are not high enough to meet eligibility or priority requirements. They are likely to be working or non-working households on low incomes, including households outside the labour force.
5. The 'unintentional private renter', who has previously been living in another tenure, and has unexpectedly re-entered the private rental market. Examples might include previous home purchasers/owners who have gone through family dissolution and household reformation, ex-social housing tenants who were evicted or left under duress. This grouping could comprise low-, moderate- and higher-income earning households. Renting privately may be a short-term, transitional experience, as households exit to other more permanent tenures again, or it may be a longer-term situation where households effectively move into one of the other groups above.

This hypothesised taxonomy of tenants suggests important differences in motives, capacities and circumstances among tenants in private rental. We might expect some association between these defining characteristics and the assessments that property managers make, implicitly and explicitly, about who represents a greater or lesser 'risk' as a tenant. The latter three categories, in particular, may be read as indicative of potential risks. They may also be read as indicative of vulnerabilities. Croft (2001) provides an insightful and critical analysis of housing policy in the United Kingdom and, in doing so, points to the interconnected nature, from a tenant perspective, of the experiences of being 'a risk' and 'at risk'. She draws attention to the 'cumulative and iterative nature of uncertainties' associated with being a tenant and, in particular, she addresses the extent to which the personal characteristics and circumstances of tenants are assumed to be within the control of individual tenants; factors such as employment security and income (which are read, variously, as indicators of 'certainty' or 'risk') are outcomes not only of the personal actions of tenants but are linked, of course, to wider economic conditions, including labour market and employment policies.

In considering tenant positions in different market and policy environments, both Croft (2001), and Allen and Sprigings (2001) point to political, social and economic processes that work to concentrate risk within certain local housing markets. Such processes both arise from and affect opportunities and outcomes, and the workings of

local housing markets. These analyses point to the need to look closely, in this research, at the mechanisms that work through risk-assessment practices to squeeze out, move on or dump elsewhere those 'at-risk' tenants who are perceived as carrying unacceptable risks into local rental markets. There is value, also, in asking what might work to motivate property managers to take a risk and offer a tenancy to an applicant whose personal and/or financial position might not measure up against the ideals of the industry or the wider market.

## 4 A FRAMEWORK OF INQUIRY

### 4.1 An institutional ethnographic approach

In this research, the private rental market is viewed as a social institution in the sense defined by Lupton (1992), who states that 'institutions' are:

- a. social practices regularly and continually repeated over time;
- b. sanctioned and maintained by social beliefs, values and laws;
- c. having a major significance in social structure; and
- d. being of a symbolic and abstract nature. (p. 7)

This definition is important because it focuses attention upon the private rental market not only as a structure of relationships but also as a set of social processes or routine practices, and upon the aspects of culture (beliefs, values and laws) that underpin these relationships and practices. Also, it highlights the way in which local practices – that is, actions and events that involve particular people in particular circumstances – are connected to wider patterns of interaction that symbolise and shape the 'way things are'.

Consistent with this perspective, the underlying research strategy proposed for this project involves taking an institutional ethnographic approach (Smith 1987), a realist method of enquiry that validates everyday, experiential knowledge as evidence of the workings of wider social (institutional) structures. In Smith's words, institutional ethnography aims to 'explicate the actual social processes and practices organising people's everyday experience from a standpoint in the everyday world' (Smith 1987: 151). It focuses on the social relations that connect everyday experience with broader forms of social organisation (Grahame 1998).

The guiding principles of institutional ethnography, as proposed and developed by Smith (1987) and others (Campbell 2001; Campbell & Gregor 2004; Grahame 1998), imply, for this research project, a commitment to:

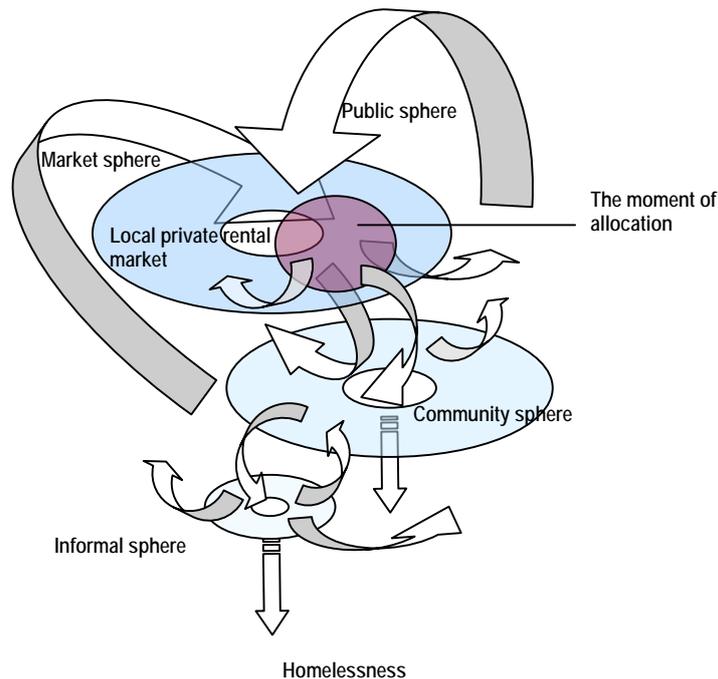
- begin at the outside and work up/in/around the institution, to examine 'ruling relations', that is, those social relations that position people at different locations within and in relation to the workings of the private rental market
- describe activities in the everyday world and reveal the 'broader social relations in which local sites of activity are embedded' (Grahame 1998)
- examine how routine practices coordinate and connect everyday activities to the 'institution' [of the private rental market]
- focus upon discursive (ideological) constructions of 'risk', 'risks' and 'risk-management' in the context of the private rental market (as an institution).

The approach thus provides a useful framework for taking into account the multiple layers or dimensions of local private rental markets, and their connections to broader institutions of the market, state and community, while maintaining a clear focus on the risk-assessment and risk management practices of real estate agents, and their perceptions of 'risk' attached to different categories of tenants. This framework has informed, directly, the sampling strategy and interview protocol specified in Chapter 5.

Figure 4.1 presents an initial view of the field of private rental, a starting point for the study of routine practices of risk-assessment. Risk-assessment practices at the moment of allocation are seen as working *inter alia* to (re)direct potential tenants into/away from the private rental market, via local markets. The moment of allocation occurs in a local market, shaped by industry standards and the workings of the wider market sphere of economic activity. It is also influenced by State regulation and promotion of the market (as the preferred provider) through rent assistance and other

subsidy programs, and the 'dumping' of low-income tenants into the private rental sector (Perri 6, 1998).

**Figure 4.1: The moment of allocation in the field of private rental**



This basic model highlights a variety of tenant pathways into and out of the private rental sector, which in turn highlights the dynamic nature of social relations and everyday practices in private rental. It focuses our attention on the critical moment of allocation and encourages us to ask how events happen, how people enact or deal with them, how they are organised and connected to wider sets of relations and systems, and what their consequences are.

Moreover, although it is presumed, for this research, that the 'moment of allocation' constitutes a critical moment in rental tenancy, the strategy of enquiry outlined here entails a commitment to remain open to other critical moments where risk-assessment and responses to uncertainty are principal elements of the processes that move low-income tenants into and keep them in low-cost housing over time, or exclude them.

Consistent with an institutional ethnographic approach, a key analytical strategy will be the use of situational, field (or 'arena') and positional maps, techniques of analysis based on the work of Strauss (1991, 1998) (see also Clarke 2005) and used to describe the broad pattern of social and cultural relations in which risk-assessment occurs, at 'the moment of allocation'. These techniques will be used to reveal 'key elements and conditions' that characterise risk-assessment practices at the moment of allocation (Clarke 2003). They will also be used to provide 'thick descriptions' (cf. Geertz 1973) of how risk-assessment sits in relation to broader sets of social relations and the everyday practices that constitute the field of private rental (Campbell & Gregor 2004).

The analysis will also go beyond description to draw upon well-established theoretical perspectives on the construction of risk and uncertainty outlined below.

## 4.2 Constructions of 'risk'

There is a considerable body of sociological theory addressing configurations of risk in contemporary societies. 'Risk' is no longer viewed simply as a calculable probability of negative events or outcomes of actions. Calculable risk is merely one configuration of risk, linked to particular contexts and discourses of uncertainty. Different perspectives

on risk and risk society are evident in sociology; the principal and most widely influential perspective is that of Beck (1992), whose theory of risk society focuses attention upon the pervasiveness of uncertainty in the face of (new) technological, environmental and political risks that have arisen under the conditions of post-modernity. Aspects of Beck's work are useful for our purposes in the present project, especially, for instance, his focus upon the 'individualisation' of risk (Mythen 2005). The social, cultural and political processes of individualisation reflect a change in interpretations and ways of assessing risk, and involve a wide range of practices at societal, institutional and interactional levels that shift responsibility for the containment or management of risk and the establishment of greater certainty, to individuals; individual subjects become, or are made responsible for, managing their own history (Beck, Giddens & Lash 1994; Zinn 2006).

In applying this perspective to the analysis of risk-assessment practices in the private rental market, we might ask whether such processes of 'individualisation' are at work in the ways that property managers deal with tenant applicants, positioning them in (or outside) the private rental market according to their perceived 'competence' or 'responsibleness' as consumers (*cf.* Ericson *et al.* 2000; Kelly 2001; McDonald *et al.* 2003). The close attention paid to tenants' personal rental histories, and the use of specific indicators of tenants' ability to pay rent (for example, their employment status) that are viewed as being within the (responsible) tenant applicant's personal control, highlight the relevance of this conceptual approach (*cf.* Adkins *et al.* 2003; Croft 2001; Short *et al.* 2004, forthcoming).

A different but complementary way of thinking about the practices of property managers is suggested by a socio-cultural perspective on risk (for example, Tulloch & Lupton 2003), which emphasises the situated nature of perceptions of risk, and the connections between varied understandings of risk and the social construction of groups (for example, 'good tenants', 'bad tenants'), and identity formation (*cf.* Short *et al.* 2004, forthcoming). From this perspective, perceptions or meanings of risk are seen as being situated and negotiated within local, historical contexts. This draws attention to the social location of property managers – between particular 'landlords' and particular 'tenants', in the wider cultural contexts of the market, the industry and State regulation. Preliminary work in Phase 1 of this study has highlighted the importance of recognising the variety of situated meanings of 'risk', 'risk-assessment' and 'risk-management'. It has also raised questions about how social actors (property managers, tenant applicants and others) define and respond to risk via specific relations of power, exercised through interaction at the local level.

A third theoretical perspective on 'risk' has drawn attention to discursive constructions of risk that emerge via institutional modes of responding to or managing uncertainties in specific contexts or in relation to defined populations. O'Malley (2000a,b) and Perri 6 (1998) are among those who have sought to identify varying 'configurations' of risk and modes of institutional 'governance' of subjects, as 'carriers of specific indicators [of risk]' (Zinn 2006), within both market and public sector institutions. The introduction of broad standards for identifying and addressing risks (for example, the Australian and New Zealand Standard 4360, 2004, for risk-assessment), the development of insurance protocols (professional indemnity and landlord insurance), the establishment of standard industry procedures (tenancy application processes and the use of checklists for property management, for example) and the formalisation of legal contracts such as tenancy agreements, might be viewed, from this perspective, as forms of 'governance'. Property managers might be seen as the subjects of intensified efforts to regulate both their own and landlords' behaviour, and that of tenants, in order to minimise the moral and economic hazards entailed in property rental (O'Malley 2000a: 458). At the same time, in the context of market institutions, property managers might be positioned as 'enterprising subjects' (O'Malley 2000b: 460) for whom 'risk-taking' may be as important as 'risk avoidance' for profitable business (Ericson *et al.*

2000); identifying (potential) risks justifies 'governing through the future' (O'Malley 2000b: 460).

These processes of individualisation, strategic, situated practice, and governance (insurance and contract), require critical analysis but they may be seen as interlocking processes that constitute particular 'constructions of risk' in the private rental sector. The same processes may be entailed in the production of specific but different 'configurations' of risk in the public policy environment (Croft 2001; Hudson 2003; Perri 6 1998; Taylor-Gooby 2004; Taylor-Gooby & Zinn 2006).

As elsewhere under neo-liberal regimes, State policies in Australia have become increasingly 'grounded within ... individualist discourses of consumption, morality and responsibility' (Croft 2001: 737) (see also Ericson *et al.* 2000; Kelly 2001; McDonald *et al.* 2003). Entailed within this is the shifting of risk to the private sector. Increasingly, state programs rely upon individual (or household) capacity to meet personal or household needs (privately) through employment and market consumption, and as noted in Chapters 2 and 3, this is reflected in the greater numbers of more vulnerable tenants competing in the private rental market for limited supplies of low-cost rental housing.

At the same time, analysts have pointed to competing understandings of social risk that remain a key aspect of social policy (DeNeubourg & Weigand 2000). In politics and policy environments, concerns are focused in part upon 'social system' risks and risks that affect communities, as well as risks of harm to individuals (*cf.* Perri 6 1998) These dimensions of *social* risk are referenced not only to 'marketised [and quantifiable] conceptions of harm' (Croft 2001: 739) but also to values of social justice – fairness, equity and inclusion. The salience of concerns about affordability and quality (or 'appropriateness') of housing, and about homelessness is evidence of perceptions of 'policy' risks (Perri 6 1998) that may be inconsistent with dominant perceptions of risk within marketised, individualist frames of reference.

It would appear useful, in the present research, to consider how differently located perceptions of risk are connected to certain strategic practices and processes of governance. Perri 6 (1998: 352) expresses the view that, in the UK at least, 'housing policy ... presents good examples of [individualist, hierarchist, egalitarian and fatalist] ... culture[s]' and posits elements of each that indicate quite different approaches to policy and, hence, to the governance of those 'at risk'.

Although perceptions of policy risk and public response to risk are not a primary focus of this research, efforts will be made to assess the impact of State housing policies and programs on local private rental markets, through the recording and analysis of property managers' accounts of their risk-assessment practices and the factors that influence and contain them. Chapter 5 outlines the scope and process of the research that will be undertaken.

## 5 RESEARCH METHODS

### 5.1 Scope and stages of research

The research is to be conducted in two phases. In Phase 1, following a review of relevant literature and familiarisation with current industry practices, and consultations with industry representatives and tenant advocates, a protocol for structured, in-depth interviews with real estate agents was developed and trialled. In Phase 2, six localities across three States, from metropolitan and regional areas where low-rent housing is available under different conditions of supply and demand, will be selected for study. Census data and statistical profiles of local areas compiled by real estate institutes and other agencies in each State will be used to identify localities with low median rents and low median household incomes, where substantial proportions of residents on low incomes are in the private rental market. Interviews will be conducted with real estate agents working in selected localities in Queensland, New South Wales or Victoria, and South Australia. Other stakeholders in selected localities will be consulted, as informants, to maximise understanding of local conditions of the private rental market, and outcomes for low-income renters.

#### 5.1.1 Phase 1

Phase 1 involved a review of relevant scholarly literature and specialised industry publications, and consultations with key industry informants including members of the Real Estate Institute of Queensland (REIQ) Property Management Chapter, a principal/property manager in a large agency specialising in property rentals, a regional agency with a large rent roll, other small-agency property managers, and other stakeholders, including a tenancy advisory service provider, and community and transitional housing managers.

A brief survey of private sector industry journals, newsletters and information brochures/sites was undertaken as a way of discovering predominant understandings of risk and typical risk-assessment tools and practices in the private rental sector. This exercise and discussion with industry representatives have informed preliminary considerations of the field of study and the framework of inquiry discussed in Chapters 2 to 4. In particular, they have highlighted differences between formalised, professional ways of speaking about risk and risk-management practices, and real estate agents' accounts of personal or local (actual) practices of risk-assessment and responses to uncertainty.

Although the perspectives of tenant advocates and community-housing managers are not the primary focus of this research, these stakeholders have had, and will continue, at later stages of the research, to have significant input as informants.

#### **Development of property manager interview protocol**

In this first phase of the research, a standard, semi-structured interview protocol, including a method of developing realistic case scenarios of rental properties and tenant applicants, was developed, trialled and refined to provide confidence in the viability and validity of methods of data collection. Development and testing of interview procedures and case scenarios for use in the full-scale study (Phase 2) was carried out in the Brisbane region only. Participants for interview trials were recruited by using established contacts, and selected to include both large and medium-sized rent rolls in metropolitan and regional areas.

With consent from participants, the trial interviews with four property managers were audio recorded for process evaluation and review. These are stored as sound-files in a password-protected personal computer. All interviews in Phase 1 were conducted by the principal investigator and attended by the project research officer. The process and outcomes of trial interviews were reported to and assessed by the full project team. On

the basis of trial interviews, and consultation with key informants, the following method of sampling and data collection in Phase 2 is proposed.

### *5.1.2 Phase 2*

#### **Sampling and recruitment**

The proposed methods of sampling and recruitment, outlined below, will be applied consistently across three States, beginning in Queensland, and including New South Wales or Victoria, and South Australia. Queensland, New South Wales and South Australia have been identified for study because, taken together, they allow comparative analysis of metropolitan and regional markets, and different conditions of supply (including different mixes of public and private rental stock, and provider partnerships) and demand (indicated by vacancy rates).

Real Estate Institutes in each State will be approached to support the project within the industry and to encourage co-operation from potential participants. Head offices of large companies and contacts established in other research projects will also be approached for referrals and endorsement of the project.

Localities for study will be selected to include a range of representative rental markets, and different State and community housing contexts. The sampling strategy proposed is consistent with the institutional ethnographic method of inquiry outlined in Chapter 4. It will involve a four-step process of purposive sampling:

#### **Step 1**

2001 Census data will be used to identify accessible localities in both metropolitan and non-metropolitan areas where a significant proportion of rental housing is in the low or low-medium rent range, as specified in extant research and policy in Australia (for example, ABS 2002b; FaCSIA 2006). This will provide a formal basis for comparison and generalisation from the present enquiry.

#### **Step 2**

In each State, interviews (face-to-face or telephone) will be conducted with a panel of agents mainly recruited through Real Estate Institutes. The purpose of these interviews will be to document formal 'industry perspectives' on perceived risks, risk-assessment and risk management, and to obtain industry-level understandings of variations in rental markets across localities or regions.

#### **Step 3**

Tenant advocates and community-housing managers in the selected study localities will be consulted as key informants to provide information about local rental housing conditions, and the movements of low-income households into, around and away from local rental markets. Their views will be of particular relevance for considering how risks associated directly with low-income status in the private rental sector might be affecting a range of vulnerable population groups. Advocates representing the interests of Indigenous people in the private rental sector will specifically be included. These consultations will provide 'ethnographic' reference points for recruitment of real estate agents, and for the analysis of data.

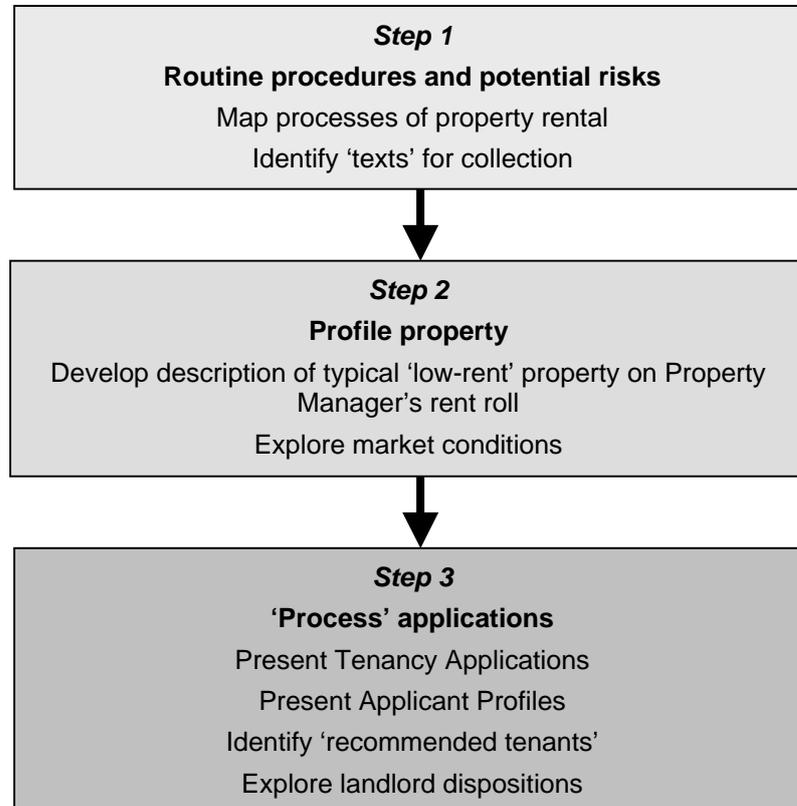
#### **Step 4**

Up to ten agents will be recruited in each State for individual (face-to-face or telephone) interviews. Different categories of agents will be recruited to ensure representation of agents managing different sizes and types of rent roll, and to capture information on the fullest possible range of perceived risks, risk-assessment practices and responses to risk, in different local contexts.

### Interview protocol: property manager interviews

Interviews with property managers will be conducted in three distinct steps centred progressively around (1) their operational system for the processing of applications; (2) development of a low-cost rental property profile; and (3) a realistic scenario wherein participants will be asked to 'process' a set of hypothetical tenancy applications. Figure 5.1 provides an outline of this process.

**Figure 5.1: Property manager interview protocol**



Using a structured, open-ended interview strategy based on the 'sense-making' interview procedure outlined by Dervin and Forman-Wernet (2003), participants will first be asked to describe the routine procedures and everyday practices in the property management section of their workplace/agency. Respondents will also be asked to describe: a typical process or 'time-line' of property rental from a point of contract to rent between landlord and property agent through to an offer of tenancy; what happens at different stages or points in time, as well as who is involved; and whether they (the research participants) perceive any potential risks (things that 'might go wrong') at any stage of the process they have mapped, and/or how they would manage or 'guard against' these potential risks. Interviewers will ensure that attention is given to the moment of allocation, and to local conditions (social, cultural and economic) in the private rental market. Salient risks identified in this process, and local conditions that are linked to risks, will be explored in depth, and copies of documents (for example, agency contracts, tenancy applications, checklists) will be requested (and de-identified).

In the second step of interviews, property managers will be asked to describe a typical or particular 'low-rent' property on their rent roll. A precise definition of 'low-rent' will not be provided to participants. Rather, their local understanding of this will be ascertained, in context, during the interview. This strategy acknowledges the value of treating the participant as the expert informant, exploring their personal practice wisdom, and their perspective of the institution of the private rental market. In trial interviews conducted in Phase 1, participants provided detailed descriptions of properties (usually a particular

property) that enabled interviewers to easily identify a relevant set of hypothetical tenant applicants for the next stage of the interview.

In the third, more focused, step of interviews, a range of hypothetical tenancy applications, compiled on the relevant State standard forms (for example, REI forms in Queensland, South Australia and New South Wales) will be presented. Participants will be asked to 'process' these applications for the rental property they have described in the second step. At an appropriate time in the process of assessment, further information (presented as linked applicant profiles) will be provided, consistent with the types of information that property managers might glean from routine tenancy database and reference checks. Each decision (to exclude, reconsider or continue to process the application) will be explored in order to ascertain and record how particular tenant attributes might be perceived and addressed as 'risks'. Particular vulnerabilities associated with low-income status of renters, such as those arising from Indigenous status, disability, single parenthood, recent immigration or unemployment, have been taken into account in devising and developing case scenarios. Applicant profiles have been developed through systematic reference to relevant research to identify salient characteristics of tenants at risk in the private rental sector (Yates *et al.* 2004; Purdon & Twyford 2000; Jones *et al.* 2004). These profiles will be verified for each study locality in consultation with tenant advocates, prior to interviews with local real estate agents.

The full protocol for property manager interviews was piloted, assessed and modified in Phase 1. Trial interviews demonstrated the viability of the method. When asked to provide feedback at the end of the interview, all participants confirmed that the scenarios were realistic and had enabled them to demonstrate their perspective and their 'way of working' through actual processes of tenant selection. As a result of comments received after the first trial interview, the information provided in the tenant profiles was modified; the amount of detail was reduced to ensure that it was consistent with the limited amount of information usually gleaned through database and reference checks.

In Phase 2, experienced interviewers will be recruited through AHURI centres in the selected States (outside Queensland) to assist in the set-up and conduct of industry panel interviews and local area housing informants (tenant advocates and other stakeholders), and will be trained to conduct interviews with individual agents in their home State. With the informed consent of participants, all interviews will be audio recorded for analysis.

### **Analysis**

The techniques of analytical mapping noted in Chapter 4 (Clarke 2005; Strauss 1991, 1998) will be applied at all stages of analysis, and developed progressively. The accounts of industry panels and key informants, as well as those of property managers, will be analysed using these methods. Tenant advocates' accounts of local rental markets will be the starting point for institutional ethnographic analysis (Smith 1987) of the place of risk-assessment practices in the private rental market.

All interviews will be transcribed in abstract format (Smith & Short 2001); recordings will be analysed as off-line documents, using *Nvivo* software. In the analysis of property manager interviews, conventional methods of qualitative analysis will be applied to develop typologies of perceived risk factors, risk-assessment practices, agents' responses and tenant outcomes, and the relationships among them (Strauss & Corbin 1990). Attention will be paid to distinguishing risks that are associated with particular categories of tenants and/or landlords, and/or the characteristics of local private rental markets. It will be important also to distinguish among regulated and industry standard practices, other routine professional practices, and idiosyncratic practices of risk-assessment.

The overall aim of this research is to provide a rich account of the risk-assessment practices of real estate agents working in and around the institution of the private rental market, in the context of particular local rental markets. The impact upon tenants will be assessed through this analysis, with specific reference to tenant advocate accounts and other relevant information (both ethnographic and other data) for the localities selected for study.

## 6 SUMMARY AND CONCLUSION

This project builds on previous research that has demonstrated that a relatively large proportion of low-cost private rental accommodation is occupied by moderate- to high-income households (Seelig 2001a; Wulff and Yates 2001; Yates *et al.* 2004). However, this is occurring in an environment where the private rental sector is now the *de facto* main provider of rental housing for lower-income households across Australia (Seelig *et al.* 2005a).

This project is focused on identifying the housing and market factors that influence risk-assessment tenancy allocation practices. It will address the following research questions:

- What factors are taken into account by real estate agents in their assessment of risks entailed in the allocation of rental tenancies to different categories of tenants?
- What procedures (qualitative and/or quantitative) do real estate agents use to evaluate risks at the point of allocation of tenancies?
- Do real estate agents attach greater risk to low-income renters?
- If so, what aspects of low-income status are perceived, by real estate agents, to constitute risks in rental tenancies?
- What factors are perceived, by real estate agents, to mitigate any specific risks arising from or associated with tenants' low-income status?
- What role might the processes of risk-assessment in the private rental sector play in shaping the movements of low-income households within the rental sector?

The study is located in a policy context that acknowledges risk-assessment and tenancy allocation practices as rooted in the broader structural and behavioural patterns of the private rental market as a whole, as well as being linked to the ways in which landlord–tenant relations are defined in social, economic and legislative terms.

It is recognised that uncertainties entailed in private rental arrangements may be associated with: tenant characteristics or capacities; housing market conditions, especially the effects of supply and demand; and/or landlord/investor characteristics, motivations and capacities. Strategic policy and programs geared towards improving low-income tenants' capacity to participate in the market might necessarily focus upon not only tenants' needs but also specific uncertainties in the private rental sector that directly affect the work/business of property managers and/or outcomes for landlords. The role of the private rental sector in housing lower-income households, the provision of direct State housing assistance to private renters, and private rental sector policy provide the contextual markers that are relevant to this study.

The research takes as a starting point the 'structuring' effects of the market and the interactions of market and statutory processes at the industry level. It focuses on the social organisation and interconnected workings of local markets, wherein routine practices and patterns of interaction among landlords, real estate agents and tenants are established. The investigation also focuses on the processes at work in the allocation of tenancies that lead to distributive inequalities in the private rental sector.

The underlying research strategy proposed for the project involves taking an institutional ethnographic approach (Smith 1987), a realist method of enquiry that validates everyday, experiential knowledge as evidence of the workings of wider social (institutional) structures. Analysis will draw upon well-established theoretical perspectives on the construction of risk and uncertainty, such as: the 'individualisation' of risk (Beck *et al.* 1994; Zinn 2006); a socio-cultural perspective on risk (for example, Tulloch & Lupton 2003); and discursive constructions of risk (O'Malley 2000a,b; Perri 1998), in a way that is consistent with an institutional ethnographic approach. These

perspectives offer useful sensitising concepts and questions to guide analysis of interview data.

The Positioning Paper also represents completion of Phase 1, involving a review of relevant scholarly literature and specialised industry publications, and consultations with key industry informants including members of the Real Estate Institute of Queensland (REIQ) Property Management Chapter, a principal/property manager in a large agency specialising in property rentals, and other stakeholders, including a tenancy advisory service provider, tenant advocates and community housing managers.

Individual and group in-depth semi-structured interviews are the chosen method for the study and will be undertaken with property agents in selected localities in New South Wales, Queensland and South Australia. A small number of tenant advocates and community housing providers will also be interviewed to complement the interviews with the property agents. A Phase 1 outcome has been the trial and confirmation of the interview strategy to be used in Phase 2 of the study.

It is expected that this research will identify and describe:

- factors that real estate agents take into account in assessing the 'risks' in allocating affordable housing to low-income households
- routine practices and formalised procedures employed, at the point of allocation, to evaluate relative risks and potential trade-offs in the allocation of low-cost housing
- likely outcomes for low-income householders of real estate agents' risk-assessment practices, under different market conditions
- factors or specific arrangements perceived by real estate agents to mitigate or reduce risks associated with low-income status of tenants, and increase tenants' capacity to obtain affordable housing in the private rental sector
- potential effects of risk-assessment and related practices upon housing pathways of low-income tenants seeking affordable housing in the private rental sector.

The research will suggest directions for developing strategic policies to address factors that constitute 'risks' in private rental and that are likely to preclude or limit low-income householders' access to affordable housing in the private rental sector.

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