

Evictions and Housing Management

EVICTIONS HAVE DETRIMENTAL EFFECTS ON THOSE EVICTED AND RESULT IN INCREASED COSTS FOR GOVERNMENTS. THE CIRCUMSTANCES WARRANTING EVICTION COULD BE PREVENTED BY COUNSELLING AND EDUCATION PROGRAMS FOR KEY 'AT RISK' GROUPS.

KEY POINTS

- Key groups 'at risk' of eviction are: people living alone, young people, sole parents, older men, people with substance abuse problems, and women escaping domestic violence.
- Very few evictions (7 per cent, n=10) are the result of bailiff or police action and only four per cent (n=6) result from formal magistrate court or residential tenancy tribunal orders.
- Thirty-two per cent (n=47) of tenants reported they left their tenancy prior to any formal action by their landlords due to dispute and expected eviction.
- Forty-four per cent (n=64) of tenants reported that they left their tenancy on receipt of a formal request to vacate.
- The main reason for eviction, common to private and public tenancies, is 'rent arrears' (45 per cent, n=103 of evictions). 'Complaints from neighbours' (15 per cent, n=35 of evictions) and 'property not maintained' (13 per cent, n=29 of evictions) are less prevalent reasons.
- Post eviction, the percentage of people receiving income support rises from 70 to 90 per cent and the percentage living in public housing rises from 10 to 15 percent.

*Based on interviews with 143 people evicted from public and private rental tenancies in South Australia, Tasmania and Victoria, this study by **Andrew Beer, Michele Slatter, Jo Baulderstone** and **Daphne Habibis** from the AHURI Southern Research Centre, identifies those groups at risk of eviction, the causes and outcomes of eviction, and the nature of the eviction process.*



Australian Housing and Urban Research Institute

www.ahuri.edu.au

CONTEXT

Evictions are an important but under-studied feature of the Australian housing market. It is estimated that there are 1,000 bailiff-assisted evictions each year in South Australia and 6,000 evictions occurring when the tenant leaves prior to the bailiff enforcing a possession order. Extrapolated nationally, there are 12,000 bailiff or police assisted evictions and 80,000 to 100,000 evictions each year in Australia. Landlords initiate the majority of evictions because of rent arrears, although eviction proceedings can be initiated for reasons such as damage to the property and disrupting the neighbourhood.

METHODOLOGY

To capture the prevalence of both bailiff and police assisted evictions and tenants vacating prior to formal eviction processes, 'evictions' is defined in the research as situations in which tenants leave in response to their landlord obtaining a formal order of possession against them, and situations in which tenants leave in anticipation of their landlord obtaining or enforcing a possession order.

Data was collected from face-to-face interviews with 143 evictees in South Australia (50 interviews), Tasmania (46 interviews) and Victoria (47 interviews). At the time of interview: four respondents (3 per cent) were in the process of eviction, 47 (32 per cent) had been evicted within the previous six months, and 49 (34 per cent) had been evicted between seven months and two years ago. The remaining 49 respondents (33 per cent) were evicted more than two years ago.

Data collection took place in 2004 starting in South Australia as a pilot recruitment of evictees. The study was extended to Victoria and Tasmania in the second half of the year. The interview sample was drawn through social support agencies who provided assistance to evictees and by 'snowballing', whereby interviewees referred the researchers to other potential respondents. The sample is not representative of the broader population of public and private tenants, and the experiences of these respondents may not be typical of all evictees and all circumstances surrounding eviction. While the respondents' views reflect their own subjective position, they are an invaluable insight into the causes and outcomes of evictions.

FINDINGS

Groups 'at risk' of eviction

Single people living alone (33 per cent), shared households (20 per cent), sole parents (16 per cent) and couples with children (16 per cent) are vulnerable to eviction. The vast majority of evictees were on a low-income and concentrated in the low rent end of the housing market at the time of their eviction.

At the time of their eviction eight per cent of those interviewed were in full-time paid employment and seven per cent were in part time employment. Twenty four per cent were unemployed and 49 per cent were not in the labour force. Consequently, most evictees relied upon government support for their income and by the time of the interview, almost 90 per cent of the evictees stated that they relied upon government financial assistance. Approximately half of all participants in the study stated that they received supplementary government payments such as Family Benefit and Commonwealth Rent Assistance.

A number of respondents experienced eviction while suffering mental illness. The interview data suggest that violence, anger management problems or anti-social behaviour irrespective of their underlying cause were particularly likely to lead to eviction from situations of multiple-occupation, such as boarding houses and shared accommodation. In some evictions substance abuse compromised the physical or mental capacity of tenants to manage their accommodation, though some participants mentioned damage to premises arising when disputes about delivery or payment for drugs got out of hand. The expense of drugs was also recognised by some as compromising rent payments.

Reasons for eviction

Failure to pay rent and the accumulation of rent arrears was the key reason for evictions. This applied to both public and private tenants with private tenants at 49 per cent and public tenants at 36 per cent.

A third of private tenants (32 per cent, n=53) cited 'other/don't know' as the primary reason for eviction. Ten per cent reported failure to maintain the property and nine per cent reported complaints from the neighbours.

Failure to maintain the property was also a key reason for the eviction of public tenants at 36 per cent, while 25 per cent indicated that it was due to complaints from the neighbours.

Shared housing arrangements tended to be unstable and added to the risk of tenancy failure and eviction. Respondents reported evictions stemming from housemates' failure to contribute or deliver rent payments, damage from housemates' guests, and complaints from neighbours due to others' behaviour.

Twenty per cent of respondents also reported that alleged inappropriate behaviour by some private landlords contributed to their decision to leave once eviction proceedings had commenced.

Life events such as the death of a partner or carer, relationship breakdown, and domestic violence triggered many of the evictions. Often without effective support networks, some respondents turned to alcohol or drugs or experienced depression or other mental illness, which in turn compromised their tenancy.

The eviction process

Evictions generally took place before formal action commenced. Those at risk of eviction tended to move out quickly and early on in the process, with 32 per cent leaving their tenancy after a dispute with the landlord and the resulting implication was that they were to be evicted. Forty-four per cent of respondents were 'proceedings shy', leaving when a formal request to vacate had been served.

Evictees do not seek advice, information, support, or advocacy to defend their housing. Nor do they contact the landlord/manager to discuss the situation before it escalates further. In addition, evictees do not make use of formal dispute resolution procedures to resolve the immediate tenancy issue. Concerns were raised by respondents about the behaviour of some landlords and their failure to adhere to legal rights and responsibilities, such as not maintaining the property, not providing receipts for rent payments, and acting inappropriately towards tenants' possessions.

Outcomes of eviction

Immediately after eviction 30 per cent of respondents looked to friends and relatives for short-term accommodation and then moved on to other housing. Post eviction, people were less likely to be housed in the private rental market – down to 25 per cent of respondents at the time of interview from 55 per cent at the time of eviction. They were more likely to be housed in the public rental sector, up from 10 per cent at the time of eviction to 15 per cent at the time of interview.

Approximately 70 per cent of the evictees interviewed were on a government-provided statutory income prior to eviction and this figure rose to 90 per cent post eviction. This was largely due to a reduction in the number of respondents who received a salary, owned their own business or relied on a spouse's income.

A further consequence of eviction was that evictees often lost their furniture and other chattels and frequently needed to call upon welfare services to help them establish new tenancies. In some instances they experienced relationship breakdown, disruption of children's schooling, and the loss of dependent children into care facilities.

POLICY IMPLICATIONS

A reduction in the prevalence of evictions would mean fewer tenants are exposed to precarious housing circumstances, as is currently the case for respondents who reported becoming homeless immediately after eviction. Ultimately such a reduction would also lead to less demand on government income support and housing assistance.

As the majority of people evicted are income support recipients, there is an opportunity for Centrelink offices to provide training to help people better manage their budgets and tenancies. The provision of advice and training on budgeting, life skills, tenancy rights and generally managing a tenancy, would benefit tenants and assist in reducing evictions.

Alternate ways to deliver advice and information on rights and responsibilities require consideration with many evictees not seeking advice, information, support, or advocacy when eviction proceedings commence. Well-publicised phone services; information at Centrelink

offices, and information from support workers could enhance tenants' capacity. The provision of information about rights and responsibilities equally applies to landlords and real estate agents with regard to property maintenance, payment receipts, appropriate notice, and the security of tenants' possessions.

FURTHER INFORMATION

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

This bulletin is based upon AHURI Project 40192, *Evictions and Housing Management*. Reports from this Project are available on the AHURI website (www.ahuri.edu.au)

Documents available:

- Discussion Papers
- Final Report

Or contact the AHURI National Office on +61 3 9660 2300.



Australian Housing and Urban Research Institute

www.ahuri.edu.au

HEAD OFFICE Level 1, 114 Flinders Street Melbourne Victoria 3000 TELEPHONE +61 3 9660 2300
FACSIMILE +61 3 9663 5488 EMAIL information@ahuri.edu.au WEB www.ahuri.edu.au

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

DISCLAIMER The opinions in this publication reflect the results of a research study and do not necessarily reflect the views of AHURI Ltd, its Board or its funding organisations. No responsibility is accepted by AHURI Ltd or its Board or its funders for the accuracy or omission of any statement, opinion, advice or information in this publication.