

**The struggle to belong
Dealing with diversity in the 21st century urban
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**Human rights, social justice and housing: the case of
Australia**

Alan Morris

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**School of Social Sciences and International Studies, University of New
South Wales, Sydney, Australia, 2052**

a.morris@unsw.edu.au

The lack of a right to housing and its implications in Australia

Abstract

In this paper I argue that a rights based discourse has the potential to be empowering. A key feature of social justice and the right to the city is that all citizens should have the right to adequate and affordable housing. An important aspect of my argument is that the right to housing is not restricted to having accommodation but means having access to affordable and adequate housing and acceptable security of tenure. If we accept this definition then a substantial proportion of Australia's population does not have a right to housing. This paper briefly sets out the international conventions on the right to housing. It then outlines the policies that historically have contributed to the right to housing in Australia being limited. I then talk about the impact of not having a right to housing. Drawing on in-depth interviews with older private and public renters I show how not having a right to housing can have a profound impact on older renters' disposition and life circumstances. The paper concludes by assessing whether the most recent housing policy initiatives represent a substantial shift in the right to housing.

Introduction

A central feature of any just city is a housing market that gives all citizens the possibility of residing in adequate, affordable and secure accommodation. Drawing on the work of Sen and Nussbaum, it can be argued that this access provides a fundamental foundation for individuals to enhance and extend their capabilities (Sen, 1999; Nussbaum, 2000). Over the second half of the twentieth century, especially in the advanced economies, social rights that historically have been viewed as the preserve of the few have become universal. Although there are dramatic variations in quality, quantity and conditionality, in the contemporary period almost all advanced economies have an extensive social security system, public health system and free public schooling until year 12. Although the right to aspects of the social security system is increasingly conditional and defined as a privilege rather than a right, in these countries it is accepted that citizens who are not in the workforce and do not have a source of income are entitled to income support from government for a period of time or constantly (Castles, 2006; Kemeny, 2001).

These advances in social rights do not usually extend to the notion that all citizens should have the right to adequate and affordable housing. This is viewed as an unrealistic demand, particularly in those countries which Esping-Andersen has categorised as 'liberal welfare regimes'. Kemeny (2001) argues that, while health, education and social security are universal and generally paid for by

government through taxation, this has never been the case with housing. Torgersen (1987) refers to housing as the 'wobbly pillar' of the welfare state. In the United States, Hartman (1998: 223) concludes that, 'Publishing a paper advocating a right or entitlement to decent, affordable housing ... could well be regarded as futile, quixotic, even bizarre'.

In Australia, although a substantial amount has been written on the right to housing (HREOC, 2008; McRae and Nicholson, 2004; Otto and Lynch, 2004; Sackville, 2004; Walsh and Klease, 2004), much of this literature has a narrow definition of the right to housing and focuses mainly on homelessness. What I argue in this paper is that the right to housing implies that all households should have the right to affordable and adequate housing and firm security of tenure. Using this definition, as will be illustrated, a substantial proportion of Australian households do not have a right to housing and this has very negative consequences for the households concerned.

The following section outlines the international instruments relating to the right to housing. Housing affordability, security of tenure and adequate housing are then defined. The situation in respect to the right to housing in Australia is then explored by briefly sketching the features of housing policy from the mid-1980s to 2007. I then explore the impacts of a limited right to housing. This examination draws on in-depth interviews I conducted with older (65 plus) renters in social housing and in the private rental market. The paper concludes by evaluating whether contemporary housing policy in Australia represents a shift towards a right to housing.

Housing as a right in international conventions

Numerous international conventions implicitly or explicitly view affordable, adequate and secure housing as a right. The *Universal Declaration of Human Rights* states, 'Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care.' In 1991, the Committee that has the responsibility of monitoring and implementing the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* elaborated on what defines a right to housing with the passing of *General Comment No. 4*. The opening paragraph of this Comment declares, 'The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights' (United Nations, 1991). A key conclusion is that the right to housing extends beyond merely having a roof over one's head ... Rather it should be seen as the right to live somewhere in security, peace and dignity ... [and] the right to housing should be ensured to all persons irrespective of income or access to economic resources.

A primary argument is that housing should be adequate. Adequacy has a number of components:

Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost.

Noteworthy is that affordability is viewed as a fundamental component of adequacy:

Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs (United Nations, 1991).

Security of tenure is also viewed as a central feature of adequate housing: 'All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats' (United Nations, 1997).

As will be illustrated, in Australia housing affordability and inadequate security of tenure are major issues for a large proportion of low-income households.

Defining housing affordability and security of tenure

What defines affordable housing, and adequate security of tenure is contestable. In Australia, in the case of low-income households (defined as households in the bottom 40 per cent of the equivalent disposable income distribution), there is broad agreement that housing is not affordable when it consumes more than 30 per cent of household income (National Housing Strategy, 1992).

What constitutes an adequate security of tenure varies substantially depending on context. The UN definition which emphasises protection against forced eviction is limited as it does not take account of the more subtle pressures which may be placed on renters in the private rental market. A key aspect of security of tenure, as will be discussed in a later section, is whether tenants are protected from untenable rent increases and other pressures once the written agreement (lease) ends.

For low-income homeowners security of tenure can also be precarious. The high price of housing means that many of these households are having to devote a

considerable proportion of their income to mortgage debt repayments. Interest rate rises and other unforeseen expenses can result in them being forced to sell.

A brief historical outline of housing policy and the right to housing in Australia

The International Conventions suggest that a primary measure of a government's commitment to a right to housing is the degree to which it creates conditions that give low-income households access to affordable and adequate housing.

Subsidies for first-time home-buyers, low interest rates, rent control, subsidisation of rents and the provision of social housing are the most common methods used. In regards to the right to housing in Australia four broad periods can be identified – 1945-1983; 1983-1996 and 1996 to 2007 and 2008 to the present. The first three are briefly discussed in turn. The contemporary period is examined in a later section.

The laissez-faire era - 1945 to 1983

During this period the focus of housing policy was to facilitate access to homeownership. From the early 1950s full employment, high wages, tax concessions, easy access to loans and low interest rates meant that a large proportion of the Australian population were able to purchase a home. By 1966, 71 per cent of Australian households were homeowners, one of the highest rates in the world (Beer, 1993). Other than during 1972-1975 period, when the Labor government increased state intervention and funding for housing, the period up until the reelection of the Labor government in 1983 was characterised by a 'laissez-faire philosophy which believed in leaving the fate of the cities to the free play of market forces ... especially in the housing and property markets' (Sandercock and Berry, 1983: 61).

Despite the high rate of economic growth and full employment, there were households that were not able to purchase a home. For these low-income households there was some possibility of accessing public housing. In the decade after 1945 the provision of public housing was viewed as a priority and between 1945 and 1956 about 120,000 public housing dwellings were built (Beer, 1993). The expansion of public housing slowed down in the mid-1950s, due mainly to a perception within the federal and state governments that it was too expensive and that homeownership and the private rental market were better options. The right to housing in this period was clearly not a priority.

Mixed messages: The Labor Party era 1983-1996

The newly elected Australian Labor Party (ALP) government recognised that the rise in inflation and unemployment meant that an increasing proportion of low-income households were not able to purchase their own home and could not afford the rents in the private rental market. Within three years the budget for

public housing more than doubled and between 1985 and 1995 the number of public housing dwellings increased by about 115,000, from approximately 273,000 dwellings to 388,600 or around seven per cent of the housing stock (McIntosh, 1997).

In the late 1980s there was a dramatic change in government policy for low-income households. Expenditure on rent assistance escalated substantially, increasing from approximately one quarter of the amount spent on public housing to approximately one and a half times the expenditure on public housing by 1994–95 (McIntosh and Phillips, 2001). The number of rent assistance recipients nearly doubled - increasing from 491,000 in 1984-85 to 931,500 in 1994-95 (Wulff, 2000). This was accompanied by a significant increase in rent assistance payments (Yates, 1997). The massive increase in the rent assistance budget and the increasing reluctance to fund public housing, appeared to be driven by a perception within government that giving assistance directly to low-income households so that they could access the private rental market was a more effective policy option than building more public housing (Industry Commission, 1993; Wilkinson, 2005). In 1995, the prime minister, Paul Keating, made this sentiment explicit when he stated that the way to 'reduce the public housing waiting lists [is] by improving the scope for people to choose private rental accommodation' (in Wilkinson, 2005: 25). From a right to housing perspective, the problem was that the increased emphasis on rent assistance did not mean that low-income households could comfortably enter the private rental market. Especially in the metropolitan areas a substantial proportion of low-income households found that in spite of rent assistance, the rent was an enormous financial burden. The maximum rent assistance available was not adequate, especially in the tight rental markets in the capital cities.

Housing in the Coalition government era, 1996-2007

The conservative Liberal-National Coalition government that regained power in 1996 was unambiguously in favour of increasing the role of the market and cutting government spending on public housing. The right to housing came under increasing attack. The budget for public housing plummeted – falling, in 2000-1 dollar values, from \$1643.5 million in 1995-96 to \$1229.6 million in 2002-03 (ACOSS, 2002). The total public housing stock decreased from about 388,000 dwellings in 1995 to 335,000 in June 2005 and was sold off to tenants or developers and, in some cases, demolished (AIHW, 2005; Arthurson, 2004; McIntosh 1997).

The attack on public housing was accompanied by a continued emphasis on rent assistance, however the maximum rent assistance available remained modest. In the ten years to 2003-04, federal government spending on rent assistance increased by only seven percent in real terms. A major limitation of rent assistance is that the strength of the rental market in a particular locality has no bearing on the rent assistance paid. Thus, despite Sydney being the most

expensive rental market in Australia, private renters in Sydney are eligible for the same maximum rent assistance as are renters in regional areas where the average rent is far lower.

The emphasis was overwhelmingly on facilitating home-ownership. From the 1 July 2000, the government offered a \$7000 grant to first time home buyers and, by mid-2004, about 550,000 households had taken advantage of the scheme, at a cost of \$4.3 billion to government, about double the amount budgeted for rent assistance (Wilkinson, 2005). The grant was, however, dwarfed by the increase in housing prices; between 1997 and 2003 the median house price in Australia rose by 190 per cent from \$191,100 to \$367,000. In the same period, wages rose by 120 per cent (Wilkinson, 2005). This substantial increase in housing prices meant that for low-income households, the first time home buyers grant did little to dissipate housing stress.

This brief historical survey indicates that the right to housing historically has been poorly developed in Australia; there has never been a concerted endeavour to ensure that all citizens have the capacity to access adequate and affordable housing.

The impacts of a limited right to housing

Homelessness, a spiralling housing affordability crisis and limited security of tenure are three evident legacies of the limited right to housing. A less obvious impact is the effect of housing stress on the physical and mental health and everyday life of low-income households. These four impacts are discussed in turn.

Homelessness

The most dramatic consequence of not having a right to housing is homelessness. On Census night in 2006, approximately 1 in 200 Australians, 104,667 people, were labelled homeless; 16,375 were categorised as victims of 'primary homelessness' (having no access to conventional accommodation), 66,714 were experiencing 'secondary homelessness' (defined as being dependent on temporary accommodation) and 21,596 were experiencing 'tertiary homelessness' (having been resident in a boarding house for longer than 13 weeks) (Chamberlain and Mackenzie, 2008). In addition, in 2006-07, 1 out of every 110 Australians received support from the Supported Accommodation Assistance Program (SAAP). This represented a total of 187,900 people of whom 118,800 were adults and 69,100 were children (AIHW, 2008). SAAP is emergency accommodation (generally short-term) and services for people who have no alternative accommodation. While some homelessness is a result of domestic violence and mental health issues, it is increasingly due to households not being able to find affordable accommodation (Morris *et al*, 2005).

A spiralling housing affordability crisis

In 2007 over 1.1 million Australian households representing about 15 per cent of all Australian households were suffering from housing stress, i.e. they were using more than thirty per cent of their disposable income to pay for accommodation (Shelter NSW, 2011). A key contributor to the increased incidence of housing stress has been the increase in the cost of housing. The household income required to buy a median priced first home more than doubled between 1984 and 2006 (Yates and Milligan, 2007). The increasing cost of housing has meant that close to half of low-income purchasers are in mortgage stress - using more than 30 per cent of their income to service the mortgage (COAG, 2010). The global financial crisis and increasing unemployment and part-time employment has increased the precarious situation of many purchasers. A nation-wide survey of house sellers in 2009 conducted by the Real Estate Institute, found that 28 per cent gave the global financial crisis as their main reason for selling (*Herald Sun*, 2009).

Another group severely affected by housing stress are low-income households in the private rental market. It has been estimated that 47.5 per cent of all low-income households in this tenure are suffering from housing stress (Shelter NSW, 2011). The cost of housing combined with the decline in the availability of public housing, has meant that an increasing proportion of low-income households are being forced to depend on the private rental market for extended periods or permanently.

A major concern is that rent assistance provided by government is not keeping up with rent increases. Thus, between 2000 and 2005 (the most recent comparative data available) nationally rents in the private rental market rose by an average of \$64 per fortnight, whereas rent assistance in this period increased by an average of \$18 (AIHW, 2007). Rent assistance, whilst dissipating the impact of having to rent in the private rental market, does not resolve the affordability crisis that many low-income private renters face. This is especially true for the metropolitan areas. Thus, in the Sydney statistical district, in March 2011 the median rent for a one-bedroomed apartment in Sydney was \$390 a week; in Sydney's inner-ring it was \$440; in the middle ring it was \$340 and in the outer ring it was \$260 (NSW DoH, 2011). An age pensioner dependent solely on income support from government (the age pension, \$336 a week, and rent assistance, \$56 a week), living in a one-bedroomed apartment in outer Sydney and paying the median rent of \$260 a week, would have to use about two thirds of their income for accommodation. A single person dependent on unemployment benefits (\$234 a week) and rent assistance for their income would have \$30 left after paying the median rent for a one-bedroomed apartment in Sydney's outer suburbs and would be using about 90 per cent of their income for rent.

Minimal security of tenure

Renters in the private rental market have negligible security of tenure. They usually have a six-month or, at most, a twelve-month written agreement (lease). When the lease ends the landlord is entitled to increase the rent by whatever margin s/he feels is reasonable. A tenant can appeal to the *Consumer, Trader & Tenancy Tribunal* if they feel that the increase is not justified, however appeals are rarely successful. If the landlord wants the tenant to vacate, the only requirement is that they give the tenant two months' written notice once the fixed-term lease has ended.

In contrast to the private rental market, rents in the public housing sector are controlled and affordable. In New South Wales, public housing rents are set at a maximum of 25 per cent of household income (NSW Government, 2008). Public housing tenants also have substantial security of tenure. In New South Wales, post-October 2006, new tenants are given two, five or ten-year leases depending on their situation. Thus, new tenants who are 65 plus are given a ten-year lease which is extended as long as the tenancy agreement is adhered to (NSW Government, 2008). In almost all cases, as long as the tenant does not transgress the tenancy agreement and their income remains low, their lease will be renewed. What is evident is that in contrast to renters in the private rental market, public housing tenants have clear and strong rights. The rents they have to pay are predictable and manageable and they have security of tenure as long as they pay their rent and do not engage in activities that transgress their lease agreement.

A proportion of low-income homeowners also have minimal security of tenure and are constantly anxious about having the means to service their mortgage. Burke and Pinnegar (2007) found that about ten per cent of their sample of a large nation-wide postal survey of recent purchasers had missed at least one mortgage payment in the past year. A major concern of respondents was the possibility of their working situation changing resulting in a loss of income and an inability to service what were often 100 per cent mortgages.

Housing stress, insecurity and health

The relationship between poor housing conditions and health has been well-documented. The impact of damp, mould, cold, overcrowding and general disrepair has been noted in numerous studies (Best, 1999; Hyndman, 1998). However, the impact of housing stress and minimal security of tenure is less direct and explicit and has not received the same level of attention. In their study of marginal homeowners in the United Kingdom, Burrows and Nettleton (1998) found that the financial stress associated with marginal homeownership is a serious health issue. Drawing on data from the British Household Panel Survey they conclude, 'the experience of the onset of mortgage indebtedness is associated with changes in the subjective wellbeing of men and women, and that

it increases the likelihood that men in particular will visit their GPs' (Burrows and Nettleton, 1998: 743).

A major difficulty when examining the links between housing and health is establishing whether it is an individual's housing situation or their personal histories and/or work situations which are the primary contributors to their mental and physical health status. In one of the few Australian studies that has endeavoured to explore housing insecurity and wellbeing, Hulse and Saugeres (2008: 2) concluded 'The most striking finding was the incidence of mental health problems experienced by those interviewed ... with many respondents suffering from anxiety disorders and depression ...' The interviewees were public and private renters who were not working at all or working only a few hours a week. The researchers found that 'housing insecurity affected social participation. In particular, mobility, housing instability and a lack of belonging provided obstacles to social connectedness' (Hulse and Saugeres, 2008: 3).

Drawing on the Australian Bureau of Statistics 1995 National Health Survey, Waters (2001) also found that renters were vulnerable - 'renters were significantly more likely than outright owners to report that their health status was poor or fair' and were also significantly more likely to have visited a doctor in the last two weeks and in the last year. They were also more likely to have reported a higher number of serious health conditions than owners. Purchasers (households with a mortgage) were also more likely to have had a significantly higher average number of serious health conditions than outright owners.

In my own research, comparing older renters (aged 65 plus) in public housing to those in the private rental market, substantial differences in the perceived health status, general disposition and opportunities of the two groupings have been revealed.¹ Almost all of the older public housing tenants and those living in subsidised accommodation had a positive disposition, strong social networks, felt settled and in control of their situation and were positive about the future. In contrast, the majority of older private renters found everyday living extremely difficult. Most were beset with anxiety about their financial situation, were

¹ In-depth, semi-structured interviews were conducted with 56 older renters – 18 were renting in the private rental market, 33 were in public housing and five were in community housing. Most of the interviews were conducted between 2005 and 2009. A primary aim of the interviews was to explore the life circumstances of older public and private renters and the impact of their housing tenure on their everyday lives. Interviewees were recruited through advertisements in seniors' publications, appropriate notice-boards and through word of mouth. The 18 private renters interviewed were aged between 65 and 75. Ten were female and eight were male. Only four of the private renters had been in the accommodation they were renting at the time of the interview for more than three years. Of the 38 social housing tenants interviewed, ten were male and 28 were female. Their ages ranged from 65 to 91. For all of the older private renters interviewed, except for one interviewee who was residing in a boarding house, their rent accounted for at least half of their income. The four interviewees who were paying \$200 or more a week were using up to seventy per cent or more of their income to pay for accommodation.

constantly preoccupied with what they would do if their rent was increased, if they were forced to move or if they had a large, unexpected expense. They generally experienced severe capability deprivation. In contrast, the capabilities of the older public housing tenants interviewed were extensive as were their functionings. They were engaged in a range of activities and felt in control. The following extracts capture some of the dynamics mentioned.

Richard² (75), who had been living in his public housing unit for about 20 years, told of how his strong security of tenure and ability to afford the rent, influenced his general disposition:

There is a certain feeling of security when you've got the Department of Housing [as a landlord] ... [Private] landlords can always put up their rent and I found that the government is the best landlord that I've ever had. They're very responsive. They leave you alone and as long as you pay the rent, they don't interfere ... I do feel that there is a terrific lot of security here. It makes for a far more peaceful life especially when you get older. When people get older, as you know, they sort of become easily stressed and the accommodation is probably at the top of the list where you live and so on ... When you know your accommodation is right, this is especially when you're older you can pursue other interests. You're more relaxed and I do feel, I really feel you're in for a longer life you know. [It's a] ... nerve-wracking thing, especially if ... you don't own your own home and especially if you're in the rental market when you get older. It's a very dodgy situation.

He was adamant that having secure and affordable housing had allowed him to extend his capabilities and functionings and lead a decent life despite the age pension being his main source of income.

Valerie (70), who was in subsidised accommodation when interviewed but who had previously been in the private rental market, described how her wellbeing had been transformed once her rent dropped from \$250 to \$100 a week and she had adequate security of tenure:

I was a nervous wreck before I moved. Absolute nutter. You don't sleep. Every time you wake up you start worrying again ... I only pay \$100 a week and that stress is gone, I feel a different person I really do. ... I am so happy here ... I look upon myself as very lucky.

Similarly, Margaret (75), a public housing tenant, when asked if she was pleased to be in public housing, responded, 'I was never one to have that much, but I've always enjoyed what I've got. It's been wonderful ... The more I live here the

² All the names used are pseudonyms.

more content I feel'. An interviewee who had experienced intermittent homelessness prior to accessing public housing, described his housing in the following way: 'When I first came here 21 years ago I thought it was a little bit of heaven and that's probably an over-exaggeration but I still don't have any complaints ...' (Charles, 72). He was involved in a range of tenant support activities.

The primary problem faced by the older public housing tenants were difficult neighbours. Despite this concern, none would contemplate renting in the private rental market: 'I thought of it once or twice, but no, it's far too expensive. Far too expensive ... I'll stay where I am' (Paula, 72).

The interviews exposed the desperation and limited capabilities of many older private renters. They felt trapped in their precarious situations and the lack of a right to housing meant that they had no means of resolving their dilemma. The stress experienced was often intense and relentless. For Yvonne (70), who had managed to find a relatively cheap apartment, she was paying \$150 a week, everyday life was a constant struggle:

Things have got harder lately ... They're squeezing us. They're absolutely squeezing us. I have never felt this squeeze like this. So desperate ... And I don't know if you know, but in older people that suicide is almost as much as it is with young people. And there have been times when I've thought what is the point to life? I really have thought this can't go on.

Lynne (70) had similar sentiments. At the time of the interview she was paying \$240 a week for her cottage and was terribly concerned about her dwindling savings and the possibility of being evicted:

It's a battle that can get you down. I think I'm quite a strong reasonably intelligent woman and I do reason quite well. I think I'm fairly grounded, but it's [being a private renter] still getting the better of me ... And I don't want that to happen. I don't want to fall down in a screaming heap, for want of a better way to put it.

She was on anti-depressants and adamant that her poor mental health was due to her being a renter in the private rental market. She felt that she had no control over her present or future situation and was constantly preoccupied with what might happen to her.

Another private renter interviewed, Victoria (72), was paying \$320 a week. This represented about 90 per cent of her income. She was only able to keep going because her daughter filled her fridge every couple of weeks. At the time of the interview Victoria was not sleeping and extremely anxious about the future:

I usually ring Life Line when I feel that I want to commit suicide ... I don't sleep at all at night now, I'm so worried about it all ... I go up and down like a yo-yo. I wish I could take something to die you know what I mean ... I don't see any future. I hope I die quick but if I don't I'm sure I'm going to take something. God knows what. I don't know but I can't live like this much longer ...

All of the private renters appeared to be living in adequate accommodation. Mark (65) was the exception. Because he smoked heavily his disposable income was limited and he was forced to depend on boarding houses for his accommodation. His accommodation at the time of the interview was abysmal:

Well it's an old house that's been converted. Downstairs, what would have been four rooms is eight bedrooms. Upstairs, I'm not really sure of, but I'd say that that's probably ten rooms, maybe more and it's only partitioned ... The furniture is substandard. There's gaps in the floorboards. There's gaps in the walls ... It's exceedingly miserable and bloody cold ... but that seems to be the standard.

One of the saddest interviews was with Bob (70) who had been forced to leave Sydney's inner-west suburbs where he had lived for almost 40 years with his partner. After his partner died, his de facto step-daughter demanded a market rent and he was forced to look for alternative accommodation. After searching for close on three months he realised that he would not be able to rent in the private rental market in Sydney. The Department of Housing was not able to offer him anything. The only way he could find affordable accommodation was to move to public housing in a village three hours from Sydney.

Do the contemporary government's initiatives around housing represent a significant shift in the right to housing?

When it won back power in the federal election in November 2007, the Australian Labor Party (ALP), made housing policy and the expansion of affordable housing a priority. There was a clear commitment to improving the situation of homeless and marginally housed Australians (Australian Government, 2008a, 2008b).³ The National Affordable Housing Agreement (NAHA) that was agreed to in 2008 committed the federal and state governments to a number of measures 'including social housing; assistance to people in the private rental market; support and accommodation for people who are homeless or at risk of homelessness; and home purchase assistance ...' (COAG, 2008).

The initiatives have benefited a large number of households but the extent and depth of the housing crisis means that a considerable number of households who at present are in housing stress or crisis will not be able to escape their situation.

³ Marginally housed would be low-income households who are struggling to retain their accommodation due to their rent or mortgage consuming a large part of their household income. It also refers to households who are living in overcrowded and / or substandard accommodation.

Thus, although \$6.1 billion was allocated for public housing and about 19,000 homes have been built since 2008, this figure represents less than half of the public housing stock that has been lost in the last 15 years and less than 10 per cent of the number of households on waiting lists for public housing.⁴ The commitment to halve the number of homeless people by 2020 is also certainly a progressive step, but the achievement of that goal would mean that in ten years time over 50,000 people will still be homeless on any given night.

Although the government's commitment to bolster the public housing sector, halve the number of homeless people and allocate more funding for legal assistance for homeless people represents the beginnings of a human rights approach, there is no explicit incorporation of a human rights framework (PILCH HPLC, 2008). Homeless people will remain subject to harassment and discrimination and the federal and state governments are under no obligation to provide affordable, adequate housing for low-income households.

The remaining policy initiatives (summarised below) are orientated towards 'working households'; households solely or mainly dependent on government benefits for their income, or households living on low-incomes, especially those in the bottom two income deciles, are unlikely to benefit. A surprising policy omission is that there has been no endeavour to restructure the rent assistance policy. The maximum rent assistance a household is eligible for has barely increased and no account has been taken of the substantial differences in the rental markets across Australia. There has been no endeavour to strengthen the power of tenants by extending the length of leases or increasing their power to resist rent increases or other pressures leading to eviction after the lease ends. There has also been no mention of rent control. The balance of power remains firmly with landlords.

First Home Owners Boost (FHOB)

A substantial part of the stimulus package for housing, following the onset of the global financial crisis, went towards facilitating entry into homeownership for first time buyers. From mid- October 2008 to 30 September 2009, first time buyers of an existing dwelling were given an additional \$7000, bringing the first home owners grant to \$14,000. Those households who constructed a new house were given a total subsidy of \$21,000. The extra subsidy was scrapped at the end of 2009. Was the FHOB effective? Its critics argue that it created a housing bubble for lower priced houses and that many of the households who took advantage of the boost are already suffering from housing stress and could be in a precarious situation if interest rates continue to increase (Dart, 2009; Genworth Report, 2009). From a right to housing perspective, the FHOB was orientated towards households who are in the work-force and earning a reasonable income. It is

⁴ At the beginning of 2009, over 200,000 people were on waiting lists for public housing nation-wide (ABC, 2009).

unlikely that many households in the bottom income deciles would have been able to take advantage of the FHOB.

'First Home Saver Accounts'

The federal government's 'First Home Saver Accounts' became available in October 2008, orientated towards young couples saving for their first home. The policy provides for the creation of low tax savings accounts for young people who open special accounts geared towards purchasing their first homes (Australian Government, 2008c). For every dollar put into an account, the government contributes 17 cents. A couple who save \$5000 annually will receive a top up of \$850 (the maximum amount) from government and the interest they receive is only taxed at 15 per cent. Thus far the take up rate of FHSAs has been limited. Potential users appear to have been put off by the stringent conditions attached (Dart 2008). It is probable that only a small proportion of low-income households have been able to take advantage of this policy initiative.

The National Rental Affordability Scheme

The 'National Rental Affordability Scheme' has been presented as the key part of the government's endeavour to increase the supply of affordable housing in the private rental market. The scheme involves the federal government providing \$622.6 million over four years in order to provide 50,000 'affordable' rental properties across Australia by 2012 and 'if market demand remains strong the Government will deliver a further 50,000 from 2012 onwards' (Australian Government, 2008c). The properties are rented out at 20 per cent below market value. Developers are given an incentive (set at \$8672 in 2009) per dwelling per year for 10 years. The amount dispensed is indexed to inflation. It is a scheme that can be expected to benefit some low-income households. A major limitation is that even at 20 per cent below the market rent, these apartments are unaffordable for many households primarily or solely dependent on income support from government. The Council on the Ageing (COTA), in its assessment of the policy, concluded, 'While the goal is admirable, there is a serious risk that, even at that reduced rental threshold, many Australians – and notably older Australians, particularly age pensioners – will still not be able to afford the rent' (COTA, 2008).

Land Release

Another component of the affordable housing policy is land release – the freeing up of federal government owned land 'for housing development or community infrastructure'. At the moment it appears that most of this land will be allocated for private developments. Government owned land would be sensible spaces on which to build public housing, but there is no indication of how much of this land will be used for this purpose. Data on the amount of land that has been released is not available.

Conclusion

This paper has shown that, historically, the commitment of Australian federal governments to the right to housing has been minimal, and that housing policy over the last two decades has contributed to a housing affordability crisis and a situation where a large proportion of low-income households have inadequate security of tenure. So, if we view housing affordability and adequate security of tenure as key features of a right to housing, a substantial proportion of Australian households do not have a right to housing. This lack of a right to housing has serious implications, adversely affecting the capabilities and health of many households and diminishing their possibility of living a decent life.

Kemeny (1986, p. 276) noted that 'Once the far-reaching ramifications of housing for the whole of social structure are understood, it becomes possible to appreciate how crucial housing policy is to the viability of a welfare state'. Perhaps the housing affordability crisis is reaching a point where the government may recognise that it is in everybody's interests to move towards a right to housing. The implementation of this right will be a costly and complex exercise, requiring a considerable increase in government funding to augment the supply and accessibility of affordable housing. In addition what is required is a rethink of how low-income households in the private rental market are supported, particularly in expensive rental markets like Sydney where the maximum rent assistance available is hopelessly inadequate. Most fundamentally, what is required is a clear commitment by government to fulfilling the right to housing. This may appear to be an unrealistic possibility however this should not stop us striving for a more just city. Amartya Sen's comment is a useful rejoinder to an assessment that any move towards a rights perspective on housing is unrealistic:

The understanding that some rights are not fully realized, and may not even be fully realizable under present circumstances, does not, in itself, entail anything like the conclusion that these are, therefore, not rights at all. Rather, that understanding suggests the need to work towards changing the prevailing circumstances to make the unrealized rights realizable, and ultimately, realized (Sen, 2004: 348).

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