

NEGATIVE CLASSIFICATIONS

Presentation to Homelessness NSW conference

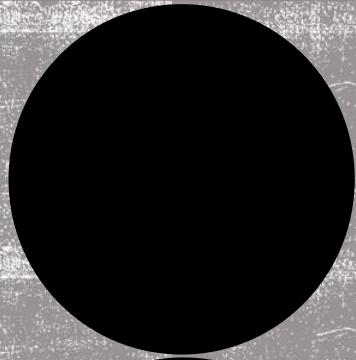
Ruby Steele, Senior Housing Solicitor Legal Aid NSW



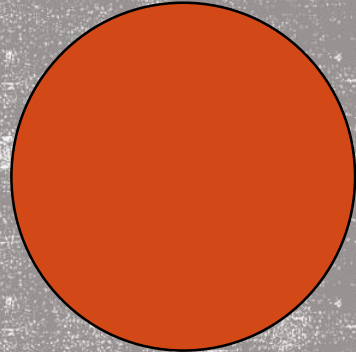
WHAT IS A NEGATIVE CLASSIFICATION?

- Applies to all former social housing tenants (and some former occupants)
- Depending on the classification, restrictions are placed on re-entry into social housing
- Applies to all properties where the landlord is a pathways provider (community housing, AHO, HNSW etc)
- Not limited in time
- Often clients are unaware of their classification
- Classification can and should be appealed

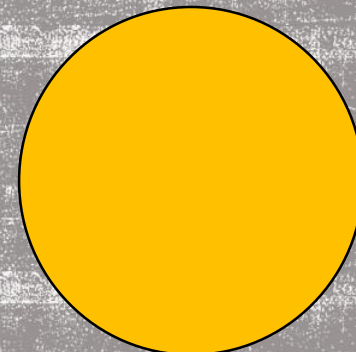




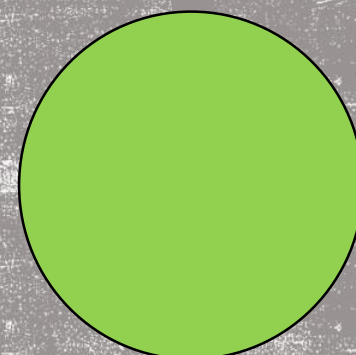
Ineligible



Unsatisfactory



**Less than
satisfactory**



Satisfactory

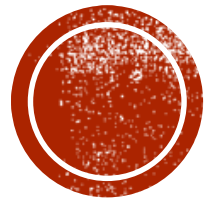


Ineligible

**Evicted for anti-social
behaviour**

**Not eligible to re-enter
social housing except in
special circumstances**





CASE STUDY

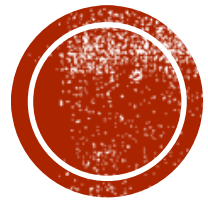
Molly

Unsatisfactory

Evicted for breach

Not eligible to re-enter social housing until you have rented for 6 months





CASE STUDY

Jean

Less than satisfactory

Owe more than \$500

Application suspended for 6 months while debt repaid, then activated, but closed if payments cease

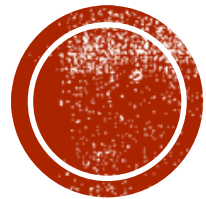




Debts must 6 years old or less

* HNSW says 12 yrs if there is a NCAT judgement. We disagree and so does HAC.
Watch this space

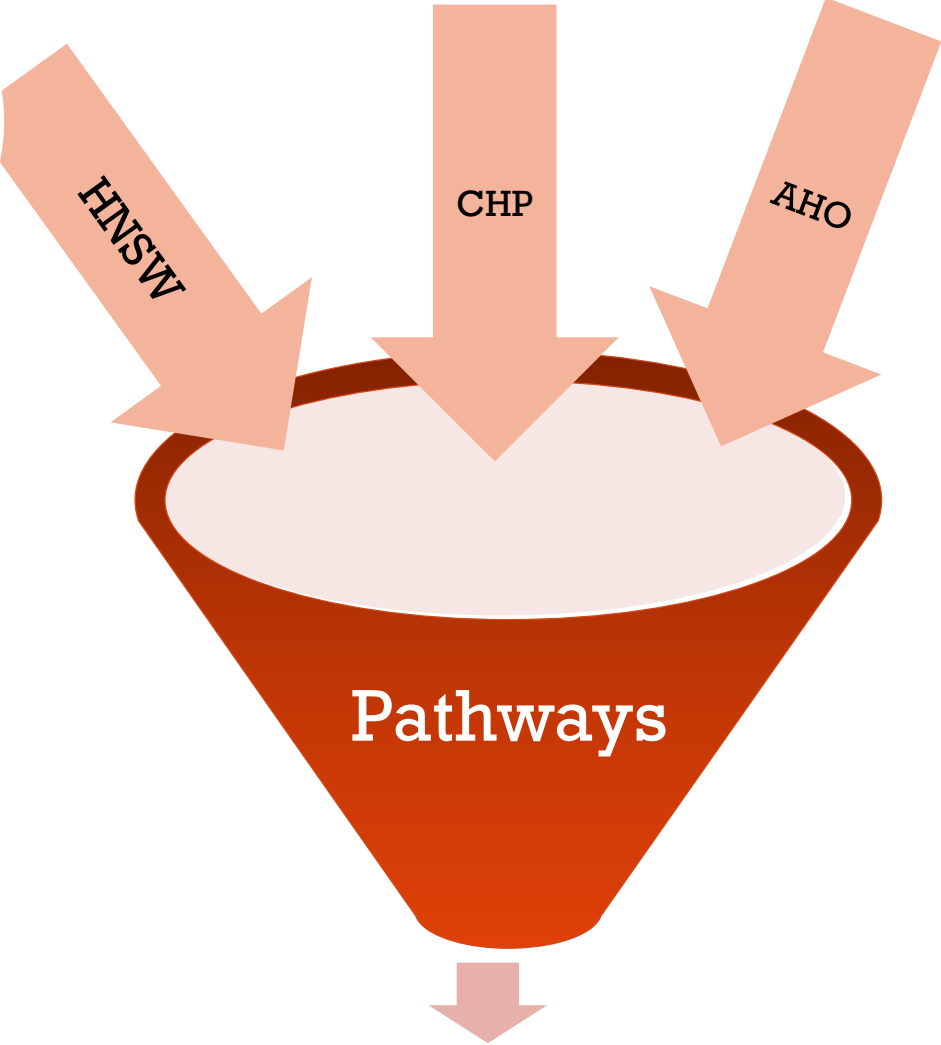




CASE STUDY

Frank

Less than
satisfactory



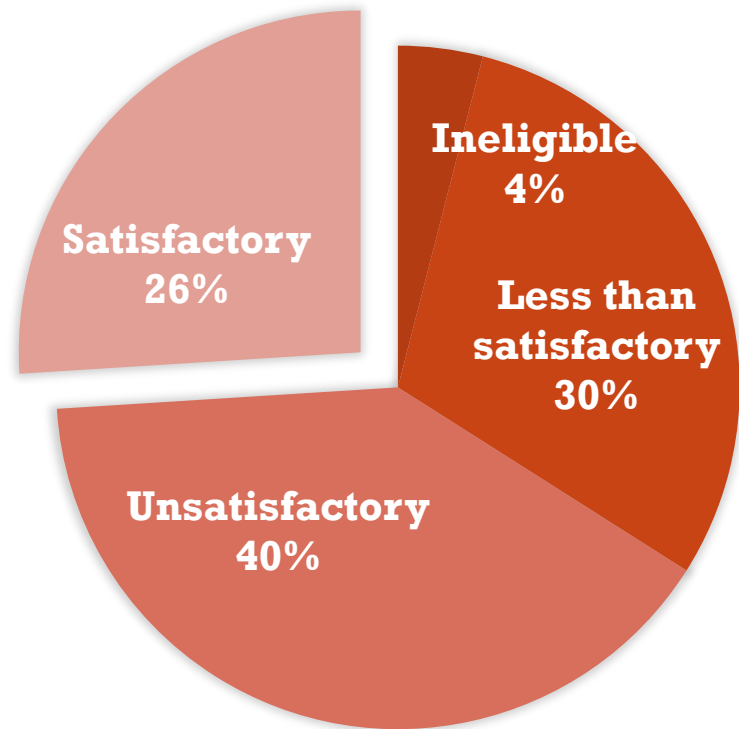
Social Housing



NEGATIVE CLASSIFICATIONS ARE COMMON

21% of the homeless people surveyed in the Nielsen study had been evicted from social housing.

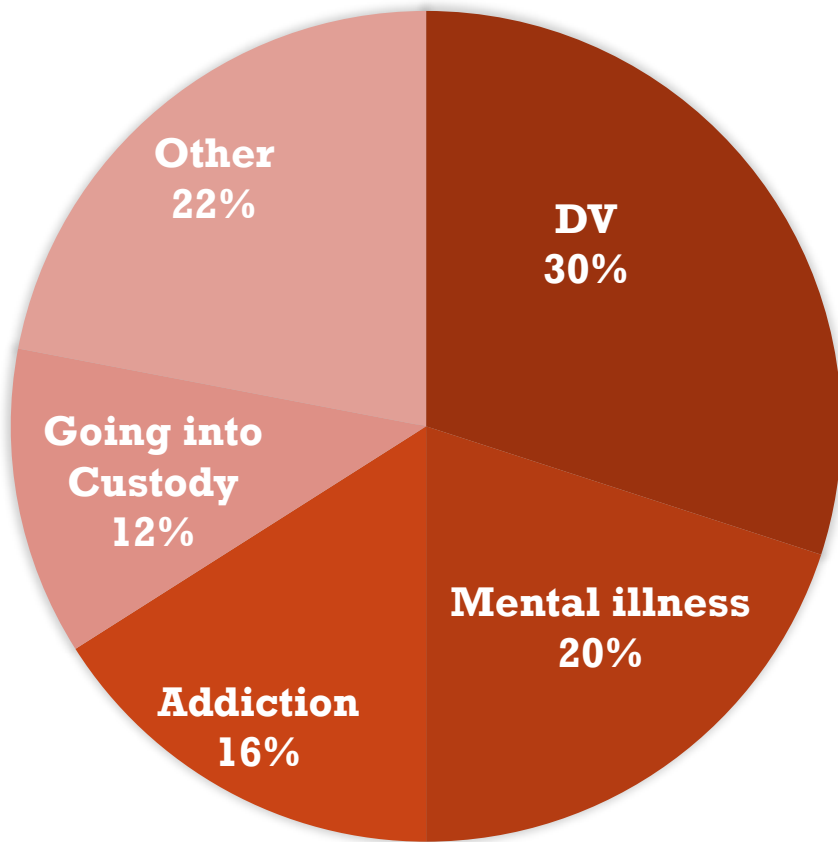
2018 Nielsen study. 2388 patients at 3 homeless clinics in inner sydney



Of the 50% of AWLC clients who were former tenants, 74% had a negative classification



THERE ARE OFTEN A RESULT OF THE CLIENTS VULNERABILITY



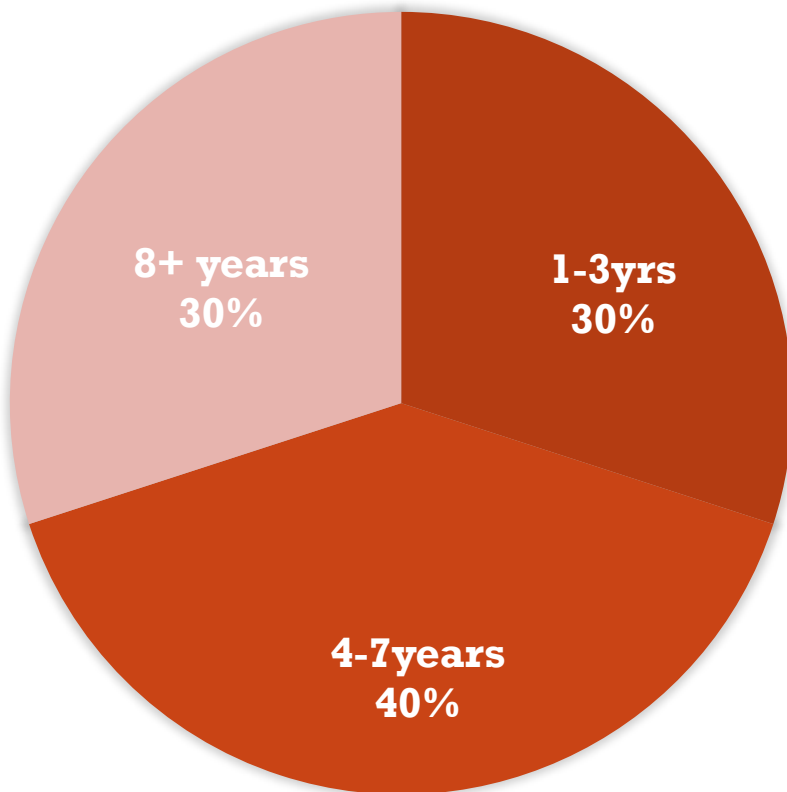
Causes of negative classifications (AWLC 2014)

67% of those evicted from social housing were on DSP. 48% had a psychotic illness.

2018 Nielssen study.



AND THEY EXCLUDE CLIENTS FROM HOUSING FOR LONG PERIODS OF TIME



91% of women with negative classifications were not on the SH register

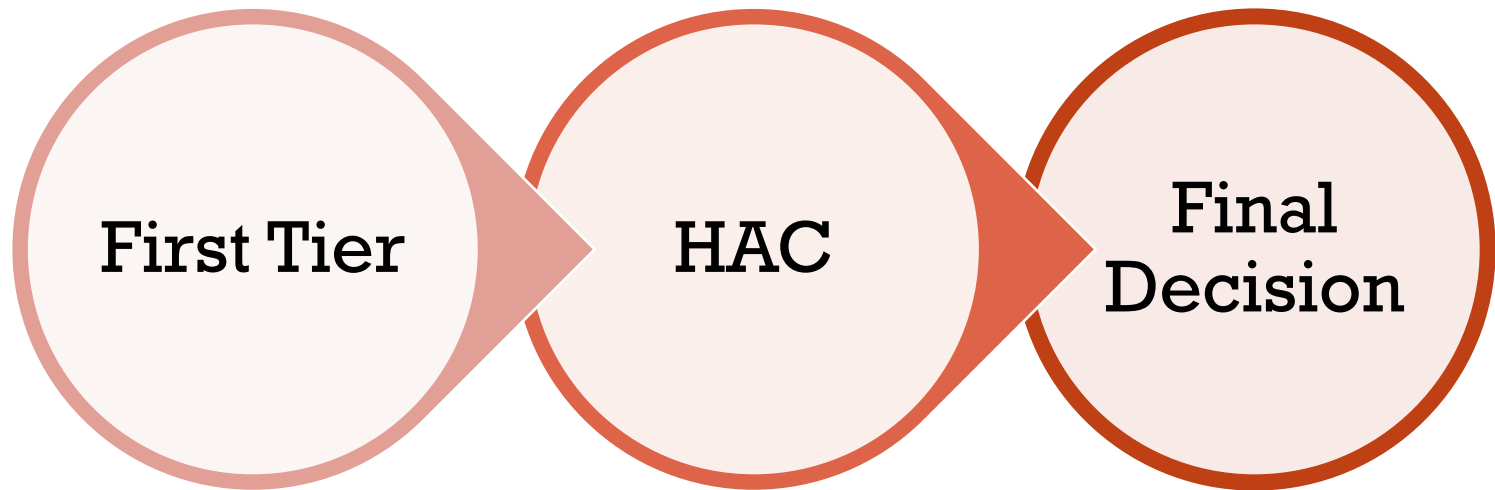


EXCLUSION FROM SOCIAL HOUSING OFTEN RESULTS IN HOMELESSNESS

I've applied for private housing. I put in a lot of forms and got nothing back because I've got no previous rental history, and it's not good enough. Being Aboriginal, people don't want to rent to you...



HOWEVER THEY CAN BE APPEALED



There is no time limit to appeal a negative classification



AND USUALLY THE APPEALS ARE SUCCESSFUL

AWLC has prevented an average of 445 years of homelessness for 75 women (an average of 6 years each).

49 women have been housed



A FINAL THOUGHT

Private tenant database (TICA)

- ✓ Limited to 3 yrs
- ✓ Can apply to NCAT if not accurate or if it is unjust
- ✓ Can only be listed for a breach
- ✓ Only applies to the tenant

Social housing tenant database

- ✗ Unlimited in time
- ✗ No independent binding review
- ✗ Breach need not be proven
- ✗ May apply to occupants

