

Geelong Legal Needs Analysis

Investigating housing issues and
legal need in Geelong

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Melbourne Office
PO Box 16013
Melbourne VIC 8007
DX 128 Melbourne
Tel +61 3 8636 4408
Fax +61 3 8636 4455

justiceconnect.org.au/homelesslaw

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Sarah Roberts

Homeless Persons' Liaison Officer

Tel 03 8636 4413

sarah.roberts@justiceconnect.org.au

Katie Ho

Lawyer

Tel 03 8636 4431

katie.ho@justiceconnect.org.au

Lucy Adams

Principal Lawyer/Manager

Tel 03 8636 4409

lucy.adams@justiceconnect.org.au

A snapshot – legal and housing need in Geelong

In 2013 Justice Connect Homeless Law undertook a confined legal needs analysis in Geelong to better understand the relationship between housing need and legal issues in the Geelong area.

In undertaking this analysis we consulted with over 40 workers from a range of specialist homelessness services in Geelong and 10 consumers of these services. We take this opportunity to thank the services, workers and consumers who shared their expertise and insights with us.

The consultations considered:

- The main causes of homelessness in the Geelong area;
- The types of legal issues that people who are homeless or at risk most commonly experience in Geelong;
- Awareness of legal services by housing workers and people who are homeless or at risk in Geelong; and
- The perceived accessibility of legal services in Geelong.

The five key findings from the needs analysis in relation to housing need, homelessness and legal need are:

- 1. Lack of affordable housing is contributing to homelessness.** There is little movement in social housing (community or public) and the private rental market is increasingly expensive. Homelessness is increasing and people are staying in the limited crisis and transitional accommodation for longer because of limited long term housing options. One service explained that a number of clients are living in tents, sleeping in squats, sleeping rough, staying in their cars or couch surfing. This was verified in interviews with consumers. Swags are offered to assist in keeping rough sleepers warm and dry when there is nowhere available for them to stay.
- 2. Family breakdown, family violence and financial hardship are major causes of homelessness.** Almost all participating agencies indicated family violence is a significant issue in Geelong, with some services seeing a steep increase in the rate of family violence referrals up to and above 50% over recent years. Seventy eight per cent of respondents to the worker online survey identified ‘family/relationship breakdown’ or ‘family violence’ as the primary cause of homelessness. Ninety four per cent of workers reported seeing clients whose tenancies were at risk because of rental arrears. Amongst consumers, financial difficulties and loss of employment were common causes of homelessness along with family violence, particularly amongst women.
- 3. Falling into homelessness from private rental is common.** Seventy per cent of consumers who were experiencing homelessness had become homeless from private rental. All were living in crisis or transitional accommodation at the time of interview. The majority had been homeless for a year or more. Where consumers owned a vehicle, they had spent at least a few nights and sometimes months, living in their vehicles due to a lack of alternative accommodation. Services also told us that clients who are presenting at homelessness services in Geelong have predominantly been living in private rental premises.
- 4. High levels of legal issues.** Eighty per cent of consumers identified at least one legal issue since becoming homeless. Three quarters of these had multiple legal issues. Overwhelmingly, housing and homelessness services identified that many of their clients have legal issues, some estimate at least 90%. The most common legal issues identified by workers were family violence, family law and criminal law and consumers identified credit and debt issues and other legal problems associated with financial hardship. Workers identified that tenancy legal problems are common, including rental arrears (seen by 94% of respondents), compliance issues, neighbourhood disputes and repair and maintenance issues.
- 5. Accessing legal services can be difficult.** Although services were aware of various organisations that provide legal advice, workers identified issues with access to and capacity of those legal services. Some mentioned a lack of clarity about which legal services to approach about different legal issues. Forty per cent of interviewed consumers indicated that they wouldn’t know where to go for legal assistance, with the remainder having some knowledge because of past engagement with legal services.

‘Two months ago, I lost my job. [We] had enough finance to keep us going ... but trying to find a job in Geelong can be pretty hard so we lost our home we were renting ... I was living in my car’

Male consumer

About Justice Connect Homeless Law

Justice Connect Homeless Law is a specialist legal service for people experiencing or at risk of homelessness. Homeless Law staff work closely with pro bono lawyers to provide legal information, advice and representation to hundreds of people experiencing or at risk of homelessness each year. Our services are outreach based and client centred, and we don't just focus on legal issues. The Homeless Law social workers and our relationships with the homelessness sector build our capacity to understand and respond to clients with a range of non-legal needs.

Our vision is to improve outcomes for our clients through the provision of holistic legal services and evidence based advocacy.

Justice Connect Homeless Law has provided legal services in Geelong since February 2010. We run a weekly legal service for people experiencing or at risk of homelessness in Geelong. Bookings can be made on 1800 606 313.

Background: Housing, homelessness and legal need

There are close to 23,000 people experiencing homelessness in Victoria.¹ In Geelong, in 2006 the Australian Bureau of Statistics (ABS) recorded 166 people experiencing homelessness and by 2011, this had increased 24% to 206 people. Geelong's outer suburbs also experienced a worrying increase in homelessness between 2006 and 2011: in Lara, the number of homeless people rose 153% to 263 people; and in South Barwon, people experiencing homelessness grew by 10% to 116 people.²

The link between homelessness and legal issues is increasingly well understood. In 2012, the Law and Justice Foundation undertook the Legal Australia-Wide Survey (LAW Survey) which included a comprehensive assessment of the legal needs of people in different types of housing. The LAW Survey found that:

- People experiencing homelessness had a significantly higher prevalence of legal problems and a greater number of problems than people in housing;
- 85% of homeless people experienced at least one legal problem, compared to 54% in basic or public housing; and
- 50.5% of those who identified as homeless experienced three or more legal problems, compared to 22.8% of those in basic/public housing, and only 15.7% in other types of housing.³

For a local picture of legal need, in 2014 Victoria Legal Aid (VLA) released a Research Brief highlighting postcodes that are emerging 'hotspots' of legal need.⁴ Nine postcodes in the top 50 were within the Greater Geelong Local Government Area (LGA). The Research Brief made the following observations about hotspots in Geelong:

- The suburbs Corio, Norlane and North Shore (postcode 3214) had the highest number of clients seeking assistance with criminal law matters in the state;
- Geelong's CBD postcode has the highest number of telephone calls to the Legal Help Service with the majority of the issues being civil law issues (debt, administrative law, property and contracts); and
- A combination of the statistics of clients in the Greater Geelong LGA and the number of people accessing VLA's telephone Legal Help Service identify Greater Geelong as an area of high legal need.

How did Homeless Law undertake the legal needs analysis?

Homeless Law's research was predominantly qualitative, focusing on worker and client perceptions of legal issues and housing need in Geelong. Data was collected using a number of methods including:

1. **Agency interviews** – interviews with senior members of staff at key housing agencies in the Geelong region.
2. **Worker online survey** – circulated across multiple agencies to ensure a broad cross-section of services.
3. **Consumer interviews** – direct conversations with individuals experiencing homelessness.

This report sets out the key findings from each of these consultations.

¹ Australia Bureau of Statistics, *Census of population and housing: estimating homelessness 2011* (12 November 2012)

<<http://abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/2049.02011?OpenDocument>>.

² Council to Homeless Persons, 'ABS Statistics show a "train line of homelessness" carving through Melbourne's South East' (8 September 2014) <<http://chp.org.au/abs-statistics-show-a-train-line-of-homelessness-carving-through-melbournes-south-east>>.

³ Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey, Law and Justice Foundation of NSW, *Legal Australia-Wide Survey: legal need in Australia* (2012); Christine Coumarelos and Julie People, 'Home is Where the Heart of Legal Need Is' (Working Paper No. 23, Law and Justice Foundation, April 2013) 1.

⁴ Lucy Andressen, Victoria Legal Aid, 'Research Brief: Hotspots of legal need' (May 2014)

<<http://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-hotspots-of-legal-need.doc>>.

Key themes from agency interviews

Homeless Law attended key housing and/or homelessness agencies and spoke with senior members of staff about housing need, homelessness and legal issues. Key themes emerging from agency interviews are summarised below.

Client circumstances

Family violence is a major issue. Almost all participating agencies indicated family violence is a significant issue in Geelong, with some services seeing a steep increase in related referrals, up to and above 50%, in recent years. Agencies, including both adult and youth, noted how intervention orders and family breakdown impact the ability of clients to maintain safe and secure housing.

Financial hardship is pervasive. Services indicated that the increase in local redundancies and changes to the Centrelink Parenting Payment have increased financial hardship.

'It did leave me with rent debts, he hadn't paid rent, I didn't know. There were lots of things ... there was damage, a couple of holes in the walls ... still to this day it scares me, I know it's coming one day ... I know I have to face it'

25 year old female, survivor of family violence

Housing types

There is a link between homelessness and private rental evictions. Services told us that clients who are presenting at homelessness services in Geelong have predominantly been living in privately rented premises.

Crisis accommodation is jammed. The combined pressures of rental affordability and the limited accessibility of public and community housing in Geelong mean people are staying in transitional housing, crisis and refuge accommodation for longer periods limiting options for the newly homeless.

'Me and my friend were sleeping in the car for a few nights ... then they told us they had a motel for a couple of nights and then after a couple of nights a room had come up [in crisis accommodation].'

Female consumer

Lack of affordable housing is contributing to homelessness. One service explained that a number of clients are living in tents, sleeping in squats, sleeping rough, staying in their cars or couch surfing. Swags are offered to assist in keeping rough sleepers warm and dry when there is nowhere available for them to stay.

Tenancy issues

Negotiation works. Thanks to a positive working relationship between many of the agencies and private or public landlords, workers indicated that tenancy disputes are often resolved in a conciliatory manner.

Tenant arrears and 'blacklisting' are common. Other identified issues were breaches, neighbour disputes and evictions due to rental arrears.

'Because I'm homeless it feels like I haven't asked for any of this, I'm being punished. That's how it feels. It's just the way life is ...'

Female family violence survivor speaking of Child Protection involvement

Legal issues

Legal need is significant. Overwhelmingly services identified that many of their clients have legal issues, some services estimate at least 90%.

Legal issues often relate to family violence. On the surface, these are criminal and family law issues but clients involved in violent relationships may also present with credit and debt issues from financial abuse and tenancy issues following a relationship breakdown (including damage and rent arrears).

Credit, debt and traffic fines are also common. Credit and debt issues feature prominently and, for younger people, pay day lenders present a problem. Public space offences are not common in Geelong but traffic and driving fines are problematic for the client group.

Legal services – accessibility and use

Workers access a range of legal services. Services have a range of potential access points for legal assistance, including a mix of local and Melbourne based services.

Access is an issue. The message from a number of services was that there are definite issues with accessing legal assistance. Changes to Victoria Legal Aid (VLA) guidelines and the capacity and eligibility requirements of other legal services mean it can be difficult for clients to get legal help in a timely manner.

Non-legal services are providing legal assistance. Whilst not giving legal advice, services indicated that they are increasingly finding themselves assisting clients to navigate the legal system in the absence of accessible advice and assistance from legal professionals.

Key themes from worker online survey

Following the agency interviews, Homeless Law developed an online survey for those working with people who are homeless or at risk. Thirty five workers completed the worker online survey, key themes are summarised below.

Homelessness

Family breakdown and family violence are major issues. Seventy eight per cent of respondents identified 'family/relationship breakdown' or 'family violence' as the primary cause of homelessness. Mental illness and alcohol and drug misuse were identified as second and financial hardship and unemployment as the third.

Limited housing options available. For homeless clients the housing options are few, and responses indicate that accessing public or private rental, community housing or even rooming houses in Geelong is difficult.

Housing, tenancy and legal issues

Tenancy problems and rent arrears are common. The most common tenancy problem (seen by 94% of respondents) is rental arrears. A significant percentage of clients also present with behavioural issues, neighbourhood disputes, repair and maintenance issues and overcrowding.

'Like I said, we've always been independent ... if we got fines we just paid them off. Now I'm in this situation, I don't know who to go to'

Male consumer

Assistance can sometimes be accessed. When seeking assistance, almost 70% of respondents indicated that they can sometimes access assistance for their clients and 32% find resolution of these issues to be relatively easy.

Legal issues are extremely common. In total, 91% of respondents saw clients with legal issues, with family violence the most common, followed by criminal and family law matters. Credit and debt and housing were grouped together at third. Infringements were the least common legal issue identified by workers. Workers indicate they are confident in identifying legal issues. However, half of the respondents indicated that an effort is then required to access legal services.

Key themes from consumer interviews

To ensure the views of consumers were captured, Homeless Law undertook 10 consumer interviews with five male and five female participants. Each participant was asked about:

- the circumstances that led to homelessness;
- their current housing situation;
- legal issues they have faced since becoming homeless; and
- the access and availability of both housing and legal services.

'My grandfather always says ... after each storm there is a rainbow. You just gotta be patient'

Male consumer

Homelessness

Falling into homelessness from private rental is common. Seventy per cent of participants had become homeless from private rental. All were living in crisis or transitional accommodation at the time of interview. The majority had been homeless for a year or more. Where consumers owned a vehicle, they had spent at least a few nights and sometimes months, living in their vehicles due to a lack of alternative accommodation.

Financial hardship and relationship breakdown are key contributors. The most common contributing factors to homelessness were financial hardship, relationship breakdown (with 3 citing family violence) and mental illness.

'I spent six weeks in the car, which was very, very tough. You couldn't cook anything ... then you had to find somewhere to park which was safe.'

Male consumer

Legal issues and accessibility

High levels of legal issues. Eighty per cent of consumers identified at least one legal issue since becoming homeless. Three quarters of the consumers had multiple legal issues.

Financial issues the most common legal concerns amongst consumers. The key legal issues identified by consumers were: credit and debt (60%), Centrelink issues (30%) and fines (30%).

Family and criminal law issues were largely absent from this sample. This may reflect reluctance on the part of family violence survivors to engage with the interviews due to safety issues, the complexity of their circumstances or the likelihood they are engaged with specialist services as opposed to the generalist homelessness service that hosted the interviews. Further, there may be reluctance to disclose criminal issues in the interview environment.

Consumers had a moderate amount of knowledge of legal services. In terms of legal assistance, 40% of consumers wouldn't know where to go for legal assistance with half of these indicating they would enquire at the court house. The remainder had some knowledge having engaged with legal services in the past.