

# Human Rights | Housing and Homelessness

## Case Study: 'Growth Strategy'



When developing a new property portfolio growth strategy, this community housing provider needed to consider the human rights of those impacted by its implementation of the strategy.

The strategy involved the divestment of older housing stock and acquisition of newer, fit-for-purpose homes to accommodate new and existing tenants. The implementation of this strategy involved some existing tenants being asked to relocate to better homes and different suburbs in some cases.

With many long-term tenants, the housing provider understood that a provider-initiated transfer would impact tenants, prompting it to consult with tenants during the process. Many tenants are happy to relocate and live in better housing however, a small number of tenants found the idea of relocating challenging.

The housing provider needed to balance the progress of their growth strategy with the disruption and impact experienced by reluctant tenants.

This fact sheet has been co-designed with a community housing provider to highlight examples of giving proper consideration to human rights in line with the *Human Rights Act 2019 (Qld)* (HRA).



### Purposeful Outcome

Be clear about the purpose of your service and clarify the outcome you are wanting to achieve in making this service decision.

Community housing provides eligible people with access to safe, appropriate, and affordable homes. Community housing provides certainty for those on low-income, allows people to develop tenancy management skills, and can be a stabilising step before households move into the private market.

There is a growing demand for social and community housing. The housing provider needed to develop a strategy that would ensure their long-term financial viability, renew their existing property portfolio, and allow them to reduce maintenance and future upgrade costs while improving the quality of housing provided to tenants. This strategy would also see the housing provider increase the number of dwellings that could be made available to people on the social housing register.



### Identify Rights

Identify the human rights of all people involved in the situation and understand how they will be impacted by the decision.

Of the 23 rights protected in the *Human Rights Act 2019 (Qld)* (HRA) the following were engaged in the situation:

#### Recognition and equality before the law

Community housing tenants have the right to equal access to government services. The lack of available social and community housing dwellings severely impacts the rights of those on the social housing register who remain living in homelessness, or who at risk of homelessness.

The growth strategy upholds this right, ensuring existing tenants continue to be accommodated in community housing dwellings, despite the inconvenience and stress involved in relocating to a new home.

#### Freedom of movement

Existing tenants have the right to freedom of movement and to choose where they live. Within the provision of community housing, attempts can be made to accommodate transfers or provide a choice on location. However, the practical limitations of the sector mean that people do not have the option to choose the dwelling or precise location. Access to choice is limited by the availability of resources and the high demand for services.

## Protection from cruel, inhuman and degrading treatment, right to life and right to liberty and security of person

Living in primary homelessness is inhuman and degrading. It increases a person's vulnerability to protect their own safety and security, and it severely impacts their life expectancy. Increasing the supply of community housing would enable more people to be moved out of homelessness and be given a chance to fulfill their human rights.

## Privacy and reputation

Living in a situation of homelessness will impact upon a person's right to privacy and reputation. When sleeping rough, a person will be visible to others at all times. Even living temporarily with family or friends will see an impact to the privacy and rights of a person and those who live with them. Having a private home affords people on the social housing register the right to privacy.

Existing tenants will be impacted (to various degrees) by the necessity to move. Their freedom of movement could be impacted if they do not wish to leave their current dwelling, but their access to community housing will be maintained and they will be supported through financial contribution and connection to emotional and practical support services to mitigate the impact of relocation.

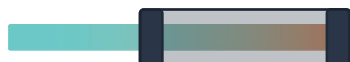
Limited restriction



Significant restriction

Those on the social housing register are experiencing a range of human rights limitations depending upon their circumstances. Increasing the availability of social and community housing will improve the number of people who can be housed and allow many to realise these rights.

Limited restriction



Significant restriction

## Decision

**Move (some) existing tenants to newer housing stock and increase the overall number of community housing dwellings.**



### Test Compatibility

With your decision in mind, answer these five questions to check if your decision is compatible with human rights.

Is the decision to move tenants to manage assets and grow the portfolio compatible with human rights?

**Is 'the transfer' lawful? Yes** – The housing provider has the discretion to offer a property transfer or issue a notice to leave so that they can sell a property.

**Does 'a transfer' achieve a legitimate purpose? Yes** – Transferring tenants will allow the provider to offer additional services to eligible people for community housing.

**Is 'the transfer' rational? Yes** – Transfers to newer properties will help the housing provider better manage their portfolio and ensure the sustainability of its service provision.

**Is 'the transfer' necessary? Yes** – Transfers are necessary to vacate properties and allow them to be sold.

**Is 'the transfer' fair and balanced? Yes** – Transfers enable the housing provider to upgrade properties and increase the number of community housing dwellings in their portfolio. The benefit to people on the social housing register waiting for a secure and stable home outweighs the inconvenience and limitations that existing tenants will experience.

*\* The decision to transfer existing tenants to implement the growth strategy is likely compatible with the HRA.*



## Justify Decisions

Document a clear justification for the decision demonstrating the consideration given to human rights.

### Expected Outcome

The growth strategy is being implemented and will deliver better homes and an increase in the number of available community housing dwellings. The financial viability of the housing provider is secured through the implementation of the strategy.

Existing tenants will be impacted by the requirement to move however they will continue to receive community housing services.



The ability to increase the supply of community housing.  
Future fulfilment of rights by those on the social housing register.



Impact of relocations to community housing tenants.  
Additional resources required to relocate tenancies.

## Update

**The strategy commenced in late 2019 and the majority of tenants advised of relocation are satisfied or excited to move.**

**Several tenants have been successfully transferred within the housing provider's portfolio or to new properties.**

**The strategy continues to be implemented as properties are acquired in a challenging residential property market.**

**Document created December 2021**

*This case study is for training purposes only. It should not be relied upon as legal advice or information.*