

Submission to the Equal Opportunity Commission: Discrimination in Private Rental

Ethnic Disability Advocacy Centre

26 Sept 2008



1. As an organisation assisting individuals and families in accessing the private rental market, are you able to comment on the major issues which present to you for the clients/members you represent in the private rental market?

The Ethnic Disability Advocacy Centre (EDAC) is a community-based, not-for-profit organization that advocates for the rights and interests of people with disability from culturally and linguistically diverse (CaLD) backgrounds, their family/carers and community.

EDAC has and is still working with many CaLD people with disability and mental health conditions, and their carers, to seek suitable accommodation. Our clients have experienced much discrimination in the private rental market due to their race, the impact of which is heavily exacerbated by the disability and/or mental health issues that they must also contend with.

The following are the main issues that have become poignant from the cases that our individual advocates have handled:

- ❖ **increasing and prohibitive cost of rent with inadequate subsidy**
- ❖ **repeated refusal to rent to refugees**
- ❖ **size of families**
- ❖ **single mothers coping with resettlement**
- ❖ **unsatisfactory and problematic nature of private rental available/obtained**

With much direct and indirect discrimination manifest through high unemployment and chronic under-employment, little knowledge of the Australian culture and lack of English, detrimental attitudes toward them by renters, people with disability/mental health issues, their carers and families often have little other choice than to live in poverty and unsuitable accommodation.

Please see attachment for an elaboration of these issues.

2. Do you have any direct dealing with agents and or owners when assisting clients/members to access housing - if so how would you regard your relationship? What would assist for a better working relationship?

EDAC does not have the resources to take clients to viewings but endeavors to support clients to negotiate directly with the agent/owner. However, when clients lack the confidence or ability to do so, EDAC does what is necessary to assist.

In the few instances where EDAC's individual advocates have attended viewings with clients, the advocate has reported a significant change of approach when the agent ascertains that the potential client has a disability. Perhaps needless to say, the rental is not offered to our client.

The fear harbored by agents/owners as a result of lack of both knowledge and association with people with disability and from CaLD backgrounds is palpable.

EDAC recommends the Equal Opportunities Commission lobby the State government to provide funding for advocacy organisations to better assist CaLD clients in their search for accommodation. The funding should also be adequate for organisations to facilitate communication between proprietors/real estate agents and CaLD clients.

3. When clients/members enter into a rental agreement, or when applying for a rental property, are you aware if real estate agents/owners make applicants/tenants aware of their rights and responsibilities under the Residential Tenancies Act 1987 (WA)?

EDAC does not have the resources to negotiate between clients and renters.

However, through its interaction with clients, EDAC observes that clients are often not aware of their rights and responsibilities under the Residential Tenancies Act 1987

While clients are often provided with copies of their contract agreement, some lack literacy skills and thus cannot access the information.

People who have a disability or mental conditions that affect their cognition often do not comprehend the agreement or any rushed explanation. Some are also hampered by their lack of English.

4. Are many clients/members on a waiting list for the Department of the Housing and Works or other public/community housing waiting list? If so how long would you estimate the average time that they have been on the list?

All of our clients seeking accommodation contend with long waiting periods. The minimum wait has been 18 months and some are still waiting after over 3 years.

In some cases, the property offered after such a long wait is unsuitable and unacceptable and the client is compelled to remain in his/her current arrangement, regardless of the negative impact it may have on him/her and the rest of the residents.

Some clients agree to live in the private rental property, even though it may be unsuitable. However, the conditions are so unbearable that they resort to public housing, which is also characterised by long waiting periods, low socio-economic areas and poor maintenance.

Yet a great majority of EDAC's clients look to public housing for refuge as they have no other option.

5. Do you experience any issues which prevent you from lodging a complaint of race discrimination in the area of accommodation with the Equal Opportunity Commission if you believe you have a valid complaint?

To date EDAC has not been required to lodge complaints of race discrimination in the area of accommodation with the Equal Opportunity Commission.

EDAC advocates on behalf of its clients and with the direct participation of clients. As yet, clients have not expressed desire to lodge complaints as their main focus and goal is to settle in accommodation that meets their needs. They are also under immense stress and the thought of lodging a complaint is for them overwhelming, as it is for many others in the general Australian population.

However, should a client wish to make a complaint on this matter to the Equal Opportunities Commission, EDAC is prepared to assist him/her in every way it can with respect to its financial and organisational limitations.

6. What does your organisation/ group suggest to solve the issues you have experienced?

- **Support equal opportunity of private rental choice** by promoting increase in affordable private rental spread more evenly throughout all suburbs. This will reduce 'ghettoisation' of affordable rental properties, with the attendant social problems and lack of choice and quality of life options for people generally but especially those from CaLD backgrounds who have a disability/mental health condition.
- ❖ increased support for refugees in all areas, ranging from financial to educational, to settlement, to housing, and that this support be available to newly arrived refugees as well as those who may require it despite being in Australia for some time.
- ❖ affirmative action to achieve substantive equality, so that the wages of refugee workers are not below the minimum level and that those who are able to work, are supported to gain employment in their area of choice.
- ❖ educational programs aimed at creating awareness of migrant, and particularly refugee cultures and concerns for real estate agents and proprietors.
- ❖ Construction of more houses that are both appropriate for larger families and accommodate for the needs of people with disability.
- ❖ Provision of accommodation where the external environment and community is suitable for children and people with disability/mental illness. A feeling of security and a tolerant attitude by the rest of the community is essential for everyone but mostly for the wellbeing of children and people with disability/mental illness, and particularly refugees who arrive in Australia having experienced great trauma and hardship.
- ❖ Provision of communal accommodation for newly-arrived refugees. Education programs can best be provided for refugees in this kind of accommodation where they are already in groups. If important information is missed by some, neighbours will be in a position to inform them. This move will thus also help to overcome social isolation and resulting mental health issues.
- ❖ Programs that encourage dialogue between males should be introduced.
- ❖ Counseling should be available to refugees and CaLD people with disability/mental health issues and their carers free of charge, in all areas of counseling - including psychological, financial and even professional mental health support if required.

ATTACHMENT

BACKGROUND ISSUES TO PROBLEMS WITH PRIVATE RENTAL EXPERIENCED BY CALD PEOPLE WITH DISABILITIES AND THEIR FAMILIES/ CARERS

Increasing and prohibitive cost of rent with inadequate subsidy in conditions of relative poverty

Subsidy lags in conditions of rapidly increasing private rentals.

With regard to the private rental market, inadequate rental subsidies relative to the high levels of rent, uncorrected by government, this is experienced as indirect (or systemic) discrimination against poorer families, in this case CaLD families with a member with a disability.

Entrenched poverty, degraded quality of life and social exclusion.

As the rents increase and the subsidy support remains unchanged, these extended lags cause the poorer families (especially CaLD families, and particularly those who are refugees), particularly those with a member with a disability/mental health condition, to become further impoverished and suffer the struggles of a lower and lower quality of life. Their poverty is increasingly entrenched and they are even more isolated and excluded from their natural human right to participate equitably in our multicultural society.

Family poverty due to poor carer allowance and foregoing of income.

When there is a person with disability/mental health condition in a CaLD household, culturally one family member usually takes on the carer role within the family. However this means that they are unable to gain employment and contribute to the rent and household income. To make matters worse, other members, as CaLD migrants, are usually also unemployed or chronically underemployed. This is usually the case even more so for CaLD refugees because they are often also more disadvantaged by their lack of English speaking skills. They are thus forced to live in poverty and are subject to experience issues that are common to this – such as domestic violence, poor education, poor housing, high susceptibility to physical and mental illness, etc.

Discrimination in the private housing rental market

Denial of private rental housing based on ethnicity.

Through its involvement with clients, EDAC has observed that CaLD people, particularly refugees, who engage directly with real estate agents/owners, are often denied housing. It seems that agencies and property owners base their decisions on the personal appearance of the people who view the property.

Muslim and Middle-Eastern looking clients, those who are Asian looking (particularly those with Chinese features) and Africans, have all viewed a number

of private properties and all been refused on the basis of assumedly negative assumptions and judgments of agents/proprietors. These negative attitudes are mostly shaped by what people see and hear in the media and now the internet. There is an underlying fear in the Australian population that culturally and linguistically diverse (CaLD) people may attract trouble which could, at worst, damage the property.

While renters do not directly specify ethnic personal appearance as reason for refusal, the number of clients who have visited houses and the numerous times have been refused rent, implies 'rampant' racial discrimination in the private housing rental market.

Denial of private rental housing based additionally on **disability**.

This is exacerbated in cases where the CaLD people concerned have a disability which is visible. They are also often plagued with poverty and a record of financial difficulty from long-term unemployment and chronic under-employment.

The chances of CaLD people with disability/mental health conditions to secure decent accommodation in the already tight high demand private rental market is much further reduced as agents exercise zero-risk options, being able to afford to exclude any person where there is the slightest possibility of any degree of unsuitability.

Affording housing suitable to family size

Many refugees have large families. CaLD families, usually those from developing countries, often have large families as a result of their cultural beliefs and socio-economic circumstances. While large families can result from inability of couples to afford contraception, having several children is often promoted in many cultures. This is due to several factors including the need for labour to work on the land, security against illness and disease so that at least some children may survive, and to look after ageing parents as they lose the capacity for productivity.

Life in Australia is markedly different and large families are generally discouraged. The high cost of child rearing, increasing number of women in the workforce and low risk of diseases such as dysentery and typhoid, and good social security and aged care, are some elements of our society that render large families unnecessary.

Our housing structure reflects this. The average house contains 3-4 bedrooms - one for the parents and the rest usually occupied by one child each. This arrangement is not suitable for families who have more than 4 children and often also are caring for live-in aged parents or relatives.

There is high incidence of disability among refugees because of the experiences of war, conflict and violence, a higher incidence of CaLD migrants getting a

disability here through accident due to chronic underemployment in often unsafe working conditions, and the normal situation whereby the more children a couple have the greater their chance of having a child with a disability. The child or adult person with a disability may require their own room

Finding housing suitable for a person with a disability.

Some may need to use equipment, such as a wheelchair, that necessitates wide spaces in doorways, corridors, etc.

Having to deal with so much fierce negativity in their endeavours to seek rental property, for CaLD people to request permission from proprietors/agents to modify the property is out of the question. Rather, the families are resigned to dwell in cramped, unmaintained accommodation, often in areas that are unsafe for those more vulnerable members of the community.

Finding suitable environment for CaLD families.

Low rentals in areas of conflict

Poorer areas, especially some public housing, have high rates of violence and abuse, which can quite severely exacerbate the sensitivities of CaLD refugees, especially those with mental health conditions such as PTSD from their experiences of war, torture, trauma and abuse. CaLD families with a member with a disability tend to be able to afford only very lowest private rentals, which tend to be in these areas.

Single mothers and difficulty with teenage children

Many refugee and migrant women arrive in Australia as a single parent with one or several children. Refugee women often become a single mother through death of their husband due to war, natural catastrophe or political upheaval.

These women are often from cultural backgrounds where the male is delegated with all external duties - employment, bill payment, community interaction, etc. Females are discouraged from these duties.

When the women find themselves in a foreign country where they are lumped with the external duties as well as their customary domestic role, they are often unable to cope as they simply do not have the skills to carry out tasks that are culturally not their responsibility.

Because of their additional role, they often also find it difficult to gain acceptance in their language or cultural community. Those who have a child with disability/mental illness or are themselves diagnosed, must face the additional challenges brought on by this dimension.

In relation to accommodation, women and children in this predicament are also much more vulnerable to discrimination, abuse and neglect.

For many male children who do not have a father, the absence of a male role model can hinder their ability to deal with issues in a satisfactory manner. This often results in violence, raucous behaviour and mental health issues.

Unsatisfactory and problematic nature of private rental available/obtained

Unfortunately private rental is more available in neighbourhoods where there is a high degree of personal, family and social/community dysfunction. The property itself is often too small and poorly maintained.

People with disability/mental health conditions who have increased sensitivity require accommodation that is suitable for their particular interpersonal/social style of living. Discord in the house or neighbourhood can cause them to act in ways that can ostricise them from their communities or cause disturbances with and among those around them.