

29 June 2021

The Hon. Mark Speakman, MP
Attorney General, and Minister for Prevention of Domestic and Sexual Violence
Submitted via the NSW Government online portal: <https://www.nsw.gov.au/nsw-government/contact-a-minister/attorney-general-and-minister-for-prevention-of-domestic-and-sexual-violence>

Dear Attorney General

Inadequate housing and poor health outcomes: our Health Justice Partnership experience

Kingsford Legal Centre is a community legal centre, providing free legal advice, casework and community legal education to people in south-east Sydney since June 1981. We run a specialist Health Justice Partnership (HJP) with the Prince of Wales Hospital (POWH) and Eastern Suburbs Mental Health Service (ESMHS). Health justice partnerships are collaborations between legal and health services that support people who are both more likely to experience chronic health conditions and have unmet legal need. As part of our HJP, our lawyers regularly attend hospital to see patients, follow up with them after they are discharged and work closely with health professionals, including social workers.

Our work through the HJP over the past two years highlights a clear link between clients with chronic and complicated health conditions and poor housing. This is why we are writing to express our concern about the lack of healthy housing for people living with chronic illness on low incomes in south-east Sydney. By "healthy housing", we mean safe and secure homes that support residents' physical and mental health, and are appropriate for their diverse needs. We are particularly concerned about the increasing numbers of clients that are facing substandard, poor or not fit for purpose social housing, and by the disproportionate impact of these issues on people with disability. 71% of our HJP clients have a disability, including mental illness, and 16% are homeless or at risk of homelessness. Housing is one of the most common legal problems that our HJP clients face.

The following case studies from our HJP illustrate the lack of healthy homes in south-east Sydney and its negative impact on the health and safety of people in our community. For all case studies in this letter, names and identifying information have been changed to protect confidentiality.

Complex health and legal needs going unaddressed

Clients with complex health and social needs may be placed at risk by their lack of safe housing options. The lack of viable alternative housing options for our low-income clients with chronic illness means that they live with unnecessary stress and anxiety at home when they should be focusing on managing their health conditions. This can exacerbate their conditions, and often means that they are kept in hospital for longer than necessary for their medical treatment, costing the Government more in health care costs.

Marissa's story

Marissa has a physical disability that requires a wheelchair and lives in social housing with an abusive partner. The layout of Marissa's housing prevents her from moving freely around her home with her wheelchair. Basic personal care, like cooking or using the bathroom, is hazardous due to the inappropriate layout of Marissa's housing.

Marissa lives with a partner who is physically, verbally, and emotionally abusive and has acted in ways that threaten her life on more than one occasion. Marissa is unsafe in her residence both because of her partner and because the space prevents her from moving freely in her wheelchair. She is too fearful to ask police to remove her partner, as she fears that he will react violently and she will be vulnerable at home on her own.

Marissa has asked for a transfer and been told that the waitlist is at least 12 months long. She cannot escape to a refuge because refuges do not provide adequate access for her wheelchair. As a result, she is forced to remain at her current residence. Her life and safety remain very much at risk.

Long waiting times for social housing and transfers

There are more than 1000 people on the waiting list for social housing in the eastern suburbs alone. The expected waiting time is 5–10 years for a property with 2 bedrooms or less, and 10+ years for a property with 3 or more bedrooms.¹ Such absurd waiting times contribute to the large and increasing number of people experiencing homelessness in NSW,² while forcing people to remain in housing that is damaging to their health.

Michael's story

Michael was referred to KLC by a nurse. He is a single parent of 3 young children who lives in public housing in a 2-bedroom home. One of Michael's children requires additional learning and behavioural support because of a medical condition. This support includes providing the child with their own space to learn and regulate their emotions. To provide this support, Michael has given his child their own bedroom. Michael shares the remaining bedroom with his two other children. Michael's neighbours have made complaints about the children making noise.

Michael was approved several years ago for a priority transfer to housing that would provide more space for him and his children. Despite this "priority" status, the transfer still has not taken place. Housing's ongoing inability to provide suitable housing to Michael is negatively impacting his mental health and his family's quality of life.

Poor housing can create new health problems

We often come across clients in our HJP who not only live with long-term illness, but who develop new medical conditions linked to their inadequately maintained housing.

¹ NSW Department of Communities and Justice, 'Expected Waiting Times' (18 June 2021) <<https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>>.

² Law and Justice Foundation of NSW, 'Homelessness in Australia: Key Facts' (Factsheet, November 2018) <[http://www.lawfoundation.net.au/ljf/site/templates/resources/\\$file/Homelessness_AUS.pdf](http://www.lawfoundation.net.au/ljf/site/templates/resources/$file/Homelessness_AUS.pdf)>; NSW Department of Planning, Industry and Environment, 'A Housing Strategy for NSW' (Discussion Paper, May 2020) 63 <<https://www.planning.nsw.gov.au/-/media/Files/DPE/Discussion-papers/Policy-and-legislation/Housing/A-Housing-Strategy-for-NSW-Discussion-Paper-2020-05-29.pdf>>.

Latisha's story

Latisha is an elderly woman who is currently living in public housing in south-east Sydney. Latisha, who suffers from chronic and persistent mental distress, came to KLC via the HJP for assistance in obtaining mould treatment for her apartment. The level of mould in Latisha's apartment was deeply concerning. Latisha was unable to sleep in her bedroom due to the mould, and instead slept on the couch in her living room. She also began to develop breathing distress at home and opted to spend as much time outside her home as possible, even in winter.

KLC's ability to obtain proper instructions from the client, and prepare a formal complaint letter against Housing NSW, was only possible with the help of Latisha's mental health caseworker. Critically, the caseworker was able to obtain the medical reports that demonstrated the mould was affecting Latisha's health, and organise the occupational therapist report that indicated that the structural defects in Latisha's apartment were contributing to the mould build-up. As a result of these two key pieces of evidence, Housing NSW have since agreed to KLC's formal request to clean the mould and re-paint Latisha's apartment.

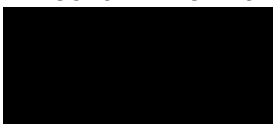
The lack of healthy homes has flow-on effects for physical health, mental health, financial health, employment, education, relationships and social inclusion. It also increases the Government's health expenditure. These have all been areas of heightened concern during the COVID-19 pandemic, especially for marginalised people who have experienced the harshest impacts of the crisis. These issues are of critical importance as we look towards the recovery.

We recommend that the NSW Government:

- *Massively increase the supply of public housing, including public housing appropriate for people with disability;*
- *Dedicate significantly increased funding to ensure that requests for repairs, alterations and transfers in public housing can be promptly addressed; and*
- *Increase funding for community legal centres generally, and health justice partnerships in particular, to assist marginalised people to enforce their legal rights in relation to healthy homes.*

If you have any questions about this letter, please contact Emma Golledge at legal@unsw.edu.au.

Yours faithfully
KINGSFORD LEGAL CENTRE



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Director



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Principal Solicitor



Sean Bowes
Law Reform Solicitor



Elizabeth Succar
Student Law Clerk

29 June 2021

The Hon. Alister Henskens, MP
Minister for Families, Communities and Disability Services
Submitted via the NSW Government online portal: <https://www.nsw.gov.au/nsw-government/ministers/minister-for-families-communities-and-disability-services>

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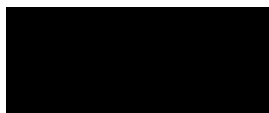
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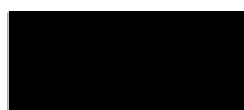
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