

Discussion paper: Impact of Domestic and Family Violence on Renting

The South Australian Government is seeking your expertise to identify potential solutions and innovative ways to support women who are facing financial stress due to the impacts of domestic, family and sexual violence (DFSV).

This discussion paper is for participants of the SA Government's Roundtable focused on how we could together address the financial burden on women impacted by DFSV including the burden of unpaid rent. The roundtable will be attended by representatives from the real estate sector, the specialist domestic and family violence sector, and people with lived experience of violence.

The following questions are included in this discussion paper for you to consider in your thinking and views on this topic.

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- How can we better assist renters experiencing domestic and family violence who are not eligible for financial assistance?

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- How can we better support real estate agents to identify and respond to domestic and family violence?
- What resources might be useful to support greater understanding in this area?
- How can we better assist renters experiencing domestic and family violence who are not eligible for financial assistance?

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- How can we further prevent people experiencing violence from being liable for damages that were caused by the perpetrator of violence?
- How can we support increased connection between property managers and support services that keep tenants safe in their homes?
- What is required to help property managers communicate effectively with landlords regarding modifications?

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- What are other ways to improve how renters experiencing domestic and family violence are supported?
- How can we further ensure that a renter's history of domestic and family violence does not impact their future access to safe and secure housing?

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Introduction

The South Australian government is committed to working with real estate industries, the specialist family and domestic sector, victim-survivors and other stakeholders to explore options to ensure women do not bear the brunt of unpaid mortgages, loans and rent as a result of domestic and family violence. This paper provides a brief overview of key issues, existing initiatives, and potential responses.

A number of case studies are provided to illustrate the unique circumstances of renters experiencing domestic and family violence. All people and events referred to in these case studies are fictional, and should not be attributed to real people.

What is domestic and family violence?

Domestic and family violence refers to acts of violence or abuse perpetrated by a person in a past or present intimate or family relationship. It includes physical and non-physical acts of violence, which are used to make the other person feel fear, guilt, pain and/or shame.

Importantly, a person does not have to be **physically harmed** to be experiencing domestic and family violence. Domestic and family violence often involves the use of **coercive control**, a pattern of behaviour used to undermine a person's sense of self, take away their independence and restrict their ability to live their life in the way they choose. South Australia is currently in the process of introducing legislation to criminalise coercive control.

Prevalence of domestic and family violence in South Australia



Types of Abuse

Types of abuse that can be experienced as part of domestic and family violence include:



Physical abuse: Physically hurting another person or limiting another person's control over body – including by being able to take care of it.



Economic abuse: Any behaviours that damage a person's economic resources and stop them from being economically independent, such as stopping them from working.



Psychological, verbal or emotional abuse: Saying or doing things that makes another person feel hurt, upset or bad about themselves.



Social abuse: Any behaviours used to isolate someone from their friends, family or community, including by damaging their reputation.



Sexual abuse: Forcing, pressuring, tricking or coercing someone into engaging in sexual activities.



Spiritual or religious abuse: Using spiritual or religious beliefs to control another person, or preventing them from engaging in spiritual or religious practices that are important to them.



Financial abuse: Using money or finances to control, hurt or scare another person, including by controlling how a person uses their money, refusing to pay shared bills and running up debts in their name.



Technology facilitated abuse: Any behaviours that involve the use technology to coerce, stalk or harass another person.

How does domestic and family violence impact on a person's ability to pay their rent?

Overall, domestic and family violence is the leading reason why women and children leave their homes in Australia. Due to the significant risk a perpetrator may pose to a person's ongoing safety and wellbeing, staying at home – even with the perpetrator removed – is often not an option.

Across 2019-2020, an estimated **41%** of all people accessing **homelessness services** in Australia were people who have experienced **family and domestic violence**.



Experiencing domestic and family violence is deeply distressing and can impact a person's ability to manage their own finances.

Pressures such as potential time away from work, additional childcare duties, and need for health and justice related appointments can make it difficult to manage finances. This includes circumstances where a person experiencing violence needs to maintain contact with their perpetrator in relation to mortgage repayments, joint accounts and assets, or other shared financial responsibilities.

When combined with the expenses involved in leaving a violent relationship, or living with the impacts of financial and economic abuse, people experiencing violence can find it extraordinarily difficult to reach out for help, maintain connection with their workplace and/or continue on their journey towards financial recovery.


Financial and economic abuse create long-term challenges for a victim-survivor’s financial wellbeing

While the term financial abuse is used to refer to actions that specifically impact a person’s finances, such as controlling how they spend their money or putting them into debt, economic abuse refers to all forms of behaviour aimed at reducing a person’s independence by reducing their access to economic resources. These resources include their employability, access to transport and technology, and daily essentials such as property, food and clothing.

Both forms of abuse create economic instability and can make one partner dependent on the other, making it financially difficult for people experiencing violence to live without their abuser.¹ The following table includes examples of these types of abuse.^{2 3}

Financial control	Financial exploitation	Financial sabotage
<ul style="list-style-type: none"> • Withholding access to bank accounts • Withholding money • Taking financial resources • Giving an allowance • Monitoring partner’s spending • Keeping financial situation a secret • Refusing to pay child support 	<ul style="list-style-type: none"> • Coerced debt through fraud, force and/or misinformation • Putting bills in partner’s name • Making partner liable for joint debt • Refusal to contribute • Appropriating partner’s income or finances • Dowry abuse 	<ul style="list-style-type: none"> • Preventing partner from getting or keeping a job • Harassing partner at work or school • Damaging partner’s financial security • Refusing to contribute to household expenses • Refusing to work

Financial abuse and economic abuse are experienced by people from all socioeconomic backgrounds, all cultural backgrounds and across all sexual orientations and gender expressions.



In the 2021 Personal Safety Survey, **1 in 6 women** were found to have experienced **economic abuse** by a partner.

Economic and/or financial abuse can restrict a person’s ability to pay their mortgages and loans due to their significant and ongoing impacts on a person’s control over their finances and their overall financial wellbeing. As a result of this abuse, victim-survivors of violence may have minimal or no savings, no income, poor credit ratings, and/or high levels of debt. They may have also lost confidence in managing their own money or have significant anxiety around activities such as paying bills.

¹ Surviving Economic Abuse (2021), ‘Know Economic Abuse: Helping mortgage brokers support clients experiencing economic abuse’, <https://survivingeconomicabuse.org/wp-content/uploads/2021/07/Helping-mortgage-brokers-support-clients-experiencing-economic-abuse.pdf>, accessed 5 June 2023.

² KPMG, (2020). Op. cit. p. 8.

³ University of New South Wales on behalf of Commonwealth Bank Australia (2020), ‘Understanding Economic and Financial Abuse in Intimate Partner Relationships’, Gendered Violence Research Network, [UNSW-report1-Financial-Abuse-and-IPV-newsroom.pdf \(commbank.com.au\)](https://www.commbank.com.au/financial-abuse-and-ipv-newsroom), p. 18.

According to Dr Anne Summer's 2022 research report *The Choice: Violence or Poverty – A Report into Domestic Violence and its Consequences in Australia today*, 50% of single mothers who reported experiencing physical or sexual violence by a previous partner in the 2016 Personal Safety Survey did not earn enough to support their families and were reliant on government income support payments.

Case study: economic abuse and its impact on financial health

Jamila is a 42-year-old woman recently separated from long-term partner, Brent. They have a ten-year old son called Darren. Jamila was a lawyer but stopped working when Darren was born.

Jamila was meant to restart work once Darren started school. However, Brent did not want her to return to work. Brent also rarely let Jamila leave the house unless it was to do errands and would not let her have her own car.

Jamila leaves Brent due to his escalating use of violence and takes Darren with her. They have temporarily moved in with Jamila's mother while Jamila tries to find work and a new place to live.

Jamila keeps applying for jobs she is qualified for. She is often unsuccessful because of the ten-year gap in her resume. Brent has also been calling law firms she is applying to and telling them that she is "mentally unstable" and unfit for work. Jamila can only apply for certain jobs because she does not have a car and can only work during Darren's school day.

Eventually, Jamila starts applying for lower paying jobs that are not in her field. She gets a part time job working three days a week in her local supermarket. She also manages to rent a one-bedroom unit. However, Jamila is not earning enough to consistently cover her rent and other expenses. She begins falling behind on rent payments and is at risk of eviction.

Separating from an abusive partner is expensive

Another way that domestic and family violence can impact a person's ability to pay their rent is through the cost of separating from a violent partner. This can include one-off expenses, such as paying for a removalist van, paying for a new bond, repairing damage to a property or buying new furniture. It can also include managing ongoing expenses, such as legal fees or paying off existing debts.

These costs occur while a person is adjusting to living on a single income and, often, not receiving any financial support from their ex-partner.

People who leave violent relationships often do so with limited financial and economic resources. In the 2016 Public Safety Survey, 75% of the women who moved out of home after the relationship with their most recently violent previous partner ended left behind property or assets.⁴ In the proportion of women who wanted to leave but could not, over 25% reported that lack of money and financial support was the main reason they were unable to separate from their violent partner.⁵

⁴ Summers, A. (2022). Op. cit. p. 11.

⁵ Ibid. p. 10.

Case study: the cost of leaving a violent relationship

Connie has just left her partner, Ethan, due to the substantial risk he posed to herself and her children. Connie has four children from a previous relationship and has been with Ethan for five years. When they got married, Connie and Ethan purchased a new home together.

Even though Connie is no longer living in her home, she is still making mortgage payments. Ethan is deliberately taking actions to delay the settlement proceedings, resulting in Connie spending a lot of money on legal counsel.

Connie recently secured a rental property. The bond is \$2,000, and Connie earns too much to qualify for assistance from Housing SA. She also needs to pay up to \$1,500 to hire removalists for her children's beds. Connie will also need to spend a further \$5,000 - \$8,000 buying new furniture for her home, as Ethan is refusing to let her have any of the other furniture.

People experiencing violence often have debts – including debts they are not responsible for creating

Many people are left in debt or rent arrears because of domestic and family violence, which can limit their financial resources and make ongoing expenses more difficult to manage. People experiencing violence may go into debt due to the specific impacts of violence on their financial position (for example, not being able to have their own savings account or earn their own money).

They may also be in debt due to specific actions taken by the perpetrator of violence, such as accruing debts in their name or refusing to contribute to expenses they are jointly responsible for. This may include using a person's rental property to cause further debt, such as causing rent to go into arrears or deliberately damaging the property.

Once a person is in debt due to domestic and family violence, they will often end up with more debt. They may need to take out additional loans, obtain credit cards, or borrow money from friends and family to address their debt. This can be necessary to maintain rental payments, or to pay the legal fees required to finalise their separation and manage the division of their finances and/or shared assets.⁶

Case study: debt and domestic violence

Sylvia separated from her husband of 20 years, Samuel, with a total of \$40,000 worth of debt. Samuel and Sylvia were joint business owners, and part of this debt is due to the liquidation of their shared business.

Unknown to Sylvia, Samuel opened several credit cards in her name and has not been making repayments for his purchases. He has also missed several payments on their joint electricity, water and gas accounts.

Sylvia is struggling to pay off these debts on a single income and manage her expenses. Her credit score has been severely affected. She has been borrowing money from friends make any outstanding payments, and now owes them a combined \$10,000.

While Sylvia was able to stay in the rental she previously shared with Samuel, managing the payment of two shares of rent on top of managing these debts has caused her to fall behind on payments.

⁶ Surviving Economic Abuse (2021), Op. cit. p. 5.

What supports are currently available to tenants experiencing domestic and family violence in South Australia?

Legislation	Government	Not for Profit Sector	Specialist Family, Domestic and Sexual Violence Services
<p>South Australia's <i>Residential Tenancies Act 2015</i> supports domestic and family violence victim-survivor to leave their rental property by allowing them to take their name off a joint lease without financial penalty or the consent of the other tenant.</p> <p>People experiencing domestic and family violence can apply to South Australian Civil and Administrative Tribunal for an order to:</p> <ul style="list-style-type: none"> • Terminate the tenancy. • Stay in the property without the perpetrator. • Leave the property and terminate their responsibility tenancy. • Stop a landlord for listing their details on a Residential Tenancy Database for damage caused by the perpetrator. <p>Amendments to the South Australia's Equal Opportunity Act 1984 have included the experience of domestic or family violence alongside sex, sexual orientation, gender, race, disability and age as an attribute protected from discrimination. This reform prohibits discrimination in a range of areas of public life, including when trying to access services or accommodation.</p>	<p>The South Australian Housing Authority (the Authority) provides financial assistance to tenants who have difficulty meeting the upfront costs of renting privately or who need help maintaining their accommodation, including people impacted by violence. However, this assistance can only be accessed by people who are under the income and assets limits for support, and meet other eligibility criteria.</p> <p>Assistance can be through:</p> <ul style="list-style-type: none"> • Bond Guarantees: The amount of money provided for a bond guarantee ranges from two weeks' rent up to six weeks' rent, depending on the type of property being rented or amount of rent paid. • Grants for rent in advance or to pay off rent in arrears: Customers can receive a maximum of four weeks' rent assistance in a two-year period, including any combination of rent in advance and arrears. <p>The Authority can also provide tailored assistance to people experiencing domestic and family violence under their Domestic Abuse Policy by providing financial assistance into private rental accommodation.</p> <p>For non-rent related expenses such as utilities, people experiencing domestic and family violence can access a range of concessions provided by the SA Government. However, most of this support is only available to people on low or fixed incomes.</p>	<p>Not-for-Profit services also provide financial assistance to renters experiencing or recovering from domestic and family violence including:</p> <ul style="list-style-type: none"> • No interest loans. • One-off Escaping Violence payments. • Free and confidential financial counselling. <p>Renters experiencing violence can reach out to rental support services to seek advocacy and advice on tenancy issues. They may also be eligible for free legal advice or legal aid through the Legal Services Commission or Community Legal Centres.</p>	<p>Tenants may be able to access Safe at Home Services through referrals to specialist domestic and family violence services. Safe at Home provides free safety planning, home safety audits and upgrades for women experiencing (or at risk of experiencing) domestic or family violence. This includes women who are renting.</p> <p>While installation of these measures is dependent on the approval of the property owner, specialist workers can work with tenants to help them obtain approvals from their landlords.</p>

What are the key challenges impacting how renters experiencing violence are supported?

Not all renters experiencing violence can access financial support

Not all people experiencing domestic and family violence are eligible for financial assistance to help ease costs around renting or other expenses that impact on a person's ability to pay rent, such as utilities. For instance, a person may not be eligible for any support if they are:

- An overseas student studying in Australia.
- Earning too much to be considered low income, even if they do not have access to their money or most of their income is going towards paying expenses associated with violence.
- Not eligible for a concession card or any income support payments.
- In a situation where they must continue living with the perpetrator of violence.
- Experiencing violence from a family member rather than an intimate partner, as a considerable proportion of financial assistance programs are only aimed at people experiencing intimate partner violence.

Questions

- How can we better assist renters experiencing domestic and family violence who are not eligible for financial assistance?

The real estate sector needs support in recognising and responding to domestic and family violence that is impacting tenancies

People experiencing domestic and family violence may not disclose their circumstances to their real estate agent. The decision to withhold this information may be for a number of reasons, including but not limited to:

- Fear of losing their tenancy, being blacklisted or facing other financial penalties.
- Feeling ashamed or embarrassed about what they are experiencing.
- Not having confidence or trust in their real estate agency to respond adequately.
- Being under perceived or actual surveillance by the person using violence.
- Fear of further violence or threats to their safety.

Real estate agents have a role to play in identifying signs of ongoing violence that specifically impact a person's tenancy, especially in circumstances where a person is unable or unwilling to disclose. However, some signs are more obvious than others. For example, a Property Manager may be more likely to recognise violence is happening in a household where there is physical damage to property (e.g. holes punched in walls, broken windows) rather than in situations where there are noise complaints or rent arrears, or through witnessing interactions between clients.

Without sufficient knowledge of domestic and family violence and what it may look like, real estate agents may not feel confident in their ability to conduct these conversations or in identifying the most appropriate ways to respond. Building this confidence many require the support of additional education and training.

Questions

- How can we better support real estate agents to identify and respond to domestic and family violence?
- What resources might be useful to support greater understanding in this area?

The legal protections for renters experiencing violence are complex and often difficult to understand

Legislation regarding residential tenancies can be complex, especially in the context of domestic and family violence and ongoing reforms. Real estate agents, people experiencing violence, and relevant support agencies require clear understanding of these obligations to know the rights and protections available under the law. They should also be aware of the appropriate steps to take when someone's tenancy is impacted by domestic and family violence.

There are some resources available on the [SA Government website](#) that summarise legislative requirements for dealing with tenancies impacted by domestic and family violence. These resources are exclusively targeted towards tenants and not real estate agents, property managers, landlords, housing providers or the specialist family and domestic sexual violence sector.

As part of ongoing reforms to the *Residential Tenancies Act 1995* (SA), Consumer and Business Services have stated an intent to produce a prescribed fact sheet that landlords will be required to provide tenants at the start of their tenancy.⁷ This fact sheet will be drafted in plain language and contain helpful information about tenant and landlord obligations, legal rights and further resources.

Questions

- How can we create improved understanding of legal obligations around renting in the context of domestic and family violence?

Renters impacted by domestic and family violence are still being held responsible for rent debt and damages that are not their fault

Perpetrators often cause damage to property and accrue rent arrears as a way to control victim-survivors and limit their financial capacity. However, perpetrators may also intentionally damage a property as a form of intimidation. They may also be in control of the household finances and choose not to pay rent without the other person's knowledge.

Because of this behaviour, people experiencing violence may accrue significant debts. These debts may cause them to lose their tenancy or make it more difficult to obtain a new tenancy through reducing their ability to afford rent or bond for a new property and, in some cases, causing them to be blacklisted on a Residential Tenancies Database.

⁷ Consumer and Business Services. (2023). Consultation Report: Review of the Residential Tenancies Act 1995. [RTA-Review-Consultation-Report.pdf \(cbs.sa.gov.au\)](#), p.11.

In the circumstances of joint tenancies, people experiencing violence may decide not to pursue a perpetrator for debt recovery due to property damage or rent arrears because of further risk of violence.

In circumstances where a residential tenancy is terminated due to domestic violence, the South Australian Civil and Administrative Tribunal (SACAT) can order the tenant perpetrating violence to make a payment to the landlord for loss or inconvenience resulting, or likely to result from, the termination of the tenancy.⁸ While this should mean that the person experiencing violence should not need to pay any costs associated with damages caused by a perpetrator, this is not always the case.

In recent consultations undertaken by Consumer and Business Services to inform South Australia's rental reforms, stakeholders reported that victim-survivors of violence are often still liable to pay damages up to the cost of their share of the bond even if they have no responsibility for said damages.

In circumstances where SACAT orders a victim-survivor of violence to pay the rent arrears owed, compliance may not be possible due to their financial circumstances.

Questions

- How can we further prevent people experiencing violence from being liable for damages that were caused by the perpetrator of violence?

Renters experiencing violence may need additional support from property managers and landlords to stay safe

In circumstances where a person experiencing violence can continue living in their current rental property, they may require additional support to maintain their safety. This includes by making necessary modifications to the property to increase its security, such as changing the locks.

In South Australia, landlords have the final say on whether a modification to a rental can go ahead. It is important that landlords have a good understanding of why safety modifications are important and must be undertaken in a timely manner. It is equally important that property managers feel confident in advocating for these modifications on behalf of their tenants.

Preventing or delaying people experiencing violence from increasing the safety and security of their rental properties can create extra financial burdens. This includes through further damages to the property by the person using violence, or by being forced to move properties to stay safe.

Questions

- How can we support increased connection between property managers and support services that keep tenants safe in their homes?
- What is required to help property managers communicate effectively with landlords regarding modifications?

⁸ s.10 (89), Residential Tenancies Act 1995 (SA).

What are potential solutions to these issues and how can existing solutions be strengthened?

Tailored education and training for real estate agents and property managers

Tailored education and training for real estate agents and property managers could help build confidence to recognise and respond to domestic and family violence, including by teaching them how to:

- identify warning signs of domestic and family violence that may be affecting a residential tenant and tenancy.
- have conversations with tenants they suspect are experiencing violence in a safe and secure way.
- respond appropriately to disclosures of violence.
- refer tenants experiencing violence to resources and support services.

For example, Real Estate Institute Western Australia launched a training program in 2022 that educates property managers in identifying and addressing domestic and family violence.⁹ The *Family and Domestic Violence Community Response Training* for Real Estate provides guidance on how to respond to violence and refer affected tenants to appropriate resources and support.

Resources that provide guidance on supporting renters experiencing domestic and family violence

Real estate, specialist domestic and family violence, and housing provider sectors would greatly benefit from the creation of resources such as factsheets and toolkits that:

- highlight key issues for renters experiencing violence.
- clarify legal requirements, processes and responsibilities.
- provide practical guidance on how to support a tenant experiencing violence.

In Queensland, the housing peak body Q Shelter has partnered with the Real Estate Institute of Queensland and produced a toolkit that supports real estate agents in managing tenancies impacted by domestic and family violence, including by clarifying legislative requirements and processes for ending or amending a tenancy.¹⁰ The toolkit also includes advice on practical matters such as reasonable safety modifications in the context of domestic and family violence.¹¹

Victoria has also produced several fact sheets aimed at landlords and agents summarising key information on domestic and family violence, including their legal obligations, useful contacts and additional resources.

NSW additionally has produced the *Strengthening practice in responding to domestic and family violence: a toolkit for community housing providers*, which provides community

⁹ Real Estate Institute Western Australia. (30 November 2022). REIWA launches new training to tackle family and domestic violence. <https://reiwa.com.au/news/reiwa-launches-new-training-to-tackle-family-and-domestic-violence/>

¹⁰ Real Estate Institute Queensland & Q Shelter. (2022). Domestic & Family Violence – Strengthening the Real Estate Agent Response: A Toolkit to Guide Practice. Queensland Department of Child Safety, Youth and Women in partnership with Australian Government Department of Social Services. [2022.04.29-DFV-Toolkit-for-Private-Real-Estate-2.0.pdf \(thedeck.org.au\)](https://www.the-deck.org.au/wp-content/uploads/2022/04/29-DFV-Toolkit-for-Private-Real-Estate-2.0.pdf)

¹¹ Real Estate Institute Queensland & Q Shelter. (2022), pp.20-22.

housing organisations with a wide range of resources to assist providers in effectively identifying and responding to domestic and family violence.

Increased connection between the real estate industry, housing, financial assistance programs, and the specialist domestic and family violence sector

Supporting renters experiencing domestic and family violence requires a coordinated and holistic response. Ideally, the real estate, specialist domestic and family violence, family assistance and housing provider sectors should share ideas and work together for better solutions to these issues.

One way to increase connection between these industries and organisations may be through establishing a Community of Practice (CoP). A CoP is a group with a common concern that comes together to share best practice and create new knowledge. The goal is usually to improve outcomes for the people affected by this concern and foster improved forms of collaboration between stakeholders.

CoPs are already being used in Australia to facilitate improved connections between industry and services that support people experiencing domestic and family violence. A good example is the Commonwealth Bank's Community of Practice on Financial Abuse. This CoP brings together specialists from Commonwealth's Next Chapter team with representatives from financial assistance organisations, legal services, and domestic and family violence services to share information, research and best practice updates on responding to financial abuse.

Questions

- What are other ways to improve how renters experiencing domestic and family violence are supported?
- How can we further ensure that a renter's history of domestic and family violence does not impact their future access to safe and secure housing?

Your contribution

To end the financial burden of unpaid rents on people experiencing domestic and family violence, it is essential to build partnerships between the real estate industry, people with lived experience of violence, and stakeholders in housing and the specialist domestic and family violence sector.

This process must involve producing a collective understanding of the issues faced for people renting and experiencing domestic and family violence.

Housing is a critical part of protecting the safety and wellbeing of people impacted by violence, and we must make sure people in rentals are provided solutions that are equitable, appropriate and effective.

Your input into this process is highly valued and greatly appreciated.