



Government
of South Australia

Office for Women

Addressing the financial burden of renting on people experiencing domestic and family violence





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2 Acknowledgement of Country

The South Australian Government acknowledges and respects Aboriginal peoples as the state's first peoples and nations and recognise them as traditional owners and occupants of land and waters in South Australia.

Further, we acknowledge that the spiritual, social, cultural and economic practices of Aboriginal peoples come from their traditional lands and waters, that they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance, and that they have made and continue to make a unique and irreplaceable contribution to the state.

Help and Support

This publication discusses domestic and family violence. These topics can often be distressing. If you are in need of support, or want to talk to someone about how you are feeling, you can contact:

1800 RESPECT by calling 1800 737 732

Mensline by calling 1300 78 99 78

If you or someone you know is currently experiencing violence and needs support, please contact:

Domestic Violence Crisis Line by calling 1800 800 098

This service is available 24 hours a day, seven days a week.

In an emergency, please call 000



3 Executive Summary

The South Australian Government made a commitment to work with the finance and real estate industries to explore options to ensure that women impacted by domestic and family violence do not bear the brunt of unpaid rents, mortgages and loans that go unpaid due to domestic and family violence.

People impacted by domestic and family violence often face significant financial and legal repercussions due to unpaid rents, mortgages and loans. As well as impacting their financial security and stability, these repercussions can severely limit their ability to obtain new housing.

On 11 October 2023, the South Australian Government hosted a roundtable on the financial burden of unpaid rents on people impacted by domestic and family violence. This paper summarises the key findings and themes arising from the discussions and outlines suggestions for improved responses.

The purpose of the roundtable was to explore potential solutions and innovative actions that may ease the financial burden of people experiencing violence, enhance connection and conversation between the specialist domestic and family violence sector, government and the finance sector, and increase knowledge and understanding across all sectors about the financial barriers faced by women impacted by domestic and family violence. It was attended by representatives of the finance industry, the specialist domestic and family violence sector, housing providers, and advocacy organisations.

Key **findings** from the roundtable discussions included:

- Victim-survivors' access to financial assistance can be limited by strict eligibility criteria.
- Workers in the real estate industry may not be confident in identifying domestic and family violence due to a lack of education and training.
- Victim-survivors require protection from assuming the liability of unpaid rents and damages, which can cause debt and prevent them from finding new accommodation.
- Tenants, landlords and property managers require better awareness of tenant rights when navigating issues caused by domestic and family violence.

Collaborative **solutions** suggested at the roundtable included:

- The real estate industry should explore the provision of references for victim-survivors whose rental history is impacted by domestic and family violence.
- The specialist domestic and family violence sector, in partnership with the real estate industry, should investigate the design and implementation of education and training for real estate agents and property managers.
- The SA Government will explore the creation of a centralised resource to support renters experiencing domestic and family violence and provide information to real estate agencies.
- The real estate industry, housing, financial assistance programs and the domestic and family violence sector should explore formal ways to continue working together.

Since the roundtable was held, the South Australian Government has committed to updating domestic abuse protections by reforming the *South Australian Residential Tenancies Act 1995*. These reforms will provide more rights to tenants impacted by domestic and family violence.

4 Background

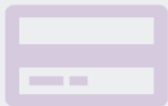
Women who have experienced domestic and family violence often face significant financial and legal repercussions due to unpaid rent. As well as impacting their financial security and stability, these repercussions can severely limit their ability to obtain new housing.

The South Australian Government is committed to ensuring that women do not bear the brunt of unpaid rent due to domestic and family violence.

The Problem



\$5.7 billion is the estimated direct cost of financial abuse to victims ¹



Almost **20%** of women in South Australia have experienced economic abuse from an intimate partner ²



Nearly **1 in 4** women in South Australia have experienced emotional abuse from an intimate partner ³



Around **3 in 10** South Australian women have experienced violence from an intimate partner ⁴



Approximately **40%** of people accessing homelessness services in Australia have experienced family and domestic violence ⁵

¹ Deloitte, Commonwealth Bank, The Cost of Financial Abuse in Australia 2022

² Australian Bureau of Statistics (ABS), 2021-22 Personal Safety Survey

³ ABS, 2021-22 Personal Safety Survey.

⁴ ABS, 2021-22 Personal Safety Survey.

⁵ Australian Institute of Health and Welfare, Specialist homelessness services annual report 2022-23.



Financial Burden Roundtable – Renting

On Wednesday 11 October 2023, the South Australian Government hosted a roundtable on the financial burden of renting on people impacted by domestic and family violence.

A discussion paper was circulated prior to the roundtable to provide background information on the topic and issues at hand. The paper included research about the impacts of domestic and family violence on housing security, financial wellbeing, and key information on current responses to people experiencing violence who rent. Additionally, the paper set out a series of questions to inform discussions at the roundtable.

People with lived experience of domestic and family violence also shared their stories of experiencing financial hardship and housing issues to help guide discussions.

The event was opened by the Hon Katrine Hildyard, Minister for Women and the Prevention of Domestic, Family and Sexual Violence. Liana France, Director of Inclusion Policy and Reform in the Department of Human Services, facilitated the event.

The **purpose** of the roundtable was to:

- explore potential solutions and innovative actions that may ease the financial burden of people experiencing violence;
- enhance connection and conversation between the South Australian specialist domestic and family violence sector and the finance sector, and;
- increase knowledge and understanding within government of the financial issues and barriers faced by women impacted by domestic and family violence.

The roundtable was attended by 34 people, including representatives from the real estate industry, the specialist domestic and family violence sector, housing providers and advocacy organisations. Lived experienced advocates were also in attendance at the roundtable.

Key attendees included the Hon Andrea Michaels, Minister for Consumer and Business Affairs, Dini Soulio, Commissioner for Consumer and Business Services and Sandy Pitcher, Chief Executive of the Department of Human Services. Attendees included representatives from major organisations including the Real Estate Institute of South Australia, Ray White, the Centre for Women’s Economic Safety, the National Council for Women, Embolden, the Domestic and Family Violence Alliance, Zahra Foundation, Neami, Shelter SA, Uniting Country SA, and OARS Community Transitions.


5 What key issues were discussed?

Victim-survivors’ access to financial assistance can be limited by strict eligibility criteria

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.

Financial assistance is typically restricted to people on a ‘low income’. A person may have an income but due to an abusive or controlling partner, not have access to the money they earn. This can result in victim-survivors being ineligible for financial assistance despite having no accessible funds.

Financial assistance is also not available to temporary visa holders, including international students who are living in Australia.



Eligibility criteria for financial assistance should be developed with an understanding of the unique needs of people impacted by domestic and family violence and how violence can impact a victim-survivor's finances.

Workers in the real estate industry may not be confident in identifying domestic and family violence due to a lack of education and training

While real estate agents and property managers are uniquely positioned to identify domestic and family violence, they may not feel confident in doing so as non-specialist workers. Real estate agents are often unaware of how to approach the topic with existing or potential tenants and lack the knowledge of what supports are available for victim-survivors.

Real estate agents and property managers can find it challenging to appropriately identify and respond to people experiencing violence or suspected to be experiencing violence. Participants of the roundtable discussed the difficulty of wanting to help existing or potential tenants where they have suspicions of domestic and family violence, but also fearing potential repercussions for the victim-survivor if they do raise the topic.

Where violence is identified, real estate workers reported being unsure of how to appropriately respond. Training for real estate agents and people in the real estate industry regarding domestic and family violence is required to equip workers with the confidence to identify and respond to violence.

Victim-survivors require protection from assuming liability for unpaid rents and damages, which can cause debt and prevent them from finding new accommodation

Perpetrators can cause damage to rental properties and accrue rent arrears to control a person and limit their financial capacity. Perpetrators may also intentionally damage a property as a form of intimidation or as retribution.

Due to this unpredictable behaviour, people experiencing violence may accrue significant debts, which can cause loss of tenancy or ongoing difficulty in securing a new property by reducing their ability to afford rent or bond. In some cases, renters impacted by domestic and family violence may also have their names added to 'bad renter' databases due to property damage or rent arrears.

Damages and liability for unpaid rents should not fall on the person experiencing domestic and family violence. However, it can be difficult to determine where unpaid rents and damages are a result of domestic and family violence. Additionally, holding perpetrators liable for the cost of damages or unpaid rents can be complex and requires navigating through the South Australian Civil and Administrative Tribunal (SACAT).

Tenants, landlords and property managers require better awareness of tenant rights when navigating issues caused by domestic and family violence

Where a person experiencing violence wishes to continue living in their current rental property, they may require additional support to maintain their safety. This could include making necessary modifications, such as security screens and duress alarms, to increase the overall security of the home.

Roundtable attendees expressed a need for increased awareness through education and training so that both the victim-survivor, real estate agents and landlords are aware of tenant's rights when navigating issues caused by domestic and family violence.

An example from the roundtable was that most tenants are unaware of the program Safe at Home run by Women's Safety Services SA. This program supplies free home safety audits and upgrades for women at risk or already experiencing domestic and family violence. Safe at Home is available while victim-survivors are renting, and the program can help renters get approvals from landlords about modifications necessary for their safety.

Education is needed to ensure all parties are aware of what supports are in place for tenants impacted by violence.

6 What are the potential solutions?

Potential Solutions



The real estate industry to explore the provision of references for victim-survivors whose rental history is impacted by DFV



The specialist DFV sector, in partnership with the real estate industry, to investigate the design and implementation of education and training for real estate agents and property managers



The SA Government to consider the creation of a centralised resource to support renters experiencing DFV and provide information to real estate agencies



The real estate industry, housing, financial assistance programs and the DFV sector to explore formal ways to continue working together

The real estate industry should explore the provision of references for victim-survivors whose rental history is impacted by domestic and family violence

To minimise the impact of a victim-survivor's inclusion on 'bad renter' databases due to property damage or rent arrears caused by domestic and family violence, references could potentially be provided. Landlords, agents or property managers could provide a reference to confirm a person's tenancy was impacted by violence. This would be of significant benefit to the people experiencing violence who are not on the lease agreement. Agents or landlords could provide a reference to confirm the victim-survivors residency and contribution to the rent.

Attendees of the roundtable also discussed the potential for statutory declarations from real estate agents, property managers and landlords to be utilised to hold perpetrators accountable for costs.



These declarations could be taken to SACAT when settling rental debts to avoid the person impacted by violence inheriting debts.

The specialist domestic and family violence sector, in partnership with the real estate industry, should investigate the design and implementation of education and training for real estate agents and property managers

Tailored education and training for the real estate industry would strengthen agents and property managers ability to identify and effectively respond to domestic and family violence. The training could focus on building confidence to recognise early warning signs and provide appropriate referrals.

Training should be informed by lived experience and delivered by the specialist domestic and family violence sector to ensure topics are relevant and information is delivered appropriately.

It was suggested that training include:

- How to identify early warning signs of violence that are impacting a tenancy.
- Responding to disclosures of domestic and family violence.
- How to have conversations with tenants who are suspected to be experiencing violence but have not disclosed this to their real estate agent.
- Referral pathways for people who are experiencing violence.

The SA Government will explore the creation of a centralised resource to support renters experiencing domestic and family violence and provide information to real estate agencies

Information on financial assistance and other supports for renters experiencing domestic and family violence is not widely available. A centralised resource outlining supports available to victim-survivors of domestic and family violence, including financial assistance, would be beneficial to both the real estate industry and renters.

This information should be readily accessible, available in multiple languages, easy to read, and informed by lived experience.

This centralised resource would:

- Clarify legal requirements and processes on tenancy arrangements.
- Highlight key issues and supports available for renters experiencing domestic and family violence.
- Provide practical guidance for the real estate industry to support a tenant experiencing domestic and family violence.
- Includes tools to navigate different scenarios to provide tailored and timely advice to agents and property managers.



The real estate industry, housing, financial assistance programs and the domestic and family violence sector should explore formal ways to continue working together

Support for renters experiencing domestic and family violence requires a holistic and coordinated response. The real estate, specialist domestic and family violence, family assistance and housing provider sectors should share ideas and work together for better solutions.

It was suggested during the roundtable that there should be ongoing forums and events to facilitate a more coordinated approach.

Other solutions

- Periodic resetting of rental and bond history, allowing opportunity to recognise growth and changes in renter circumstances.
- Expanding the eligibility criteria for financial assistance to cater to the unique needs of people impacted by domestic and family violence. Eligibility criteria should also be changed or expanded to ensure temporary visa holders experiencing violence can access financial support.

7 What was accomplished?


The roundtable was successful in bringing together the real estate industry with key stakeholders in South Australian Government agencies, the domestic and family violence peak bodies and lived experience advocates. To end the financial burden of rent on people experiencing domestic and family violence, it is essential to build partnerships between these sectors. The connections formed at the roundtables between industries will create opportunities for future collaboration and holistic, coordinated supports.

The roundtable helped establish a collective understanding of the issues faced by renters experiencing domestic and family violence. The roundtable increased knowledge and understanding within government of the financial issues and barriers faced by women impacted by domestic and family violence.

Importantly, the roundtable explored potential solutions and innovative actions that may ease the financial burden of people experiencing violence. This is essential as financial stability is a critical part of supporting the safety and wellbeing of people impacted by violence, and we must make sure people renting are provided solutions that are equitable, appropriate and effective.

Since the roundtable was held, the South Australian Government has committed to updating domestic abuse protections by reforming the South Australian *Residential Tenancies Act 1995*. These reforms provide more rights to tenants impacted by domestic and family violence and will come into effect once the *Residential Tenancies (Miscellaneous) Amendment Act 2023* is implemented.

Reforms related to domestic and family violence included in the Residential Tenancies (Miscellaneous) Amendment Act 2023 include:

- 
- People who have experienced domestic abuse will no longer need to apply to SACAT to terminate a tenancy. Supporting evidence prescribed by regulation will be required instead.
 - SACAT will also be allowed to refund a victim's portion of a rental bond and hold a co-tenant (listed on the lease) responsible for any damages they caused, even when the amount of compensation owed to the landlord is greater than this tenant's portion of the bond.
 - Further, changes will enable SACAT to strike out a landlord's termination notice if the tenant has been subject to domestic abuse and the termination was due to the perpetrator's domestic abuse.
 - A tenant who has experienced domestic abuse, and has prescribed evidence, will be allowed to alter any lock or security device without landlord permission. A key will need to be given to the landlord or agent.
 - People who are protected by an intervention order and normally reside at the premises, but aren't listed on the tenancy agreement, will be able to apply to SACAT so they can remain at the premises without the perpetrator.

8 What's next?

The South Australian Government will continue to collaborate with financial institutions, the specialist domestic and family violence sector and other key stakeholders to raise awareness of these issues and advocate for improved responses.

We extend our sincerest thanks to roundtable attendees and appreciate the effort they made to participate in these important discussions. We encourage attendees to keep in contact with other participants and the Office for Women.