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**HOMELESS CARETAKERS PROJECT – PROGRESS REPORT**

Colin James  
Director, I.B. Fell Housing Research Centre  
University of Sydney

This is a progress report on the *Homeless Caretakers Project* being conducted at the Ian Buchan Fell Housing Research Centre at Sydney University by Colin James and Susan Clarke.

Supporting civil disobedience can be a risky business, especially working with squatters occupying very valuable Council property in the heart of a large city. But inspiration came from the words of Lord Goodman when chairman of the UK Housing Corporation in 1973 who said, “It is only in a society where we have a government working day and night in our behalf that the housing problems are insoluble”. That the notion of a young energetic group of students, artists, musicians out-of-home just might generate some idealist proposals, could materialise into a positive way of assisting homeless persons.

Arising from the dramatic precedent set by the Sydney Housing Action Collective in squatting South Sydney City Council property in Broadway, Sydney’s busiest street, in September 2000, significant progress has been made towards the development of a useful model for the short-term use of vacant property by homeless groups. The following achievements have been made.

### **A COALITION OF STRATEGIC SUPPORT**

Picket line support from Building Unions to repel security guards, council workers and police after Council moved to evict the squatters, was critical to maintaining occupation, attracting media attention and building alliances. This action also provided an avenue of dialogue with the site developers and the NSW Labour Council. The NSW Council of Social Services and the NSW Tenants Union responded in supporting meetings between squatters, Councillors from South Sydney and Waverley and helped to turn around the negative views of some media.

Two local University units were also engaged from the beginning of the public campaign. The UTS Community Law and Legal Research Centre, who already maintained a student tenancy advice service, sought pro bono representation to defend occupation of the Broadway property in the Land and Environment Court. This Centre went on to develop the *Caretaker Lease* into its final form. The USYD Technical Assistance Group and I.B. Fell Housing Research Centre provided technical advice and research on precedents and went on to develop documentation for planning and building consents for the occupants.

## **HOUSING INDUSTRY SUPPORT IN PRINCIPLE**

In addition to encouragement by the building unions, the developer Australand responded to a negotiated meeting by the planning firm, Elton Consulting with the squatters and supporters. The resultant outcome was that their option to acquire the property from the Council (which was imminent) would not be conditional upon vacant possession, providing the squatters would incorporate, insure themselves and enter into a form of lease giving 3 weeks notice to vacate from the time of Council approval to commence development.

This arrangement with one of Australia's largest residential developers was instrumental in relieving Council of their obligations and creating potential support from the Housing Industry Association generally. A telephone conversation with an HIA representative anticipated industry support in principle, if there were gains for homeless persons and gains for developers. It was noted that two of Sydney's largest developers Lend Lease – Bovis and Mowlem Barclay were also members of an industry charity known as CRASH in London, which provides support for homeless persons.

## **A ROLE FOR LOCAL GOVERNMENT**

Whilst the squatting exercise enjoyed the intermittent support of a majority of South Sydney Councillors (5 out of 9), both the Mayor and General Manager were opposed to the precedent posed and the vulnerability of Council to risk. With the development of the *Caretaker Lease* and the apparent broad backing for the potential to relieve episodic homelessness in the inner city, the Council later saw benefits in a central role of broker within the planning department.

Through the addition of 'Homelessness and Marginal Housing' to the Council's 'Affordable Housing Committee', now known as HOMAH, support was gained for the role of a social planner working with the Council planning department to develop procedures for brokering arrangements between developers, homeless persons advisory services and street outreach services to provide temporary options to those 'sleeping rough'. Research applications have been lodged to fund investigations of these processes for the HOMAH Committee.

## **OBSTACLES AND FUTURES**

The I.B. Fell Housing Research Centre in co-operation with Empty Spaces – Temporary Places Inc. is pursuing the following research agenda towards prospects for several pilot studies in Sydney (and possibly in Brisbane) as prerequisites for model recommendations to others.

- A planned meeting with CRASH and the Empty Properties Unit in London for direct information exchange and operational details of homeless services for assessment.
- A planned survey with NSW Shelter of Sydney's homeless to gauge preferences for housing options including the caretaker model and recording interest. This

survey will direct the question as to why only 17% of homeless persons counted in the 1996 census accessed institutionalised accommodation.

- The conduct of two or more pilot studies in South Sydney, to test the process of vetting development applications, setting criteria for selection of potential use, judging capability for temporary use and compliance issues and negotiating with developers for benefits.
- If funds are forthcoming, further research into building compliance casework and use of temporary instruments, distinct from BCA provisions will be pursued.

## **APPENDIX A**

### **CARETAKER RESIDENTIAL TENANCY AGREEMENT**

**Approved recitals attached to standard residential tenancy agreement prepared by UTS Community Law and Legal Research Centre**

- A. The occupation of empty buildings is a viable form of self help housing.
- B. Caretaker agreements provide property owners with a decriminalised alternative to the occupation of empty buildings.
- C. The occupation of empty buildings improves their security and the safety of the local community.
- D. Caretaker agreements provide both affordable housing and alleviate homelessness.
- E. Caretaker agreements maintain the usage of empty buildings and extend their useful life.
- F. Caretaker agreements encourage the reuse of materials for household maintenance, and the occupant's development of maintenance and repair skills.
- G. In consideration of these values, caretaker agreements aim to continue until demolition as far as practical.
- H. Caretaker agreements aim to ensure that vacant possession is delivered when required.
- I. In consideration of these values, nominal rent, and/or caretaker duties are appropriate for caretaker leases.

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UTS Community Law and Legal Research Centre