

Home the forgotten issue

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Key points

- Home is the key issue for tenants
- Home does not factor in either the legal or economic frameworks within which housing policies are developed
- This means that tenants find it extremely difficult to negotiate about their homes
- Is the key reason why redevelopment of public housing estates is difficult

Home...

- Is many things, is not easy to define
- Can be experienced by people differently
- Incorporates the physical environment and a range of social relationships and emotions
- Generally regardless of gender, culture, age etc people have a need or desire to create a sense of home

Major impediments to the recognition of tenants interests in home

- The legal framework
- Government policy
- Landlords interests

Limitations of the legal and economic framework

- Tenants negotiate about housing as commodity with in the framework of contract law - their more subjective in having a home are not recognised
- Contract law - The theory assumes that contracts are formed by a one on one negotiation of the terms by parties with equal bargaining strength.
- It also assumes that the transaction is about a commodity with no other complicating needs and relationships (such as notions of home) attached

Consumer rights approach

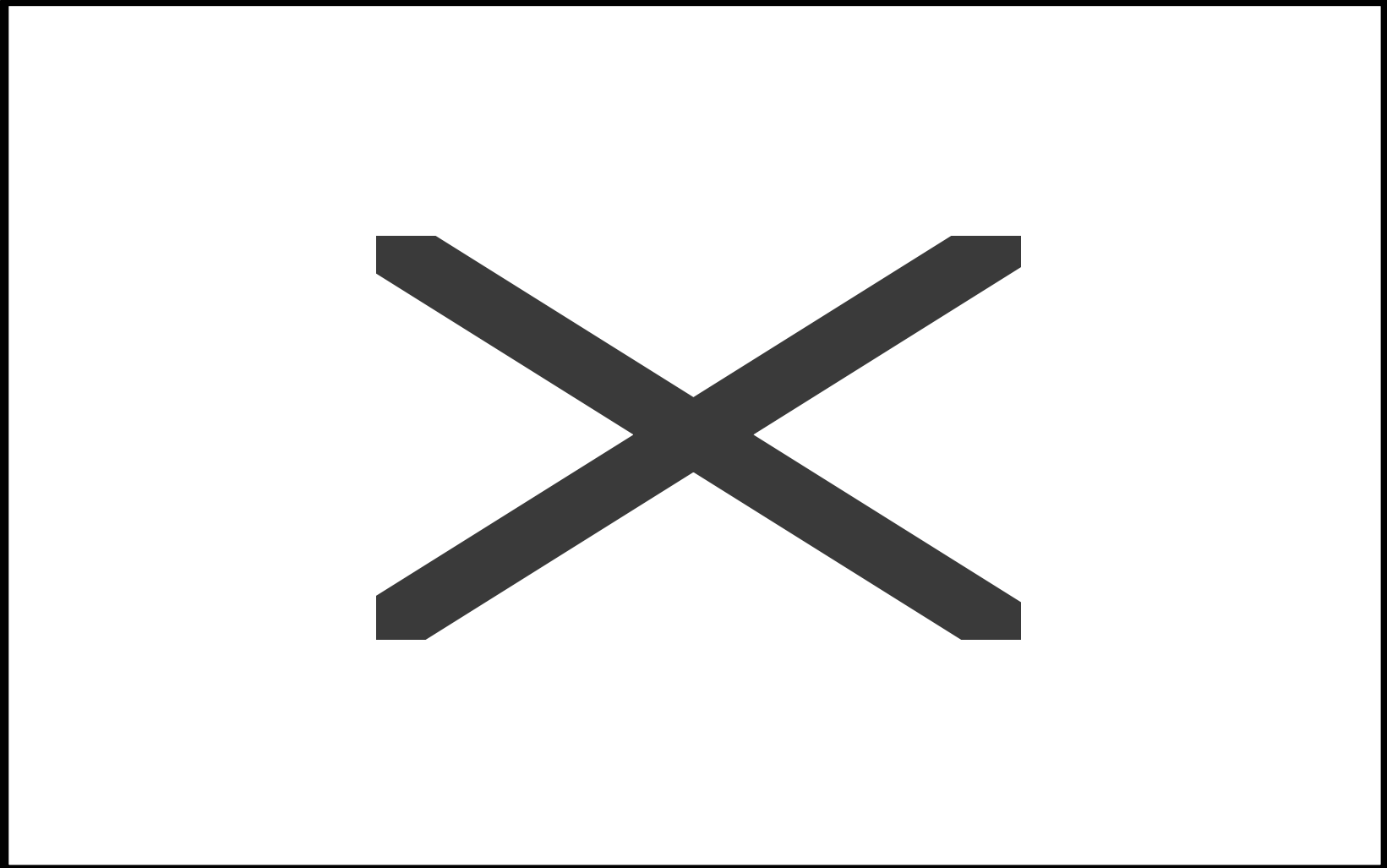
- Recognises that parties to a contract are not equal and that consumers are the weaker party
- Aims to give consumers equity of power and redress against the suppliers of goods and services
- Applied to landlord and tenant relationship
 - tribunals
 - Statutory leases
 - Provision of information and assistance
 - Consultative processes

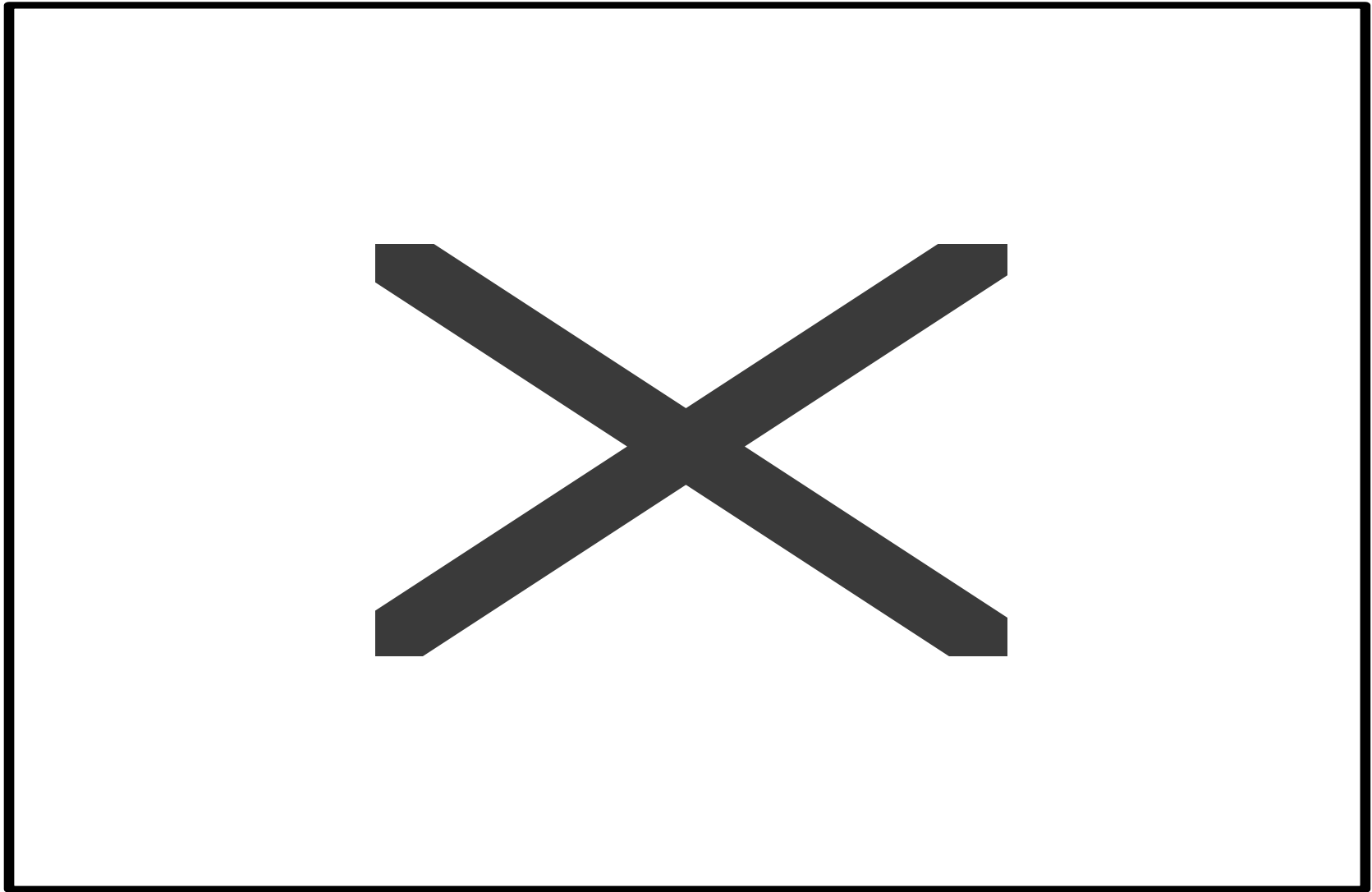
Problematic for tenants

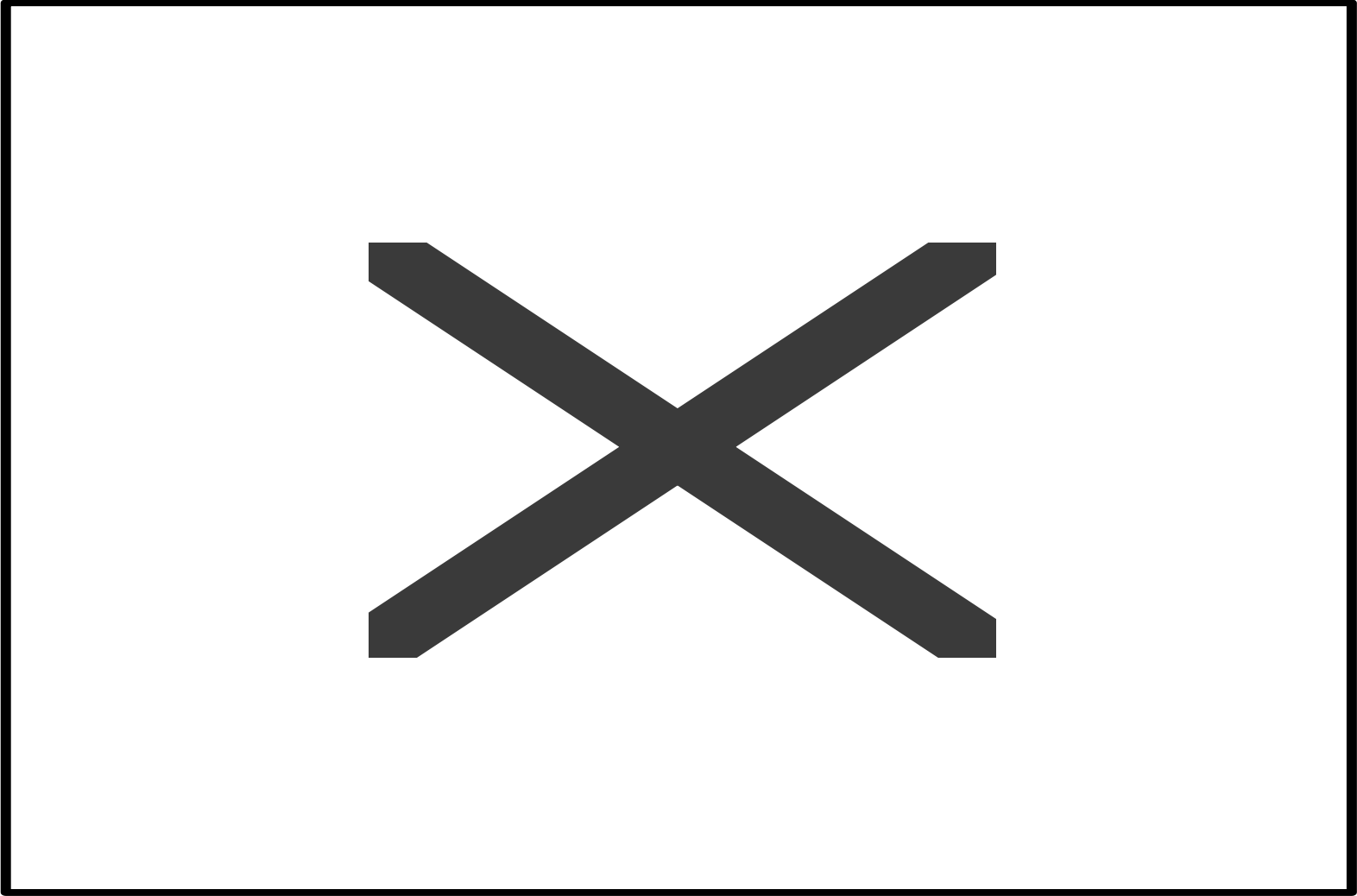
- The transaction between tenants and landlords is about something qualitatively different from the more usual consumer dealings which concern tangible goods or services
- The imbalance of power for tenants stems not from the corporate status of the supplier but from the fact that the commodity being negotiated has significantly different meanings for each of the parties
- Because these interests are not recognised a power imbalance is created in which tenants are the weaker party

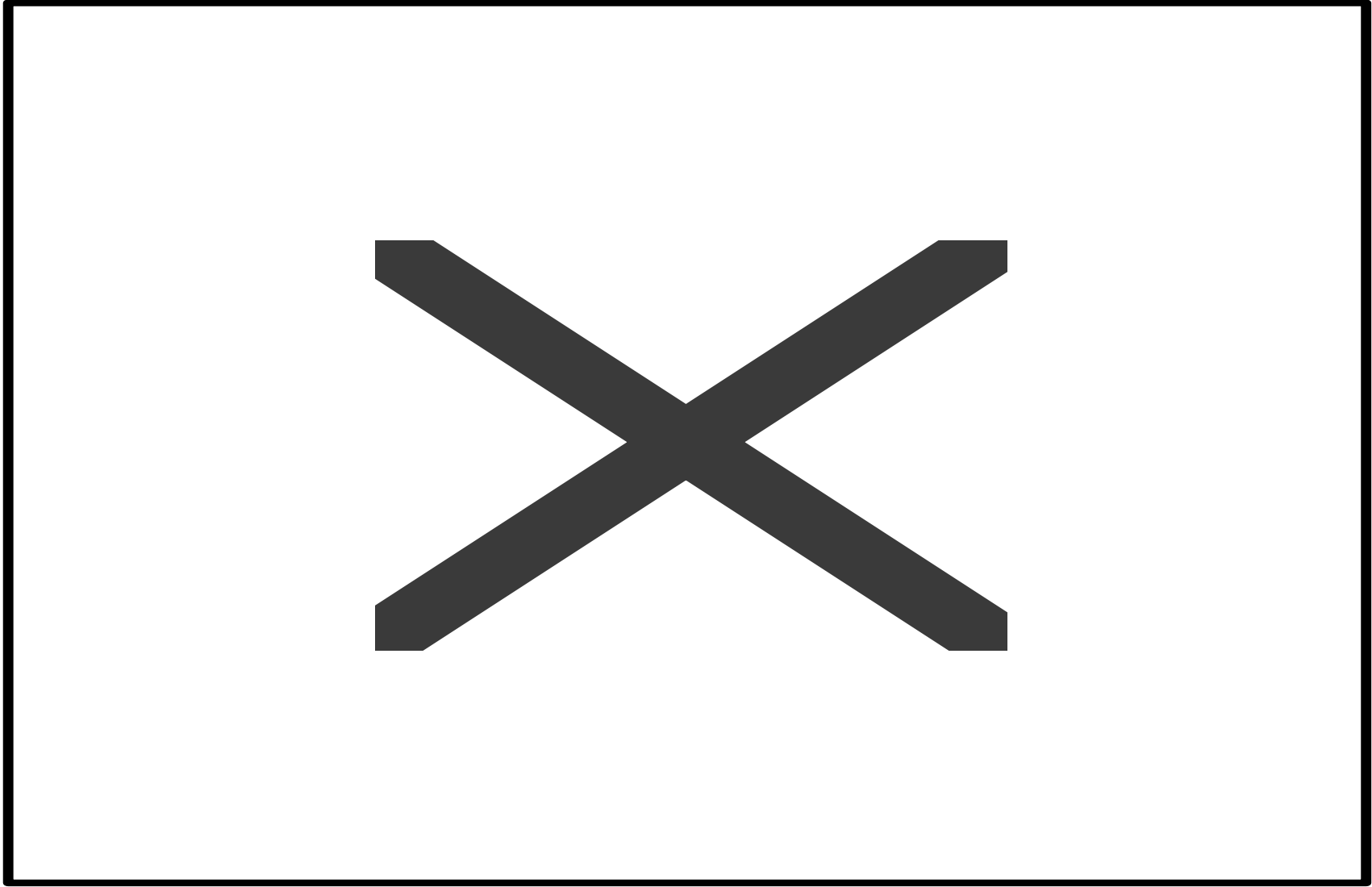
Implications - redevelopment housing estates

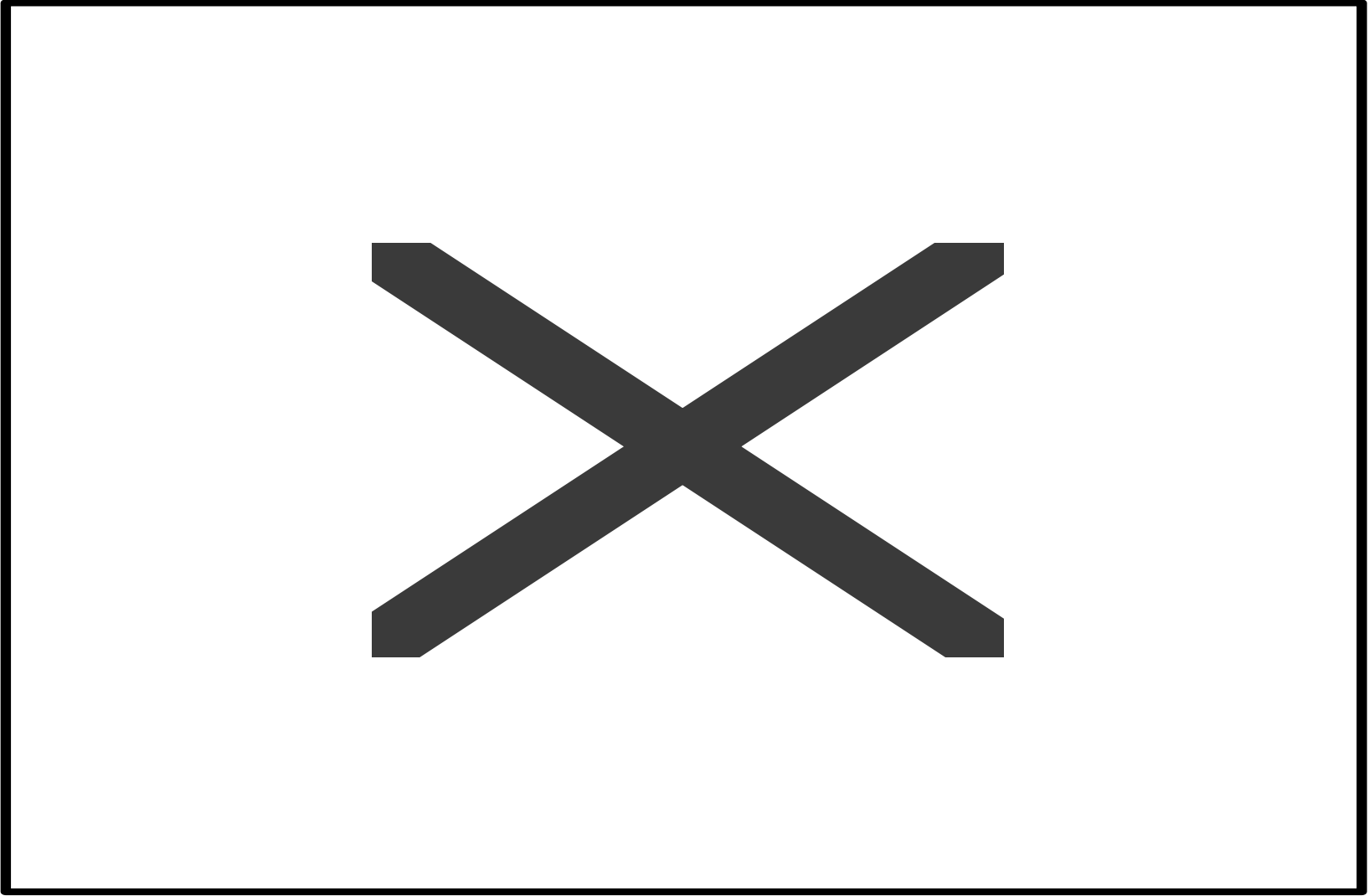
- Tenants come to the table thinking they can address issues relating to their homes and community and find no real place for their issues within the “bigger picture”
- They cannot use the legal system to put their case

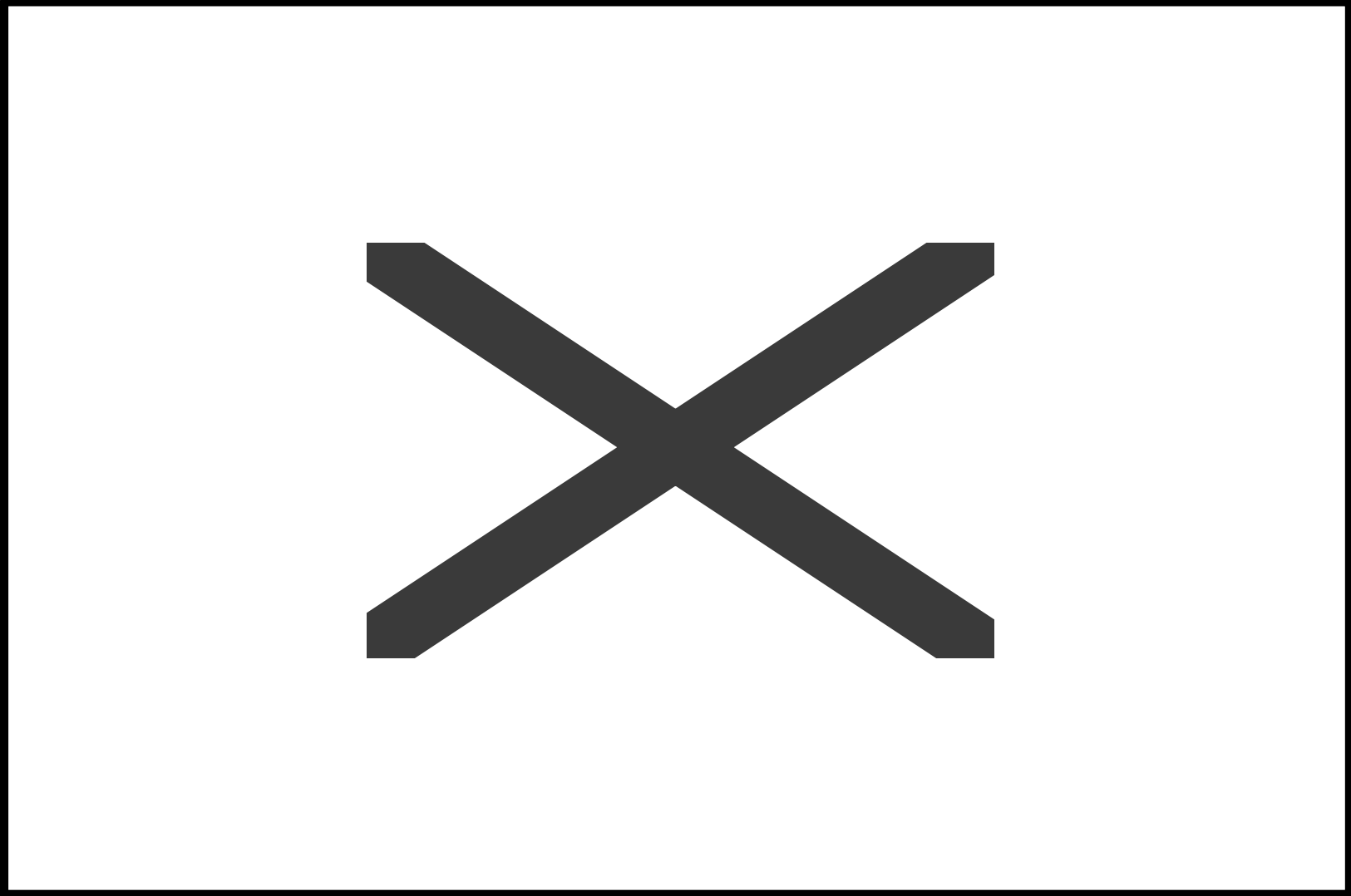


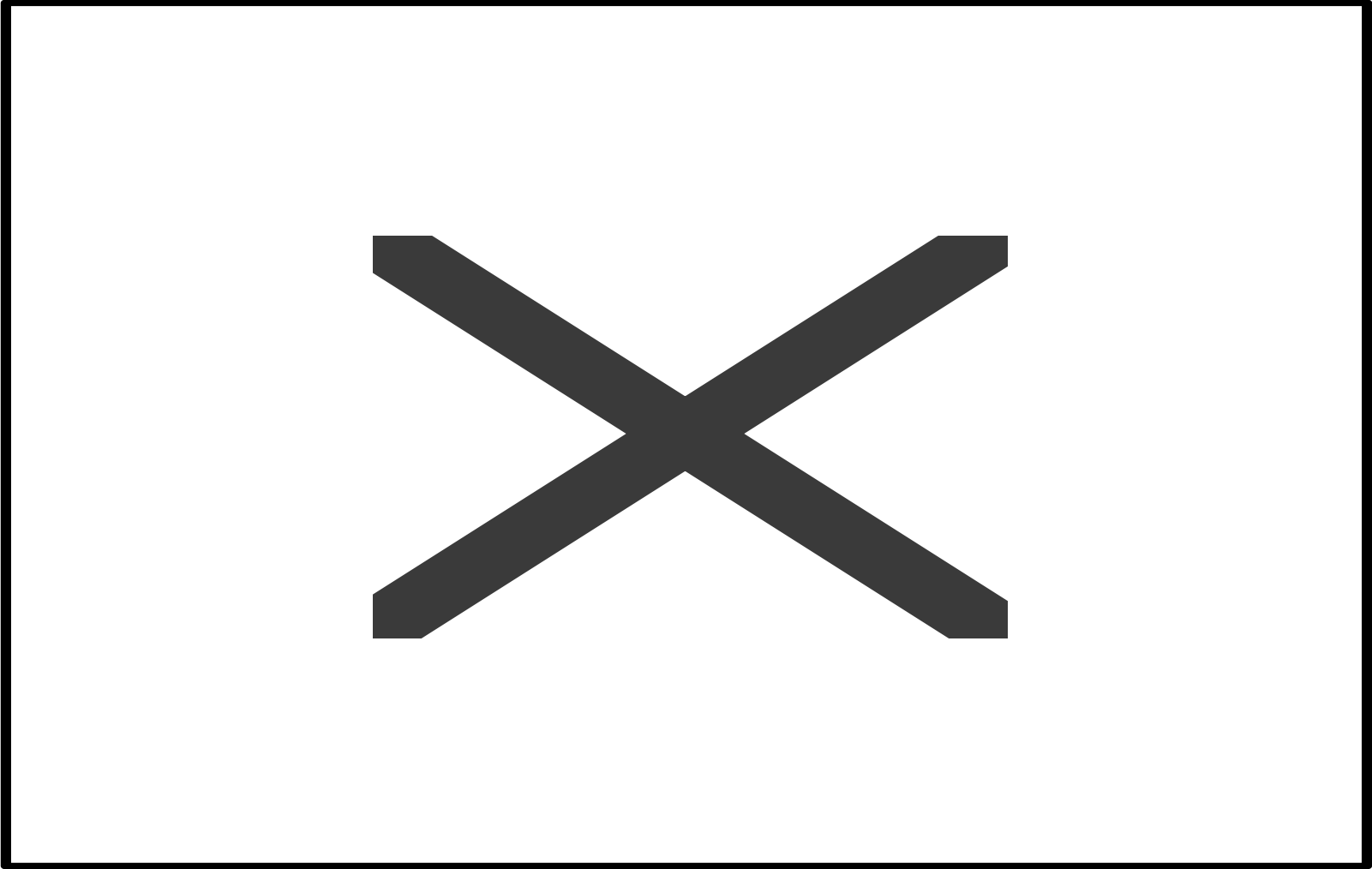


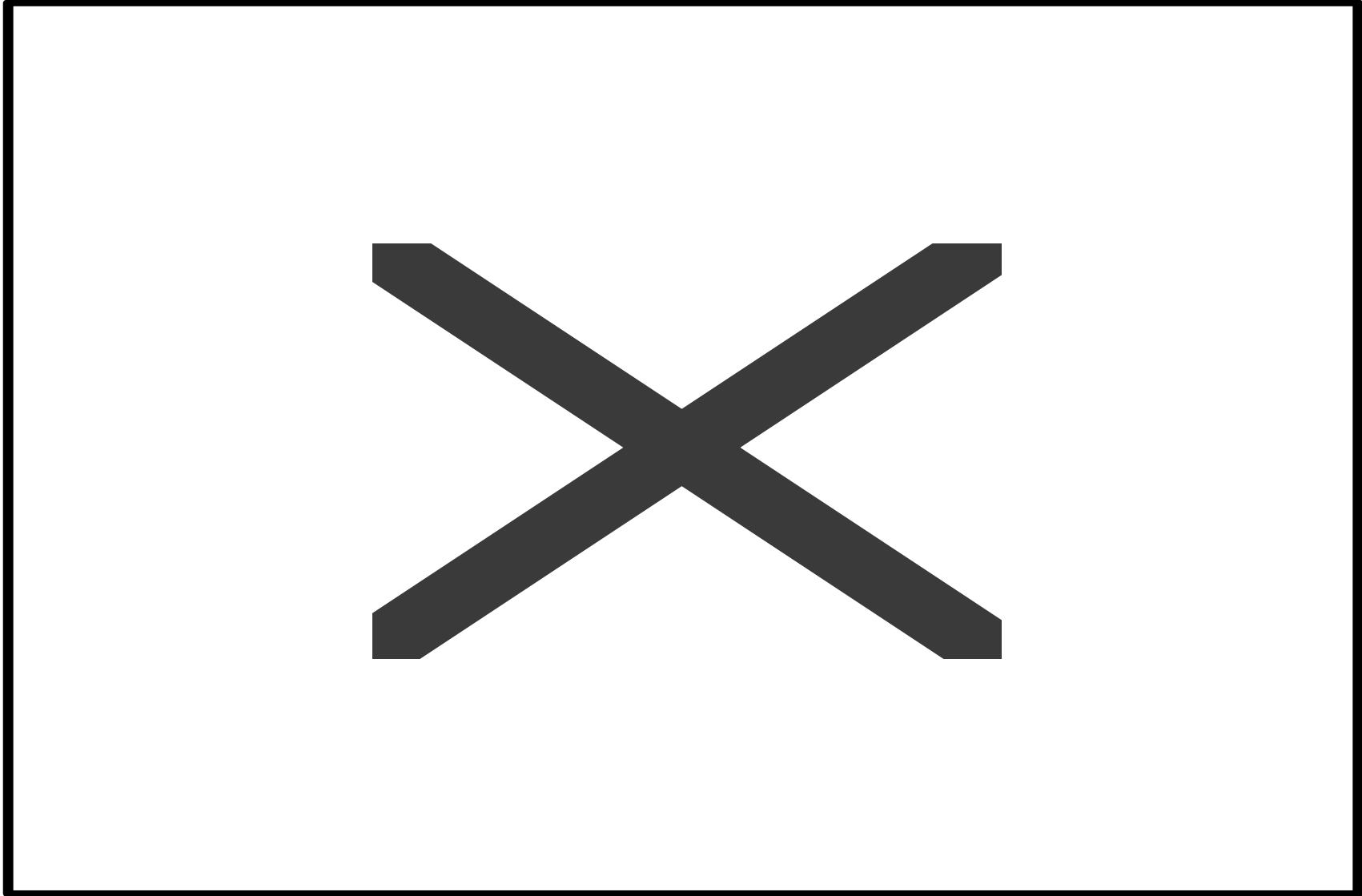


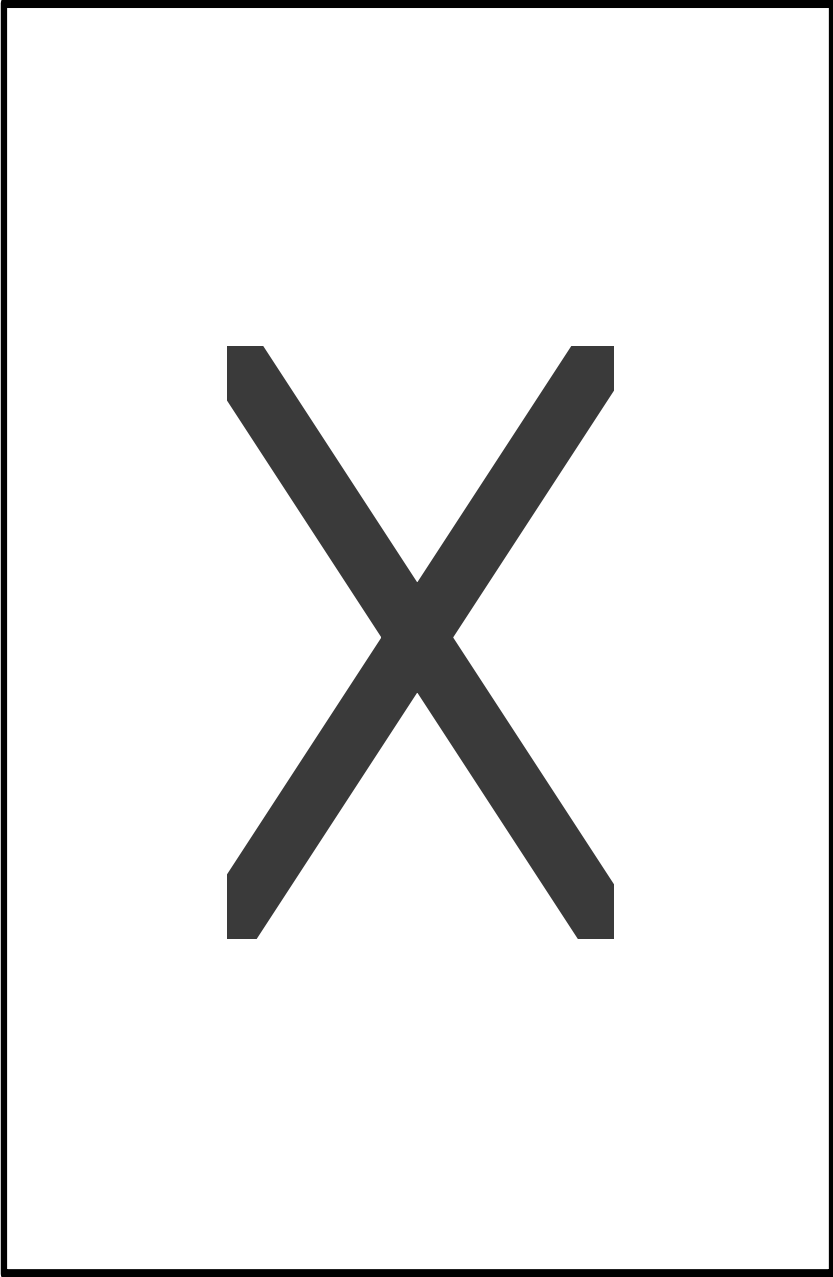


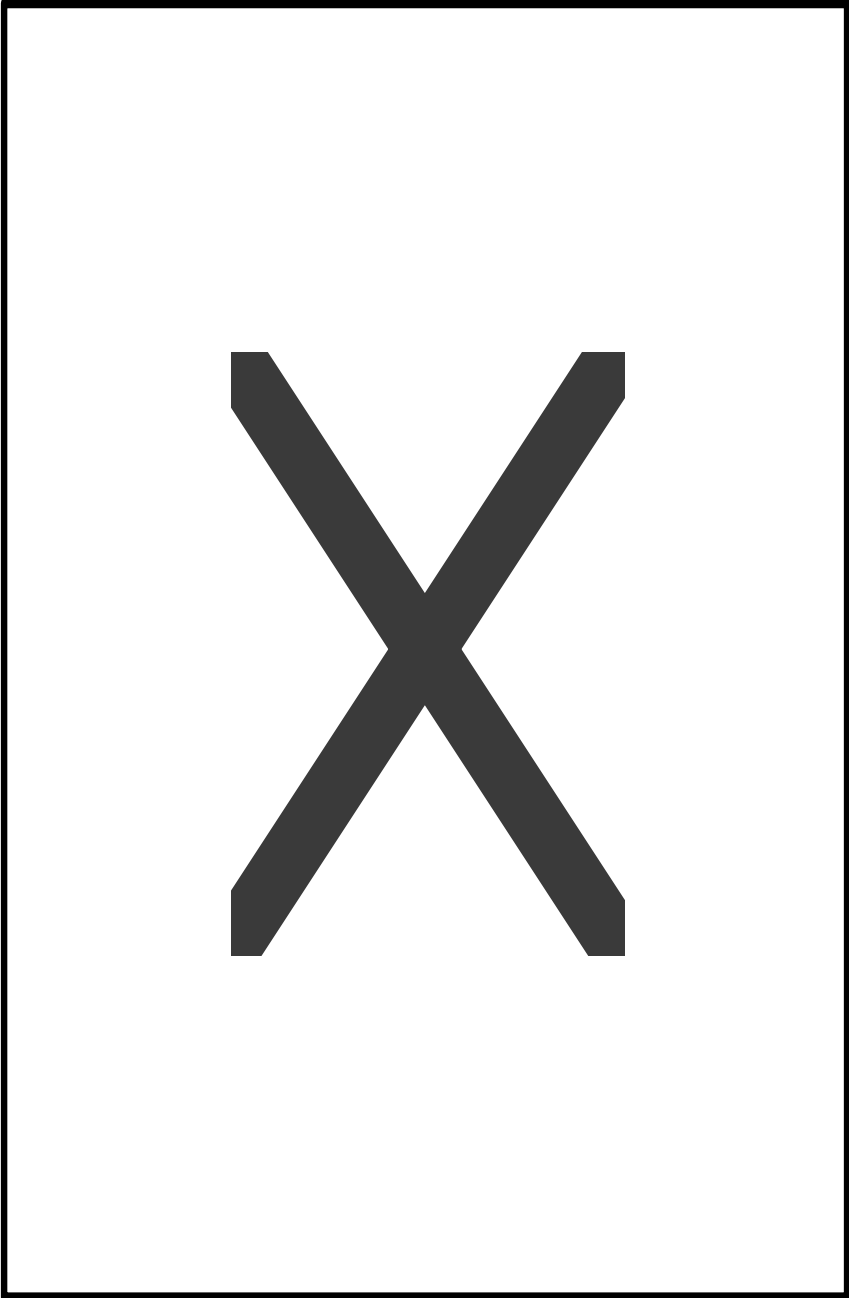


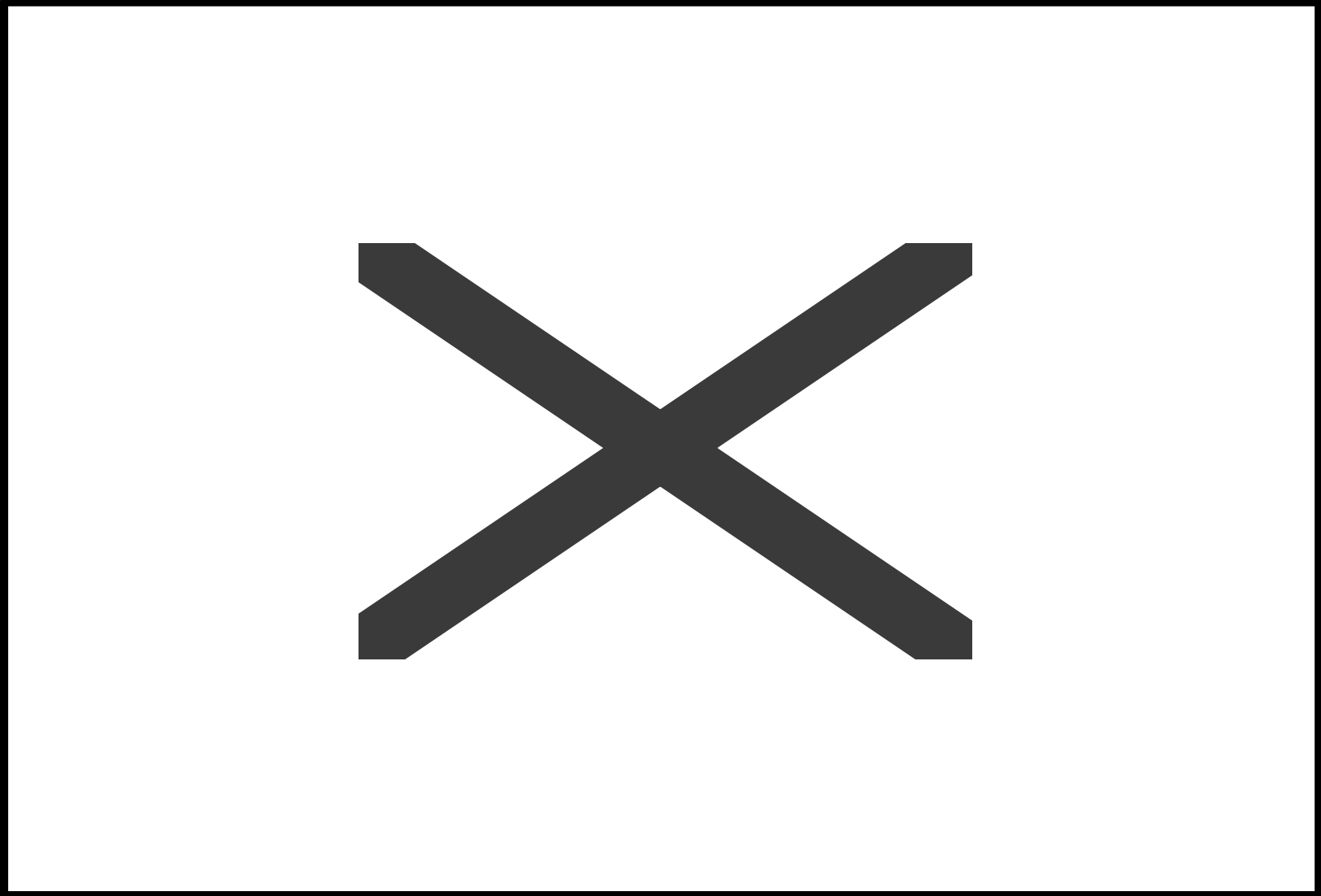


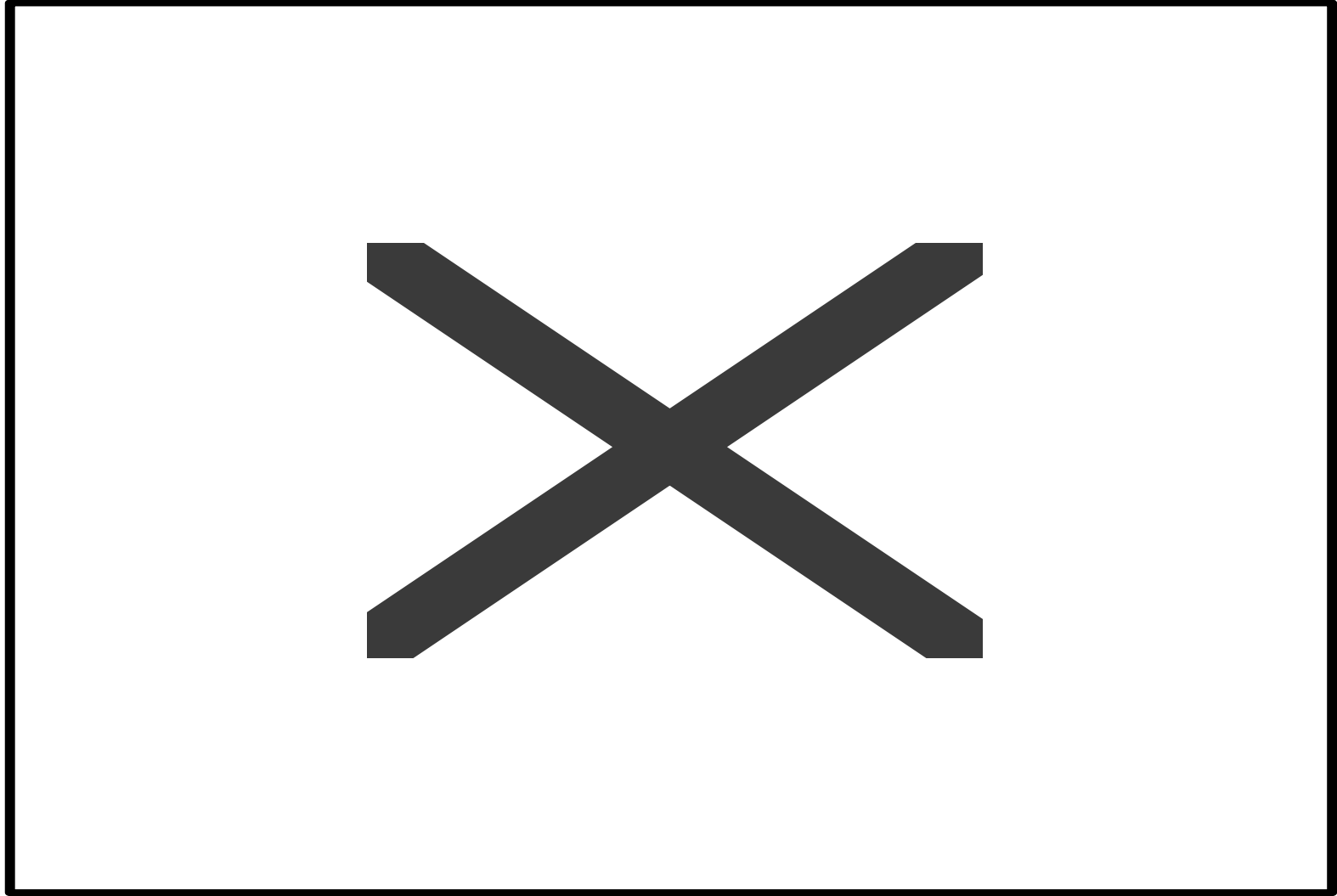


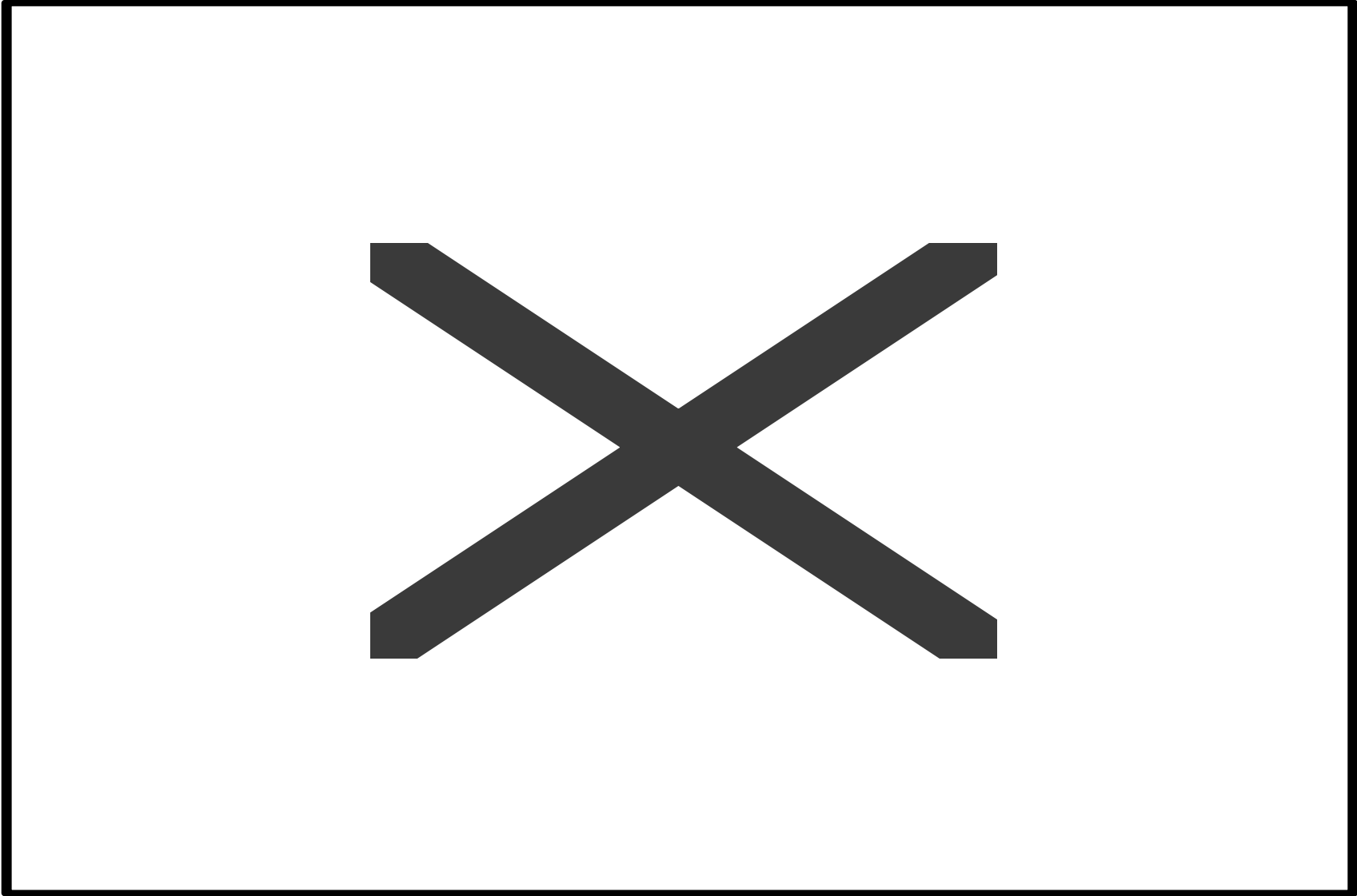


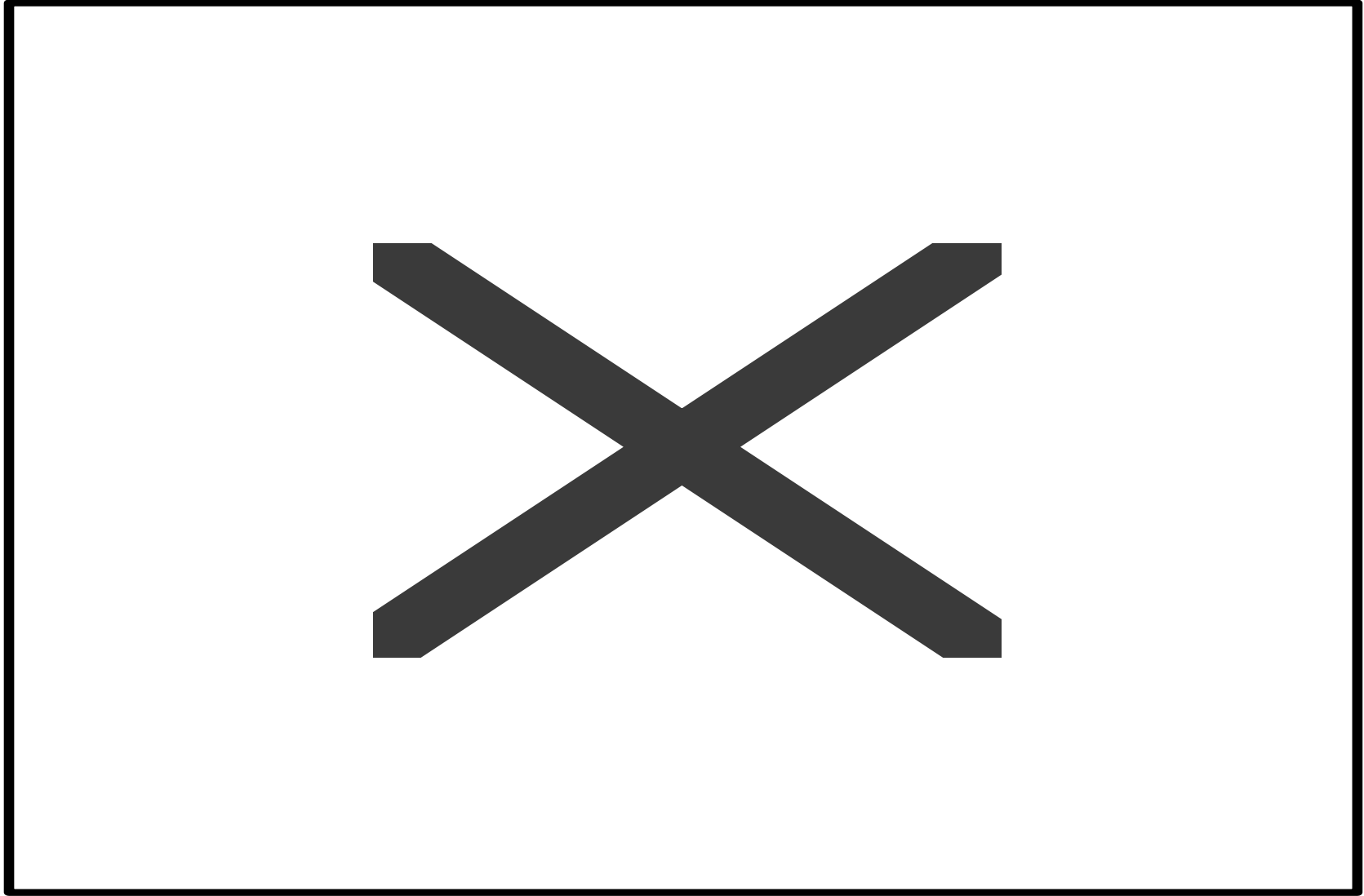


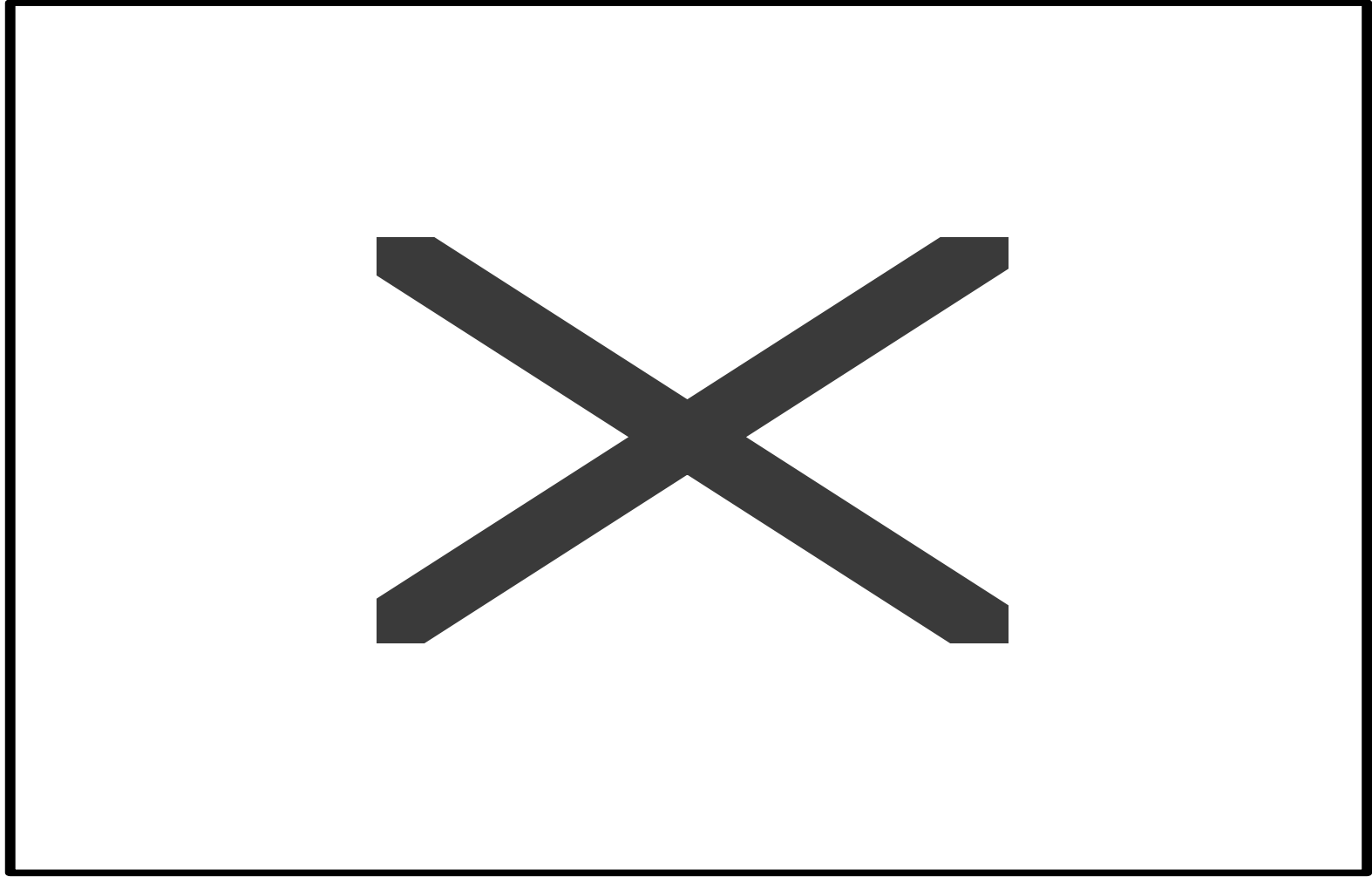


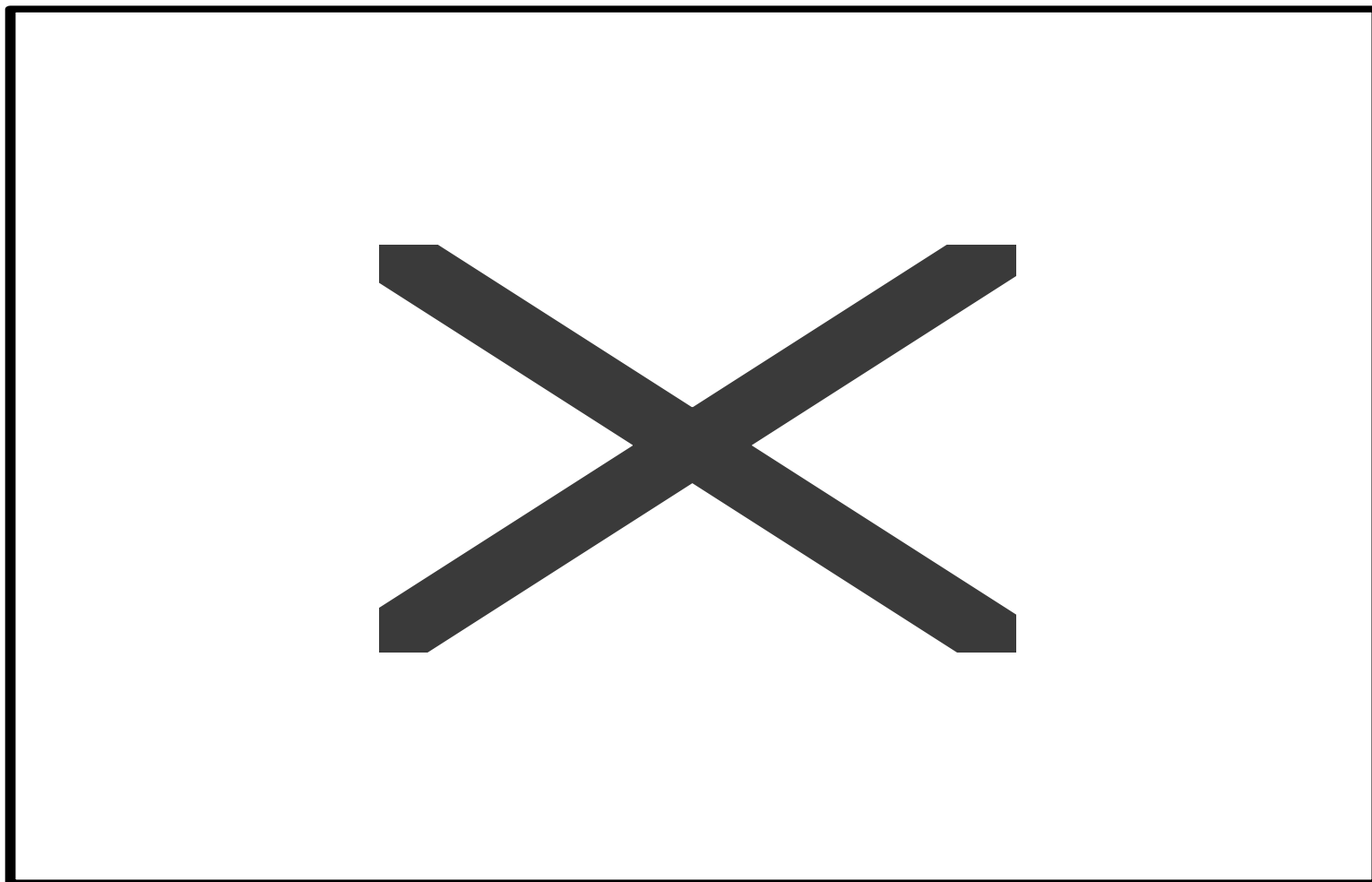


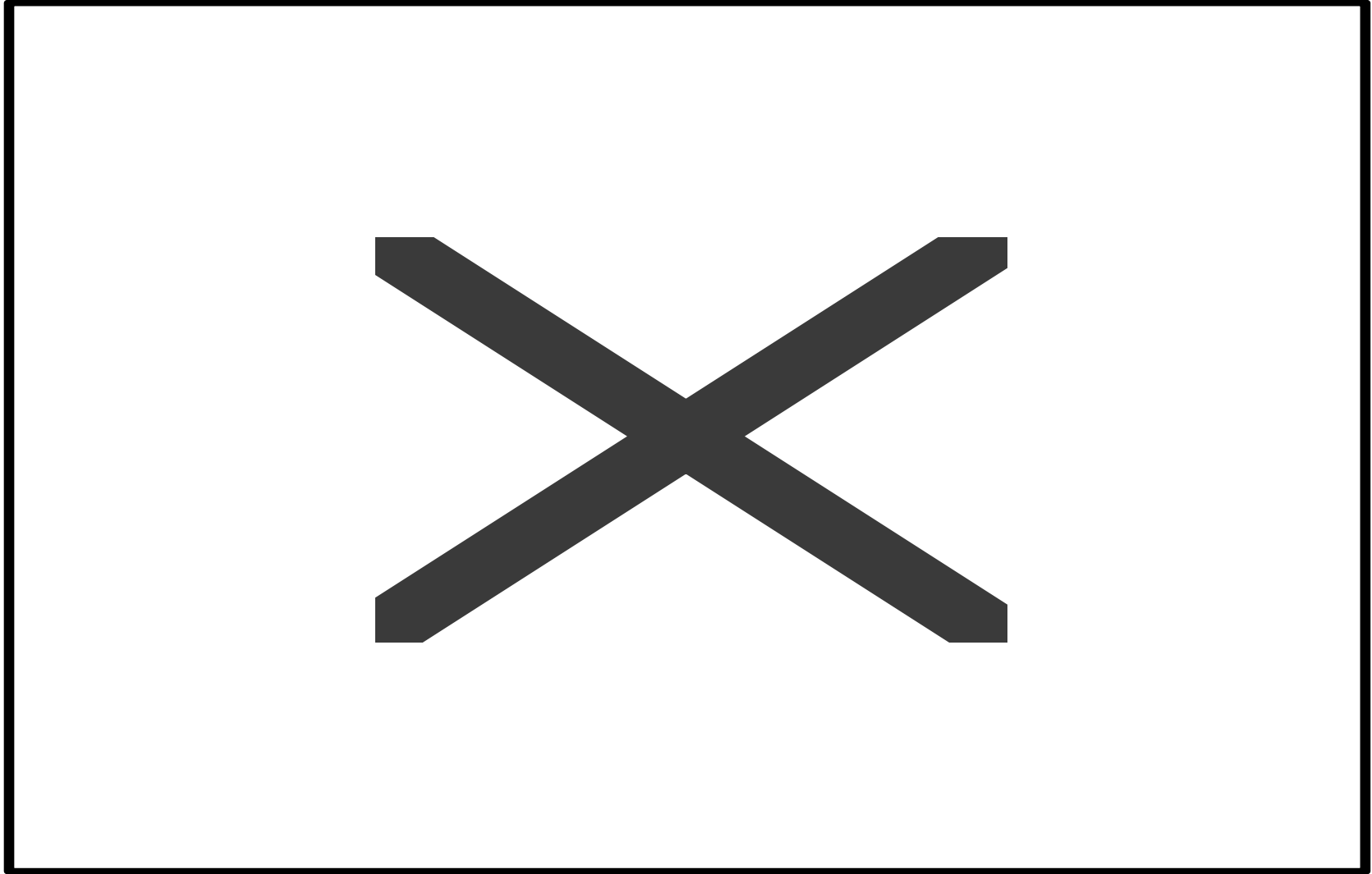


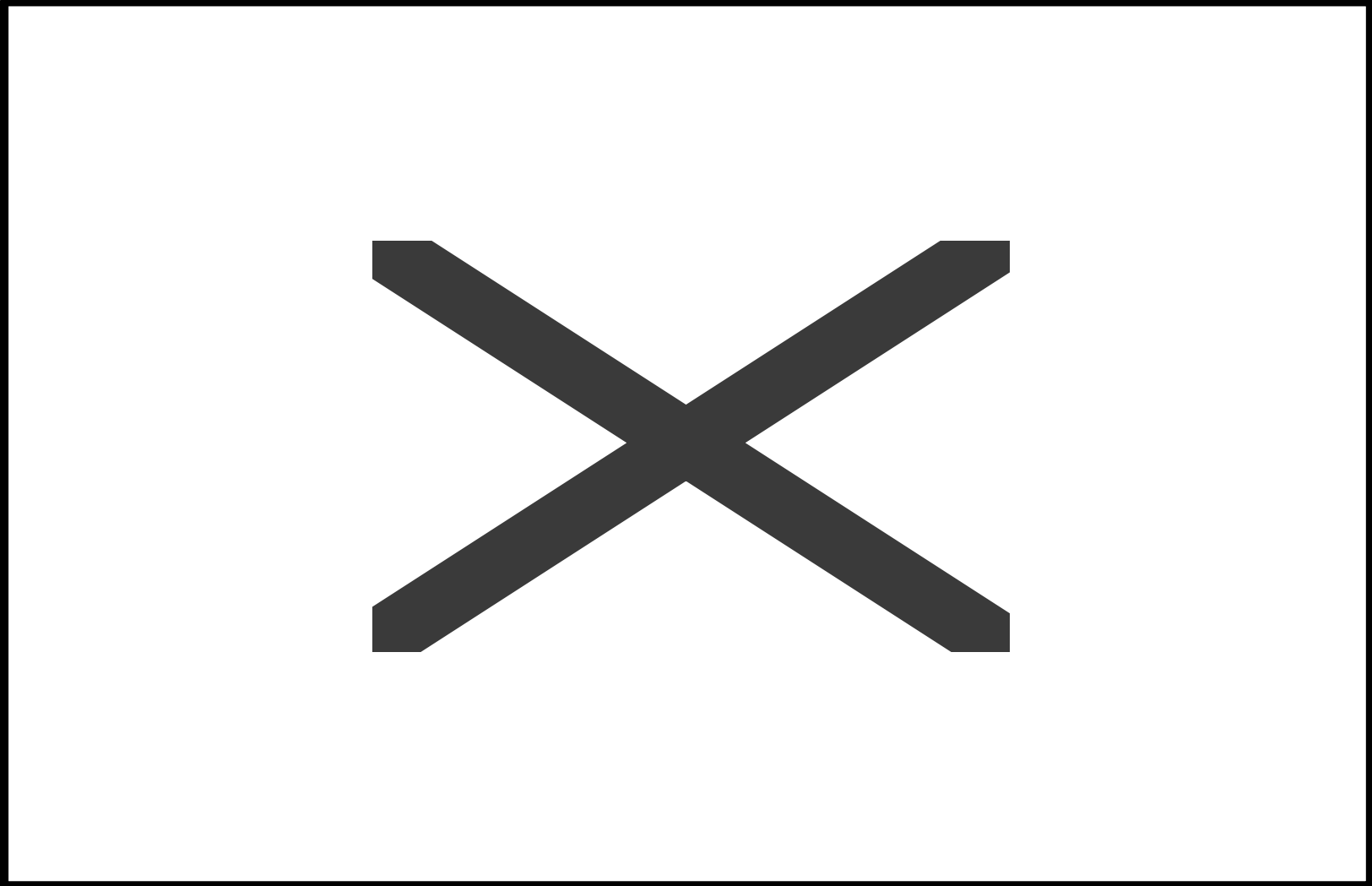












Conclusion

- The establishment of a home is a major factor contributing to social and psychological wellbeing
- There must be an important consideration in both legislation governing the landlord and tenant relationship and public policy

What would make a difference

- Genuine consultation
- Reliable and consistent information
- Practical things done properly – repairs, removals etc
- Being treated with respect – not a number
- Acknowledgement of what is being lost
- Development of a climate of trust and lack of fear
- Guidelines being adhered to and promises fulfilled

Acknowledgements

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