

# Housing for people with disability

**Submission to the Joint Committee on the NDIS and the National Disability Insurance Agency**

March 2016

## About VCOSS

The Victorian Council of Social Service (VCOSS) is the peak body of the social and community sector in Victoria. VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups, and individuals interested in social policy. In addition to supporting the sector, VCOSS represents the interests of vulnerable and disadvantaged Victorians in policy debates and advocates for the development of a sustainable, fair and equitable society.

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# Executive Summary

VCOSS welcomes this opportunity to provide feedback to both the National Disability Insurance Agency and the Joint Standing Committee on the National Disability Insurance Scheme on the housing needs of people with disability.

In preparing this submission, a consultation forum was convened with VCOSS members and funded disability advocacy organisations to seek their views and insights into the housing needs of people with disability, and these are reflected in this submission.

*The NDIS was born out of one of the strongest grassroots campaigns in Australian history and made Australians feel immense pride in being a world leader in addressing the long neglected needs of people with disability and their families.*

*This campaign was born out of frustration with the previous state-based system that was characterised by a chronic lack of funding and executed in such a way that it excluded people with disability and their families from the community, by placing us in institutions or leaving families to cope alone. The NDIS provides the opportunity for people with disability to be included in the community.<sup>1</sup>*

The central tenets of the NDIS are enabling people with disability to have choice and control over their lives. In relation to supports and services, choice refers to clients deciding which organisation provides them with supports and services, whilst client control refers to clients or consumers deciding how supports and services are designed and provided.<sup>2</sup> Whilst the exercise of choice and control for people with disability in relation to the NDIS has implemented in the launch sites in relation to service delivery and other supports, as the scheme moves to full implementation the role of housing in promoting choice and control, and its role in building better lives for people is still unclear.

Feedback from VCOSS consultations is that despite the positive gains that can be achieved by the NDIS, housing remains an area of significant unmet need for people with disability, and there is high levels of uncertainty about people's ability to gain affordable, accessible and secure housing, and to what extent and circumstances the NDIS will support people to find and maintain appropriate housing. Similarly, providers of housing express high levels of uncertainty about their ability to fund the provision of housing for people with disability, including the financial risks generated by different funding models, both within and outside the NDIS.

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<sup>1</sup> Matthew Wright, Unlocking the potential of the NDIS : a journey of understanding, Community Sector: Climate of Change, VCOSS Insight Magazine, Issue 13, 2015

<sup>2</sup> Ageing, Disability and Mental Health Collaborative Panel, *Community Organisations in a Climate of Change: Briefing Papers*, October 2015

People with disability have the right to live independently and be included in the community. This right is protected by the Convention on the Rights of Persons with Disabilities (CRPD), to which Australia is a signatory. Article 19 of the CRPD states:

*States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:*

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and **are not obliged to live in a particular living arrangement**;*
- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;*
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.*

We are concerned that the “Specialist Disability Accommodation Framework Pricing and Payments Framework does not accord with these principles, and undermines the original intention of the NDIS as an insurance scheme, not a rationing system.

The opportunity afforded by the bi-partisan commitment to the NDIS should ensure every person with disability has the opportunity to live a good life, underpinned by the right to safe and affordable housing, chosen and controlled by themselves. This can only be achieved through the housing frameworks and entitlements of the NDIS working in harmony with a whole of government (Commonwealth, State/Territory and Local Government) efforts and commitment to this goal.

# Summary of recommendations

## Housing as a foundation to create a good life for people with disability

### Reconceptualise housing for people with disability from a service to a home

- NDIA housing assistance should be provided in accord with human rights principles, including that people with disability are not obliged to live in a particular living arrangement
- The NDIA should use language that refers to the living arrangements of people with disability in the same way as the general community

### Expand social and affordable housing options

- The Commonwealth Government develop a National Affordable Housing Strategy, with specific targets increasing social and affordable housing supply and halving homelessness
- That the Commonwealth, States and Territories take joint responsibility for housing, and identify durable funding mechanisms to achieve required growth

### Improve access to social housing for people with disability

- State and Territory Governments take action to expand their social housing stock to allow more people with disability to be offered tenancies

### Expand the availability of adaptable and accessible housing

- That governments assist in expanding the availability of adaptable and accessible housing by:
  - Including mandatory adaptable housing standards in building regulations for residential housing
  - Including a mandatory proportion of accessible dwellings in multi-unit property developments
  - Ensure all new social and affordable housing properties are accessible
  - Require and fund services for people experiencing homelessness and women escaping violence to be accessible and able to cater for people with disability

### Improve access to and security of tenure in private rental housing

- That State and Territory governments strengthen laws for private rental housing to:
  - Reduce discrimination against people with disability in being offered a private rental property
  - Improve security of tenure in private rental housing so people can have greater certainty and security in their homes

- Legislate that landlords may not unreasonably withhold permission to make modifications to rental properties required for people with disability, and may not require their removal at the conclusion of a tenancy if they do not detract from the value of a property

#### Funded disability advocacy helps secure housing and raise expectations

- Commonwealth, State and Territory governments agree on a funding model that expands the availability of disability advocacy to be available when people with disability require it, including independent individual advocacy, self-advocacy support, family and carer advocacy and systemic advocacy

### Choice and control in customised housing

#### The NDIA improves its consultation processes

- The NDIA provide accessible consultation materials, and be able to provide greater detail on housing assistance to be provided by the agency in engaging with people with disability and other stakeholders

#### The NDIA facilitates housing choice and control for participants

- Adopt the principle that NDIS participants have the right to choose where, how and with whom they live
- Ensure people have the capability to express their choices and develop the skills to live as independently as possible

#### The NDIA enables housing assistance to be used flexibly

- That NDIA allows participants to use their entitlements flexibly and creatively, including being able to:
  - substitute housing assistance with levels of care
  - substitute disability modifications and housing assistance
  - combine housing assistance with other resources, including family contributions and informal care
  - use resources to finance home ownership or shared equity products

#### Encourage high expectations for independent living

- The NDIA actively supports, promotes and develops the capacity of participants to maximise their capabilities for independent living

#### Establish needs-based eligibility for housing assistance

- The NDIA develops clear and objective eligibility criteria for housing assistance that are needs based, not dependent on a person's existing housing arrangements or diagnosis, and allows people maximum opportunity to live independently if they wish

- Residents in inadequate accommodation should be eligible for housing assistance from the NDIA, including people on existing waiting lists for housing assistance, people living in supported residential services (SRS), secure extended care units, temporary respite care facilities, out of home care, rooming houses and caravan parks, or who are homeless
- The NDIA should not force a person to live in shared housing against their will

#### Separate housing and support services

- The NDIA require that a provider may not provide both housing and support services to the same person
- That people living in customised housing have, at a minimum, the same rights and protections as other tenants in the general community

#### Transition to new models of housing for people with disability

- The NDIA prohibits funding new construction of traditional 'group homes'
- The NDIA produces criteria to only fund new construction of superior housing models that support greater independence, such as independent units, key-ring models, intentional communities, and home-sharing

#### Oversight of customised housing markets is needed to communicate housing options and people's needs

- The NDIA ensures, through local area coordination, care planning and other mechanisms, that people have good knowledge of housing options and vacancies from which to choose
- The NDIA publishes data on housing need so that housing providers can meet demand for housing form and location

#### Consider augmenting individualised housing funding with supply-side subsidies

- The Framework should continue to focus on portable individualised funding for customised housing, but consider the usefulness of supply-side incentives to stimulate high quality innovation options, which can be offset by future funding reductions

#### Differential pricing for existing and new housing

- That the Framework develop differential pricing arrangements for existing and new stock, recognising historical public investment need not be compensated, and that higher quality housing is required in the future.

#### Tenants should be charged an affordable rent

- The Framework should clarify that rents for customised housing should not exceed 25 per cent of income, including for people who do not receive the full rate of DSP
- The Framework should clarify that rent should be charged separately from board, and tenants should have control of the items included in payments for board, and pay for them individually if they wish



### Choice and control in shared housing

- The NDIA should stipulate a maximum number of residents in a shared housing
- That where people lived in shared housing, new tenants can only be offered a tenancy with the agreement of both the prospective and continuing tenants
- That the NDIA ensures only support services that need to be shared in a joint tenancy are combined, with services that can be individualised to particular tenants remaining in the control of individuals
- That the NDIA makes sure that tenants can still collectively control the provider of support services in a joint tenancy, and establishes a process whereby people can negotiate collectively to choose a provider

# Housing as a foundation to create a good life for people with disability

## Reconceptualise housing for people with disability from a service to a home

### Recommendation

- NDIA housing assistance should be provided in accord with human rights principles, including that people with disability are not obliged to live in a particular living arrangement
- The NDIA should use language that refers to the living arrangements of people with disability in the same way as the general community

The way we use language is important. VCOSS advocacy for systemic change that improves the lives of people with a disability is informed by a social model of disability, which understands the disadvantage and discrimination experienced by people with disability is not created by their impairments, but by the physical and social environment in which they live. Part of this understanding is that when the built environment is not designed for universal use, people with disability are prevented from living like other people in our society, physically and socially separating them as ‘different’ people with ‘special’ needs. Another part is the attitudes to and expectations of people with disability we hold, and the language we use to describe them.

The language we use in relation to people with disability is one element of challenging a disabling society. In housing, the idea that housing for people with disability is separate and different to other people is seen in using different language for it. For instance, while the general population are ‘tenants in housing’, people with disability are often described as ‘residents’ or ‘clients’ in ‘accommodation’. This language suggests that housing for people with disability does not require the same rights and protections as other people, and continues the language of institutionalisation.

VCOSS believes that the NDIA and governments more generally should cease using terminology like “specialist disability accommodation”, and cease describing housing tenants as ‘clients’ or ‘residents’ which suggest a segregated, institutionalised arrangement for housing people with disability.

In this submission VCOSS will use the terms ‘housing’ to describe the homes of people with disability, and where specifically referring to housing with specialised design elements, we use the phrases ‘customised housing’ or ‘accessible housing design’. Similarly, where people with disability

pay rent to a housing provider, we refer to them as ‘tenants’; and if they own equity in their home, we refer to them as ‘owners’.

## Expand social and affordable housing options

### Recommendation

- The Commonwealth Government develop a National Affordable Housing Strategy, with specific targets increasing social and affordable housing supply and halving homelessness
- That the Commonwealth, State and Territories take joint responsibility for housing, and identify durable funding mechanisms to achieve required growth

There are 4.2 million people with disability in Australia, with 1.4 million having a profound or severe core activity limitation.<sup>3</sup> Only a small proportion of Australians with disability will be eligible for the NDIS. Significant numbers of people with disability have low-incomes, and are less likely to be employed than other Australians, and struggle to find affordable housing options.

The introduction of the NDIS will likely increase the demand for secure, affordable and accessible housing. As more people have their basic support needs met, they will likely be able to have greater capacity to live independently on a sustained basis, and especially move away from the family home like other Australian adults. However, the severe lack of affordable housing, whether in the public or private sector, will limit people’s ability to do so.

Even among the proportion likely to be eligible for the NDIS, it has been estimated that between 83,000 and 122,000 will have an unmet need for affordable housing.<sup>4</sup> This includes an estimated 51,000 people with disability aged 25-65 and currently living with parents, many of whom are elderly. There are 16,433 people with disability currently living in group homes in Australia<sup>5</sup>, and a further 6,831 young people living in nursing homes. The Victorian Disability Support Register currently lists 1,523 people waiting for housing support.<sup>6</sup>

VCOSS members report that because of the lack of affordable housing options for people with disability, many are pushed into inappropriate living arrangements. For instance, families may purchase or arrange *ad hoc* group homes for their children with other families, who attempt to live independently in the private sector with inadequate support or without having developed the capabilities to do so. Others are forced to live in supported residential services, where they have little control over their housing or care, or live in rooming houses or caravan parks as these are the only available housing options they can afford.

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<sup>3</sup> Wiesel I & Habibis D, *NDIS, housing assistance and choice and control for people with disability*, AHURI, December, 2015, p.11

<sup>4</sup> Ibid, p.7

<sup>5</sup> Ibid, p.12

<sup>6</sup> Victorian Department of Health and Human Services, [Disability Support Register](#), at 30 June 2015, viewed 2 March 2016.

People with disability across Victoria find it difficult, if not impossible, to find an affordable, secure home that is appropriate for their needs. A home is essential for people to live a stable, dignified life. With the security and stability it offers, people with disability find it difficult to maintain employment, remain in education, maintain relationships, and be included in community life.

In Victoria, affordable rental properties are increasingly scarce,<sup>7</sup> with an estimated 44 per cent of low-income households in housing stress,<sup>8</sup> and more than 22,000 people homeless on any given night.<sup>9</sup> The lack of growth in the number of social housing properties means over 32,000 Victorian households remain on social housing waiting lists.<sup>10</sup> People with disability face a significantly higher risk of poverty than people without disability. In 2009, the poverty rate was 27.4% for people with disability compared with 12.8% for the total population, and this does not take account of the additional costs relating to disability (for housing, transport and medical services) borne by many people with disability.<sup>11</sup> Given their high levels of poverty, people with disability are severely impacted by the lack of affordable housing.

There are very few properties available in the private rental market that are affordable for a person living on the Disability Support Pension (DSP), even with Commonwealth Rent Assistance (CRA).

These problems need to be addressed by Commonwealth, State and Territory governments. Recently, the Affordable Housing Working Group of the Council on Federal Financial Relationships sought submissions on potential financing models for social and affordable housing. This is a welcome step, but a more comprehensive response is required.

We recommend the development of a National Affordable Housing Strategy,<sup>12</sup> underpinned by specific targets. The Strategy should include:

- Reform of housing taxation, including negative gearing and capital gains tax concessions
- Direct investment in the growth of social and affordable housing stock, and incentives for private sector and institutional investment in affordable housing, such as by creating an affordable housing financial intermediary
- Increase in financial support to low-income renters, by increasing the maximum rate of CRA by 30% and indexing to appropriately reflect rental housing costs
- Sustained and adequate support for homelessness services.

The Framework echoes the Productivity Commission's concern<sup>13</sup> that if the NDIA funded housing more broadly, State and Territory government's might withdraw or reduce their efforts (paragraph 82, p14). We propose that any additional effort by the NDIA is most likely to complement, rather than offset, existing social and affordable housing activities. VCOS members expressed the view

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<sup>7</sup> Anglicare Australia, *Rental Affordability Snapshot*, April 2015

<sup>8</sup> Australian Bureau of Statistics, *Housing Occupancy and Costs 2011–12: Additional Tables – low income rental households*, Cat. No. 4130.0.

<sup>9</sup> Australian Bureau of Statistics, *Census of Population and Housing, Estimating homelessness*, 2011

<sup>10</sup> Department of Health and Human Services, [Public Housing Waiting and Transfer List](#), December 2015

<sup>11</sup> Australian Council of Social Service, *Poverty in Australia 2014*, p.10

<sup>12</sup> Australian Council of Social Service, *Budget Priorities Statement 2016-17*, p.46

<sup>13</sup> Productivity Commission, *Disability Support and Care*, July 2011

that the extremely limited role the NDIA will play in housing policy “felt like they were passing the buck”, and would result in people falling through the cracks left in the system.

Overall, governments need to determine not only the responsibility for housing policy, including for people with disability, but also identify the revenue stream that will allow it to achieve agreed objectives. Assigning responsibility is of little benefit if there are no durable resources with which to fulfil those responsibilities. ACOSS and the state and territory Councils of Social Services have proposed a Federal System of Universal Service Guarantees that could be applied to housing, to ensure agreed housing objectives could be met within our Federation.<sup>14</sup>

### Improve access to social housing for people with disability

#### Recommendation

- State and Territory Governments take action to expand their social housing stock to allow more people with disability to be offered tenancies

Social housing is a significant housing provider for people with disability, housing around 160,000 households that include a person with disability nationwide. However, there is currently very little growth in social housing stock, which fails to meet population growth, let alone provide any additional source of affordable housing to offset declines in the private market.

Decades of under-investment by governments have meant social housing has resorted to increasingly stringent targeting in order to allocate the remaining few properties that become available for new tenants. This targeting focuses on people in the greatest need, often for people who are homeless, or at high risk of homelessness, including women escaping domestic violence. While VCOSS agrees that people at risk of homelessness should be a high priority for social housing, it is important to understand that the crisis-driven focus of extreme targeting means that other people who are eligible for and would benefit from social housing are rarely offered social housing.

This particularly includes people with disability. Because people with disability who are living with parents, or in group homes, are not considered at immediate risk of homelessness, they rarely receive high priority in the social housing system. While people with disability do receive higher priority than traditional ‘wait-turn’ applications (who almost never are offered a tenancy), there is still very little opportunity for these groups to enter social housing.

Ultimately, social housing stock will need to expand in order to be able to accommodate all people in need who require it, and allow for more properties to be offered to house people with disability.

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<sup>14</sup> ACOSS et al, Fit for Purpose: a federation that guarantees the services people need, October 2015



## Expand the availability of adaptable and accessible housing

### Recommendation

That governments assist in expanding the availability of adaptable and accessible housing by:

- including mandatory adaptable housing standards in building regulations for residential housing
- including a mandatory proportion of accessible dwellings in multi-unit property developments
- ensure all new social and affordable housing properties are accessible
- require and fund services for people experiencing homelessness and women escaping violence to be accessible and able to cater for people with disability

While affordability is a significant barrier to adequate housing for people with disability, a further impediment is the low availability of adaptable or accessible properties. It is relatively rare for properties to be offered for sale at a basic level of adaptability (such as Liveable Housing Australia's Silver Standard<sup>15</sup>). This provides the basic elements of a home that can be easily adapted to include additional modifications necessary for use by people with disability, including impairments relating to ageing. Currently these standards are voluntary. While voluntary targets for adoption were agreed to under the National Dialogue on Universal Housing Design,<sup>16</sup> VCOSS members report that these have not been adhered to, and no substantive take up is observable.

The Australian Network for Universal Housing Design (ANUHD) is currently advocating for the incorporation of the Livable Design Australia Standards into a formal Australian Standard, to be ultimately incorporated into building regulations.<sup>17</sup> This proposal should be progressed as quickly as possible, with all government requiring that basic accessibility features should be incorporated into new housing.

There are virtually no opportunities to rent accessible housing in the private market, especially at affordable rents. Over the longer term, if universal design standards become mandatory, they would eventually become available in the private rental market. However, governments can make affordable and accessible rental housing more available by using planning powers to require a proportion of dwelling in multi-unit developments accessible, and by requiring that new social and affordable housing dwellings are fully accessible. This would also assist people with disability living in temporary or crisis accommodation find permanent homes.

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<sup>15</sup> Liveable Housing Australia, *Livable Housing Design*, 2015

<sup>16</sup> National Dialogue on Universal Housing Design, Strategic Plan, July 2010

<sup>17</sup> Australian Network for Universal Housing Design, *Proposal for Standards Development Project To review AS4299 Adaptable housing (1995) to align with the 2010-2020 National Disability Strategy (Livable Housing Design)*, January 2016

VCOSS member organisations report that while people with disability can experience homelessness, including caused by family violence, many services assisting people experiencing homelessness and family violence are not accessible for people with disability. State and Territory governments should require that funded services are accessible, and, where they are not currently, provide resources to enable those services to upgrade facilities and train staff to be fully inclusive of people with disability.

## Improve access to and security of tenure in private rental housing

### Recommendations

That State and Territory governments strengthen laws for private rental housing to:

- Reduce discrimination against people with disability in being offered a private rental property
- Improve security of tenure in private rental housing so people can have greater certainty and security in their homes
- Legislate that landlords may not unreasonably withhold permission to make modifications to rental properties required for people with disability, and may not require their removal at the conclusion of a tenancy if they do not detract from the value of a property

Even if people with disability can find an affordable property in the private rental market, they may find it difficult to secure it in a competitive market, with landlords potentially discriminating against them. People with disability are disadvantaged in the private rental market, because they often live on low-incomes, may lack rental history and references, and face discrimination by landlords and real estate agents.<sup>18</sup>

Where people with disability can overcome potential discrimination and find a landlord willing to let to them, they have very little security in living there. Security of tenure in private rental housing is very weak in Australia compared with international jurisdictions.<sup>19</sup> Insufficient protections for security of tenure can be detrimental to people with disability, including through:

- reluctance to assert tenancy rights, including for repairs and maintenance, contesting unaffordable rent increases, or challenging unfair evictions
- the ease of lease termination means people may become homeless, incur high financial costs, or have insufficient time to find alternative accommodation
- where tenants are 'locked' into a fixed term lease, they may be unable to move to respond to changed financial or personal circumstances, or relocate to access valuable life opportunities elsewhere
- the inability to modify their home may exacerbate an impairment or health condition, or force people to relocate

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<sup>18</sup> Wiesel I & Habibis D, *NDIS, housing assistance and choice and control for people with disability*, AHURI, December, 2015, p.17

<sup>19</sup> Grattan Institute, *Renovating housing policy*, October 2013, p. 20.

- frequent relocation may disrupt employment, education or medical treatment, cause anxiety and stress, sever family and community connections, and reduce people's ability to make a permanent home.

By strengthening security of tenure in private rental housing, people with disability who can find affordable rental housing can have greater certainty that they can maintain their housing over an extended period, with less stress and disruption to their lives.<sup>20</sup>

Currently, in the event a person with a disability can secure an affordable rental property, they may be refused permission by their landlord make the modifications necessary to the property in order for them to live there comfortably. VCOSS advocates that State and Territory governments should amend their tenancy laws to prevent landlords from refusing tenants permission to modify properties where these are reasonably required to support a person's ageing, disability or health condition.

There is often a lack of clarity for whether modifications must be remedied or removed when a tenancy ends. Many modifications will actually add value to the house and benefit others who may live there in the future. For example, slip-resistant flooring, step-free showers and accessible bathrooms might benefit older people, people with disability or health conditions and families with small children, among others. This extends to other minor changes, such as creating a garden.

VCOSS members suggest that where structural changes are made, an independent valuer should be appointed to advise whether the changes have reduced the value of the property. If they have added value, they should not have to be removed by the tenant at the end of the tenancy. Where changes are not structural, provide added utility to the property, and are within community standards (such as handrails or identifiable light switches) they should not need to be removed.

VCOSS members report that consent to modifications is not always provided promptly. For example, an older tenant received medical advice that he needed grab rails installed in his property. Six weeks after his community worker submitted a request for permission to install the rails, the worker had received no response from the real estate agent. This delay affected the tenant's wellbeing and restricted his ability to move around his home.

## **Funded disability advocacy helps secure housing and raise expectations**

### **Recommendation**

- Commonwealth, State and Territory governments agree on a funding model that expands the availability of disability advocacy to be available when people with disability require it, including independent individual advocacy, self-advocacy support, family and carer advocacy and systemic advocacy.

<sup>20</sup> Victorian Council of Social Service, *Making rental housing secure: Submission to the issues paper for the Residential Tenancies Act 1997 Review*, December 2015

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Advocacy plays an essential role in protecting the rights of people with disability, preventing and responding to instances of abuse and neglect, supporting people to articulate and pursue their needs when faced with challenges. Advocacy can also raise the expectation of people with disability that they can make choices and pursue their dreams. A central concern addressed by advocates is assisting people articulate and secure their preferred living arrangements. Advocates can help find and secure housing, raise problems or difficulties in housing services, and protect people's housing rights.

The current system of funding disability advocacy is a patchwork of Commonwealth and State programs, which often result in uneven access for people with disability and very high levels of unmet need. Advocacy is less amenable to individualised funding than some other supports. Firstly because people will often not identify their need for advocacy until it is urgently required. Secondly, it is highly problematic for the NDIA to be determining which people receive advocacy support when it is likely that the Agency itself will be the target of that advocacy. Funding for advocacy needs to be determined independently of the NDIA and other human service delivery agencies that are likely to be the subject of advocacy concerns.

# Choice and control in customised housing

## The NDIA improves its consultation processes

### Recommendation

- The NDIA provide accessible consultation materials, and be able to provide greater detail on housing assistance to be provided by the agency in engaging with people with disability and other stakeholders

The quality of consultation and engagement processes is an important factor in developing appropriate and effective policy and strong implementation mechanisms. We appreciate that the NDIA is operating on incredibly short time-frames in order to produce an operational policy framework for housing by 1 July 2016, to align with the next phase of the NDIS roll-out. However, poor consultation, limited information and very short timelines poses significant risk of introducing errors or unintended consequences.

VCOSS members raised concerns with the accessibility and engagement used by the NDIA to consult on housing for people with disability. While the 'Specialist Disability Accommodation Pricing and Payments Framework' (the Framework) is a detailed policy document endorsed by the Disability Reform Council, it is highly technical and difficult to understand and interpret. The Framework itself requires that the NDIA develop discussion papers to inform the consultation (paragraph 19, p.4), although this is yet to occur.

VCOSS members identified that the Framework is not an accessible document, and requires further explanation to assist people to interpret it, ideally including an accessible, Easy English version. Similarly, VCOSS members informed us that the public consultation forums convened by the NDIA were difficult to understand with highly technical explanations provided by speakers. The speakers were unable to answer relatively simple questions about the Framework and the process for implementing it. VCOSS members perceived that this limited the amount and quality of information resulting from the forums.

The Framework identifies a number of areas of further policy development for the NDIA, and we are not aware of any indication of their progress to date. For example, the Framework instructs the NDIA to undertake further work to:

- Develop draft benchmark prices (paragraph 19, p.4)



- Identify and implement quality assurance mechanisms that will apply to housing in the NDIS (paragraph 51, p.8)
- Address the fact that the current risk assessment section of the NDIA Planning conversation tool does not sufficiently explore a person's capacity to live alone (paragraph 76, p.13)
- Develop and publish the criteria it will apply when determining whether customised housing is reasonable and necessary for an NDIS participant (paragraph 80, p. 13)

In addition, the Framework leaves a large number of issues to be determined by the NDIA. There is limited additional information on how these will be determined.

## The NDIA facilitates housing choice and control for participants

### Recommendations

- Adopt the principle that NDIS participants have the right to choose where, how and with whom they live
- Ensure people have the capability to express their choices and develop the skills to live as independently as possible

VCOSS and our members strongly endorse the view that people with disability should be able to choose where they live, how they are supported to live, and with whom they share their housing if they choose to do so. This principle applies regardless of the level of support someone requires. For example, young people with disability may want to live with their friends or families, just like other young people.

A deep and overriding concern expressed by VCOSS and our member organisations is the very limited role the NDIS will take in enabling participants to express choice and control over their housing. While we agree that the NDIS cannot be responsible for funding all housing for every NDIS participant, its ambitions appear to have receded over time.

In his speech to the NSW Community Housing Federation in 2014, Bruce Bonyhady, NDIA Chairman, shared his vision of the NDIS being “a catalyst for scalable, affordable and accessible housing for people with disability”, potentially leveraging its funding “two or three times” to expand the availability of affordable, accessible housing, as well as partnering with others to expand supply.<sup>21</sup>

The vision outlined in the Framework is far more circumspect in its approach. It proposes limiting funds to a very small percentage of participants, in restricted circumstances, often determining ‘priority’ for funding based on their current housing circumstances, rather than their needs. It will only allow participants to use the funding to pay “registered and approved providers for approved dwellings” (paragraph 84, p.14), apparently ruling out more flexible use of funding to allow people

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<sup>21</sup> Bonyhady, B, *The National Disability Insurance Scheme: A catalyst for scalable, affordable and accessible housing for people with disability*, PowerPoint presentation, 2014

to combine housing, support and informal resources to create an environment where they use their creativity to maximise their independence.

At worst, VCOSS members fear the proposed funding model could drive replication of a homogenous 'group homes' model, which our members commonly regard as the antithesis of choice and control, for the few participants which qualify for housing support. While the quality of housing and support in group homes is highly variable, members report numerous examples where people have been neglected, abused or simply live small, highly controlled lives, with little stimulation or challenge, let alone develop the capabilities to live more independently in the community. While some service providers strive to provide stimulating, capability-building environments, the often limited resources available mean that such opportunities are hard to maintain. Some 'group homes' are considered to be little more than 'mini-institutions' in the view of many disability advocates.

Because of these concerns, VCOSS advocates that the NDIA rule out funding new construction of group homes, and require that funding is used to support more contemporary, innovative and creative housing options for people with disability.

People with disability face extreme difficulty in expressing choice and control over their housing. As discussed, the availability of affordable, accessible housing is highly restricted, especially for people living on low incomes, such as the Disability Support Pension. In addition, some people with disability may experience the impact of low expectations, where for much of their lives they have been given little choice in where or how they live, and had little capacity to develop the skills to live more independently, as no one ever expected them to be able to do so. Some people with disability may have difficulty expressing their choices, particularly for people who are non-verbal or have limited communication. Where people choose to live in shared housing, more thought needs to be given to how shared tenancies express choice and control over their living arrangements, especially if they share on-site support services.

## The NDIA enables housing assistance to be used flexibly

### Recommendation

That NDIA allows participants to use their entitlements flexibly and creatively, including being able to:

- substitute housing assistance with levels of care
- substitute disability modifications and housing assistance
- combine housing assistance with other resources, including family contributions and informal care
- use resources to finance home ownership or shared equity products

VCOSS is concerned that the Framework identifies only very narrow forms of housing assistance, and constrains the use of those resources in ways that may prevent them being used in the most cost-effective manner and allow people to maximise their ability to live independently.

VCOSS members identified the distinction between ‘specialist’ (hereafter ‘customised’) and ‘general’ housing appears to encourage the development of a segregated housing system that separates people with disability from the rest of the community. The definition of customised housing in the Framework is vague (paragraph 65, p.11), and is not helped by the example of “have ramps and rails”, which are sometimes possible by means of relatively inexpensive home modifications. It is quite possible the same housing outcome may be achieved by home modification, or by funding customised housing, and may depend on the design of available housing, which is likely to vary from participant to participant. Indeed, some VCOSS members argued that the need for a specific category of customised housing was redundant, and rather, participants should simply be funded to acquire or modify their homes based on their individual needs. This would mitigate the need for a ‘specialist built form’,<sup>22</sup> and allow people with disability to live in general housing wherever possible.

Part of the difficulty in trying to partition housing into a specific customised category for a small number of participants, while retaining funding for home modifications and housing advocacy for others, is that housing and support needs are interdependent. The quality, location and design of a person’s home will affect the level of care and other support that they require – for instance, their need for transport support will be affected by their proximity to locations they travel to, and whether there is public transport that could be used. Location may also affect the level of informal care that might be available to a person. A person may be able to reduce the costs of other supports by paying for more expensive (but better located) housing, but the current structure forbids this. The NDIA should have the capacity to pay an additional rent supplement in general housing if that would result in greater independence and reduce support costs.

Similarly, it is unclear to what extent the funding for customised housing might be combined with a person’s existing resources to fund housing that may allow a higher level of independence. For instance, if a person or their family could contribute some or all the costs of customised housing, the person could use the additional housing assistance to pay for additional care that allows them to live independently, rather than in shared housing. The Framework also appears to prevent this level of flexibility.

The NDIA should have the capacity to enable participants to use their funding (whether they are eligible for customised housing assistance or not) flexibly and creatively to produce the most cost-effective set of support and housing services that allows them maximise their opportunity for independent living.

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<sup>22</sup> NSW Disability Network Forum, *Response to Specialist Disability Accommodation Pricing and Payments Framework*, February 2016, p.7

Where individuals or their families have existing resources that can be combined with NDIS housing funds, it may be possible that instead of ‘renting’ a home built by someone else, people may be able to finance home purchase. NDIS funding may be able to assist in securing home finance, and be used to pay down a private mortgage, allowing people to build equity in their homes, rather than transferring funding to a housing provider, noting this does not require any additional funding from the NDIA. NDIS funds may also be able to be leveraged to purchase shared equity products, or homes purchased via land rent models or community land trusts. The NDIA may need to have some oversight of the specifications of these products, to ensure that people with disability, their families and carers have a strong understanding of them and are not left financially exposed as a result.

### Encourage high expectations for independent living

#### Recommendation

- The NDIA actively supports, promotes and develops the capacity of participants to maximise their capabilities for independent living

Too often, people with disability have been disadvantaged by low expectations of the people around them. Without malice, and often with misplaced kindness, parents, carers, teachers and support workers have failed to encourage people with disability to strive to achieve in their lives, and to develop the skills to succeed in independent living, and being fully included in education, employment, family and community life.

Living in institutions or segregated housing, such as group homes, can also perpetuate low expectations, with support workers and carers presuming that these living situations will be all a person can achieve for the rest of their lives. It may well be that not every person with a disability will be able to live independently, but we believe many people with disability in these arrangements may be able to increase their independence, and be able to improve their ability at undertaking self-care and daily tasks, and reduce their reliance on paid support workers or needing 24 hour care.

The transition to greater or complete independent living will differ among people with disability, and some may require a long period of transition while skills, emotional resilience and confidence is built. It is essential that the support provided reflects this, which will require both a highly skilled workforce and the time and resources to teach and walk with people as they grow and develop. It is also the case that many of these skills will ‘learned by doing’, by living independently with initially high levels of support that can be gradually reduced. The expectation that people can transition to independent living without additional support during the transition is unrealistic, but this investment will likely mean reduced support is needed over time.

## Establish needs-based eligibility for housing assistance

### Recommendations

- The NDIA develops clear and objective eligibility criteria for housing assistance that are needs based, not dependent on a person's existing housing arrangements or diagnosis, and allows people maximum opportunity to live independently if they wish
- Residents in inadequate accommodation should be eligible for housing assistance from the NDIA, including people on existing waiting lists for housing assistance, people living in supported residential services (SRS), secure extended care units, temporary respite care facilities, out of home care, rooming houses and caravan parks, or who are homeless
- The NDIA should not force a person to live in shared housing against their will

The Framework contains something of a Catch-22, as only a small number of people will be eligible for significant support with the cost of housing, but may only receive this assistance by living in a very small number of designated homes. In other words, most NDIS participants will have little choice in housing because they will not receive NDIS housing assistance funding and face an unaffordable housing market, and the small number who do receive it will have very little choice in housing because they can only use that funding for a restricted number of designated homes. Despite the vision of the NDIS to support people to live flourishing and fulfilling lives, the will be undermined because, whether eligible or not, people will have little choice in housing as a result of the NDIS.

The Framework sets out several different sets of criteria for eligibility for housing assistance, some of which are vague or contradictory, or highly subjective. The ability to interpret whether a person would be eligible for assistance under the NDIS is not possible at this point, as we still await the published criteria for eligibility the Framework requires the NDIA to produce (paragraph 80, p.13).

The response of VCOSS members to Part 3 of the Framework was generally that it was confusing, and appeared to overlay several different eligibility concepts.

The first set of criteria are based on a person's current housing, meaning that people currently in some form of supported housing would receive funding to stay there, or to transition out. This includes institutions, group homes, people living in aged care facilities, and a further category of "people who access alternative or innovative accommodation that is appropriate for people who require specialist disability accommodation to live independently, as determined by the NDIA" (paragraph 60, p.10).

The Framework also introduces the idea that some sort of rationing or prioritisation system will be operating, stating that funding for existing tenants will be available "at a minimum" (paragraph 62, p.10), and that young people in aged care facilities "would be given priority funding" (paragraph 63, p.11). While we agree that young people in nursing homes represent urgent unmet need for housing assistance, the idea of prioritisation is difficult to understand in an insurance scheme, where people are allocated an entitlement. The idea that some participants will have priority over



others suggest that the NDIA will maintain some sort of segmented waiting list, where people may be eligible but will have to wait their turn until they are deemed a 'priority' to access funding.

This first set of criteria, based on current housing tenure, leaves out many people who VCOSS members consider also have an urgent housing need, and are deeply concerned that they are not a 'priority' under the Scheme. VCOSS members have further identified circumstances where people with disability have an urgent need for housing assistance, including:

- People with disability living in supported residential services (SRSs)
- People with disability living in rooming houses or caravan parks
- People with disability living in secure extended care units
- People with disability living in temporary respite care, unable to return to live with their families
- Children with disability living in out-of-home care
- Homeless people with disability.

The second set of criteria specify that people who "require a specialist built form" will be eligible for housing assistance. As previously discussed, what constitutes a "specialist built form" is vague. However, this need for housing form is then further refined to only people with "high and/or complex needs", further narrowed by a short list of diagnoses. It seems that the Framework does not envisage eligibility for people may exist who require a "specialist built form", but otherwise have quite simple needs. The specification that people may be eligible "depending on their disability and an inability to live independently" (paragraph 69) is similarly perplexing, as it suggests that customised housing is not intended for people who can live in it independently.

Further, the list of diagnoses raised many concerns with VCOSS members, as it is unclear to what extent people with other diagnoses may be eligible. The use of diagnoses to determine housing need seems to indicate the Scheme is quickly returning to a medical model of disability, rather than a more holistic determination of a person's housing needs. Further, while specifically including people with psychosocial and cognitive impairments (paragraph 67, p.11) the Framework then further restricts this only to "conditions which may have physical sequelae due to long term medication use" (paragraph 68, pp.11-12), interpreted to mean that only the physical impairment element of psychosocial conditions will give rise to eligibility for customised housing assistance. This caveat means that effectively, only people with physical impairments can be deemed to "require a specialist built form".

A better approach to determine the need for customised housing would be to:

- assess the customised housing features a person reasonably requires, regardless of their diagnosis or current housing
- determine whether these can be affordably met in the open housing market with home modifications
- if not, then a person should be eligible for customised housing assistance.

The final set of criteria are highly problematic, and effectively state that if the NDIS considers it cheaper to require a person to share support services with others, they can determine that a person must reside in designated housing (presumably alongside a large reduction in their

entitlements to care and support services, due to a presumption this will be shared with other co-tenants).

VCOSS and our members have a number of criticisms of these criteria:

- They appear to violate Article 19 of the CRPD
- They contradict the intention of the scheme to assist people to live independently, like other people in the community
- They are partially justified on the needs of disability support services (such as difficulty to “reliably source and staff” (paragraph 73), rather than the needs of people with disability
- They present the risk of challenging behaviours to family, carers or the community as a reason for sharing housing – but nowhere consider the risks of these behaviours to other tenants
- They involve placing people in ‘specialist’ housing, who otherwise have no need of a ‘specialist built form’
- They appear to allow withholding of eligibility for housing assistance if a person has sustainable care from family or carers (paragraph 77), regardless of the person’s wish to move out (into shared housing or otherwise)
- The person’s care and support funding is no longer ‘individualised’, and instead must be collectivised, with no specification about the person exercises choice and control in these circumstances
- They do not consider the effect on the physical and mental health and wellbeing of the person being required to live shared housing
- There is no consideration of the proportionality of the cost saving being considered, in that it potentially allows a relatively small and uncertain cost saving to justify a large restriction on a person’s rights.

VCOSS appreciates that the NDIS does not have an unlimited budget, and the governments must make priorities for public expenditure. However, these criteria appear far too broad, and lack consideration of the needs and aspirations of people with disability. It is notable that this final set of criteria has very little to do with a person’s housing needs, and much to do with financial management. We are deeply concerned that a person exhibiting challenging behaviours would be a reason to require them to share housing and support with others, with no consideration of the risks to co-tenants, an issue highlighted in recent inquiries into abuse and neglect in disability services.<sup>23</sup>

Ideally, this final category should be excised from the Framework, and only considered if a person with disability decided that shared housing was their personal preference. In other circumstances, far greater safeguards and considerations should be built into the Framework, including that all other options had been thoroughly considered, the person’s and their potential co-tenants’ wellbeing would not be compromised, and that independent living imposed exorbitant costs or would be impossible to achieve. The NDIA should also be required to consider the additional cost

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<sup>23</sup> Action for More Independence and Dignity in Accommodation, *Feedback on the Specialist Disability Accommodation Pricing and Payments Framework*, February 2016, p.3

of requiring people to share housing, including that support workers may have to spend significant amounts of time managing relationships and conflicts between co-tenants.<sup>24</sup>

## Separate housing and support services

### Recommendations

- That the NDIA require that a provider may not provide both housing and support services to the same person
- That people living in customised housing have, at a minimum, the same rights and protections as other tenants in the general community

VCOSS members regard it as best practice for housing and support services to be delivered by different providers. This helps assist with choice and control, as people can change where they live and continue to receive support, or change their support provider and continue to live in their home. It also means that one provider is not 'in charge of their whole life', and means that people can be more confident that raising problems with the quality of support services, for example, will not have consequences for a person's tenure. It also means that people have multiple contacts with external agencies, meaning there are more people who can become aware of any problems occurring for a person with disability, such as abuse or neglect, and alert the relevant authorities.<sup>25</sup>

At the consultations on the Framework, the NDIA introduced the novel idea of 'separability', suggesting that instead of having separate housing and support providers, these could be provided by a single agency in one contract, so long as the housing and support components were 'separable'. In other words, a person could cease either housing or support from that agency and switch to a different provider, but otherwise could receive both services from an organisation in a single package. VCOSS believes that this position is too weak, and potentially leaves people with disability vulnerable.

Instead, housing and support services should be separate agreements, paid separately, to different providers. VCOSS is aware that many people with disability currently receive housing and support services from the same provider. During the transition to the NDIS, in these circumstances, these services should be procured using separate agreements, and a provider required to use a third party for one or other element. For example, a support provider might contract an external real estate agent for tenancy management in properties they own, while providing support services directly.

VCOSS is also aware that people living in 'group homes' and other housing arrangements are usually not protected by tenancy legislation. For instance, in Victoria, group homes are provided under the *Disability Services Act*, and tenants are not required to have a lease under the *Residential Tenancies Act*. While the *Disability Services Act* includes many protections not otherwise available to tenants, these are mostly relevant to the provision of support services,

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<sup>24</sup> Ibid.

<sup>25</sup> Victorian Council of Social Service, Inquiry into Abuse in Disability Services: Stage 2, October 2015.

rather than housing services. At the same time, many of the protections available under the *Residential Tenancies Act* are not available to group home residents, such as protections against eviction, and access to Consumer Affairs Victoria or the Victorian Civil and Administrative Tribunal to resolve disputes or challenge tenancy management decisions, such as poor maintenance or unreasonable evictions.

The NDIA should have minimum requirements for security of tenure for people living in housing funded by the NDIA, which, at a minimum, are the same as other people living in the general community. This could include having a lease or occupancy agreement for rented premises under State tenancy laws. Additional protections may also be added through NDIA quality and safeguarding mechanisms.

## Transition to new models of housing for people with disability

### Recommendations

- The NDIA prohibits funding new construction of traditional 'group homes'
- The NDIA produces criteria to only fund new construction of superior housing models that support greater independence, such as independent units, key-ring models, intentional communities, and home-sharing

The greatest fear among our members is that the Framework will result in even more traditional 'group homes' being built, and prevent any other housing options developing to replace it. From a funding and provider perspective, group homes are an attractive proposition: they are cost effective, with well-known cost structures, providers already have expertise in operating them, and they can easily be replicated. However, from the perspective of people with disability, they are highly problematic. In current arrangements, there is concern that some group homes are in poor condition, give people little choice about who they live with, how they live, and does not build their capability to live more independently. The group home model perpetuates low expectations because support workers are under pressure to simultaneously meet the need of many people with disability. As a result, support workers do not have the time or the mindset to support people to do things for themselves.<sup>26</sup>

The available research repeatedly reinforces that while a range of different models support better outcomes for people with disability, the key common feature is that the housing is small-scale and dispersed.<sup>27,28</sup>

Large numbers of group homes currently in operation will transition into the NDIS, meaning this housing model will already be highly represented in available housing options. People with

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<sup>26</sup> NSW Disability Network Forum, *Response to Specialist Disability Accommodation Pricing and Payments Framework*, February 2016, p.5

<sup>27</sup> Youth Disability Advocacy Service, *Housing and support for young people with disabilities transitioning to independent living*, June 2013, p.6

<sup>28</sup> Wiesel I & Habibis D, *NDIS, housing assistance and choice and control for people with disability*, AHURI, December, 2015, p.25

disability hope funds for customised housing will be used to support independent living arrangements, or housing that allows for great independence than the group home model. However, because the group home model is well-known and easy to replicate, there is deep concern that unless specific controls are in place to prevent it, the 'market' will simply produce more group homes, and people with disability will have no other option than to live in them.

While the current stock of group homes needs to be maintained as accommodation in the medium term, as overall supply for customised housing remains constrained, there is already a large supply of the group home option which does not need to be expanded. The NDIA should not fund newly constructed group homes from housing assistance, to ensure the market delivers a supply of alternative options in the future.

There are multiple examples of housing models that provide alternatives to the group home. Firstly, particularly for people who only require customised housing but do not need to share care, self-contained homes should be the primary housing response. While they may require a high standard of accessibility rarely available in the private market, people capable of living independently should not be forced into shared housing. Highly accessible, self-contained housing (e.g. Livable Housing Australia Platinum Standard) should be eligible to receive NDIS housing assistance funding, to help stimulate these housing forms.

For instances where people have high care needs, the NDIA should require a superior model of housing to the traditional group home model. This could include models such as:

- Key ring housing, where people can live in mainstream or customised housing in local neighbourhoods, supported by common volunteers and support workers<sup>29</sup>
- Intentional communities, where a group of people share support, pool resources and choose to live together on the basis of explicit common values, not defined by their disability type or vacancy management priorities<sup>30</sup>
- Homeshare arrangements, where a person with disability shares their home with another person who can provide informal care, often in exchange for reduced or no rent<sup>31</sup>
- Mixed model developments, where accessible properties are dispersed throughout a larger social housing development, with on-site support available.<sup>32</sup>

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<sup>29</sup> Northern Support Services, *The 'KeyRing' model of supported independent living for people with disability*

<sup>30</sup> Every Australian Counts, *A place I can proudly call home*, p.6

<sup>31</sup> NSW Disability Network Forum, *Response to Specialist Disability Accommodation Pricing and Payments Framework*, February 2016, p.7-8

<sup>32</sup> Fyffe C, *Learnings from the Abbotsford Housing Demonstration Project 2012-13*, Summer Foundation



## Oversight of customised housing markets is needed to communicate housing options and people's needs

### Recommendations

- That the NDIA ensures, through local area coordination, care planning and other mechanisms, that people have good knowledge of housing options and vacancies from which to choose
- That the NDIA published data on housing need so that housing providers can meet demand for housing form and location

A repeated theme in VCOS consultation on the Framework is understanding how participants eligible for customised housing assistance understand their housing options, and particularly how they become aware of vacancies in designated housing. Similarly, housing providers are interested by what mechanism they can seek to understand the housing types and location required by consumers so they can build appropriate accommodation that will be in demand. The Framework does not specify how the market will 'work'.

In existing state-based systems, this role is co-ordinated by government, with people registering for assistance on a waiting list, and when a vacancy arises, the government allocates a person to that vacancy. The introduction of the NDIS is an opportunity to move towards choice-based letting, where participants eligible for housing assistance can be made aware of all vacancies, and other housing options, and be able to make an informed choice about where, and with whom, they wish to live. However, it is unclear whose role this is – it could be made available, for instance, through local area co-ordination, or through information, linkages and capability building services. The NDIA should specify whose role it is to enable choice-based letting to occur.

Similarly, currently no data is available on the housing needs and aspirations of NDIS participants. While housing is discussed in care planning, this data is not made available to potential housing providers, who currently have little idea about type of housing to build. The NDIS should publish data on housing need, aggregated from the care planning process, so that housing providers can meet demand for housing form and location.

## Consider augmenting individualised housing funding with supply-side subsidies

### Recommendation

- The Framework should continue to focus on portable individualised funding for customised housing, but consider the usefulness of supply-side incentives to stimulate high quality innovation options, which can be offset by future funding reductions

VCOSS welcomes the basic structure of NDIS housing assistance, in that it follows the person as they change their housing, and is calculated to offset the full cost of housing. However, it remains uncertain whether this will be sufficient to stimulate the market to supply sufficient quantity and quality of housing to meet the needs of participants.

Housing providers identify a number of risks in the framework that could reduce their ability to invest in housing. For instance:

- The Framework only lasts for 5 years, and it is unclear if payments could be reduced in future Frameworks, meaning providers bear the risk of being unable to recoup their investment if prices change
- It remains unclear how the Framework will calculate vacancy rates, and providers are unable to recoup funds if dwellings are not fully occupied
- The pricing structure will not be on the basis of an individual dwelling (paragraph 14, p.3), meaning that providers would be unwilling to invest in higher cost dwellings for which they will be unable to recoup the investment
- Uncertainty about what impacts 'trigger events' may have on the ability to receive funding (paragraph 20, p.4)
- The agency has not yet provided indicative prices, and ultimately, the dollar amount provided will affect the ability of providers to secure finance, if the price is too low, little housing will be supplied.

The NDIA will need to monitor the market response to the Framework. If insufficient housing is being generated, a further option could be that the NDIA could use supply side incentives in order to stimulate the market, as well as give greater guidance to the quality of design of stock being supplied. Incentives could include capital grants, or long term subsidies such as those provided by the National Affordable Rental Scheme (NRAS). These could be recouped by the NDIA by reductions in future payments from participants. Supply-side incentives could give greater certainty to providers that they would be able to recoup the investment costs, thus stimulating greater supply.

### Differential pricing for existing and new housing

#### Recommendation

- That the Framework develop differential pricing arrangements for existing and new stock, recognising historical public investment need not be compensated, and that higher quality housing is required in the future.

The Framework develops a funding model that funds existing and new housing on an equal basis. While administratively simple, it risks double compensating housing that had previously been funded by government. This does not appear to be the most cost-effective way to use limited funds.

In addition, the quality and design of existing stock should be not replicated in the future. We are concerned that if the existing group home model forms the basis of "an efficient cost structure for a representative provider" (paragraph 14, p.3), then the major form of new stock will replicate this design. The NDIA should consider developing a different cost model for newly constructed

housing, with funding reserved for accommodation that meets higher design standards and the ability to support independent living. At the same time, a lower price could be available to maintain existing housing in the system, recognising that the price to ‘keep’ existing housing is likely to be lower than the price level required to stimulate new supply.

### Tenants should be charged an affordable rent

#### Recommendations

- The Framework should clarify that rents for customised housing should not exceed 25 per cent of income, including for people who do not receive the full rate of DSP.
- The Framework should clarify that rent should be charged separately from board, and tenants should have control of the items included in payments for board, and pay for them individually if they wish.

VCOSS welcomes the requirement that “the rent contribution of 25 per cent of the base rate of the Disability Support Pension will be considered as the maximum rent that may be charged” (paragraph 35, p.6) to tenants in customised housing, presumably plus Commonwealth Rent Assistance where it is available. However, this presumes that this is an accurate reflection of a person’s income. VCOSS members raised the concern about what rents will apply if the person has a lower or higher income. For instance, our members noted that young people aged under 21 receive a lower rate of DSP, and the Framework should clarify that they should not have to pay rent based on receiving the full amount. Similarly, members queried whether people on higher incomes, for instance from employment, would similarly have the benefit of only being charged 25 per cent of the DSP.

We also welcome that this requires housing providers to separately charge ‘board’ payments from rent, especially as the services included in ‘board’ are likely to be conducted by a provider of support and care, separate from housing and tenancy management done by a housing provider. In addition, we would like to see that the components of payments for board should clearly specify the services included, and those services able to be paid individually by tenants where they are capable of being individually controlled.

## Choice and control in shared housing

### Recommendations

- The agency should stipulate a maximum number of residents in a shared housing
- That where people lived in shared housing, new tenants can only be offered a tenancy with the agreement of both the prospective and continuing tenants
- That the NDIA ensures only support services that need to be shared in a joint tenancy are combined, with services that can be individualised to particular tenants remaining in the control of individuals
- That the NDIA makes sure that tenants can still collectively control the provider of support services in a joint tenancy, and establishes a process whereby people can negotiate collectively to choose a provider

The current management of group homes gives tenants very little control over who they live with, and who provides their services. The NDIS should use the opportunity as existing group homes transition to the scheme to change the operation of group homes to give tenants greater choice and control over their living arrangements.

Shared housing is not uncommon in the general community. Often people, especially those living on low incomes, will rent accommodation as a group in order to reduce costs, as well as have greater social interaction with people in their home. However, these arrangements generally require the consent of all parties, and people cannot be forced to accept tenants they do not wish to live with. In addition, joint tenancies are generally between small numbers of people – usually only 2 or 3 people living together, rather than large groups.

VCOSS members are concerned that the Framework has no limit on the number of people who may live together in shared housing. The concern is that if there is no upper limit, properties may be constructed designed to house very large groups, and begin to resemble institutionalised facilities. By setting a maximum number of tenants, the Framework can ensure that shared housing for people with disability resembles shared housing in the general community, rather than operating like institutionalised care.

Similarly, the NDIS should facilitate a move away from the existing system where people are 'allocated' to a group home by government, regardless of the desires of that person or the existing tenants of the property. Instead, the NDIA should facilitate a process by which existing residents can meet and get to know a prospective tenant before agreeing to share their home. Similarly, a prospective tenant should be able to inspect the property and meet the existing residents before agreeing to share a home with them.

Part of the rationale of sharing housing is that people may be able to meet their care needs less expensively by sharing their care resources with others. However, this need not apply to all the services they use. Care must be taken in shared housing not to simply bundle the entirety of residents support services to a single provider. Instead, there should be a careful assessment of those services which tenants need to or wish to share, and only seek a joint provider for that

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subset of a person's needs. Services that can continue to be individualised for each tenant should not be included in collective support services.

Finally, where services are shared, this does not mean that people should cede control of their provider. Instead, there should be a mechanism where shared support services can be under the collective control of residents, who can agree to change providers if they so wish.

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