



# Action for More Independence & Dignity in Accommodation

1<sup>st</sup> Floor, Ross House, 247 Flinders Lane, Melbourne Vic  
3000

Phone: 9650 2722 Fax: 9654 8575

Email: [amida@amida.org.au](mailto:amida@amida.org.au) Website: [www.amida.org.au](http://www.amida.org.au)

Inc No: A001608SV ABN: 32 993 870 380

*Advocacy, Self Advocacy, Rights, Accessibility, & Community Living for People with a  
Disability*

## Submission

**Australian Building Codes Board**

**Accessible Housing - Options Paper**

**November, 2018**

## Introduction

AMIDA (Action for More Independence & Dignity in Accommodation) is an independent advocacy organisation which advocates for good housing for people with disability. Further, people with disability have a right to good quality housing which is accessible, affordable and non-institutional. We provide advocacy to individuals, with priority given to people with an intellectual disability, and advocate for change in systems which prevent people from achieving good housing.

AMIDA acknowledges that people with disability have a right to a choice of with whom they live and where they live. People with disability have a right to live in the community with access to support to participate and have a good quality of life.

AMIDA strongly supports the United Nations Convention on the Rights of Persons with a Disability (CRPD) and works to assert these rights and community inclusion for people with a disability and supports people with disability as valued members of our community. AMIDA recognizes that people with disability contribute to and develop our community. Specifically relating to accessible housing under the CRPD:-

## Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to all persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility.

## Article 28: Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

AMIDA understands in 2009, the Australian Network for Universal Housing Design (ANUHD) joined the National Dialogue on Universal Design in a bid to work collaboratively with the housing industry and community sector to increase the supply of accessible housing. The National Dialogue settled for a voluntary approach and adopted an *“aspirational target that all new homes will be of an agreed Universal Housing Design standard by 2020 with interim targets to be set within that 10 – year period.”* The aspirational goal was endorsed by the Council of Australian Governments (COAG) as a key commitment in the 2010 – 2020 National Disability Strategy (NDS).

In relation to housing, the NDS in 2010 included the following commitments:

*“Improved accessibility in social housing is being achieved through the incorporation of universal design elements in more than 15,000 new public and community housing dwellings which are being built under the social housing component of the Nation Building – Economic Stimulus Plan. Funding provided through the Social Housing Initiative will support the inclusion of six specified universal design features in these dwellings that will provide improved access to people who have limited mobility. Of these, more than 5,000 dwellings will also achieve an even higher level of adaptability through compliance with the Australian Standard for Adaptable Housing Class C.*

*The Australian Government is working with representatives from all levels of government, key stakeholders from the disability, ageing and community support sectors and the residential building and property industry on the National Dialogue on Universal Housing Design to ensure that housing is designed and developed to be more accessible and adaptable. An aspirational target that all new homes will be of agreed universal design standards by 2020 has been set, with interim targets and earlier completion dates to be determined.”*

The voluntary approach didn't achieve the targets or goal to any extent at all. In fact, by any measure, the voluntary approach has failed conclusively to increase the supply of accessible housing. This failure clearly demonstrates the need for a mandated code. Over 10 years has been spent waiting for the voluntary approach to achieve desperately needed outcomes. This is a lost 10 years of development of accessible stock the loss of which is keenly felt by people; people who are

being disabled by a lack of regulation. This failure shows housing developers and the housing construction industry count accessibility for people as a very low priority. If Australia does have a commitment to fairness and accessibility for people to the built environment including residential properties, it will have to mandate meaningful accessibility standards. And if it does not, it is responsible for disabling people.

## The Context in detail

AMIDA understand the COAG agreement outlines the ABCB objectives in section 6.1 :

a. Through the NCC, develop and maintain codes of standards,

A. That accord with strategic priorities established by the BMF.

B. That address issues relating to the design, construction, performance and livability of the Building and Construction, and

C. That are the minimum necessary to efficiently achieve:

i safety and health

ii Amenity and accessibility, and

iii Sustainability.

b. Ensure that, in determining any change to the code and the level of requirements:

A. There is rigorous tested rationale;

B. The proposals are effective and proportional to the issues being addressed such that the code will generate benefits to society greater than the costs (that is, net benefits);

C. There is no regulatory or non-regulatory alternative that would generate higher net benefits; and

D. The competitive effects of the code have been considered; and the code is no more restrictive than necessary in the public interest.

AMIDA also understands estimates provided by the LHA within the last decade, indicate that less than 5% of housing is being built to LHDG silver specifications or above. This indicates the **ABCB is not meeting the IGA** regarding amenity and accessibility.

The “*agreed Universal Design standard*” was what is now known as the Livable Housing Design (LHD) silver performance level.

AMIDA's vision extends to accessible housing for every person in Australia and agrees with statements made in the draft response to ABCB Accessible Housing Options Paper by ANUHD to become mandated in the National Construction Code (NCC).

AMIDA is in agreement with the statement ANUHD "Given the decade of delay, the four levels of impact on society, and the ageing of Australia, the ABCB must go beyond the expected minimal approach that the housing industry might expect. It must adopt COAG's commitment to social inclusion and contemporary world-class urban design and architecture and implement option 3 (Gold level)."

AMIDA is in support of the agreed Universal Design Standard now known as the Livable Housing Design (LHD) at Gold Level (option 3) to create:

- A step-free entrance to the home
- Wider internal corridor and doors
- An accessible toilet or bathroom on the ground floor or entrance level
- A bathroom and shower that is easier to access
- Grabrails installed in bathroom and toilet (or capacity to do so)
- A ramp of safe pathway to the front door or other entrance
- Safer internal stairways and paths
- More space in and around the kitchen, capable of being adapted
- Ground (or entry) level bedroom
- Easy to reach light switches
- Doors that are easier to open and close

A meaningful level of accessibility is required as it will meet current needs and greatly reduce the need for further modification, and avoid the greater cost that modification brings. Gold level will better meet current and future demand. Current demand for accessible housing from people with a disability is significant. If the level mandated in the code is too low it will not meet this current demand let alone future needs.

### **The demand for accessibility built in**

Sector experience anecdotally public housing has 12,000 transfer requests on the books due to accessibility requirements within insufficient dwellings. The timeframes to have modifications done to public housing is a problem with an average of around 4 years to get a modification completed. However there is not enough research being done to produce accurate data on this particular topic.

Gold level housing will be suitable for people through all stages of life, there will be no need to move house due to mobility/accessibility issues, ageing people will be able to remain in homes longer.

Gold level will prevent modifications to a property at a later stage being necessary which are far more costly than when built in at the start of construction.

AMIDA refers to the recent survey conducted by ANUHD in relation to the demand for accessible housing, conducted from Nov 17 – Feb 18 indicating:

- Strong support among participants for improving the accessibility of housing – 70%
- Reported difficulty finding livable housing – 68%

AMIDA also refers to research undertaken in the USA suggesting that there is a 60% probability that a newly built single-family detached unit will house at least one person with a disability during its expected timeframe. If visitors are taken into account, the figure rises to 91%.

## **Law and Policy to make modifications**

Obtaining permission for modifications in private rental properties is a significant barrier for people with a disability. As stated in previous AMIDA submission to the Victorian Government on Fairer Safer Housing (Feb 2017) :-

“There is an inability to make property modifications for a diverse array of purposes, including supporting tenants with a disability.”

“Presently we observe that landlords, even in social housing, are refusing to make even minor modifications, which is causing people to be living in housing that is not suitable for them, or having to search for other accommodation.”

Some positive changes have recently been made to the Residential Tenancies Act 2018, specifically Clause 49 amends section 64 of the Act. These changes will allow modification without landlord consent but only if the modifications do not penetrate or permanently modify structures. This is a limitation that will prevent many needed modifications.

A tenant can ask for permission to make such modifications. However, the landlord can also still refuse modifications if the modification would significantly change the premises; would require modifications to other premises or common areas ; or would result in additional maintenance costs for the residential rental provider if the rented premises were not restored at the end of the renter's occupation of premises; or any action required to restore the rented premises to the condition the premises were in immediately before the modification is not reasonably practicable in the circumstances.

These limitations will prevent many needed modifications from being approved in existing rental stock and is another reason the growth of modified stock must come primarily from new built accommodation through a mandated code.

In the case that a landlord agrees to significant modifications, funding will be required. The NDIA have an extensive backlog of processing planning requests including for modifications for accessibility features on behalf of NDIS participants either in their own homes, family homes, rented properties, or supported accommodation.

If an NDIS participant is approved funding in their plan for home modifications, NDIA funding can only be used for modifications by builders **registered with the NDIA**. There are limited building companies that are registered with the NDIA which results in long delays in work being assessed, approved and completed. These delays threaten loss of funding for NDIA participants as if the dollars can't be spent within the year, they are returned to the NDIA. Again, if stock were already accessible this issue would diminish and there would be significant cost reductions as the processing and funding of modifications through the NDIA is significant.

**In conclusion AMIDA states that their position advocating for Gold level accessibility to be mandated by the NCC for all new buildings from 2020 as a matter of urgency.**