



Action for More Independence & Dignity in Accommodation

1st Floor, Ross House, 247 Flinders Lane, Melbourne Vic
3000

Phone: 9650 2722 Fax: 9654 8575

Email: amida@amida.org.au Website:

www.amida.org.au

Inc No: A001608SV ABN: 32 993 870 380

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

28 May 2020

To Hon Luke Donnellan,
Minister for Disability

Via email - Luke.donnellan@parliament.vic.gov.au

P 03 9706 0566

Hon Richard Wynne MP
Minister for Housing

Via email - Richard.wynne@parliament.vic.gov.au

P 03 9415 8901

Dear Ministers Donnellan and Wynne,

AMIDA is an independent advocacy organisation which advocates for good housing for people with disability. 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 applauds the Victorian Government on the recent announcement of funding to deliver a \$498 million housing package to build 168 new social housing units, repair and upgrade 23,000 more with a further \$50 million for aged care and disability accommodation across Victoria!

We commend the Vic Minister for Housing the Hon Richard Wynne for the recent announcement "it was crucial to provide the most vulnerable people in our

communities with the right advice and support during the COVID- 19 pandemic” and working with the Andrews Labor Government together providing an \$8.8 million funding boost announced on 10 Apr 2020 to incidence of rough sleeping and homelessness and make sure those with COVID- 19, who are experiencing homelessness have somewhere safe to get well and get back on their feet, over the next 6 months.

We commend the Vic Minister for Disability the Hon Luke Donnellan for his ongoing commitment to the People in Victoria with Disability on individual advocacy matters and also the development of the Management and Operational Plan for People with Disability – The Australian Health Sector emergency response plan for Novel Coronavirus (COVID- 19), including meeting with stakeholders to plan and share information.

We ask you to consider some other constructive aspects that may not have been taken into consideration already given the quick pace at which plans have needed to be put in place during this time of pandemic and planning for economic recovery.

Safe, Accessible and Affordable Housing for People with Disability is crucial to Quarantine and Isolation and Social Distancing during the current Pandemic, and into the future as we recover.

AMIDA recommends we make the most of this opportunity and all announced new building and renovations are made to the standard of Universal Design Standards - Gold Level.

AMIDA's Concerns

People with Disability can become homeless at any time, like other members of the community, are subject to instability, rental stress and compounding factors to do with physical and mental health, particularly at this time of Pandemic. People with a disability are often on low income or DSP which unlike other Centrelink payments has not been increased.

AMIDA strongly supports the United Nations Convention on the Rights of Persons with a Disability and works to assert these rights and community inclusion for people with a disability.

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.

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).

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 and for governments to build accessible housing. 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, and leadership by government. 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 provide leadership at the State government level by making any new social housing accessible to all. And if it does not, it is responsible for disabling people.

This new build program by the State government and social housing providers must not become another lost opportunity. The State government must make it a condition of funding for these 168 units that they be the Gold level of Accessible Universal Design Features.

AMIDA is in support of the agreed Universal Design Standard now known as the Livable Housing Design (LHD) at Gold Level 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.

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 and State government leadership by example.

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.

The NDIS, Modifications and Specialist Disability Accommodation

It is also extremely important to consider the housing needs of the 90% of people with a disability who are ineligible for NDIS funding support and the fact that the ILC providers are unable to assist this group of people with disability in their many and different housing needs. This is a new group of people with disability who will add to the already growing homelessness list.

Of the proportion of people in Australia living with disability who do qualify for the NDIS, the NDIS itself predicts that only 6% of participants will qualify for Specialist Disability Accommodation (SDA). This means 94% will not get SDA approved or have access to this accommodation. This percentage also does not include any participants with disability who have applied for the NDIS and been denied access, most often simply due to a lack of medical evidence from treating practitioners who often do not have information about what the NDIA require to assess eligibility.

This has created an enormous service gap for people with disability who were eligible and waiting for housing under the Disability Services Register (DSR) under the (previous) DHHS model, now find themselves ineligible for SDA through the NDIS or any Specialist Homelessness Service. This group is in very clear danger of homelessness.

The solution is public housing and State governments are relied upon to build accessible affordable public housing.

The contribution to bathroom and kitchen maintenance announced for public housing is therefore very welcome. This is an opportunity to create up to 23,000 much needed accessible bathrooms and adaptable kitchens in public stock and will increase its utility, the proportion of accessible stock in the public system, and avoids having to make these stock accessible at some later date when a tenant requires it. This opportunity must not be lost, nor the money wasted on inadequate modifications, and we urge you Ministers to ensure all these renovations create accessible bathrooms and adaptable kitchens.

We know that there is also not enough accessible Community Housing or Transitional Emergency Housing.

With the lack of Public and Community affordable accessible housing and the continuing increase in our population there will be more and more people unable to move out of unsuitable housing and waiting lists will continue to grow.

Some examples AMIDA has recently been made aware of include a client who is living in a rooming house on the third floor with only stair access, this client is in a wheelchair much of the time and has to lower the chair downstairs with a rope and crawl downstairs. We had contact with someone with a physical disability living in a house he could not access, and he relied on people carrying him and his wheelchair up and down stairs, and this was a health and safety nightmare which took some time to resolve.

Disability Accommodation

It was also announced that \$50 million would be spent on aged and disability accommodation. Much work has been done at the Disability Royal Commission on the impact of group housing on levels of abuse, neglect and violence experienced by disabled people. This model of housing prevents choice of who people live with and other important decisions made in the person's home. AMIDA has over the years have numerous clients experiencing violence, neglect and abuse in group homes and yet there are very few alternatives available for those not wanting to or unable to live in group homes. The UN Convention on the Rights of Persons with a Disability

Article 19: Living independently and being included in the community, says, *States Parties to the present 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 urge you to use any new funding in this sector to create individual options for housing to provide disabled people with genuine choice as required by the UNCRPD. If the funding announced is to be used to renovate existing group homes, we recommend at least splitting stock into individual units and creating individual living spaces where people can benefit from sharing support without having to share their homes with those they haven't chosen to live with.

AMIDA also notes evidence has shown that violence, abuse, neglect and exploitation of people with disability is more likely to occur in congregate living arrangements. Group homes and clusters of units included. AMIDA strongly suggests new buildings are not clustered together in the community.

Recommendations

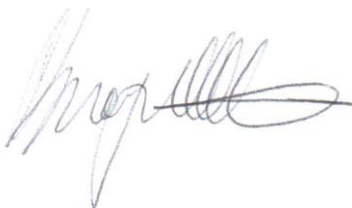
- **While the additional 168 units is very welcome, the register waiting list for needed social housing is over 50,000. We urge the State government to plan to make a massive injection of funds for accessible**

public housing. The need for shelter is paramount for those individuals requiring it but this COVID- 19 crisis has shown that our whole community benefits when everyone has a home to stay in.

- **All 168 units announced should be built to Gold level of Accessible Universal Design Features and if funding is given to community housing providers, this Gold standard must be a condition of the funding for these units. This opportunity to increase accessible community stock cannot be lost.**
- **The announced bathroom and kitchen renovations in public housing must be made accessible at the Gold standard to increase utility and accessibility of public stock.**
- **Short term and medium term affordable, accessible short stay private rental Apartments to be made available for high risk people with Disability either with accessibility problems in their current or future housing or who cannot be protected from COVID- 19 in their current housing. This could be managed by Transitional Housing managers**
- **We urge you to use any new funding in the disability accommodation sector to create individual options for housing to provide disabled people with genuine choice as required by the UNCRPD. If the funding announced is to be used to renovate existing group homes, we recommend at least splitting stock into individual units and creating individual living spaces where people can benefit from sharing support without having to share their homes with those they haven't chosen to live with.**

We look forward to your response to AMIDA's recommendations,

Yours sincerely



Bronwyn Trickett,

Advocate

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