



# Action for More Independence & Dignity in Accommodation

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

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## **The Victorian Social Housing Regulations Review – Interim Report Response**

Action for More Independence and Dignity in Accommodation (AMIDA) supports people with disability as valued members of our community. AMIDA recognises that people with disability contribute to and develop our community.

AMIDA acknowledges that people with disability have a right to a choice of who they live with and where they live. Further, people with disability have a right to good quality housing which is accessible, affordable and non-institutional. 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 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 agrees there is profound market failure in providing suitable and affordable housing for low-income and vulnerable cohorts in the community. In particular, for people with disability, accessible, safe, affordable, single occupancy housing.

As said in our submission to the **10 Year Social and Affordable Housing Strategy for Victoria** AMIDA stated:-

Fund existing services to implement a Housing First Model. Enter this into policy. This model has been proven to succeed in other Countries including the Housing First Europe

Hub and also in Australia. Make this National Housing Policy for Australia. As seen in previous years, if it is only aspirational or voluntary, it will fall short of meeting the needs of individuals in the community. The investment being made by the State Government in the Big Housing Build needs to be repeated every year for 10 years if the current need is to be met let alone future need.

**AMIDA endorses the following points put forward in the Victorian Social Housing Regulations Review, Interim Report proposals:**

**Section 1 -Tenant at the center** including establishing a charter outlining the service standards that tenants can expect from their public or community housing rental provider and clarifying that the Charter of Human Rights and Responsibilities Act 2006 applies to registered community housing agencies insofar as their functions are of a public nature for the purposes of that Act.

AMIDA has had problems with Co-Ops and private rentals organisations, Supported Independent Living (SIL) providers and Specialist Disability Accommodation in the past. AMIDA wishes to be reassured that the charter will cover these as well as public and general community.

**Section 2 Common service delivery standards and regulation across social and community housing.** Applying a uniform set of service delivery and asset management standards to public and community housing, combining best practice elements from both sectors. AMIDA has had problems with Co-Ops and private rentals organisations for this same point, Supported Independent Living (SIL) providers and Specialist Disability Accommodation in the past. AMIDA wishes to be reassured that the service delivery standards and regulations will cover these as well as public and general community.

**Section 3 Tenant Empowerment,** forming a dedicated advocacy body for public and community housing residents together to provide a representative voice for all social housing tenants. Embedding tenant involvement in policy and regulatory development and decision-making.

AMIDA states that funding must accompany this advocacy body to ensure that tenants are not out of pocket. AMIDA also suggests professional development program named Voice At the Table (VATT) who offer training and aim to build the capacity of Government Departments to be inclusive and ensure people with disabilities participate in civic processes on an equal and valued basis.

**Section 4 Tenancy Sustainment,** develop a stronger standard on sustaining tenancies and a “no evictions into homelessness” policy.

AMIDA suggests ensuring government provide a commitment to ongoing funding for new homes to be built each year in order to address the current approx. 80,000 who are

presently on the waiting list and taking into consideration our continual influx of migration in general and also from war torn parts of the globe.

**Section 5 Dwelling Standards**, AMIDA is aware properties do not need to comply with the minimum standards and tenants may be living in dwellings that are not considered habitable. Poor thermal conditions and no accessibility features, minimum standards are required. Community housing providers have no access to funding for modifications, 90% of people with disability have no access to NDIS packages or modification funding. AMIDA endorses improving air tightness, installing ceiling or roof installation or fitting double glazed windows. Implementing social housing Energy Efficiency Program. Public reporting and by scrutiny of asset management plans.

**Accessibility**, amending the *Residential Tenancies Act 1997* to require all properties to be compliant with minimum standards in the *Residential Tenancy Regulations 2021* by 2024. Amend performance standards requiring social housing providers to keep information on the energy efficiency of their stock. Require all social housing providers to undertake disability modifications, to be accompanied by funding from the Victorian Government where otherwise not funded.

In addition to these proposals AMIDA puts forward to build more social housing for existing services to manage and make all new builds and renovations accessible to Gold Standard under the Universal Design Standard known as the Livable Housing Design:-

- 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 Grab rails installed in bathroom and toilet (or capacity to do so)
- A ramp or 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 This will require less people to move due to accessibility problems within a dwelling and allow people to age in place.

There are significant changes to the National Construction Code due to be rolled out in 2022 which AMIDA believes needs to be applied to all tenants, regardless of the type of housing they live in.

The Victorian Government 6 star energy performance standard for housing needs also be incorporated for all types of tenancies.

**Section 6 Dispute resolution**, tasking a single body with resolving complaints across public and community housing such as Consumer Affairs Victoria with Oversight by the Commissioner for Residential Tenancies.

AMIDA recommends the Commissioner for Residential Tenancies needs to be given powers to investigate and resolve complaints and ensure compliance.

**Section 7 Aboriginal Housing**, embed cultural safety in performance standards that apply to social housing. Provide for culturally sensitive, plain English information about the regulator and establish an independent tenancy advocacy function that assists Aboriginal people, staffed by Aboriginal identified people.

Reference to AMIDA Social Housing Regulation – Aboriginal Housing Nov 2021 (attached).

**Section 8 Professionalisation of the frontline social housing workforce**, undertake a workforce development strategy for the social housing sector. DFFH to engage with Worksafe Victoria to develop tools and support to equip frontline staff across the sector.

AMIDA additionally recommends disability specific training to the social housing sector, staffed by people with disability. Annual funding must be provided for this training as an extra budget for the housing sector. Reinforce offer training for staff working with people with intellectual disability, Deaf Victoria offer training for staff working with hearing impaired people. A number of other organisations have specific training for working with disabilities, specific to a disability. For example, AMAZE offer training on Autism Spectrum Disorder. Please contact AMIDA for more information.

**Section 9 Affordable Housing**, AMIDA believes in the past there was no mandate for affordable housing. It needs to be mandated so developers must consider a proportion of all new housing to be dedicated to public and community housing within large developments as well as newly built by Government, housing which is accessible, affordable and single occupancy. The Big Housing Build needs to create more accessible affordable housing and while doing so continue to maintain the current housing stock to suit people's needs over time of tenure. Because much of the housing built for the Big Build will be managed by Community Housing, a large proportion will not be available to lower income earners. The business model Community Housing relies on renting to people on middle and higher incomes to fund the maintenance and other management costs of housing provision. If all this housing were public housing, all the stock built would be available to lower income earners. Given taxpayers money is paying for the Big Housing Build, it is unfair that middle and higher income people will get to rent this stock while lower income people remain homeless. All stock funded by the Big Housing Build must be made available to lower income people.

Rather than building large high density towers of public housing which are a hazard in a situation such as a pandemic, build scattered public housing that is of good quality and cannot easily be distinguished between homes owned by individuals and those renting

through social housing. This also addressed the social stigma associated with the label of public housing occupants. There needs to be 'spot purchase housing' (which was done years ago by Office of Housing) to ensure that people have choice about where they live, people with a disability should be able to continue to live in their local neighborhood's where they have support networks and they are familiar.

Again funding for more affordable and accessible housing stock to address the high number of households on the public housing waiting list and the amount of years that people have been forced to wait for appropriate housing. The Big Housing Build will only reduce the waiting list a little, as there are 80,000 people waiting for Housing, transfer, emergency and transitional housing, while \$5.3 billion is a wonderful investment, previous governments have not seen the need to maintain existing stock or build new affordable accessible housing. The investment being made by the State Government in the Big Housing Build needs to be repeated every year for 10 years if the current need is to be met let alone future need.

As mentioned in our initial paper, AMIDA recommends:

*A single system of financial assistance that is portable across rental markets for private and social housing should be established. A single system of financial assistance would:*

- enable a person to choose where they live based on their preferences — their access to financial assistance (and tenancy support services) would 'follow them'*
- address current inequities by targeting the type and amount of financial assistance a person receives to their circumstances, rather than the type of housing they live in.*

*The establishment of a single system of financial assistance hinges on reforms being undertaken at both the national and state and territory level so assistance can be provided as a package.*

- The Australian Government should extend Commonwealth Rent Assistance (CRA) to tenants in public housing so that it is available to all eligible tenants in social housing properties. People who live in private and community housing already receive CRA, people in public housing do not. This change would provide a consistent baseline level of support.*

*Many households could benefit from reform.*

- Over 50 000 social housing tenants have expressed dissatisfaction with the property they are in. They currently face a stark choice — remain in social housing in an unsuitable property or move to the private rental market and potentially receive less financial assistance.*
- Increasing choice would lead to some tenants moving into private housing, which would result in more social housing properties becoming available for tenants who need them.*
- There are about 850 000 households eligible for, but not in, social housing. The proposed State- and Territory-funded housing supplement could benefit these households where they are in areas with acute rental affordability problems.*

**Section 10 A Social Housing Regulator: Structure and Governance**, AMIDA endorses the establishment of a regulator as an independent statutory body, governed by a board, with a

CEO whose responsibilities are outlined in the legislation. Confining grounds for its removal to misconduct, incapacity, failure to perform duties, proven incompetence, insolvency and like matters. Require that minutes of board meetings be published along with the regulators planning documents, policies, standards, processes for decision making, regulatory decisions and reasons for decisions.

Again AMIDA recommends the Commissioner for Residential Tenancies needs to be given powers to investigate and resolve complaints and ensure compliance.

**Section 11 Regulation of Public Housing and Homes Victoria**, transfer responsibility and additional statutory powers to monitor and enforce compliance. Require that the regulator has full visibility of all DFFH contracts (including for public housing management transfers). Require information sharing between funder and regulator.

And again AMIDA recommends the Commissioner for Residential Tenancies needs to be given powers to investigate and resolve complaints and ensure compliance.

AMIDA has recognised that the process of the Victorian Civil and Administrative Tribunal (VCAT) are not user friendly, are difficult to understand, do not use Easy English to assist people with intellectual disability or comprehension difficulty. The language used is very specific to the law sector and for general people of the public have difficulty filling out forms on their website, navigating the website, and participating in hearings. The whole of VCAT would benefit by communicating in a way that is understood by all.

Accessibility of materials and hearings where processes and outcomes of decisions by members are explained clearly in Easy English, so that people don't jeopardize their tenancy due to confusion or lack of understanding the whole picture.

**Section 12 Growth and Innovation I**, continued growth is imperative to help ensure that, over time, every Victorian can access suitable housing at a price within their means. Require the regulator to perform its functions in a way that is proportionate and targeted to only where action is needed and to work with other regulators to reduce duplication and administrative burden for registered agencies wherever possible.

Annual funding, locked in, every year to increase housing stock. Again the Big Housing Build needs to create more accessible affordable housing and while doing so continue to maintain the current housing stock to suit people's needs over time of tenure. Because much of the housing built for the Big Build will be managed by Community Housing, a large proportion will not be available to lower income earners. The business model Community Housing relies on renting to people on middle and higher incomes to fund the maintenance and other management costs of housing provision. If all this housing were public housing, all the stock built would be available to lower income earners. Given taxpayers money is paying for the Big Housing Build, it is unfair that middle and higher income people will get to rent this stock while lower income people remain homeless. All stock funded by the Big Housing Build must be made available to lower income people.

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**Section 13 Growth and Innovation II**, giving the regulator full visibility of all legal arrangements involving registered social housing providers and joint venture structures (however structured). Providing the publication of minutes of meetings of boards of all registered entities. Introduce requirements for disclosure of board and executive salaries and other forms of remuneration for all registered social housing providers. Give the regulator clear monitoring and inspection powers, including to conduct regular scheduled and random inspections, audits and to demand a wide range of documents. Powers again to the Residential Tenancies Commission to handle the above mentioned information and ensure that tenants with disability are included on boards of governance, in meetings, in a real way so their voices are heard (VATT)  
<https://voiceatthetable.com.au/resources/why-vatt-is-important/>

**Section 14 The role of regulation in sector growth**, there is an urgent need for continued growth in social housing stock. Encourage registered social housing providers to do all they reasonably can to address social housing need to fully realise their objects as charitable or community housing providers.

AMIDA demands that continued Government investment takes place to ensure that there are new accessible, affordable, single occupancy properties fully funded and built, every year. Again funding for more affordable and accessible housing stock to address the high number of households on the public housing waiting list and the amount of years that people have been forced to wait for appropriate housing. The Big Housing Build will only reduce the waiting list a little, as there are 80,000 people waiting for Housing, transfer,

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**Section 15 Regulatory approach**, provide additional resources to enable the regulator to perform its expanded role effectively, to deal with the changing nature of risks and embed a greater tenant focus and voice.

**Bipartisan agreement** to continually fund independent, affordable, accessible accommodation in every State Government budget.

**Section 16 Performance reporting for transparency and accountability**, require regular review of the performance reporting framework, with a consultation process that includes sector participants and tenants to make improvements.

Once again AMIDA understands this could be the role of the Residential Tenancies Commissioner to oversee and regulate.

**Section 17 Sector regulation and the National Regulation Scheme for Community Housing (NRSCH)**, AMIDA agrees there are benefits from harmonization with other countries and the capacity to learn from and benchmark our performance against overseas practices that are more likely to be realised when a national scheme is in place. The Victorian Government to initiate discussions with other jurisdictions to advocate for changes to the NRSCH.

**Section 18 Prospective social housing tenants**, develop a code of practice for landlords and property managers based on best practice principles as part of an education guide.

AMIDA has seen in the past where voluntary recommendations were put forward in the housing market to property owners and developer (such as accessible and affordable housing), these were ignored for more than 10 years. This held back any future development or new growth in accessible and affordable housing. Mandates rather than trials or suggestions to be put to the market.

AMIDA recommends this to be done with consultation with tenancy groups, tenants, housing advocacy organisations, self-advocacy organisations and housing providers.

Thankyou for consideration of this submission.

The National Disability Advocacy Program at AMIDA.