



# 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 Worsening Rental Crisis in Australia**

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 and advocate for change in systems which prevent people from achieving good housing.

It is AMIDA's position that the needs of people with disability are being left out and overlooked in the concept of renting. Where previously AMIDA's advocacy service focused on rights-based advocacy for people living with intellectual disability, we now receive more enquiries from a range of people who have never before needed housing services. These people are low-middle income earners, older people, survivors of violence and people with disability. They are unfamiliar with the system and don't know about the support available

to them. They assume the housing services are effective and demonstrate depression, fatigue and hopelessness when discovering the limited support available for rent assistance, rent arrears, negotiating Notices to Vacate, navigating VCAT and accessing affordable housing.

AMIDA identifies 7 themes in our response to this investigation:

- 1) There is simply not enough housing for the current and expected Australian population.
- 2) People with disability who make up 17.7% of the population (<https://www.abs.gov.au/statistics>.) are not proportionally considered in housing strategies and services and,
- 3) People with disability are not proportionally represented in consultation or strategy development of housing programs, this is despite being a cohort who are more likely to be in rented accommodation, 36% compared to 27% of the general population (Australian Institute of Health and Welfare 2022).
- 4) There is a detrimental cumulative effect for people with disabilities of extreme housing disadvantage of caused a lack of accessible rental homes, rental providers discriminating against people with disabilities due to income or access needs and people with disability having less money to spend on housing cost in part because of the hidden costs of managing disabilities.
- 5) Due to the severe housing crisis in Australia currently, people with disability don't have the same choice and control of where they live, as other people in the community. To ensure they get the support that they need they are often forced into Specialist Disability Accommodation (SDA) which forces people with disability to live with people they don't know or understand which often leads to conflict and violence, which can severely impact mental health and well-being . This form of institutional living does not encourage an inclusive community.
- 6) Landlords and housing providers are not well-informed of the legislation and processes for housing maintenance, sustaining tenancies and renters' rights.
- 7) The provision of rental housing is seen a financial mechanism rather than a provision

of an essential service and a human right. Therefore, the issues facing renters are viewed in isolation from the social and market forces influencing the housing crisis, maintaining unhelpful values, a culture of fear.

**a. The experience of renters and people seeking rental housing,**

AMIDA supports individuals and families with disability in a wide range of housing settings from public housing, community housing, Co-Op housing, private rental, Specialist Disability Accommodation (SDA) and home ownership.

AMIDA responds to approx. 30 requests for advocacy each month from people with disability in housing crisis. Requests come from people living in a range of housing types including private rental, community housing, public housing provided by the Victorian Department of Families, Fairness and Housing and Owner occupiers who are experiencing difficulties with Owner Corporations.

A significant proportion of enquiries come from people in hospital who are unable to be discharged due to having no suitable accommodation.

Across all complaints and providers, the main themes emerging from our advocacy requests are from people in housing crisis caused by increasing rents, non-compliant landlords and difficulties with community housing providers and the Department of Families, Fairness and Housing. People accessing our service present with range of vulnerability factors including physical, psychological and complex disability, of violence, people of CALD backgrounds, people over 65 and families in cohabitation. A significant proportion are seeking support as they cannot be discharged from hospital because they have no accommodation.

Common across all providers is an apparent lack of disability specific knowledge regarding accommodating access needs of tenants, the provision of reasonable adjustments, modification and accessibility needs of people with disabilities. The lack of funding for maintenance work for public and community housing lends itself to compounding the hardship experienced by people with disabilities.

Over 70% of complaints come from renters renting from the DFFH, demonstrating a need

for more funding and disability specific training to be provided to DFFH workers.

Where previously AMIDA's advocacy service focused on rights-based advocacy for people living with intellectual disability, we now receive more enquiries from a range of people who have never before needed housing services. These people with disability who are often experiencing other factors of compounding disadvantage, such as existing on low incomes, ageing, escaping domestic violence and experiencing mental health issues. All of the renters accessing our service are seriously materially and emotionally impacted by the difficulty of finding and maintaining tenancies, by the need to engage with uninformed and unempathetic landlords and housing providers, by the seemingly ineffectiveness of the available pathways for resolving issues such as the Victorian Civil Administration Tribunal (VCAT).

Renters with a disability report the following factors as normal in the rental market:

- Accepting sub-standard accommodation conditions for fear of eviction should they request necessary repairs OR
- Accepting sub-standard accommodation conditions as VCAT and other resolution processes have been ineffective in motivating compliance from landlords and housing providers,
- Accepting inaccessible housing and forced shared accommodation (due to the absence of "National Construction Code (NCC) Gold/Silver Standard" housing options),
- Needing to Prioritise rent costs over heating, washing, food and other necessities, in order to avoid homelessness.

AMIDA has observed although discrimination in accommodation settings is unlawful and renters with disabilities are entitled to make some modifications to properties to accommodate their disability, many avoid asking for disability modifications to be made in their accommodation for fear they will be refused and experience retaliation and victimisation from their provider. This fear has been noted from tenants in private, public and social housing settings and also homeowners in settings that require Owners

Corporation agreement for accessible features.

***Extract from AMIDA's March 2023 for the Australian government's Safe Places Emergency Accommodation Program.***

“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 and often single occupancy housing.

There appeared to be an assumption within the housing and disability communities that the National Disability Insurance Scheme (NDIS) Specialist Disability Accommodation (SDA) would house people with disability. This has proven to be true for only 6% of participants on the scheme. This has created a large service gap for people in the community with disability who were excluded from the NDIS or those who were receiving a package but not eligible for housing and at the same time a lot of state- based funding for disability services had ceased. The already apparent lack of accessible housing stock in Australia became even more obvious.”

National Construction Code (NCC) building regulations with silver level accessibility features has been agreed upon in Australia however has taken time to come into effect, it was agreed upon in previous years and will become regulated in Oct 2023. It has been delayed multiple times. Contributing to a lack of accessible rental housing stock suitable for people with disabilities to live in.

**b. Rising rents and rental affordability.**

AMIDA has observed that many people with disability that AMIDA has assisted over the last decade have been priced out of the private rental market. Previously it was mainly people who were accessing government financial support and now impacting low and middle-income earners, families and older people. In markets that are not capped or subsidised in any way, rising rents cause housing stress where people with disability are having to prioritise paying rent over other necessities such as food and heat. Support services are

underfunded and overstretched and can only provide one off time limited support. Which does not address ongoing affordability issues.

AMIDAs clients unable to afford rent, are forced to consider relocating to other less expensive housing, sharing with family, friends or strangers and trying to access crisis accommodation which is mostly not available due to lengthy wait lists.

People are living in transitional housing for longer periods, needing to move frequently. They are forced to live where they are unable to maintain employment, access health services or maintain social connection as they cannot find or afford accommodation in the areas they know as home.

Public and Community Housing options are more affordable than private rent. Public and Community housing providers are also required to provide a level of (imperfect) accessibility in housing that is not available in the private rental sector. In public and community housing settings residents pay 25% of their weekly income, community housing residents pay 30% of their weekly income. However, years of under investment in the sector has meant that there is simply not enough public and community housing to meet the demand.

People with a disability who are able to access NDIS funded housing such as Specialist Disability Accommodation report that Specialist Disability Accommodation (SDA) is notoriously expensive, providers are charging participants up to 80 percent of their Disability Support Pension, on top of the funding provided by the NDIS. this causes significant financial stress, pushing people with disability further into poverty.

**c. Actions that can be taken by governments to reduce rents or limit rent rises.**

AMIDA suggests the following to reduce or limit rents:

- Limit rent increases by rental providers to one every three years.
- Provide incentives to landlords and housing providers to house vulnerable (and other) people in safe, long -term accommodation.

- Provide incentives to reduce investment in housing, leaving housing for living and other mechanisms for financial growth.
- Cap the amount of the rent increase rental providers can implement.

AMIDA asks whether the federal government can make Commonwealth Rent assistance given to people on income support to be made more broadly available, to help cover the cost of rising rents.

More broadly, AMIDA suggests that the government incentivise rental providers to provide affordable/ accessible rental properties to people with disabilities.

**d. Improvements to renters' rights, including rent stabilisation, length of leases and no grounds evictions;**

Victoria has made positive changes to the Victorian Residential Tenancies Act and other improvements for renters in Victoria in recent years. However, these changes appear to not be well understood by rental providers. This lack of knowledge is hindering the improvements and changes the Act allows.

In AMIDA's advocacy work we have noted that the while legal mechanisms exist to enforce the rights of renters, such as the Victorian Civil and Administrative Tribunal (VCAT) In practice orders by VCAT mean very little because VCAT has limited powers to enforce its orders, meaning that people with a disability are often needing to make several applications to VCAT about the same issues and are waiting long periods of time to have urgent repairs and other issues dealt with. Other legal mechanisms used to compel compliance have to be undertaken privately and at the renters' own cost and as such are not available to most.

Additional funding for the Tenancy Law services / advocacy will assist in ensuring that legislation protecting renters is properly enforced.

AMIDA has noted that people in positions in power demonstrate little understanding of the housing issues as they relate to people with disability, consultation and training would be beneficial. Furthermore, people with disabilities who rent are under represented on the

boards and committees of housing providers. AMIDA believes that encouraging more people with disabilities to be involved in housing services would improve this.

The parliamentary committee need to be inviting renters with disabilities providing input, with decision making power, to usher in systemic changes, every type of renter across the board.

**e. Factors impacting supply and demand of affordable rentals;**

In the previous decade the National Construction Code NCC accessible features were voluntary and were only taken up by 5% of the private building sector. This meant without further regulation there were not going to be enough accessible features included in homes being built in the community, to meet the current demand from the population that require accessible features. This would require people with disability to apply for modifications to be undertaken which were not guaranteed to be provided. Particularly in the setting of community housing, there is no funding available for accessible modifications to be carried out.

AMIDA previously wrote “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 3 residential properties, it will have to mandate meaningful accessibility standards. And if it does not, it is responsible for disabling people. The failure to adopt accessibility standards seriously impacts the supply of affordable accessible rental properties available to people with disabilities.



State and federal funding to be allocated to accessible, safe and affordable social and public housing needs to be on the agenda as an urgent change in comparison to the last decade where it has not been a priority.

There is a large amount of housing stock which is being poorly maintained, if maintained at all in the public housing. Improvement in maintenance and silver level accessible features will make many residencies liveable for people with disability.

AMIDA have seen many cases in the past of people needing repairs or modifications which increases the demand for affordable rentals because people feel they need to move whereas existing places maintained and repairs done in a timely manner allows tenants to remain in housing.

A high level of transfers in public housing are in demand due to the properties they are residing in are falling into disrepair and this adds to the public housing transfer waitlist. Locations of residency for people with disability is highly relevant. Accessibility, affordable and safe housing needs to be in areas that have infrastructure, this impacts the places people choose to live and where they apply for.

It matters what types of properties available. Not everybody wants to live in congregate living, group homes, not everybody wants to live in high-rise.

## CASE STUDY

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| Provider Name        | AMIDA   |
| Reporting Period     | (Source: 2022-23 case studies)                            |
| Case Study Key Theme | Advocacy to ensure outstanding urgent maintenance is done |
| Participant Details  | Sue   |

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| Overall Themes                                       | Public Housing, abuse by neighbour, outstanding maintenance, mould issues, flooring  |
| Case Study Summary                                   | Sue is a public housing tenant with a number of disabilities, and she needs assistance to assist in communicating with public housing to ensure her outstanding maintenance issues are done  |
| Systemic issues                                      | Outstanding urgent maintenance issues are becoming harder to have actioned in public, community and private housing even with the assistance of VCAT orders  |
| Costs avoided/Consequences if advocate not available | <p>Sue contacted AMIDA initially to assist in getting mould issues fixed in the bathroom of her Office of Housing property. She had already gone to VCAT and an order was made. This had been ignored by Office of Housing worker until AMIDA advocate was involved in contacting housing worker in writing, a copy of which was sent to local MP's Minister for Disability and Housing.</p> <p>The mould issues had started because the bathroom above unit had flooded. The tenant of the flooded unit was also a neighbour who was abusing Sue by constant noise and verbal abuse. The Housing office was requested to speak to neighbour, but this issue is not likely to be resolved as the tenant has psychosocial disability. AMIDA advocate has given advice about keeping a diary, calling police if the abuse gets to a point of Sue being frightened and contacting her housing worker about this issue fortnightly, which Sue has done with little success at this time.</p> <p>Sue has requested a transfer with AMIDA advocates support in providing the information needed and the forms required.</p> <p>Sue has applied for support through the NDIS for SDA funding but this has been rejected. AMIDA advocate has provided information to Sue and her Support Coordinator</p> |

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|                       | <p>about who to contact for support for an appeal and also the information and supports needed to Appeal this decision.</p> <p>Sue has suffered a setback physically and now needs flooring which is flat e.g., floorboards or vinyl as the aging carpet in her unit is in extremely bad repair. AMIDA advocate has assisted Sue to fill out the required forms and provide the support letters from her health professionals to assist in the request to change the flooring in her unit. This currently sits with a Central manager within Office of Housing.</p> <p>At Sue’s request AMIDA advocate has sent new letters to Local Member who replied to previous correspondence to ask what is holding up these decisions. A reply has been received but still awaiting further action on this.</p> |
| <p>Lessons Learnt</p> | <p>With the support of an AMIDA advocate it is possible to escalate urgent maintenance orders.</p> <p>Unfortunately, advocacy is not available for all tenants who need it and negative consequence of this are felt by tenants experiencing inadequate standards in rental of all types.</p>  |

**f. International experience of policies that effectively support renters.**

Housing First model used in the Y-Foundation in Finland who have resolved their homelessness population. Housing First is now recognised internationally as the most successful model to end homelessness for people with high support needs who have experienced long term or recurring homelessness.

### **g. The impact of government programs on the rental sector; and**

The termination of the National Rental Affordability Scheme (NRAS) program commencing in 2022 resulted in increased homelessness, increase in pressure on housing services and extreme distress for the vulnerable people able to access suitable housing through this program. AMIDA notes that the termination of this program at a time of housing crisis is a decision that could only be made by people from one segment of the rental market with no consultation with those affected by the decision. This is representative of the rental market regulatory structure.

AMIDA would like to see the NRAS reinstated, to be ongoing and no planned end date.

The first homebuyers grant pushes up prices of buying and pushes up rents. When we are looking at government programs that are not in the rental sector but do affect the rental sector. Negative gearing, tax incentives for higher earners, interest rate rises, investment incentives for development and corporations which doesn't help renters.

#### ***Extract from AMIDA's response to the National Housing and Homelessness Agreement***

***Mar 2022:-***

“AMIDA understands 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.”

#### **h. Any other related matters.**

Improving Access to NDIS funded Housing for people with disabilities would support more people into housing and free up private and public / community housing properties. This could be supported by providing incentives to developers to build SDA properties We know SIL properties and SDA have some inbuilt restrictive practice, in this scenario AMIDA would like to see more regulation over the features of the built environment that house people with disability. We also want to avoid the same provider of the SDA property providing support in SIL as stated in the NDIS Operational Guidelines. AMIDA would like there to be mechanisms of making sure the renters are protected in these settings.

Group homes and SDA congregate living, there has been a real lack of forethought on the government’s behalf on how SDA should work. AMIDA believes that Congregate and Group Home living forces people to live in situations that restrict choice to get the support they need. This type of housing does not encourage an inclusive community. NDIS funded housing is difficult to access through the NDIS, restrictive and puts pressure on the rental market. The NDIS is not fulfilling its obligations, the housing they do provide is so difficult to access.

What we have is pressure in the rental sector as specialised homes are not available to those who need them.

There is an urgent lack of emergency accommodation suitable for many people with disability that is accessible and available at short notice. This cohort seems to have been absent in the Housing and Homelessness plans in the past and needs to be catered for in future plans, as people with disability can become homeless like any other member of the community, particularly when the NDIS only offer housing to a very limited number of people.