

**Submission
No 125**

INQUIRY INTO SOCIAL, PUBLIC AND AFFORDABLE HOUSING

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Social, Public and Affordable Housing Inquiry

NATIONAL DISABILITY SERVICES, NSW

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National Disability Services

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About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes more than 900 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.

Introduction

There has never been a more critical time to integrate the housing needs of people with disability within a social, public and affordable housing strategy. National Disability Services (NDS) is excited by the opportunity presented by this inquiry to facilitate the extension of partnerships and creation of opportunities for more and equitable social, public and affordable housing.

This submission has been written in a period where the disability service sector is undergoing once in a lifetime reforms. NDS notes that people with disability are not explicitly mentioned in the terms of reference, however, in much of the literature reviewed for this submission, people with disability are acknowledged as one of the primary user groups of social, public and affordable housing.

The projection in planning up to 2020, as outlined in the terms of reference, coincides with the NSW and Australian disability service sectors' transition to the full implementation of the National Disability Insurance Scheme (NDIS). NDS asserts here that it became clear that NSW is in need of a more appropriate and integrated housing policy to allow the state to better support its most vulnerable citizens. The NDIS transition presents a unique opportunity to address long-standing systemic and system interface issues and to capitalise on a major change process that is already underway.

In July 2013, the NSW Auditor General released a report to Parliament entitled "Making the best use of public housing". One of the key findings was that public housing stock is ageing and increasingly not fit for purpose. The report also projected that by 2021 over 50% of all social housing need will be by older people and people with a significant disability. These key findings, and additional findings outlined in the report, strengthen the case for the NSW Government to take a prompt, well-considered and strategic approach to begin addressing the issues currently plaguing the NSW housing system.

The Auditor General's report should provide an additional imperative for the NSW Government to increase its overall engagement with the disability service sector.

NDS, as Australia's peak body for non-government disability services with membership of over 900 non-government organisations, can provide the Inquiry with insights into the challenges and reform priorities to better support people with disability to access public, social and affordable housing.

This submission has been developed in consultation with NDS members with significant experience supporting people with disability in both the specialist disability accommodation system and the public and private housing market. NDS has also consulted with organisations and peak bodies from the affordable housing, social services and community housing sectors. This information shapes recommendations around what strategies are needed to create a policy setting where non-government providers can provide the greatest housing assistance to people with disability.

NDS has provided the Inquiry with a number of recommendations regarding integrated services, inclusion and capacity development and current and future opportunities. The report takes into consideration the establishment of the NDIS, the NSW Government's transfer of housing assets to the non-government sector as outlined in the National Disability Insurance Scheme (NSW Enabling) Act 2013 and the proposed Disability Inclusion Bill.

The recommendations included in this submission are based around the need to protect, partner and enable:

- protect existing supply for people with disability
- partner across sectors for better housing and accommodation outcomes
- enable the creation of new and more accessible housing supply for people with disability

NDS' key objective in writing this submission is to ensure that people with disability are included in the planning of a social, public and affordable housing strategy which will guide state policy until 2020. The implementation of the NDIS, the commitment to the National Disability Strategy 2010-2020 by the Council of Australian Governments (COAG) necessitates that this planning occurs.

In developing the three sections of the submission, NDS has taken the following positions:

1. Integrated Services

The introduction of a National Disability Insurance Scheme will see an increased reliance on mainstream services by people with disability and the services that support them. Responsive and robust services will be critical to allowing the scheme to reach its full potential.

2. Inclusion and Capacity Development

The creation of a comprehensive policy which successfully integrates and acknowledges the needs of people with disability must be a key objective of NSW housing planning. This involves the development of stronger disability awareness and partnerships in monitoring, information sharing and housing planning requirements.

3. Future Opportunities

At the heart of the National Disability Strategy is the vision for an 'inclusive Australian society that allows people with disability to fulfil their potential as equal citizens'. Integral to achieving this vision is the aim to improve economic security for people with disability. This must be underpinned by a constructive relationship with the National Disability Insurance Agency.

This submission will explore barriers and potential solutions for achieving a more equitable access for people with disability in the social, public and affordable housing market. Stable housing provides a critical underpinning in attaining this security as it acts as a central support to a decent life and overall positive wellbeing. This basic human right must be the core principle which underpins any social, planning and community housing policy.

Integrated services

The growing number of people with disability as tenants of public, social and affordable housing requires improved coordination of integrated services to assist people to get on with everyday life.¹ Increased responsiveness to and by other service systems could assist in alleviating a crisis driven model of service delivery while improving outcomes for affordable public housing tenants. In this context, the Inquiry should consider solutions which facilitate improved relationships with other service systems.

This part of the submission provides a number of recommendations which could be pursued to create a housing system that is more receptive to the needs of people with disability. In particular, analysis of system interface issues with the Commonwealth, and the need for a stronger whole of government approach is provided.

The current legislative setting for housing policy in NSW is also considered in this section. NDS has identified the need to recast 'priority' list applicants to ensure the housing needs of people are better acknowledged in the allocation of supply.

Principles for integrated services

1. Policy Developments - appropriate consideration must be given to National and State policy and legislative reforms in order to enable better access to housing for people with disability
2. Housing Legislation in NSW – scrutiny must be applied in the application of 'most in need' in order to protect equitable housing allocation for people with disability.

¹ NSW Auditor General (2013), Making the best use of public housing, p.12

3. Impact of the NDIS – relationship and capacity building will be critical to ensuring strong partnerships between the National Disability Insurance Agency (NDIA), other government departments and Housing NSW.
4. Whole of Government approaches – a whole of government approach will enable more effective responses to people with disability in social, public and affordable housing

Research suggests the cyclical barriers people with disability experience in accessing affordable public housing were repeatedly identified. The lack of economic security experienced by many people with disability continues to hinder their capacity to access the private housing market. As a consequence, there is an increased reliance on family support and limited social, public and affordable housing supply. This cycle of disadvantage can only be broken under an integrated service model of housing that commits to the economic security and social participation of people with disability.

Policy developments

It is important that the select committee is aware of the policy and legislative context in which future housing strategies will be developed and executed. In order to better understand opportunities that exist for better service integration and the current and future housing needs of people with disability

Disability policy and service provision have experienced rapid changes in the past decade. Australia ratified the United Nations Conventions on the Rights of People with disability (UNCRPD) in 2006. This underscored the government’s commitment to enhancing the opportunities for people with disability to “participate in all aspects of social and political life including access to employment, education, health care, information, justice, public transport and the built environment”.²

Australia’s ratification of the convention was the beginning of a series of landmark reforms to take place in the disability service sector, culminating in the unanimous passing of federal legislation in 2013 to establish a National Disability Insurance Scheme (NDIS). The NDIS focuses on assisting people with disability to achieve their aspirations and goals whilst receiving individualised and tailored support as determined by the individual receiving supports.

The objects of the National Disability Insurance Scheme (NSW Enabling) Act 2013 clearly state the intention to “give effect to Australia’s obligations under the convention”.³ More importantly, the objects explicitly outline the need to “facilitate the development of a nationally consistent approach to the access, planning and funding of supports for people with disability”.⁴

The establishment of an NDIS was facilitated by a number of key national policy and strategic commitments namely the National Disability Agreement (2008) and the National Disability Strategy (2010-2020), a 10-year Council of Australian Government (COAG) commitment to improve the lives of people with disability across Australia. Included in the National Disability Strategy was the directive for states and territories to develop their own National Disability Strategy Implementation Plans. The NSW Plan builds on existing commitments to people with disability and includes new initiatives that complement the disability service sectors reforms to provide more choice and control to people with disability.

NDS commends the government for its proactive approach in preparing for this change through reforms such as ‘Ready Together’. This includes \$2 billion in growth funding to be injected into disability service provision between 2012-2016 and the creation of 47,000 new places for people with disability to access support. A more and equitable approach to the delivery of social, public

²National Disability Strategy 2010-2020 (2010)

³National Disability Insurance Scheme Act (2013), Part 2, Section 1, (a).

⁴National Disability Insurance Scheme Act (2013), Part 2, Section 1, (f).

and affordable housing will be a critical component to facilitating enhanced social participation of people with disability.

Housing Legislation in NSW

The key legislation relevant to the provision of public, social and affordable housing in NSW is the NSW Housing Act (2001). The objects of the Act describe its responsibilities to maximise opportunities for access to secure affordable housing and that this access is available to diverse sections of the community.

During consultation, concerns were raised by NDS members that addressed the application of the Housing Act and its interpretation of 'most in need'⁵ and method of determining 'priority applicants'

NDS believes that there are clear issues regarding how the term 'most in need' is being interpreted under the current application of the Act. Object (f), of the Housing Act (2001) outlines the need to: ensure that the public housing system focuses on housing people who are most in need.

Similarly, the Auditor General's report outlines the circumstances of the 5000 applicants classified as 'priority' applicants whose need for housing is more urgent because they are:

- experiencing unstable housing circumstances;
- at risk of harm; or
- currently living in accommodation that is inappropriate for their basic housing requirements.

NDS would urge the Inquiry to challenge current understandings of 'most in need' by considering the circumstances that can see people who are often in desperate need of housing excluded from the priority list. The complex circumstances experienced by people with disability in relation to accommodation remains largely invisible to the broader community because they are not as visibly displaced as other vulnerable groups. In many cases people with disability are unable to self-advocate and need support from specialist advocacy to voice their housing needs.

A common example of this is people with disability living at home well into their 30s and 40s with ageing parent carers. Because this group are seen to be living in stable accommodation, they are often not deemed as 'in crisis' for the purposes of obtaining affordable public housing. Compounding the priority list dilemma is that a person with mental illness at immediate risk of homelessness would almost always be deemed 'more in crisis'. The current application of priority clients and 'most in need' can neglect long term considerations around a persons need to access affordable public housing. It also, over time, can prioritise the needs of the same group of vulnerable clients over other vulnerable clients.

An opportunity exists to better determine those 'most in need' by developing a more comprehensive framework for housing assessment and enable more housing opportunities for people with disability. The role of specialist independent advocacy is directly implicated here.

Recommendation

That the Select Committee examines the current application of object (f) of the NSW Housing Act and methods of determining 'priority' list applicants. An analysis of those on the broader wait list compared to those on the 'priority' list should be performed with the aim of determining the vulnerable groups that feature most prominently.

Impact of the National Disability Insurance Scheme

If the NDIS is to become a sustainable support scheme, it will be critical that it works effectively

⁵Housing Act (2001), Section 5, 1 (f).

with other service systems. The NDIA is aware of the importance of complementing state efforts by providing incentives for contributions to maximise leverage to meet the very large unmet affordable housing need. This provides an opportunity for the NSW Government to partner with the Commonwealth to improve funding for the modification of existing housing stock to be appropriate for people with disability.

The potential demand for affordable housing is large. Of the predicted 410,000 people who will become NDIS participants, 193,000 participants (aged 25-64) are on low or very low incomes and may require housing assistance from some source.

This means that the estimated unmet need for affordable housing is between 83,000 and 122,000 NDIS participants.⁶

There is recognition across all levels of government that the specialist disability accommodation system will be unable to support all individuals who require accommodation.⁷ People with disability have very few options for housing mainly due to the cost of support when living independently and the high incidence of poverty which makes private housing unaffordable for most.

The NDIS will be able to act as a catalyst to overcoming some of the financial barriers around securing accommodation. In line with the insurance approach of the scheme, individualised packages will include funds for home modifications as a way of facilitating greater independence.⁸ However, the NDIS will not be able to provide new supply as this sits outside the remit of the agency. In this sense, it is apparent that the NDIA is positioning itself as more of an 'influencer' which can form relationships between federal and state housing authorities and peak bodies.

This emerging policy setting requires strong lobbying and advocacy by the New South Wales Government to ensure that seamless integration occurs. Housing NSW needs to ensure that a strong communication and partnership forms a key component of a new social, public and affordable housing policy. The absence of this communication may mean that valuable opportunities to support people with disability living independently are missed.

Recommendation

That Housing NSW reaffirms its commitment to working with the NDIA and communicating joint policy initiatives and investments throughout the housing and disability sectors.

Whole of government approaches

As the Government agency responsible for the provision of social, public and affordable housing, Housing NSW has the responsibility of supporting some of the state's most vulnerable people into stable accommodation. A range of external factors such as funding, ageing stock, a lack of new stock, long wait lists and an increasingly expensive private housing market creates an increasingly difficult environment for Housing NSW to execute their remit.

⁶National Disability Insurance Agency (2013), The National Disability Insurance Scheme: supporting participants to gain appropriate housing with quality support, presentation at National Disability Services Accommodation Services, Melbourne.

Although these figures outlined above are national in their nature, they assist in illustrating the scale of unmet need of appropriate housing for people with disability.

⁷It is important to recognise that not all people with disability require specialist accommodation and many are able to live in the community with a low or medium level of in-home support.

⁸A more comprehensive analysis of these avenues is provided in the 'Opportunities' section of this paper.

NDS proposes a revised whole of government approach to state housing policy.

A whole of government approach acknowledges the many dimensions of people's lives and the fact that supports are not provided in isolation. A whole of government approach has the ability to minimise duplication and spending, while having a positive impact on the people who are receiving support as they benefit from better coordination. NDS believes that this is particularly relevant for addressing the housing needs of people with disability.

Consistent feedback from NDS members suggested that service systems are often working in silos, and that although these silos are starting to break down, more needs to be done to accelerate this process. NDS members observed that Housing NSW has tended to look at housing people with disability as outside of their remit. With an unclear understanding of the specialist disability accommodation system, there is still confusion regarding who has primary responsibility for meeting the housing needs of people with disability. This situation was often compounded by the reality that disability support is often viewed outside the expertise of housing and that housing workers lack exposure and understanding of disability.

Partnerships and the identification of responsibility is required to enable a more and equitable social, public and affordable housing strategy.

Recommendation

That the NSW Government develops a whole of government social, public and housing policy which identifies areas of shared responsibility across Housing NSW, Education and Communities, Families and Community Services, and Health. This policy will identify where responsibility for the provision of housing services to people with disability is located across these authorities.

Conclusion

NDS members expressed the need to continue fostering good practice in the sector. Policy, more robust planning and strategy are required if the Inquiry is serious about achieving inclusion of people with disability at the strategic level. A commitment to work with relevant government agencies as outlined in National Disability Strategy will also be essential to achieving this goal.

The costs of inadequate support and a lack of adequate planning are too great. By considering the impact of inadequate support across all areas of life, the fiscal impact of crisis-based cycles can be understood. Some of the issues raised in this part of the submission speak powerfully to the need for stronger engagement between Ageing Disability and Home Care (ADHC) and Housing NSW. These issues extend beyond the agencies exclusively responsible for housing and people with disability to include mainstream departments that will all play a greater role in supporting coordination under a new social, public and affordable housing strategy.

People with disability that require special consideration

There were a number of groups, as identified in consultation with NDS members, that require special consideration in the scope of this inquiry

- Young people with disability leaving care, particularly those with complex histories of trauma
- Young people with disability that cannot find appropriate accommodation in the out of home care system
- Younger people with disability (<65) inappropriately housed in aged care
- People with disability at risk of homelessness that are not eligible for NDIS funding
- People with emerging disabilities, particularly those with degenerative disability
- People with psychosocial disability living in inappropriate accommodation such as boarding houses
- Aboriginal people with disability that do not readily identify their disability
- Culturally and linguistically diverse people with disability
- People with disability exiting the prison system
- People with disability living in remote areas

Inclusion and capacity development

The development of a strategy which provides social, public and affordable housing for people with disability more equitably requires greater alignment between housing and disability services. To achieve this integration, practical steps can be implemented to place the needs of people with disability as a focus within housing policy.

NDS applauds the first steps which have been taken to achieve this alignment. The placement of Housing NSW within FACS and the creation of the Housing Accommodation Support Initiative (HASI) demonstrate the government's commitment to facilitating cooperation and capacity development.

These welcome changes point to the necessary will and commitment to developing a more systematic approach to inclusion, which is in line with the spirit of the Inquiry.

In the context of the housing crisis which people with disability are experiencing, the creation of a comprehensive policy which successfully integrates and acknowledges the needs of people with disability must be a key objective of NSW housing planning. NDS has identified three areas of actions which can be undertaken to enable housing providers and accommodation services to better meet the needs of people with disability.

Inclusion and Capacity Development

1. Reporting and monitoring - to **enable** better planning and understanding of barriers
2. Capacity Development - encouraging providers to **partner** and share knowledge and expertise
3. Design - to **enable** the creation of more accessible housing supply for people with disability

Recommendations included under 'reporting and monitoring' identifies information which is needed to support service providers better understand the housing needs of people with disability and develop more targeted services. The section addressing 'capacity development' focuses particularly on the need for improved cooperation between the state, non-government and community housing sectors. An analysis of the need for upholding the design requirements of new housing supply concludes this part of the submission.

Inclusion and capacity development is an important component of reducing barriers to more and equitable housing. The recommendations which feature here provide the necessary platform to allow people with disability to live independently and create a more secure social, public and affordable housing market.

Data and disability planning

A housing policy which is inclusive of people with disability needs to recognise the distinct challenges which people with disability experience in obtaining public, social and affordable housing. The development of targeted services and an effective service environment is dependent on the ability to capture this data and information.

There are clear shortcomings regarding how data relating to affordable, public and social housing is measured and captured. This finding was clearly identified in the Auditor-General's report, 'Making the best use of public housing', which stated that reporting by Housing NSW and the LAHC "is not sufficient to clearly assess performance in achieving the objects of the Housing Act 2001, particularly those that would show understanding and management of existing and future tenants needs."⁹

This finding resonates with the experiences of NDS members. As part of the consultation for this submission, NDS members were asked to comment on what sort of information would strengthen

⁹NSW Auditor General (2013), Making the best use of public housing, p.40.

their understanding of the challenges around housing access and affordability for people with disability. NDS members also identified a number of strategies regarding how Disability Action Plans could be better used to capture “the lack of appropriate social, public and affordable housing in New South Wales and indicators of social disadvantage” as per the terms of reference.

Data

NDS members identified that the following information would be beneficial in shaping their understanding of housing challenges and planning more targeted services:

- **Need:** There is a critical need to capture the number and percentage of individuals on the waiting list for affordable public housing who are living with disability. To address concerning trends, information around individuals with disability who are not placed on the public housing waiting list needs to be captured by Housing NSW. Strategic focus could also be achieved by including information addressing the number of individuals who are successfully placed.
- **Unmet need:** Future projections addressing unmet housing need for people with disability, captured in periods of two, five and ten years. An understanding of unmet housing need is critical in ensuring that people with disability are able to live independently. Further analysis addressing unmet need is included in the ‘Opportunities’ section of this paper.
- **Families and carers:** There is a need to understand how individuals with disability will be supported when ageing parent carers pass away. This should include capturing data relating to the number of people with disability living with ageing parent carers. NDS members identified that planning around housing services cannot function independently of family issues. Consideration also needs to be given to people with disability who will experience early onset of age related illnesses.
- **Regional data:** Housing needs for people with disability needs to be able to be interpreted by region to allow for appropriate regional and sub-regional service planning. NDS believes that this information should focus on particular needs groups, including people with disability and a subset of individuals with disability who are not covered by the NDIS and their communities.
- **Private markets:** NDS members identified the absence of data which provided information around access to affordable private rental markets. This information would ideally capture the physical accessibility of this supply for people with disability.
- **Inclusion factors:** There is a need to identify the number of individuals who are on a waiting list for either community or public housing that are from particular groups and are living with disability (e.g. people from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islanders, young people with disability, women with disability leaving situations of violence). This information will assist NSW fulfil its obligations addressing the inclusion of people with disability from particular groups as service providers are able to develop culturally sensitive integrated housing services.¹⁰

Access to information assumes that FACS, as the key funder, is aware of the percentage of current funding which is channelled into service provision. This information is vital in ensuring that the NSW government is able to fulfil the object of the Housing Act 2001 which stipulates that the “supply of public housing is shared equitably among people who are most in need”.¹¹ It also provides critical information in making sure that the barriers to affordable and public housing are understood.

This information will be critical in meeting and monitoring commitments falling under the National Disability Strategy Implementation Plan 2012-2014 and future iterations of this Plan. To support this, NDS recommends:

¹⁰NSW Government, Disability Inclusion Bill (2014), p.3

¹¹Housing Act 2001 (NSW), Part 2, Section 5(f)

Recommendation

- That the following information is captured by Housing NSW as part of its reporting on the objects of the Housing Act:
 - a) The number of individuals who are on the register for affordable public housing who are living with disability. This information should also cover the number of people with disability who are successfully placed.
 - b) Projections addressing unmet need for affordable public housing for people with disability.
 - c) The number of people with disability who have accommodation provided by ageing parent carers.

NDS strongly believes that planning around housing services and supply needs to capture pathways out of disadvantage and steps to break down barriers to inclusion. In its submission responding to the draft Disability Inclusion Bill, NDS flagged its concerns that the current Disability Action Plan (DAP) does not provide compelling direction in regards to what local councils and government departments should report in regards to promoting the inclusion of people with disability.

Within that submission, NDS provided a separate set of criteria regarding how meaningful information can be captured and shared. This would ideally include information around actions taken to address barriers to inclusion. One such criterion is “(iii) reducing barriers to persons with disability accessing goods, services and facilities”. NDS members have relayed that a robust disability action planning process has the potential to promote information sharing around housing issues and also act as an appropriate platform for presenting key data and information.

At present, there is disconnect in the quality and understanding of the complexities and challenges experienced by people with disability associated with Housing NSW’s DAP and its reporting on relevant actions, as included in the annual report. In reading the Housing NSW’s report, a number of members questioned “where is the rest of the report?”

In consulting with NDS members, the FACS report on the Housing NSW DAP was found to be lacking:

- a focus regarding what actions were being taken to move people out of disadvantage;
- key performance indicators for inclusion outcomes;
- information about actions taken, progress against targets or milestones and any reasons for a target not to be reached; and
- strategic focus addressing how actions link to a broader platform such as the proposed State Inclusion Plan.

NDS members have identified that Housing NSW’s DAP should be recognised as the formal structure linking housing providers and the disability sector. The following additions to information included in reporting on the DAP were called for:

- Workforce capability: the number of Housing NSW and government staff who have attended courses and training to support their awareness of the needs of people with disability, e.g. supporting clients who cannot read or write.
- Inclusion factors: specific actions which are taken to meet the housing needs of people with disability from particular groups (e.g. culturally and linguistically diverse people, Aboriginal and Torres Strait Islander people, young people with disability, women with disability leaving situations of violence)
- Rural initiatives: a breakdown of actions by geographic area to address barriers to access affordable public housing for people with disability.

In order to achieve effective disability planning and reporting around housing, the overall

framework for disability action planning must be amended to facilitate mandatory reporting on specific areas.

Recommendation

That Housing NSW commit to planning and comprehensively reporting on issues such as workforce capability, inclusion factors and workforce capability under its next Disability Action Plan.

Capacity development

Cooperation across sectors is an integral part of providing more and equitable social, public and affordable housing for people with disability. This relationship is identified in the Housing Act which requires the government to “establish mechanisms and forums...to allow input into housing policy by representative community organisations and non-government agencies involved in housing policy and provision”.¹² A renewed commitment to this clause is integral to reducing barriers to social, public and affordable housing for people with disability.

A key issue to emerge from consultation with NDS members was the identification of a disconnect in services provided by disability service providers, community housing providers and the government. In particular, this focused on a lack of adequate support when an individual with disability entered community housing.

When considering this issue, NDS and its members would urge the select committee to think about the physical and emotional security that is provided by having a place that one can call ‘home’. An Australian Institute of Health and Welfare Report released in May 2013 surveyed social housing tenants, seeking both positive and negative experiences of living in social housing. Most social housing tenants record a range of benefits from social housing, including enhanced social inclusion and job prospects, increased ability to cope with life events, feeling part of the local community, and most importantly, feeling more able to improve their job situation and to start or continue education.

NDS recognises this supportive and innovative role which social and community housing providers play in meeting the housing needs of people with disability. However, a number of members relayed in consultation their concern that community housing providers were not taking on sufficient responsibility in the provision of supports for people with disability. There was a strong view amongst members that community housing providers are only equipped to support individuals with mild or sensory disabilities. However, in consultation with the community housing sector, NDS was also informed of a sentiment which exists among some community housing providers that disability service providers lack the sufficient knowledge to act as effective landlords.

This feedback points to a lack of shared understanding and approaches across the two sectors. For instance, the remit of community housing providers is not to deliver service to tenants. It is important to emphasise that this does not mean that community housing providers are not forming partnerships to deliver integrated accommodation. The operations of SCGH and Compass Housing are just two examples of providers forming joint ventures with disability service providers.

NDS has received clear feedback on areas where community housing providers require further knowledge to better support people with disability. For instance, in consultation with the community housing sector, there was a level of recognition that providers have a better understanding of mental health issues as opposed to other areas of disability. Consultations with NDS members identified a strong view that community housing providers are only equipped to

¹²Housing Act 2001 (NSW), Part 2, Section 5(p)

support individuals with mild or sensory disabilities.

In recognising the increasing in number of people with disability within community housing, NDS proposes the development of a platform which allows for information to be shared by community housing originations, non-government providers and relevant government departments. NDS believes that one mechanism for this platform is a sub-committee of the Disability Council of NSW.¹³

The Council sub-committee provides the opportunity for key representatives of the community housing and non-government sectors to raise relevant concerns around service provision and to identify potential gaps in capacity and expertise. It also offers a mechanism for the two sectors to feed into the planning process around affordable housing for people with disability, addressing issues including: access, design and supply. This provision reinforces the intent of Part 2, Section 5 of the NSW Housing Act.

Recommendation

That a sub-committee of the Disability Council be formed to address access, design and supply issues regarding the provision of housing for people with disability.

NDS believes that the establishment of a committee will reinforce the shared commitment of achieving the best results for the tenant which exists across the community housing, public and disability service sectors. In establishing an appropriate body, sectors stand to improve their knowledge of service delivery, asset management and other key issues related to an integrated housing sector. The creation of this knowledge sharing platform is a critical part of developing a service environment where providers can implement the most effective techniques and programs to meet the housing needs of people with disability.

The Select Committee should note that this is only step in ensuring greater cooperation across sectors. Cooperation must be system and be facilitated on a state-wide level. HASI provides one model which could be strengthened and expanded to ensure that adequate support if provided for the type of cooperation considered in this section.

Design

To ensure that people with disability are able to access any new housing supply, the NSW government needs to commit itself to design principles which will enable equitable access. This commitment is an integral component of ensuring an accessible mainstream within the housing sector and creating a sustainable housing market for people with disability.

It is particularly pressing to act on this concern given that, in 2009, 34% of individuals who resided in public housing were living with a significant disability and 25% of community housing residents are living with disability.¹⁴ NDS understands that the number of people with disability living in social, public and community housing is projected to increase over the course of a new social, public and affordable housing strategy.¹⁵

NDS is advised that many people with disability are required to relocate from their place of residence due to the building's inappropriateness in supporting changing health and physical needs. This insecurity often results in people with disability being disconnected from existing networks and isolated due to the geographic location where they are placed.

As part of the planning for the next iteration of the NDS NSW Implementation Plan, the state's

¹³Disability Inclusion Bill 2014, http://www.adhc.nsw.gov.au/__data/assets/file/0005/281336/public_consultation_draft.pdf

¹⁴Housing NSW, Disability Action Plan 2009-2013, p.1

¹⁵Housing NSW, Disability Action Plan 2009-2013, p.1

commitment to improving “accessibility through better design of public buildings, social housing and infrastructure”¹⁶ must feature within a new social, public and affordable housing strategy for the creation of more and equitable housing for people with disability.

NDS endorses the ‘Liveable Housing Design Guidelines’ as an appropriate set of standards for the creation of new supply as part of ‘universal design principles’. These guidelines follow principles of universal design and direct the creation of housing which “meets the needs of all people at various stages of their lives, including people with a disability and senior Australians”.

The guidelines provide direction in regards to additions and design elements which need to be included to ensure that a dwelling is conducive to active ageing. Elements range from mobility support (e.g. stairway handrails, step free access to at least one doorway) to strategies for creating greater accessibility (continuous step free access from street level to the dwelling entrance, reinforced walls to support bathroom grab rails).¹⁷

It is critical to ensure that new social, public and affordable housing meets these standards to guarantee quality of life outcomes for people with disability and ensure that a dwelling offers security for its tenant. NDS urges the government to better plan to more effectively meet the housing needs of people with disability through the adoption of appropriate design principles. The absence of such planning has the potential to create a detrimental and disruptive impact for the inclusion of people with disability in their community.

Recommendation

- That all new social, public and affordable housing be designed and built to meet at least the Liveable Housing Australia silver level accreditation standards.¹⁸
- That the percentage of social, public and affordable housing built to meet the highest accreditation standards (platinum level), is proportional to the demographic make-up of that community.

Conclusion

There is much groundwork which needs to be undertaken to ensure that people with disability are better included within New South Wales housing policy and that housing providers have the necessary expertise to respond to a rapidly changing service environment.

The implementation of the recommendations included in the three action areas provide the first steps to ensuring that service providers are equipped with the knowledge to meet the housing needs of people with disability. An enhanced understanding and active sharing of empirical evidence relating to these needs will assist providers develop the most targeted and appropriate services.

This section of the submission has identified the dialogue between community housing providers and a disability service provider is one area of cooperation which the state has the ability to facilitate. NDS stresses this is just one aspect of knowledge sharing that can actively assist in creating more and equitable social, public and affordable housing. This is a significant part of a systematic approach to ensuring the capacity development that is needed.

In planning for new supply, the NSW government needs to ensure that the state’s commitment to support people with disability is acknowledged in this process. The enforcement of the Liveable Housing Design Guidelines provides a clear pathway for enabling this goal.

¹⁸Located at Appendix A

Opportunities

Without adequate housing supply, opportunities to deliver integrated services to people with disability will be severely constrained. The marginalisation of people with disability and failure to remove identified barriers to inclusion will continue in a setting which includes an inaccessible rental market and the absence of affordable public housing.

In order to enable strategies for more and equitable social, public and affordable housing and to create meaningful partnerships, there is a critical need to protect existing supply and to counteract current trends regarding availability.

Opportunities

1. Protect current supply for people with disability
2. Partner with the Commonwealth for better housing and service outcomes
3. Enable the creation of new supply for people with disability by understanding the complexities of the NDIS

NDS has provided recommendations to ensure that existing supply which is dedicated to supporting the housing needs of people with disability is protected. This includes information on future housing pressures created by the NDIS. NDS's advice on how the NSW Government can initiate the safe-guarding of current supply is also included in this part of the report.

The section concludes with strategies for the NSW Government to consider in partnering with the Commonwealth to meet the housing needs of people with disability. Consideration is needed when assessing policy challenges that will emerge over the course of a new social, public and affordable housing strategy. It is only through a joint approach to funding and responsibility that barriers to affordable public housing for people with disability will be overcome in the NDIS environment.

Future pressures

The implementation of the National Disability Insurance Scheme (NDIS) needs to be considered in assessing "projections of future social, public and affordable housing supply and demand to 2020". At the end of this time period, the NDIS will have been fully implemented for two years, generating a distinct set of policy challenges and risks. The creation of more and equitable housing supply requires that the NSW government respond to these challenges and the increasing demand for housing supply that will emerge.

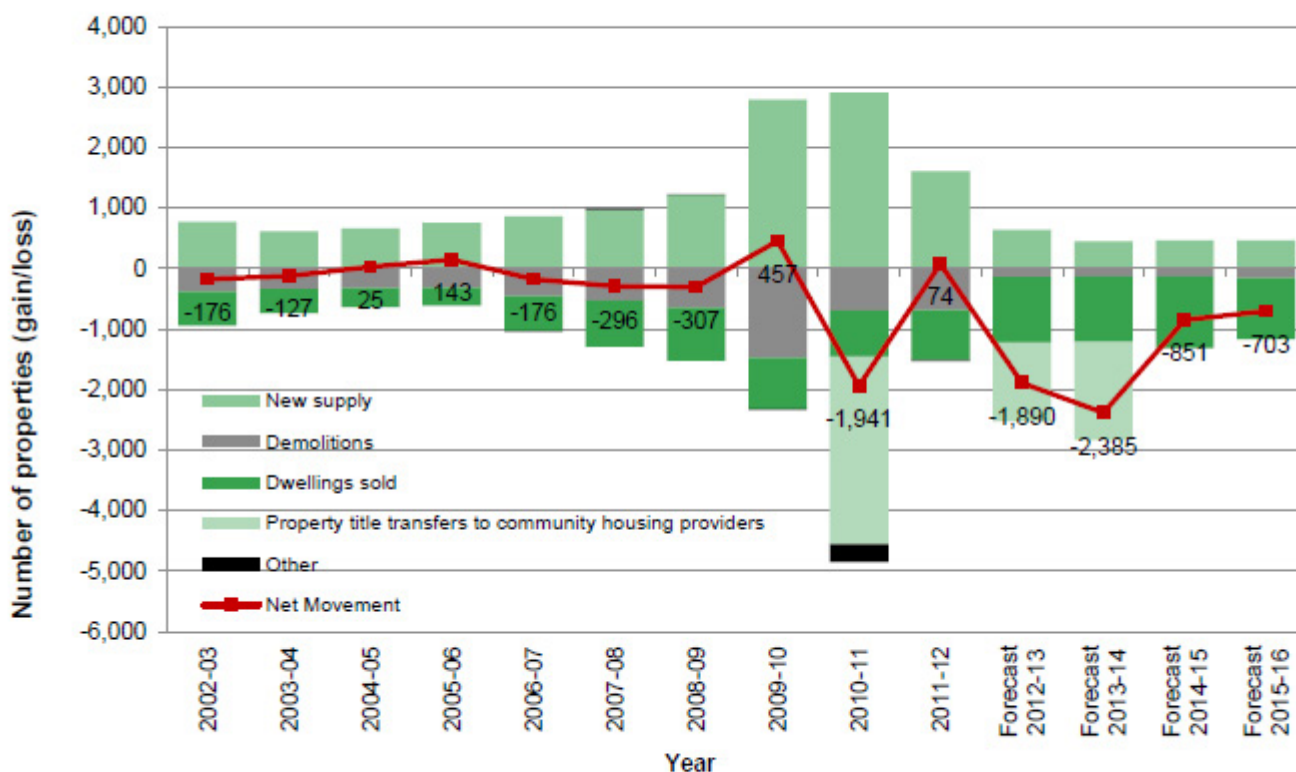
NDS is aware that, with the implementation of the NDIS, the demand for affordable public housing will only continue to increase. As addressed in the Integrated Services section of this report, amongst NDIS participants, the estimated unmet need for affordable housing is between 83,000 and 122,000 supported places.¹⁹

The Auditor-General has brought attention to an alarming decrease in the current supply of public housing. It is forecast that housing stock which is owned by NSW LaHC will continue to decline over the next three financial years (figure one).

¹⁹Parliament of NSW (2013), Social Public and Affordable Housing Inquiry- Terms of Reference, <http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/68200E56DA33F640CA257C22001661A8>

Fig 1- Housing Stock Movement

NSW Land and Housing Corporation's owned housing stock movement (including properties managed by community housing providers) between 2002-03 to 2015-16



Source: NSW Land and Housing Corporation March 2013

Note: Excludes NSW Land and Housing Corporation's properties used for short-term 'crisis' accommodation.

The Auditor-General has also identified that “public housing is now supporting fewer people than ten years ago, and its use is becoming less efficient with 30 per cent of three or more bedroom public housing properties occupied by a single person or a couple”.²⁰ In this constrained environment where demand exceeds supply, Housing NSW has informed the Auditor-General that there are not enough suitable properties to support tenants.

While the development of an effective social, public and affordable housing strategy extends beyond the creation of new ‘bricks and mortar’, the realities identified by the NDIA and the Auditor-General reveal the striking housing crisis experienced by people with disability and the urgent need for action.

Protecting current supply

Creating a sustainable social, public and affordable housing market

To ensure that current supply supporting people with disability continues to fulfil this purpose, the state government needs to effectively manage policy changes emerging from the National Disability Insurance Scheme (NSW Enabling) Act 2013 (‘the Enabling act’).

NDS wishes to reiterate its support for the Enabling Act and its guiding principles. The decision for ADHC to withdraw from the provision of disability supports and transfer relevant assets to the non-government sector provides the framework for a more seamless transition to person centred approaches under the NDIS. However, there is a strong level of concern that this process may reduce current housing opportunities for people with disability. This relates to a lack of clarity around the requirements for how assets must be utilised should they be transferred to providers

²⁰NSW Auditor General (2013), Making the best use of public housing, p.3

from other sectors (community housing providers and private providers).

At present, the legislative safeguarding addressing the proposed use of assets is included at Part 1, Section 5.2 of the Enabling Act, stipulates:

“[The] transfer of disability services assets is for the purposes of the implementation of the NDIS arrangements if the transfer is for the purposes of facilitating or assisting in the implementation of the NDIS arrangements or for any purpose that is ancillary or incidental to or consequential on the implementation of the NDIS arrangements”.²¹

NDS believes that this protection does not provide sufficient coverage for the use of disability services assets. This concern is compounded by the provision in the legislation allowing services to be “severed from the land on which they are situated”.²² The separation of services and titles has the potential to generate a number of management and service delivery challenges. In particular, NDS members are concerned that if title is transferred to an organisation or company outside the disability sector, this may limit their ability to provide comprehensive housing supports. At present, current regulatory and legislative provisions create an environment for this to occur.

This scenario has strong potential to emerge when the recipient of a transferred asset may have an ‘ancillary’ or ‘incidental’ commitment to implementing the NDIS. In this instance, a new asset provider may not prioritise the provision of accommodation to people with disability, as they respond to competing needs and demands (e.g. those in need of refuge, crisis accommodation) or respond to commercial opportunities. As a possible and concerning scenario, property which was previously allocated to support people with disability may no longer be used for this purpose.

In the current regulatory environment, disability service providers have been encouraged to decouple ownership of assets and service delivery. This trend was accelerated through the implementation of Housing Regulation 2009, which tightened requirements for registering as a community housing provider. While NDS welcomes this separation, which has allowed for the easing of risk and financial burden, the changes initiated through the NDIS Enabling Act create significant uncertainty for NDS members and the people they support.

NDS advises that the clause which allows for transfer of services that are ‘ancillary’ or ‘incidental’ to the implementation of the NDIS does not provide necessary protection. In consultation with NDS members, numerous examples have been identified of where existing government housing assets which previously supported people with disability have been sold for other purposes.

There is a need to arrest this potential trend and ensure that affordable housing is quarantined to meet the housing needs of people with disability. The only clear pathway for this to occur is for the government to establish a covenant or guarantee which safeguards this supply.

Recommendation

That the state government establish a covenant which quarantines assets which currently provide accommodation support for people with disability from being used for another purpose, so that overall there is no net loss of social housing provision for people with disability relative to their per cent of population within defined geographic areas.

Private providers

A number of NDS members expressed their concern that a consequence of the Enabling Act would be that private housing providers would ‘out-bid’ non-government organisations in obtaining access to disability services assets.

²¹NDIS Enabling Act 2013, Part 1, Section 5.2.

²²NDIS Enabling Act 2013, Part 4, Section 19.1.

NDS has been closely monitoring the number and types of providers who have registered in each trial site. The growth has been steady and as of mid-January there were a total of 983 registered providers across the four trial sites locally, with an extra 15 organisations registered to provide interstate supports.

The makeup of this group of providers in terms of the types of supports they will supply, as well as knowing their structure in terms of whether they are NGOs or for-profits, is providing useful intelligence on emerging trends of the developing market place. Analysis of the for-profit providers at this early stage reveals that the top three clusters in which they are registered to provide supports are in the following order (descending) from the highest as:

1. Therapy/Early Intervention
2. Equipment and
3. Personal Care

While it appears at this early stage that a competitive environment will not emerge between not-for-profit and for-profit providers in the provision of housing to people with disability, there is a need for this dynamic to be closely monitored to ensure that the affordability of existing supply is maintained.

Recommendation

That the government monitor and continue to consult with the non-government sector to ensure that housing assets are transferred appropriately and remain affordable for people with disability.

Partnerships for better outcomes

As the NDIS is implemented, an essential partnership which must continue to be developed is between the NSW Government and the NDIA. The consolidation of this partnership provides an opportunity for the exploration of funding options for the maintenance of existing housing supply and creating pathways to fund new supply.

NDS advises that the development of a strategic partnership with the Federal Government will be guided by the NDIS Operational Guidelines around individual support plans which address 'interface with housing and communities'.²³ For instance, Section 13 of the Guidelines states that the NDIS will be responsible for providing funding for home modifications, supports to assist a person live independently within the community and some instances of costs of capital support.²⁴

To clarify, the 'user costs of capital' model is associated with the decoupling of title from service delivery. Funding under this model predominantly involves investment to develop integrated services infrastructure to assist individuals to live in 'supported accommodation'. While a \$550 million per annum funding pool has been allocated for when the NDIS is fully operational, there are limitations associated with this investment that are important to consider.²⁵

The first relates to a clause which stipulates that costs of capital investment must be 'reasonable

²³National Disability Insurance Agency (2014), Operational Guideline –Planning and Assessment –Supports in the Plan –Interface with Housing and Community Infrastructure, http://www.ndis.gov.au/sites/default/files/documents/og_plan_assess_supp_plan_housing_infrastructure.pdf, the guidelines are supported by the NDIS (Supports for Participants) Rules 2013

²⁴National Disability Insurance Agency (2014), "Operational Guideline –Planning and Assessment –Supports in the Plan –Interface with Housing and Community Infrastructure

²⁵National Disability Insurance Agency (2013), The National Disability Insurance Scheme: supporting participants to gain appropriate housing with quality support, presentation at National Disability Services Accommodation Services, Melbourne.

and necessary'. Under the guidelines, funding should only be provided if the 'cost of the accommodation component exceeds a reasonable contribution from individuals'. This guideline is welcomed by NDS as it should mean that investment only occurs to support individuals with disability who are in greatest need of public, social and affordable housing.

The second set of restrictions is located in Section 14 of the guidelines and refers to supports for which the NDIS will not be responsible:

- "the provision of accommodation for people in need of housing assistance"
- "ensuring that new publicly-funded housing stock...incorporates Liveable Housing Design features",
- "the improvement of community infrastructure, i.e. accessibility of the built and natural environment"²⁶

In considering this framework, it is apparent that a strategic relationship with the NDIA will be needed to identify areas of support that are not covered under the NDIS and the existence of funding 'black holes'. NDS reminds the NSW Government that no additional funding is being provided for the funding of new 'bricks and mortar' as part of the implementation of the NDIS. Early trends reveal that investment in accommodation supports is to follow a strict 'user cost of capital' model - as originally recommended by the Productivity Commission.²⁷

NDS is concerned that there may be a short-fall in the funding of infrastructure to support affordable public housing for people with disability once the NDIS is fully implemented. At this stage it is still unclear how the development of new supply will be funded once responsibility for disability services in NSW has been transferred to the non-government sector. The NDIA has already identified that "other support systems" are "more appropriate" to fund affordable housing and public and community housing services.²⁸

At a Federal level, NDS has identified that there is no working housing strategy, nor are there any capital development funds or seed funding which could support the development of new supply.²⁹ This degree of financial restraint requires consultative approach to the development of infrastructure.

Although NDIS rules and regulations limit the role that the agency can play in funding infrastructure development, the NDIS will still be required to play a role in this area. This notion relates to the requirement of the NDIS Act to "give effect to Australia's obligations under the Convention on the Rights of Persons with Disabilities". Article 19 of the convention, requires nations who are a state party to the Convention to ensure that:

- "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";

The failure to meet these aspirations would create an abject policy failure in which a key objective is unable to be realised due to insufficient infrastructure.

²⁶National Disability Insurance Agency (2014), Operational Guideline –Planning and Assessment –Supports in the Plan –Interface with Housing and Community Infrastructure, http://www.ndis.gov.au/sites/default/files/documents/og_plan_assess_supp_plan_housing_infrastructure.pdf, p.3

²⁷Productivity Commission (2011), Disability Care and Support, Report no. 54, Canberra.

²⁸National Disability Insurance Agency (2014), Operational Guideline –Planning and Assessment –Supports in the Plan –Interface with Housing and Community Infrastructure, <http://www.ndis.gov.au/node/724>, P.4 16C

²⁹When the NDIA has released its discussion paper on housing, NDS will be placed to provide further advice to the NSW government on issues included in this section.

At a state level, a similar commitment exists to upholding this part of the Convention as included in the proposed Disability Inclusion Bill. In light of this shared understanding, NDS recommends that resources are pooled to create the best outcomes for people with disability.

Critical to achieving this is a joint state-federal approach in which infrastructure is funded across both levels of government. With the NSW Government remaining in a position where it has access to leverage supply at a local level and the NDIS directive to make investment around “reasonable and necessary” support around costs of capital, there is the opportunity to use this policy environment to maximise equitable and affordable housing supply for people with disability.

Recommendation

That the state government continue to plan with the NDIA and other relevant federal bodies, around the creation of new affordable public housing infrastructure for people with disability.

Recommendation

As part of the creation of the 2014-16 National Disability Strategy NSW Implementation Plan, the NSW Government identify appropriate steps to integrate funding responsibilities for the creation of important and new affordable public housing strategies.

Conclusion

Multiple risks around the provision of adequate levels of supply to people with disability have been identified in this section. Two key scenarios which have been identified are the potential erosion of the current housing base for people with disability in NSW and the emergence of ‘black holes’ in the funding of appropriate housing. It is only through immediate safeguarding and strategic partnerships that the NSW government can ensure that barriers to inclusion can be effectively addressed under a new social, public and affordable housing strategy.

Conclusion

The challenges of creating a more equitable and sustainable social, public and affordable housing market in NSW are significant. In an environment where there is limited housing supply, strategic thinking is required to ensure that housing is allocated appropriately and meets the needs of a diverse population. This submission has squarely identified people with disability as one group which is in need of more and equitable affordable public housing.

A responsive and sensitive housing strategy necessitates strong partnerships between mainstream service providers and disability specialists. The growing demand for social, public and affordable housing requires this cooperation to ensure that the aspiration of supporting people with disability to live independently becomes a reality.

Throughout this submission, NDS has focused on avenues where strong partnerships can be pursued to create a policy setting where the needs of people with disability are a focus within housing policy. A constructive working relationship with the NDIA is critical to developing a collaborative approach.

At a state level, there are steps which can be undertaken to ensure that existing supply for people with disability. In particular, a covenant that protects housing which currently supports peoples with disability must be implemented to ensure limited supply is not eroded.

The need for a whole of government approach to social, public and affordable housing articulated in this submission points to the social participation and economic security benefits which can emerge from an integrated approach. NDS is positioned to provide the Select Committee with further analysis around this relationship.

People with disability must be a strong focus within any housing strategy that seeks to be inclusive of its community. NDS is confident that the Inquiry will investigate how a housing strategy can be more receptive to these diverse needs and serve as a catalyst for greater participation.

Summary of recommendations

Recommendation 1:

That the Select Committee examines the current application of object (f) of the NSW Housing Act and methods of determining 'priority' list applicants. An analysis of those on the broader wait list compared to those on the 'priority' list should be performed with the aim of determining the vulnerable groups that feature most prominently.

Recommendation 2:

That Housing NSW reaffirms its commitment to working with the NDIA and communicating joint policy initiatives and investments throughout the housing and disability sectors.

Recommendation 3:

That the NSW Government develops a whole of government social, public and housing policy which identifies areas of shared responsibility across Housing NSW, Education and Communities, Families and Community Services, and Health. This policy will identify where responsibility for the provision of housing services to people with disability is located across these authorities.

Recommendation 4:

- That the following information is captured by Housing NSW as part of its reporting on the objects of the Housing Act:
 - a) The number of individuals who are on the register for affordable public housing who are living with disability. This information should also cover the number of people with disability who are successfully placed.
 - b) Projections addressing unmet need for affordable public housing for people with disability.
 - c) The number of people with disability who have accommodation provided by ageing parent carers.

Recommendation 5:

That Housing NSW commit to planning and comprehensively reporting on issues such as workforce capability, inclusion factors and workforce capability under its next Disability Action Plan.

Recommendation 6:

That a sub-committee of the Disability Council be formed to address access, design and supply issues regarding the provision of housing for people with disability.

Recommendation 7:

- That all new social, public and affordable housing be designed and built to meet at least the Liveable Housing Australia silver level accreditation standards.
- That the percentage of social, public and affordable housing built to meet the highest accreditation standards (platinum level), is proportional to the demographic make-up of that community.

Recommendation 8:

That the state government establish a covenant which quarantines assets which currently provide accommodation support for people with disability from being used for another purpose.

Recommendation 9:

That the government monitor and continue to consult with the non-government sector to ensure that housing assets are transferred appropriately and remain affordable for people with disability.

Recommendation 10:

That the state government continue to plan with the NDIA and other relevant federal bodies, around the creation of new affordable public housing infrastructure for people with disability.

Recommendation 11:

That as part of the creation of the National Disability Strategy NSW Implementation Plan 2014-16, the NSW government identify appropriate steps to integrate funding responsibilities for the creation of important and new affordable public housing strategies.

Appendix 1

Design Guidelines¹

The nationally agreed, Livable Housing Design Guidelines have been created to assist you to understand, promote and deliver livable designed homes. The Guidelines provide technical advice and guidance on the key easy living features that make a home easier and safer to live in for people of all ages and abilities. A formal accreditation process applies to be eligible to use or advertise the LHA Quality Marks featured below.

Through adopting the Livable Housing Design Guidelines, dwellings will be:

- easier to enter
- safer to move in and around
- more capable of easy and cost-effective adaptation
- designed to better anticipate and respond to the changing needs and abilities of the people who live in the home

The Guidelines have been designed with three performance levels: silver, gold and platinum

Design Element		Silver	Gold	Platinum
1	There is a safe, continuous, level and step-free path of travel from the street entrance and/or parking area to your home's entrance.	✓	✓	✓
2	There is at least one step-free entrance into your home.	✓	✓	✓
3	Where access to your home is through the car park, the parking space has been designed to ensure you can fully open your car doors and move around the vehicle with ease.	✓	✓	✓
4	Internal doors and corridors facilitate comfortable and unimpeded movement between spaces.	✓	✓	✓
5	A toilet on ground or entry level supports easy access for both home occupants and visitors.	✓	✓	✓
6	The bathroom and shower has been designed for easy and independent access for everyone in your home.	✓	✓	✓
7	The bathroom and toilet walls are built to enable grabrails to be installed in the future.	✓	✓	✓
8	Stairways are designed to reduce the likelihood of injury and also enable future adaptation.	✓	✓	✓
9	The kitchen space has been designed to support ease of movement and to support easy adaptation.	⊙	✓	✓
10	The laundry space has been designed to support ease of movement and to support easy adaptation.	⊙	✓	✓
11	There is a space on the ground or entry level that can be used as a bedroom.	⊙	✓	✓
12	Light switches and power points are easy for everyone in your home to reach and operate.	⊙	✓	✓
13	Handles and hardware on doors and tapware have been designed to make them easy for you to open and close.	⊙	✓	✓
14	The family/living room features clear space to enable you to move in and around the room with ease.	⊙	⊙	✓
15	Windows sills are installed at a height that enables you to view the outdoor space from either a seated or standing position.	⊙	⊙	✓
16	Floor coverings are slip resistant to reduce the likelihood of slips, trips and falls in the home.	⊙	⊙	✓

¹ Further information on the Liveable Housing Guidelines is located at <http://livablehousingaustralia.org.au/design-guidelines/>

NDS