

**Submission
No 204**

**INQUIRY INTO SOCIAL, PUBLIC AND AFFORDABLE
HOUSING**

Organisation: People with Disability Australia Incorporated

Date received: 7/03/2014



Submission

Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing

7 March 2014

People with Disability Australia Incorporated

Contents

About People With Disability Australia.....	3
PWDA’s expertise on the issue	3
Introduction	3
The right to live in the community	5
Policy context.....	6
The National Disability Insurance Scheme (NDIS)	6
The National Disability Strategy (NDS) NSW Implementation Plan	7
Challenges to the supply of housing for people with disability.....	8
Affordability	8
Accessibility.....	9
Discrimination	9
The potential cost of failing to meet these challenges	10
Solutions	11
Increased funding	11
Understanding ‘efficiency’ in context.....	12
Increasing tenure in public housing.....	13
Rental regulation in the private market	14
Strengthening universal design requirements	14
Advocating for mixed-use development	15
Seeking out innovation	15
Conclusion	16
Recommendations.....	17

About People With Disability Australia

1. People with Disability Australia Incorporated (PWDA) is a national peak disability rights and advocacy organisation. Our primary membership is made up of people with disability and organisations primarily constituted by people with disability.
2. PWDA also has a large associate membership of other individuals and organisations committed to the disability rights movement. PWDA was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own. We have a cross disability focus - we represent the interests of people with all kinds of disability.
3. We have a vision of a socially just, accessible and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are respected and celebrated. Access to affordable housing is a key issue in achieving this vision.

PWDA's expertise on the issue

4. PWDA has extensive expertise in housing issues across both our systemic and individual advocacy work. In individual advocacy, accommodation issues represent the largest single issue dealt with, at 28.3% of all matters in 2013. In NSW our individual advocacy team also works with people with disability living in boarding houses, and provides awareness training about their rights. We are also working with the NSW Council for Intellectual Disability to provide rights training to boarding house residents regarding recent changes to the NSW Boarding Houses Regulations 2013.
5. As a peak body funded to represent the interests of people with disability in NSW, our work includes systemic advocacy towards increased accessibility and social inclusion for people with disability within our communities, and the closure of institutions for people with disability. We define an institution as anywhere a person with disability is required to live in order to access the support they need. We advocate that all people with disability should live in the community with access to the support they need to live the lives they choose. We have undertaken this advocacy through engagement and consultation with government, through reports, submissions and advice, and, at times, through legal action.¹

Introduction

6. PWDA welcomes this Inquiry and the opportunity to discuss how people with disability in NSW are affected by social, public and affordable housing issues. We find ourselves at a critical juncture; the housing system in NSW is already in crisis, with the needs of people with disability frequently unmet. The introduction of the National Disability Insurance Scheme (NDIS) will increase the pressure on this already broken system to accommodate the needs of people with disability seeking better housing options. However, with this extra challenge comes an opportunity to introduce new practices, models, and policy that will meet the needs of people with disability and contribute to the realisation of our rights.
7. This submission has been written in consultation with PWDA Members, and we have included their perspective throughout. Their stories highlight the inextricable links between housing, poverty, inclusion and participation in the community, and it is essential that their experiences are heard. This is important in order to raise awareness of the frequent and multiple

¹ For example, Phillip French, *Accommodating Human Rights: A human rights perspective on housing, and housing and support, for persons with disability*, People with Disability Australia, 2010; Sonya Price-Kelly and Maria Attard, *Accommodating Violence: The experience of domestic violence and people with disability living in licensed boarding houses*, People with Disability Australia, 2010; Disability Representative, Advocacy, Legal and Human Rights Organisations, *Disability Rights Now*, 2012 (attached for your information).

disadvantages that the housing sector poses for many people with disability, and to highlight why addressing their unmet needs is an urgent priority. Moreover, it is essential to ensure that mistakes from the past which we know to be damaging and a violation of rights, such as institutionalisation, are not repeated simply due to a lack of foresight, a failure to invest in long term solutions, or neglecting to act when the time for reform was right.

8. Below is one story of a family which aptly highlights the interrelationship between housing, disability, poverty and the barriers to social and economic participation for people with disability.

Case study:

In 2008, my husband and I had a big discussion about our housing options. I was pregnant, and while history had taught us that I would suffer physically, it was also probable that I would fully recover (and even if not "fully" recover, at least recover enough to work in an office somewhere). We decided that it would be best in our financial situation to find the cheapest house we could find in our old home town (as eventually we intended to care for my grandmother), and pay it off, ensuring we had housing in retirement (even if we had no money). So we did. Two months later, we had the GFC. We were locked in at 9.2% for four years (our only option in order to get the loan). It was tough, but we survived.

Turns out my condition was genetic and not solely pregnancy related. I now have a full blown disability. My husband continued to work for a while, but when that very nice employer who understood his caring duties (or at least, put up with them) wound it all up, he couldn't find another job. In order to get another job, we would have to move (given his exact skill set). And there is no way I would get full time care and someone for the kids while he goes to work.

So we are on the pension, with a house worth at LEAST \$40k less than our current mortgage (if we could sell it at all, which is not likely). We WILL go bankrupt - the only question is when. And what we do after that. Not only do I have this disability, so do my children. It is unpredictable. They could be fine save for a bit of pain here and there. They could end up in wheelchairs before they become adults. We simply do not know.

I am now in a wheelchair to leave the house. I can't use it inside the house because the house is too small. We have had the bathroom modified (after years of hassle) which is great. I love it and feel blessed. We have a stair lift - again, blessed! I can't use the kitchen. I can't go outside. At some stage I will lose the ability to use the toilet. The driveway is full of stones, so I can't get my wheelchair into an accessible taxi without dislocating something. I should not be at this house by myself ever. I always need someone here with me. It simply isn't set up enough for me to be able to go it alone for more than an hour or two (and even then, I usually get stuck on the floor, or end up hungry and unable to get myself something to eat etc).

I can't play with my kids. I can't go outside to watch them play. I can't garden, or watch the birds, or anything. I am stuck upstairs most of my life.

I can't get out to the community. I have one friend who visits. My husband is my carer but he needs his own carer for some things!!! Not that he gets one. He is considered "able bodied" and so we get three hours of respite for the boys and the rest is up to him. We are eligible for 20 hours of support a week (if they did a reassessment it could be more now) but there's "no money". I wonder at what point I should move into a home and just pray that the boys can look after themselves.

We are on the pension. We get no rent assistance (not that I am complaining - I don't believe the government should help pay my mortgage, though a part of me thinks it shouldn't be paying for investor's mortgages either!) - I am saying just to let you know we get less than most. Our housing costs well over 50% of our income. We have two kids. Both with disabilities and needs of their own. The pension covers our home, our food, clothes and with the supplements, we can cover insurance, rego and a car service once a year. Anything else - ANYTHING else - and we have to beg for funding. Right now, my kids are screaming at each other... getting out of the house and actually doing something would help them so much but we just can't.

I am miserable. I can handle having a disability and I can even handle that it's painful and that nobody really gets that unless they live it too. I am miserable and it has nothing to do with the levels of anything in my brain. It is due to the fact that my house is unsuitable. My town is unsuitable too, but that's a different forum. We tried to do the right thing - we tried to buy a house and we went without so that we could pay the mortgage. We tried to do the right thing and be self-sufficient and have a plan. Hell, I even wanted to be self-funded in retirement. We couldn't get insurance because of medical conditions, but we tried to do everything else "right". But it didn't work out that way.

So now I live every day wondering at what point I should either move into a home, or kill myself.

I don't know what to do. I have a back up plan - hell, I had four of them. In the meantime, we just keep paying the mortgage and hope for the best. And I stay trapped inside during the prime of my life. My kids stay at home, usually inside also because they also have disability and need help to get outside. Something their father is incapable of doing.

The right to live in the community

9. The Convention on the Rights of Persons with Disabilities (CRPD) recognises the human right of people with disability "to live in the community, with choices equal to others, and... choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement...; [with] access to a range of in-home, residential and other community support services..."²
10. Living in the community is a key human right, but it is also bound up with a range of other positive outcomes for people with disability. It increases quality of life and social and economic participation, and decreases poverty and the occurrence of mental health issues associated with loneliness. Institutional living is also a key accelerator or facilitator of abuse, neglect and exploitation of persons with disability.
11. Historically, people with disability have frequently had their housing choices constrained not only by income, but by the tying of specialist disability support to accommodation facilities. The NDIS will introduce choice and control over where and how disability supports are provided. Many people with disability who were once compelled to live in institutional settings (of various kinds, including large residential institutions and group homes) will now be seeking to live in accommodation in the community, with people that they choose. Therefore, it must be noted that the transition to the NDIS will increase the expectations that people with disability have of the housing system in NSW, particularly in relation to affordable housing.

² Article 19, Convention on the Rights of Persons with Disabilities, ratified by Australia in 2008
<http://www.un.org/disabilities/convention/conventionfull.shtml>

12. Therefore, as the NDIS is rolled out it is essential that other public, universal services are also stepped up to ensure that the accommodation choices of people with disability are enabled. Alternative housing options must be realised in order to avoid the continued congregation and segregation of persons with disability and to facilitate a successful NDIS. The NDIS means that people with disability should no longer be isolated from their communities due to a lack of support. It would be a perverse outcome if despite the NDIS, people with disability remained isolated from their communities due to inadequacies in the provision of appropriate housing.
13. However, people with disability often face numerous barriers to accessing appropriate housing. Often this is because they are priced out of the private market because people with disability frequently live in or near poverty. People with disability are approximately 36% of all Housing NSW tenants, and form a significant minority of the clients supported by other social and community housing organisations in NSW. Many of the issues that people with disability face are very similar to those faced by all people living in poverty or on low income, but are exasperated by the social barriers and discrimination they experience as people with disability.
14. This submission aims to outline the risks involved to people with disability if the Government, our communities and businesses fail to respond to their housing needs and heightened expectations. Also, to offer some ideas for a way forward into a more inclusive future for all NSW residents regardless of impairment, support needs or socioeconomic status.

Policy context

The National Disability Insurance Scheme (NDIS)

15. The NDIS is one of the most remarkable changes in the landscape of Australian social service provision. It offers people with disability, for the first time, choice and control in relation to how their support needs are addressed. It is required to be in line with, and part of Australia's fulfilment of the Convention on the Rights of Persons with Disabilities (CRPD), which Australia ratified in 2008.³
16. The NDIS will have a substantial effect on housing for people with disability because it brings individual choice and control into the provision of support. Consequently, the housing system will need to ensure affordable housing for those people who may now choose to live in the community, as is their right, instead of in residences that are tied to their support provision.
17. Some people with disability (particularly those with high or complex support needs), are currently compelled to live in institutions in order to access the support they need. This is despite the fact that residential institution options have long been demonstrated to have very poor outcomes for people with disability.⁴ These institutions might include large residential centres (LRCs), nursing homes (before the appropriate age), congregate care facilities and group homes. This framework is underpinned by a view that people with disability need specialist types of housing and support options, and so the provision of housing and support becomes focused on the development of special purpose care facilities.
18. With the introduction of the NDIS, this will necessarily change.⁵ The National Disability Insurance Agency estimates that around 30,900 more people across Australia will be seeking access to private, public and social housing for the first time. However, the estimated total unmet need for affordable housing will be between 83,000 and 122,000 NDIS participants,

³ s. 3, National Disability Insurance Scheme Act 2013.

⁴ For example, Kelley Johnson and Rannveig Traustadottir, *Deinstitutionalization and People with Intellectual Disabilities: In and Out of Institutions*, Jessica Kingsley Publishers, 2005.

⁵ The NDIS will be releasing a discussion paper in the coming months regarding this issue. Bruce Bonyhady, "Living independently: A guide to the NDIs and housing," HousingWORKS, December 2013.

nation-wide.⁶ It would be useful if, through this Inquiry, the Select Committee could investigate the NSW component of this increased need. This would mark a significant first step towards planning for reforms that would address the growing housing needs of people with disability.

19. Moreover, it is very important to understand that the NDIS legislation does not allow for accommodation to be part of a person's support package.⁷ The NDIS will only provide funds for 'reasonable and necessary' supports where individuals are not already entitled to service from existing general services i.e. education, health, housing.⁸ Therefore, in NSW full responsibility for housing will shift to the Department of Families and Community Services, i.e. Housing NSW.
20. In other words, there will be no ability for the state provision of public, social and affordable housing for people with disability to cost-shift onto the NDIS. It is important that this situation is understood, as the housing system plays a key role in ensuring the aims of the NDIS are achieved. Housing NSW will be central to this task, and must be fully funded to ensure people with disability have choice and control in relation to their housing, and can maximise their participation in the community.
21. The NDIS necessarily brings with it a radical change in who has responsibility for the funding of disability support services, and the consequences of this must also be understood by the housing sector in NSW. The NSW Government has agreed to share the cost of NDIS funding with the Commonwealth including the provision of in-kind support. This means that the Ageing, Disability and Home Care (ADHC), (Department of Family and Community Services) will cease operation by 2018. All disability services currently provided by ADHC will no longer be provided, including those services which have an accommodation element.
22. For example, this will include a range of institutional residential facilities currently operational in NSW. The NDIS is only intended to provide funding to people with disability in accordance with its objects and principles, including implementation of the CRPD. Therefore, the funding provided by the NDIS cannot be used to maintain or recreate institutional options, and must facilitate the delivery of support to people with disability in the community. It follows that the people living in these residential centres will require alternative accommodation options.
23. Housing NSW and the NSW Land and Housing Corporation will thus become responsible for the provision of housing for those people moving out of institutions - as they would for any other cohort in need of housing support (where these people meet eligibility criteria, which is very likely). Current housing stock and funding levels are already inadequate to meet demand, and this situation is likely to become increasingly challenging as more people with disability seek access to the housing market.

The National Disability Strategy (NDS) NSW Implementation Plan

24. The National Disability Strategy (NDS) NSW Implementation Plan, is designed to support NSW's fulfilment of the CRPD. The NDS NSW Implementation Plan 2012-2014 is coming to an end, and a new plan is currently being developed. It is important to note, that there are a number of elements of the existing Plan which are focussed on housing - Section 1: Inclusive and Accessible communities and Section 3: Economic Security.

⁶ Bruce Bonyhady, "The National Disability Insurance Scheme: Supporting participants to gain appropriate housing with quality support." Presentation, 21 October 2013.

⁷ Except for some potential supplementary funding (undefined) where disability leads to higher costs, NDIS, Mainstream interface: Housing and independent living Fact Sheet, 16 January 2014.

⁸ s. 34 of the National Disability Insurance Scheme Act 2013

25. Whilst this demonstrates the NSW Government's understanding of the centrality of housing to achieving the National Disability Strategy's aims, this is not reflected in the Key Indicators of Progress. None of these are focussed on housing. In addition, there is no monitoring or performance evaluation undertaken against the plan.
26. Looking at Sections 1 and 3 in more detail, the focus is solely on social housing. While social housing is an important component of the housing system in NSW, this focus dramatically limits the potential to address these issues holistically (across social, public and private markets, as this Inquiry intends).
27. It would be progressive if the development of the next NDS NSW Implementation Plan address the full extent of the Government's participation in the contemporary housing system in NSW. It should be properly resourced for implementation with targets in a time-bound fashion with monitoring and accountability measures built in.
28. Moreover, Housing NSW and NSW Land and Housing Corporation should be named as responsible for delivering on targets to improve the accessible and affordable accommodation options for people with disability in NSW.

Challenges to the supply of housing for people with disability

Affordability

29. In the ten years to 2011, the cost of housing in Australia rose by 147% while incomes only grew 57%. Affordable housing is decreasing as a proportion of the private housing market due to speculation which is leading to increasing housing costs. Low to moderate income earners have been priced out of the home ownership market,⁹ raising both the price and occupancy rates in private rentals, and increasing housing stress.
30. Low income renters are often less capable of meeting these increasing costs of rent, meaning that affordability of rent has become a major problem. Housing stress now affects over 19.5% of NSW households, the highest rate of housing stress in the nation. Tellingly, the proportion of NSW low income tenants in housing stress is likely to exceed 55% based on national trends.¹⁰
31. Home ownership is a major issue amongst low-income people, because home ownership is demonstrated to be protective against multiple deprivation.¹¹ 45% of people with disability live in or near poverty.¹² Amongst Disability Support Pension recipients, home ownership has declined over the past thirteen years, from 36.7% to 28.1%, a trend that seems likely to continue unless home ownership for people with disability is addressed.¹³

⁹ B Phillips, *The Great Australian Dream – Just a Dream?* AMP, NATSEM Income and Wealth Report, Issue 29, July 2011, AMP Sydney; Paul Sheehan, "Housing crisis locks out Generation Rent" *Sydney Morning Herald*, 18 Nov, 2013, <http://www.smh.com.au/comment/housing-crisis-locks-out-generation-rent-20131117-2xp26.html>; Clancy Yeates, "Generation Rent Left Out in the Cold" *Sydney Morning Herald*, 18 Nov 2013, <http://www.smh.com.au/business/generation-rent-left-out-in-the-cold-20131117-2xp14.html>

¹⁰ Australian Institute of Health and Welfare, *Housing Assistance in Australia 2013*, Cat no. HOU 271, Australian Institute of Health and Welfare, 2013.

¹¹ Australian Council of Social Services, "Who is missing out? Material deprivation and income support payments," ACOSS Paper 187, March 2012, p. 13

¹² PriceWaterhouseCoopers, "Disability expectations: Investing in a better life, a stronger Australia," November 2011, p. 3.

¹³ Australian Government Department of Social Services, "Characteristics of Disability Support Pension recipients," June 2013, p. 19

32. It is important to note that people with disability are currently around 36% of Housing NSW clients¹⁴. Housing NSW currently has a waiting list of 44,000, so demand is far outstripping supply. In some cases of crisis for people with disability, Housing NSW subsidises or even covers the cost of housing in the private market, meaning that funds are being poorly directed away from long-term solutions to this problem.

Accessibility

Case study:

I have been lucky enough to have a public housing home for the last 12 years that was considered to be accessible friendly. The problem was/is that the entrance (front door) is only "just" wide enough for my wheelchair to fit through. Only one of the other doorways (7) in the house is a sliding door. The measurements do not conform to those set down for an accessible unit. I assume this is why they called it accessible friendly unit.

It took a few years of putting complaints and requests in to finally get a person high enough in the "food" chain to come and assess what was required. I now have 3 sliding doors, another door has been widened so i can use it in my wheelchair. By the way that last one was the bathroom.

33. Pressure on the public and social housing sector is not solely due to rates of poverty amongst people with disability. Rather, the private rental market has a dearth of universally designed houses. Many landlords are loath to make expensive amendments to a house for accessibility reasons, because this is thought to harm its future rental or sales opportunities. This leaves people with disability with fewer options.

34. Accessible housing also has significant effects on the participation of people with disability in their community. Socialising most often happens within the home, but this is not possible for people with disability visiting friends if their friends' homes are inaccessible. This further demonstrates that accessibility is a community-wide concern.

35. Unfortunately, affordable housing for people with disability, whether in the private market, or in the public or social housing services, is often poorly located. It is often outside metropolitan areas, meaning that access to local services, to employment opportunities is limited.¹⁵ Housing must also be located in proximity to accessible public transport if it is to be appropriate for many people with disability.

Discrimination

36. In order to enable the equal participation of people with disability in the private rental market, it is important to address disability discrimination that may be practiced both by landlords and by real estate agents. Selection of new lessors is often opaque, meaning that there is minimal accountability for real estate agents. Given the very low occupancy rate at the moment, this is especially problematic if people with disability are understood as 'risky' tenants.

37. Further, because many people with disability who have previously been housed in institutions of various kinds have no previous rental ledgers, their capacity to meet the requirements of the private rental market may be diminished. This form of systemic discrimination increases the pressure on public housing.

¹⁴ Joe Parsons, "Housing Assistance Seminars 2013," presentation, Housing NSW, Family and Community Services,

¹⁵ Claire Greal, "DisabilityCare and Property," Urbis Think Tank, <http://www.urbis.com.au/think-tank/white-papers/disabilitycare-a-major-milestone-for-policy-and-property>

The potential cost of failing to meet these challenges

38. PWDA is concerned that the challenges involved in solving the general housing crisis in NSW will lead to the development of accommodation models specifically for people with disability that duplicate the institutional models that the NDIS has the potential to free people from. The introduction of these models could be a result of government or non-government organisation initiatives to fill the housing gap resulting from increased housing demand. However, the NSW Government should take steps to ensure that regardless of who may be seeking to fill these housing gaps, the models developed do not violate the rights of people with disability.
39. Congregate and cluster accommodation service models are not appropriate for people with disability, under any circumstances, as such settings lead to:
- Inflexible support services that places restrictions on a person's rights and opportunities;
 - Segregation and isolation from the rest of the community;
 - Lives that are different to those valued by the general community;
 - Control by one service provider over most aspects of their lives with limited access to independent and person-centred advocacy and support¹⁶
40. The United Nations CRPD Committee has already expressed concern to Australia that "despite the policy to close large residential centres, new initiatives replicate institutional living arrangements, and many persons with disabilities are still compelled to live in residential institutions in order to receive disability support."¹⁷
41. It is of great concern to PWDA that, despite evidence of the detrimental aspects of congregate living arrangements, some Governments, including in NSW, continue to license and fund institutions and some are being redeveloped into 'contemporary' institutions that continue to congregate people with disability and segregate them from community life.
42. Congregating people with disability also inhibits their participation in the community, and is counter to the intentions of the NDIS and the CRPD. In NSW, the Stockton Centre, a large residential centre situated in the NDIS trial site in the Hunter region and housing around 355 people, is of particular concern as a potential exemplar of the effect of the NDIS on housing for people with disability.
43. Thus far, the possibilities offered to Stockton residents by ADHC are solely specialist disability housing with varying levels of congregation.¹⁸ This form of accommodation would be inappropriate and in breach of international standards (the CRPD), national legislation (including the NDIS Act), and state-based laws such as the NSW Disability Services Act 1993 (see s. 3). A lack of accessible alternative community housing cannot be used as a justification for the continued or 're-segregation' of people with disability. The Stockton Centre example is a demonstration, on a small scale, of the importance of developing a state-wide plan addressing the need to increase housing stock.
44. Government led and inappropriate congregate care models also problematically influence the response of community and social housing initiatives, so great care and education of social and community housing organisations regarding the risk of institutionalisation is required. For example, some of the housing models funded by the Federal program Supported

¹⁶ See, for example, Karen R Fisher, Sandra Gendera, Friederike Gadow, Deborah Lutz, Rosemary Kayess, Ariella Meltzer & Sally Robinson, "Closure of Grosvenor, Peat Island and Lachlan Large Residential Centres – Post Implementation Review," Social Policy and Research Centre, University of New South Wales, August 2013.

¹⁷ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Australia adopted by the Committee at its tenth session, 2013, CRPD/C/AUS/CO/1

¹⁸ Ageing, Disability and Home Care, Department of Family and Community services, "Accommodation Support Options for Stockton Residents," November 2013.

Accommodation Innovation Fund (SAIF)¹⁹ cannot be considered to be housing models that fully support the right of people with disability to live in the community.

45. In NSW, for example, SAIF has funded the joint work of Evolve housing and of Northcott (a disability services provider) who have recently created housing models that would meet our definition of congregate housing.²⁰ Moreover, the latter project has been shortlisted for a NSW Disability Industry Innovation Award. There is an inherent risk that attempts to fully or partially fund housing through agreements between social and community housing organisations and disability service providers, although often described as ‘innovative,’ may still result in diminishing the choices of people with disability to select their own supports *and* their own housing.
46. In the other hand, some approaches take the challenge of avoiding institutionalisation seriously by ensuring that service provision is disentangled from housing (see, for example, Freedom Housing, a housing model which won the Australian Human Rights Commission Business Award in 2013²¹).
47. However, all housing models risk congregation if they become used as designated ‘disability’ homes in public, community or social housing. Many people with disability are already currently required to live together in ‘group homes,’ or mini-institutions simply because rooms are available and the buildings are accessible.
48. Even when the NSW Auditor-General’s Performance Audit was seeking ‘efficiency’ from current NSW public housing stock, they did not recommend that tenants be congregated into houses. This points to a distinct inequality in how housing is provided to people with disability as opposed to others in the community.²²
49. In short, to ensure that choice and control in the provision of support is maintained under the NDIS, housing stock must match demand so that people with disability are not expected to congregate in specialist housing simply to ease access to support facilities.

Solutions

Increased funding

50. The reality is that the NSW housing sector is in desperate need of more funds and more housing stock. Around 5% of Australia’s housing stock is public and community housing, compared with 20% of the UK’s housing stock.²³ Housing stock should not be sold off or redeveloped in ways which decrease rather than increase the number of affordable houses.
51. Whilst the NSW Auditor-General’s Report, “Making the best use of public housing,” offers some good recommendations regarding efficiency, the reality is that the demand (44,000 people on the current waiting list) far outstrips current housing stock.²⁴ The only real solution is an increase in government funding leading to an increase in housing stock.

¹⁹ SAIF funding website, <http://www.dss.gov.au/disability-and-carers/grants-funding/supported-accommodation-innovation-fund-saif-applications-closed>

²⁰ See Evolve Housing’s updates: <http://www.achl.org.au/news-events/latest-events/>

²¹ Freedom Housing, <http://www.freedomhousing.com.au/>

²² NSW Auditor-General’s Report to Parliament, *Making the best use of public housing: Housing NSW and NSW Land and Housing Corporation*, Audit Office of New South Wales, 2013

²³ J Flood and E Baker, “Australia’s Changing Pattern of Home Ownership”, Australian Housing and Urban Research Institute, Issue 133, December 2010.

²⁴ NSW Auditor-General’s Report to Parliament, *Making the best use of public housing: Housing NSW and NSW Land and Housing Corporation*, Audit Office of New South Wales, 2013

Case study:

I had to leave work due to illness and husband was unemployed. We made the mistake of staying with my parent's rather than sleep in the car. Bad mistake. As we were at my parents' house we got NO assistance with housing.

Because we were happily married (I wasn't being abused) I couldn't get help from any agency. We fell through every crack. Departments and agencies saw it as we had a roof so we were fine. We were not, for many reasons.

It was a terrible time. On one occasion we thought of suicide, seriously, that's how bad it was yet when we tried to get help there was no-one who could help us. This was all new to me and I couldn't believe that this was how it is for people in our position.

Understanding 'efficiency' in context

52. In addition, the focus on 'efficient' use of the current housing stock frames the issue solely as one concerned with the number of places in houses and the number of people on the waiting list. It fails to engage with the context within which people live. For example, one proposal is to move those people living in larger houses than they need into smaller houses. This policy is already in place, but at the moment it is voluntary. The Auditor-General recommends expanding this policy.
53. For people with disability who do not wish to move, they often have very good – and efficient – reasons not to. They may have positive connections with local service providers which they do not wish to sever, or which would cost dramatically more if they were forced to travel to access the service. They may have connections with the local community, with family and friends, which enables them to access informal support, reducing their formal support costs. They may sometimes have support workers who stay overnight in a spare room. In other words, a global approach should be taken in understanding 'efficiency' in relation to housing stock: efficiency in housing may not reflect efficiency across the board.
54. The concept of 'efficiency' used in the Auditor-General's report would also pose an impediment to Housing NSW fulfilling its role as a safety net. The report is focused on matching the numbers of people requiring housing to the number of houses available. However, filling every house in this manner limits flexibility and responsiveness to those in crisis and at risk of homelessness.
55. It is especially important for people with disability that this flexibility and responsiveness is maintained, because many social services are reliant upon a home address, and thus homelessness can exacerbate already trying circumstances.
56. The risk of homelessness is a key issue particularly for people with psychosocial disability, so ensuring a flexible and responsive system should be a priority here. It would be a valuable development for Housing NSW to consider the recent report by the Public Interest Advocacy Centre (PIAC) *Skating on Thin Ice*, and implement the recommendations to ensure that support is provided to people with psychosocial disability who are at risk of homelessness.²⁵

²⁵ Lauren Costello, Melanie Thomson and Katie Jones, *Mental Health and Homelessness: Final Report*, Mental Health Commission of NSW, June 2013. Please also see Sam Sowerwine and Louis Schetzer, *Skating on Thin Ice: Difficulties faces by people living with mental illness accessing and maintaining social housing*, Public Interest Advocacy Centre Ltd, October 2013.

Case Study:

It was incredibly hard. Disability told me it was an office of housing problem. Housing told me it was a disability problem. We were sent to inaccessible crisis accommodation in the searing heat with everything piled into the back of the car. Could not even get the necessary equipment in, much less the wheelchair.

By then the office that was responsible had closed. It feels completely like absolutely nobody cares. The look on everybody's face is "Oh here they come again; urrrgh they make it so difficult."

The worst moment was being refused care at the Children's Hospital because in order to be triaged a residential address had to be provided. When I said we don't have one, they simply said "that's not possible." Since referrals would be made on the basis of region, I could not just give them any address.

Increasing tenure in public housing

57. Although there has been suggestion that shortening leases limits wastage, it may also act as a disincentive to seeking employment because receiving income support is often a condition of lease renewal. It is also worth noting that longer leases, in addition to enhancing security for already-vulnerable tenants, may encourage greater investment and participation in the local community.

Case study:

I am paying well above \$200 per week in private rental at the moment, without any work and only the DSP to survive on. I pay over 60% of my DSP AFTER rent assistance in rent. It has no insulation, no proper blinds on the windows, no nothing, is 100% electric appliances, so everything is incredibly expensive to run, but it is incredibly cheap in comparison to any other properties, and I need to be here, to be close to medical specialists.

As I am on a priority waiting list for public housing I am not able to work, as any income I earn will make me ineligible to be on the public housing waiting list. At most my disability would enable me to work 2 half days per week, never enough to enable me to truly live in private rental or own my own place. Once I am in public housing I could effectively become a millionaire and still be allowed to stay there, but getting in means I have to have no more than about \$20 per week above my DSP.

It is estimated I have another 5 years at least to wait on a priority waiting list. At this stage I will be forced to move away from medical services and in many cases will be unable to get medical treatment, but there is a limit to how much one can pay in rent. And the private rental market just keeps continuing to increase in ways that one cannot afford.

I am doing what I am doing now as I have been homeless before, in desperation I spent 5 years living in a mould infested garage with limited bathroom and no cooking facilities. It was either that or die at the time. Refuges would not take me due to my disability. My understanding is that some things have changed in that regard now, but at the time they did not want me. I was too complicated!! I have no family or friends, so have no other options.

Rental regulation in the private market

58. Although tax concessions and other Federal arrangements are major factors in the increasing costs of housing, there are amendments at a State level that can influence the speculative property market. These predominantly have to do with the arrangement of rental contracts. The publication “A Better Lease On Life – Improving Australian Tenancy Law” from National Shelter²⁶ is very useful and insightful in this regard.
59. Abolishing ‘no-cause’ evictions will ensure that tenants’ ongoing housing security is not subject to the whim of speculator landlords. This also supports a slowing down of the speculative property market.
60. Extending the available tenure on housing from the current most common tenancy agreement of 6 months to 2-year, 5-year or even 10-year leases would also support a slowing down of the speculative property market. There are a range of associated benefits, especially for low-income tenants, but for landlords as well, which is demonstrated by experiences overseas, especially in Europe.²⁷ Longer tenure means that any rental cost rises must be negotiated and specified in advance, ensuring that tenants and landlords are equipped with the knowledge required to make long-term plans. This also enables tenants to invest both in the property itself and in the local community, which increases the value of both, benefiting the landlord.
61. In addition, limiting rental price increases through regulation, and extending the available lease length would support making rental costs more affordable. It also reduces the possibility of landlords pricing vulnerable tenants out of their home. It would also reduce speculative participation in the property market.
62. In addition, providing a range of different kinds of leases with varying responsibilities on the person living in the property may enhance the participation of people with disability in this market. Where services, parents or other supporters of a person with disability can co-sign or primarily sign a regular private rental lease, this is likely to enhance the participation of people with disability in the private rental market and again decrease the pressure on public housing.

Strengthening universal design requirements

63. The Australian Housing and Urban Research Institute (AHURI) undertook to estimate the overall savings associated solely with the Australian health system’s savings if 20 per cent of new homes included universal housing design and discovered a figure of \$37 million to \$54.5 million per annum. Assuming 100 per cent adoption of universal housing design in new homes, the cost savings ranged from \$187 to \$273 million per annum.²⁸
64. Adhering to the Liveable Housing Australia design guidelines is currently optional, and to date few buildings have been accredited.²⁹ Those that have been accredited include the congregate care facility built by Evolve housing (mentioned in point 45 above), and another ‘supported accommodation’ disability residential facility in Melbourne. In other words, the broad take-up of Liveable Housing Design principles that Liveable Housing Australia was designed to encourage in mainstream housing has occurred in such a way as to continue to confine the choices of people with disability to supported accommodation/congregate care facilities.

²⁶ National Association of Tenant Organisations, Penny Carr and Maria Tennant, A Better Lease On Life – Improving Australian Tenancy Law” National Shelter Inc, 2010.

²⁷ Kate Shaw, “Renting for life? Housing shift requires rethink of renters’ rights” *The Conversation* 7 January 2014, <https://theconversation.com/renting-for-life-housing-shift-requires-rethink-of-renters-rights-20538>

²⁸ Australian Housing and Urban Research Institute (2010) *Dwelling, Land and Neighbourhood Use by Older Home Owners*, pp. 188-189.

²⁹ Liveable Housing Australia <http://livablehousingaustralia.org.au/>

65. To encourage the broad adoption of the Livable Housing Australia design guidelines, all residential construction legislation and guidelines should be amended to make universal design and adaptability a compulsory part of new buildings. This would reflect the position of Australian Network on Universal Housing Design (ANUHD) in encouraging Australian Governments to make universal housing design principles that ensure different levels of accessibility and adaptability compulsory for all new residential buildings.³⁰

Case study:

If standards for accessibility were included into more building approval requirements we would have a more long term solution for ageing and disability housing which could reduce the need for people, particularly young people, to have to go into nursing homes and assisted housing. I know one of the main issues when caring for my grandfather was that the house was not equipped to maintain his care at home and my family just couldn't afford all the changes.

Advocating for mixed-use development

66. Mixed-use developments are an especially innovative approach to the housing of people with disability, because it means that business, socialising, employment and access to community services can all occur within easy access of houses. This maximises the opportunities for participation and enhances inclusion in the community for people with disability. Indeed, innovative services and perhaps even employment can spring up out of the needs of those in the community, as has occasionally occurred in NSW with sufficient community development support.

67. Given the history of congregating people with disability in specialist housing, it is important to maintain a social mix premised not only on socioeconomic background, but on disability. Ensuring that people with disability are enabled to participate in their communities – one of the key rights of the CRPD – will be enhanced by ensuring good social mix in all housing areas (public, private and social and community housing estates).

68. Housing must be located well for people with disability. It must be in easy access of affordable and accessible public transport, community services and employment opportunities. Public and social housing estates should be located all over the State.

Seeking out innovation

69. Strategies for addressing home ownership amongst low-income people must become part of housing strategies. The housing market needs to be rebalanced away from speculation (as demonstrated at point 55), which damages affordability. This is best done by ensuring ownership amongst low-income people which provides them with financial and physical security, and reduces the proportion of properties available to speculators.

70. Current home ownership strategies associated with public housing require tenants to acquire sufficient funds to purchase their house, which they are unlikely to be able to do given they are frequently on income support payments, and in low-paid and insecure work. This is particularly the case for people with disability, given Australia's very low employment rate of people with disability³¹.

³⁰ See their website <http://www.anuhd.org/about-us>

³¹ "Get Real on Jobs" Position Statement, People with Disability Australia <http://www.pwd.org.au/pwda-publications/get-real-on-jobs2.html>

71. The National Rental Affordability Scheme (NRAS) is helpful in addressing this, although it has thus far been focussed on housing students.³² We do not know of any projects under the NRAS which adhere to universal housing design principles, demonstrating that this program would need to be amended to support people with disability.
72. Giving low-income people access to the security – both physical and financial – of home ownership is an important part of addressing the systemic disadvantage that they frequently experience. There are many international examples of innovative models that encourage home ownership and low, or no cost rentals, for low-income people. Many of these are canvassed or referenced in the report produced for Housing NSW in 2011, “Social housing strategies, financing mechanisms and outcomes.”³³ Examples include:
- Rent-to-own schemes (which should be heavily regulated)
 - Social housing purchase schemes
 - Community Land Trusts³⁴
 - Land Rental schemes³⁵
 - Low or zero interest loans
 - Co-operative housing models with home ownership built in (especially where people with disability are included in a community of decision-makers)
 - Squatters’ rights³⁶
 - Mixed-equity schemes³⁷

Conclusion

73. As this submission demonstrates, the issues around ensuring public, social and affordable housing for people with disability are systemic, complex and multifaceted. Although there are some basic matters concerning the increase in housing stock, many other elements must be addressed to ensure people with disability are able to live in dignity in the community.
74. PWDA recommends that the Select Committee take a whole-of-government approach to addressing these challenges. One key mechanism that should be leveraged in this process is the NSW NDS Implementation Plan 2012-2014, especially as the next plan is currently being formulated. The new Plan has the potential to provide actions, monitoring and oversight across different government sectors. Ensuring that housing is central to this Plan will support Housing NSW in its responsibility to provide adequate, accessible and affordable housing for people with disability.

³² Rick Wallace, “Rudd’s Housing Gift to Students” *The Australian* March 3, 2014.

<http://www.theaustralian.com.au/national-affairs/rudds-housing-gift-to-students/story-fn59niix-1226843122005>

³³ Hal Pawson, Julie Lawson and Vivienne Milligan, “Social housing strategies, financing mechanisms and outcomes: an international review and update of key post-2007 policy developments,” City Futures Research Centre, University of New South Wales, 2011

³⁴ Louise Crabtree, Hazel Blunden, Peter Phibbs, Carolyn Sappideen, Derek Mortimer, Avril Shahib-Smith and Lisa Chung, *Australian Community Land Trust Manual*, The University of New South Wales, 2013

³⁵ Noel Towell, “Changes to Land Rent scheme a boost for newcomers,” *The Canberra Times*, Jan 9 2014
<http://www.canberratimes.com.au/act-news/changes-to-land-rent-scheme-a-boost-for-newcomers-20140108-30hzm.html>

³⁶ Diana Mitlin and David Satterthwaite, *Empowering Squatter Citizen: Local Government, Civil Society, and Urban Poverty Reduction*, Earthscan, 2004.

³⁷ Robert Mowbray and Nicholas Warren, “Shared-equity home-ownership: welfare and consumer protection issues,” *Shelter Brief 33*, Shelter NSW, July 2007.

Recommendations

PWDA recommends that the Department of Family and Community Services:

- 1) Develop the NDS NSW Implementation Plan to address the full extent of the Government's participation in the contemporary housing system in NSW, and that implementation of this Plan be properly resourced, with time-bound targets, monitoring and accountability measures built in.
- 2) Investigate the NSW component of the increased demand for housing under the NDIS.
- 3) Name Housing NSW and NSW Land and Housing Corporation as responsible for delivering on targets to improve the accessible and affordable accommodation options available for people with disability in NSW.

PWDA recommends that Housing NSW (Department of Family and Community Services) and the NSW Land and Housing Corporation (Department of Family and Community Services):

- 4) Increase housing stock and funding for public, social and community housing.
- 5) Consult and apply the recommendations relating to limiting homelessness for people with psychosocial disability included in the report, *Skating on Thin Ice: Difficulties faces by people living with mental illness accessing and maintaining social housing* released by the Public Interest Advocacy Centre Ltd.
- 6) Develop affordable housing with a mixed-use development focus, and mixed social population to encourage people with disability to participate in their community.
- 7) Work in partnership with the NDIA to ensure non-institutional accommodation (where accommodation is separated from support) is available for people with disability.
- 8) Develop programs which realistically encourage home ownership amongst people with disability.
- 9) Support innovative social housing models seeking to produce affordable housing.
- 10) Address discrimination against people with disability in the rental market through awareness raising, information to, and education of private real estate agents and landlords.

PWDA recommends that the Government of New South Wales:

- 11) Increase government funding to the NSW Land and Housing Corporation and community and social housing providers to enable the increase of housing stock.
- 12) Amend construction legislation and regulation regarding construction to reflect universal design principles
- 13) Undertake broad-based consultation aimed at amending the Residential Tenancies Act 2010 so that it acts to reduce speculation in the property market by:
 - excluding 'no-fault' evictions
 - reducing rental increases
 - encouraging long leases
 - diversifying the range of leases available so that people with disability who cannot take on sole responsibility for the lease can access a variety of options to participate in the private rental market
 - regulating the screening of tenants by landlords and real estate agents to address the systemic discrimination against people with disability with limited rental histories.

We thank the Committee for the opportunity to make this submission.