



Action for More Independence & Dignity in Accommodation

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

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The Victorian Social Housing Regulations Review

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

AMIDA acknowledges that people with disability have a right to a choice of who they live with and where they live. Further, people with disability have a right to good quality housing which is accessible, affordable and non-institutional. People with disability have a right to live in the community with access to support to participate and have a good quality of life.

AMIDA is an independent advocacy organisation which advocates for good housing for people with disability. We provide advocacy to individuals, with priority given to people with an intellectual disability, and advocate for change in systems which prevent people from achieving good housing.

AMIDA strongly supports the United Nations (UN) Convention on the Rights of Persons with a Disability (CRPD) and works to assert these rights and community inclusion for people with a disability. The following was given to Australia from the UN after the last reporting period. Australia needs to incorporate these recommendations into action in order to meet our obligations, having ratified the CRPD in 2008.

Concluding observations: UN Report on Australia's review of the CRPD, 24 Sep 2019.

Accessibility (art. 9)

17. The Committee is concerned about:

- a) The lack of a national framework for reporting compliance with the Disability Standards for Accessible Public Transport; the Disability (Access to Premises-Buildings) Standards; and the National Standards for Disability Services;
- b) The significant proportion of existing inaccessible built environment and the lack of mandated national access requirements for housing in the National Construction Code;
- c) The lack of comprehensive and effective measures to implement the full range of accessibility obligations under the Convention, including of information and communication technology and systems.

18. In the light of article 9 of the Convention and its general comment No. 2 (2014), the Committee recommends that the State party, taking into account goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals:

- a) Establish and enact a national framework for mandatory compliance reporting of the Disability Standards for Accessible Public Transport; the Disability (Access to Premises-Buildings) Standards; and the National Standards for Disability Services;
- b) Amend the Federal law with mandatory rules on access for all new and extensively modified housing;
- c) Take the necessary legislative and policy measures, such as public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communication technology and systems, and ensuring effective sanction measures for non-compliance.

Living independently and being included in the community (art. 19)

37. The Committee is concerned about:

- a) The fact that the specialist disability accommodation (SDA) framework facilitates and encourages the establishment of residential institutions and will result in persons with disabilities having to live in particular living arrangements to access NDIS supports;
- b) The lack of appropriate, affordable, and accessible social housing, which severely limits the capacity of persons with disabilities to choose their place of residence;
- c) The Younger People in Residential Aged Care—Action Plan only outlines plans to reduce the number of persons, including persons with disabilities, under the age of 65 years living in aged care facilities, but does not end the practice.

38. The Committee recommends that the State party:

- a) Develop a national framework for the closure of all disability-specific residential institutions, and the prevention of trans-institutionalisation including addressing how persons with disabilities not eligible for the NDIS can be supported to transition to live independently in the community;

- b) Increase the range, affordability and accessibility of public and social housing for persons with disabilities, including by implementing a quota for accessible social housing and by developing regulations and standards to guarantee the progressive application of universal design principles in accessible housing;
- c) Revise the Younger People in Residential Aged Care—Action Plan to ensure that no person aged under 65 years should enter or live in residential aged care by 2025.

The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.

AMIDA also strongly supports the Productivity Commission's 2017 inquiry *Introducing Competition and Choice into Human Services: Reforms to Human Services - Inquiry Report*, Chapter 6, *Choice and equity in social housing: a single system of financial support* -

- *A single system of financial assistance that is portable across rental markets for private and social housing should be established. A single system of financial assistance would:*
 - *enable a person to choose where they live based on their preferences — their access to financial assistance (and tenancy support services) would 'follow them'*
 - *address current inequities by targeting the type and amount of financial assistance a person receives to their circumstances, rather than the type of housing they live in.*
- *The establishment of a single system of financial assistance hinges on reforms being undertaken at both the national and state and territory level so assistance can be provided as a package.*
 - *The Australian Government should extend Commonwealth Rent Assistance (CRA) to tenants in public housing so that it is available to all eligible tenants in social housing properties. People who live in private and community housing already receive CRA, people in public housing do not. This change would provide a consistent baseline level of support.*
- *Many households could benefit from reform.*
 - *Over 50 000 social housing tenants have expressed dissatisfaction with the property they are in. They currently face a stark choice — remain in social housing in an unsuitable property or move to the private rental market and potentially receive less financial assistance.*
 - *Increasing choice would lead to some tenants moving into private housing, which would result in more social housing properties becoming available for tenants who need them.*
 - *There are about 850 000 households eligible for, but not in, social housing. The proposed State- and Territory-funded housing supplement could benefit these households where they are in areas with acute rental affordability problems.*

A choice-based letting model would provide these tenants with more choice of home. Chapter 8, October 2017 – A better Social housing system improving user focus -

- *Reforming the social housing system would require strong government stewardship.*
 - *Clear government plans for how they would meet the future demand for social housing properties are essential, given the long-lived nature of housing assets and the inherent inflexibility of the social housing system.*
 - *Assessment of the outcomes for tenants receiving housing assistance, particularly tenants renting in the private market, would need to be improved.*
- *Continuing to make the management of social housing properties contestable would provide incentives for managers of social housing properties to improve the effectiveness of service provision, and increase the pressure on them to provide well-maintained properties that meet the requirements of tenants.*
 - *Contestable approaches should be open to all types of providers, and be backed by a full evaluation of property management transfers.*
 - *The management of public housing properties should be separate from social housing policy to improve the accountability of public housing providers. Public housing providers and non-government providers of social housing should face consistent regulatory requirements.*
- *Enabling users to have greater choice over their home requires that tenants are provided with adequate information on properties and support to help them make choices. Longer-term support is needed for some tenants to help them to sustain their tenancy.*
 - *High-quality intake and assessment services are key to matching tenants with both financial and non-financial housing support. Current intake and assessment services are fragmented and it can be difficult for tenants to identify the support they are eligible to receive. In some cases, tenants may not receive additional support services because providers are unable to identify what support the tenant requires.*

Many support services targeted at social housing tenants are not made available to tenants renting in the private market. Making access to support services portable between social and private rental housing is an important part of enabling choice.

Our experience with Community and Social housing has shown us that residents are not always well supported by Community and Social housing providers. Some recent cases that we have worked on have shown the following

People living in community housing have had problems such as;

- Housing not accessible for a disabled person or family member
- resolving access issues are not seen as a priority
- Maintenance issues are extremely difficult to have resolved
- Often residents fall behind with their rental due to medical or other issues and are evicted

Many of our clients have been threatened with or evicted from Community housing due to ongoing complaints about maintenance issues being unresolved. This has left whole families homeless and in need of new housing at a time when accessible and affordable housing is extremely limited and we have a wait list of around 80,000 just for Victoria alone.

Most Community housing services have a particular number of properties and

several which are temporary/emergency housing, (once they have long term tenants they lose that property from their books which often means they are unable to provide support to many in need of housing). Many of our clients have been in temporary/emergency housing for a very long time and this housing is often in bad need of repair which is not affordable to the community housing service and so many are left with the only option which is leave and become homeless due to health and safety issues which are not being met by the Community housing provider.

Homelessness has become a best option to many people with a disability in their families due to many things which need to be considered when finding someone housing which will suit people's needs. At the moment due to the lack of suitable housing options people are put into public or community housing options that are not in areas with their supports, or close to schools or other services, with others living in low income areas, trapping people in the welfare and social disadvantage models. Often this is unlivable for families with young children with disability or other high support needs, their families are unable to access needed supports and when they are offered housing they take it as they are desperate. This doesn't always work out as there are so many barriers that people face in congregate or public housing areas and often they need accessible housing options which are not available. Some are living in properties that are damp and have mould throughout their homes which is dangerous to the health and safety of many people with a disability.

As said in our submission to the **10 Year Social and Affordable Housing Strategy for Victoria** AMIDA endorses the key initiatives listed in the discussion paper released on 9 Feb 2021. In this paper we also stated:-

Fund existing services to implement a Housing First Model. This model has been proven to succeed in other Countries including the Housing First Europe Hub and also in Australia. Make this National Housing Policy for Australia. As seen in previous years, if it is only aspirational or voluntary, it will fall short of meeting the needs of individuals in the community. The investment being made by the State Government in the Big Housing Build needs to be repeated every year for 10 years if the current need is to be met let alone future need.

Many staff working in Community housing services do not have adequate training in regard to people with a disability and very little knowledge about how to speak to someone with a cognitive or psycho social disability. Training must be a requirement for staff at Community housing services this must be done by people with disability so that they are more able to understand the very differing needs of people with disability in their housing needs and why some needs are extremely important. This training should be done on a regular basis so that staff are able to become more understanding of peoples varying needs.

Rather than building large high density towers of public housing which are a hazard in a situation such as a pandemic, build scattered public housing that is of good quality and cannot easily be distinguished between homes owned by individuals and those renting through social housing. This also addressed the social stigma associated with the label of public housing occupants.

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

Provide Gold Standard (as mentioned above) accessible housing, scattered in the community, that is located near accessible public transport, close to facilities such as hospitals and care services. Assign housing assistance to people with disability or specific needs in order to smooth the process of moving into accessible housing.

Lobby federal governments to abolish Negative gearing. It makes housing prices go up and further reduces the chances for low income first home buyers. Permanently remove stamp duty on houses under \$600,000. Regulate for accessibility so that developers must build accessible homes across all markets. Spot purchase housing and allow people over time to purchase the houses they are living in with special home loans, but do not recreate the 'rent buy loans' that meant that people would never own their homes.

Be encouraged by the strong positive response to the Big Housing Build. Victorians want to seek homelessness ended and will support governments who make this an ongoing yearly commitment to fund more public housing. We can end homelessness and government has to keep leading us in this direction. Grow the Big Housing Build so that this commitment is made again and again until the job is done. In 10 years it can be done.

From AMIDA's submission to the Parliamentary Inquiry into Homelessness 2020:- Include in the model for ending homelessness a mechanism to assist people with independent support for decision-making so they can learn about options and say what they want.

Increase funding for independent advocacy and allow advocates to provide people with a disability with information directly about advocacy so they can access it if needed and wanted.

Include in the model for ending homelessness a large proportion of emergency refuge and respite accommodation for people with disability that is accessible in Metro Melbourne and all other districts in Victoria, particularly for people to access when experiencing violence and abuse at their current residence.

Case Study 1 *A relevant case study is a case AMIDA has been working on for since Jul 2019, a gentleman named Andy (not his real name) who sustained an injury to his leg while service in the Australian Defence Force, was housed in a rooming house. Since being housed his injuries worsened and he had a diagnosis of nerve damage in his foot where he is unable to weight bear. He relies on a wheelchair for mobility*

however his residence has 3 flights of stairs from the entrance, there is no lift and no other way of accessing his room other than the stairs. His room is too small to allow for a wheelchair turning circle and he instead uses crutches. The crutches are problematic however due to his repeatedly knocking the injury and delaying healing. He has been hospitalized for surgery on his injuries and the hospital was hesitant to discharge him home to inaccessible housing. There was no alternative and since being discharged his injuries have worsened. He has reported to AMIDA that he may have to have an amputation of his foot if the condition deteriorates further. He has attempted to lower the wheelchair down flights of stairs with a rope in order to exit the building. There is a high risk of falling, incurring further injury or death. AMIDA advocated on his behalf to the Office of Housing and the MP for Housing. This has resulted in his being prioritized for Transfer to an accessible property however there is a further delay in the transfer due to lack of accessible housing in Victoria. AMIDA advocated to the Premier of Victoria and was referred back to the Office of Housing.

AMIDA provided Andy with information about his right to make a complaint to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and assisted Andy to lodge a complaint on his behalf. AMIDA advocate worked with VEOHRC staff to make known his position under the Equal Opportunity Act. AMIDA then advocated to senior policy staff of DHHS, referred through the MP for Housing. These staff made contact with Andy and a temporary offer of an accessible, one-bedroom house was made to Andy who accepted the offer and moved into the premises as soon as possible. He was also able to maintain his position on the Priority Transfer list to move closer to his family who live some distance away in Melbourne.

Andy gave very positive feedback to AMIDA about the service he received which was recorded by senior AMIDA staff.

Case Study 2 Isabella (not her real name) was referred to AMIDA from the Office of the Public Advocate for individual advocacy in her housing situation. Isabella was living in Community Housing in Victoria where she was the victim of extreme racial hatred from a neighbor. Isabella had received a diagnosis of leukemia and stated she was feeling extremely distressed by the actions of her neighbor when she was also trying to manage her difficult health condition. She stated she believed her neighbor was trying to force her to leave or die and was forcing mental illness on her. Isabella took out intervention order against her neighbor to prevent her coming onto Isabella's property, reported the bullying behavior to the Community Housing provider however no further action could be taken to prevent the neighbor from continuing with bullying other than Isabella moving residence.

Advocacy for Housing Transfer

AMIDA created an Action Plan for Isabella, agreeing to write to the Office of Housing, The Victorian Housing Register, the NDIA the MP for Housing and the MP for Disability and Isabella's local Greens MP. Within 2 weeks AMIDA received communication from the local Office of Housing inviting AMIDA to phone to discuss a transfer. Isabella did not have many accessibility requirements at this stage of her illness which AMIDA noted made it a more timely process.

Within a month Isabella was offered a transfer to a high density public housing block. Isabella was not able to accept this offer as she was not able to live in a high density setting.

Within another 3 months Isabella was made another offer for low density housing which Isabella was able to accept. AMIDA advocated for Isabella to be exempt from some of the eligibility restrictions due to her medical condition and disability, along with evidence from Isabella's treating practitioners. This was accepted by the Office of Housing.

Result

Isabella was made a formal offer for the low density property and accepted the offer without hesitation. She was able to move in within a short period of time once the offer was finalized. Isabella provided a client satisfaction survey to AMIDA stating she was happy with the advocacy assistance she had received and was grateful to have a way out of the abuse and violence she was subject to by her neighbor. AMIDA sought consent to write a case study about her advocacy matter and Isabella agreed stating if she was still in that housing her health would be dramatically affected by COVID-19 lockdown. Isabella stated she was still traumatized by her time living in the previous property. She stated her new dwelling was peaceful and she was able to enjoy some of her time listening to music.

AMIDA has seen that transfers to more suitable public housing is often made at a quicker pace than residents who require many modifications due to limited mobility.

There is a need for more transparency and accountability in the Social and Community Housing sector, including Housing Co-Ops and Supported Residential Services.

Registrations for Community Housing providers needs to be mandated, as AMIDA has heard many first-hand accounts of Community Housing providers acting against public health legislation, the Vic Charter of Human Rights and Responsibilities and clearly only acting in their own interests.

The Victorian Housing Registrar who regulates Community Housing providers currently only have an ability to hold them to account to their own policies and procedures.

AMIDA has heard accounts from tenants where their home has fallen in to such disrepair that it is deemed uninhabitable by hygienist reports, only for the Community Housing provider to continue to charge full rent, without fully addressing the hygiene or maintenance risks. A tenant has very little power to compel a housing provider to act in this instance other than taking VCAT action which can in turn leave them open to the risk of retribution, either subtle or obvious, from the housing provider.

AMIDA has been pleased to see minimum standards introduced into the RTA however these only apply to new tenancies.

Concluding summary Consultation paper 2 & 3-

While the information as to why regulation is needed in these consultation papers is clear, it is also important to consider the housing needs of people with disabilities

and low income families when deciding on the future of Community housing. While it is agreed that there is a lack of accessible affordable housing in Victoria it is important with the cost of private rental and home ownership, that there are viable and useful housing rental options available to low income families and a commitment to invest in new housing. It is extremely important that the 10 year Victorian Social and Community housing strategy is funded and expanded over time to assist all of those who will be seeking affordable accessible housing in the coming years.

Ensure regulations include input from tenants

- tenants needs are seen as a high priority
- ensure all information is provided to tenants in an accessible way e.g. Easy English or other accessible formats
- ensure that all complaints processes are clear and easy to follow and have clearly understood outcomes
- allow for swift outcomes to tenant issues which are clear, easy and accessible depending on tenant needs
- in our experience it would be great if there was an independent person who was able to assist to resolve issues
 - this needs to happen in a way that tenants understand
 - it is important that all communication is accessible
 - it is important that tenants with a disability have decision making explained to them in a way that they can understand
 - VCAT needs to provide time for understanding decisions
 - E.g. a tenant had rental arrears and didn't realise that she would need to pay the arrears anyway, and her refusal to pay led to eviction, homelessness and a rental debt. If she had agreed to set up a payment plan she may have been able to stay at the property and the maintenance that was required may have been done
 - Tenants may need to consult so that they understand the consequences of their actions
 - Tenants need to be given the appropriate support when dealing with Community housing services
- Maintenance issues in Community housing services is difficult -
 - Many Community housing services have wait lists for their housing
 - Many community housing services don't have funding to provide maintenance and disability modifications
 - It seems that if a tenant makes a complaint or raises a maintenance issue they are seen as a problem
 - It is difficult for a tenant to receive action a number of issues- neighbor disputes, maintenance or other problems
- Community housing tenants have rights under the Tenancy act but this is often ignored