

NSW DISABILITY NETWORK FORUM

Introduction

The NSW Disability Network Forum (DNF) thanks the NSW Government for the opportunity to respond to the Social Housing in NSW Discussion Paper (the Discussion Paper).

About the NSW Disability Network Forum

Initiated in June 2011, the NSW Disability Network Forum comprises non-government, non-provider peak representative, advocacy and information groups whose primary aim is to promote the interests of people with disability. The aim of the NSW Disability Network Forum (DNF) is to build capacity within and across all organisations and groups so that the interests of people with disability are advanced through policy and systemic advocacy. The Council of Social Service of NSW (NCOSS) provides secretariat support to the DNF.

NSW Disability Network Forum Member Organisations:

Aboriginal Disability Network NSW	Multicultural Disability Advocacy Association of NSW
Association of Blind Citizens of NSW	NSW Consumer Advisory Group - Mental Health
Brain Injury Association NSW	NSW Council for Intellectual Disability
Deaf Australia NSW	NSW Disability Advocacy Network
Deaf Society of NSW	People with Disability Australia
DeafBlind Association NSW	Physical Disability Council of NSW
Deafness Council (NSW)	Positive Life NSW
Information on Disability and Education Awareness Services (IDEAS) NSW	Self Advocacy Sydney
Institute For Family Advocacy	Side By Side Advocacy Incorporated
Intellectual Disability Rights Service	Council of Social Service of NSW

The three pillars

The Discussion Paper notes the new vision for social housing in NSW is built around three pillars. The pillars aim to realise a social housing system that;

- provides opportunity and pathways for client independence;
- is fair; and
- is sustainable.¹

The DNF believes goals of fair and sustainable social housing are valid. However, we have some concern that the measures of success for people with disability who value security of tenure and the success measures outlined in the Discussion Paper that would foster shorter term tenancies may be incompatible. The DNF provides this submission with the hope that more common ground can be found to realise a Social Housing system in NSW that works to produce fair outcomes for people with disability and a sound basis from which they can exercise choice and control to live according to their goals and vision.

¹ NSW Government, Social Housing in NSW: A discussion paper for input and comment, 2014, 7.

NSW DISABILITY NETWORK FORUM

People with disability and the private rental market

The first pillar relates to fostering a system that works to break the cycle of disadvantage and build people's capacity to remain in, or transition to, the private rental market. At present, the private rental market is a daunting prospect for people with disability and all too often a contributing factor to their disadvantage.

There is more than one reason why the private rental market contributes to the disadvantage of people with disability. Firstly, there is an undersupply of affordable rental stock that is accessible. For example, a recent report by Anglicare showed that only 1 per cent of rental property in the NSW North Coast and 5 per cent of properties in the Riverina were both accessible and affordable for a single person receiving the Disability Support Pension.² High rent costs in metropolitan areas only exacerbate this problem.

Secondly, six month leases which are the norm in the private rental market provide most tenants with low levels of security of tenure. This situation impacts negatively on people with disability who rely on their home for a number of reasons beyond being a place to live. For example, the home may be:

- a place where in-home supports, such as personal care, are delivered by external services;
- a site that enhances mobility through home modifications;
- a place that connects people with community, employment and education through proximity to accessible transport; and
- a place that has the infrastructure to help them manage their condition, such as the provision of temperature control.

DNF members regularly hear from people with disability about the lack of power they have in the private rental market. People report that fear of eviction, the lack of an alternative property that is suitable for their needs and an inability to meet relocation costs create a situation where people accept poor or non-existent maintenance or other infringements on their rights as tenants. For example, a man in a NSW regional area known for extreme temperatures, lived for a long period with gaps in his floorboards that made the house impossible to heat simply because he was unable to find an affordable alternative that was accessible for him.

Additionally, DNF members also report that people with mental illness continue to face barriers such as stigma and discrimination from landlords and real estate agents when attempting to access private housing. This stigma/discrimination may not be limited to mental health issues but also directed towards people's use of community/welfare services (e.g., if the landlord sees that the person has received a letter from community services or Centrelink).

The private rental market is also less responsive to cultural needs than the Social Housing system. For example, housing for Aboriginal and Torres Strait Islander People includes the capacity to add additional occupants to a tenancy if needed.³ As noted above, people are unlikely to change tenancy arrangements in the private market for fear of eviction or negative responses from landlords. For

² Anglicare Australia, *Rental Affordability Snapshot*, Canberra, April 2014, 31 & 41 available at: http://www.anglicare.asn.au/site/rental_affordability_snapshot.php last accessed 10/2/15.

³ FaCS, *Housing for Aboriginal and Torres Strait Islander People*, Fact Sheet, July 2014.

NSW DISABILITY NETWORK FORUM

this reason, Social Housing which includes Aboriginal Housing provides a much more secure tenancy for Aboriginal and Torres Strait Islander people with disability.

Access to affordable, accessible housing with security of tenure is fundamental to people with disability living a dignified life that includes community participation, social and economic inclusion and independence. As this process continues, the DNF hopes to work closely with NSW Family and Community Services (FaCS) to realise a system that ensure these conditions, which are reflected in the objects of the *Disability Inclusion Act 2014* (NSW), are fostered.

Longer-term solutions

The DNF recognises the economic pressure at all levels of Government makes further investment in housing infrastructure a challenging prospect. However, we believe that there are opportunities to work in collaboration to explore opportunities to incentivise the building of accessible, affordable housing stock. The DNF's *Submission on the NSW Disability Inclusion Plan* highlighted the need for a disability housing strategy to sit within the NSW Disability Inclusion Plan. We believe consideration of this proposal should also be considered within this process and have included the relevant excerpt below to assist.

Housing is an area which involves multiple levels of government and multiple agencies, including the Department of Planning and Environment, Department of Family and Community Services, the Land and Housing Corporation, the Office of Local Government, and the Department of Premier and Cabinet. Other non-government agencies such as the Property Council, the Real Estate Institute, the Housing Industry Association and the Federation of Housing Associations would also be important partners to engage to improve the accessibility and affordability of housing stock. Many of these agencies, as well as not-for-profit groups, have identified opportunities to improve housing stock, e.g. many groups have access to land but not capital and have had little success seeking support from various government agencies. NSW needs a strategy to give life to these ideas and to better fulfil opportunities that arise.

Proposal: A disability housing strategy

A broad strategy, addressing several systemic barriers and opportunities, could achieve considerable change. As a matter of priority, the Disability Inclusion Plan must create options in the planning system to increase availability of accessible, universally designed residential housing. It would need to involve the major agencies involved with housing, particularly the Department of Planning and Environment, other government agencies, as well as non-government and private sector partners. This strategy would involve:

- *developing a planning policy to increase availability and affordability of accessible, universally designed housing close to services and amenities, and ensuring these priorities are reflected in other policy and legislation;*
- *taking advantage of funding opportunities that may arise, and ensure that housing developments are inclusive of people with disability;*
- *specifying a budget for access modifications to social housing;*
- *improve partnerships between the NSW Government, local government, and non-government groups to take advantage of opportunities to develop accessible, universally designed housing;*
- *working with developers to ensure that new housing stock is affordable, accessible and universally designed;*
- *improving the availability of data about current housing stock, including the number of people with disability living in social housing, the number of accessible dwellings, and the standards they meet;*

NSW DISABILITY NETWORK FORUM

- raising the awareness of landlords and real estate agents of the needs of people with disability (an action that could also be among the 'attitudes and behaviour' initiatives);
- offering support for people with disability to engage in the private housing market e.g. support to attend inspections and apply for private rental housing.

Recommendation 1

That the NSW Disability Inclusion Plan involves a housing strategy, focused in developing a planning policy, working with developers, improving data, and support for people with disability to engage in housing markets.⁴

Recommendation 2

The Housing Strategy includes a plan to increase the availability of accessible housing within Social Housing stock including a program to retrofit existing stock for accessibility purposes.

Shorter-term actions

While the DNF has serious concerns about the capacity of the private rental market to meet the housing needs of people with disability in way that is fair, the DNF would consider some reliance on the private rental market an appropriate option if the risks of disadvantage for people with disability as noted above could be significantly reduced.

There may be an opportunity to expand the Housing Pathways Private Rental Subsidy program to support people with disability in the rental market while they wait for a social housing property to become available or to extend the system's capacity to assist people with disability more broadly. One of the positives of the Private Rental Subsidy is that the person with disability can exercise some choice and control in finding a suitable property subject to the parameters of the program.⁵

The DNF encourages FaCS to explore how it could expand and target the Private Rental Subsidy program to assist people with disability get better outcomes from the private rental market and minimise the risks of disadvantage noted above. An expanded program could include provisions for FaCS to act as a broker between landlords and tenants; negotiate minimum tenancy periods of 24 months and negotiate fixed rent increases. The DNF also believes that FaCS Case Managers should be made available to negotiate between tenants and landlords where any disputes arise. This could help to alleviate power imbalances that have previously seen people with disability unlikely to raise concerns about a rental property for fear of eviction or treated unfairly. A guarantee to index the subsidy in line with rent increases would also minimise financial hardship and assist people maintain the tenancy over the longer term. The DNF also recommends that FaCS explore opportunities to support landlords to make accessibility modifications to properties in return for long-term lease periods.

⁴ The NSW Disability Network Forum, Submission on the NSW Disability Inclusion Plan: Discussion Paper and Draft Outline, December 2014, available at <http://www.ncoss.org.au/resources/DNF/forum/141222-DNF-Submission-NSW-Disability-Inclusion-Plan.pdf>

⁵ Housing Pathways, Private Rental Subsidy, Fact Sheet, 5 May 2014, available at <http://www.housingpathways.nsw.gov.au/NR/rdonlyres/5C4B072E-F6B1-4506-9FB3-03393A2F8082/0/PrivateRentalSubsidy.pdf> last accessed 16/2/15.

NSW DISABILITY NETWORK FORUM

Recommendation 3

Family and Community Services NSW expand the Housing Pathways Private Rental Subsidy program to support people with disability in the private rental market. Under the expanded program, FaCS could act as a broker between landlords and tenants to negotiate minimum tenancy periods of over 24 months and fixed rent increases. FaCS Case Managers should also be made available to negotiate between tenants and landlords where any disputes arise.

Recommendation 4

FaCS explores opportunities to support private landlords to make accessibility modifications to properties in return for long-term lease periods.

Fairness

The DNF supports action to make Social Housing fair. Presently, a lack of appropriate housing can mean that people with disability miss out on opportunities and may be at greater risk of crisis and abuse. Therefore it is important that the concept of fairness recognises these risks and works to reduce them. The DNF believes that adherence to the following principles will reduce the risk of unfair outcomes for people with disability:

- Social Housing should offer people with disability security of tenure;
- Policies to encourage people to move into or stay in the private rental market must recognise the particular challenges the private rental market holds for people with disability (including a lack of accessible housing);
- Tenants accessing a number of in-home and other community supports should have access to long-term tenancies in recognition of the impact that a move would have on their health, well-being and access to these services;
- A person with disability who has a fixed term lease should have that lease renewed where the private rental market cannot offer an alternative that is accessible, affordable; close to accessible transport and other essential services (including employment opportunities if they are of working age); capable of providing a base for in-home supports and management of their condition (such as temperature control); and
- Social Housing tenancies and tenancies facilitating a transition out of Social Housing should be responsive to cultural and linguistic diversity.

The DNF also encourages this review to recognise that people with disability are a diverse group that have a range of needs. Any policies that may be introduced as a result of this current process need to include the capacity for discretion and flexibility in order to respond to the needs of people with disability and to avoid unintended consequences.

For example, the Discussion Paper notes that Victoria is trialling a form of behaviour bond and that Queensland has a three strikes policy as a means to curtail tenant behaviour that is unacceptable. The DNF is uneasy about these kinds of approaches because there are times when a lack of understanding or low access to support for people with disability could contribute to the perception that the behaviour of a person with disability is unacceptable.

The DNF believes that holistic support for people in Social Housing is preferable to punitive action. Punitive action may over-react to the experiences of people with disability who have recently left

NSW DISABILITY NETWORK FORUM

institutionalised care and have fewer social skills or those who experience episodic events due to mental ill health.

The DNF notes that holistic support is currently more available in some areas than others. For instance, in some geographical areas FaCS have made concerted efforts to work together with other services (e.g., MOUs with a variety of health services) for advice on working with tenants with complex needs and to provide more holistic support. However, efforts for partnerships for more coordinated responses by FaCS and other services are weaker in other geographical areas. These gaps need to be addressed.

Similarly, the DNF believes that FaCS staff would benefit from capacity building and access to expertise on working with tenants with complex needs, to improve communication and encourage referrals so people are linked with the supports in a range of areas including mental health, community and legal support.

Recommendation 5

Family and Community Services NSW promote the approach of FaCS districts that work together with other services to provide holistic support. This promotion could include training on developing MOUs and the distribution of success stories to encourage a whole of NSW approach.

Recommendation 6

FaCS provides staff with opportunities to build their capacity to work with clients with complex needs.

Recommendation 7

FaCS Districts provide regular training and updated information on referral pathways to local services so staff have access to expertise and the ability to link clients with necessary and appropriate support.

Sustainability

The DNF acknowledges that this process is seeking to increase the sustainability of the Social Housing. While this is an admirable goal, it is important to note that Social Housing is a much sought after safety net because private options do not work well for many people including those with disability.

For this reason, the DNF cautions the use of systems that mirror private market dynamics, such as alternative rent models that encourage bidding for sought-after properties. The DNF is concerned that such a system will constrain access to social housing for people with disability—especially if competition favoured people's capacity to pay higher rents.

The DNF acknowledges that increasing the sustainability of Social Housing is a long term goal. The DNF looks forward to continuing to participate in this process, and to work with FaCS and other stakeholders to encourage a system that encourages positive outcomes for people with disability because of the solid foundation secure, accessible and affordable housing provides.