
**Response to the National Disability Insurance Agency
(NDIA) Specialist Disability Accommodation (SDA) Pricing
and Payment Framework**

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

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About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability. The organisation's motto is "nothing about us without us." QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability. All of QDN's voting members are people with disability.

This submission is informed by feedback from QDN's 700 plus members and 500 supporters. In particular the feedback is informed by QDN's Housing Champions, 21 members with disability located across the state who have a dedicated interest in securing accessible, affordable housing for Queenslanders with disability.

Value Statement on People with Disability

QDN's work in providing feedback and input into systemic policy issues is based upon the organisation's core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

- all people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society
- the place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens, where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents and their lived experiences of disability are recognised and acknowledged
- culturally and historically, people with disability are not afforded the same value, opportunities or access to community life
- any inclusion in community for people with disability is conditional and vulnerable to withdrawal
- many people with disability in Queensland are excluded from the most basic experiences of ordinary lives
- current exclusionary practices are unacceptable and must be challenged
- these issues affect not only people with disability but the whole community

- the responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.

Policy Overview

The Specialist Disability Accommodation (SDA) Pricing and Payments Framework was endorsed by the Disability Reform Council in November, 2015. The Framework will guide the National Disability Insurance Agency as it develops pricing for SDA contributions.

The Framework also provides guidance regarding eligibility, registration and quality and safeguards for SDA. The policy intent of the Framework is to establish a competitive price that attracts market players to supply new and appropriate dwelling stock. It also considers the need for stability in the transition from existing SDA arrangements to the National Disability Insurance Scheme (NDIS).

The Framework sets out specific calculations for the dwelling price (cost of housing), benchmark cost (the payment made to each participant) and the opportunity cost component (economic term meaning to use scarce resources effectively):

- **Dwelling price** = Consumption cost + Opportunity cost of capital + Cost of ownership – land price inflation – resident rent contributions (25% of Centrelink payment + Commonwealth Rent Assistance from all participants in dwelling)
- **Benchmark price** = Dwelling price/ Anticipated number of dwelling residents
- **Opportunity cost component** = value of asset-base x weighted average cost of capital (NB: the weighted average cost of capital will be set by the Agency at a single national rate).

Context

Housing is a key issue for QDN members. QDN believes people with disability having access to housing that is both accessible and affordable is fundamental to the success of the NDIS, particularly in regard to achievement of the key NDIS principles of choice and control and economic and social participation. This policy response is also informed by work that QDN has undertaken in partnership with Griffith University and National Shelter to develop a position statement on housing for people with disability that facilitates their independence, social and economic participation and full inclusion in the mainstream community.

QDN's housing vision

QDN believes people with disability have the same right as other citizens to have appropriate and relevant housing options and choices available to them that are inclusive, accessible, safe and affordable. This right is enshrined in the United Nations Convention on

the Rights of Persons with Disability (CRPD), 2006 and the National Disability Strategy (2011) which states people with disability have the right to:

- An adequate standard of living with adequate food, clothing and housing and to the continuous improvement of living conditions; and
- Choose their place of residence: where and with whom they live on an equal basis with others
- Access to affordable and secure housing across all tenures

This means that the living situations of people with disability should be similar to those on offer to the general community. The differences would only emerge in the areas of home modification and in the support that may be required to live in a home of one's own. QDN believes people with disability have the right to establish homes that are their own private spaces, reflective of their individual personal tastes and choices that embody a place to call home.

To make the vision a reality QDN has developed four key principles, detailed below, to guide the provision of housing across the public and private sectors, going forward. The vision and principles were developed at a QDN members' forum convened 3 December, 2015 - International Day of People with Disability. Forty-five QDN members and allies gathered in Brisbane to discuss QDN's housing policy platform.

Housing Principles

QDN's four Housing Principles are based on international human rights conventions and treaties to which Australia is a signatory, the National Disability Strategy and core NDIS principles of choice, control and economic and social participation. These principles include:

- **Rights:** People with disability have the right to access quality housing and are assisted to exercise their rights when needed.
- **Choice:** People with disability choose where, how and with whom they live.
- **Inclusion:** People with disability access appropriate housing which enhances independence and social and economic participation in family and community life.
- **Control:** Management of housing is kept separate from the provision of support.

Applying the principles to Specialist Disability Accommodation

QDN has applied the housing principles to the SDA Pricing and Payment Framework to assess how closely the SDA reflects community norms and standards, ensures participants residing in this housing type have their rights and choices upheld, are included in the community and have their accommodation safeguarded through the separation of the management of their housing from the provision of support.

Overall, QDN believes the SDA Framework needs to encompass the following elements:

- A person having the right to choose quality housing that fits with their lifestyle choices and community preferences and is based on individual needs.
- Housing options which enhance a person's social and economic participation in community with the person having choice and control around their housing option, to maximise their social inclusion, rather than the option being decided upon because of its cost effectiveness.
- Mechanisms that empower people to choose where they live and with whom they reside.
- Clear statements in regard to the separation of the management of housing and support, to reflect the differences in the landlord and support service roles, to be explicitly stated as a reflection of 'normal' community practise and as a safeguard around the rights of people with disability.
- Strategies to promote and fund a diverse range of innovative, community based housing options targeted to the specific needs of people with disability who have high and complex support needs.

SDA Target group

In reviewing the Framework QDN members are concerned about a number of issues relating to the target group, as currently defined in the Framework. Members strongly felt wording around the target group doesn't align with the housing principles that QDN has developed or reflect key NDIS principles of choice and control and social and economic participation.

QDN members are particularly concerned about the second target group identified in the Framework, *People with high and complex needs requiring high cost accommodation support* and the assumption that this group needs to be mainly supported in group home arrangements, because the high cost of their support arrangements needs to be met via group living situations which allows for the pooling of some group support hours to maximise cost efficiencies. QDN members reinforced that a range of innovative housing options currently exist which cater for more individualised housing options whilst having support models that are both individualised and cost effective.

QDN draws the NDIA's attention to innovative models in Queensland such as Bespoke Lifestyles, who support people with high support needs to live independent lives in the community in housing of their choice.

QDN member feedback indicates that currently there is a cohort of people in group arrangements who prefer to live in different, more individualised housing options and/or their service providers support this happening. Both parties agree a similar living arrangement would better meet the person's goals, personality, behaviour and support needs.

Additionally, members reinforced it is most important that the Framework promote and support a much broader range of innovative housing options for this group, that reflect the key NDIS principles of rights, choice and social and economic participation, rather than replicating current group home arrangements.

Participants for whom specialist disability accommodation is reasonable and necessary

QDN notes that the target group covered under the SDA in this section only includes existing people in the current group home system. How will those who currently do not get any services be included?

Participants who require a specialist built form

QDN recommends that the list in point 68 of the Framework be either:

- Expanded to include further diagnoses, such as spina bifida and various sensory impairments; or
- Deleted altogether as the Framework already defines participants for whom SDA is reasonable and necessary.

Resident rent contributions

QDN is pleased that the Framework articulates that rent will be calculated separate from board. QDN agrees that this makes the price for accommodation more transparent for people with disability and will be a shift in practice for most providers. It also lays the groundwork in establishing tenancy agreements and rights for people that are separate from support arrangements.

Strategies to stimulate innovative housing verses a modified market

QDN cautions that this market needs to be more than just current group home housing stock. An overall approach needs to include a range of ways to stimulate the housing market in a parallel process with recent developments of high density housing across the nation.

QDN supports strategies put forward at the recent Griffith University Symposium: *“Housing for people with disability: a place to call home”* to stimulate a range of housing in inner city and suburban locations in metropolitan, regional and rural locations. These include:

- Mandating inclusionary zoning – a requirement to build accessible and affordable housing as a condition of planning approval. Accessible and affordable housing is located and integrated within market priced housing development;
- Having an integrated policy response: taxation, cost-effective government investment, urban planning and social housing policies; and
- Opening pathways to home ownership – shared equity models, housing trusts, government loans.

Maintaining NDIS principles of choice and control

The SDA Pricing and Payment Framework clearly articulates the following in point 12:

NDIS funding for specialist disability accommodation is attached to participants and it is portable. That is, participants will have the ability to move between accommodation providers and their funding will also move. Participants will not be penalised for changes to their accommodation (such as provider, location and/or configuration). However, their accommodation choices will be constrained by market supply and an assessment by the NDIA of their reasonable and necessary needs. There may be adjustments to participants' funding as a result of their choices due to the factors/weightings outlined in this Framework.

While QDN applauds the portability of funding, there was some confusion among members about how this will work in practical terms. For example, if a participant decides they no longer wish to live with their co-tenants, how will they easily be able to move out when their funding has contributed to the purchase of a property? Will they need to be 'bought out' of the property by the remaining participants before they move out? Will they need to wait until another co-tenant is found to take their place? Is there going to be a ready supply of other suitable properties for the participant to move to? Will the participant be forced to stay in a less desirable scenario because there are no other viable options? Will this replicate other group home models that already exist?

Choosing with whom you live - QDN believes for the SDA Framework to reflect key NDIS principles, it is crucial that participants have as much choice as possible regarding where and with whom they live.

QDN questions who makes the policy around who lives together and on what basis? QDN Housing Champions were clear that people with disability should not be moved from house to house or region to region based on decisions of a service provider around housing economic viability or viable support arrangements or other service management issues.

This means that in the event a 'vacancy' arises in SDA, there is considered thought put into ensuring a suitable household match with a new tenant and that all parties, including the person, any informal or formal decision makers, and/or their advocate have a say when a potential new tenant is introduced. This should be reflective of share houses in the general community and could include processes such as:

- **New tenant interviews:** conducted by existing tenants and their supporters to help determine suitability, compatibility, gender and lifestyle considerations of potential tenants. The interview process could also be an opportunity to articulate house rules, responsibilities/expected chores of each tenant, shared costs, utilities etc.
- **Share house agreement:** an informal document between tenants outlining agreed house rules and responsibilities, shared costs etc.

- **Trial periods:** tenants are encouraged to trial living together for a set period and can “opt-out” at the end of the period with no repercussions or penalties or loss of their original housing arrangement.
- **Procedures in place for dealing with possible tenant conflict/abuse:** at a tenancy management level there needs to be clear procedures in place for dealing with (and possibly reporting) tenant conflict and abuse, including the provision to quickly end a shared tenancy in the instance of tenant-tenant abuse or violence.

Cashing out of Specialist Disability Accommodation – possibility of home ownership

Many QDN members, like many Australians, have aspirations of home ownership. As part of our consultation process, members asked whether there would be an option to “cash out” of SDA and use the lump sum payment to pay off a mortgage. This option may also work for people who may need to live in specialist accommodation but do not wish to, or cannot live with other people with disability due to the nature of their disability.

QDN members also raised the issue of people who acquire a disability being forced out of the housing market due to:

- a. Their need for SDA which cannot be provided by their current housing or the private rental or home ownership markets due to low availability of affordable, accessible housing (including universal design) features; and
- b. Being unable to maintain employment and keep up with mortgage repayments. Currently people are only able to engage in the public housing system once they have been forced out of home ownership, thus leading to a greater risk of homelessness. There is no option for transition.

Shared equity models could provide a safety net and quick intervention for people in this situation. It also keeps people in their own homes and avoids putting pressure on the public and private rental markets. The SDA Pricing and Payment Framework has the potential to assist people to modify and buy their own homes and ensure their social and economic participation in the community.

Separation of the landlord and support role and tenancy rights

It is important that the management of accommodation is kept separate from the provision of support – QDN’s fourth housing principle. This ensures that if a person has a problem with their service provider, their housing will not be affected as they have the security of a lease. Separating housing and support also works in reverse insofar as if a person does lose their housing, they still have access to necessary support services.

QDN believes that every person living in specialist disability accommodation should have tenancy rights equivalent to people in the general community who rent in the public or private market. These rights should be clearly stated in a Tenancy Agreement and be lodged

with the appropriate local tenancy authority, similar to tenancy agreements in the general community.

There is also need for specialist advocacy support through local tenancy authorities to assist people with disability with tenant advocacy matters, including support to appear at a Tribunal around tenancy-related issues. This ensures people's rights as tenants are upheld and is a crucial first step in ensuring the management of housing is kept separate from the provision of support.

Tenancy agreements need to be negotiated with each individual occupant of SDA with specific provisions around portability of funding and how potential changes to their accommodation (such as provider, location and/or configuration) will be negotiated, streamlined and not attract penalty.

Frequency and timeframe of payments

Frequency and timeframe of payments should be negotiated with each individual participant residing in SDA, dependent on their individual needs and circumstances. For example, annual payments may suit some people; however, quarterly, monthly or even fortnightly payments may be more suited to people managing rental or mortgage repayments. QDN members and Housing Champions were pleased that there was an option for payments to be made directly to individuals who are self-managing their NDIS supports.

Location of accommodation

QDN members strongly believe that SDA needs to be in locations that support a participant's economic and social participation. As such, it should not be on the outskirts of the city or town, far away from a person's family or friends (informal supports). Nor should it be located in areas with no public transport or other infrastructure and amenities.

Additionally, QDN members were adamant that specialist disability housing should be planned so that:

- The style of the housing blends into other housing in the area (ie it didn't look visibly different)
- Specialist disability housing is part of a mix of different housing types and tenures: units, town houses, houses, public/private rental, home ownership in the same area so that it doesn't become "ghettoised", marginalised or institutionalised.
- There is opportunity for participants living in specialist disability housing to be welcomed, active members of communities of their choosing and achieve full social and economic participation.

Conclusion

QDN welcomes the opportunity to provide this response to the NDIA SDA Pricing and Payment Framework. QDN urges the NDIA to ensure that the model of Specialist Disability Accommodation strongly reflects the NDIS principles of choice and control and social and economic participation.

QDN calls upon the NDIA and other housing partners to support our vision for housing and four principles and to use these to guide positive housing solutions for people with disability as the NDIS rolls out in Queensland.

Furthermore QDN believes that SDA for people who are supported through the NDIS needs to complement housing approaches for all Australians with disability – a much larger cohort of people with similar housing goals - accessible, affordable and safe housing matched to their needs and choices and provided in a manner that safeguards their rights as tenants or home owners. This expectation is clearly enshrined in the United Nations Convention on the Rights of Persons with Disability (CRPD), 2006 and the National Disability Strategy (2011).

QDN notes that current Commonwealth, State and Territory governments are currently grappling with how they can deliver on the Strategy. As such, QDN recommends that the overarching issue of accessible, affordable housing, and SDA as a component of this, in delivering on the National Disability Strategy be placed as a standing item on Council of Australian Governments' (COAG) Disability Reform Agenda. QDN urges State, Territory and Commonwealth Governments to work collaboratively to address both housing components in an integrated, collaborative manner. This is a fundamental survival issue for Australians with disability.

QDN acknowledges the role and work of our members, Housing Champions and allies in formulating this response and looks forward to further opportunities to contribute to the NDIA and housing policy landscape.

Queenslanders with Disability Network – 10 March 2016