

Submission - Consultation RIS:

Proposal to include minimum accessibility standards for housing in the National Construction Code

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

Submitted to the Australian Building Codes Board
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About Queenslanders with Disability Network (QDN)

Queenslanders with Disability Network (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 over 2,000 members and supporters who provide information, feedback and views from a consumer perspective to inform systemic disability policy and disability advocacy. This submission is informed by the lived experience of our members and supporters.

Introduction

QDN welcomes the opportunity to make a submission to the Consultation Regulation Impact Statement on the proposal to include minimum accessibility standards for housing in the National Construction Code.

In making our submission, QDN supports the objective of the RIS to ensure that new housing is designed to meet the needs of the community including older Australians and others with mobility limitations. The notion of purpose building homes for people with specific needs is limiting – the universality of making all new homes accessible ensures accessibility for all people, as they move through all stages of their lives.

QDN fully supports the comprehensive response to the RIS made by the Australian Network for Universal Housing Design, acknowledges the commitment and expertise of the network, and echoes their belief that homes built for today should be fit for all tomorrow's Australians.

QDN also supports the submission by the Melbourne Institute of Disability and Summer Foundation *Accessible Housing the Way Forward*. The size of the survey response, and the power of the nearly 1,200 voices of people with disability throughout Australia and their experiences with both accessible and inaccessible housing need to inform the RIS consultation process.

QDN notes the principle of symmetry in the reporting of costs and benefits in the Dalton/Carter Report prepared to assist with responses to the RIS, with all social benefits being counted as well as the costs. Initial accessibility costs occur at the time of building, however the benefits for people who live in those houses are ongoing throughout both their lives and the life of the dwelling.

The analysis of the RIS should consider a range of facts in the analysis of cost benefit, as the unquantified benefit to people with disability in terms of quality of life, well-being and mental health, social inclusion, economic participation and reduced reliance of social welfare is an important consideration not only for individuals with disability but also extend to people's families, carers and supporters. It is therefore strongly suggested that qualitative information which captures the lived experience of people with disability and the impact on their lives both when they have suitable housing and when they do not forms part of the consideration of this vital topic, as suggested by the COAG Principles of Best Practice Regulation 3 – adopting the option that generates the greatest net benefit for the community.

QDN also acknowledges Australia's commitments to upholding the United Nations Convention on the Rights of Persons with Disability (CRPD) and the National Disability Strategy 2010-2020 (NDS).

Australia is a party to the CRPD, which recognises the equal right of all persons with disabilities to live in the community, with choices equal to others. In relation to accessibility, people with disabilities should be

enabled to live independently and participate fully in all aspects of life, and parties to the Convention are to take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, are to apply to housing.

Areas for action in the National Disability Strategy (NDS) include all levels of government developing approaches to increase the provision of universal design in public and private housing in both new builds and modification of existing stock and promoting universal design principles in procurement.

More than 4.4 million people in Australia have a disability. This equates to almost one in five Australians. It is broadly acknowledged that people with disability face risks, barriers and impacts in relation to many areas of their lives. This relates not only to their health and disability needs, but is also impacted by individual and contextual factors such as age, gender, socio-economic status, family environment, where someone lives, whether they are Aboriginal or Torres Strait Islander and whether they are from culturally and linguistically diverse backgrounds.

Housing is a fundamental need and human right, and key to enabling people with disability to be included in community and family life, and to participate fully as citizens within Australian society. Historically, people with disability have experienced a likelihood to have lower incomes than the general population, an increase in housing stress, a lack of accessible private and public housing, the failure of the building industry to take up universal housing design, the inability to afford modified housing, assumptions about the need for institutional and congregate care, and difficulty negotiating and advocating within the housing sector.

QDN value statement

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.

QDN's Housing Principles

QDN's housing principles have been informed and developed by and for people with disability and guide QDN's work. The key principles include:

Rights

People with disability have the same rights to housing assistance as other people and should be supported to exercise those rights. This means:

- Housing is designed to enable family and friends with disability to visit.

Choice

People with disability choose where, how and with whom they live. This means:

- People can afford to live in housing suitable to their needs
- People can make informed decisions about their housing choices.

Inclusion

Housing enhances the independence and social and economic participation of people in family and community life. This means:

- Housing is non-congregate and encourage a mix of occupants with and without disability in housing developments
- Housing is located within communities close to amenities and services
- Housing is designed to meet the principles of universal housing design as developed in the Liveable Housing Design Guidelines and incorporates assistive technology as needed
- Queenslanders are educated and aware of benefits of universal housing design and the need to include people with disability in local communities.

Control

The provision and management of housing is separate from the provision and management of paid support. This means:

- Housing is primarily a person's home, not someone else's workplace
- A person can change their housing without affecting their support arrangements.

QDN's response to the RIS is informed by Queenslanders with disability, including QDN's 2,000+ strong membership and support base and QDN's 20 Local Support Groups across the state. Members have long identified housing as their single highest priority – people want homes that are their own private spaces and reflective of their individual personal tastes and choices. They want a place to call home, a reflection of

their rights, choice, inclusion and control. This is a normal wish, taken for granted by the general community, rather than a special need by a particular cohort.

QDN supports Option 2 – Accessibility standard, broadly reflecting LHDG gold standard, in the NCC applying to all new Class 1a and Class 2 buildings.

Option 2 would deliver the most cost-effective option in terms of functionality for people who use wheelchairs.

Rights

People with disability have the same rights to housing as other people and should be supported to exercise those rights. This means housing should be designed to enable family and friends with disability to visit. Not only should people with disability live in houses that are accessible, they should not be isolated in their homes – they should be able to visit friends and family without limitation.

Accessible housing should not be built for a particular cohort of people – it should be available to all people throughout all stages of their lives, to live in, to work in, and to visit and socialise in. People should have the right and ability to remain in their homes and build and maintain connections and relationships with their local communities, their families and friends.

“Everybody no matter who they are wants a place of their own to live. That means different things to different people.”

Gary, QDN member

Housing is a fundamental need and human right and key to enabling people with disability and our ageing population to be included in community and family life and to participate fully as citizens within Australian society. This includes the ability of persons with a disability to visit the homes of family, friends and neighbours and that these houses have the facilities to welcome them in. In everyone’s life there will be some time when we are incapacitated temporarily or permanently. Disability is a common thread in society. Almost everyone is temporarily or permanently impaired at some point in life and those who survive to old age will experience increasing difficulties in functioning. Disability is a complex, dynamic, multidimensional issue and housing accessibility affects many cohorts, such as pregnant women, parent with prams, toddlers, and people with illness or injuries such as broken limbs, knee and hip replacements, seniors. Everyone will need accessible housing at different times in their lives.

Not only do people live in their own homes, they change their homes, move during their lives and visit other people’s homes as part of participating in family and community life. This means the access needs of dwellings throughout people’s lifecycle must be considered as part of our urban infrastructure, rather than just as an item to build and sell.

Also important to consider is that people with disability and their housing requirements should not be considered in isolation – people have partners, children and families, and the benefits that accrue to family and extended networks must also be taken into account.

Supply

Despite considerable work, consultation and calls over successive years for the development of innovative housing options, there remains a significant shortage of suitable accommodation options for people with disability. The National Dialogue for Universal Housing Design in 2010 committed that all new housing would be built to an agreed universal design standard by 2020. The housing industry has not changed its practices however, nor met targets – it is now 2020 and this is proof that unless mandated, universal design will not be adopted.

The National Disability Strategy clearly articulates the need to act to address the housing needs of people with disability. The establishment of the NDIS has further highlighted the great unmet need in housing for people with disability in Queensland. While the NDIS encourages greater investment in housing for people and will fund some home modifications for individuals, the cost of accessibility regulation failure will ultimately be borne by the individual or taxpayers. The lack of commitment to considerations for accessibility over the last two decades adds to the current impacts of our housing crisis and as more of baby boomers retire and their health decreases, this will highlight the lack of accessible housing even more critically.

The living arrangements of people with disability are also a key area of inquiry for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The initial focus is on group homes, however the experiences of people with disability who live in other types of accommodation will be explored in future. Concerns in relation to group homes remain, as they are a common form of accommodation for people with disability. They remain a less than optimal option for many however, and do not achieve the principles of inclusion and involvement in local communities.

The current environment offers a unique opportunity for government, industry, business and the community sector to show strong leadership and work collaboratively with people with disability and their families and carers to drive reforms that deliver improved housing for Australians with a disability. The collaboration of all invested parties will create these much-needed changes.

“The adoption of Universal Design standards works for everyone at every life stage. The inclusion of simple and low cost features at the time of construction is an important part of making homes accessible for everyone. This hasn’t happened voluntarily so we need to push for changes to the Building Code”

Wendy, Queensland Action for Universal Housing Design and QDN member

QDN supports a policy response to the combination of Option 5 (a subsidy program to encourage availability of accessible rental properties) with Options 1 (Silver standard) and Option 2 (Gold standard) being assessed with a view to matching suitable housing with prospective tenants.

Private rental housing

Access to private rental is extremely limited for people with disability, both in terms of availability, suitability and accessibility. Anglicare Australia’s *Rental Affordability Snapshot (Special update August 2020)* highlights the lived experience of people on low income looking for housing. A person on the Age

Pension can afford less than 1 percent of rentals, while a person on the Disability Support Pension can afford 0.2%. Adding accessibility suitability to those rates makes it clear that there are minimal housing options available in the private rental market for people with disability.

While Jobkeeper has provided many with additional financial support throughout the COVID-19 pandemic, this support has not been extended to people in receipt of disability support and aged care pensions, leaving them unable to compete with others for affordable rental housing.

Under the *Disability Discrimination Act 1992*, tenants have the right to modify a rental property within reason, however they are obliged to remove the modifications at the end of their tenancy. Many tenants are understandably unwilling to make this commitment without security of tenure, and landlords have been found to be reluctant to agree to modifications to make the dwelling more appropriate, even though they are not obliged to pay for them. Given the competition with the lack of affordable housing availability outlined above, it is reduced likelihood that many owners will accept applications from prospective renters where modifications are required.

In the recently published *My Disability Matters*, QDN's 2020 Queensland State Election Policy Platform, QDN calls for investment in the establishment of a community based online Housing Hub to promote available accessible housing options and connect people with disability with others looking to share housing. This initiative, in partnership with people with disability, peak bodies and the private sector proposes the inclusion of an Accessibility Disclosure Scheme to deliver property listings that align with accessible housing design requirements and enable people with disability to find properties that meet their disability needs.

This proposal aligns with the Dalton/Carter Report encouraging a match between accessible housing stock and those seeking supply as central to the calculation of net benefit, and the suggestion that a combination of options proposed in the RIS could be desirable.

"We live, learn and earn in our community. We need to be able to live in our community. We need accessible housing. It's about the whole community. It's about living with people."

Matt, QDN member

Social Housing

Due to the high cost of housing, many people with disability need access to a range of public and community social housing arrangements, with 51% of public housing households having at least one tenant with disability. Despite recent Queensland Government investment, present stock of accessible social housing remains inadequate. To effectively allow people with disability to transition from inappropriate housing, including residential aged care facilities, and reduce the number of people experiencing homelessness, greater funding of an accessing range of social housing is desperately required.

The Australian Government *Younger People in Residential Aged Care – Action Plan* acknowledges younger people under 65, including a proportion of people under 45, with disability living in aged care who have been unable to locate suitable accessible housing options, who have moved into residential aged care as a last resort. Aged care is clearly unsuitable for young people with disability. The plan details Australian

Institute of Health and Welfare data demonstrating the number of people both entering and exiting aged care remain similar, with no improvement in terms of reducing numbers overall.

Accessible social housing will allow residents to age in place, reducing the disruption of needing to move home through different life stages – not only does this reduce disruption in people’s lives, allowing them long term security and capacity to remain in their home, but reduces entry and exit costs and the need to continually seek out more appropriate housing, requiring people to move through the housing system as their needs change.

The needs of people with disability must be incorporated in the planning, design, and delivery of social housing. We reinforce the need for all new social housing to be designed to LHA Gold standard or above, with the understanding that good design for people with disability is good design for everyone.

“I lived most of my life in an institution in Brisbane, and as part of the deinstitutionalisation process, I came to initially share a place in the community, and then, after some work and some time I was able to secure a property through public housing.

Before I moved here, I moved five times in two and a half years, I shifted dwellings because of short term leases and disability access. I have been here for 24 years, and the upside is if you get it right, the long-term benefits cascade for people.

Having the security that is having a home meant that I could focus on other things that were important to me. I wanted to work, to study and to have a family.”

Nigel, QDN Chair

Ageing in Place

By 2050, over 3.5 million Australians will access aged care each year with around 80 per cent of the services delivered in people’s homes and local communities. For the last two decades, successive Commonwealth and State governments have pursued a general policy direction of 'ageing in place'. This and other issues have led to a greater emphasis on keeping elderly and frail people in their home or family settings for as long as possible via the provision of home care services. Accessible housing is the key to the success and sustainability of this initiative.

Financial Barriers

Financial barriers also impact upon the access and affordability of housing for people with disability. People with a disability are more likely to have lower incomes than the general population and as a result experience an increase in housing stress. The lack of accessible private and public housing; the delay of the building industry in adopting universal housing design; the inability to afford modified housing; assumptions about the need for institutional and congregate care: difficulty negotiating and advocating within the housing system, particularly for those with complex needs are all barriers to people living a reasonable life.

Costs will accrue and increase due to accidents at home and hospital intakes, delayed hospital discharges, extra community services that result from unsafe and poorly designed housing. These costs are shouldered mostly by the public health system. People not eligible for National Disability Insurance Scheme (NDIS) or other funding assistance are required to bear these costs directly. This is a heavy impost that many will not be able to afford, and this will have many psychosocial impacts that come with other associated costs.

Costs associated with accessible modifications are often highlighted as a reason not to implement these reforms. However, small changes to design can have minimal impacts on the long term returns of not having to retrofit and make modifications, as well as the return on investment in terms of health, and wellbeing.

Access to housing during COVID-19

Accessible and affordable housing is a significant issue for people with disability that has been made more challenging during the COVID-19 emergency period.

In Queensland, a range of rapid responses were put in place to ensure people experiencing homelessness were safe and had priority access to emergency housing as the COVID-19 pandemic hit. It is essential that people with disability can exercise choice and control in terms of their accommodation arrangements and are not prevented from living in their existing homes in the future due to lack of accessibility. It is common for people requiring mobility aids to remain in hospital long after it is medically necessary as their homes are no longer physically safe in terms of accessibility to return to.

Personal stories

Wendy, QDN member

“Although we live in the same city, I am virtually a stranger to my niece and nephews. They have lived in a series of ordinary family homes, moving in response to growing family needs or nearer to school or work. Never over their lifetimes has there been the possibility of my bounding in to scoop them up in a hug, share cooking, creating and homework, bath time or any of the many activities of ordinary daily family life.

Why?

Because in all cases their ordinary home has not had the accessibility features to support a visit from their aunt in a wheelchair and all that entails. Visiting, if it occurs at all, has been limited to the garden or the veranda, as the only accessible place where parties and other family gatherings can be held. However, as I'm unable to enter the house I'm also not able to access the bathroom, limiting visits in time and spontaneity. The outcome is feelings of awkwardness and isolation.

Many people are similarly limited to meeting friends and family in public places and spaces such as shopping centres and art galleries as these have mandated features providing safe and dignified use and access by all.

I have been a member of a Book Club for almost fifteen years. We have evolved into a tight knit group who have together navigated births, marriages, separation, illness, renovations and meet regularly to share wine, cheese and stories. Originally established in a bookshop, on its closure a new venue was sought. Eventually, cafes and restaurants becoming too expensive or too constrained we discussed visiting each other's homes, a different member hosting each month. With one of our group in a wheelchair an accessibility review of each person's home resulting in only one person from the seven having a home that was equally accessible to all, predictably that of the person in the wheelchair, although two others had homes that were accessible through the garage. Imagine our delight when one evening on arrival there was a handcrafted plywood ramp enabling access with the proud pronouncement that “Everybody should be able to come in through our front door!” And now we all do just that on a regular basis.

I have recently had the opportunity to move into a brand new accessible apartment as part of a Specialist Disability Accommodation project through the NDIS. Without this opportunity it has been a lengthy search over many years to find an appropriate housing solution.

As a person with a progressive neurological condition it is important that my new home is supportive of my current needs as well as adaptable to respond to the future. Finally, I have the opportunity to live as an ordinary neighbour in an ordinary apartment setting and while being able to receive the support that I need I am able to look forward to retaining my place in the ordinary community. Without an increase in properties with simple accessible features this will not be possible.

My parents now live in an independent living retirement model, making their home visitable with step-free entry, wider doorways, open plan design with no hallways, and step-free bathroom.

Participating in the ordinary pattern of life

For more than a decade there has been discussions about the need for greater stock of accessible housing to appropriately provide homes for all people through all stages of their lives. The voluntary pursuit

So often it is by responding to the needs of people with disabilities that the way is smoothed for all to follow. Through the advent of the Disability (Access to Premises) Standards in 2010 access to public places and spaces has been mandated, making visiting those easier for all. Similarly the Disability Standards for Public Transport, through mandating safety and space and seating provision for people with disability has resulted in greater safety and space provision for people through all stages of life, from families with prams, with bicycles and scooters, injuries, through to those with poor balance and relying on the use of mobility aids.

The fashion of open plan design, creating homes that have a seductive indoor to outdoor flow with step free entries and spacious bathrooms create a barrier free home environment for all to enjoy but we cannot rely on fashion alone to provide these features because fashion is fickle and can change in a heartbeat. Simple affordable accessibility features must be mandated in order to progressively increase the stock of housing from which people, regardless of their needs, can enjoy an ordinary housing career of choice and affordability.

John, QDN Board member

I am an old coot (62) who is a high-level paraplegic. I have a spinal cord injury, use a manual wheelchair and life phases. I self-manage as an NDIS participant.

My wife and I own our house and live in a war services home of 1967 vintage that was built by DVA for a disabled veteran who used a wheelchair (now deceased). It took my wife and I 18 months of searching and another family suffering the loss of a husband, father and grandfather before we could find an accessible house to purchase. As we were both employed full time, we did not qualify for a Housing Commission dwelling.

The house has a step free entry and open floor plan, with a large bathroom / toilet. The house has excellent access because it was built to an accessible standard by DVA.

I could not hold down a full-time job without accessible secure housing. My life is based at my home. Without it I would be in dire straits.

While people can visit me at home, I cannot visit them at home. This is very isolating.

In my view it should be a legislative requirement for all new housing to be accessible, rather than voluntary as the housing industry completely reneged on its commitments to meet voluntary standards. Without regulation we will continue to suffer the indignities of housing disadvantage.