



# Disability Rights Advocacy Service Inc

Safeguarding and promoting the rights and interests of people with disability, their families

## SUBMISSION TO THE ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY

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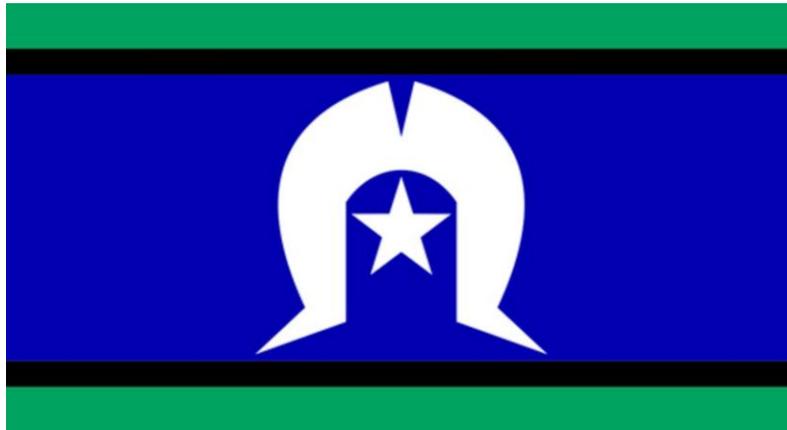
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## **Acknowledgement of Country**



The Disability Rights Advocacy Service Inc acknowledges that this submission was completed on Kurna Land. We pay our respects to Elders past, present and emerging. We recognise the continuing relationship with the lands and seas and connection to culture.

Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku, parnaku yaitya, parnaku tapa puru purruna.  
Kurna Miyurna ithu yaitya purruna, yarta kuma puru martinhi, puru warri-apinhi, puru tangka martulayinhi.



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## **Background**

Disability Rights Advocacy Service is part of a national network of disability advocacy organisations funded by the Australian Government Department of Social Services to provide individual advocacy, individual capacity-building and systemic advocacy for persons with disability. We service three areas in South Australia, representing people who reside within greater metropolitan Adelaide, the Adelaide Hills and Murray Bridge, the South-East and Coorong region, and the Riverland.

As part of our work our advocates frequently liaise with clients who are homeless, facing homelessness, or trying to access housing.

In putting together this submission we have reviewed key research and interviewed advocates, surveyed persons with disability and their carers, and spoken to housing organisations and government officials. We argue that Australia's current housing policies are neglectful of persons with disability.



## Affordability and access

1. As an advocacy service we are seeing an influx of people with disability accessing our services to get assistance due to them facing homelessness, eviction or living in unsuitable housing. Mean house prices in South Australia are \$614,300 according to the ABS as of December 2021<sup>1</sup>, whereas rental prices are \$465 for houses and \$380 for units as of March 2022.<sup>2</sup> From our experience these prices are pushing many out of the private housing market, particularly persons with disabilities, people on income support, single parents, new migrants and refugees. We are seeing a lack of access particularly for people with 'invisible' disability, such as psychosocial, intellectual, sensory or behavioural disabilities or brain injuries.
2. Social housing is struggling to keep up with the demand of access requests. The South Australian Housing Authority (SAHA) has confirmed that up to 17,000 people are on their waitlist with limited vacancies per year. We are concerned that many of our clients on Category 1 (the highest category) face several years of waiting to get into social housing.
3. As an advocacy service we have also experienced a lack of collaboration between public and community housing in assisting individuals and families to obtain a house, with unclear guidance around who is responsible, and back-and-forth between housing associations.
4. While we acknowledge that social housing is not emergency accommodation, we note with concern that crisis accommodation is often inaccessible for persons with disabilities, so is not an alternative option to secure housing.
5. At the same time as the cost of purchasing a house or renting privately has increased, wages and income support have not kept up. Analysts also fear that the increasing interest rates will have an increased impact on rising house costs.
6. The current public and community housing stock is also not meeting the housing demand and investment has declined over time. Across 2001-2020 the share of public housing in South Australia declined from up to 50,000 to 30,000 places.<sup>3</sup>
7. Some people with disability may be able to get access to Specialist Disability Accommodation (SDA) or Supported Independent Living (SIL) if this is included in their NDIS Plan. However, many people with disability do not have access to the NDIS. For example, there is an estimated four million people living with disability in Australia and only 500,000 people on the NDIS.
8. There is also only a limited number of NDIS participants that have been approved to have SDA or SIL included in their NDIS Plan. The cost of SDA or SIL is out of reach for persons with disability unless they can get the cost covered in some other way. This means that many persons with disabilities who may benefit from SIL or SDA do not have access to this type of accommodation due to financial and administrative barriers.
9. Another housing alternative that has been used, particularly for children or teenagers, is to house persons with disability in Aged Care facilities. This has not been an ideal situation, particularly for younger people who are not able to develop social networks with their peers. This has often led to social isolation of young people with disability.

<sup>1</sup> [Residential Property Price Indexes: Eight Capital Cities, December 2021 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/statistics/property-price-indexes/eight-capital-cities-december-2021)

<sup>2</sup> [Domain Rental Report - March 2022 | Domain](https://www.domain.com.au/reports/rental-report-march-2022)

<sup>3</sup> South Australian Council of Social Services, Submission to the Select Committee Inquiry into Privatisation of Public Services in South Australia, 2021 p 2, accessed: [SACOSS Supplementary Submission - Housing.pdf](https://www.sacoss.com.au/submissions/sacoss-supplementary-submission-housing.pdf)



10. We surveyed persons with disabilities about their experiences with accessing housing in South Australia. People told us that affordability of housing was a major concern for them:

*"I feel like if I wanted to move I wouldn't be able to because there is so little private rental accommodation available – certainly for what I can afford to pay"*

*"There is a gap between homelessness services and public housing for people with disability. Homelessness services are not willing to accommodate autism access needs. NDIS won't fund to support me to find a safe housing and the public waiting lists are years. Private rental is too complicated to access and is unaffordable."*

*"There are no other options for me to move into affordable housing so I have been forced to stay where I am with an extra rent increase but now I can't afford to feed myself"*

*"Due to cost and availability in the rental market, it is very hard to relocate anywhere. Currently we are on a periodical lease and hope something else becomes available, but we have been looking for over 6 months now, pet policy for myself, and cost is not good. Options are seldom, and not overly affordable"*

*"Trying to obtain lower cost housing is unaffordable on benefits"*

*"I'm in a very vulnerable position my landlords are selling my house, I'm on JobSeeker and stand no chance of obtaining a suitable place to live"*

*"It is expensive, and as usual a total rush to find a house before a lease is up, meaning little time to find something better and more affordable... which I guess is irrelevant because so little affordable housing exists!"*

11. We welcome the recent commitment by the South Australian government to invest \$180 million into social housing, which would create 400 new homes, and update 350 existing vacant properties. However, access to affordable housing is a national issue and the Federal Government should also step in to increase investment in social housing, as State government commitments cannot keep up with housing demand.
12. Persons with disability told us that access to available and accessible housing in a safe area is an urgent priority that is not being afforded to them overall. Specialist disability accommodation housing is also not meeting their needs, as it is not flexible and personalised to persons with disability and their carers. We heard a common theme that persons with disability want the State Government to increase access to public housing because it is more affordable.



13. Persons with disability have told us the affordability and availability of housing could be improved in the following ways:

*“Bans on rental increases, massive social housing developments, more training to Housing SA staff on how they deal with people, more disability housing access to housing for carers, fixing up of older housing/community houses, increases to payments for rent, options for lower incomes to “purchase” property instead of being stuck on the cycle of renting. More help from services to access property before becoming homeless and being moved into emergency accommodation”*

*“More social housing with capped rental costs, Social housing that is available to low-income earners and not just people on Centrelink payments”*

*“Having more access to public housing would help alleviate so much stress for those on waiting lists. Big corporations need to pay their fair share of tax so as the rest of society can have some semblance of a stable life”*

*“A massive increase in public housing [is needed] ... The price of renting needs regulation and more housing made available”*

*“More affordable housing for poor people. Availability in a safe area”*

*“More availability of housing. Stop people hoarding housing for profit. Drastically increase public housing stock”*

*“More public housing, caps on rental prices, increased rent assistance for people with disability to access safe appropriate private rental”*



[Word cloud of responses to the DRAS survey question ‘What changes would you like to see to improve the housing sector in South Australia?]



## Accessibility

14. As an advocacy service we have had clients come to us for help in obtaining housing that is physically and sensory-accessible. Housing often does not meet the needs of persons with disabilities and it can be difficult to get approval for disability housing modifications.
15. SAHA has developed their *Disability Access and Inclusion Plan 2020-2024*, as part of their obligations under the *Disability Inclusion Act 2018 (SA) (DIA)*. We are at the midpoint of the delivery of this plan. The Plan is also part of the broader 10-year strategy of the South Australian Government, *Our Housing Future 2020-2030*.
16. According to the Plan, in 2020 people with disability made up 39% of public and Aboriginal housing tenants (12,324), 37% of social housing registrations (6,390) and 25% of the private rental assistance program (13,933). Mental health, physical disabilities and intellectual disabilities were the primary disabilities.<sup>4</sup> Persons with disability residing in public and Aboriginal housing properties can request housing modifications if it does not meet their needs. Only SAHA offers disability housing modifications officially, and they must often be supported by comprehensive diagnostic and functional assessment reports that can be difficult or expensive to obtain.<sup>5</sup>
17. SAHA has also developed internal Sustainable Housing Principles which include detailed requirements about accessibility around and inside a house, as well as housing modifications.<sup>6</sup> However, SAHA has only committed to 'silver' access, which is the minimum requirement for accessibility as opposed to 'gold' or 'platinum' access.<sup>7</sup>
18. Furthermore, the *DIA* only applies to government agencies and their partner organisations (for example, Housing SA is partnered with community housing providers). People with disability living in private rentals do not have the benefit of knowing that their landlord or real estate agent is accountable to a Disability Access and Inclusion Plan. This is despite many people with disability renting privately, particularly due to the reduction in numbers of public and community housing places available, and the lack of affordable houses available to purchase.
19. Persons with disability may struggle to access housing that meets their needs in the private rental market. The *Residential Tenancies Act 1995 (SA)* is the core legislation that governs private rental accommodation, including the rights of tenants and obligations of landlords or real estate agents. There are no obligations put on private landlords or real estate agents to allow for housing modifications, except that they cannot refuse installation of the internet or a digital television under s 70 of the Act and s 12 of the *Residential Tenancies Regulations 2010 (SA)*. This means there are no obligations on private agencies to allow for housing modifications. Many rental advertisements also state that they do not accept tenants with pets, which can be a significant barrier for persons with disabilities who rely on support companions.
20. The *Disability Discrimination Act 1992 (Cth)* and the *Equal Opportunity Act 1984 (SA)* may provide a legal avenue for persons with disability to make complaints about private landlords or real estate agents if they do not provide a housing modification when requested. However, the legal test for discrimination can be a high bar to meet, and it can be difficult to prove that someone is being discriminated against *because of* their disability.

<sup>4</sup> SA Housing Authority, *Disability Access and Inclusion Plan 2020-2024*, 2020, Government of South Australia, p 5

<sup>5</sup> [Housing modifications for people with a disability policy | SA Housing Authority](#)

<sup>6</sup> [Sustainable Housing Principles 2.3 SAHT Universal Housing Design Criteria](#)

<sup>7</sup> SA Housing Authority, *Disability Access and Inclusion Plan 2020-2024*, 2020, Government of South Australia, p 21



21. We have also heard concerns that affordable housing or social housing is concentrated into particular areas i.e. the northern suburbs of Adelaide. This means that if persons with disability are facing homelessness they may also have the added barrier of either having to move away from support services, networks, schools or NDIS funded treating teams, or rejecting a housing offer.
22. Due to a lack of available and accessible housing, as an advocacy service we have seen a concerning policy from SAHA in which people are faced with a '3 strikes and you're out' policy when being offered housing. This means that persons with disability may be forced to take unsuitable housing under the threat of not being offered any housing at all.
23. On the other hand, as an advocacy service we have seen a concerning rise of tenants being given an eviction notice through no fault of their own. For example, a private landlord selling their property, or a public housing tenant being told to move out to 'make way' for others.
24. Persons with disability have told us that the availability of accessible housing is of concern:

*"I have been under pressure to be relocated by the agency that manages my property. The State Manager when told why I wanted particular colours for the painting of the interior of my house (to help positively affect my moods), instead of what I call Institutional Beige and 50 Shades of Depressing Grey, said a majority of their tenants had mental health issues and didn't ask for specific colours. Very dismissive of how people come to acquire mental health challenges and how individuals develop coping mechanisms"*

*"I am frustrated by how little chance I have to change things in my rental, that I have inspections every 2.5 months requiring a high level of cleanliness and that repairs sometimes take a long time"*

*"Special assistance disability housing service should be case-managed. Inclusive of physical, intellectual and mental health. More public housing and caps on private rental prices. Increased rent assistance for people with disability to access safe and appropriate private rental"*

*"Huge increase to access, commit to accessibility standards. Make affordable housing"*

*"I would like to see rental inspections reduced from as often as a month to twice a year at most. I would like more insulation for rental properties, the ability to have pets, more affordable housing, less discrimination against families and people with children, more ability to make changes to a rental property"*



*"I wish there was more affordable housing for lower income, and that we were not discriminated against if we have pets, most of us have animals, as they are for support"*

*"Bring back more affordable homes through HAS, bring back community buses in back streets, don't put people with disabilities in hilly areas, far from shops and transport. Don't mix us with homeowners that treat us poorly, stigmatising and discriminating us causing more stress and anxiety to the point of being too scared to even go outside. More community support from experienced people... NDIS is useless"*

*"[We need] more availability of purpose-built accommodation suitable for disabled people"*

*"Houses should be designed not to be as narrow and sardine-can-like as possible. Most public houses should be accessible for everyone. And public transport in metropolitan areas should have to be much closer to these houses"*

## **Training and staff capability**

25. Training for staff in the housing industry should be reviewed and updated to ensure that organisations are accessible for persons with disabilities.
26. SAHA has disability awareness training which could be updated to include mental health first aid training and autism-awareness training.
27. It is unclear whether community housing providers deliver disability awareness or mental health first aid training across the board.
28. Private real estate agents or property managers are not required to have disability awareness or mental health first aid training. In South Australia they are required to follow a professional code of conduct. However, professional development such as ethics or disability awareness is not mandated as part of maintaining their practice licence.
29. Due to COVID-19 there is also currently a shortage of builders and construction workers that is impacting the capability of South Australia's workforce. Some workers have also moved interstate to take up the opportunities in Victoria and Western Australia who are making big investments into social housing.



## Recommendations

1. Increase public and community housing stock to a level that meets community demand.
2. Increase renter's rights and amend the *RTA* to include the following:
  - a. A right of housing modifications for persons with disabilities;
  - b. A right to bring pets into residential properties;
  - c. A ban on no-cause evictions.
3. SAHA and community housing providers make a commitment to 100% 'platinum' access for all new housing builds as per *Livable Housing Australia* guidelines.<sup>8</sup>
4. The National Construction Code to be reformed so all new private housing builds are required to be 100% 'platinum' access.
5. The *DIA* State Disability Inclusion Plan to include an action point as to how State Government will work with private housing organisations and associations to make housing more affordable, available and accessible for persons with disability.
6. More collaboration between SAHA, community housing providers and the NDIA when persons with disability are facing eviction or homelessness and attempting to obtain secure housing.
7. Ensuring that persons on the Disability Support Pension can be placed on at least Category 2 for SAHA in both the registration *and* transfer process.
8. Review the level of accessibility and affordability for Specialist Disability Accommodation (SDA) and Supported Independent Living (SIL), as well as providing a right of access for disability advocates through a funded Community Visitor Scheme (CVS).
9. State Government should collect data on the number of young people with disability in Aged Care facilities in South Australia and monitor their experiences. More secure and stable housing options should be created so young people with disability can have sustainable social networks with peers.
10. Amend the *Disability Discrimination Act 1992* (Cth) and the *Equal Opportunity Act 1984* (SA) to make it clearer that refusing a housing modification is discrimination against persons with disability.
11. Increase rent assistance and income support payments for those relying on Centrelink.
12. Increase the minimum wage by at least 5.1% for those on low incomes.
13. Review government Home-Buyer schemes to investigate the impact on inflation and house prices, with a review to ensuring they do not inadvertently cause house prices to rise.
14. Mandate training for SAHA and community housing frontline staff for disability awareness, mental health first aid training, cultural awareness and trauma-informed practice. This should also include training for responding to disclosures of domestic or sexual violence.

<sup>8</sup> [LHA Platinum \(livablehousingaustralia.org.au\)](http://livablehousingaustralia.org.au)



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15. Update the requirements that real estate agents and property managers need to maintain their practice licence, by mandating disability awareness, mental health first aid training, cultural awareness and trauma-informed practice.