

# Submission to the 2023-24 ACT Government Budget Consultation

Prepared by the ACT Housing Solutions Innovation Group

Date of issue: 14 March 2023

## Background to this submission

This submission has been prepared by the *ACT Housing Solutions Innovation Group* (HSIG) to address the unmet housing needs of people with disability, of all ages, in the ACT.

This submission coincides with the development of the next 10-year *ACT Disability Strategy*, and the recent establishment of the new Office of the Coordinator-General for Housing within the Chief Minister, Treasury and Economic Development Directorate as backdrops. We acknowledge the ongoing work of the ACT Government's Office for Disability on the development of the next *ACT Disability Strategy*, in particular its focus on 'having a home' as one of the key priorities for the new Strategy. The pending release of the Strategy is timed perfectly with the establishment of the Office of the Coordinator-General for Housing, and this provides opportunities to coordinate whole-of-government responses to unmet housing needs in the ACT. We are also conscious of the prospect of considerable housing funding reforms over the current federal parliamentary term, following the election of Labor to government in May 2022.

Importantly, this current period provides an opportunity to ensure that appropriate, accessible housing is delivered across the breadth of Canberra's housing system to meet the needs of people of all abilities and ages. We recognise the critical, primary role that housing has in ensuring quality of life for people of all abilities. People with disability are disproportionately impacted by the lack of suitable, affordable options that meet their basic day-to-day needs, and which would allow them to properly exercise choice and control. At the same time, we acknowledge that a house is not a home - the latter requires a lot more as well as community. People with a disability need to exercise agency, have support for individual capacity building, and have cooperative person-led strategies in order to achieve the 'good life'.

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In this time of housing crisis, it is particularly important that the ACT Government ameliorate the impact of rising land and housing construction prices, and rental costs on households that are more at-risk or living in inappropriate housing, including people with disability. There is also a need to incentivise private landlords to increase tenancy lengths and to provide modifications - for the ACT to lead on something that is required nationally. Further to this, we propose that the ACT Government examine all tax expenditures for their impact on people with a disability with the aim to review whether the current pattern and distribution of these 'expenditures' is the most desirable, efficient and equitable.

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This submission may be publicly distributed. Please direct any enquiries to Michael Bleasdale, Executive Officer of Rights & Inclusion Australia, the ACT Housing Solutions Innovation Group's nominated contact for this submission - e: [michael.bleasdale@riaustralia.org](mailto:michael.bleasdale@riaustralia.org)

The ACT housing system needs to allow for the diversity of people with disability and housing needs. This is a critical period for the ACT to properly address the right to adequate housing, aligning with the ACT's status as a human rights jurisdiction. This submission outlines measures which, if implemented, would enable the ACT Government to comply with its obligations under Articles 9, 19 and 28 of the *United Nations Convention on the Rights of Persons with Disability* (CRPD)<sup>1</sup>, and as a signatory to *Australia's Disability Strategy 2021–2031*<sup>2</sup>. We also note the leadership role that the ACT Government might play in addressing the discrimination built into the National Disability Insurance Scheme (NDIS) which excludes people aged 65 and over from NDIS funding; in the context of this submission, this is particularly relevant to Special Disability Accommodation (SDA) funding. This causes older people with disabilities to fall through cracks between Commonwealth and Territory provisions, creating a disadvantaged underclass within the cohort of ACT citizens who have disabilities.

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The submission has been prepared by the HSIG with input and guidance from a range of organisations and individuals with lived experience of disability, to bring particular focus to housing issues for people with disability.

The recommendations below address part of a broader objective that people with disability have choice and control in meeting their housing needs.

The recommendations result from ongoing discussions at HSIG meetings, and consideration of gaps and opportunities that exist for achieving better housing outcomes for people. The provision of access to safe, secure, affordable and appropriate housing is a key determinant of personal wellbeing. The recommendations respond directly to a number of the identified wellbeing indicators from the *ACT Government Wellbeing Framework*. Positive outcomes that will be achieved through implementing these recommendations include in relation to the following indicators:

- Access and connectivity: liveable city
- Health: overall health; mental health; healthy lifestyle
- Housing and home: homelessness; rental stress; housing availability and affordability; housing suitability
- Living standards: cost of living

The HSIG welcomes any opportunity to further discuss the detailed recommendations.

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<sup>1</sup> United Nations, [Convention on the Rights of Persons with Disability and Optional Protocol](#) [pdf], United Nations, New York, accessed 9 March 2023

<sup>2</sup> Commonwealth of Australia, [Australia's Disability Strategy 2021–2031](#) Commonwealth of Australia (Department of Social Services), Canberra, 2021, accessed 9 March 2023

## About the ACT Housing Solutions Innovation Group (HSIG)

[The ACT Housing Solutions Innovation Group's terms of reference can be viewed here.](#)

The *ACT Housing Solutions Innovation Group* (HSIG) was formed in 2020 as part of the *ACT Accessible Housing Innovation Project* led by Rights & Inclusion Australia, with funding initially provided through the ACT Government's *Affordable Housing Innovation Fund*.

The HSIG's mission is to promote the housing rights of people with disability of all ages in the ACT, through both direct action and advocacy. It works across all parts of the housing continuum, from specialist homelessness services to the private housing market. Central to its efforts is the need to support people with disability to exercise choice and control in their housing choices, and for the housing system to broadly support this. The group draws together a broad range of stakeholders, including those with lived experience of disability, to meet these societal objectives.

The HSIG acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and/or Torres Strait Islander peoples more broadly – peoples who never ceded sovereignty of this land.

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## Budget Recommendations

**Recommendation 1: Provide ongoing funding to Rights & Inclusion Australia, to provide ongoing secretariat and coordination role to the ACT Housing Solutions Innovation Group (0.5 FTE role).**

The HSIG's mission is to promote the housing rights of people with disability in the ACT, through both direct action and advocacy. This is important work necessary to the future wellbeing of people with disability, and provides a positive return on investment.

R&IA has convened regular online meetings of the HSIG, providing both chair and secretariat, since March 2020. These meetings, typically held every 6 weeks, place people with disability and their families at the centre of a forum with representatives from the NDIS, ACT Government agencies, peak NGOs, advocacy organisations, housing providers and disability service providers also attending. They are vital meetings that have an important role to play in the disability housing context. Further to this secretariat function, there is an ongoing role for R&IA to lead activities identified by the HSIG's members, such as working with the ACT Office for Disability with its consultations for the *ACT Disability Strategy*.

Up to late 2020, R&IA's role was funded by the ACT Government – originally through project funding from the *ACT Affordable Housing Innovation Fund*, and then through the ACT Office for Disability. Since December 2020, R&IA has used project funding from an Australian Government Department of Social Services grant to continue in this role. This funding is due to finish on 30 June 2024, with no certainty of ongoing provision of secretariat services.

**Recommendation 2: Develop comprehensive, detailed overview of unmet housing needs for people with disability of all ages to inform supply.**

Disability has many dimensions and variations in capacity and needs that are very diverse. For example, perhaps 80% of NDIS participants of the NDIS have cognitive and behavioural issues and/or psycho-social disabilities.

Currently, there are no detailed data capturing the unmet housing needs of the 80,000+ people with disability in the ACT region, across all age cohorts. This includes for all people with disability across the housing continuum - including those in stable housing circumstance, to people experiencing homelessness, those who are unable to exit from hospital care, young people with disability in residential aged care facilities, and people who are wards of the state residing in group homes.

It is important that we know the concrete circumstances of people - and in fact, all those in group homes. In the latter case, we need data collection on how many people there are, how long they have lived in the same accommodation, what their tenancy arrangements are, and who has control of their choice of where they reside and how is this choice exercised. We know next to nothing about this cohort of people who are hidden from view under the charge of the public guardian, and through which providers generate substantial income. The recent report of the NDIS Quality and Safeguards Commission<sup>3</sup> demonstrated that group homes are often havens for abuse and neglect. We expect that the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (the Disability Royal Commission, or 'DRC') will make this even clearer and will likely be pushing for radical change to these arrangements.

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A survey of households' current housing circumstance and physical barriers to achieving an appropriate housing outcome is essential, to have a comprehensive, whole-of-community approach to addressing the housing needs of Territorians. This survey will have a critical role in ensuring joined up, whole-of-government responses:

- Shaping the Office of the Coordinator-General for Housing's investment direction for social and affordable housing (as per Recommendation 3), including bespoke housing for people with disability beyond minimum accessibility requirements.
- Ensuring that the ACT Government is best able to respond to any housing-related findings and recommendations of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*.
- Ensuring that the ACT Government's commissioning framework<sup>4</sup> is supported through fit-for-purpose housing and associated infrastructure. This would go beyond the Australian

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<sup>3</sup> NDIS Quality and Safeguards Commission, [Inquiry Report: Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS](#) [webpage], January 2023, accessed 9/03/2023

<sup>4</sup> The ACT Government's commissioning approach is being implemented through the Community Services and ACT Health Directorates working in partnership with community support and health sectors. Refer <https://www.communityservices.act.gov.au/commissioning>

Bureau of Statistics' (ABS) 'assistance' needs survey data and should reflect housing pathways (e.g., for a person with psychosocial disability, this might include pathway from acute ward to their own home with 'floating outreach'), and allow for intersectionalities (e.g., for women with disability).

- addressing housing priorities identified by the Age-Friendly City Plan 2020-2024.<sup>5</sup>

In the medium to long term, an ongoing survey also needs to capture housing needs data to the broader ACT region with the NSW Government, fostering connection across the ACT-NSW border to best support people with disability.

We envisage that such research could be undertaken by a consultancy with the capacity to undertake spatial mapping, such as research centres attached to the University of Canberra (UC) or the Australian National University (ANU).

We have identified the following as components of this recommendation:

- Develop survey and mapping tools to gather and disseminate comprehensive data of people with disability to ascertain specific housing and housing -related support needs.
- Undertake an ACT-wide, detailed survey of people with disability to ascertain specific housing-related support needs, desire to stay in place, financial circumstance, etc.
- This would identify direct housing need, including housing typology, tenure type, safety and security, and location and amenity. This could include a review of behaviour and allied health assessment reports (de-identified).
- Further to this, audit current housing of people with disability to ascertain suitability for ageing in place.
- Housing ACT to capture all data for both eligible and ineligible tenancy applications to provide a clear picture of unmet demand.

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### **Recommendation 3: Increase investment in social and affordable housing to address the current and projected shortfall, in partnership with the Australian Government.**

We welcome the recent establishment of the ACT Government's Office of the Coordinator-General for Housing<sup>6</sup>, with its role in coordinating activities as part of a whole-of-government approach to address housing needs. Its approach will be critical to addressing housing responses identified by the *ACT Disability Strategy* due for release later this year, and to meeting the ACT Government's responsibilities as part of Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in particular Articles 9, 19 and 28.<sup>7</sup>

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<sup>5</sup> ACT Government, [Age-Friendly City Plan 2020-2024](#) [webpage], ACT Government, May 2020, accessed 9/03/2023

<sup>6</sup> ACT Government, [Coordinator General to oversee improving housing access, affordability and choice](#) [media release], ACT Government, Canberra, 3 February 2023, accessed 2 March 2023

<sup>7</sup> United Nations, op. cit.

The effects of rising housing costs, married with increasing costs of living, are heightened for many people with disability. People with disability are disproportionately represented in the ACT's lower income quintiles and impacted by increased costs of living and increasingly poor access to social and affordable housing. These impacts are detailed to the ACT Council of Social Service (ACTCOSS)'s "2022 ACT Cost of Living" report<sup>8</sup>, and also the "Counting the Costs" report<sup>9</sup> prepared by the University of NSW for ACTCOSS. Further to this, essential workers in the disability and community service sectors are also struggling to access affordable housing.

For lower income households with disability, the need for this investment in social and affordable housing is reflected in rental affordability data. Anglicare Australia's *2022 Rental Affordability Snapshot*<sup>10</sup> found that none of the 1,354 private rentals advertised for rent in the ACT and Queanbeyan on 18 March 2022 were affordable and appropriate for a single person aged 21 years on Disability Support Pension. For the highest performing low-income household type, just 23 of these rental properties were affordable and appropriate for a single person on a minimum wage.

For those reliant on a disability support pension, currently the maximum pension payable will vary between \$707.60 per fortnight for an independent, single person aged 20 years or younger, increasing to \$1,026.50 per fortnight for a person aged 21 years or older with supplements, with these amounts adjusted dependent on household configuration. If eligible for Commonwealth Rent Assistance, the maximum fortnightly payment for a single person is \$151.60 per fortnight living on their own<sup>11,12</sup>.

For the December 2022 quarter, the median weekly rent was \$690 for a house, with a +3.0% year on year increase; and \$560 for a unit, with a 5.7% year on year increase<sup>13</sup>. Notably, Canberra's private rental vacancy rate of 1.5% continues to be below the optimal level of 3-4%, with ongoing, heightened demand for the dearth of properties for all income levels and abilities to access. The 2021 reports prepared by the Australian Housing and Urban Research Institute (AHURI) for ACT Shelter - "Return on investment for social housing in the ACT"<sup>14</sup>, and "Scoping the costs and benefits of affordable housing in the ACT: Stage 1 report"<sup>15</sup> - clearly articulate the importance of increased ACT Government investment in social and affordable housing. This includes through support to community housing growth providers to access funding and affordable land to

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<sup>8</sup> ACT Council of Social Service Incorporated, [2022 ACT Cost of Living Report](#) [pdf], ACTCOSS, Canberra, May 2022, accessed 20 May 2022

<sup>9</sup> UNSW Social Policy Research Centre, [Counting the Costs: Sustainable funding for the ACT community services sector](#) [pdf], UNSW, Sydney, December 2021, accessed 20 May 2022

<sup>10</sup> Anglicare Australia, [Rental Affordability Snapshot: Regional Reports](#) pp. 32-35, Anglicare Australia, Canberra, April 2022, accessed 20 May 2022

<sup>11</sup> Commonwealth of Australia, [Payment Rates for Disability Support Pension](#) [webpage], Commonwealth of Australia (Services Australia), Canberra, accessed 7 March 2023

<sup>12</sup> Commonwealth of Australia, [How much rent assistance can you get?](#) [webpage], Commonwealth of Australia (Services Australia), Canberra, accessed 7 March 2023

<sup>13</sup> Domain, [December 2022 Rental Report: ACT](#) [webpage], Domain Group, accessed 6 March 2023

<sup>14</sup> AHURI, [Return on investment for social housing in the ACT](#) [webpage], AHURI, August 2021, accessed 7 March 2023

<sup>15</sup> AHURI, [Scoping the costs and benefits of affordable housing in the ACT: Stage 1 report](#) [pdf], AHURI, September 2020, accessed 7 March 2023

undertake larger scale housing development programs that provide households with long-term tenure, such as through build-to-rent initiatives. Ideally, this needs to include allowance for smaller density developments, including standalone houses, to ensure that vulnerable people are provided housing in safe neighbourhood environments.

As part of provisions for people with disability, there is a need to codify accessibility into government-funded housing programs, including with the implementation of the National Housing Accord – this should be at a ‘Gold level plus’ to all housing, to ensure that new housing is habitable for people with physical disability, rather than just visitable as with the current Australian Building Codes Board (ABCB)’s *Livable Housing Standard*<sup>16</sup>. The mandatory standard, adapted from the Livable Housing Design Guidelines’ ‘Silver’ level<sup>17</sup>, only allows for visit-ability with no requirement for a bedroom space to ground floor. Importantly, neither the mandatory ABCB Standard or the LHDG ‘Silver’ and ‘Gold’ levels require a bathroom to the ground floor – just a sanitary compartment.

There is also a key need to consider the housing needs of other disability cohorts beyond accessibility provisions - good housing design has a critical role ensuring health and wellbeing outcomes for householders, including those with mental health issues and complex needs. For example, there is merit to making provision for more robust construction generally, for increased acoustic insulation to medium and high-density housing developments, and for allowances for passive surveillance beyond the minimum standards prescribed by the National Construction Code.

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In addition to investment in affordable and social housing, the ACT Government needs to investigate and implement planning and building measures that it can leverage to increase the quantum of accessible housing for all income quintiles. Such investigation should also extend to a review of the *Residential Tenancies Act 1997* to identify opportunities for increased inclusion.

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**Recommendation 4: Amendment of Housing ACT operational policy to allow households with disability to access social and affordable housing:**

- (i) Paying full or part market rent.**
- (ii) As tenants in Specialist Disability Accommodation (SDA), provided by Housing ACT as an SDA Provider.**

As noted to Recommendation 3, there is a vitally important need to codify accessibility into government-funded housing policy and operations – beyond allowing for executive discretion - so

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<sup>16</sup> ABCB, [Livable Housing Standard](https://ncc.abcb.gov.au/sites/default/files/resources/2023/livable-housing-design-20221219.pdf) [pdf], ABCB, Canberra, 2022, accessed 7 March 2023

<sup>17</sup> Livable Housing Australia, [Livable Housing Design Guidelines](#) [webpage], Livable Housing Australia, Forest Lodge (NSW), accessed 7 March 2023

that Housing ACT and other agencies can provide housing assistance to people with disability, where there is pervasive market failure.

We seek the waiving of income eligibility thresholds for housing assistance programs, including access to Housing ACT's public rental housing, for people with disability on waged incomes whose housing needs are not met by the private housing sector. This would align with the NDIS, which is not means tested. Importantly this measure, allowing people who are able to pay full market rent to live in public housing, should have a beneficial effect on the ACT's budget.

People with disability on waged incomes, in particular people with physical disability, are inadequately serviced by the private housing market, which has a recognised shortage of appropriate, accessible housing. This often leads to people with disability needing to live in inappropriate housing that is ill-suited to their daily living activities – in some instances hastening the deterioration of their health, and/or putting them at more risk of injury. Specific attention to this cohort is critical, as part of the broader intentions of Recommendation 3.

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Housing ACT's operational policy does not make allowance for people with disability on waged incomes over its income threshold as an eligible cohort, regardless of the private housing market's failures to meet demand and the housing stress that households may be experiencing. Yet the *Housing Assistance Act 2007* Section 6 (1)(b) states "to facilitate the provision of housing assistance for those most in need"<sup>18</sup> as one of the main objects of the Act. This also lines up with the ACT Government's responsibilities as part of Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in particular Articles 9, 19 and 28. To Article 28, Clause 2(d) notes the role of government "to ensure access by persons with disabilities to public housing programmes."<sup>19</sup>

The ACT Community Services Directorate's "Eligibility for Social Housing Guidelines"<sup>20</sup> should be accompanied by a criterion stating: "You qualify for ACT public housing and community housing if you have a long-term and permanent disability that significantly impacts your level of function, and you qualify for an individual funding package as an NDIS participant."

This measure should extend to enabling people who need accessible accommodation to move from one Housing ACT property to another, as their needs change over time, or for the home they are living in to be adapted to their needs. We understand that this concept of being 'a tenant of the system', rather than a tenant of a particular property, is supported by senior Housing ACT executives.

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<sup>18</sup> ACT Government, [Housing Assistance Act 2007 \(ACT\)](#) [webpage], ACT Government, accessed 7 March 2023

<sup>19</sup> United Nations, op cit.

<sup>20</sup> ACT Government, [Eligibility for Social Housing Guidelines](#) [webpage], ACT Government (Community Services Directorate), accessed 7 March 2023



**Case Study 1: Housing ACT – budget benefits of tenant paying full market rent.**

A couple living in a 2-bedroom Housing ACT property were paying full market rent in 2010. The house was made available to one of the tenants 15 years previously as she had a need for a wheelchair-accessible accommodation.

After moving into the residence as a single woman the tenant completed a university degree, gained employment, and entered into a *de facto* marriage. As the woman wished to have a child she sought a transfer within the Housing ACT system to a larger dwelling. The transfer request was refused twice, despite appeals.

Consequently, the couple was forced to seek accommodation in the private rental market, and entered into a tenancy in inaccessible accommodation. The couple has paid \$420,000 in rent since 2011, to a landlord living interstate.

This money could have been being paid to the ACT Government, to finance an appropriate extension to the 2-bedroom house which would have enabled the woman to remain living close to her doctor, established community, employment, and schooling, as well as cross-subsiding Housing ACT tenants on low incomes.

The cost of further disability caused by living in inaccessible accommodation, allied with productivity losses caused by a ceaseless search for appropriate accommodation and the pursuit of justice, is incalculable.

With regard to Housing ACT acting as an SDA Provider to Territorians who qualify for SDA, this could see a massive transfer of funds from the Commonwealth to the ACT Government, as outlined in the Case Study below.

**Case Study 2: Housing ACT as an SDA Provider.**

A couple in paid employment seek to obtain accessible accommodation.

A person in the couple receives an NDIS package that incorporates SDA payments.

There is effectively no accessible private accommodation in the ACT.

The ACT Government, as a registered SDA Provider, could build a wheelchair-accessible home for the couple.

As the couple has a child and undertakes paid employment at home, they have a need for a 4-bedroom dwelling.

The *Specialist Disability Accommodation Limited Cost Assumptions Review*<sup>21</sup> states the build cost for a Fully Accessible 4-bedroom house is **\$963,634**.

<sup>21</sup> NDIS, [Specialist Disability Accommodation Limited Cost Assumptions Review - Final Report](https://www.ndis.gov.au/providers/pricing-arrangements/making-pricing-decisions/pricing-review-archive) (Table 9.2, p.37) [MS Word doc], NDIS, October 2019, accessed 9 March 2023 from <https://www.ndis.gov.au/providers/pricing-arrangements/making-pricing-decisions/pricing-review-archive>

Housing ACT would receive an annual total of **\$88,277** (in accordance with the figures outlined in the *Pricing Arrangements for Specialist Disability Accommodation 2022–23*<sup>22</sup>).

SDA prices are indexed annually by Consumer Price Index (CPI).

Applying the average CPI for the past 20 years to this calculation would see Housing ACT receiving **\$1,811,444** over a 20-year period.

At the end of this period Housing ACT would own the property.

The Real Estate Institute of Australia's, *Real Estate Market Facts: 20 years* report<sup>23</sup> shows that over the past 20 years shows the weighted average median house price for the 8 capital cities has increased **103.8%**.

If this trend continues over the next 20 years Housing ACT would own a property worth **\$1,963,886**.

This translates to a profit of **\$2,811,696**, with the bonus unintended consequence of the ACT Government also fulfilling its obligations under human rights legislation.

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**Recommendation 5: Fund a housing advisory service for people with disability and their families, as a one stop shop for all housing options in the ACT.**

People with disability and their families, service providers, and advocacy organisations have identified the critical need for a service that supports people with disability with their housing circumstance, across all income quintiles. A similar service was previously funded by the ACT Government. We envisage that this service should be run by a community organisation with a minimum two FTE employees from the disability sector with subject matter expertise, and located adjacent to Housing ACT operations.

The following have been identified as some of the components of a service:

- The development of comprehensive, impartial information to assist people with disability with housing and support options and to address a breadth of housing issues; this should include through brokerage of information on items such as housing finance, and legal instruments to allow the transfer of property to trusts for adult children with disability
- The development of comprehensive, impartial information for service providers, so that they can assist people with disability with housing issues.

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<sup>22</sup> NDIS, [Pricing Arrangements for Specialist Disability Accommodation 2022–23](#) [webpage], NDIS, July 2022, accessed 9 March 2023

<sup>23</sup> Crosby, R., [Property values have soared in the past 20 years while rents lag](#) [online article], Elite Agent, November 2022, accessed 9 March 2023

**Recommendation 6: Amendment of EPSDD and ACT Suburban Land Agency (SLA) guidelines, to support eligible households with disability to:**

- (i) Obtain residential dwelling lots outside of the SLA residential estate ballot process, including through measures such as:**
  - a. utilising existing mechanisms to enable frictionless land transfers where appropriate.**
  - b. enabling people with SDA funding approved to choose a block of land that suits them from all currently available residential building lots.**
  - c. implementing a *Discount Land Scheme*.**
- (ii) Purchase accessible affordable dwellings with the waiving of income eligibility thresholds.**

There are extremely limited opportunities for households with people with disability to purchase established accessible housing that suits their specific disability and enables them to undertake their daily living activities in a barrier-free environment.

Currently, there are no specific provisions for the ACT Government and the ACT Suburban Land Agency (statutory authority) to make concessions for a household with disability to purchase residential land for development, or accessible affordable dwellings. Yet, similar to the *Housing Assistance Act 2007*, the Government's role in undertaking more responsive measures to address the needs of people in housing need can be clearly surmised. The *Planning and Development Act 2007*<sup>24</sup> Section 6 states "the object of this Act is to provide a planning and land system that contributes to the orderly and sustainable development of the ACT - (a) consistent with the social, environmental and economic aspirations of the people of the ACT; [...]" This is further articulated to the stated objects of the Territory Plan (Chapter 5), and the Planning Strategy (Chapter 6) of the Act.

We propose the following affirmative measures to address the undersupply of established, appropriate and affordable homes for people with disability:

- Enable land transfers utilising the mechanisms set out in the 2019 *Specialist Disability Accommodation Pricing and Payments Framework*<sup>25</sup>, which states: "Land that is owned by State Governments and leased/occupied by non-government providers could include lease arrangements (including 50 or 99 year leases) that are for nil cost, below market value (including peppercorn rent arrangements) or full market rental value." "Where the cost of leasing/occupying State Government land by a non-government provider is on a basis that is below market cost, then the cost is being met by a state or territory government. The land component may therefore form part of that government's in-kind contribution to the NDIS". This measure could ensure SDA recipients have access to land on which to build, at a net zero cost to the ACT Government.

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<sup>24</sup> ACT Government, [Planning and Development Act 2007](#) [webpage], ACT Government, accessed 7 March 2023

<sup>25</sup> Commonwealth of Australia, [Specialist Disability Accommodation Pricing and Payments Framework](#) (pp.8-9), Commonwealth of Australia (Department of Social Services), Canberra, accessed 9 March 2023

- For people with disability who need to develop purpose-built housing, waive the need to apply through the SLA's residential estate ballots and provide their households first option on land coming to market. This will ensure that those households can best access suitable land. Currently an ACT resident who is eligible for SDA payments must enter into a ballot to attempt to obtain land on which to build. The chance of obtaining land this way is vanishingly slim. An SDA-eligible person, who statistically has less than a 1% chance of finding an accessible existing residence to live in Canberra, is subject to a 15% chance of even being able to book an appointment with the Suburban Land Agency to talk about buying land. That person is then subject to a balloted process which might find them the 500<sup>th</sup> person in a list of people able to make a choice as to which block of available land might suit them best.
- Create a *Discount Land Scheme* to enable people with disability to buy land at equitable prices. Many people with a long-term and permanent disability that significantly impacts their level of function do not qualify for SDA through the NDIS; nor do they qualify for Housing ACT assistance. People who require a fully accessible single storey home (which is typically 33% larger than a standard home), must buy a larger block of land than a standard block to have an equitable level of environmental amenity. As the monopoly supplier of land in the ACT, the SLA should make land available to such individuals on a concessional basis - nominally 33% cheaper than the market value. To align the *Discount Land Scheme* with the NDIS approach to means testing, the eligibility requirements should state: "you qualify for the *Discount Land Scheme* if you require a fully accessible home due to a long-term and permanent disability that significantly impacts your level of function, and you qualify for an individual funding package as an NDIS participant."
- For people with disability whose housing needs would be met by house designs through the *Affordable Home Purchase Scheme*<sup>26</sup>, but whose household income would deem them ineligible, waive the Scheme's income eligibility thresholds. Furthermore, in implementing the Scheme, we recommend that there be allowance for the additional costs of both the requisite larger lot size and housing construction that may be required for people with disability.

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<sup>26</sup> ACT Suburban Land Agency, [Affordable Home Purchase Scheme](#) [webpage], ACT Suburban Land Agency, accessed 9 March 2023

**Recommendation 7: Investigate and implement financial measures, including through tax concessions, to assist people with disability to rent suitable housing:**

- (i) Address the need for long-term leases in the private market and provide incentives for landlords and agents to provide these for renters with disability (including older renters) who need guaranteed, affordable and accessible housing.**
- (ii) Amend ACT residential tenancy legislation to guarantee renters the option to apply to the rented properties necessary home modifications that will enable them to utilise all amenities offered by the property to the same extent as renters without disability.**
- (iii) Provide tax and financial incentives to private landlords and agents to renovate their properties to the Livable Housing Standards (Silver and Gold levels) described in the National Construction Code.**
- (iv) Review the existing land tax concessions to landlords, provided through YWCA Rentwell and CHC's HomeGround Real Estate Canberra, and identify other approaches to support take up by tenants with disability.**

Private property landlords make up the largest proportion of residential tenancy landlords in the ACT. There needs to be a range of incentive measures introduced to support these landlords to make housing both accessible and affordable to people with disability.

The Opening the Door project has identified additional difficulties faced by people with disability who require private rental properties, exacerbated by the current housing crisis in Australia. In addition to the problem of affordability (made worse in turn by reduced access to secure and appropriately remunerated employment), renters with disability cannot readily find property that has been designed with accessibility in mind and built to enable them to utilise all areas of the property.

In addition, rental tenancy regulations tend to favour landlords over renters who seek to have properties modified to accommodate the features they require to function independently at home. Regulatory change is required to prevent discrimination against people with disability and older renters from having access to suitably modified property in the private rental market, as well as financial incentives that encourage landlords to enable modifications to take place that can improve the utility of properties to people with disability and older renters. The National Construction Code 2022 now mandates basic design standards (Livable Housing Standard – 'Silver' level) for all construction of private dwellings from 1 October 2023, as well as a voluntary code (Livable Housing Standard – 'Gold' level), both of which can be used to guide how incentives can be applied on private rental properties.

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We are conscious that the ACT Government's existing land tax concession scheme, under the affordable community housing exemption, may not be financially attractive to prospective landlord participants and warrants review to identify opportunities and barriers. We note that this could be extended to those who rent or lease as individuals rather than through community

housing providers. Combined with allowance for longer rental periods as required for NDIS-funded home modifications, this could certainly assist a significant number of people with disability who are currently precluded from the private rental market.

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**Recommendation 8: Invest in better outcomes for people with disability through Housing ACT capital works, and repairs & maintenance programs:**

- (i) Implement an accessibility audit of Housing ACT-owned housing stock, including homes used for supported independent living settings, to ascertain current and projected accessibility provisions for people with disability. From this, develop a capital works program to be instigated from FY2023-24 on.**
- (ii) Provide adequate annual funding for Housing ACT's capital works program, to ensure that works are undertaken in a timely manner to address the changing needs of people with disability.**
- (iii) Provide adequate annual funding for Housing ACT's planned maintenance, and reactive maintenance programs, to ensure that maintenance is undertaken in a timely manner.**

We acknowledge the continuing work with the ACT Government's *Growing and Renewing Public Housing Program*, which incorporates auditing of existing housing stock. We are concerned that current and future tenants' needs are fully considered across the housing asset portfolio in relation to the spectrum of disabilities. This would include but not be limited to physical disability; for example, with allowance for sensory needs, robustness and provision of outdoor activity space.

Recommendations 8(i) and 8(ii) reflect concerns raised in regard to individual household tenancies, as well as properties head-leased by disability service providers, and extend to the timely provision of home modifications and fixed equipment. For service providers, delays in the undertaking of maintenance works can add to their administrative burden and in some instances mean that the housing is unsafe and not fit for purpose. Further to these we propose that Housing ACT report against capital works and maintenance response benchmarks.

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**Recommendation 9: Provide funding for disability provisions for specialist homelessness services**

- (i) Implement data collection of the disability-related needs of people seeking accommodation assistance from specialist homelessness services.**
- (ii) Implement an accessibility audit of existing specialist homelessness service accommodation, and emergency/ crisis accommodation facilities to ascertain provisions for people with disability. From this, develop a capital works program to be instigated from FY2023-24 on.**

It is critically important that services are universally accessible for people of all abilities. The prevalence of disability for people experiencing homelessness is well documented, across all forms of disability including mental health and complex needs. Provisions for disability should be incorporated into all specialist homelessness service accommodation, and also emergency/ crisis accommodation facilities. There is a clear role for infrastructure to be fit for purpose to support

the intent of the ACT Government's commissioning framework to improve equity in health and life outcomes for priority population groups.

We acknowledge the SHIP enhancement project being undertaken by the ACT Community Services Directorate, funded as part of the 2022-23 ACT Budget, and its focus on improved data to measure additional outcomes<sup>27</sup>. Currently, there is no provision for specialist homelessness services (SHS) to capture data regarding accessibility and inclusiveness of people seeking accommodation assistance – be it for people who are assisted with accommodation or turned away. The Specialist Homelessness Information Platform (SHIP) administered by the Australian Institute for Health and Welfare (AIHW) does not capture this data for people with disability - this is outside its scope. We expect this would be similar for emergency/ crisis accommodation facilities.

We understand that any such data collection may need to be at points in time, undertaken as an initiative by the ACT Government, as part of commissioning of specialist homelessness services. We envisage that such research could be undertaken by a consultancy, such as research centres attached to the University of Canberra (UC) or the Australian National University (ANU). This will ensure that accommodation service gaps for people with disability can be identified.

Allied to this, an accessibility audit, against identified benchmarks, will identify capital works that are required to ensure that the ACT's SHS and emergency/ crisis accommodation facilities are fit for purpose.

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**Recommendation 10: Housing ACT develop and implement a *Disability Access and Inclusion Plan*, with comprehensive training for staff on best-practice service delivery to people with disability. This includes through trauma-informed, 'recovery'-led approaches.**

Through consultation, people with disability have expressed concerns with the capacity of Housing ACT staff to suitably engage with people with disability – especially those with mental health issues. By extension, this could also be an issue with other housing-adjacent services – referral services, specialist homelessness services, etc.

We propose that Housing ACT develop and implement a Disability Access and Inclusion Plan incorporating staff training on disability awareness and responsiveness, inclusiveness, and accessibility (anti-discrimination), and working with people with mental ill health.

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**Recommendation 11: Investigate and implement financial measures, including through tax concessions, to assist people with disability to purchase their own housing.**

There is an identified need to assist people with disability to address barriers to investment and finance for home purchase. This includes for people with disability who could be self-providers of NDIS-funded SDA.

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<sup>27</sup> Advice provided by Housing ACT at the HSI's 30/11/2022 meeting

We envisage that research could be undertaken by a consultancy, such as research centres attached to universities.

We note the following components as part of strategy regarding financial instruments for people wanting to purchase houses:

- Investigate barriers to people with disability accessing finance for housing across all market segments
- Investigate existing and emerging financial instruments for home purchase & rental, including but not limited to following categories: (i) general private market; (ii) affordable housing; (iii) bespoke/ LHA platinum level; and (iv) SDA.  
Further to this, investigate the development of new and emerging financial instruments for home purchase
- Develop and disseminate comprehensive, detailed information on financial instruments for home purchase & rental

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**Recommendation 12: Refine the criteria for access to the Disability Duty Concession Scheme.**

Further to Recommendation 11, there is means to better support people with disability to finance for home purchase through revisions to the ACT Government's *Disability Duty Concession Scheme*. Currently this exempts people from having to pay conveyance duty if you have a long-term and permanent disability and you want to purchase a home as your principal residence.<sup>28</sup> However, it is not aligned with the NDIS approach to means testing and includes criteria which are restrictive. Notably, the total value of the home (house and land) must be \$750,000 or less. It is impossible to obtain an accessible family residence in the ACT at this price.

We recommend that the ACT Revenue Office eligibility requirements be accompanied by a criterion which states: "You qualify for the Disability Duty Concession Scheme if you have a long-term and permanent disability that significantly impacts your level of function, and you qualify for an individual funding package as an NDIS participant."

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<sup>28</sup> ACT Government, [Disability Duty Concession Scheme](#) [webpage], ACT Government (ACT Revenue Office), accessed 7 March 2023