13 May 2024

Australian Human Rights Commission
By email: disability@humanrights.gov.au

Dear Madam / Sir

Draft Guidelines for Access and Inclusion in Residential Development
Submission from the Community Housing Disability Network

The Community Housing Industry Association (CHIA) welcomes the opportunity to make this short submission on behalf of the Community Housing Disability Network (CHDN). CHIA is the national peak body for not for profit social and affordable rental housing across Australia. Over 30 percent of our homes include at least one household members with a disability. The CHDN brings togethers our members with representatives for people with disability and academics in this field, to collaborate on ways to improve housing for this group. Further information is available in the Appendix.

Due to the timing of the review, we were unable to discuss the guidelines with the full network, and the workshop for peak bodies, clashed with a prior commitment. However, our project steering group were keen to be involved as you proceed towards the implementation of the guidelines. We also had some initial observations to make.

Overall, we appreciate the approach taken to include not just the building design requirements with standards around the site and operations.

Design

Clearly, there has been much more research done on appropriate design and, the guidelines can therefore draw on existing and generally accepted standards. From our perspective It is clearly set out and the illustrations are welcome.

We have not focused on this area in our submission but one omission in the guidelines raised by a member of the network's steering group is the need for backup power systems for critical equipment.

Operations and Amenities

This section would benefit from further consultation with practitioners and residents. There are many sensible suggestions and it provides a good basis for further work. As written though it too prescriptive as it has underlying assumptions about the type and management of housing.

The following are our initial observations:

- Operations and amenities are clearly dependent upon the accommodation type. While there will be standard elements, whether the dwellings are SDA, a boarding house, crisis accommodation, social and affordable rental or mixed tenure will influence many aspects of management including allocations, the feasibility and nature of onsite personnel, and 'marketing'.

- Terminology – the guide acknowledges and defines the different housing and tenure types but in this section (6) uses affordable to denote all submarket rental housing. Given the different rental settings, affordability and allocations processes for both it is important to distinguish social and affordable including in the sections setting out the proportion of 'affordable' dwellings.

- There are aspects of tenancy management that are important to include to ensure best practice – including for example, having appropriate responses to allegations of antisocial behaviour, having processes for where evacuation is necessary, responding to adaptation requests, responding to complaints, and protocols for where service and management staff have overlapping responsibilities.

- Policy and practice in social and affordable rental housing is to a large extent determined by state and territory housing requirements (such as the eligibility criteria for social housing) and for community housing, by regulation. Acknowledging this and identifying areas where individual providers are constrained by these (e.g. 'marketing' to prospective social housing tenants is difficult) would be useful. It could also assist the AHRC in its advocacy work where change is required. On the other hand, there are existing requirements for our sector it might be useful to include in the guidelines. For example, community housing organisations (CHOs) are required to carry out regular tenant satisfaction surveys. It would not be unreasonable to require CHOs to assess satisfaction of their tenants with a disability.

- There is a need for "discoverability" of accessible dwellings – how do you ensure vacant accessible properties (for purchase or rent) are advertised with correct features, so there is some possibility of people searching for that type of property can find it. Poor visibility in the market of the few accessible dwellings that exist (including in social/affordable sector) is a major problem. The guidelines touch on this in section 6.2.9 but there is a point to be made about ensuring accessibility features are promoted when managing a process to reoccupy any vacant accessible properties (no matter what the tenure/model).

- An organisation's governance (as well as its staff) has a strong impact on service. It may be useful to acknowledge this.

The CHDN is hoping to develop a quality services toolkit for the community housing sector, focusing on how mainstream housing services respond to people with disability . These are services not regulated under the NDIS Quality and Safeguards Framework but are regulated under community housing legislative and regulatory mechanisms, such as the NRSCH (and state versions) and

residential tenancies legislation. The intention is to develop a statement of quality service outcomes which would then be used for the design of the resources in the toolkit and establish how changes in service and results can be benchmarked against those outcomes.

If we are successful in securing funding (and sadly this is a much neglected area with thus far not much government interest) we would welcome your involvement.

Self- Certification Tool

The draft self-certification tool is quite basic in design and would be onerous to complete, though we appreciate there may well be an intention to do further design work once the consultation process is completed. Many components are only relevant to more specialised forms of accessible accommodation such as shared homes (group homes) and there seems to be a bias in the guidelines to certain types of "disability" projects. Redesigning the assessment tool to hide those sections only relevant to specific forms of development/housing model would make it a lot easier to work through.

For tenancy management it is more difficult to assess whether requirements are met simply because it is hard to define. The approach we have taken in putting together standards for responding to veterans and women experiencing DFV, is to set out the type of evidence that would be required., also an approach taken by regulators in Australia and the UK. We are happy to share these standards.

Implementation

We are interested to understand more about how these guidelines will be promoted, used, and their utility assessed. For example:

- How do you see the self-certification working. Is it anticipated that organisations would use as a marketing tool, or is it simply an internal tool for management to understand and improve their responses their performance.
- Do you envisage independent certification becoming common?.
- Are you planning to set up a user group or similar to feedback on their experience, assist in updating, promoting with their peers and identifying best practice?

We would be keen to explore how the network could be of assistance in this respect. A project where the funding outlook looks more promising is one on reimagining the legacy SDA the sector owns and / or manages into which we could incorporate use / testing the guidelines .

Yours sincerely,

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Appendix 1 – About the Community Housing Industry Association and the Community Housing Disability Network

Community Housing Industry Association

CHIA is the peak body representing not for profit community housing organisations (CHOs) across Australia. Our 150+ member CHOs are regulated, not-for-profit, organisations that accommodate very low, low and moderate income Australians unable to secure adequate housing in the private market. They manage 120,000 homes, including dwellings in their own ownership, as well state/territory government-owned properties. They invest in developing new homes, in improving existing dwellings, and in enhancing tenant services. Any financial surpluses are ploughed back into these activities rather than being distributed to shareholders.

CHO-managed homes account for over 25 percent of all social homes in Australia. Many CHO also manage affordable rental homes, targeted at low to moderate income (rather than very low income) households. Some CHOs also manage specialist disability accommodation, with over 40 CHOs registered with the NDIS Quality and Safeguards Commission.

Community Housing Disability Network

Around 30% of households accommodated by registered CHOs include people with disability. Registered CHOs embrace and have a regulatory obligation to both engage with their tenants (including people with disability) and to encourage their social and economic participation.

CHIA is building on its commitment to deliver more and better housing for people with disability by facilitating the establishment of the Community Housing Disability Network (CHDN). The CHDN is a network of CHOs and others including academics, groups representing people with disability, and people with lived experience, Network members are committed to sharing insights, experience, and expertise, to develop solutions / responses that will improve non-market housing and improve housing options for people with disability while also influencing mainstream housing practice and design [i]. Our focus is primarily on those households on lower incomes unable to access suitable market housing or ineligible for specialist disability accommodation.

CHDN members participate in various ways:

- Taking a leadership role in steering the network
- Contributing expertise at the network face to face meetings and through additional feedback forums
- Assisting with consultation
- Contributing funds to commission research expertise (optional where considered necessary)
- Participating in post-project communication activities.

CHDN is currently being facilitated by KPMG on a pro bono basis.

[i] Community Housing Industry Association (CHIA). Community Housing Disability Network - Background.