



Rights in Specialist Disability Accommodation
Summer Foundation Submission to the Consultation Paper
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INTRODUCTION

About the Summer Foundation and Summer Housing

The Summer Foundation, established in 2006, is an organisation that works to change human service policies and practices related to young people (18-64 years old) living in, or at risk of, entering residential aged care (RAC) facilities.

OUR VISION is that young people with disability and complex support needs will have inherent value as members of our society, with access to services and housing that supports their health and wellbeing.

OUR MISSION is to stop young people from being forced to live in aged care because there is nowhere else for them.

In 2012 the Summer Foundation began working on housing demonstration projects to provide concrete examples of alternatives for young people living in nursing homes. We are examining our housing model's efficacy and sharing the knowledge generated by these projects with other organisations and government to move this work from pilots to policy change.

These demonstration projects are based on apartment living and showcase best practice design to challenge thinking around housing for people with disability. These apartments are peppered throughout larger mainstream residential developments connecting people to their community. Clever communications and smart home technology ensure residents can enjoy their independence and privacy while still having access to 24 hour on-call support. Our latest project is in the Hunter region in New South Wales and a virtual tour of our display apartment can be found [here](#). In 2017, the Summer Foundation established a separate sister organisation, Summer Housing, to further develop housing for people with a disability. While Summer Foundation no longer has a role in developing housing, we are closely involved in evaluating housing models for people with disabilities and translating our learning into effective social policy.

The context of the Current Submission

The Summer Foundation is pleased to have the opportunity to contribute to the Victorian government's call for submissions into Rights in SDA (State Government of Victoria, 2017). Our organisation is well positioned to comment, as we have been heavily involved in working to improve housing for people with a disability. This work ranges from high-level policy work in relation to the NDIS, sector development in the field of neurological disability, market and technical development in Specialist Disability Accommodation, as well as in-depth research through our partnerships with leading academic institutions including Monash and Latrobe University. We are also active members of the Australian Housing and Urban Research Institute (AHURI).

In this submission we have provided a vision for the SDA market drawing on the NDIA's Statement of Opportunity and Intent for the NDIS market (NDIA, 2016). With this vision in mind we have provided guiding principles that should underlie future policy with respect to regulation and safeguarding.

This submission includes the perspectives of people with disabilities from our Ambassador Program who were interviewed for this submission and our connections workers who also contributed their insights. Our Ambassador program provides us with insights that are only possible through our ambassadors' first-hand experience of living in a nursing home, or being at

risk of entering RAC. Our Ambassadors work in a variety of ways to advocate for young people with disability who are at risk of entering aged care. Our connections workers were employed to link up eligible Young People in Residential Aged Care (YPIRAC) with the NDIS, and to support them to register, prepare and implement their plan. The project commenced in the Hunter and Barwon NDIS trial sites, later expanding into the ACT and Perth Hills (WA) trial sites and now operates in the various rollout areas. Through our connections work, we have developed an in-depth understanding of the NDIS and what is needed to make the scheme work for young people living in or at risk of being admitted into a nursing home. The NDIS Connections Project concluded in June 2017.

We believe that SDA has a critical role to play in stopping young people being forced to live in residential aged care. People with complex and high-level physical disabilities are forced to live in aged care because they have inadequate access to necessary support and suitable housing options. We need a range of options to fill the gap in accessible and affordable housing for people with disabilities including models that enable people to live with their partner and/or children. Many (46%) young people in RAC are in partner relationships and 27% are parents of school aged children (Winkler, Sloan, & Callaway, 2007).

Jason's journey with multiple sclerosis put him at constant risk of being forced into aged care. He talks about the importance of and being able to spend time with his children and decide where to live and who to live with.

At 24, when his daughter was four months old, Jason was attempting to get his motorcycle licence when he noticed that his balance wasn't good. A visit to his GP and then a neurologist led to a formal diagnosis of multiple sclerosis. "There were lots of stresses from the very beginning, it was a real struggle. We had a split level house which we needed to modify — we put in a lift, ramps outside, a wider door on my workshop. Our bedroom was downstairs and I moved upstairs. There were no services, we had to get philanthropic funds to assist with building modifications." "What a NDIS would mean for me now is that I would be more independent, I could choose where to live, who I live with, and also have a place where my kids could stay over. That would mean everything to me." "I want to be more independent, to choose where I live, who I live with, and also have a place where my kids could stay over. That would mean everything to me."

Peter's story shows how many people are stuck in aged care because of the lack of availability of accessible and affordable housing:

Peter who has a neurological condition, registered as a NDIS participant in late 2016. Since then he has been able to secure 50 hours of physical therapy per year, but without a home environment where he can utilise all the new skills he learns, it is unlikely the benefits can be built on in any meaningful way. Having a secure home environment where he can express himself and build a life is paramount for his emotional and physical health. Life in a nursing home is making a bad situation far worse.

A VISION FOR HOUSING THROUGH SPECIALIST DISABILITY ACCOMMODATION AND THE SAFEGUARDING PRINCIPLES TO GET US THERE

Specialist Disability Accommodation (SDA) has the potential to transform the lives of 28,000 people with disabilities. SDA safeguarding needs to reflect and support a very different and much more positive future housing landscape for people with disabilities. Current regulations will need to be reformed and a new approach to safeguarding people with disabilities will be required. As we develop safeguards and reform the regulatory framework to protect the rights of people with disabilities living in SDA, we need to begin with a vision for this bright future. Without this vision, we risk developing a regulatory and safeguarding framework that is not in tune with where we are heading and that may hinder us in getting there at all.

The vision for SDA is described by the National Disability Insurance Agency (NDIA) as a vibrant, multifaceted, open and competitive marketplace operating sustainably to meet the housing needs of NDIS participants with very high needs who require a specialist housing solution(NDIA, 2016). A fully functioning SDA market will have the scale and diversity to match demand and preferences. Central to the future of SDA is the emergence of a willing and competitive market that will prove to be more cost effective for governments and provide better quality housing for people with disability(NDIA, 2016). An effective SDA market must meet the needs of consumers and be attractive to investors. Furthermore, the role of government and the agency as “active stewards” must be understood with these key players in mind.

A consumer driven market

Through the NDIS, housing and support is moving from a block funded government-controlled model to an open market where SDA payments make it possible for people with disabilities to have choice about their housing by allocating housing payments to the individual with a disability rather than the service provider(NDIA, 2016).

In a consumer driven SDA market, the current limits to choice and control are progressively removed as consumers use their SDA payments to choose housing options that best meet their specific goals. There will also be flexibility within the system to meet the changing needs of people with disability(NDIA, 2016). A dynamic housing market will enable people with disability to access different housing options according to their changing needs throughout their lives.

In this new market system, providers will focus on improving their value proposition and success will be tied to the extent to which they are meeting consumers’ housing needs and preferences(NDIA, 2016), In an effective market, providers will compete to deliver the best outcomes for tenants. Providers of quality and innovative housing will be recognised and rewarded. Providers of poor housing and tenancy management will be remediated, sanctioned or go out of business because of high vacancy rates.

A diverse range of quality housing in the community

In an effective SDA market, accessible and affordable housing will be readily available to meet the diverse needs of people with disability. People with disability will be able to find vacancies and get timely access to housing. There will be real choice and a range of housing options reflecting consumer diversity and specific needs, preferences and priorities.

NDIS participants in an effective SDA market will be able to secure housing near the services they use, close to where they work or study and in the community. Proximity to shops, transport and other services is critical to enabling people with disability to easily get out of their home and have a meaningful life. Being located near family and friends and living in a familiar

neighbourhood is also essential for maintaining relationships and community inclusion. The location of housing will also be dispersed throughout neighbourhoods, not congregated in particular locations. The market and NDIA will need to work together in their stewardship role, to address any market failures to ensure that housing was readily available to NDIS participants living in rural and remote locations.

An informed, responsive and innovative market

For an effective market to emerge and thrive it must be seen as a viable business proposition that is not bogged down by unnecessary regulation or a lack of clarity regarding roles and responsibilities. A flourishing market will require stability and certainty regarding policy, rules and payments.

Providers will have access to high quality and timely market information to inform new supply. This information will enable market shareholders and prospective providers to better understand the areas of expected demand growth and characteristics of particular markets around Australia. SDA market infrastructure will also be readily available to facilitate interactions between participants and providers with minimal search effort and transaction costs(NDIA, 2016).

A fully functioning SDA market will be constantly innovating to create higher quality housing options. Quality will increase in a market where providers can share lessons about their experiences and work collaboratively as a sector to achieve the best outcomes for people with disability. Providers will invest in design and evaluation frameworks that assess the costs and impact of different designs and configurations on the outcomes and quality of life of tenants. This evidence base will assist SDA providers to improve quality and reduce vacancies and costs. There will be sector-wide acknowledgement of what best practice in housing and support looks like and a better understanding of how to deliver quality housing and support options.

A mature SDA market will avoid creating many specialist dwellings with institutional features, and instead use design that is adaptable and accommodates a wide range of individual preferences and abilities. Highly specialised housing that is segregated is often only worth the value of the land that it sits on because it could not readily be sold or rented on the open market. Housing created for people with disability that private buyers and renters also find desirable is more attractive to investors.

Consumers are empowered, informed and supported

In the new SDA market, people with disabilities will be supported where necessary to exercise meaningful choice over their housing options, including where and with whom they live; and to change their support provider without moving house. They will no longer be forced to put up with an ineffective service provider or a poor housing situation.

There will be timely access to support informed choice about housing and support (NDIA, 2016). Appropriate safeguards will be in place and the necessary supports made available to people with disabilities, particularly if they have difficulty advocating for themselves or difficulty understanding information and taking action related to their tenancy.

Principles for appropriate safeguarding for an effective SDA market

With a clear vision of an effective SDA market front and centre, we can consider future regulation and safeguarding that is based on principles that can turn this vision into reality. An effective SDA market will require regulation and safeguarding that is based on sound principles.

These principles will protect the most vulnerable and set high expectations for quality and safety while also creating conditions that enable the fledgling SDA market to flourish.

The principles underlying this effective regulatory framework for the future SDA market are:

1. *Mainstream regulation and safeguards are accessible and applicable to people with disabilities.* People with disability should be adequately protected like all Australians through the Building Code of Australia and state tenancy laws. Additional regulations should be provided when existing mainstream safeguards are inadequate. For example, the protections in the Residential Tenancies Act in Victoria which currently excludes residential disability services, should be afforded to all Victorians. Mainstream legislation should be updated to account for SDA.
2. *Capacity building is at the centre of safeguarding.* People with disabilities should be supported to build their capacity to make informed decisions and achieve their tenancy rights and responsibilities. Safeguards should support informed decision-making through information resources, peer support, training resources, and access to advocacy.
3. *Innovation and investment is promoted while maintaining safety standards.* Regulation should be reasonable and necessary for safety while maximising investment in new innovative housing in the community. For example, a regulation which requires housing to be on the ground floor will prevent innovative developments in apartment style living. Given that “no one was ever regulated to excellence” (Birmingham, 2015) regulation should be in place where it is necessary and pulled back where it risks damaging the market and reducing consumer choice.
4. *The diverse needs of tenants are recognised and responded to.* Safeguarding should recognise the diversity of the cohort that will be accessing SDA payments and respond accordingly with the necessary support and safeguards where needed. Regulation does not respond well to diversity so individualised safeguards and capacity building should be explored first to safeguard participants.
5. *Roles and responsibilities are clearly defined.* There will be a range of players responsible for the implementation of SDA including housing providers, support providers, tenancy managers, support coordinators and investors. Obligations and responsibilities with respect to compliance with rules and regulations need to be clearly and appropriately defined and assigned.
6. *Complaints are welcomed and easy to make and disputes are easily resolved.* Complaints are an opportunity to improve the quality of SDA and must be readily accessible to all tenants. Complaint mechanisms must be easily accessible, free and non-litigious to improve outcomes in the long run.

These principles must be at the foundation of the safeguarding framework to support the transition from the current block funded congregate care model of today to an effective SDA market of tomorrow. These principles call on the NDIA and governments to play their role of active stewardship by developing appropriate safeguards and clearly articulating the rights and responsibilities of all players (NDIA, 2016). They must build the capacity of consumers to safely and effectively navigate the market and support the market to more effectively respond to consumer needs. Policymakers must keep their eye on a bright future for disability housing rather than looking back on the very dark past we are leaving behind.

LEGISLATIVE CONTEXT: SDA RIGHTS AND SAFEGUARDING FOR TRANSITION AND BEYOND

As stated in the consultation paper "Rights in SDA" the National Quality and Safeguarding Framework will provide a consistent, Australia-wide approach to quality and safeguarding. As a result of the transition to the National Quality and Safeguarding Framework, some parts of the Disability Act will be modified or repealed. Once this occurs, the national framework will replace existing safeguards for people receiving disability services. This consultation will help government identify what tenancy rights are needed to protect people who live in SDA.

Rights and responsibilities that relate to support service providers (including SIL) will be covered under the National Quality and Safeguarding Framework. This means people receiving support services will have safeguards through the new Commonwealth Government framework.

The National Quality and Safeguarding Framework is responsible for ensuring that all providers deliver safe, innovative and high quality supports. Although providers and support services will be covered by the National Quality and Safeguarding Framework, it does not provide residents with rights or pathways to resolve issues with their landlord. For example, the NDIA will not be able to order the SDA provider to make repairs or change the required rent.

Currently, in Victoria, rights protection and safeguarding of tenants is largely under the jurisdiction of the Residential Tenancies Act (1997). However, this is not the case if you are living in a "Residential Service" which is defined by the Disability Act (2006) as residential accommodation provided by, on behalf of, or by arrangement with, a disability service provider in which residents are provided with disability services and supported by rostered staff that are provided by a disability service provider. The Disability Act provides its own safeguarding framework for residents/tenants and excludes access to the rights and protections under the Residential Tenancies Act. Safeguarding and protections under the Disability Act reflects arrangements in a traditional group home where the provider of both housing and support are the same entity and where the person with a disability has little choice as to where and with whom they live and who provides their housing and support.

Reform is needed to bring the safeguarding framework in line with the first principle for safeguarding, *that mainstream regulation and safeguards should apply to people with disabilities*. When the Disability Act and the Residential Tenancies Act are compared, we see that vast majority of protections contained in the Disability Act with respect to privacy, maintenance of dwellings, and security of tenure are similar to those in the Disability Act. However, in order to maintain existing protections for SDA participants and the mainstream legislation, the Residential Tenancies Act needs to be substantially updated.

Mainstreaming tenancy rights, responsibilities and safeguards will be a significant change for people currently residing in support of disability accommodation. Capacity building will be essential for people with disabilities to develop their skills and knowledge about how to manage their tenancy, assert their rights and meet their tenancy responsibilities. ILC grants should prioritise this kind of support.

Disability Act protections that need to be maintained

Our analysis reveals the following key protections in the Disability Act need to be maintained. Most of these should be carried over to a new SDA section of the Residential Tenancies Act, except for those that are the responsibility of the disability service provider and directly related to service provision

Community visitors

Community Visitors provide an important function in protecting people living in residential services from abuse and neglect. Their role should apply to SDA tenants, however in line with the principle that we should *recognise the diverse functional and cognitive abilities of consumers*, SDA tenants should have the option to opt out of Community Visitor protections. Future SDA will include single person dwellings that very different to the current group home model, and some SDA tenants may find the Community Visitor program to be an invasion of their privacy or of no use to them. However it will be essential that the person with a disability has the capacity and support to understand the risk and that they are not pressured to do so by their housing or support provider. Transferring the Community Visitor safeguard in the Residential Tenancies Act will also enable this program to be expanded to include other vulnerable groups such as those living in rooming houses, public housing or who may live in their own home but who are vulnerable due to illness or disability.

Residential statement

The Residential Statement is no longer fit for purpose under an SDA framework. Under SDA service provision and tenancy are separated and therefore should not fall under a single residential statement. We propose that the NDIS participant holds separate agreements with their support provider and their landlord and that the rights and responsibilities are appropriately and clearly outlined in each. The rights and responsibilities related to support provision should be outlined in a support plan while tenancy rights and responsibilities should be outlined in a Residential Tenancy Agreement.

Restrictive practices

The Disability Act provides important protections with respect to restrictive practices. However, with the separation of housing from support, it is our view that the disability service provider will be responsible for managing behaviour support needs and therefore, this issue would be appropriately out of scope for the Residential Tenancies Act. It is important that protections with respect to restrictive practices are legislated in state legislation during transition and in the National quality framework beyond transition.

Complaints handling

The Disability Act establishes the Disability Services Commissioner to handle complaints with residential services. In the future, complaints relating to service providers will be within scope of the NDIS Complaints Commissioner, however tenancy matters will be out of scope. In line with the principle of using mainstream protections, it is our view that VCAT should provide a funded tenancy support service with the enhanced capacity to handle complaints and disputes relating to SDA.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

What can the government do to make sure tenancy laws are protected?

PWD	<p>A separate tribunal - a neutral party - should be set up to resolve disputes.</p> <p>I just want dignity. That should be bold, capitalized and underlined in the law. See the person not the disability. Treat me with dignity and respect. Government and lawmakers should answer these questions for themselves – how would you like someone else to tell you how to manage your house? How would you like someone to just come into your bedroom without notice?</p>
Family/carer	<p>Establish a specialist ombudsman with knowledge of the NDIS. Ideally there should be a national NDIS ombudsman so that people in SDA are treated the same nationwide.</p> <p>Need a special disability VCAT – that have the expertise with disability accommodation.</p>

Should laws be made specific to people with disability, or will general state laws with provisions to people with disability have the same effect?

Family/carer	<p>Specific laws need to be made to protect the rights of people with disability. This might be using the general laws, which would be good as it's more inclusive. Although, a separate disability commissioner or ombudsman should be in place to oversee disputes as VCAT can't be expected to be across the NDIS or have experience with people with disabilities.</p> <p>Specific laws are needed – it is a unique situation.</p>
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Should VCAT continue to manage disputes?

PWD	
Family/carer	<p>There should be a special disability ombudsman. Even if some things go through VCAT, there are going to be times where more specialist knowledge is needed.</p> <p>A special disability VCAT needs to be started with people that have lived experience.</p>

AGREEMENTS

Currently people living in supported accommodation are issued a residential statement. The Disability Act requires that this statement is provided in a format that the resident is most likely to understand. This is so that residents understand the agreed terms upon moving in. Under the Disability Act, a residential statement is provided by a service provider, not a landlord. To keep this system would restrict residents' ability to choose separate accommodation and service providers.

Under the NDIS, a new type of tenancy agreement is needed to ensure rights are protected. This should clearly outline the duties of the SDA provider and the rights and duties of tenants. This statement would include the right to see a community visitor, the right to make a complaint and the procedures for making a complaint. It should also provide a clear explanation regarding the delineation of the responsibilities between the landlord and the service provider so that the tenant is clear about who to contact about their various housing and support concerns.

In order to maintain and improve current protections for participants the Residential Tenancy Act would need to require the residential agreement to specify additional protections for SDA tenants. These would include:

1. A statement of the duties of the SDA provider and the rights and duties of tenants. This statement would include the right to see a community visitor, the right to make a complaint and the procedures for making a complaint. It should also provide a clear explanation regarding the delineation of the responsibilities between the landlord and the service provider so that the tenant is clear about who to contact about their various housing and support concerns.
2. Information about how to make a complaint and details of a specialist VCAT division for SDA with experience, resources and expertise to support people with disabilities with tenancy disputes.
3. Longer tenancy agreements and notice periods for tenants to vacate in recognition of the higher levels of complexity and planning required for people with disabilities to find appropriate housing. Five-year tenancy agreements and a minimum of 6 months notice to vacate would be reasonable. Notices to vacate should be provided in accessible formats and both verbally and in writing.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

What specific things should agreements with landlords cover for people with disability who are renting?

PWD	Regular maintenance and when it will be done. When maintenance will be done. A timeframe for when repairs need to be looked after. How information will be given to people. E.g. some residents may require a guardian/family member to be notified, or require a phone call in addition to a letter, to ensure they have understood the information properly.
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	<p>With disability things change – I may not need a hoist today but may need one tomorrow – room for conversations like that.</p> <p>How residents will be able to contact the landlord.</p> <p>Processes for resolving issues.</p> <p>With disability things change – I may not need a hoist today but may need one tomorrow – room for conversations like that.</p>
<p>Family/carer/ connections worker</p>	<p>People who are vulnerable (mental illness, inability to communicate) – Need to have an advocate on their side.</p> <p>Repairs are done within a certain time frame.</p> <p>All modifications are up to a certain standard (i.e. all modifications funded by NDIS are to this standard across the board).</p> <p>People who are vulnerable (mental illness, inability to communicate) – Need to have an advocate on their side</p> <p>In my experience, SDA tenancies are less transitory than in the open rental market. This simply reflects the lack of available options that this group have.</p> <p>Individuals' desire to stay in accommodation that works for them longer term ought to be reflected in tenancies they are offered. Thought ought to be given to standard lengths of lease (See later comments) and tenants' rights in terms of decor etc. In standard tenancies tenants are not allowed to choose the decoration, floor/window coverings or put-up pictures etc. these things can make the difference between a place feeling like a temporary space and a real home. In some cases they may also make it easier for a person to navigate /keep their living environment safe and clean. Their rental agreement ought to reflect this.</p> <p>Where possible other ways ought to be sought to record people's understanding of their rights/responsibilities as a tenant. Recorded verbal /visual consent have been used successfully in other settings.</p> <p>this process should be consistent with other aspects of NDIS engagement i.e. nominees, presumption of capacity etc.</p> <p>Until there is some real choice in the 'accessible and affordable' housing market, those who are eligible for SDA ought to be offered longer leases than the standard, 3-5 years would seem reasonable, as they do not have the same opportunities to move as the rest of the population.</p>

Should agreements cover house rules?

<p>PWD</p>	<p>No, just like any other house the residents should decide the rules.</p> <p>No, the residents should make house rules.</p> <p>For some rules staff might need input if their hours or job will be affected. The final decision should be the residents' though as this was the reason for NDIS – to give people control</p> <p>The landlord may say no nails to hang pictures – this might stop a ceiling hoist. An agreement before you move in, with an understanding that pwd situations may change.</p> <p>Input may be fair enough from landlord in regards to neighbours, don't want complaints about noise.</p>
<p>Family/carer</p>	<p>Tenants should be able to decide their own house rules as a group with support.</p>

Should everyone living in the house have to make the same agreement?

<p>PWD</p>	<p>Yes, because everyone is treated equally and has the same rights.</p> <p>Yes, everyone should have the same rights. For people who can't make this agreement themselves, their guardian or family member should be able to on their behalf.</p> <p>Yes to fair and inclusive.</p>
<p>Family/carer/ connections worker</p>	<p>If for some reason a different agreement did have to be made for a person, this would be discussed with residents and it would be made clear why they didn't something different. Everyone could make an informed decision about whether they would like the person to move in under a different agreement.</p> <p>The only occasion when I think it might be reasonable for tenants to have different rental agreements is when an individual requires a bigger bedroom, own bathroom or uses significantly more resources (water / electricity etc.) than their housemates, as a result of their impairment. Rental Agents are able to price individual rooms within shared occupancy properties, so there must be a way of doing this fairly for those in receipt of SDA.</p> <p>Some situations may need a different agreement – due to the difference in disability to someone else – <i>'shouldn't be stock standard, doesn't give them freedom and doesn't make them unique.'</i></p>

HOUSEMATES

Currently, most SDA is shared between a number of residents. Over time, it is expected that SDA will become shared between fewer people. Currently, new housemates are allocated to SDA by the Victorian Government. Movement of residents from one house to another sometimes can occur when there are issues with the supports provided or conflicts between residents. However, residents currently have limited choice over where they live, who they live with and who provides services to them in their home.

This will change in the future as the NDIA will not be involved in choosing housemates. NDIS participants with SDA in their plans will be able to look and apply for their own accommodation. Some participants may require support with finding a home, which can be provided for in NDIS plans.

Protections in shared housing arrangements are essential. These protections would need to include rules that ensure that the house remains safe for all tenants and that tenants have choice and control with respect to who they live with. One of these protections would include powers to take action if tenants pose a risk to the safety of other tenants or cause serious disruption to the proper use and enjoyment of the house by other tenants. If eviction is necessary, it's would be essential to ensure that appropriate supports are in place for the tenant to find alternative housing. Many SDA providers would have limited capacity to assume this responsibility and therefore, government and providers would need to ensure that measures are in place to prevent homelessness.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

Who should have a say in choosing a new housemate?

PWD	Just like any other sharehouse, we should have a say. The residents. Should be agreed with all housemates.
Family/carer	Residents could be at risk if service providers get to choose. E.g. Service providers may see an opportunity to receive more funding and take in people with higher care needs when they don't have enough staff. This would mean everyone's care is compromised. The people in the home (pwd) should have the right to say who their housemate is and help with the selection process. There should be an advocate there to guide them with their decision making.

What specific things need to be considered when choosing a new housemate?

<p>PWD</p>	<p>How much care they receive and how it fits with other housemates.</p> <p>E.g. there might be one support worker overnight and two residents already need their assistance three times between them. A potential new housemate's care plan should be considered alongside the needs of other current residents to make sure nobody's needs are compromised.</p> <p>It should just be about whether residents feel like they feel comfortable living with the new housemates and vice versa. Their ability or level of care shouldn't be up for discussion with residents out of respect for them and to maintain the dignity of the housemate. It would just be the service provider who will have to consider whether their care needs can be met in the house.</p> <p>Age, Male or Female, Interests, If they are a parent – so they fit in with existing housemates.</p>
<p>Family/carer/connections workers</p>	<p>Landlords could have a say, but shouldn't necessarily have input in choice only if there is outstanding problem, risk to property or other people.</p> <p>People's care needs and does the building suit them need to be kept in mind.</p> <p>Will there be somebody to help them, support them, with the things they can't do.</p> <p>Like minded people having the ability to live together.</p> <p>Like anyone else, those in SDA accommodation will want to share their homes with others who are compatible with them. Individuals ought to be encouraged / supported to draw-up a 'housemate profile' (when necessary with the assistance of someone else who knows them well)</p> <p>What type of support a prospective tenant requires ought not to be a determining factor in selecting a fellow housemate.</p>
<p>Support worker</p>	<p>How overnight support is provided. E.g. if there is a buzzer system or adjoining shared bathroom, will this disturb other residents? In this case, it might be better to have people with similar overnight needs so that people who could otherwise sleep through are not disturbed.</p>

How would this process work?

PWD	<p>Everyone interviews the new housemate (with family or carer).</p> <p>Housemates should be involved in the interview process from the beginning and have final say.</p> <p>Needs a unanimous decision.</p> <p>All residents should meet any potential new housemates, as well as staff.</p>
Family/carerer	<p>All residents, and guardian/family member in some cases, receive the same information about a potential new housemate.</p> <p>If there was a 'majority rules' voting system in place and there was only a difference of one, almost half the residents wouldn't be happy with the decision.</p> <p>The process should be part of an agreement.</p> <p>As above you would have input from housemates, and somebody/advocate there to support their decisions and any conflicts that may arise.</p> <p>Final say, almost some sort of voting system so everyone feels like they have had their say. Advocate would have the skills to know that everyone's feelings had been acknowledged.</p> <p>Possibly have a couple of trial night stays to make sure all personalities</p>

ACCESSING THE HOUSE AND ROOM

Under the Disability Act, the service provider has the right to enter a residents room (if notice is provided 24 hours before hand) to undertake maintenance work, value the room, or show the room to a prospective resident, buyer or lender.

There are also rights to enter a residents room without notice in some circumstances such as an emergency, to provide supports, to undertake urgent repairs or to implement a behavioural support plan. It is foreseeable that into the future there will continue to be a need for multiple parties to have access to SDA.

We recommend that, in line with Clause 85 – 88 of the Residential Tenancies Act, an SDA provider's access to rented premises to only include situations where tenants have given their consent or adequate notice has been provided. We also recommend that NDIS participants should have the right to individually negotiate access by service providers on a case-by-case basis in accordance with their support needs and preferences.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

When should a service provider or landlord be able to enter your house?

PWD	<p>Landlords can only come in by appointment and all housemates need to be told.</p> <p>Support staff can only come in for care, or by making an appointment.</p> <p>In an emergency (e.g. fire, power outage, medical emergency).</p> <p>On gaining permission.</p>
Family/carer	<p>When they have given you 24 hours notice that they will be coming.</p> <p>Unless it is an emergency and a list of emergencies are clearly</p>

When should a service provider or landlord be able to enter your room?

PWD	<p>Same as house.</p> <p>When it's an emergency but emergencies need to be clearly listed prior to move in.</p> <p>When it's been organized prior with resident.</p>
Family/carer	<p>At least 24 hours notice and then ask permission before entering room. The resident should have the ability to change this if unwell on the day.</p>

How much notice should be given for scheduled access to your room?

PWD	<p>24 hours.</p> <p>Need a time that fits in with your residents schedule – unless it's urgent eg. Lights fixed.</p>
Family/carer	<p>Example of when 24 hours might not be given: repairs need to be done and a tradesman just turns up. In this instance, it would be alright if the 24 hours notice wasn't given, but the resident had already been told, or was aware, that the repair needed to be done. It would be more important that repairs are done quickly rather than waiting for them to come back again, which probably wouldn't be for a long time.</p> <p>At least 24 hours notice and the reason for needing to access the room.</p>

PAYING RENT AND MONEY MANAGEMENT

Currently SDA residents pay rent to the support provider, not the SDA provider. Residents also currently receive notice of rental increases 60 days beforehand and the service provider cannot increase the rent more than once in a six month period.

Under the NDIS, the method of paying and charging rent will change. Rent and living costs (such as water, energy and food) will be separate. Living and housekeeping costs will not be regulated, to allow residents control over how they manage their money.

Rent will be a maximum of 25% of Disability Support Pension (and Commonwealth Rent Assistance, if eligible). Providers will not be able to receive the SDA payment from the NDIA if they charge more than this amount unless you agree to the charge and there is evidence of an independent market evaluation. This is to make sure landlords are only asking for rent that is fair and reasonable.

We believe that there are adequate protections established by the SDA Rules with respect to paying rent and preventing exploitation by landlords. We believe that the bond provisions in the Residential Tenancies Act are fair and reasonable.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

Should you have to pay a bond?

PWD	<p>Yes, that's fair and the same as other laws.</p> <p>A person with a disability may not be able to afford an average persons bond – pwd don't earn average persons wage – Set to person's ability eg. \$200</p>
Family/carers	<p>If paying a bond means that landlords are more willing to accommodate people with disability then this shouldn't be a bad thing. Hopefully the security of a bond will help landlords see that having people with disability in your property is not a risk, and is actually a good investment.</p> <p>Bond is not unreasonable, anyone going into any accommodation pays a bond. The conditions of the bond need to be very clearly explained to them. Very clear expectations as what is classed as deliberate damage as to what is wear and tear as part of disability.</p> <p>Damage responsibility should be outlined in the bond. Need an understanding there will be some damage that is not deliberate – eg. Through a seizure or wheelchair – Clear in the bond what damage is covered – risk of eviction due to damage by use of wheelchair – other housemates do they want it fixed? How often should damage be fixed?</p> <p>How do we make allowances for this? Is there insurance the landlord can take out that would cover this 'not deliberate' damage. Is this covered in the SDA payment to landlord. Also does it fall on the pwd to have content insurance that covers extra damage</p>

Who should manage issues?

PWD	<p>There should be an assigned house manager, or some sort of neutral party, to deal with issues and take issues further.</p> <p>Probably NDIA - as they putting forward SDA payment</p>
Family/carers	<p>It depends on the issue, but having someone like a disability ombudsman would be best, because they will have a better understanding of NDIS and other disability schemes.</p> <p>Maybe set up a Disability Ombudsman – set up like VCAT but for pwd – and managed by people who have lived experience with disability.</p>

What measures could be put into place to protect you from being financially exploited?

PWD	<p>NDIS regulates support staff.</p> <p>Processes for dealing with issues should be transparent so residents know how issues are being managed. Residents should have a line of communication to the landlord, house management or other person who has been assigned to resolve residential issues.</p> <p>Legislation needs to be put in place – what does the law say.</p> <p>Legislation if somebody else handling money to protect them.</p> <p>Legislation that says any person with a disability does not have to pay this amount of bond or has to pay 10% of bond.</p>
Family/carers	<p>Some sort of tribunal or council could be put in place that includes a representative from VCAT and NDIA. That way problems with landlords and service providers are treated fairly.</p> <p>Trusted person, signatory or Financial Advocate to help support with financial management.</p>

MODIFYING THE HOUSE

Over time, it is expected that new SDA will be designed to suit the needs of people with disability. However, some SDA at present is not purpose built and may require adaptations or alterations to fit individual needs. It is possible that new residents will require some modifications to these homes. It is for this reason that we think it is essential to maintain RTA protection that landlords are not permitted to unreasonably refuse consent to structural modifications that support disability, health or safety needs.

It is essential that there are clear policies in place with respect to who is required to fund the necessary modifications. It would not be appropriate to require an SDA provider to fund modifications which are *specific to the individual and beyond the specifications of the type of SDA* that they are providing. Doing so would disadvantage people with disabilities with more complex needs from finding suitable SDA in a market where the landlord can decide not to offer the person a tenancy in favour of a less complex individual.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers

What are the main issues when considering the landlord's obligations to make modifications?

<p>PWD</p>	<p>Some mods needed might only affect one resident and won't be seen as being a priority because it's not an issue voiced by everyone.</p> <p>Modifications should benefit all residents – Residents should notify landlord of problems eg. Fix a dripping tap before water damages ceiling – Win win if both parties look after the home.</p>
<p>Family/carer/connections workers</p>	<p>An obligation to make modifications as care needs change should be considered, because this is the reality of living with disability. When you're in your 30s and healthy without a disability, you're not just going to lose or gain function in your hand over a couple of months, but this can be true of some young people with a disability.</p> <p>There should be a set level of conditions and standards for accessible housing.</p> <p>Making sure other housemates agree with modifications.</p> <p>Professional person (OT) to confirm what modifications are required.</p> <p>Modifications that keep the value of the landlords property</p> <p>A person's need for modifications should be established by them (and their supporting advocate/allied health professional) and agreed by the SDA provider prior to them moving in. That said, some needs may not come to light until someone has lived in a place for a while and sufficient flexibility needs to be build into the lease agreement for these changes to be made.</p>

Who should oversee the landlord's responsibility to make modifications?

PWD	<p>NDIS as they give the funding.</p> <p>You would need a good House Manager (chosen by all housemates) who can help get decisions moving.</p>
Family/carer	<p>If for some reason a different agreement did have to be made for a person, this would be discussed with residents and it would be made clear why they didn't something different. Everyone could make an informed decision about whether they would like the person to move in under a different agreement.</p> <p>NDIA as they would be paying for it. They come in and sign off.</p>

What should happen if part of the house cannot be used while modifications are made

PWD	<p>Can't start modifications until housing is found.</p>
Family/carer	<p>Landlord's responsibility to make sure accommodation is found. This might just mean telling NDIS planners that this needs to be arranged so they can then find other housing.</p> <p>The landlord should be responsible. They shouldn't be able to start modifications until we have been relocated to somewhere suitable.</p> <p>If unlivable there would need to be somewhere else to live while modifications are being made.</p> <p>If livable during modifications maybe option for additional support</p>

REPAIRING DAMAGES

In mainstream housing properties, landlords are responsible for all repairs but there are some circumstances where residents are held liable for damage. Mainstream residents have recourse to VCAT if they wish to claim compensation or seek action on damages. SDA residents currently do not have recourse to VCAT on maintenance matters.

Under the NDIS, the landlord or SDA provider will receive the SDA payment to fund routine maintenance and property replacement. This should also include property damage in instances where this is the result of wear and tear and this is protected by the Residential Tenancies Act.

In situations where the damage is deliberate, it would be important for the landlord to have the ability to take reasonable action to stop the damage from re-occurring and to recover their costs. In circumstances where the damage is the result of behaviours that stem from the tenant's disability it would be appropriate for the NDIS to cover the cost and put measures in place to minimise future damage.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

When should SDA residents be responsible for property damage, if ever?

PWD	<p>Residents should be responsible for property damage if it's the resident caused damage by misuse.</p> <p>Broken tap for a while then breaks, should be landlord.</p> <p>Every problem should be resolved with meeting tenant and landlord - good communication. Good relationship problems can be sorted out easy.</p>
Family/carers	<p>If landlords are receiving money to pay for repairs, residents shouldn't be held responsible for property damage.</p> <p>People with disability are probably going to be the best tenants you'll ever have, they're not going to be throwing huge parties, and most wouldn't be able to physically get up and do a lot of damage. Of course there will be general wear and tear, but that's no different to normal rentals – it might just be wearing down of carpet from wheelchairs instead of feet. Or maybe your wheelchair bumps into a wall, and that's no different from someone bumping a kitchen chair into a wall.</p> <p>People in wheelchair inevitably will knock into walls, etc. they need to be covered for that.</p> <p>Landlords will need assistance for unavoidable damage from pwd.</p>

Who should oversee disputes about repair and maintenance of SDA?

PWD	<p>We should have another avenue to take issues further, someone who is not related to the landlord or house management.</p> <p>Now we go next level of management –maybe a disability Ombudsman could be in place – somebody neutral.</p> <p>If NDIA are paying they should oversee disputes. Maybe Disability Ombudsman.</p>
Family/carer	<p>NDIA, as they're the ones providing money for SDA they should be overseeing that landlords are doing the right thing. This might mean having a specialist disability commissioner/ombudsman, or a tribunal that includes a VCAT and NDIA representative.</p>

NOTICE TO VACATE AND RELOCATION

Currently notices to vacate and temporary relocation notices in SDA are tightly regulated to avoid disrupting residents lives. Some types of notices to vacate require more notice than others, but the minimum amount of notice is 28 days.

The Disability Act states when and how residents can be temporarily relocated, such as for the resident's safety (e.g. a bushfire, flood warning, repairs and refurbishment) or for the safety of other residents. The Act also states that the Public Advocate and the Secretary of the Department of Health and Human Services have to be notified if someone is temporarily relocated. *The Residential Tenancies Act 1997*, which regulates most other tenancies in Victoria, does not cover temporary relocation.

Residents can give notice that they intend to leave the accommodation but there are no protocols to support this process, such as no requirement to provide a notice before vacating and no minimum notice period. Additionally, there is no requirement to find suitable alternative accommodation.

Under the NDIS, residents need to be supported to initiate their own accommodation changes to enable increased choice and control over their lives. The law must also continue to protect residents from unreasonable eviction or relocation.

Notice to Vacate Periods

Consideration needs to be given to the increased complexity for a person with a disability to find alternative housing and therefore additional notice, of at least 6 months, may be appropriate. When the behaviour of the tenant is threatening or endangering the safety of other residents, more immediate action will be required. There are already additional clauses relating to violence or threatening behaviour contained in the Residential Tenancies Act for rooming houses or managed premises.

Temporary Accommodation

The SDA provisions in the Residential Tenancies Act could contain an additional clause that the landlord must offer assistance to exiting tenants through providing information regarding vacancies in other SDAs or other suitable accommodation. However, the responsibility of finding temporary accommodation would need to fall to the NDIA with respect to funding a provider to explore other housing options. There would also need to be a provider of last resort to provide temporary accommodation while a long-term option is unavailable and being sought out..

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

Should rules around relocation be included in the law?

PWD	<p>Yes, to make sure people with disability are not left on the street.</p> <p>Yes, landlords should be responsible. Everyone needs to have a place to go.</p> <p>Assuming yes, you would want to be protected.</p>
Family/carer	<p>Some people might have family to look after them - though this shouldn't be expected - but other people might have no one to turn to. The law should protect them.</p> <p>Yes as we need to protect people with disability.</p> <p>It needs to be a little bit flexible 90 days or until suitable housing – someone needs to support someone with intellectual disability to help them find housing.</p>

How much notice should a landlord give a resident to move out?

PWD	<p>It would have to be 90 days at least to be able to find a place. There's no realestate.com for people with disability. Some people, me for instance, might need less time to find a place, but people have different abilities. There isn't a one size fits all for us.</p> <p>Each circumstance would have different amount of time – depending on support needs.</p> <p>Would be in contract to start with – Not fare to say everyone has 2 weeks to vacate property</p> <p>Able bodied would be able to find some where in 2 weeks.</p>
Family/carer	<p>Ideally 90 days, to take into consideration the difficulty of finding accessible housing. And, actually, it would take longer than that. We're still looking for a place.</p> <p>90 days.</p>
Support worker	<p>60-90 days.</p>

Should a landlord need to give a reason for a resident to move out?

PWD	<p>Yes they should.</p> <p>There should be a good reason, because it would be hard to find other</p>
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	<p>accommodation for all the residents, especially in the same location. We can't just pack up and move where we like. There isn't enough accessible housing around, plus what about for someone like me who has a job?</p> <p>Good communication it would be nice to be given a reason – goes relationship.</p>
Family/carer	<p>Fair enough if they want to sell the property, but they should give a fair amount of notice for that. And if they're not selling it, the only other reason might be that they're doing some renovations that would take a long time. Other than that, why would you need someone to move out of accessible housing? A reason should be given to make sure they're doing the right thing.</p> <p>Yes, to help the person have an understanding – and prevent discrimination.</p>

What should happen if a resident leaves the house without giving notice?

PWD	<p>Nothing. I would have a very good reason for needing to suddenly move. It wouldn't be easy for me to find another place. There's more demand for housing than supply, so landlords shouldn't have a problem filling the room.</p> <p>They owe anything that is due – rent, other bills – need to be paid.</p>
Family/carer	<p>If a valid reason (e.g. medical, behavioural, some sort of conflict with another housemate) is given then nothing should happen. There is a greater demand for housing, compared to supply, so a landlord shouldn't have a problem filling the space.</p> <p>They need to find out a reason eg. Breakdown or personal problems then decision needs to be made on bond – Possibly Disability Ombudsman.</p>

Who is responsible for finding suitable accommodation for a resident after they have been asked to move out?

PWD	<p>Landlords, who would need to communicate this to NDIS so they can help residents find somewhere suitable.</p> <p>The chosen Manager would have a big input – a lot things maybe out there that pwd don't have access or able to access information. Eg. May need to stay in area due to family.</p>
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Family/carer	<p>NDIS planner needs to be notified to be able to help person to find new accommodation.</p> <p>Should have an advocate appointed to help you if unable to do it on your own.</p>
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Who is responsible for finding suitable accommodation when a resident needs to move temporarily?

PWD	<p>Landlord.</p> <p>Good relationship with House Manager – need to keep close where you are currently living to keep up lifestyle. Eg. Volunteer work in the area.</p>
Family/carer	<p>NDIS planner to actually find the accommodation.</p> <p>Appoint someone/advocate to help them if unable to do it themselves.</p>

How should residents be supported to complain or request review?

PWD	<p>A party that is not included in the problem – no involvement in house – Maybe Ombudsman that could give resident options and rights they have.</p>
Family/carer	<p>Residents should have a meeting with NDIA representative, plus advocate/planner, as landlords should be made accountable by the NDIS who are paying them.</p> <p>They need to be explained that they have rights and then supported by advocate or Disability Ombudsman.</p>

HOUSE MANAGEMENT

It is important that residents are involved in all decisions about how the household operates. At the moment, service providers are responsible for setting house rules.

We believe that it is essential that service providers and SDA providers involve people with disabilities in all decisions that affect them. Cohabiting tenants should be supported to establish house rules. This process should be facilitated through appropriately trained staff from a tenancy support service or the community visitor program. Capacity building and support will be essential for some people to meaningfully participate in this process.

We believe it is especially important that people with disabilities have a say with respect to who they live with. For this reason, we recommend that people who are house sharing are involved in tenant selection and are supported to take part on interview panels. We recognise that this will require additional support and this should be funded through the NDIS.

Below is a list of responses to the consultation questions relating to this topic from our Ambassadors (people with disabilities), their families and carers, support workers and our connections workers.

Who makes decisions about how the house operates?

<p>PWD</p>	<p>Residents.</p> <p>The residents. Since when did disability mean taking away dignity.</p> <p>The residents employ house manager that would help assist with decisions. Every resident should have an equal contribution.</p>
<p>Family/carer/ Connections Worker</p>	<p>If for some reason a different agreement did have to be made for a person, this would be discussed with residents and it would be made clear why they didn't something different. Everyone could make an informed decision about whether they would like the person to move in under a different agreement.</p> <p>The residents, with assistance if needed from an advocate.</p> <p>Landlord needs to be understanding that pwd need to have pets.</p> <p>By tenants initially, others, such as family members, support providers and advocates should only get involved when necessary.</p> <p>A consensus is always preferable but as in any household, compromises may have to be made.</p> <p>I have known of tenants in shared houses paying for an independant support person to facilitate a monthly tenants meeting at which issues could be aired and agreements reached. This not only prevents small issues escalating into big ones but can assist people to develop their own negotiating / problem solving skills if they have not had experience of living in a shared house before.</p>

Should all housemates need to agree on decisions made?

<p>PWD</p>	<p>Yes.</p> <p>Yes, where possible all housemates need to agree, even if it's through a family member or guardian.</p> <p>When the jury goes out it has to agree, if disagree then no it can't go ahead.</p> <p>It has to be equal, if someone doesn't agree it shouldn't be going ahead. May take a while to get a decision. Everyone should have equal rights to contribute – decisions need to be resolved. Some things need to be resolved – even if it only affects one person eg. Leaking guttering outside one person's bedroom window.</p>
<p>Family/carer</p>	<p>In some cases it might mean having case managers or family involved in the process where residents (e.g. with an intellectual disability) need help in making a decision. If residents are helping choose housemates from the start, it would help this whole process down the track.</p> <p>The majority and this would need to be understood at the start.</p>

Does the landlord have a role in managing the house?

<p>PWD</p>	<p>No. Landlords don't usually tell people how to run homes.</p> <p>No, why should they? They don't usually.</p> <p>Assuming yes – Get together so Landlord has a say about condition of house as it is theirs.</p> <p>Don't want to be told, want to be included – we need to be an inclusive society.</p>
<p>Family/carer</p>	<p>No, the landlord doesn't have a role on any other property for the average person so why should the person with a disability be different.</p>

How should issue with or disagreements about house management be resolved?

PWD	I suppose a general meeting where everyone is included and an agreement can be reached.
Family/carer	Meeting with all residents (and guardian/family member when needed) with a facilitator who could be a NDIS planner/representative. This would need to be supported by an advocate.

RECOMMENDATIONS

To support the development of a thriving SDA market that protects the rights of people with disabilities and have the appropriate safeguards in place. We recommend the following:

1. Uphold and strive towards a vision of a future SDA market:
 - a. that is driven by consumers
 - b. where there are a diverse range of quality housing options in the community
 - c. that is innovative and driven to respond to the needs of consumers
 - d. where consumers are empowered, informed and supported
 - e. where principles for effective safeguarding are upheld
2. Uphold and strive towards the following safeguarding principles:
 - a. Mainstream regulation and safeguards are accessible and applicable to people with disabilities.
 - b. Capacity building is at the centre of safeguarding.
 - c. Innovation and investment is promoted while maintaining safety standards.
 - d. The diverse needs of tenants are recognised and responded to.
 - e. Roles and responsibilities are clearly defined.
 - f. Complaints are welcomed and easy to make and disputes are easily resolved.
3. Improve mainstream regulation to accommodate the needs of people with disabilities in SDA.
 - a. Amend the Residential Tenancies Act 1997 (RTA) to cover people with disability living in SDA, so at a minimum, people with disability have the same rights and protections as other tenants in the general community.
 - b. Include a separate section in the RTA for SDA, to ensure there are adequate protections and it is easy for all parties to understand their rights and responsibilities.
 - c. Bond payments should be applied in accordance with the community expectations reflected in the RTA.
 - d. Update the RTA to include protections to include a tenancy agreement that is easily accessible, and clearly outlines the responsibilities of the landlord and how to make a complaint and resolve disputes.
 - e. Restrict an SDA provider's access to rented premises to only include situations where tenants have given their consent or adequate notice has been provided in line with Clause 85 – 88 of the RTA. Allow NDIS participants to negotiate access by service providers on a case-by-case basis.
 - f. Strengthen the RTA so that landlords are not be permitted to unreasonably refuse consent to structural modifications that support disability, health or safety needs.

- g. Expand the list of urgent repairs to reflect the urgent nature of certain repairs, as a result of having a disability, and requiring these major repairs, because of the disability.
 - h. Maintain the RTA protection that landlords are not permitted to unreasonably refuse consent to structural modifications that support disability, health or safety needs.
 - i. Ensure that clear policies are in place with respect to who is required to fund the necessary modifications. It would not be appropriate to require an SDA provider to fund modifications which are specific to the individual and beyond the specifications of the type of SDA that they are providing. Doing so will disadvantage more complex clients in an open rental market.
 - j. Require the SDA provider to give participant a minimum of 180 days' notice before the participant is required to vacate the premises, unless shorter notice is required to address the risk of harm to the participant or others (see k.). Ensure that DHHS, the NDIS and the provider of last resort are notified of the notice. Any notice to vacate based on the participants actions should trigger a review of the participant's NDIS plan and behaviour support plan where relevant, before the notice to vacate expires.
 - k. Enable SDA providers to take prompt action to protect the safety and well-being of other residents with immediate eviction allowable if this is required to address the risk of harm to other cohabiting tenants. Policies and procedures will need to be put in place, to ensure that due process is followed. In such circumstances, the landlord will be responsible for notifying the provider of last resort, the NDIS, and DHHS to prevent homelessness and where appropriate, the police, to ensure that criminal matters are appropriately investigated.
 - l. Ensure any notice to vacate relating to property damage is only based on a person 'knowingly and intentionally' damaging property and not due to their disability and/or mental illness. The NDIS should be responsible to ensure that the appropriate safeguards are in place to prevent property damage, as a result of disability, and to pay for the repairs.
4. Build people's capacity to understand their tenancy rights and manage finances to support independent living, by:
- a. Including ongoing tenancy support as required in NDIS plans
 - b. Funding a tenancy support service, possibly as an adjunct division of VCAT, which has expertise in tenancy rights and assisting people with disability.
 - c. Funding independent advocacy to assist people to understand their tenancy rights, navigate dispute resolution processes and help address the power imbalance between tenants and landlords.
5. Support the disabilities to have maximum choice and control with respect to where they live and who they live with by:
- a. Providing easily accessible information about SDA properties, private rental and homeownership options.

- b. Collaborating with the Summer Foundation which has been funded to develop a central hub for accessible housing vacancies including all SDA properties
 - c. People with disabilities should not be forced to live with someone they do not wish to live with and therefore tenants should be meaningfully involved in the selection process of cohabiting tenants.
 - d. Cohabiting tenants should be supported to establish house rules. This process should be facilitated through appropriately trained staff from the tenancy support service or the community visitor program.
6. Maintain necessary safeguards by:
- a. Ensuring that there is a provider of last resort which has a commitment to find alternative accommodation within 3 months. It is essential that the provider of last resort
 - b. Retaining the power of community visitors to inspect properties, but provide SDA recipients who are not sharing with other SDA recipients, the right to refuse entry. If a community visitor is suspicious a person with disability has been pressured or manipulated by another party to deny them entry, allow them to refer this issue to the independent alternative dispute resolution body or VCAT for review.
 - c. Retaining protections with respect to restrictive practices by ensuring they are included in state legislation during transition and in the National quality framework beyond transition. As restrictive practices relate to service provision, they do not belong in the RTA.

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