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department of disability,
housing & community services

Minister's Housing Advisory Forum

Housing for People with a Disability

Discussion Paper

7 February 2006

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Reception Room, Legislative Assembly

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Purpose

This Discussion Paper has been prepared for the Minister's Housing Advisory Forum on housing for people with a disability, to be held 7 February 2006. It will be hosted by Mr John Hargreaves, Minister for Disability, Housing and Community Services (DHCS). The forum will be in preparation for the planned open ACT Ministerial Consumer Forum on 27 February 2006 and the ACT Ministerial Housing Summit on 28 February 2006.

The purpose of this Discussion Paper is to provide attendees with:

- background information on the issue of housing for people with a disability in the ACT; and
- a number of suggested focus proposals for discussion at the Forum.

While there has been wide community consultation on the principles of good housing for people with a disability over the last two years, this forum aims to get feedback on what specific initiatives have community support and seeks specific advice on the practical issues associated with proposed initiatives.

Introduction

While 'disability' is a relatively broad term, this Paper refers primarily to people with profound or severe limitations in the areas of self-care, mobility, and/or communication, and require significant personal support and/or home modification to live in the community.

The impact of disability can create a barrier to engaging in education and vocational training, attracting and retaining full/part-time employment and engaging in the economic life of the ACT community. A large percentage of people with a significant disability are dependent on the Disability Support Pension for their income.

Secure housing and tenancy for most people with a disability and their families is the cornerstone to minimising the impact of the disability and maximising personal outcomes. The majority of people with a disability and their families are highly dependent on access to government provided housing. Whilst access to affordable housing is an issue for all disadvantaged groups many people with a disability are doubly burdened with additional care and support costs.

DHCS continues to commit to providing a range of person centred approaches to housing and tenancy arrangements for people with a disability. Person centred living arrangements tend to vary according to individual needs. This means that for many people their needs cannot be met through prearranged large congregate living models as their lives and the lives of the people they share a home with will change over time.

This Paper seeks to examine how the ACT Government, in partnership with community agencies and groups, can find solutions to the housing and tenancy needs of people with significant disabilities through new public, community or private arrangements. The ACT Government acknowledges that for many people with a disability the issue of housing cannot be separated from the issue of their support arrangements.

Background

The ACT Government agreed to the recommendations of the *Report of the Board of Inquiry into Disability Services 2001* to:

- "A gradual adoption of the person centred approach to assessing and delivering services to people with a disability in consultation with their families" and to:
- "Encourage the design and introduction of new and flexible models that are responsive to the needs and desires of people with a disability – including family and community governance arrangements."

In addition the Act Government noted the following recommendation:

- "Adoption of a policy of progressively withdrawing from the group home model as the predominant residential support arrangement, moving towards an individualised and integrated care and support model".

Housing ACT has traditionally allocated houses to government and non-government disability support agencies through the Community Organisations Rental Housing Assistance Program (CORHAP). Government and non-government agencies have tended to develop 'group home' or congregate living models in the absence of other more person centred examples. Though this model was created within the principles of *Normalisation*, the concept of the group home as 'normal' has become increasingly problematic in the context of social and cultural change. There is now a far greater range of housing and an increased number of people without a disability choosing to live in medium and high-density housing areas, villages and intentional communities (Bostock et al, 2001).¹. Whilst some form of shared living option is for many people desirable, from both a social and an economic view, the density and mix of tenants is a key consideration in the choice of model.

In line with the Vision and Values Statement that was developed by the Disability Reform Group, the ACT Government supports a range of housing and tenancy arrangements that assist *'all people with disabilities achieve what they want to achieve, live how they choose to live, and are valued as full and equal members of the ACT community'*. A copy of the Vision and Values is at **Attachment A**.

All new funding allocated in the 2002-04 ACT budgets for disability support has been devolved through the Individual Support Package (ISP) Program. This program requires the provider to work alongside the individual recipient and their family and/or carer to develop individualised solutions within available funding to provide for the support needs of that individual. Whilst the ISP program does not cover housing and tenancy costs it does broaden the lifestyle options for the individual concerned.

Since its inception DHCS has been proactive in the development and trialling of a number of housing and tenancy models and initiatives in the ACT that promote person-centred accommodation options for people with a disability. These models and initiatives include the supportive landlord, network communities and shared tenancy arrangements e.g. in 2004, the ACT Government allocated \$1 million to capital funding for the Centacare LINC program to purchase four houses as part of a network. Housing ACT also allocated five properties to be head leased by Centacare towards the completion of a network of 10 properties. Additionally, Disability ACT's ISP Program has enabled a number of people to engage in personal care arrangements that have assisted them to move from their family home to more independent arrangements.

¹ Bostock, L et al. (2001). *Deinstitutionalisation and housing futures: final report*, Australian Housing and Urban Research Institute. As cited in NSW Government Accommodation and Support Paper. Working Draft Nov 05.

Housing and Tenancy Reform Working Group

In 2005 the former Housing and Tenancy Reform Working Group (HTRWG) developed and consulted on five key principles relating to when people with a disability rent, lease, or occupy properties. These principles provide guidance on the range and quality of options that need to be available to people with a disability to support them to realise the aspirations set down in the *Vision and Values* for all people with a disability in the ACT. Among the principles is the right of all people with a disability to individual tenancy agreements and the need for a coordinated response to housing and accommodation support needs. A copy of the principles are at **Attachment B**.

To advance this work an internal cross-departmental group has identified a number of key issues and some housing and tenancy models in both government and non-government services that could be investigated and developed. Some of these issues and proposals are outlined in the following section.

Issues

1. Priority within a limited public and community housing stock

Housing ACT has a limited number of properties it can allocate each year. This puts pressure on the organisation to prioritise housing allocations to all but its *Early Allocation Category 1* clients i.e. those who are currently homeless or facing imminent eviction, or at risk of domestic violence. *Early Allocation Category 2* clients include people on low incomes, people with medical needs and community organisations through the Community Organisation Rental Housing Assistance Program (CORHAP). Though Housing ACT recognises that disability may cause a person to be financially unable to find an affordable and suitable home on the private market, it does not classify disability in itself as a qualification for *Early Allocation Category 1*.

While CORHAP currently allocates approximately 22% of properties to disability support organisations, this program also faces the constant challenge of finding suitable properties and prioritising community need.

2. Adult independent living

Current trends would indicate that young people stay living in their parental home for longer periods due to high house prices, high rental costs and a longer time spent at tertiary institutions. For people with a disability it is more likely that they will stay in their family home for much longer periods due to the impact of their disability, high personal support needs and limited financial resources. Sometimes this will be until their parents or family carer is no longer able to physically or emotionally provide the necessary support. Whilst it is acknowledged that for some people with a disability and their families this is a preferred living arrangement, for many, living independently from each other as an adult is not only desirable, but essential to maintain this primary relationship and prevent the breakdown of this natural support system.

3. There are limitations to the group home model

Approximately 40% (\$17 million) of the current Disability ACT budget (\$52 million) for disability support services is 'locked' into the DACT Individual Support Services (ISS) accommodation services. Of the 327 people with a disability that receive accommodation support in the ACT, ISS provides this service to 169 people in 59 homes across the ACT. Approximately 80% of existing ISS accommodation support budget is directed towards direct support staff. This group home model requires the service to provide resources to support the client with the highest need within any group home mix, irrespective of the actual needs of the other individuals. While acknowledging that small group arrangements can work well for some people, this approach can often become highly regulated and standardised, is not necessarily cost effective and may not meet the individual needs of a client.

4. Families' need for assurances regarding change

Many families have only experienced the group house model of service delivery and believe that only the government can provide a secure and safe model for their family member. The ACT Government acknowledges that it will only reduce fears about other models through working in close partnership with people with disabilities, their families and community agencies in the development, risk analysis and solution finding processes of individualised options.

Proposed initiatives

Given the above issues, below is a list of possible initiatives that have been suggested over the last year within government and community working groups. The list presented here should not be considered to be exhaustive, and the discussion of other ideas is welcome (within the time constraints of the forum).

1. Co-Tenancing in Public and Community Housing

Co-tenancing is an arrangement whereby a person with a disability accessing public or community housing chooses to share his or her home with someone without a disability. In exchange for providing an agreed level of support, the co-tenant gets a reduced or waived rent e.g. they may be expected to be home six nights a week or at a certain time during the day.

The role of the co-tenant is to compliment paid and informal networks rather than provide an alternative to paid support. In general their role is to provide assistance and companionship, within agreed arrangements.

Agencies such as Hornsby Challenge (NSW), The Housing Connection (NSW), McKillop Family Services (VIC), Jesuit Social Services (VIC) and Homes West (QLD) have participated in these arrangements for a number of years. In the ACT this model has operated successfully in FOCUS, an accommodation provider of some 15 years, mainly using private rental options.

It is reported that the longevity of co-tenancing arrangements mirrors similar arrangements in society². The identified outcomes for people who live in a co-tenancing arrangement include increased social networks, particularly outside of the disability sector; increased autonomy and independence; and the development of meaningful relationships.

It is acknowledged that co-tenancing arrangements will not be suitable or of benefit to all people with a disability and its application would need to be tested on an individual basis.

Issues

- Under Housing ACT policy this model could fall outside of the current eligibility, allocation and rebate policy for rent setting for all residents that is necessary to make it a feasible option.
- Who is responsible for a co-tenant's rental rebate?
- Duty of care, legal and insurance obligations?
- What would the co-tenant selection process be?
- Should there be a police check? If yes, who pays?
- Does the co-tenant need to meet Housing ACT eligibility criteria?
- Could it work within the private sector?
- Conflict resolution/Grievance process.
- Defined roles and responsibilities of tenants, co-tenants and agencies.

2. Responsive Landlord for Housing and Tenancy Support for People with a Disability

The *Responsive Landlord* model provides tenancy support for people with a disability who are clients of public or community housing and who require support additional to property management provided by an organisation such as Housing ACT. The table

² Fiona Cameron-McGill and Trudy Van Dam, 'Best Buddies Australia', <http://www.nswcid.org.au/publications/news/04/02.html> February 2004.

below demonstrates the continuum of property-tenancy-personal care service delivery, identifying the support most suitably provided by a *Responsive Landlord* model.

Housing ACT	Responsive Landlord	Support Provider
Providing housing and property management.	Provide support to maintain tenancy	Providing non-tenancy related support services
<ul style="list-style-type: none"> • Disability modifications • Maintenance. 	Assistance with: <ul style="list-style-type: none"> • budget management; • payment of rent accounts; • compliance with body corporate rules; • maintaining the property standard (tenant responsible maintenance); • working with Housing ACT in facilitating ongoing maintenance and modifications; • organising utilities (phone, gas, electricity etc.); • furniture, white goods, for moving in or when modifications / maintenance occur; • group living issues, such as facilitating house meetings, mediating minor disputes or facilitating access to mediation services; • referral for non-tenancy related issues, such as assistance with groceries, representation; • liaison with support providers. 	<ul style="list-style-type: none"> • Supporting and building living skills and community access skills. • Facilitating access to advocacy etc.

TAS Housing currently provides a responsive landlord service to its members.

For many people with a disability, access to, and the ability to maintain, a person-centred housing and tenancy option is dependant on the support they may get from the person they live with e.g. partner, flatmate, co-tenant, family, or formal support through volunteer or not for profit community organisations.

Typically, Housing ACT tenants are able to access some assistance that may meet some of the above mentioned support requirements from Housing Managers and Client Service Coordinators. However, where people's housing and tenancy support needs exceed what is currently provided by a property management service, independent living arrangements are neither affordable nor widely available.

To address this identified service gap in a sustainable way a collaborative partnership between government and non-government sectors is required.

Issues:

- What is current best practice internationally and nationally regarding housing and tenancy models for people with a disability?
- Need to develop policy and funding guidelines for the provision of a responsive landlord services e.g. who pays for additional services (additional direct funding to agencies or fees charged to clients in the form of increased rent?)
- Need to consult with key stakeholders on the model development and coherency.
- Identify departmental responsibilities in relation to contract and relationship management.
- Identify suitable clients and implement pilots.

3. Ring-fenced (Committed) Public Housing Stock for People with a Disability

Ring fencing refers to the idea of identifying and commissioning a fixed annual number of 'out of turn' allocation properties from public housing for people with a disability. It would also require a funding allocation for any disability modifications needed for these properties.

Issues:

- The Minister's Housing Summit will examine core issues around the purpose of housing assistance including targeted assistance for special and high needs.
- People with a disability are essentially 'competing' with the most disadvantaged group in our society for accommodation – the homeless.
- DHCS currently estimates that 20 committed properties, for example, would cost around \$7m. The need to modify properties would be an additional cost.
- Consideration needs to be given to the source of accommodation support needed to enable the move to independent living.
- Policy issues such as identification of suitable properties, the allocation of properties, eligibility criteria and tenancy agreements would need to be considered.

4. Home Ownership for People with Intellectual Disabilities

Home ownership is an option, which sometimes arises for people with intellectual disabilities and their carers. For example, parents may wish to give their child their family home when they die, or they may wish to purchase a home for their son or daughter when they become an adult.

Home ownership is seen as a way of providing housing security, especially where a person has an intellectual disability. Some families also see it as having a number of other advantages e.g. giving the adult child with an intellectual disability a sense of independence; self esteem; a sense of being 'normal'; permanency, stability and a sense of belonging; and routine in living arrangements.

While there are many ways of achieving some of these goals outside of home ownership, for some families and some people with a disability it may be the most effective way of achieving some of these goals.

Issues

- Many responsibilities accompany home ownership – including payment of rates, maintenance of the house and garden and potential to sell the asset. Any consideration of home ownership needs to look at these issues and to provide arrangements that are suitable for the varying capacities of people with intellectual disabilities.
- Home ownership can also impact on access to other systems that are used by a person with a disability or a family member, including social security payments and support service systems.
- It can also give rise to many legal issues e.g. legal capacity and substitute decision-making, the operation of trusts, taxation concerns, legal ownership structures and ways of providing flexibility for changing circumstances at the same time as creating security and certainty for the person with an intellectual disability.
- Other concerns can relate to family dynamics, safeguards to ensure the practical implementation of the family's intent and problems with lack of access to professionals with appropriate expertise:
 - to decide whether home ownership is, in fact, the best choice for their adult child;
 - to consider the range of options if home ownership is the best choice;
 - to address practical concerns about achieving the goal; and
 - to provide pathways to enable the long term success of such a choice.

5. Deohaeko (Canada)

The Deohaeko Support Network is a family governed Canadian model where families came together 13 years ago to plan for the future of their sons and daughters with intellectual disability. These families designed and had built the Rougemount Intentional Community in Pickering, Ontario.

Rougemount is a 105-unit government-housing cooperative, which has become a home to six of their sons and daughters, as well as 200 other typical community members looking for a good place to live.

Although the units are rented by the government, the operation of Rougemount is based on the traditional co-operative principles of mutual ownership, effort and support. It belongs to and is owned equally by cooperative members. This creates continuity of home life and relationships, and ensures that all members have full rights and valued roles in the running of the cooperative. People with a disability started as, and remain as, key residents in the complex.

The Deohaeko Support Network was the founding board of Rougemount but the cooperative has since formed its own Board with a Deohaeko representative on it. There is a high demand for the units and a waiting list of several years.

The Deohaeko Support Network has introduced a paid coordinator to support the family members with a disability who live at Rougemount. The coordinator supports people's circles of friends, their relationships and their support plans. While families still remain very much involved, having a coordinator helps to ensure that issues are identified and dealt with more quickly e.g. maintaining good relationships with neighbours.

6. Greater support within family homes

Where other options are not available, or are not taken up, and a person with a disability continues to live with their parents, this housing arrangement needs to be supported. Support can involve assistance with life planning, community networking and service coordination; in-home or out-of-home respite; day activities; and the services of occupational therapists, physiotherapists, speech pathologists and psychologists.

The recent initiative of Local Area Coordinators will assist people with a disability and their families by providing accurate and timely information; assisting in determining their own needs and identifying the supports they require; assistance to connect with and be included in the local community and its activities; accessing formal support services, if required; and advocating for people with disabilities and their families, when required.

Conclusion

This Paper has provided a brief background history of housing issues for people with a disability in the ACT, the context within which the ACT Government works and a summary of work done to date in developing initiatives to meet need.

The Minister is keen to hear the advice of the wide range of representatives from the disability and housing sectors that have been invited.

In anticipation of your attendance at the Forum, the staff of DHCS look forward to meeting with you and to hearing your suggestions on how the Territory should best meet the housing needs of people with a disability.

Vision and Values Statement (developed by the Disability Reform Group)

Vision

All people with disabilities achieve what they want to achieve, live how they choose to live, and are valued as full and equal members of the ACT community

Values

Community

All people with disabilities have opportunities for personal relationships and for meaningful involvement in the ACT community in positive and creative ways, building on their individual abilities. This in turn enhances the skills, perspectives and diversity of the ACT community as more people have the opportunity to be involved in the lives of people with disabilities.

Inclusion

All people with disabilities are recognised and respected as valued and contributing members of society. Community education is an important means of achieving this outcome.

Self-determination

All people with disabilities and/or their guardians are free to make or influence the decisions and choices that affect the course of their lives. This empowers them to realise their self-worth in every aspect of life.

Equality

All people with disabilities enjoy equal rights, responsibilities and opportunities with the rest of society. Equality is promoted by people with disabilities, their advocates and supporters.

Family Involvement

The roles of families, guardians, friends, carers and significant others in the lives of people with disabilities are supported, valued and promoted.

Equity

Sufficient resources for people with disabilities are distributed strategically to best meet their overall needs, taking a holistic view of the community.

Freedom of Access

All people with disabilities have full and direct access to all public places in the ACT.

Access to Information

All people with disabilities and/or their representatives give and receive accurate, timely and understandable information, and are supported in that process to enable appropriate decisions to be made.

Transparency

Principles, priorities and processes for service provision for people with disabilities are public and clear.

Partnership

All people with disabilities have the opportunity to work collaboratively with government and the community to set agendas where appropriate and to be leaders and decision makers, particularly in the development and reform of relevant services. All parties have a clear understanding of their relationship and share relevant information with each other.

Consumer Power

When obtaining supports and services, all people with disabilities enjoy protection, choice, information and redress, and can define their own needs, to the same extent as other consumers.

Culture of Excellence

Services that support people with disabilities, their families and friends are flexible and innovative, and aim for, and continue to be at world best practice levels.

Creativity and Development

All people with disabilities have the opportunity to enrich the community through their own growth and development. Research and recognition of the unique life experiences and skills of people with disabilities, their families, friends and carers, provide ongoing opportunities for learning.

Safety

Optimal levels of safety for people with disabilities are determined in consultation with all stakeholders.

Representation

All people with disabilities are empowered through advocacy support and representation of their needs and rights where necessary.

Principles of Good Housing for People with A Disability

The purpose of these principles is to ensure that housing options offer the best possible housing outcomes for the individual and that people with a disability should have the same access to appropriate housing as any other member of the community.

These principles are for when people with disabilities rent, lease, or occupy properties or for when they enter into other tenancy arrangements.

Principle 1:

That housing provision for people with disabilities should be separated from personal support and not administered by a single provider to remove the inherent conflict of interest that can arise between these two roles.

The separation of the management of housing and support, allows for a greater degree of privacy, a wider choice of services and greater security. This does not mean however for a person with a disability seeking accommodation support that they or their family needs to find both a housing provider and an accommodation support provider to meet their needs. Instead, though this separation of roles is required, from a consumer's perspective, they should be able to access a single point in the service system that brings both accommodation support and housing together in response to their assessed needs. The co-ordination of housing and support is only possible if there is appropriate housing and adequate support available.

Principle 2:

That all persons with a disability in rental housing should be able to be party to a tenancy agreement.

While philosophically people with a disability should have access to the entirety of rights and entitlements provided by tenancy law, it is recognised that individuals must be able to exercise choice as to whether to be party to a tenancy or occupancy agreement to support their specific circumstances. However, the choice as to whether to enter into a tenancy or occupancy agreement should rest with the person with a disability or their guardian.

Where that exists a good tenancy agreement involves:

- A document (written contract) that is clear; and
- Both parties being aware of and understanding their rights and responsibilities.

Principle 3:

The housing provided to a person with a disability should include a range of options that meet the definition of 'good housing' and should facilitate the provision of 'good personal support'.

Recognising that people with disabilities will make choices about the type of housing that best meets their needs at any point in their lives, there are a number of housing choices that are not considered to meet generally accepted community standards that should not be supported by Government as a permanent housing solution for people with disabilities. Again, the provision of real choice in housing options to the person with a disability is paramount.

Principle 4:

That where disputes arise in tenancy situations the available pathways to resolve those disputes (both formal and informal) should be pursued to address issues related to either an individual's tenancy or where the dispute is between tenants in common.

While not an issue unique to people with disabilities, it is recognised that various forms of community living will be a housing model for a significant portion of people with disabilities.

Principle 5:

Encourage the participation of individuals, families and other members of the community to achieve sustainable housing options which facilitate people's inclusion in the community.

A person's home ought provide a level of amenity that allows visitors and social interaction - a person ought to have choice and control over the environment in which they live. Also the development of sustainable housing options should be actively encouraged throughout the community.