

# HOUSING ISSUES FOR PEOPLE WITH DISABILITY, OLDER PEOPLE AND CARERS IN NSW

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Prepared by the NSW Ageing and Disability Commission for, and in conjunction with:

- the NSW Ageing and Disability Advisory Board
  - the NSW Ministerial Advisory Council on Ageing
  - the Disability Council NSW
  - the NSW Carers Advisory Council
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## Foreword

This paper highlights the current and longstanding housing issues that adversely affect older people, people with disability and carers in NSW.

While these cohorts are diverse, they have much in common and there is significant intersection between them. They have a shared need for accessible, affordable and well-located housing, and face common barriers in seeking to meet those needs.

We recognise that the housing crisis does not solely affect our populations. However, the impact on older people, people with disability and carers is significant and they have particular housing needs, such as accessibility, that heighten their risks and the challenges they face in sourcing appropriate accommodation.

As Chairs of the key advisory bodies to the NSW Government in relation to older people, people with disability and carers, we have prepared this paper in light of our serious concerns about the disproportionate and increasing impact of the housing crisis on the cohorts and communities we represent. In our informed view and experience, addressing their housing needs will require explicit consideration and a targeted approach.

We acknowledge that there is no easy answer to the housing crisis, and appreciate the considerable work being undertaken by the NSW Government, with others, to find solutions. We want to ensure that the housing needs of older people, people with disability and carers are at the forefront of the considerations and plans, that key steps are taken to address barriers to accessible housing, and that we are part of the solution.



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# 1. Introduction

## 1.1 Background

In 2022, the Chairs and representatives of the NSW Ageing and Disability Advisory Board, the NSW Ministerial Advisory Committee on Ageing, the Disability Council of NSW, and the NSW Carers Advisory Council met to discuss the critical issues in their portfolio areas. Each of the Chairs identified housing as the dominant and pervasive issue consistently being raised through their work that is affecting all aspects of the lives of older people, people with disability and carers in NSW, and causing continuing harm.

While government has taken, and is continuing to take, a range of actions to improve housing outcomes for NSW citizens, the Chairs considered that the risks faced by older people, people with disability and carers had not been adequately recognised or addressed.

Across these cohorts, there is significant overlap and intersection, with mutual areas of need and common barriers to appropriate housing.

Within these cohorts, there are also groups who experience disproportionately high rates of homelessness and other poor housing outcomes and have particular needs in relation to housing and other services, including (but not limited to) Aboriginal people, people from culturally and linguistically diverse (CALD) backgrounds, and people in LGBTQ+ communities.

In this context, the Chairs identified the need for a summary paper that draws together existing public information on the housing issues affecting older people, people with disability and carers in NSW to:

- highlight the particular housing issues for older people, people with disability and carers, and the impact of those issues
- inform discussions with the NSW Government, and the advice of the four advisory bodies
- inform the considerations of the NSW Government to progress actions to address the issues.

This paper does not seek to duplicate previous reports, go into detail about the broader housing issues in NSW, or canvass different accommodation models. Rather, the paper highlights the key known housing issues for NSW citizens who are older and/or have a disability and, by extension, carers providing informal support, and their impact.

## 1.2 Overview

Australia is experiencing a housing and homelessness crisis. On Census night in 2021, over 35,000 people in NSW were experiencing homelessness, and there is evidence this figure is increasing. A further 33,229 people were housed in crowded dwellings, other improvised dwellings, and marginally housed in caravan parks.<sup>i</sup>

For many reasons, having a safe and secure home is out of reach for many, despite a range of government policies and initiatives over the years.

For older people, people with disability and carers in NSW, housing affordability, availability, and accessibility present barriers to appropriate housing and place them at risk of homelessness and/or other adverse outcomes.

The housing and homelessness crisis is now such that the issues of affordability and availability affect the general population. However, these issues, and housing accessibility,

pose particular and additional risks to older people, people with disability, and carers.

Increased housing stress for families and carers significantly increases the risks of abuse for older people and people with disability in their care, as well as increasing risks of domestic and family violence more generally.

Barriers to accessible, affordable and available housing for older people and people with disability can lead to poor outcomes, adversely affecting their physical and/or mental health. Such outcomes include, but are not limited to:

- homelessness
- incarceration (both as a cause and as a result of homelessness)
- short-term and unstable accommodation, such as boarding houses and homeless shelters
- inappropriate accommodation in residential aged care facilities, hospitals and mental health facilities
- staying in or returning to abusive and unsafe relationships.

As the issues are longstanding, but the housing situations of many older people, people with disability and carers are becoming worse, urgent action is needed.

## 2. What is known about the housing issues affecting older people, people with disability and carers in NSW?

### 2.1 Relevant context

Consistent with the broader population, the main factors that present barriers to appropriate housing and place people at risk of homelessness are **affordability** and **availability** of housing. However, these issues, together with housing **accessibility**, pose particular and additional risks to older people, people with disability and carers in NSW. They tend to be disproportionately affected by these housing issues due to compounding factors of institutional social disadvantage and limited scope to address the situation independently.

By way of illustration, the following data provides a snapshot of the economic and housing circumstances of older people, people with disability and carers in NSW:

- In NSW, people with disability are almost three times as likely to live in a low income household compared with people without disability<sup>ii</sup>.
- The source of income of people with disability is more likely to be from government sources and to be lower than for people without disability<sup>iii</sup>.
- Pension and government allowances are the main source of income for 57% of older people<sup>iv</sup>, with people aged 55 years and older comprising the largest cohort receiving the JobSeeker payment<sup>v</sup>.
- Between 2016 and 2021, almost 50,000 more people over 65 years fell into poverty, accounting for the largest growth of all age brackets<sup>vi</sup>.
- In 2018, approximately half of primary carers lived in a household in the lowest two quintiles, twice that of non-carers<sup>vii</sup>.
- Of public housing tenants in NSW in 2020, over a third were aged 65 years and over, and almost 10% were aged 80 years and over. The main source of income for the majority (93%) of tenants was a pension, most commonly the disability support pension (34%) and age pension (30%)<sup>viii</sup>.
- For people living in rented private dwellings in 2021, rental payments took up 30%

of household income for almost half (41%) of all tenants who had a need for assistance (due to disability, older age, or long-term health condition), compared with under a third (27%) of those who did not have a need for assistance<sup>ix</sup>.

- Anglicare’s Rental Affordability Snapshot 2023, which surveyed 10,527 private rental properties in Sydney and the Illawarra region, found only seven properties affordable to single people receiving the age pension; and only two properties affordable to people on the disability support pension<sup>x</sup>.

Without intervention, the housing situation for people with disability and older people is likely to decline, and their risk of homelessness likely to increase, with continuing growth in both populations.

Almost 1 in 5 (18%) people in Australia, or about 4.4 million, have a disability, up from about 4 million in 2009<sup>xi</sup>. Over 1.3 million people with disability live in NSW.

Of the over 4 million people aged over 65 in Australia, about 17% (or 714,000) live in NSW<sup>xii</sup>. The number of people over 65 (and over 55 for First Nations Australians) is growing, and the increasing ageing population and age-related disability are expected to become more a prevalent feature of the demand for services. The ABS estimates that between 2016 and 2041, the NSW population aged 64 years and under is forecast to grow by 32%; however, the 65+ population is expected to grow at a much faster pace (66%)<sup>xiii</sup>.

As the numbers of older people and people with disability grow, the increasing impact on carers also needs to be taken into account. There are approximately 854,300 carers in NSW, with almost half (47%) aged 55 and over<sup>xiv</sup>, and around 36,000 carers living in State-managed housing<sup>xv</sup>.

## 2.2 Housing issues affecting older people

‘Ageing in place’ is preferred by the majority of older Australians. It means that, as people get older they can remain living in their home rather than entering residential aged care, even with a decline in mobility and/or cognitive functioning. This has advantages for both the individual and government, as the cost of supporting someone in residential aged care far exceeds the average cost of formal and informal in-home care<sup>xvi</sup>.

Ageing in place is referenced in *Ageing Well in NSW: Seniors Strategy 2021-2031*, the NSW Government’s commitment to respond to the opportunities and challenges of our ageing population. A key principle in the Seniors Strategy focuses on ‘enabling people to live in their home and community’:

‘Where we have the option and ability to age in place or live in an environment that is safe and suits our needs: we want homes and services that enable continued mobility, help us remain independent and are in a community we choose.’<sup>xvii</sup>

However, the recent inquiry into *Homelessness amongst older people aged over 55 in New South Wales* by the Legislative Council Standing Committee on Social Issues found that the Seniors Strategy does not clearly make ageing in place a focus and recommended the implementation of an explicit policy<sup>xviii</sup>.

The Committee also found that older people are increasingly finding themselves without a home, or at risk of becoming homeless – in particular, older women. The report identified that older women are ‘the fastest growing group to experience homelessness in Australia’<sup>xix</sup>, noting that:

- Nationally, the number of older women experiencing homelessness increased by 31% between 2011 and 2016.
- In NSW, the number of older women over 55 years experiencing homelessness

increased by 48% between 2011 and 2016. There was particularly pronounced growth (78%) in the number of women aged between 65 and 74 experiencing homelessness.

- According to stakeholders, there was an 88% increase in women aged 55 and over accessing specialist homelessness services in NSW between 2013/14 and 2016/17.
- The number of women aged 55 and over on the social housing waitlist increased 13% between 2012 (4,407) and 2020 (4,966).
- According to stakeholders, these figures are likely to be underestimates. It is difficult to accurately record the number of people experiencing homelessness because many people experiencing secondary or tertiary homelessness are 'hidden' from the Census or service providers. This is particularly the case for older women, who are reported to be less likely than men to sleep rough, and more likely to stay with friends or family or live in their cars.
- Drivers of homelessness for older women include:
  - relationship separation
  - the pay and superannuation gap, as women are more likely to take time out of the workforce for caring responsibilities, work part-time or casually, or be employed in lower paid jobs and industries
  - domestic and family violence.

The NSW Parliamentary Inquiry also heard that LGBTQ+ people experience disproportionately high rates of homelessness and other poor housing outcomes, especially older LGBTQ+ people.<sup>xx</sup> ACON identified that people living with HIV may also face additional barriers including discrimination, vilification or stigma. The Inquiry heard that the need for specialised services for this cohort will continue to increase as people age, and around half of all people living with HIV in Australia are now over 50<sup>xxi</sup>.

A high proportion of older people in Australia and NSW are from CALD backgrounds. Older people from CALD backgrounds have been identified as having particular needs in accessing homelessness services, due to factors including lower superannuation savings; a lack of rental history; challenges to finding employment; language and cultural barriers; lack of awareness of support services; and discrimination.

The Ageing and Disability Commission has noted particular gaps for older people from CALD backgrounds on certain visas, such as contributory parent temporary visas, who are unable to access income support through Centrelink and are ineligible for many crisis accommodation services. Additionally, there are extended wait times for specialist legal services to support those on certain visas, placing them at greater risk of homelessness and with limited options to leave abusive situations in the home<sup>xxii</sup>.

The inquiry report provides a comprehensive overview of the significant housing issues affecting people aged 55 years and over in NSW, including the key drivers of insecure housing and homelessness among older people, and the devastating impact on their physical and mental health outcomes. The Committee made 10 findings:

**Finding 1**

The 'face' of homelessness is changing, reflecting in part the concerning upward trajectory of older people who are experiencing homelessness.

**Finding 2**

The true extent of homelessness amongst older people is unknown.

**Finding 3**

While a confluence of complex and diverse factors drive homelessness amongst older people, the primary drivers are financial difficulty, housing crisis and housing

affordability stress.

**Finding 4**

There is a direct relationship between insecure housing and poor health outcomes, particularly amongst older people.

**Finding 5**

The system of homelessness services is considered complex and difficult for older people to navigate.

**Finding 6**

'Housing-First' and 'Home at Last' models of homelessness service provision are best-placed to assist in addressing the increased prevalence of homelessness among older people.

**Finding 7**

The shortfall in both social and affordable housing is the single greatest challenge for people who are at risk of or experiencing homelessness in New South Wales.

**Finding 8**

Some groups of older people, in particular women, are disproportionately affected by homelessness and face particular challenges in accessing housing and other support services.

**Finding 9**

Specialist Homelessness Services do not receive adequate funding despite playing a critical role in supporting people who are experiencing homelessness. This funding shortfall makes it particularly difficult for Specialist Homelessness Services to recruit and retain adequate staff. Low wages, challenging work conditions, vicarious trauma and burnout all contribute to the workforce issues faced by homelessness service providers delivering essential services and support to people experiencing homelessness.

**Finding 10**

Place-based homelessness and support services play a vital role in assisting older people who are experiencing homelessness.

In brief summary, an older person cannot age in place if they do not have a safe and secure place to live.

Analysis of the 2021 Census by the Housing for the Aged Action Group (HAAG) in relation to NSW identified<sup>xxiii</sup>:

- The proportion of older people who own their own home is steadily declining.
- More people aged 55 and over are still paying off mortgages. As many of these people are in the lowest income quintiles, they are likely to be in housing stress.
- The number of older private renters has increased by 75% in 10 years. Together with the rising cost of rent and low availability of suitable rental properties across NSW, many of these older renters will be at risk of homelessness.
- Older, low income, private renters are most at risk of homelessness.
- A greater number of older renters are living alone, increasing their risk of homelessness. The number of people aged 55 and over living alone in private rental has increased by 75% in Greater Sydney. This was a faster increase than the rest of NSW (52%) and the rest of Australia (65%).
- Women aged 55 and over on very low incomes are over-represented in private rental and owning a home with a mortgage.

The inquiry also heard that there is a 'service gap' for older people who are ineligible for housing through aged care or the National Disability Insurance Scheme (NDIS), but who are unable to resolve their housing needs themselves. The Committee reported that it was

‘deeply concerned about the severe lack of accessible social and community housing’ for older people with disability in NSW, and ‘particularly troubled by evidence that many older people are being forced to live in aged care or hospital because there is insufficient housing for them.’<sup>xxiv</sup> (The intersection of housing and the NDIS is discussed in section 2.3.2).

The inquiry report highlighted the disproportionately high rates of homelessness experienced by Aboriginal<sup>xxv</sup> people in NSW, associated with multiple and intersecting factors of disadvantage, the ‘transgenerational impact of policies and services that conflict with Aboriginal values and culture’, and discrete factors including domestic and family violence, elder abuse, and racism<sup>xxvi</sup>.

The Committee made [40 recommendations](#) to improve housing support and outcomes for older people and reduce their risk of homelessness. Among other things, the recommendations sought:

- actions to build, and expedite the construction of, more social and affordable housing
- work towards ensuring fully accessible new social housing
- changes to streamline application processes for housing and support services
- the establishment of a funded specialist housing information and support service to provide an early intervention and crisis response
- actions to increase the security of tenure, enable easier home modifications, and address discrimination in the private rental market
- better housing and homelessness data collection and transparency
- actions to identify and address service gaps for older people at risk of homelessness who are not able to access NDIS or aged care services
- consideration of additional funding to place-based homelessness and supporting services, and Specialist Homelessness Services, to provide support targeted at older people.

In [response](#), the NSW Government supported nine of the recommendations and supported in principle another 24. The recommendations supported in full by the Government primarily relate to training and education for frontline workers in relation to the needs of older people; looking at ways to improve homelessness data collection and reporting; increasing investment in the maintenance and retrofitting of social housing stock; and advocating with the Commonwealth Government.

## **2.3 Housing issues affecting people with disability**

The UN Convention on the Rights of Persons with Disabilities recognises the right of people with disability to an adequate standard of living for themselves and their families, including access to housing and public housing programs, and to live independently<sup>xxvii</sup>.

Australia’s Disability Strategy 2021-2031 (ADS) highlights how appropriate housing is a prerequisite for a happy and stable life and supports the participation of people with disability in their communities. ‘Inclusive Homes and Communities’ policy priorities in the ADS relate directly to increasing the availability of affordable and accessible housing, and people with disability having choice and control about where they live, who they live with, and who comes into their home<sup>xxviii</sup>.

However, a Targeted Action Plan has not yet been developed for this work under the ADS. The NSW Disability Inclusion Plan 2021-2025 refers to housing in the ‘Creating Liveable Communities’ focus area but does not include specific actions or targets<sup>xxix</sup>.

As part of its recent homelessness inquiry, the NSW Legislative Council Standing



Committee on Social Issues heard that compared with the population as a whole, people with disability have poorer housing outcomes. To explain this, stakeholders pointed to fewer employment opportunities and a lifetime of lower earnings, lack of social support, lack of suitable housing options, and the need for specialised assistance and services.<sup>xxx</sup>

People with disability are at higher risk of experiencing housing insecurity, poor quality housing, housing dissatisfaction and housing unaffordability<sup>xxxi</sup>. They are also more likely to be renting rather than home owners, and to live in public housing<sup>xxxii</sup>.

Evidence identifies that people with disability are more vulnerable to, and have a greater risk of experiencing, homelessness<sup>xxxiii</sup>. This is often because they have difficulty accessing housing services and because of low levels of appropriate affordable stock in the social housing and private rental markets<sup>xxxiv</sup>.

The intersection of factors such as disability (including mental illness), age, gender and race can increase the risk of people with disability experiencing homelessness<sup>xxxv</sup>. Additionally, people with complex support needs are much more likely to have experienced homelessness, often leading to criminalisation<sup>xxxvi</sup>, than those without complex support needs<sup>xxxvii</sup>. Homelessness is a key factor in increased risk of violence, abuse, neglect and exploitation of people with disability, and the deterioration of an individual's mental health<sup>xxxviii</sup>.

A significant number of reports have highlighted the difficulties people with disability in NSW experience in gaining access to appropriate and accessible housing, including:

- a serious shortage of accessible housing options for people with disability across the housing market<sup>xxxix</sup>
- protracted, cumulative delays in the delivery of public housing modifications, resulting in injuries while waiting for modifications to occur<sup>xl</sup>
- barriers to accessing specialist homelessness services associated with inaccessible premises; and too few refuges accepting and assisting clients with physical or intellectual disability, or people who need high level support due to mental health concerns or disability<sup>xli</sup>.

Much research has demonstrated the negative impact of inadequate accessible, well-located and affordable housing for people with disability,<sup>xlii</sup> including:

- it hinders their ability to access services and limits their economic and social participation<sup>xliii</sup>
- the absence of appropriate and accessible housing can lead to poverty, poor health and lower rates of employment and education<sup>xliv</sup>
- a lack of appropriate housing alternatives results in people with disability having to remain in unsuitable accommodation– including hospitals, mental health facilities and aged care facilities – with few opportunities to move, which can lead to significant adverse outcomes<sup>xlv</sup>
- without safe long-term housing options, many people with disability subject to domestic violence are forced to remain in violent relationships<sup>xlvi</sup>.

Access to services – such as public transport, shopping, medical, and education services – is important for better health, social and economic outcomes. Yet, social housing households that have at least one person with disability are less likely to live where their needs to access nominated services and facilities are met<sup>xlvii</sup>.

There is evidence that specific groups of people with disability face additional housing challenges. For instance, people with psychosocial and intellectual disabilities have the greatest housing difficulties<sup>xlviii</sup>. Asylum seekers with disability face their own unique challenges in accessing housing due to their ineligibility for the NDIS and their need to

spend their money on managing their health<sup>xlix</sup>.

### 2.3.1 Aboriginal people with disability

A high proportion of Aboriginal people have a disability or long-term health condition. In 2018-19:

- Almost half (46%) of Aboriginal people aged 15 and over had a disability or restrictive long-term health condition.
- Aboriginal Australians were 1.5 times as likely as non-Aboriginal Australians to have a disability or restrictive long-term health condition, and 2.6 times as likely to have a profound/severe core activity limitation.
- The rate of having a disability or restrictive long-term health condition was significantly higher for Aboriginal Australians in all age groups compared with non-Aboriginal Australians<sup>l</sup>.

Aboriginal people are over-represented among people who are homeless and those seeking assistance with housing. Not having affordable, secure and appropriate housing can further compound the social exclusion and disadvantage experienced by Aboriginal people, especially those with disability<sup>liii</sup>.

The report from the NSW Parliamentary Inquiry into homelessness amongst people aged over 55 in NSW included data from the NSW Government, identifying that:

- Aboriginal Australians experience homelessness at 2.16 times the rate of the non-Aboriginal population
- Aboriginal people represent 22% of all homeless Australians, despite comprising only 3.3% of the total population<sup>liii</sup>.

The 2020 National Agreement on Closing the Gap includes the socioeconomic outcome that Aboriginal people can secure appropriate, affordable housing that is aligned with their priorities and need. Under Closing the Gap, housing is one of five policy priority areas identified as requiring a joined-up approach between the Commonwealth, states and territories, and Aboriginal representatives.

### 2.3.2 Housing and the NDIS

The majority of people with disability in NSW are not eligible to access the NDIS. To be [eligible for the NDIS](#), a person must be younger than 65 at the time they apply, and have a disability caused by an impairment that is likely to be permanent and that affects their ability to work, study or take part in social life. The person would also usually need disability-specific supports to complete daily life activities. As at 31 December 2022, there were 172,190 NDIS participants in NSW<sup>liv</sup>.

It is reasonable to expect that the intended person-centred focus of the NDIS would enable people with disability to have greater choice and control over the type of housing they live in and where they live<sup>lv</sup>. However, this has not consistently been the case, and it remains largely dependent on the housing systems and decisions of State and Territory governments.

In relation to housing, the NDIS may provide funding for home modifications to the participant's own home or a private rental property and on a case-by-case basis in social housing<sup>lvi</sup>. The NDIS does not duplicate or replace the responsibility of the State/Territory housing systems to provide accommodation for people with disability in need of housing assistance, including homelessness services, and the provision of appropriate and accessible housing<sup>lvii</sup>.

The only type of housing funded by the NDIS, and only for a small number of participants, is Specialist Disability Accommodation (SDA). To be eligible for SDA, the participant must

have an extreme functional impairment or very high needs. In June 2022, there were 6,423 participants with SDA supports in NSW and a further 1,622 NSW participants with SDA needs seeking an SDA dwelling<sup>lviii</sup>.

Some stakeholders have argued that there are unreasonable barriers to participants accessing SDA, including that the National Disability Insurance Agency (NDIA) is not providing participants with access to appropriate accommodation when they have been assessed as needing it, and is making decisions in relation to SDA that are extensively delayed, potentially unlawful and/or unfair<sup>lix</sup>. In relation to agreed targets for the transition to SDA of younger people with disability inappropriately accommodated in residential aged care, Shelter NSW reported in December 2022:

While there is SDA being built and housing providers seeking to run this accommodation for younger people with a disability, the central issue is that the NDIA is not approving SDA funding for eligible participants in an accurate, appropriate and timely manner. There are a number of aspects of the NDIA's approval process that require scrutiny and revision.

As a result, the sector appears likely to fail to reach the targets for 2022 and 2025. Development of new SDA currently seems adequate, but there is a large demand for SDA currently lying dormant.<sup>lx</sup>

Some stakeholders have argued the need to extend the SDA eligibility criteria to assist in reducing homelessness among people with disability. For example, in its submission to the Inquiry into Homelessness in Australia in 2020, the Public Interest Advocacy Centre suggested amending the NDIS SDA Rules to 'explicitly recognise that people with disability, including a psycho-social disability, and a prolonged experience of homelessness, are considered to have 'very high support needs'<sup>lxi</sup>.

Even when a person with disability has accommodation in public housing, and is a recipient of NDIS services, this does not prevent inappropriate housing and risk of homelessness, as highlighted in recent media articles<sup>lxii</sup>, research<sup>lxiii</sup>, and reports to Parliament<sup>lxiv</sup>.

## 2.4 Housing issues affecting carers

Carers face many of the same housing issues that have been identified above in relation to older people and people with disability in NSW, noting that, in relation to primary carers:

- the majority (79%) live in the same household as the person they care for
- many are also older people and/or have a disability themselves, with 50% aged over 55 years, and 37% reported to have a disability<sup>lxv</sup>.

In addition, carers have been noted to be at greater risk of homelessness due to income stress and a reduced lifetime income and superannuation, including as a result of caring duties significantly limiting their ability to work or study; and increased costs associated with their caring role<sup>lxvi</sup>.

Carers NSW has identified that, while they have a similar financial and welfare situation to other priority groups, carers are not currently an identified priority population for social housing. They also face challenges in accessing appropriate social housing that will support multigenerational caring living arrangements. In this regard, Carers NSW notes that many carers are 'sandwich' carers, supporting many family members, such as their children and ageing parents<sup>lxvii</sup>.

## 3. Housing accessibility issues in NSW

### 3.1 Building design

Many people with disability face barriers in accessing suitable public housing due to the

lack of appropriate modifications to existing public housing; the failure to move people with complex needs to disability-compliant public housing; and the long delays involved in modifying housing or moving people to appropriate housing<sup>lxxviii</sup>.

Reports over a number of years have noted an urgent need for universal design and mandatory minimum standards for accessibility for all private dwellings in Australia<sup>lxxix</sup>. Housing design, including home modification, affects the quality of life and independence of people with disability. It provides greater choice of where to live and increased social opportunities<sup>lxxx</sup>.

Changes to the built environment for people with disability can reduce health care costs and improve quality of life<sup>lxxxi</sup>. Home modifications can support people with disability to remain at home<sup>lxxxii</sup>, improve their independence including self-care, and reduce their need for care and institutionalisation. Home modifications can also lead to savings associated with greater independence, including reduced costs associated with care. Furthermore, home modifications can provide informal caregivers greater opportunities to work outside the home, which impacts human capital in the workforce<sup>lxxxiii</sup>.

Policy priorities in Australia's Disability Strategy relate directly to increasing the availability of affordable and accessible housing<sup>lxxxiv</sup>. The Strategy quotes a consultation submission by the Australian Human Rights Commission:

Accessible housing is not just needed by Australians with mobility disabilities. [It] assists people with sensory, intellectual or cognitive disabilities. Housing designed with universal design characteristics reduces care needs and costs, ensures people can live at home for longer, enables people with disability to leave hospital more expeditiously and facilitates people with disability obtaining employment.<sup>lxxxv</sup>

## **3.2 Livable Housing Design and the National Construction Code**

In 2009, in response to the severe lack of accessible housing, the Australian Government brought housing, community and human rights leaders together to develop the national Livable Housing Design guideline, and developed a strategic plan 'that all new homes will be of an agreed Universal Housing Design standard by 2020'<sup>lxxxvi</sup>.

The Universal Housing Design principles include a set of Livable Home Design Guidelines named Silver, Gold, and Platinum. In summary, the core design elements in the Silver Standard comprise:

- a safe continuous and step-free path of travel from the street entrance and/or parking area to a dwelling entrance that is level
- at least one step-free entrance into the dwelling
- internal doors and corridors that enable comfortable and unimpeded movement
- a ground (or entry) level toilet that provides easy access
- a bathroom that contains a hobless shower recess
- reinforced walls around the toilet, shower and bath to enable safe installation of grabrails at a later date
- design of stairways to reduce the likelihood of injury and enable future adaptation.

The Gold and Platinum Standards necessitate extra features in rooms such as kitchens, bedrooms, living rooms and floors.

The strategic plan also set the target that all new public housing should be delivered to Gold Standard by 2019. While most new social and community housing meets the Silver Standard, there is no requirement to meet the Gold Standard, and it remains voluntary<sup>lxxxvii</sup>.

In 2009, the Council of Australian Governments supported the voluntary approach to achieve the targets. However, a Monash University scoping study in 2021 subsequently highlighted the failure of this voluntary approach, with less than 10% of new stock built to a baseline standard of universal and accessible design<sup>lxxviii</sup>.

In July 2020, the Australian Building Codes Board (ABCB) released a regulatory impact statement (RIS) looking at the possible inclusion in the National Construction Code of accessible housing requirements for new residential buildings based on the Silver and Gold Standards.

The proposal to include the Gold Standard in the National Construction Code, or at least the Silver Standard, was generally supported by community organisations involved in providing housing and supports. However, the proposal to make any Standard mandatory in the Code was generally opposed by industry groups. For example, the Property Council of Australia argued that such a step would lead to cost rises in construction that would have to be passed on to the consumer and argued instead for ‘an enhanced approach to voluntary guidance’<sup>lxxix</sup>.

The ABCB published the Decision RIS in February 2021. In summary, the RIS concluded that:

Although a lack of accessible housing imposes a significant and growing cost on the community (incurred mostly by people with disability and older people), this RIS concludes that regulatory options to amend the NCC for all new houses and apartments based on Silver, Gold and Gold+ impose costs that outweigh the benefits.<sup>lxxx</sup>

However, the RIS also noted that the cost-benefit analysis is not the only input to decision-making:

Decision-makers are best placed to weigh up factors, such as social justice for people with disability supporting more inclusive communities and ageing in place, as well as Australia’s future progress towards international human rights treaties, against the net cost imposed on other members of the community.<sup>lxxxi</sup>

The methodology in the RIS has been heavily criticised by a number of stakeholders, who have argued that it details the measurement of ‘costs’ but did not measure the ‘benefits’ due to reported difficulties in quantifying and monetising the qualitative factors<sup>lxxxii</sup>. Stakeholders noted that the final report ‘therefore contains an inherent and under-acknowledged bias against building code reform.’<sup>lxxxiii</sup>

Many stakeholders also argue that Australia compares unfavourably with other developed countries where resistance to regulation and change has been overcome. For instance, a 2011 paper by the Australian Network for Universal Housing and others identified that basic access requirements had been mandated for all new housing in England and Wales since 1999. While early interviews with builders revealed ‘an initial concern that the regulation was a heavy-handed response to meet the needs of relatively few people and did not warrant the added costs and changes to building practice’, it had subsequently been observed that ‘with time, regulation is absorbed with minimum disruption into everyday building practice.’<sup>lxxxiv</sup>

### **3.3 Decision of the Building Ministers’ meeting, April 2021**

On 30 April 2021, the majority of Ministers at the Commonwealth, State and Territory Building Ministers’ meeting agreed to mandate the Silver Standard Livable Housing Standard (Silver Level) in the National Construction Code (NCC) 2022<sup>lxxxv</sup>.

The NSW Government did not support the reform, deciding instead to continue to rely on voluntary participation. In December 2022, the Government indicated that its decision was

'based on the anticipated significant net cost to the community and the negative impacts that the NCC accessibility provisions will have on both housing affordability and the construction sector.'<sup>lxxxvi</sup>

All jurisdictions except for NSW and WA have adopted the amended NCC with the Silver Standard made mandatory.

At the time of the agreement, the Minister for Public Works in Queensland noted:

By 2050, around 50% of all houses will have been built post this decision. And so it won't mean every house is accessible. But it will mean a substantially greater number of homes much greater choice for renters as well. And the costs will come down over time. Whilst they think the cost is around 1% of a new home build that will likely reduce as these become simply the norm.<sup>lxxxvii</sup>

The ACT Minister for Sustainable Building and Construction noted:

At certain times of our lives, we may all face mobility issues, so these standards are looking at some very minimal first steps in terms of ensuring that all of our homes have some accessibility standards... With some jurisdictions going their own way, it does create some confusion for industry and makes it more difficult, which was one of the reasons we thought it was important to have a national code, particularly given that we were going to move forward in this issue.<sup>lxxxviii</sup>

The decision by the NSW and WA governments not to adopt the Silver Standard in the NCC means that people with disability or mobility limitation in those States continue to have very limited access to accessible housing, and are effectively prevented from gaining appropriate housing that meets their needs, with all the adverse impacts that entails.

## 4. Government policy and responses

### 4.1 Responsibilities

Both the Commonwealth and the States and Territories (and by extension, local governments) are responsible for policy settings that shape housing affordability outcomes. Moreover, both levels of government provide direct housing assistance and homelessness services to help people who are unable to access and maintain appropriate housing in the private market.

Although the *Disability Discrimination Act 1992* (Cth) (DDA) makes it unlawful to discriminate against a person with disability in relation to accommodation<sup>lxxxix</sup>, it is limited in its scope and does not offer protections in all situations. For instance, although the DDA provides some protection for people with disability in accessing rental properties, it does not require private accommodation to meet accessibility requirements<sup>xc</sup>. Furthermore, any modifications to rental properties are completed at the occupant's expense, with the undertaking to restore the accommodation to its original condition upon departure<sup>xcii</sup>.

There is no national tenancy legislation. Each State and Territory has its own legislation covering a range of living arrangements. In NSW, the relevant Acts are the *Residential Tenancies Act 2010* and the *Boarding Houses Act 2012*.

Under the National Housing and Homelessness Agreement<sup>xciii</sup>, the States and Territories are responsible for:

- social housing and homelessness services, administration and delivery to support local needs
- the collection of data from housing providers and agencies that provide services to people who are homeless
- tenancy legislation and regulation

- legislation to support the operation of the national regulatory system for community housing
- housing-related State taxes and charges that influence housing affordability
- State-based infrastructure policy and services associated with residential development.

The Commonwealth and the States are jointly responsible for housing, homelessness and housing affordability policy, recognising that States have responsibility for the content and implementation of their housing and homelessness strategies.

## 4.2 Relevant NSW Government policy

The NSW Government's primary policies and actions to address housing issues include:

### Future Directions for Social Housing in NSW

*Future Directions for Social Housing in NSW*, announced in January 2016, sets out the NSW Government's 10-year plan for social housing. Key features include commitments to:

- work with the non-government and private sector to deliver 23,000 new and replacement homes by 2025
- transfer management of government-owned homes to the non-government sector, increasing the proportion of social housing in NSW being managed by the sector from around 18% to 35%
- continue to introduce measures to ensure social housing meets the changing needs of tenants.

Since its launch, four major projects at Macquarie Park (Ivanhoe), Waterloo, Telopea and Riverwood have been announced. The combined housing supply of the four projects is nearly 20,000 dwellings that will be delivered as mixed communities of private, affordable and social housing<sup>xciii</sup>.

In the 2022-23 NSW Budget, the Land and Housing Corporation (LAHC) received \$300m for capital maintenance over three years. Funds are intended to be targeted at homes with the greatest need across the LAHC portfolio, including properties managed by community housing providers.

### Community Housing Innovation Fund (CHIF)

The CHIF suite of programs is part of Future Directions. It comprises \$225m and current commitments to deliver over 800 dwellings. As at December 2022, 80 properties had been delivered. Nearly 270 dwellings are planned for completion before June 2023 and a further 450 are slated for delivery by June 2024. A tender for \$50m is aiming for a further 100 or more dwellings to be delivered. Several projects note the inclusion of older people as tenants.

### Social and Affordable Housing Fund (SAHF)

The SAHF program is a key part of Future Directions. It awarded nine contracts to secure access to over 3,400 additional social and affordable housing dwellings, with 30% to be delivered in NSW. All dwellings are expected to be delivered by the end of 2023. As at December 2022, 51% of residents were over 55 years of age<sup>xciv</sup>.

Final reports from the evaluation of Future Directions, including the SAHF, are expected by mid-2023; the results will help inform the development of the next strategy<sup>xcv</sup>.

### NSW Homelessness Strategy 2018-2023

The *NSW Homelessness Strategy 2018-2023* builds on *Future Directions* and has the focus of identifying people who are vulnerable early; providing better support and services; and

making the system simpler, more integrated and person-centred.

One of the Premier's Priorities is to reduce street homelessness across NSW by 50% by 2025 (from a baseline of nearly 2,600 street homeless people in the 2016 Census to 1,300 or below by 2025). The annual NSW street count is a NSW initiative to measure against this target. During the February 2022 street count, 1,207 people were counted sleeping rough, compared to 1,141 in 2021 and 1,314 in 2020. Data from the 2021 Census indicate that 963 people were living in improvised dwellings, tents, or sleeping out in NSW on Census night. The Census was conducted during a COVID-19 lockdown period, which may have affected the number of people counted.

The **Together Home** program is a key initiative to support the Premier's Priority to halve street homelessness. As at December 2022, the NSW Government had invested \$177.5m in the Together Home program, to support over 1,000 people with a history of rough sleeping to move into long-term housing with intensive case management and wrap-around supports over two years, and to build and acquire around 250 dwellings.

The NSW Government has advised that public consultations and action planning will occur to develop the next NSW social housing and homelessness strategies in 2023/24, which 'will include consideration of possible new programs and initiatives'<sup>x cvi</sup>.

### **Work with housing providers and community service organisations**

In response to recommendations from the NSW Legislative Assembly Committee on Community Services inquiry into options to improve access to existing and alternate accommodation to address the social housing shortage<sup>x cvii</sup>, the NSW Government advised in February 2023:

- the Department of Planning and Environment (DPE) and DCJ are committed to continuing to work with housing providers, community service organisations and experts to develop and expand programs that provide short and long-term housing for vulnerable cohorts (including older people and people with disability)
- current actions to deliver new supply include LAHC's seniors living building program that delivers fit for purpose social homes for older people in NSW
- work is underway to find accommodation for people leaving mental health facilities and correctional facilities under the \$1.3m Mental Health In-Reach Program and \$4.95m Reintegration Housing Support Program<sup>x cviii</sup>.

### **Strong Family, Strong Communities**

The Strong Family, Strong Communities program is the Aboriginal Housing Office's 10-year strategy (2018 – 2028) to improve the wellbeing of NSW Aboriginal families and communities through housing, and has initiatives and expected outcomes that include:

- the Home Ownership Options initiative to deliver 320 home ownership opportunities over four years (2022 – 2026)
- SFSC Closing the Gap Program, which includes new supply of 96 homes by the end of June 2023, and provide 200 new Aboriginal homes and 256 significant upgrades<sup>x cxix</sup>.

## **5. Gaps and the current situation**

Despite these policies, initiatives and actions, there is insufficient available, accessible and affordable housing in NSW, and the adverse impact on older people, people with disability and carers is increasing.

The housing issues affecting older people, people with disability and carers in large part reflect the wider housing crisis; contributing factors are multifaceted, complex, and not limited to NSW. Recent Commonwealth budget announcements to increase housing supply, including partnerships with the NSW Government to deliver new social and



affordable housing<sup>c</sup>, are welcomed.

However, actions to address the crisis in the broader population will not be sufficient to resolve the housing issues for these cohorts. Without specific and targeted strategies, older people, people with disability and carers will not benefit adequately from any intended reforms. The needs of these cohorts require explicit consideration, and a targeted approach.

While there are references to older people and people with disability in existing housing initiatives and policies, and references to housing in ageing and disability strategies, a clear and coordinated approach is lacking. The longstanding and unresolved issues in relation to the paucity of accessible housing in NSW provides a useful and timely example, particularly in light of the continuing and projected growth in the ageing and disability populations.

The weight of the adverse impact of inaccessible housing, and the absence of a cohesive and clear plan for addressing the issue, unduly fall on people with disability, older people and carers – populations that are already significantly disadvantaged and disproportionately affected by the broader housing issues.

Increasingly, the inability to access safe and affordable accommodation significantly constrains NSW's ability to respond to the abuse and neglect of older people and people with disability, where alternative accommodation is urgently needed.

The recent inquiry into homelessness amongst older people aged over 55 years in NSW provided a useful examination of many of the issues outlined in this paper. However, it is difficult to see how the Government's response to the recommendations will provide a path forward. Most of the recommendations were only supported in principle, there is no evident implementation plan, and there does not appear to be a cohesive approach.

## **6. Where to from here**

This paper demonstrates the urgent imperative for the NSW Government to consider the particular housing needs and aspirations of older people, people with disability and carers in NSW. Their circumstances should be explicitly acknowledged and addressed in any response to the current and growing housing crisis.

Against this background, and in the context of current considerations of options for addressing the housing issues in NSW, the Chairs of the Ageing and Disability Advisory Board, Ministerial Advisory Council on Ageing, Disability Council of NSW, and NSW Carers Advisory Council request a joint meeting with the NSW Government to discuss:

1. The key housing issues affecting older people, people with disability and carers in NSW.
2. Options for developing and implementing a cohesive and targeted approach to address the housing issues for these cohorts, including steps to:
  - a) adopt the Silver Standard (at least) in the National Construction Code as mandatory for all new residential buildings in NSW
  - b) explore creative options for boosting accessible, safe and secure housing, informed by older people, people with disability and carers.
3. The ongoing assistance that can be provided by the advisory bodies in relation to this work.

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[communities/what-we-have-delivered](https://www.aho.nsw.gov.au/strong-family-strong-communities/what-we-have-delivered)<https://www.aho.nsw.gov.au/strong-family-strong-communities/what-we-have-delivered>

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<sup>xcvi</sup> Ibid. p4.

<sup>xcvii</sup> NSW Parliament Legislative Assembly Committee on Community Services, August 2022, *Options to improve access to existing and alternate accommodation to address the social housing shortage*, <https://www.parliament.nsw.gov.au/ladocs/inquiries/2823/Revised%20report%20with%20erratum%20incorporated%20>.

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<sup>xcix</sup> NSW Aboriginal Housing Office, November 2022, *Strong Family, Strong Communities Phase Two* fact sheet, [https://www.aho.nsw.gov.au/sites/default/files/inline-files/4168%20-%20SFSC%20Fact%20sheet\\_v1.pdf](https://www.aho.nsw.gov.au/sites/default/files/inline-files/4168%20-%20SFSC%20Fact%20sheet_v1.pdf).

<sup>c</sup> The Hon Julie Collins MP, media release 6 June 2023, <https://ministers.dss.gov.au/media-releases/11416>.