



Disability Rights Advocacy Service Inc

Safeguarding and promoting the rights and interests of people with disability, their families and carers

25 September 2023

RE: National Housing and Homelessness Plan

Thank you for the opportunity to provide feedback about the National Housing and Homelessness Plan.

Please see **attached** previous submissions made related to access to housing in South Australia for people with a disability, as well as in relation to the current reforms to the *Residential Tenancies Act 1995 (SA)*.

Our major concerns and recommendations regarding the housing and homelessness sector include:

1. The disproportionate impact that is being faced by marginalised groups by the current housing crisis, such as people with a disability, Aboriginal and Torres Strait Islander peoples, people on low or fixed incomes, people aged 55+ or the LGBTQIA+ community among others.
2. The difficulty in navigating a complex system of housing and homelessness support services being a barrier in getting help, particularly for individuals who are currently homeless and may not have access to reliable phone or internet access. Support services should be better resourced and funded so they can provide more tailored and personalised services that meet people where they are.

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3. A lack of funding or resources for specially designed homelessness services for people with a disability that are trained in working in an accessible way that is also trauma-informed and culturally safe.
4. Increasing support services for accessing the private rental market. While there are private rental access officers based in public housing authorities (such as Housing SA), from our experience on the ground these workers are frequently at capacity due to being under-resourced particularly considering the current rental crisis.
5. Ease-of-access for crisis or short-stay accommodation needs to be improved, such as resourcing homelessness case workers to connect individuals with services and increasing public information about the cost of services.
6. We support the Government's investments into social housing, such as the National Housing Accord, the Housing Australia Future Fund, the National Housing Infrastructure Facility and the Social Housing Accelerator funding. We note that building new public and community houses will take several years.
7. We hope that as part of the National Housing and Homelessness Plan that the Government will develop an interim strategy to assist people who are currently experiencing homelessness, or are at significant risk of homelessness, and need urgent and immediate assistance – whether that is through crisis or short-stay accommodation, case management support, or access to healthcare services, among other things.

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Please do not hesitate to reach out and we look forward in being apart of any future consultation regarding these important issues.

Kind regards

[Redacted]

[Redacted]
[Redacted]

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SUBMISSION TO THE INQUIRY INTO SOUTH AUSTRALIAN HOUSING AVAILABILITY

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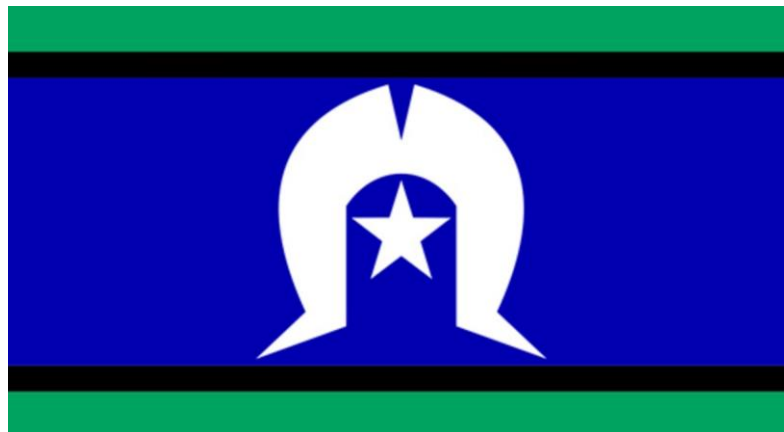




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Acknowledgement of Country



The Disability Rights Advocacy Service Inc acknowledges that this submission was completed on Kaurna Land. We pay our respects to Elders past, present and emerging. We recognise the continuing relationship with the lands and seas and connection to culture.

Kaurna Miyurna yaiya yarta-mathanya Wama Tarntanyaku, parnaku yailtya, parnaku tapa puru purruna. Kaurna Miyurna ithu yailtya purruna, yarta kuma puru martinthi, puru warri-apinthe, puru tangka martulayinthe.

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Safeguarding and promoting the rights and interests of people with disability, their families

Background

Disability Rights Advocacy Service (DRAS) is a community organisation that is run by our members and our Board, which is made up of people with a disability. DRAS is part of a national network of disability advocacy organisations funded by the Australian Government Department of Social Services to provide individual advocacy, individual capacity-building and systemic advocacy for persons with disability.

What we do

Our advocates listen to people with a disability and learn from them, so that we can work alongside them to promote and defend their human rights. It means helping people with disability to get a fair go. It means helping people with a disability to enjoy all the things they are entitled to – all the things a person who doesn't have a disability can access.

Our locations

Disability Rights Advocacy Service has three office locations in South Australia:

- Our Brooklyn Park office represents people who reside within greater metropolitan Adelaide, Mount Barker, Adelaide Hills and Murray Bridge.
- Based in Mount Gambier, our South-East service assists people throughout the South-East and Coorong region.
- People living within the Riverland region can access our Riverland office, which is based in the township of Berri.

Our Mission

Safeguarding and promoting the rights and interests of people with a disability, their families and carers. We do this through our four governing principles:

1. People with disabilities have the same rights as other members of the Australian community.
2. People with a disability should be able to maintain and develop their culture without prejudice or disadvantage and should be encouraged to understand and embrace other cultures.
3. People with a disability should be able to receive services necessary to enable them to achieve their maximum potential as members of the community.
4. People with a disability are entitled to participate in decisions that affect their lives and to receive services in a manner that results in the least restriction of their rights and opportunities.

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Submission to the Inquiry into South Australian Housing Availability

As part of our work our advocates frequently liaise with clients who are homeless, facing homelessness, or trying to access housing. In putting together this submission we have reviewed key research and interviewed advocates, surveyed and interviewed persons with disability and their carers, reviewed our DEX data, spoken to housing organisations and government officials.

In the July to December 2022 period, we had 306 clients who sought disability advocacy related to housing. The issues that our clients sought assistance with included:

- Access to secure housing because they were homeless, including sleeping rough and/or couch-surfing;
- Access to secure housing because they were facing homelessness after being served an eviction notice or due to a housing provider not renewing their lease for a public, community or private rental;
- Support at the South Australian Civil and Administrative Tribunal (SACAT) related to appealing an eviction notice or requesting an extension of time to find a new property;
- Liaising with or making complaints to the South Australian Housing Authority (SAHA), a Community Housing Provider or a private real estate agent relating to maintenance issues or disability modifications. These matters have included:
 - Poor insulation or ventilation, black mould or asbestos in the property;
 - Pest infestations;
 - Disability or medical-related modifications (such as grabrails, handrails or adjustable shower-heads);
 - Advocating for essential heating and cooling items to be provided in the property (such as air-conditioners and heaters);
 - Long delays with SAHA maintenance requests needing to be escalated to the DHS Minister.
- Support to lodge a housing transfer application, particularly with SAHA. Reasons for requesting a transfer have included:
 - The property is not accessible or suitable due to the client's disability;
 - The client feels unsafe or is being harassed in their current residence due to neighbours exhibiting anti-social behaviours, such as substance abuse, theft, domestic violence, vandalism, assault or risk of violence;
 - The property is not nearby support networks, including informal and/or professional supports.

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Affordability and access to housing for people with disability leading to risk of homelessness

1. From a housing and homelessness perspective, in the past 12 months we have been seeing an influx of people with disability accessing our services to get assistance due to them experiencing homelessness, facing eviction, or living in unsuitable housing. DRAS currently has 55 open individual advocacy cases related to housing/homelessness for our Adelaide, Berri and Mount Gambier offices.
2. We have seen a concerning rise of tenants being told that their lease will not be getting renewed through no fault of their own. For example, a private landlord selling their property, or a public housing tenant being told to move out to 'make way' for others. Tenants have also not had their leases renewed, or had their rent raised, after requesting maintenance in their property. Some are avoiding making maintenance requests or complaints due to fears of retaliatory evictions or rent increases.
3. We surveyed persons with disabilities about their experiences with accessing housing in South Australia. People told us that affordability of housing was a major concern for them:

"I feel like if I wanted to move I wouldn't be able to because there is so little private rental accommodation available – certainly for what I can afford to pay"

"There is a gap between homelessness services and public housing for people with disability. Homelessness services are not willing to accommodate autism access needs. NDIS won't fund to support me to find a safe housing and the public waiting lists are years. Private rental is too complicated to access and is unaffordable."

"There are no other options for me to move into affordable housing so I have been forced to stay where I am with an extra rent increase but now I can't afford to feed myself"

"Due to cost and availability in the rental market, it is very hard to relocate anywhere. Currently we are on a periodical lease and hope something else becomes available, but we have been looking for over 6 months now, pet policy for myself, and cost is not good. Options are seldom, and not overly affordable"

"Trying to obtain lower cost housing is unaffordable on benefits"

"I'm in a very vulnerable position my landlords are selling my house, I'm on JobSeeker and stand no chance of obtaining a suitable place to live"

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"It is expensive, and as usual a total rush to find a house before a lease is up, meaning little time to find something better and more affordable... which I guess is irrelevant because so little affordable housing exists!"

4. People with disability may have a greater exposure to risk factors associated with homelessness than the general population (Beer et al. 2012). Low income, lack of social support, limited engagement with the labour market, compounded by the need for specialised assistance and services, can leave some people with disability increasingly vulnerable to the risk of homelessness and the negative impact of homelessness.
5. Timely access to safe, suitable and long-term housing can be critical to the wellbeing of people with disability, providing independence and the ability to participate in social, economic, sporting and cultural life. Housing that meets accessibility requirements, is nearby to public transport, as well as quality and affordable support services is also vital for those with disability.
6. The Specialist Homelessness Services annual report from the *Australian Institute of Health and Welfare* addresses homelessness and disability from a national perspective, In the latest reporting period (2021–22), roughly 272,700 Specialist Homelessness Service ("SHS") clients received support from specialist homelessness services. **18,030 SHS clients were located in South Australia.**
7. Nationally, 31% (or 85,200) lived with mental illness, 4.9% (or 11,300) were NDIS participants, and 3% (or 7,300) were categorised as clients with disability.¹ The most common reasons for people with disability seeking assistance were due to the housing crisis (28%), family and domestic violence (18%) and inadequate/inappropriate dwelling conditions (14%).²
8. **We are concerned that the rising cost of housing is pushing people with disability and those on fixed incomes into unsafe or unsuitable housing options, or into homelessness.** For example, as of March 2023, median rent for houses in Adelaide is \$520 (a 4.2% increase on the previous quarter) and \$420 for units (a 5% increase).³
9. Regional areas are not much better, with rental prices ranging from \$300 to \$500 per week. Townships have seen sharp increases between March 2022-March 2023, such as 23.3% for the Barossa, 24.6% for Murray Bridge, 20% for Port Pirie, 10.7% for Berri Barmera and 10.3% for Mount Gambier.⁴

¹ [Specialist homelessness services annual report 2021–22, Clients, services and outcomes - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/reports/11/specialist-homelessness-services-annual-report-2021-22-clients-services-and-outcomes)

² [Specialist homelessness services annual report 2021–22, Clients with disability - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/reports/11/specialist-homelessness-services-annual-report-2021-22-clients-with-disability)

³ [Domain Rental Report - March 2023 | Domain](#)

⁴ [Domain Rental Report - March 2023 | Domain](#)

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10. Mean house prices for purchase in South Australia were \$644,300 according to the ABS as of December 2022.⁵
11. From our experience these prices are pushing many out of the private housing market, particularly persons with disabilities, people on income support, single parents, new migrants and refugees. We are seeing a lack of access particularly for people with 'hidden' disabilities, such as psychosocial, intellectual, sensory or behavioural disabilities or brain injuries.
12. At the same time as the cost of purchasing a house or renting privately has increased, wages and income support have not kept up. Anglicare found that of the 1,456 private rentals that were advertised on the weekend of Saturday 18 March 2023 in South Australia, **for a single person over 21 on the Disability Support Pension, a single on JobSeeker Payment, or a single aged over 18 on Youth Allowance, 0% of properties were suitable without placing a person in housing stress.** 256 of individual properties (or 18%) were suitable for at least one household type living on the minimum wage without placing them in housing stress. These results are found in the table below.⁶

#	Household Type	Payment Type	Number Affordable & Appropriate	Percentage Affordable & Appropriate
1	Couple, two children (one aged less than 5, one aged less than 10)	Jobseeker Payment (both adults)	2	0%
2	Single, two children (one aged less than 5, one aged less than 10)	Parenting Payment Single	1	0%
3	Couple, no children	Age Pension	8	1%
4	Single, one child (aged less than 5)	Parenting Payment Single	0	0%
5	Single, one child (aged over 8)	Jobseeker Payment	0	0%
6	Single	Age Pension	6	0%
7	Single aged over 21	Disability Support Pension	0	0%
8	Single	Jobseeker Payment	0	0%
9	Single aged over 18	Youth Allowance	0	0%
10	Single in share house	Youth Allowance	0	0%
11	Couple, two children (one aged less than 5, one aged less than 10)	Minimum Wage + FTB A (both adults)	252	17%
12	Single, two children (one aged less than 5, one aged less than 10)	Minimum Wage + FTB A & B	15	1%
13	Single	Minimum Wage	9	1%
14	Couple, two children (one aged less than 5, one aged less than 10)	Minimum Wage + Parenting payment (partnered) + FTB A & B	48	3%
Total No of Properties		1456		

13. We are particularly concerned that the current rate of the Disability Support Pension (DSP) is not keeping up with the rising cost of private rentals.

⁵ [Total Value of Dwellings, December Quarter 2022 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/australian-bureau-of-statistics/publications/total-value-of-dwellings)

⁶ <https://www.anglicare.asn.au/wp-content/uploads/2023/04/Rental-Affordability-Snapshot-Regional-Reports.pdf> at

Believe Housing Australia – South Australia, p 150, 1-2

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14. Social housing is struggling to keep up with the demand of access requests. The South Australian Housing Authority (SAHA) confirmed in 2022 that there were up to 17,000 people on their waitlist with limited vacancies per year. **People with disability are requesting advocacy support from our service due to waiting several months or years on Category 1 – the highest priority to get into social housing.**
15. The current public and community housing stock is therefore not meeting the housing demand and investment has declined over time. Across 2001-2020 the share of public housing in South Australia declined from 50,000 to 30,000 places.⁷
16. We have also heard concerns that affordable housing or social housing is concentrated into particular areas. This means that if persons with disability are facing homelessness, they may also have the added barrier of either having to move away from support services, networks, schools or NDIS funded treating teams, or rejecting a housing offer.
17. Persons with disability told us that access to available and accessible housing in a safe area is an urgent priority that is not being afforded to them overall. We heard a common theme that persons with disability want the State Government to increase access to public housing because it is more affordable.
18. Persons with disability have told us the affordability and availability of housing could be improved in the following ways:

“Bans on rental increases, massive social housing developments, more training to Housing SA staff on how they deal with people, more disability housing access to housing for carers, fixing up of older housing/community houses, increases to payments for rent, options for lower incomes to “purchase” property instead of being stuck on the cycle of renting. More help from services to access property before becoming homeless and being moved into emergency accommodation”

“More social housing with capped rental costs, Social housing that is available to low-income earners and not just people on Centrelink payments”

“Having more access to public housing would help alleviate so much stress for those on waiting lists. Big corporations need to pay their fair share of tax so as the rest of society can have some semblance of a stable life”

⁷ South Australian Council of Social Services, Submission to the Select Committee Inquiry into Privatisation of Public Services in South Australia, 2021 p 2, accessed: [SACOSS Supplementary Submission - Housing.pdf](#)

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"A massive increase in public housing [is needed] ... The price of renting needs regulation and more housing made available"

"More affordable housing for poor people. Availability in a safe area"

*"More availability of housing. Stop people hoarding housing for profit.
Drastically increase public housing stock"*

"More public housing, caps on rental prices, increased rent assistance for people with disability to access safe appropriate private rental"

property areas affordable housing available access social housing
people us rental rent housing lower incomes
increase people disability public housing support
Availability community made

[Word cloud of responses to the DRAS survey question 'What changes would you like to see to improve the housing sector in South Australia?']

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Supported Independent Living (SIL) or Specialist Disability Accommodation (SDA) – a limited option

19. Some people with disability may be able to get access to Specialist Disability Accommodation (SDA) or Supported Independent Living (SIL) if this is included in their NDIS Plan. However, many people with disability do not have access to the NDIS. For example, there is an estimated four million people living with disability in Australia and only 500,000 people on the NDIS. As of 30 June 2020, there were only 6% of NDIS participants living in SIL accommodation according to the NDIA.⁸
20. There is also only a limited number of NDIS participants that have been approved to have SDA or SIL included in their NDIS Plan. The cost of SDA or SIL is out of reach for persons with disability unless they can get the cost covered in some other way. This means that many persons with disabilities who may benefit from SIL or SDA do not have access to this type of accommodation due to financial and administrative barriers. Many SIL or SDA providers will not accept residents at all unless they have funding approved under their NDIS Plan.
21. From our experience it is difficult to get SDA or SIL approved in an NDIS Plan because of the requirements for a person with disability, in that they need to have a substantially reduced functional capacity and require 24/7 supports.
22. SIL is funded individually under the NDIS to each person according to their needs. It is a shared living arrangement of 2-7 NDIS participants. Participants get assistance with daily life tasks and have access to 24/7 care. There are three levels of support that can be accessed. However, the cost of funding from the NDIS often does not include rent, board or lodging, day to day living expenses such as food (unless explicitly agreed upon), activities, personal care supports if the person is hospitalised, vehicle costs, household budgeting or bill paying activities, or expenses relating to holidays, including travel costs.⁹ Our clients have told us that SIL has financial and administrative barriers, such as the amounts charged to their NDIS Plans, and an onerous process in seeking suitable supports, making complaints, or changing providers.
23. Another housing alternative that has been used, particularly for children or teenagers, is to house persons with disability in Aged Care facilities. This has not been an ideal situation, particularly for younger people who are not able to develop social networks with their peers. This has often led to social isolation of young people with disability.
24. SDA is offered for persons with disability on the NDIS with extreme functional impairment or high needs that require person-to-person support. Homes are specially designed to be more accessible based on disability related support needs. The cost of accommodation itself is funded separately to personal care supports, supported independent living, individualised living options and some assistive technology

⁸ *Improving outcomes for participants who require Supported Independent Living (SIL): Supported Independent Living (SIL) – Provider and Sector consultation*, NDIS, September 2020, p 3

⁹ [Supported Independent Living for participants | NDIS](#)

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options. SDA may also involve a shared home with a small number of other people, wherein the NDIS participant has a private bedroom. In some cases, participants may be able to live in SDA by themselves if that meets their support needs and circumstances. Participants pay for rent, bills and other day-to-day expenses.¹⁰

25. As a result of the limited NDIS Plans including SDA or SIL, or a lack of access to the NDIS, many persons with disability are instead turning to private accommodation or social housing. However, as discussed, these options are often not accessible or affordable.

Inaccessible crisis accommodation and a complex system of accessing homelessness support

26. **We note with concern that crisis accommodation is often inaccessible for persons with disabilities.** For example, we have had clients who are deemed *ineligible* for crisis accommodation because their greater care needs mean that they need 1:1 support and therefore placing them in crisis accommodation would put the client at risk. In this case the crisis accommodation provider does not have access to the necessary staff to provide support a person with disability.
27. In other cases, clients have also not been able to be housed in crisis accommodation because the physical inaccessibility of the accommodation would put them at risk due to their disability. For example, a person with vision impairment was rejected from a crisis accommodation provider because the complex had stairs and this presented a falls risk.
28. In some cases clients have been turned away from accessing short-stay accommodation providers due to long waitlists.
29. Clients have raised with us that they do not feel safe accessing crisis accommodation, such as women's shelters or men's sheds, because of behaviours of concern from other people, or due to their disability-related needs.
30. Clients have also faced barriers in having to get a referral to a homelessness support service, such as through Homeless Connect (former homelessness gateway), rather than being able to directly access a service.
31. Homelessness support services can only be accessed when a person is physically homeless i.e. sleeping rough or couch-surfing. There are no homelessness support services available to help people when they are facing homelessness, such as when their private rental has decided to not renew their lease, they have no legal rights to appeal this, and they have nowhere else to go, for example. **There are no support services specifically designed to assist people who are at risk of homelessness, to prevent them becoming homeless.**

¹⁰ [Specialist disability accommodation | NDIS](#)

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32. The only options available to a person or a family who are *about to* become homeless are:
- To seek an extension of time via SACAT to find another place (which can include a fee unless they can prove financial hardship, which can be an onerous process); or
 - Submit further support letters to public or community housing to escalate a Category 1 application; or
 - Seek out a potentially inaccessible boarding house.
33. Only once a person is physically homeless (sleeping rough or couch-surfing) can they call Homeless Connect and get a referral to a homelessness support provider. This situation is putting vulnerable people at risk.

Accessibility and Minimum Housing Standards

34. As an advocacy service we have had clients come to us for help in obtaining housing that is physically and sensory-accessible. Housing often does not meet the needs of persons with disabilities and it can be difficult to get approval for disability housing modifications.
35. SAHA has developed their *Disability Access and Inclusion Plan 2020-2024*, as part of their obligations under the *Disability Inclusion Act 2018 (SA) (DIA)*. We are towards the end of the delivery of this plan in mid-2023. The Plan is also part of the broader 10-year strategy of the South Australian Government, *Our Housing Future 2020-2030*.
36. According to the Plan, in 2020 people with disability made up 39% of public and Aboriginal housing tenants (12,324), 37% of social housing registrations (6,390) and 25% of the private rental assistance program (13,933). Mental health, physical disabilities and intellectual disabilities were the primary disabilities.¹¹ Persons with disability residing in public and Aboriginal housing properties can request housing modifications if it does not meet their needs. Only SAHA offers disability housing modifications officially, and they must often be supported by comprehensive diagnostic and functional assessment reports that can be difficult or expensive to obtain.¹²
37. SAHA has also developed internal Sustainable Housing Principles which include detailed requirements about accessibility around and inside a house, as well as housing modifications.¹³ However, SAHA has only committed to 'silver' access, which is the minimum requirement for accessibility as opposed to 'gold' or 'platinum' access.¹⁴

¹¹ SA Housing Authority, Disability Access and Inclusion Plan 2020-2024, 2020, Government of South Australia, p 5

¹² [Housing modifications for people with a disability policy | SA Housing Authority](#)

¹³ [Sustainable Housing Principles 2.3 SAHT Universal Housing Design Criteria](#)

¹⁴ SA Housing Authority, Disability Access and Inclusion Plan 2020-2024, 2020, Government of South Australia, p 21

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38. Furthermore, the Standards only relate to new builds. Our clients have told us that older SAHA properties are inaccessible, particularly the high-density walk-up flat-style accommodation, or semi-detached accommodation. Reasons why our clients have noted that the properties are not accessible have been due to:
- Physical inaccessibility i.e. stairs, entry/exit steps, uneven ground, small doorways, narrow hallways;
 - Individuals with sensory disabilities or impairments not being able to live in close proximity with neighbours. For example, due to noise from other apartment units that impact on their auditory-processing and cause distress, or due to sharing entrances/exits on an apartment level.
39. Moreover, the *DIA* only applies to government agencies and their partner organisations (for example, SAHA partnering with community housing providers). People with disability living in private rentals do not have the benefit of knowing that their landlord or real estate agent is accountable to a Disability Access and Inclusion Plan. This is despite many people with disability renting privately, particularly due to the reduction in numbers of public and community housing places available, and the lack of affordable houses available to purchase.
40. Persons with disability may also struggle to access housing that meets their needs in the private rental market. The *Residential Tenancies Act 1995* (SA) is the core legislation that governs private rental accommodation, including the rights of tenants and obligations of landlords or real estate agents. There are no obligations put on private landlords or real estate agents to allow for housing modifications, except that they cannot refuse installation of the internet or a digital television under s 70 of the Act and s 12 of the *Residential Tenancies Regulations 2010* (SA). This means there are no obligations on private agencies to allow for housing modifications. Many rental advertisements also state that they do not accept tenants with pets, which can be a significant barrier for persons with disabilities who rely on support companions.
41. The *Disability Discrimination Act 1992* (Cth) and the *Equal Opportunity Act 1984* (SA) may provide a legal avenue for persons with disability to make complaints about private landlords or real estate agents if they do not provide a housing modification when requested. However, the legal test for discrimination can be a high bar to meet, and it can be difficult to prove that someone is being discriminated against *because of* their disability.

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42. Persons with disability have told us that the availability of accessible housing is of concern:

"I have been under pressure to be relocated by the agency that manages my property. The State Manager when told why I wanted particular colours for the painting of the interior of my house (to help positively affect my moods), instead of what I call Institutional Beige and 50 Shades of Depressing Grey, said a majority of their tenants had mental health issues and didn't ask for specific colours. Very dismissive of how people come to acquire mental health challenges and how individuals develop coping mechanisms"

"I am frustrated by how little chance I have to change things in my rental, that I have inspections every 2.5 months requiring a high level of cleanliness and that repairs sometimes take a long time"

"Special assistance disability housing service should be case-managed. Inclusive of physical, intellectual and mental health. More public housing and caps on private rental prices. Increased rent assistance for people with disability to access safe and appropriate private rental"

"Huge increase to access, commit to accessibility standards. Make affordable housing"

"I would like to see rental inspections reduced from as often as a month to twice a year at most. I would like more insulation for rental properties, the ability to have pets, more affordable housing, less discrimination against families and people with children, more ability to make changes to a rental property"

"I wish there was more affordable housing for lower income, and that we were not discriminated against if we have pets, most of us have animals, as they are for support"

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“Bring back more affordable homes through HAS, bring back community buses in back streets, don’t put people with disabilities in hilly areas, far from shops and transport. Don’t mix us with homeowners that treat us poorly, stigmatising and discriminating us causing more stress and anxiety to the point of being too scared to even go outside. More community support from experienced people... NDIS is useless”

“[We need] more availability of purpose-built accommodation suitable for disabled people”

“Houses should be designed not to be as narrow and sardine-can-like as possible. Most public houses should be accessible for everyone. And public transport in metropolitan areas should have to be much closer to these houses”

Training and staff capability

43. Training for staff in the housing industry should be reviewed and updated to ensure that organisations are accessible for persons with disabilities.
44. SAHA has disability awareness training which could be updated to include mental health first aid training and autism-awareness training.
45. It is unclear whether community housing providers deliver disability awareness or mental health first aid training across the board.
46. Private real estate agents or property managers are not required to have disability awareness or mental health first aid training. In South Australia they are required to follow a professional code of conduct. However, professional development such as ethics or disability awareness is not mandated as part of maintaining their practice licence.
47. Due to COVID-19 there is also currently a shortage of builders and construction workers that is impacting the capability of South Australia’s workforce. Some workers have also moved interstate to take up the opportunities in Victoria and Western Australia who are making big investments into social housing.

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DRAS Case Studies¹⁵

Case Study #1:

The client is an NDIS participant. They are not eligible for SDA/SIL. They had to leave a SAHA property due to domestic violence and stayed temporarily with family, however, this was not a long-term option. They found a private rental through a roommate app and are on a sub-lease, which was the only affordable place they could find while on JobSeeker. They attempted to apply for the Disability Support Pension but were rejected. The property they are now living in is old and the landlord is refusing to do any renovations. There is mould in the property, part of the ceiling has collapsed, the drain piping has shattered, the toilet is not flushing, and there is raw sewage going into the backyard. DRAS attended a meeting with the client and SAHA who advised that the property may be sub-standard. The client is concerned about asking for a property assessment with the landlord as they may deem that the home is unliveable and then the client will face homelessness. They have been deemed to only be Category 2 for public and community housing because they are technically housed and not physically homeless right now. However, this raises a broader issue about people with disabilities living in inappropriate accommodation because they have no other option.

Case Study #2:

The client is living in their car with their dog. They have been in Category 1 with SAHA for a few months now. They have been told that they will need to wait for up to 5 years for a house. They describe their body as broken physically – with a smashed leg and a broken hand that has not mended. They forced themselves to work through the pain and it got worse. The client has a degenerative spine disease that was gained as child due to a hit-and-run. They have chronic depression and anxiety. They said that they cannot get the DSP because they cannot afford a spinal surgeon or a psychiatrist.

¹⁵ More case studies can be made available on request if needed.

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Case Study #3:

A client who lives in a SAHA property requested advocacy support regarding maintenance. They had an assessment by a roofing plumber who told them that there was black mould in the ceiling insulation and one of the beams was rotten, because of a leak due to structural issues with the silicone in the roof. The roofing plumber raised that this issue had been present for several years. The leak also caused flooding in the kitchen. The leak was fixed, however, the issue with the black mould was not resolved. The ceiling paint in the kitchen is peeling, and the client had raised a maintenance request three years ago, which was never actioned. The kitchen tiles fell off. Currently there is a water-damaged backdoor. The client sought assistance from DRAS and we have raised these concerns with SAHA. There has been some movement with maintenance visiting the property, and the kitchen tiles have been fixed. However, the water-damaged backdoor has not been fixed, and neither has the black mould in the ceiling insulation. The client is impacted by the black mould which affects their asthma and causes headaches, itchy eyes and sinus problems. The client notices a change in their health when they are not staying in the house, such as when they are visiting family. The client had previously had an assessment by an Occupational Therapist who recommended that the kitchen be renovated to make it more accessible, however, this has not been actioned after several years. The client has also made a complaint to the State Ombudsman. The client is on the Disability Support Pension and is getting help from DRAS to appeal the decision to reject their NDIS Access claim.

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Recommendations

1. Increase public and community housing stock to a level that meets community demand. For example, investing in an additional 20,000 social housing places.
2. Increase renter's rights and amend the *RTA* to include the following:
 - a. A right of housing modifications for persons with disabilities;
 - b. A right to bring pets into residential properties;
 - c. A ban on no-cause evictions;
 - d. Limiting periodic tenancies.
3. SAHA, community housing providers and private rental investors make a commitment to 100% 'platinum' access for all new housing builds as per *Livable Housing Australia* guidelines.¹⁶
4. The *DIA* State Disability Inclusion Plan to include an action point as to how State Government will work with private housing organisations and associations to make housing more affordable, available and accessible for persons with disability.
5. More collaboration between SAHA, community housing providers, the NDIA and homelessness support services when persons with disability are facing eviction, non-renewal of lease or homelessness and attempting to obtain secure housing.
6. Ensuring that persons on the Disability Support Pension can be placed on at least Category 2 for SAHA in both the registration *and* transfer process.
7. Review the accessibility and safety of crisis accommodation, short-stay accommodation and boarding/rooming houses.
8. Extend funding to homelessness support organisations so individuals can get assistance to avoid homelessness. Shift the focus to preventing homelessness rather than waiting until people are sleeping rough or couch-surfing.
9. The State Government should work with the Federal Government to review the level of accessibility and affordability for Specialist Disability Accommodation (SDA) and Supported Independent Living (SIL).

¹⁶ [LHA Platinum \(livablehousingaustralia.org.au\)](http://livablehousingaustralia.org.au)

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10. The State Government should collect data on the number of young people with disability in Aged Care facilities in South Australia and monitor their experiences. More secure and stable housing options should be created so young people with disability can have sustainable social networks with peers.
11. The State Government should advocate to the Federal Government for amendments to the *Disability Discrimination Act 1992* (Cth) to make it clearer that refusing a housing modification is discrimination against persons with disability. The State Government should amend the *Equal Opportunity Act 1984* (SA) to the same effect.
12. DRAS welcomes the Federal Government's recent increase to Commonwealth Rent Assistance and Income Support Payments for those relying on Centrelink. However, we share the same concerns from the Australian Council of Social Services (ACOSS) that it is only a modest increase that will not lift people out of poverty.
13. Review government Home-Buyer schemes to investigate the impact on inflation and house prices, with a view to ensuring they do not inadvertently cause house prices to rise.
14. Mandate training for SAHA and community housing frontline staff for disability awareness, mental health first aid training, cultural awareness and trauma-informed practice. This should also include training for responding to disclosures of domestic or sexual violence.
15. Update the requirements that real estate agents and property managers need to maintain their practice licence, by mandating disability awareness, mental health first aid training, cultural awareness and trauma-informed practice.

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SUBMISSION INTO THE REVIEW OF THE *RESIDENTIAL TENANCIES ACT 1995*

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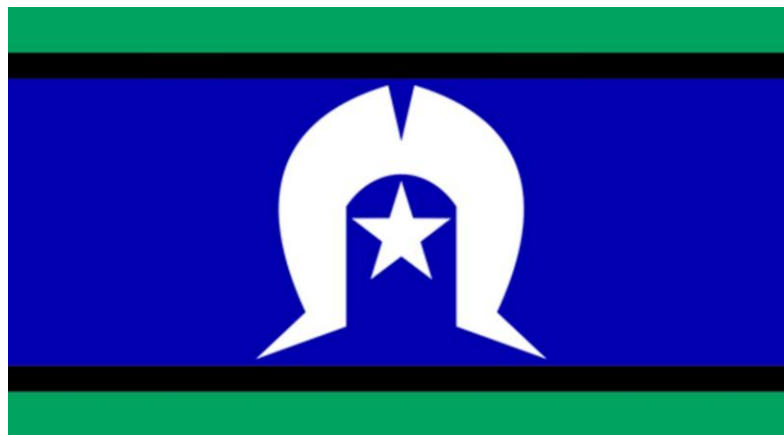




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Acknowledgement of Country



[Image description: Aboriginal and Torres Strait Islander flags]

The Disability Rights Advocacy Service Inc acknowledges that this submission was completed on Kurna Land. We pay our respects to Elders past, present and emerging. We recognise the continuing relationship with the lands and seas and connection to culture.

Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku, parnaku yailtya, parnaku tapa puru purruna. Kurna Miyurna ithu yailtya purruna, yarta kuma puru martinthi, puru warri-apinthe, puru tangka martulayinthe.

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Background

Disability Rights Advocacy Service (DRAS) is part of a national network of disability advocacy organisations funded by the Australian Government Department of Social Services to provide individual advocacy, Royal Commission advocacy and systemic advocacy for persons with disability. We service three areas in South Australia, representing people who reside within greater metropolitan Adelaide, the Adelaide Hills and Murray Bridge, the South-East and Coorong region, and the Riverland.

As part of our work our advocates assist persons with disability directly through the National Disability Advocacy Program (NDAP) and NDIS appeals program, as well as assist individuals to tell their story to the Disability Royal Commission.

Longer tenancies

- Should the RTA include a requirement for landlords to provide a prescribed reason for the termination of a periodic lease or the non-renewal of a fixed term tenancy agreement, and if so, what should these prescribed reasons be?
- Should the RTA be amended to accommodate longer fixed term tenancy agreements?
- Should the minimum notice period required prior to the non-renewal of a fixed term tenancy agreement be extended to 60-days?

DRAS supports implementing under legislation a 'prescribed reason' for landlords to terminate a periodic agreement or not renewing a fixed term agreement tenancy. Our clients have told us that they do not feel that they can confidently lodge service or maintenance complaints regarding their rental properties without fear of retribution by landlords. This creates an unjust power imbalance between landlords and tenants. This is of particular concern to people with disability who may need adjustments to their rental property for accessibility reasons.

Prescribed reasons may include sale of the rental property to the market; *significant* damage done to a property; *significant* rental arrears; among other things. There should be a requirement under legislation that negotiation has taken place between landlords and tenants to attempt to come to an agreement prior to a lease being terminated.

DRAS supports the RTA being amended to accommodate longer fixed term tenancy agreements. People with disability in particular need greater long-term security for tenancies because they are often connected to location-specific community services, allied health professionals, medical practitioners, or support services in education centres. Being able to have security of tenure in an individual's housing situation also guarantees security for their community supports.

The minimum notice period prior to the non-renewal of a fixed term tenancy agreement should be extended to *at least* a minimum of 60 days. The current housing crisis means that it is incredibly difficult to find a rental property. This is compounded for people with disability who also need an accessible property.

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Residential Bonds

- Should the relevant limit be increased to \$800 to allow most tenants in SA to pay a bond of no more than the equivalent of 4 weeks' rent?
- Should the RBO be made mandatory and require additional tenant contact details upon registration to minimise unclaimed bonds?

DRAS supports these amendments to reflect the current state of the rental market and to ensure that tenants are not paying more for a bond than is necessary. We also welcome the RBO being made mandatory to reduce the amount of unclaimed bonds for when tenants vacate a property.

Rent bidding

- Should landlords and land agents be prohibited from advertising a property within a rent range, putting a property up for rent auction and soliciting offers to pay an amount of rent above the advertised price?

DRAS supports landlords and land agents being prohibited from putting a property up for rent auction and soliciting offers over the advertised rent price. We believe that the amendments should go further and prevent the ability for landlords and land agents to accept offers above the advertised price. Current rent bidding is driving up rental prices and pushing many people out of the private rental market, creating increased demand on social housing. Current social housing stock is inadequate to cope with the increased demand from people who can no longer afford to access the private rental market. This particularly impacts on people with a disability from a low socio-economic background. Many of our clients on Disability Support Pension (DSP) or other Centrelink payments simply can no longer afford to rent in the private market.

However, we query whether prohibiting landlords and land agents to prohibit advertising rental properties within a price range will be helpful. Prospective tenants often base their search for rental properties on the prices that they can afford, so this may create unnecessary complexity in the tenant search process.

Rooming houses and shared accommodation

- Should the definition of a rooming house be amended to include rooming houses that accommodate 2 or more residents?
- Should the RTA establish a registration scheme for rooming houses that have 5 or more residents and require 'fit and proper' person checks for proprietors?

DRAS supports these amendments. We are also concerned about the accessibility of rooming houses and crisis accommodation for people with disability. We have had clients who were denied access to crisis accommodation because their disability meant that they could not access a complex with stairs. We would like to see similar accessibility standards applied to rooming houses and crisis accommodation as is applied to new SA Housing Authority properties.

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Renting with pets

- Should the RTA include the presumption that a tenant who applies to keep a pet in a rental property cannot have their request unreasonably refused, provided the tenant agrees to comply with any reasonable conditions imposed by the landlord?
- Should a pet bond scheme be introduced in SA?

DRAS supports an amendment to the RTA to give tenants with pets greater access to a rental property. Currently many rental properties are advertised with 'no pets allowed' requirements. It is hoped that such an amendment would mean this practice is no longer used by landlords and land agents. People with disability in particular often need access to rental properties that allow pets because they have registered assistance animals or emotional support animals. Furthermore, due to the cost not all emotional support animals are able to be formally registered.

DRAS opposes the introduction of a pet bond scheme in SA, as this would create unfair financial hardship on tenants with pets in a private rental market that is already costly to access.

Housing standards and retaliatory evictions

- Should the RTA include further complimentary provisions to those proposed under Section 1 of this paper to ensure tenants can exercise their rights without the risk of a retaliatory eviction or rent increase?
- Should the RTA impose minimum energy efficiency standards in rental properties?

Nationally, Building Ministers have agreed to lift the energy standards of new home through the National Construction Code (NCC). As of NCC 2022, *new* homes and apartments need to achieve the equivalent of '7 stars' of [NatHERS thermal performance](#).¹ However, DRAS is concerned that these standards will not be applied to existing dwellings. We have had clients contact our service seeking advocacy support because maintenance has been ignored for several months or years both in public and private rental accommodation. Our advocacy support has involved lodging maintenance requests or making complaints related to black mould, pest infestations, or general disrepair, among other things. While our service has often had success in these complaints, we are concerned that the issue has required advocacy support before the matter can be resolved, and we are concerned about these ongoing issues in the community.

It is of pivotal importance for the RTA to include provisions to ensure that tenants can exercise their rights without the risk of a retaliatory eviction or rent increase. Due to the power imbalance between tenants and landlords, we have heard from clients that they are wary of raising maintenance requests or risk an adversarial response from their landlord or land agent for doing so.

¹ Nationwide House Energy Rating Scheme, website, 2022, accessed: [Nationwide House Energy Rating Scheme \(NatHERS\)](#)

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Safety modifications and minor changes

- Should the RTA be amended to prevent the unreasonable refusal of safety modifications and minor changes including the installation of wall anchors, child safety gates, childproof latches, wireless outdoor cameras, showerheads, and internal window coverings?

As an advocacy service we have had clients come to us for help in obtaining housing that is physically and sensory-accessible. Housing often does not meet the needs of persons with disabilities and it can be difficult to get approval for disability housing modifications. There is concern in the community about disability discrimination in residential tenancies.² Clients have come to us concerned that if they request housing modifications they will face a retaliatory eviction. For example, requesting grab rails, hand rails, sensory lighting, wider doorways, lowered benches, among other things.

The South Australian Housing Association (SAHA) has developed their *Disability Access and Inclusion Plan 2020-2024*, as part of their obligations under the *Disability Inclusion Act 2018 (SA) (DIA)*. We are at the midpoint of the delivery of this plan. The Plan is also part of the broader 10-year strategy of the South Australian Government, *Our Housing Future 2020-2030*.

Persons with disability residing in public and Aboriginal housing properties can request housing modifications if it does not meet their needs. Only SAHA offers disability housing modifications officially, and they must often be supported by comprehensive diagnostic and functional assessment reports that can be difficult or expensive to obtain.³

SAHA has also developed internal Sustainable Housing Principles which include detailed requirements about accessibility around and inside a house, as well as housing modifications.⁴ However, SAHA has only committed to 'silver' access, which is the minimum requirement for accessibility as opposed to 'gold' or 'platinum' access.⁵

The *Disability Inclusion Act 2018 (SA)* only applies to government agencies and their partner organisations (for example, Housing SA is partnered with community housing providers). People with disability living in private rentals do not have the benefit of knowing that their landlord or real estate agent is accountable to a Disability Access and Inclusion Plan. This is despite many people with disability renting privately, particularly due to the

² *Disability Discrimination and Reasonable Adjustments in Residential Tenancies*, May 2022, p 18, accessed: [Law Society Bulletin - May 2022 by lawsocietysa - Issuu](#)

³ SA Housing Authority, *Housing Modifications for people with disability policy* | SA Housing Authority accessed: 8th August 2022

⁴ SA Housing Authority, *Sustainable Housing Principles 2.3 SAHT Universal Housing Design Criteria* accessed: 8th August 2022.

⁵ SA Housing Authority, *Disability Access and Inclusion Plan 2020-2024*, 2020, Government of South Australia, p 21

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reduction in numbers of public and community housing places available, and the lack of affordable houses available to purchase.

Persons with disability may struggle to access housing that meets their needs in the private rental market. The Residential Tenancies Act 1995 (SA) is the core legislation that governs private rental accommodation, including the rights of tenants and obligations of landlords or real estate agents. There are no obligations put on private landlords or real estate agents to allow for housing modifications, except that they cannot refuse installation of the internet or a digital television under s 70 of the Act and s 12 of the Residential Tenancies Regulations 2010 (SA). This means there are no obligations on private agencies to allow for housing modifications.

The *Disability Discrimination Act 1992* (Cth) and the *Equal Opportunity Act 1984* (SA) may provide a legal avenue for persons with disability to make complaints about private landlords or real estate agents if they do not provide a housing modification when requested. However, the legal test for discrimination can be a high bar to meet, and it can be difficult to prove that someone is being discriminated against because of their disability.

Start of tenancy requirements

- Should the RTA require prospective tenants to use a standardised application form in any application for a rental property that has questions that restrict the amount of personal information a landlord or land agent can gather about a prospective tenant?
- Should the RTA be amended to prohibit landlords, land agents and database operators from charging a fee to a person who requests a copy of the personal information about themselves that is listed on a residential tenancy database?

DRAS supports the introduction of a standardised application form to limit the amount of information required from prospective tenants. It is currently an onerous process where landlords or land agents can require multiple references and an extraordinary amount of personal information to be uploaded through third party websites, including identification, pay slips or social security accounts. There is limited guarantee that these third-party websites are secure, which is of particular concern due to recent hacking events nationally. We propose that in addition to a standardised application form, CBS look into regulating these third-party websites.

We are concerned about the use of 'blacklists' being unfairly and unjustly used to prevent people from accessing other rental properties. This places marginalised or vulnerable people at risk of homelessness. If residential tenancy databases are maintained DRAS supports tenants having access to this information for free and in a timely manner, which will give people access to procedural fairness in being able to challenge any false or misleading information.

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Domestic violence provisions

- Are further amendments required to strengthen financial protections for victims of DV who are renting?

An issue that our service has addressed is women with disability requesting advocacy support to appeal debts or costs associated with property damage levied against them due to domestic violence. For example, a perpetrator breaking into a victims' home or committing property damage such as punching walls, breaking windows, or doors. Victims of domestic violence should not have to cover the costs of property damage that is done by a perpetrator. Property damage can also lead to eviction of all tenants regardless of who committed the damage. Protections could be added to the RTA to ensure that allegations of domestic violence-related property damage are taken seriously and that a landlord or land agent must consider these allegations when deciding to recover a debt or to terminate a tenancy.

We are also concerned about the ability for a landlord to enforce a bond payment against a victim of domestic violence as is noted in the Review Discussion paper and would be supportive of amendments to the RTA to safeguard against this.

Water billing

- Should the RTA require landlords to provide tenants with a copy of any water bill the tenant is required to pay within 30 days of receiving the water bill?
- Should responsibility for the payment of the water supply fee be paid by the landlord, as is the standard practice in other jurisdictions?
- Should landlords have a full or partial obligation to pay the excess water charges resulting from a reported water leak that remains unrepaired, noting this would require the RTA to define how excess water charges are identified?

DRAS supports the amendments to the RTA to require landlords to provide tenants with a copy of any water bill the tenant is required to pay within 30 days of receiving the water bill. We believe that it should be the responsibility of the landlord to pay the water supply fee to bring South Australia in line with the standard practice in other jurisdictions. Landlords should have a full obligation to pay excess water charges resulting from a reported water leak that remain unrepaired.

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Joint statement

A call for fair rental laws

Supporters



St Vincent de Paul Society SA good works



We believe in young people.



Uniting Country SA



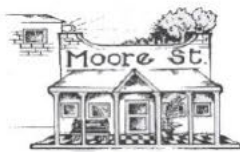
Uniting Country Housing



AUSTRALIAN LAWYERS FOR HUMAN RIGHTS



GRATA FUND



CHIAPRT Centre for Health in All Policies Research Translation



Good Shepherd Australia New Zealand



Disability Rights Advocacy Service Inc



Rights Resource Network SA

connecting change creators + law makers



SAFCA South Australian Financial Counsellors Association.



Conservation Council SA



KENSINGTON RESIDENTS ASSOCIATION INC Serving the community since 1977



National Tertiary Education Union



Housing Trust Tenants Association

Incorporated as the Tenants Association (Residential) of South Australia



SARAA rainbow alliance



Joint statement

A call for fair rental laws

Renters have a right to housing that is affordable, safe, and secure. It's time South Australia's rental laws were updated to reflect this.

More South Australians are renting than ever before, and renter households are feeling the squeeze with a rental affordability and availability crisis alongside a cost-of-living crisis. The demographic of renters is changing with more families renting, people retiring as renters and many people facing the possibility of renting for the rest of their lives.

Now, as the state government reviews the *Residential Tenancies Act 1995* for the first time in nearly ten years, there is a critical opportunity to improve South Australia's renting laws to make renting fair in our state by enacting lasting, positive change to the legislation.

Together, our organisations are calling for significant and meaningful reforms – as listed below -to our residential tenancy laws to ensure all South Australians can access secure and affordable housing.

Abolish no cause evictions (periodic lease and non-renewal of fixed term lease)

Ending no cause evictions and the non-renewal of leases without cause is essential to improving security of tenure in the private rental sector and to ensuring tenants can stand up for their rights without fear of retaliatory evictions.

Currently, under sections 83 and 83A of *the Residential Tenancies Act 1995* a landlord may evict a tenant both during a periodic tenancy and at the end of a fixed term agreement for no reason. This provides no security of tenure for the tenant, impacts on their ability to settle in a house and community, and limits their ability to exercise their rights as tenants.

There have long been reports from tenants who have received retaliatory evictions following a request for a repair to the property, or when they have raised other concerns. As a result, many tenants live in expensive, unhealthy and unsafe housing as they fear their tenancy agreement will be terminated if they report an issue with the property.

Due to the very low vacancy rate in the private rental market, this situation brings with it the very real risk of homelessness. Evictions should only be allowed for legitimate reasons. There are numerous ways to evict tenants that are legitimate legally such as selling the property, family requiring the property and major repairs that should be sufficient for landlords to retain power over their investments without breaching legal contracts.

Without the removal of no cause evictions and the non-renewal of leases without cause, renters cannot exercise the full rights afforded to them by law.

Limiting rent increases (to CPI)

Rents have increased significantly and some landlords, knowing their tenants have few (if any) other options have taken advantage of an increase in demand. Currently the Residential Tenancies Act restricts the frequency of rent increases (once every 12 months), but there are no limits on how much rent can increase.

During a rental affordability crisis, countless tenants are facing excessive rent hikes. Section 56 of the Act puts all the onus (and expense) on the tenant to make an application to the Tribunal if they believe the rent charged to be excessive. It is reasonable to assume that the tenant is unlikely to attempt this action due to the fear of retaliatory eviction.

Rent increases should be limited to the Consumer Price Index (CPI), to ensure that landlords are not increasing the rent excessively, and the limit must be enforceable without relying on tenants to put themselves and their housing situation at risk. Current laws create uncertainty where tenants have no way to plan for future rent increases or know if they'll be able to afford them. Limiting rent increases to CPI provides fair, transparent ground rules for both landlords and tenants.

We also note that limiting rent increases must be introduced simultaneously with the removal of no cause evictions. This will prevent landlords from using a rent increase to evict a tenant, by introducing a rent increase the tenant cannot afford, and tenants cannot be evicted to increase rents beyond any rent increase limit.

Introduce minimum energy efficiency standards

Minimum energy efficiency standards are essential to providing safe and healthy housing for renters. There is overwhelming evidence that South Australian renters face unsafe internal temperatures in their homes. Many rental homes in South Australia have poor energy performance and lack energy efficiency features such as insulation, energy-efficient heating and cooling and effective draught sealing. This situation leads to many rental homes being too cold in winter and too warm in summer and significantly affects the health and well-being of tenants by contributing to illnesses such as [cardiovascular disease, respiratory disease and poor mental health](#).

Energy inefficient homes are considerably more challenging to heat and cool. As a result, tenants are spending more money and using more energy to try and heat and cool their homes with little effect. Many are choosing to not use heating and cooling appliances because their bills are too high, or they are forced to make the hard decision to not buy groceries or medication to afford their use.

Implementing minimum energy efficiency standards will significantly reduce bills. Healthy Homes for Renters developed a [Community Sector Blueprint](#) that provides a comprehensive overview for implementing minimum energy efficiency standards. We support this blueprint along with over 90 other community organisations. Mandating that the replacement of appliances must be energy efficient does not go far enough to remedy the problem presented here.

Ensure landlords cannot unreasonably refuse a pet

Presently, landlords can refuse to allow pets in a rental property in South Australia.

South Australia is one of the last remaining states that does not have provisions to allow pets in rentals. For many South Australians, pets are a part of their family playing a crucial role in a person's physical and mental wellbeing.

In the midst of a housing crisis, some tenants are having to choose between giving up their pet or slipping into homelessness as landlords have powers to discriminate against pet owners. Animal shelters are seeing increased surrenders of dogs and cats from families that would love to keep them but can't as they can't find a rental that will accept both them and their pet.

This situation also creates a significant barrier for women experiencing domestic violence, with research suggesting that many will remain in an abusive relationship if they cannot take their pet with them when they leave.

The Act must be amended to ensure landlords cannot unreasonably refuse a pet, with any reasonable grounds for refusal clearly defined. The onus must sit with the landlord to apply to the Tribunal if they wish to refuse permission for a pet to ensure accountability and oversight.

Conclusion

There has never been a more crucial or timely opportunity to improve housing outcomes in South Australia. It is time to recognise the undue pressures and unfair rules faced by renters and introduce reforms that will have a profound impact on housing affordability, security and safety for many South Australians, today and into the future.

We encourage the state government to expedite their proposed improvements to the Act and to ensure they are strong enough to have a positive impact on rental tenure.

Organisational names (supporters):

- Baptist Care SA
- Uniting SA
- Centacare Catholic Family Services
- The Salvation Army
- ac.care
- Centacare Catholic Country SA
- St Vincent de Paul Society
- Australian Education Union (SA branch)
- Child and Family Focus SA
- The Australian Centre for Social Innovation
- Australian Unemployed Workers Union
- Community Legal Centres Australia
- Youth Affairs Council of South Australia
- Single Mother Families Australia
- St Vincent de Paul Society
- St John's Youth Services
- Uniting Country SA
- Uniting Country Housing
- Community and Public Sector Union
- Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU)
- Australian Lawyers for Human Rights
- Grata Fund
- Adelaide Day Centre for Homeless Persons (Moore Street)
- Centre for Health in All Policies Research Translation
- Circle of Friends Australia Inc.
- Good Shepherd Australia
- Disability Rights Advocacy Service
- Rights Resource Network SA
- South Australian Financial Counsellors Association
- Conservation Council SA
- Kensington Residents Association Inc.
- National Tertiary Education Union
- National Union of Students
- Housing Trust Tenants Association
- The South Australian Rainbow Advocacy Alliance
- Soroptimist International of Adelaide Inc.



Disability Rights Advocacy Service Inc

Safeguarding and promoting the rights and
interests of people with disability, their families
and carers

4 September 2023

Dear Hon Andrea Michaels MP
Minister for Consumer and Business Affairs

RE: Residential Tenancies (Miscellaneous) Bill 2023

We write in relation to correspondence received on 15 August requesting our feedback by 4 September 2023.

Thank you for the opportunity to provide feedback on this important issue.

DRAS is currently seeing a surge of clients presenting at our disability advocacy service who are either homeless or at risk of homelessness due to the cost of living and housing crisis. Our National Disability Advocacy Program (NDAP) is seeing that housing/homelessness cases are now becoming one of the biggest issues that people with disability are seeking our advocacy services for, along with claiming for related Centrelink payments.

Our organisation has now signed onto support the ['Make Renting Fair'](#) campaign, which is calling for access to affordable housing by capping rents at CPI, banning no-grounds evictions, healthy homes that meet accessibility needs and efficiency standards, and allowing renters to have pets to make their houses feel like homes. Please see the statement DRAS has signed up to attached to our letter.

Supported measures and proposals

Our organisation is pleased that the South Australian Government has committed to the following:

- Protecting prospective tenant and ongoing tenant information.
- Banning no-cause evictions.
- Making it easier for tenants to have pets.
- Limiting rent-bidding by real estate agents and/or landlords.

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DRAS further supports the following amendments as outlined in your Draft Bill:

- Provision of information to prospective tenants and tenants.
- Updated bonds provisions.
- Keeping pets on premises.
- Protecting tenants experiencing domestic abuse.
- Longer tenancies and associated provisions.
- Clarifying the ability for a tenant to sub-let a property.
- Minimum housing standards and allowing tenants to terminate a lease agreement due to a property not meeting these standards.
- Alteration of premises, particularly alterations 'required for a disability within the meaning of the Equal Opportunity Act 1984' as this is an issue that is important for our client demographic.
- Energy efficiency of appliances, fittings and fixtures.
- Excess water and statutory charges.
- Provisions protecting tenants in a rooming house agreement and legislating minimum standards.
- Provisions protecting tenants in a residential park agreement.

The cost of rent in South Australia

Anglicare's Rental Affordability Snapshot (2023) found that of the 1,456 private rentals in South Australia, **for a single person over 21 on the Disability Support Pension, a single on JobSeeker Payment, or a single aged over 18 on Youth Allowance, 0% of properties were suitable without placing a person in housing stress.**¹

While we support the proposed amendment related to excessive rent, in which SACAT would have the jurisdiction to decide 'whether a rent increase was disproportionate considering the amount of rent payable', we are concerned that this amendment in isolation may place the onus on tenants in having to attend a SACAT hearing to have their rent increase reviewed.

A simpler and more effective way to protect tenants from excessive rent increases would be to limit rent increases to the Consumer Price Index (CPI). This approach has been endorsed by several organisations in the attached *Joint Statement – A call for fair rental laws*.

DRAS is particularly concerned about the lack of affordable and accessible housing supply, the growing number of individuals and families with disability experiencing homelessness, as well as housing/homelessness service providers being at capacity and not being able to assist people. There are also limited specialised homelessness service providers specifically designed to support people with

¹ <https://www.anglicare.asn.au/wp-content/uploads/2023/04/Rental-Affordability-Snapshot-Regional-Reports.pdf> at *Believe Housing Australia – South Australia*, p 1-2

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disability, as our cohort of clients often need more intensive support than generalised homelessness services can offer.

Due to the limited housing supply, our clients have told us that they are feeling forced to accept housing even if it is not suitable for their disability-related needs. This is causing significant stress, trauma, and risk to well-being of clients who are feeling 'stuck' or 'trapped' in inadequate accommodation.

Our advocates are seeing on the ground that people with disability and people on fixed or low incomes are effectively being blocked from accessing the private rental market and there is not enough public or community housing – or crisis accommodation – to be able to assist individuals and families to avoid homelessness.

While DRAS can advocate and assist clients to get onto public and community housing waitlists, write support letters, connect clients to homelessness or crisis accommodation services, and work with legal aid agencies to support clients facing eviction or non-renewal of private rental leases at SACAT, there is limited further support we can provide when there is insufficient housing access and affordability, and inadequate protections for tenants. We are concerned at the prospect of a potential risk of frontline workers across the sector burning out and experiencing vicarious trauma due to the scale of the current crisis.

Our main recommendation for the proposed amendments in the Draft Bill is for the South Australian Government to progress the Bill through parliament as quickly as is practically possible. In particular, our advocates on the ground have already this year supported multiple clients who have been served no-grounds eviction notices or non-renewal of lease notices. We are concerned that any further delay puts tenants at significant risk of homelessness.

Again, thank you for the opportunity to provide feedback on the *Residential Tenancies (Miscellaneous) Bill 2023*.

Sincerely,

[Redacted signature]

[Redacted name]
[Redacted title]

Disability Rights Advocacy Service

☎: [Redacted phone number]

✉: [Redacted email address]

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