

Alterations and Disability Modifications Protocol

1. Purpose

Uniting Housing Australia complies with all relevant legislative requirements, including the *Residential Tenancies Act 1997 (Vic)* in respect of its residential tenancy practices. The purpose of this protocol is to outline how Uniting Housing Australia will manage requests from tenants to make alterations or disability modifications to Uniting Housing Australia properties.

Uniting Housing Australia endeavours to manage and respond to such requests in a timely, clear and transparent manner and to ensure the best possible outcomes for tenants. This protocol applies to all employees working with Uniting Housing Australia properties.

2. Protocol

2.1 General Principles

When a tenant moves into a property they are provided with a condition report which describes the current conditions which they agree to accept when signing the lease.

If a tenant's health needs decline/change such that they need modifications in order to remain in their property; Uniting Housing Australia may:

- Undertake and fully finance them in certain circumstances,
- Offer to share the financing of them with the tenant in certain circumstances,
- Require a tenant to fully finance them because our program budget doesn't extend to pay for them,
- Decline a tenant request and seek to assist the tenant to find more suitable housing for their changing needs.

2.2 Alterations, modifications and improvements –~~non-DHHS properties~~

Approval for alterations, modifications or improvements will be required from Uniting Housing Australia before any works commence.

Before a tenant can have works done to a property, they must submit their request in writing to their Tenancy worker at Uniting Housing Australia. Full information about the proposed works must be provided, including who is to carry out the work.

Uniting Housing Australia will assess the request considering the points listed in 2.4. If the approval includes the tenant is to pay the full costs then the tenant must:

- be responsible for repairing and maintaining any alterations, modifications or improvements
- pay for all remedial works caused by negligence, poor workmanship or failure to complete an alteration in full. This includes the cost of rectifying any damage caused by any works
- be responsible for repairing any damage the works may cause,

- remove (if requested by Uniting Housing Australia) an alteration at their own expense and restore the property to its original condition at the end of the tenancy.

Uniting Housing Australia must:

- Review alterations, modifications or improvements applications,
- Inspect alterations, modifications or improvements on the property,
- Inspect alterations, modifications or improvements and removal of these at the end of the tenancy.

Tenants must be informed in writing about the outcome of their application. This may include any conditions attached to an approval. If there is a delay, Uniting Housing Australia must inform the applicant about the expected timeframe and the reason for any delay. Where an application is refused, the tenant may submit a revised proposal.

2.3 Considerations in assessing applications

The following are factors to be considered in the assessment of an alteration application, including but not limited to:

- Impact on the structural integrity of the building,
- Impact on a heritage listed property
- Impact on neighbours
- Australian Standards, legal requirements and Local Council regulations
- If the alteration increases the maintenance liability for Uniting Housing Australia
- Conflict with Uniting Housing Australia's approach to environmental sustainability
- If the alteration is able to be being rectified, repaired or removed at the end of the tenancy
- Whether the home has asbestos or any hazardous building products and the degree to which those products will be altered (for example drilled, cut, removed)
- Rent or non-rent arrears. In general, alterations for tenants with arrears will not be approved to ensure that the focus on sustaining the tenancy is first addressed
- The approval of the owner where the property is owned by another entity

2.4 NDIS participants – reasonable adjustments

Uniting Housing Australia is bound by the *Disability Discrimination Act 1992* (Cth) which requires that 'reasonable adjustments' be made for people with disabilities, to enable public housing tenants to live independently.

For NDIS participants residing in public housing, the Victorian Government has defined reasonable adjustments for home modifications as:

- modifications within Liveable Housing Design Guidelines that enhance accessibility for all DHHS clients using public housing; or
- modifications that can be easily removed when the resident leaves the property or are appropriate to remain in the property for residents without a disability.

Examples of reasonable adjustments include but are not limited to:

- ✓ handrails or grab rails
- ✓ lever taps

- ✓ handheld showers
- ✓ specialist alarm system for people with hearing impairment
- ✓ medical cooling
- ✓ minor entry ramps
- ✓ vinyl.

Failing to offer housing to a person with a disability based on a belief that they may be unable to comply with the obligations imposed on tenants under the *Residential Tenancies Act 1997* (Vic), may result in a breach of the *Disability Discrimination Act 1992* (Cth), therefore Uniting Housing Australia will:

- Review requests for disability modifications required to support our tenant to remain in the property if it is suitable,
- Assess the modification to ensure that the modification is structurally safe and economically viable.

Where consent for property modifications has been declined by the owner of the property or a modification is determined to be unfeasible or non-economically viable, alternative housing options will be discussed with the tenant.

One approved, Uniting Housing Australia must:

- Undertake minor modifications for those we have agreed to undertake
- Inspect modifications funded by the tenant on completion at the property
- If permission to undertake the modification is not granted, discuss other options including transfer to an alternative property which already meets their needs or which can be easily modified.

2.5 NDIS participants - assessing modification requests

Assessment of modification requests is based on a number of factors including:

- long term value of the property, i.e. cost of the modification in relation to the value of the property,
- impact on the heritage of the property and any council requirements,
- cost of alternative approaches,
- availability of alternative properties already modified to meet the tenant's needs,
- availability of funding, where applicable,
- suitability of the property for the proposed modification,
- suitability of the modification for the tenant or household member's current and future needs,
- suitability of the modification for future tenants,
- tenant's ability to sustain a successful tenancy.

2.6 NDIS participants – over and above reasonable adjustments

For the purposes of the transition period the Victorian Government has defined home modifications that are over and above reasonable adjustments for NDIS participants residing in public housing, as:

- modifications that require major structural changes to the property; or
- modifications that cater for or are a result of specialist disability equipment such as ramps or hoists.

Examples of home modifications additional to reasonable adjustment include but are not limited to:

- fire sprinklers
- automatic doors
- major ramps (such as those requiring a council permit or ramps that negatively impact the overall streetscape as defined by local planning policies)
- cement sheeting throughout
- stepless showers that require significant structural changes to the property (such as removing a wall).

Where a home modification is considered over and above a reasonable adjustment for an NDIS participant and they do not already have funding in their NDIS plan for home modifications, then an NDIS participant may need to request a plan review with the NDIA.

3. Definitions

Term	Meaning
DHHS	Department of Health & Human Services
Reasonable adjustments (NDIS participants)	<ul style="list-style-type: none"> • modifications within Liveable Housing Design Guidelines that enhance accessibility for all DHHS clients using public housing; or • modifications that can be easily removed when the resident leaves the property or are appropriate to remain in the property for residents without a disability.
NDIS	National Disability Insurance Scheme
Tenant	Resident or occupant of Uniting Housing Australia property

4. Related Policy, Instructions and Advice

Home modifications in public housing during transition to the NDIS – operational guidelines, dated 25/10/18

Individual needs: Special housing requirements operational guidelines, dated July 2017

5. Related Legislation/Regulations

Disability Discrimination Act 1992 (Cth)

Residential Tenancies Act 1997 (Vic)

Housing Act 1983 (Vic)

Revision Record			
Version	Date	Document Writer	Revision Description
1.0	21/05/2019	Uniting Housing Australia	Approved document.