



# **Community Disability Housing Program Guidelines**

**June 2014**

## VERSION CONTROL & APPROVALS

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1.2	8 July 2014	Signing of a Property Lease	Removed the word – peppercorn from the section.	Mark Blagaich

### Document Acceptance and Release Notice

This is version 1.1 of the Housing Programs Directorate's Community Disability Housing Program Guidelines. These Guidelines form a managed document. Changes will only be issued as a complete replacement. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

Business Unit	Name	Title	Signature	Date
Housing Programs	Teleah McCulloch	A/Director Housing Programs		8/07/2014

## CONTENTS

Contents .....	3
INTRODUCTION .....	4
Overview .....	4
Background .....	5
ELIGIBILITY.....	6
Individuals .....	6
Support Providers.....	6
Housing Providers .....	6
ROLES & RESPONSIBILITIES.....	7
Summary.....	7
Dispute Resolution .....	8
PROCESS & PROCEDURES .....	8
Individuals Procure Support Services .....	8
Support Provider Makes Application to the HSGA .....	8
HSGA Makes Application to the Department .....	9
Approval of Housing Configuration .....	9
Identification of a Housing Provider .....	11
Service Level Agreement .....	11
Procurement of the Housing Option.....	12
Modifications to Housing Options .....	13
Signing of Property Lease .....	13
Tenancy Agreement .....	13
Vacation and Reallocation Process .....	14
REFERENCES .....	15
EndNOTES.....	15

## INTRODUCTION

### Overview

The purpose of the Community Disability Housing Program (CDHP) is to provide long term rental housing for people with disability and/or mental illness (referred to as the *individual*) who require ongoing support services. These individuals have been provided with a level of funding determined by the Disability Services Commission (DSC) or Mental Health Commission (MHC) for use by the individuals to purchase relevant support services to enable them to live independently in the community. The relevant human service government agency (HSGA) – either the MHC or DSC – is responsible for administering support funding, while the individual is responsible for either self-managing their supports or choosing a suitable support provider.

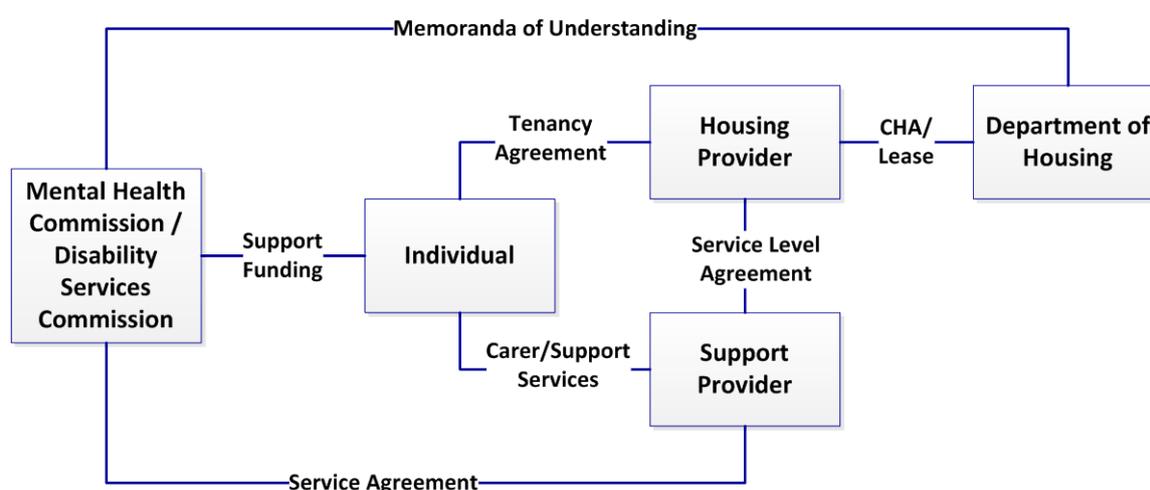
The management of the housing and tenancy is primarily undertaken through a community housing organisation, however in some instances the Housing Authority will manage the property and tenancy directly.

The success of the CDHP relies on a number of factors, including:

- Participation and choice of the individuals
- Effective relationships between the HSGAs and the individuals
- Business alignment between the HSGAs and the Housing Authority
- Clear standards set by the HSGAs for the support providers
- Effective working relationships between the Support Providers and Housing Providers
- Clear contract management expectations between the Housing Providers and the Housing Authority
- A willingness for all stakeholders to achieve successful outcomes for the CDHP

The working relationship between these stakeholders is based on partnership, collaboration and coordination; with a number of contracts and agreements that outline these principles and obligations. An overview of these relationships and agreements is outlined in the diagram below.

**Diagram 1 – Overview of Stakeholder Relationships**



## Background

In July 1996, the Housing Authority (the Department) introduced the Community Disability Housing Program (CDHP) to support people inappropriately placed in institutional facilities due to a lack of suitable accommodation and/or necessary support services.

When the program started, housing requests were made from DSC and MHC and the Department acquired, constructed or rolled over stock to meet these demands from within its own resources. However as public housing demand continue to rise, the Department had less ability to provide housing for CDHP purposes from within its own resources and relied on injection of funds from targeted Treasury bids and other sources to meet the capital requirements.

Since inception the CDHP has provided 1,872 properties for people with disabilities as at 28/2/14. These properties are quarantined for use by eligible individuals, with new tenancies coming into effect after properties are vacated by previous occupants.

### CDHP Property Portfolio

All properties procured through the following initiatives fall under the auspices of these guidelines and are able to be used for eligible individuals as vacancies arise.

Initiative	Agency
Combined Capital Bid	DSC, MHC
My Way Project (Ancillary Dwellings)	DSC
Commitments to DSC	DSC
DSC Capital Allocations	DSC
Public Housing 26	DSC
Independent Living Program	MHC
Individualised Community Living Initiative	MHC
Supported Housing Bid	MHC
Mental Health Housing Strategy	MHC
Individual Supported Accommodation 50	MHC

For the sake of clarity, the housing procured under the following programs does not fall under the auspices of these guidelines due to the specific nature of clients and housing type.

- Respite Program (DSC)
- Young People in Residential Aged Care (DSC)
- Combined Capital Bid Transitional Housing (Drug & Alcohol Office)
- Crisis Accommodation Program

## ELIGIBILITY

### Individuals

Prior to being referred to the Department for a housing solution, individuals will need to meet the respective eligibility guidelines outlined by the DSC and MHC; and have current support arrangements in place which is funded through the DSC or MHC.

In order to be eligible for a Department owned property, including the CDHP, individuals will need to meet all eligibility criteria outlined in the *Interim Community Disability Housing Program Policy* (September 2012). In addition, income and asset limits outlined within the *Community Housing Income and Asset Limits Policy* (June 2013) will need to be met.

These documents are available from the Department's website at [www.housing.wa.gov.au](http://www.housing.wa.gov.au).

### Support Providers

Support Providers must be endorsed by the relevant HSGA depending on whether they are providing support to people with disability or mental health issues. The respective HSGA has their own guidelines and standards of service contracting and should be contacted by the Support Providers if seeking clarity on eligibility.

The websites for the respective HSGAs are outlined below:

Disability Services Commission [www.disability.wa.gov.au](http://www.disability.wa.gov.au)

Mental Health Commission [www.mentalhealth.wa.gov.au](http://www.mentalhealth.wa.gov.au)

### Housing Providers

Housing Providers must be not-for-profit organisations incorporated under the Law of the Commonwealth of Australia or the State of Western Australia, or a Local Government, whose primary objective is to provide social housing or affordable housing to eligible persons. These providers must comply with all relevant Department policies and guidelines; and state and federal legislation such as the *Residential Tenancies Act 1987 (WA)* (revised 1 July 2013). While it is preferable that Housing Providers have gained registration with the Department, it is not a condition of providing housing management for CDHP properties in all instances. However, the following minimum standards must be able to be demonstrated by any housing provider<sup>1</sup>:

- The organisation is financially viable
- Housing arrangements are financially viable
- Existing properties are being properly maintained
- Existing properties are being used for the appropriate purpose / target group

## ROLES & RESPONSIBILITIES

### Summary

As outlined previously, the CDHP involves a number of stakeholders across many organisations and residences. Each stakeholder has a unique and specialised role to play and these are summarised in the table below.

Stakeholder	Roles & Responsibilities
<b>DSC &amp; MHC</b>	<ul style="list-style-type: none"> <li>• Maintain service standards and provide support and guidance to support providers</li> <li>• Allocate/administering support funding to individuals</li> <li>• Assess and refer individuals to the Department to access the CDHP</li> <li>• Advise the Department on the priority order of individuals</li> <li>• Meet obligations in the Memoranda of Understanding with the Department</li> <li>• Reconcile DoH data against their own records to ensure accuracy</li> </ul>
<b>Department</b>	<ul style="list-style-type: none"> <li>• Receive and manage applications for CDHP housing accommodation requests</li> <li>• Assess applications against Department eligibility criteria and liaise with the HSGA in respect to individual's needs and housing requirements</li> <li>• Source and allocate properties that meet the needs of the individuals outlined in the application</li> <li>• Provide property and tenancy management directly or through a contract arrangement with a Housing Provider</li> <li>• Meet obligations in the Memoranda of Understanding with the HSGAs</li> <li>• Maintain property and financial data.</li> </ul>
<b>Support Provider</b>	<ul style="list-style-type: none"> <li>• Provide support to individuals to enable them to live independently in the community, in accordance with the allocated funding</li> <li>• Assist individuals to comply with their tenancy obligations</li> <li>• Advise the Housing Provider and the HSGA of any changes to the individual that may affect their tenancy or support funding arrangements</li> <li>• Maintain effective working relationships with the Housing Provider</li> </ul>
<b>Housing Provider</b>	<ul style="list-style-type: none"> <li>• Manage the property and tenancy, including undertaking maintenance and collecting rent, in accordance with the Residential Tenancies Act</li> <li>• Comply with contractual agreements with the Department</li> <li>• Maintain effective working relationships with the Support Provider</li> </ul>
<b>Individual<sup>2</sup></b>	<ul style="list-style-type: none"> <li>• Choose a Support Provider that meets the needs of the individual's requirements</li> <li>• Pay rent on time and look after the property</li> <li>• Not cause serious damage to the property or injure anyone including housing management employees</li> <li>• Advise the Housing Provider when maintenance and repairs are needed</li> <li>• Advise the Housing Manager when circumstances change, including: <ul style="list-style-type: none"> <li>○ income changes</li> <li>○ change in the number of people who regularly stay in the house</li> <li>○ other things that might affect the tenancy</li> </ul> </li> </ul>

## Dispute Resolution

Disputes may arise at any time within the CDHP where stakeholder's needs are not being met. It is expected that disputes will be resolved by the parties that have the direct relationship (as outlined in Diagram 1). For example, if there is an issue with the Service Level Agreement between the Housing Provider and Support Provider, it is expected that these two parties will fully exhaust all attempts at resolving the issues before seeking assistance from the relevant government departments.

In the event that a dispute cannot be resolved, the matter should be referred to the Senior Contract Administrator on (08) 6217 6219 at the Department to facilitate further discussions.

## PROCESS & PROCEDURES

The Department works in partnership with stakeholders to deliver affordable, available and appropriate housing to the individual, as outlined in the following process overview.

1. Individuals procure support services
2. Support provider makes application to the HSGA
3. HSGA makes application to the Department
4. Approval of housing configuration
5. Identification of a Housing Provider
6. Service level agreement
7. Procurement of the housing option
8. Modifications to housing options
9. Signing of property lease
10. Tenancy agreement
11. Vacation and reallocation process

## Individuals Procure Support Services

Individuals apply to the respective HSGAs for support funding to enable them to live independently in the community. Once this funding has been secured, the individuals procure the services of a support provider of their choice. The support providers then investigate the best housing options for the individuals seeking their services, whether it is one individual residing in a house, or more than one individual in a shared housing option. This assessment is made based on the amount of funding each individual brings, the level of support required, the location the individual wishes to reside in and the compatibility of individuals in shared arrangements. Once this has been determined, the support provider makes an application to the DSC or MHC.

Please note that in some cases, the support funding for individuals is provided directly to the individual, rather than a support provider. This is known as a Community Living Plan, and is managed locally by DSC.

## Support Provider Makes Application to the HSGA

A standard application form is prepared by the Local Area Coordinator, My Way Coordinator or the Support Provider, called the *Request for Housing Community Disability Housing Program (CDHP)*

*Form.* This is available on the Department's website at [www.housing.wa.gov.au](http://www.housing.wa.gov.au). Once the application is completed, it is forwarded to the relevant HSGA (MHC or DSC).

The application form contains information such as:

- The nominated Support Provider and the type of support that will be provided (for example, live-in carer, rostered care, family support)
- The names and birth dates of the individuals seeking accommodation
- Income and asset information/statements
- Details of whether a legal guardian has been appointed
- The geographical location the individual chooses to reside in (which gives consideration to proximity to services, neighbours and support networks)
- The specific housing needs of the individuals that relate to their disability or mental health issue (such as the type of housing, modifications, housing density)
- Occupational Therapist report, if required
- Supporting medical evidence, if required

### **HSGA Makes Application to the Department**

The HSGA assesses the application against its eligibility criteria and is responsible for ensuring that all support arrangements are sufficient to enable and sustain the individuals in independent living. They will liaise with the support provider to ensure thorough and correct completion of the form and related documentation required. Once the HSGA is satisfied with the information on the form, it forwards the application to the Department. All details must be completed, including the full names and birthdates of all individuals identified for the housing option, prior to being processed by the Department. All relevant documentation must be attached at this time, including income and asset information relating to the individual.

The HSGA must also advise the Department of the priority of each individual to be identified for the next available housing option.

The application form and supporting documentation can be e-mailed or sent by post to:

Client Agency Manager  
Housing Programs Directorate  
Department of Housing  
Private Bag 22  
EAST PERTH WA 6892  
[cdphousingrequests@housing.wa.gov.au](mailto:cdphousingrequests@housing.wa.gov.au)

### **Approval of Housing Configuration**

In addition to the CDHP, the Department also provides housing to people with disability and/or mental health issues through its rental program. To ensure consistency and transparency in the application of housing configuration, these guidelines have been developed based on *The Housing Authority Rental Policy Manual (December 2013)*.

## Household Types

Household type	Description
<b>Live-in Carer</b>	A person required to live in the accommodation for the purposes of providing support to one or more individuals. In such instances, the CCB dwelling is the principal place of residence for the person that provides live-in support.
<b>Single</b>	A single occupant
<b>Shared</b>	People not in a family relationship sharing accommodation. In a shared tenancy all applicants are regarded as co-applicants and will be assessed for eligibility on an individual basis.

## Housing Needs

When allocating the number of bedrooms, the following principles will apply:

- Accommodation will be sourced which is in keeping with medical/paramedical advice that the individual provided in the application form.
- Individuals will be allocated accommodation containing the number of bedrooms to match the household type and size.
- Individuals sharing properties will be allocated one bedroom each.
- Where there is a need for additional space for storage or equipment relating to the disability, this will be considered in consultation with an approved Occupational Therapist.
- The need for an additional bathroom or toilet will be assessed on an individual case by case basis and in consultation with an approved Occupational Therapist.
- Consideration will be given to individuals with a special need for an extra bedroom allocation. Documentary evidence may be required.
- Live-in carers will be allocated a bedroom and will be required to pay rent as the property will be the person's principal place of residence.
- Carers that do not reside in the accommodation as their principal place of residence will not be allocated a bedroom. However, consideration may be given where an extra bedroom is requested and will require documentary evidence and agreement by all stakeholders. In the event that 24-hour rostered support is required a bed may be requested.
- Where there is limited or no demand, applicants may be allocated accommodation in excess of their entitlement and general eligibility.

The following table provides an example of bedroom entitlement. For clarity on bedroom entitlement not covered below, please refer to *The Housing Authority Rental Policy Manual (December 2013)*.

Number of Applicants (Individuals)	Number of Live-in Carers		
	No carer	One carer	Two carers
<b>1</b>	1 bedroom	2 bedrooms	3 bedrooms
<b>2</b>	2 bedrooms	3 bedrooms	4 bedrooms
<b>3</b>	3 bedrooms	4 bedrooms	5 bedrooms
<b>4</b>	4 bedrooms	5 bedrooms	6 bedrooms

5	5 bedrooms	6 bedrooms	7 bedrooms
6	6 bedrooms	7 bedrooms	8 bedrooms

Clarification of rent setting rules in relation to people living in a CDHP property and providing support, should be obtained from the Manager Property and Contracts on (08) 9222 4887.

## Identification of a Housing Provider

The identification of a Housing Provider is undertaken by the Department, which is responsible for ensuring publicly-owned assets are well-maintained and that tenancies are managed in accordance with the *Residential Tenancies Act 1987 (WA)*. The identification of a Housing Provider will be determined in line with the *Community Housing Funding Policy* which is currently being drafted. This is likely to require the Housing Provider to demonstrate the following minimum standards:

- The organisation is financially viable
- Housing arrangements are financially viable
- Existing properties are being properly maintained
- Existing properties are being used for the appropriate purpose / target group

Other considerations will be given, as follows:

- The Housing Providers that operate within the region of preference identified by the individual.
- The Housing Provider that is best placed to deliver services for the individual's particular needs.
- The Housing Provider's willingness and own assessment of their capacity to provide effective services.

The Department has discretion to change Housing Providers as required.

## Service Level Agreement

The Service Level Agreement sets out the broad expectations between the Housing Provider and Support Provider. It addresses many issues that could impact on the individual and outlines upfront how each situation will be dealt with should the issue arise. A template is being developed by the Department for use by these parties to guide the negotiation process.

It is expected that the Support Provider and Housing Provider negotiate the best outcomes for each circumstance and have this agreement in place by the time the individual occupies the property.

The Housing Authority is developing a template Service Level Agreement as a guide. When complete it will be available for download from the Department's website at [www.housing.wa.gov.au](http://www.housing.wa.gov.au).

## Procurement of the Housing Option

The method of procuring the dwelling is at the Department's discretion; however the HSGA making the application may propose a preferred method. For example, where the individual is in urgent need of a property, it may be appropriate to spot purchase (acquire) an existing property from the open market. Please note that funding availability will be a big driver in determining the procurement method, along with each individual's particular circumstance.

Whatever method is undertaken (purchase, construction, reallocation of existing stock); both the HSGA and the Housing Provider are consulted and involved in the process to ensure appropriate housing is delivered to the individual. In addition, all Department policies are followed, such as ensuring the presence of public housing does not exceed current guidelines in a particular location.

Where properties are spot purchased, both the service provider and the Housing Provider are invited to attend inspections prior to purchase. Any modifications required to a property need to be identified at this stage and approved by the HSGA and the Department, ensuring that the modifications are cost effective. The property is also subject to an independent valuation.

Where a property is constructed by the Department, suitable land is initially sourced and then the property is designed by architects (unless it is a house and land package). Relevant stakeholders are consulted throughout the design phase to ensure appropriate accommodation for the individual. Where housing is constructed it will be in-line with the Department standards and guidelines taking into account the planning codes of WA, local government requirements and also other building requirements.

### Decline of a Property

Applicants will be made one valid offer of accommodation in the zone or country town of their choice, unless they provide a valid reason for declining.

A valid offer of accommodation is one which:

- Is in the zone of the applicant's choice (as indicated on the application form); and
- Has the number of bedrooms the applicant is eligible for; and
- Meets any special needs the applicant has (e.g. medical, disability).

Applicants declining a property on medical grounds must supply medical evidence supporting their claim, when submitting reasons for a decline.

Consideration will be given to a decline made on the following grounds:

- Too far from an essential amenity used frequently, such as medical, educational – special needs school.
- Too distant from transport if reliant upon public transport.
- Too distant from employment, particularly if reliant on public transport.
- Too distant from family if there is a demonstrated need for support.
- Too close to known person/s that would be troublesome to the applicant eg domestic violence, feuding between families/groups.
- Medical reasons, such as stairs and phobias
- Lack of security for victims of family and domestic violence

## Modifications to Housing Options

From time to time, newly acquired or existing properties may require modifications to meet an individual's needs. The Department may fund the maintenance or modifications that are necessary to meet functional needs of individuals, subject to funding availability. Where the Department does not have funding for modifications, organisations may carry out modifications at their own expense once the approval of the Department and Housing Provider has been sought. Any modifications must comply with building codes and must be supported by an Occupational Therapy report.

Items that are considered over and above the Department standards for disability housing will not be paid for by the Department.

## Signing of Property Lease

The Department enters into a contractual arrangement with the Housing Provider setting out the relationship and responsibilities of both parties, by way of a head lease. Once this lease is in place, the Department can formally hand over the property to the Housing Provider for ongoing management. The Housing Provider can then approach the individual to sign the Tenancy Agreement.

## Tenancy Agreement

The Housing Provider will interview the individual and explain how the tenancy will work (including how much rent is to be paid) and the individual, or guardian will sign a tenancy agreement. The individual is then able to move into the property.

The Public Trustee advised that where an individual retains decision making ability and possesses an understanding of their obligations under the tenancy agreement, they should be given the option to sign.

The Office of the Public Advocate advised the person is assumed to be mentally competent until proven otherwise by order of the State Administrative Tribunal. If there is no obvious need for an administrative order or guardianship, a represented person – family member or trusted friend-can sign on the individual's behalf. In these cases the represented person is responsible for ensuring tenancy obligations are met.

Housing Providers are responsible for informing the tenant or the signatory to the tenancy agreement of their rights and responsibilities.

If the represented person or relative is unwilling or unable to sign the tenancy agreement, the Public Trustee, the financial administrator of the person's estate, or the legal attorney, will do so. Institutional signatories will ensure rent payments; however, they are not responsible for managing tenancy behaviours.

The best interests of the person should be used as a guide with the least restrictive approach preferred.

The Office of the Public Advocate advised that it should be consulted in advance of the tenancy agreement being signed in circumstances where there appears to be a threat to the person's well-being or quality of life or family conflict about the person's care and support. When the individual

occupies the property, the Housing Provider will notify the Department of the date of occupation. The Department will then ensure that the individual is not on any other Department waitlist.

The Housing Provider and individual must comply with the *Residential Tenancies Act WA (1987)*.

### **Calculation of Rent Charges**

Housing Providers are to charge individuals a rent commensurate with the *Community Housing Income and Asset Limits Policy* (June 2013). Tenants of non-government incorporated associations may be eligible for a Commonwealth Rent Assistance payment through Centrelink. This enables Housing Providers to charge rents which are higher than Department rents but do not financially disadvantage the individual in any way. In the instance where the Department manages the CDHP property the individual will have a direct tenancy with the Department and is not eligible for Commonwealth Rent Assistance.

Rents are subject to an annual rent review carried out by the Housing Provider.

A live in carer is also subject to rental charges as they are regarded as a member of a separate household to the tenant. This does not include circumstances where a paid staff member stays at the property on a sleep shift; and whose principal residence is elsewhere. The current rental charging structure for live-in carers is under review.

Clarification of rent setting rules in relation to people living in a CDHP property and providing support, should be obtained from the Manager Property and Contracts on (08) 9222 4887.

### **Vacation and Reallocation Process**

The Housing Provider must notify the Department within 10 working days of a property becoming vacant. The Department is responsible for advising the HSGA of this vacancy. The HSGA will review the waitlist and liaise with Support Providers to determine another suitable individual to move into the property.

A new, CDHP eligible, individual must be allocated the property and commence occupation as soon as possible after the property becomes vacant. An individual may be identified from a different Support Provider, and in these instances a new Service Level Agreement will need to be negotiated with the Housing Provider who manages the property in question.

### **CDHP Property swaps**

In exceptional circumstances, the Department may agree to swap an existing CDHP property that is no longer suitable for individual/s with disability or mental health issues. In these cases, the Department will undertake to provide an alternative property. Both the HSGA and the Housing Provider are consulted and involved in the process to ensure appropriate housing of similar size and age is provided (where possible).

## REFERENCES

The following documents have been referred to in these guidelines and can be accessed from the Department's website at [www.housing.wa.gov.au](http://www.housing.wa.gov.au).

- Interim Community Disability Housing Program Policy (September 2012)
- Community Housing Income and Asset Limits Policy (June 2013)
- Request for Housing Community Disability Housing Program Form
- The Housing Authority Rental Policy Manual (December 2013)

## ENDNOTES

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<sup>1</sup> Briefing note from Strategy & Policy division to the Housing Programs Directorate outlining the Community Housing Interim Funding Agreement (16 December 2013).

<sup>2</sup> Department of Commerce Fact Sheet

[http://www.commerce.wa.gov.au/consumerprotection/PDF/Factsheets/Department\\_of\\_Housing\\_tenants.pdf](http://www.commerce.wa.gov.au/consumerprotection/PDF/Factsheets/Department_of_Housing_tenants.pdf)