

## Accessibility Modifications Policy [H09]

### 1. Purpose

The purpose of this policy is to detail the considerations for accessibility modification requests from residents in community housing properties and aims to:

- Assist residents to access accessibility modifications they require to live independently.
- Explain the accessibility modifications process (in community housing), including potential external funding avenues.

### 2. Scope

This policy applies to YWCA staff responsible for working with YWCA residents and properties.

This document is a national policy covering YWCA Housing and YWCA National Housing. All references to YWCA Housing include both unless specifically stated otherwise. Where state-based variations exist in policies and procedures, these will be identified in this document.

This policy applies to all forms of housing owned and/or managed by YWCA including community and affordable residential rental properties and rooming houses.

This policy does not relate to repairs or maintenance requests or alterations that are not specifically associated with the built environment accessibility needs of residents with a disability.

### 3. Definitions

Accessibility modification	Same meaning as used by the National Disability Insurance Agency (NDIA): changes to the structure, layout, fixtures, or fittings of homes of older people and people living with disability to enable safe access and comfortable movement throughout frequently used areas. For the purposes of this Policy, accessibility modifications include assistive technology.
Applicant	Person who applies for an accessibility modification in community housing. An applicant can be a resident with disability, their representative, or their advocate.
Building Professional, Building Construction Professional (BCP)	Same meaning as used by the NDIA. Includes: architect, designer, building works project manager, builder, building surveyor, engineer, access consultant, or similar.
Building relationship manager	Same meaning as used by the NDIA. Includes: architect, building works project manager, builder, building surveyor (and similar). Can be the same person as BCP.
DDA	The Disability Discrimination Act 1992.
Disability	<p>Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.</p> <p>The DDA legislation that protects Australians against discrimination based on disability provides a broad definition of disability including these eight types:</p> <ul style="list-style-type: none"> <li>• Physical disability: Impacts mobility or dexterity</li> <li>• Intellectual disability: Impacts ability to learn or process information.</li> </ul>

	<ul style="list-style-type: none"> <li>• Mental illness: Impacts thinking processes.</li> <li>• Sensory disability: Impacts the ability to hear or see.</li> <li>• Neurological disability: Impacts the brain and central nervous system.</li> <li>• Learning disability: Impacts acquisition, organisation, retention, and understanding of information.</li> <li>• Physical disfigurement: Impacts physical appearance.</li> <li>• Immunological disability: Impact due to the presence of organisms causing disease in the body</li> </ul>
EOA	The Equal Opportunity Act 2010.
Formal assessment	Assessment by a suitably qualified professional, such as an Occupational Therapist, that identifies the changes required for the person to live safely and independently in their home.
Household member	Any person other than the existing resident/s living in the property.
Minor Modification	Sometimes referred to as adaptations including assistive technology. Relatively low cost and available from retailers e.g. grab rails, accessible tapware or a hand-held shower, a weighted shower curtain, lever door handles, portable ramps.
Major Modification	Changes to the structure or built form of the home require a builder or tradesperson e.g. permanent ramp access, widening of doorways, installation of a hoist.
NDIS/NDIA	National Disability Insurance Scheme. The National Disability Insurance Agency (NDIA) administers the NDIS.
Occupation therapist (OT)	Occupational Therapists (OTs) work with people whose health or disability makes it hard to do things. OTs can identify strengths and difficulties and prescribe supports to enable everyday life at home.
Reasonable alternation	Modifications that do not cause unjustifiable hardship on YWCA, can be easily removed when the resident leaves the property or are appropriate to remain in the property for residents without a disability.
Rental agreement	A lease agreement under the applicable legislation, which sets out the rights and duties of the resident/renter/tenant and the rental provider/landlord.
Resident	For brevity, the term 'resident' refers to renters and tenants of rented premises, and residents of rooming houses.
RTA/RTRAA	The Residential Tenancies Act 1997 (Vic), Residential Tenancies Act 1999 (NT), Residential Tenancies & Rooming Accommodation Act 2008 (QLD). The principal legislation governing rental housing in Victoria, Northern Territory, and Queensland respectively.
Structure, fixtures and fittings	For the purposes of this Policy, Structure generally means: all components of walls, floors, ceilings, and roofs including linings and/or coverings; Fixtures generally means: toilets, basins, baths, or similar elements not forming part of the home's structure but require connection to the structure through, for example, plumbing components; Fittings generally means: kitchen benches, bathroom cupboards, or similar necessary elements that are required for a home to function but that can be relatively easily removed. In practice, all terms are often used interchangeably.
Tenancy/tenancy agreement	Is inclusive of: 'rental' or any similar term.
UNCRPD	United Nations Convention on the Rights of Persons with Disability. Australia is a signatory to this internationally agreed human rights convention.

Unjustifiable hardship	<p>As per the DDA, determining whether a hardship imposed on a person would be an unjustifiable hardship, all relevant circumstances of the case must be considered, including the following:</p> <ul style="list-style-type: none"> <li>• The nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned.</li> <li>• The effect of the disability of any person concerned.</li> <li>• The financial circumstances, and the estimated amount of expenditure required to be made.</li> <li>• The availability of financial and other assistance.</li> </ul> <p>The burden of proving that something would impose unjustifiable hardship lies on the person claiming unjustifiable hardship.</p>
VHR	Victorian Housing Register. The single wait list for people seeking public or community housing.

## 4. Responsibilities

### 4.1 Leaders –General Manager Housing Operations

- Assisting housing staff to follow this procedure. Ensuring good management of evidence in the tenancy management system.
- Recommending any changes to this procedure.

### 4.2 People and Culture

- Incorporating this procedure into staff induction and training.
- Ensuring staff are aware of and have access to this procedure.
- Escalating feedback about this procedure to the document owner/writer.

### 4.3 Employees – Housing staff and Community Housing Officers

- Informing tenants of their rights and responsibilities in accordance with this document.
- Keeping records of the process in the relevant systems.
- Recommending improvements to this policy and procedure.

## 5. Policy

YWCA promotes and respects the human rights of all residents and is committed to responding to their diverse needs.

YWCA residents with accessibility requirements may benefit from changes to the structure, layout, fixtures, or fittings of their home to enable safe access and comfortable movement throughout frequently used areas. YWCA will ensure accessibility modification requests are responded to in a fair, transparent, and systematic way. Options, choices, and decision-making processes will be clearly explained.

Where possible, and where appropriate evidence is provided, YWCA will provide accessibility modifications and/or will provide consent for accessibility modifications funded by an external agency or by the resident. In some cases, and in consultation with the resident, relocation to a more suitable home may be considered as an alternative option to undertaking property modifications.

In applying this policy YWCA will ensure:

- All YWCA properties are safe, secure and maintained in good repair and fit for use.
- Long term viability of YWCA housing assets.
- Consistent, fair, and accountable processes are followed, and residents are provided with information about processes that impact their tenancy.
- Compliance with the applicable state legislation and regulations as they relate to repairs, maintenance and minimum standards.
- Proper consideration is given to the human rights of residents in accordance with the Charter of Human Rights and Responsibilities.
- All contractual, legal and regulatory duties are met.

### **5.1 Allocations**

YWCA will match applicants to vacant properties to ensure an allocation:

- Is the right size for the applicant's household.
- Is in an area consistent with that of the applicant's needs.
- Assists the applicant to access education, employment, or any support services they require.
- Makes the best use of housing stock owned or managed by YWCA.
- Encourages a sustainable tenancy.
- Meets the required needs of the applicant, such as modifications for people with a physical disability or mobility impairment.

### **5.2 Property transfers**

Where residents have a connection and a preference to remain living in their current home, YWCA will take all reasonable steps to assist the resident to access the modifications they require.

Should there be another available property that suits the resident's preferred location and accessibility requirements, YWCA will consult the resident to determine if a transfer is a viable option.

Considerations for a transfer include:

- The type of modification/s required.
- Length of tenure - how long the resident has been living in the current property.
- Resident's connection to the property and community.
- Availability of alternative suitable properties.

### **5.3 Types of modifications**

Modifications range from minor works to major structural works.

- Minor modification examples - grab rails, lever taps or vinyl flooring.
- Major modification examples - automatic doors, bathroom or kitchen renovations.

The extent and cost of modifications are considered when assessing whether YWCA will contribute to the cost of the works.

#### **5.4 Funding options**

YWCA will support residents to access external funding where available. Government agencies that may fund, or partially fund, accessibility modifications in Victorian community housing include:

- National Disability Insurance Scheme (NDIS).
- My Aged Care.
- Commonwealth Home Supports Program (CHSP).
- Home Care Packages (HCP).
- Short-Term Restorative Care (STRC).
- Transport Accident Commission (TAC).
- WorkSafe Victoria.
- Department of Veteran Affairs (DVA).

In circumstances where external funding for accessibility modifications is unavailable, residents can request funding or partial funding from YWCA to complete the modifications.

#### **5.5 Requesting modifications**

Residents can submit their request using the Accessibility Modifications Resident Guide & Application Form which explains the process and evidence requirements.

Once the application is received, YWCA will consider any evidence provided and may request further evidence if needed to complete the assessment.

Accessibility modifications must be prescribed in writing by an Occupational Therapist (OT) or other suitably qualified medical professional, unless otherwise agreed between the resident and YWCA.

Modifications must be approved in writing prior to installation. Works are to be undertaken by a suitably qualified tradesperson, accredited and/or registered with the relevant regulatory bodies.

#### **5.6 Assessment of modification requests**

Applications will be assessed by YWCA in accordance with this policy, against various criteria, and upon the evidence provided, on a case-by-case basis. Some modifications can be unjustifiably difficult to implement and requests for YWCA to fully fund some types of modifications can be refused without being discriminatory.

Considerations generally include, but are not limited to, the:

- Nature of the resident's impairment.
- Resident's ability to use/not use the current home environment.
- Extent of the modifications required.

- Supporting documentation from an OT.
- Suitability of the property for the proposed modification/s.
- Length of the rental agreement.
- Availability of other property options that may be more suitable for transfer.
- Extent of the resident's eligibility in relation to external funding.
- The degree of minor modifications YWCA can provide directly.

#### **5.6.1 Unjustifiable hardship for YWCA**

Undertaking some accessibility modifications can be challenging. In determining whether the modifications, including all necessary associated professional inputs, would be unjustifiably hard for YWCA to provide, YWCA will consider whether the proposed modifications:

- Require significant structural changes to the property due to the age and structure of the property.
- Are significantly hampered by the terrain on which the property sits.
- Require specialised, structural, substantial, or lengthy works.
- Are routinely provided to all YWCA residents and/or residents with disability.
- Are prohibitively expensive for YWCA to install and/or maintain at the property.
- Would be prohibitively expensive for YWCA if provided across YWCAs entire portfolio to all residents with similar needs.
- Present any other difficult issues.

Where funding has been provided by an external agency or as part of a compensation payment, YWCA will not provide funding.

Where a request is found to be unjustifiable for YWCA to provide, the resident will be advised in writing of the outcome and the reason/s for that outcome.

#### **5.6.2 Asset intent**

Further consideration in assessing property suitability will include whether the property is part of a targeted program and the intention for the property in the following years.

Considerations include:

- If the property is owned/managed by YWCA.
- If the property is due for scheduled upgrade works.
- If the property is due to be sold or demolished.

#### **5.6.3 Property suitability and utilisation**

Due to the nature, structure and layout of the property, some modifications may be unsuitable or unable to be accommodated. YWCA follows housing size guidelines to ensure properties are well utilised and that the number of

occupants is appropriate for the property size. For example, modification works may change the number of rooms in a property and therefore impact housing size guidelines.

## **5.7 Application outcome**

Each application is assessed on a case-by-case basis, takes into consideration the individual circumstances of the resident and YWCA, along with any evidence provided including medical recommendations.

The outcome of an application may result in any of the following:

- Further details required – additional supporting documentation is needed for a decision to be made. The type of information required will be specified by YWCA.
- Application denied – detailed reasons will be provided to the resident.
- Consent only – resident is given consent to proceed with modifications at their own cost.
- Hybrid approval – modifications partly funded by an external organisation and partly by YWCA.
- Full approval and funding provided by YWCA.

### **5.7.1 Consent only**

Where modifications are fully funded by an external organisation such as the NDIS, and clear evidence is provided that the works have been scoped and the property deemed suitable for the modifications, consent will generally be given by YWCA without an additional assessment.

Where modifications are necessary and YWCA are unable to provide funding, YWCA will not unreasonably withhold consent for modifications funded by the resident if:

- The modifications are required for health and safety purposes.
- The modifications are reasonable.
- It is assessed and determined to be required modification/s by an accredited occupational therapist or a health practitioner.
- The alteration does not require alteration of any other premises.
- There is a clear agreement relating to responsibilities for removing alterations upon vacating.

### **5.7.2 Hybrid funding**

In some circumstances and on a case-by-case basis, funding may consist of contributions from both YWCA and an external funding agency to ensure the modifications meet the needs of the resident with disability and where there are no alternative and appropriate property relocation options.



### 5.7.3 Fully funded by YWCA (limited circumstances)

In certain limited circumstances, some modifications may be partially or fully funded by the YWCA, where:

- The property is a good fit long term.
- The property is structurally suitable for the modifications.
- The resident needs the modifications to live independently.
- The resident is likely to stay in the property long term.
- Minor modifications have been trialled or are considered inappropriate.
- The same intended outcome cannot be achieved by the provision of different supports.
- The modifications are reasonable adjustments in relation to the disability of the resident.
- The modifications are essential and there are no reasonable alternatives (including other more suitable properties for transfer).
- No external funding is available.

## 5.8 Rights, obligations and responsibilities

Residents are responsible for:

- Submitting their request for accessibility modifications.
- Providing all necessary supporting information, including an OT assessment and structural designs/drawings (if applicable).
- Following required procedures and working collaboratively with YWCA staff.
- Complying with the Residential Tenancies Act 1997 (Vic) in respect to using the modifications and/or assistive technology provided.
- All operational costs for the use of the modifications and/or assistive technology provided, during their tenancy.
- Removing modifications and restoring the property to the previous condition at the end of tenancy at their own expense, unless otherwise agreed in writing with YWCA.

**Accessibility modification expenses not covered by YWCA will be the responsibility of resident.**

YWCA is responsible for:

- Providing residents with information about the Accessibility Modifications Policy and their rights and responsibilities.
- Reviewing requests within the time stated in the policy.
- Assessing requests on a case-by-case basis.
- Where appropriate, supporting residents with a disability to approach appropriate external agencies.



- Ensuring completed modifications have been inspected and deemed satisfactory by a relevant OT and the appropriate building construction professional (BCP) and/or building relationship manager (BRM).
- Ensuring rental agreements are updated to reflect all necessary details.

## **5.9 Removal of modifications**

Where an agreement is made for accessibility modifications, it will include details about retaining or removing the modifications upon vacating, and who is responsible for the removal (resident or YWCA).

Considerations for removal or retention of modifications include:

- The type of modification/s.
- If the modification is likely to provide benefit to future residents, or if the modification was specific to the resident's disability.
- Ongoing liability factors and costs for the modification once the tenancy ends.
- Cost to remove the modification.
- Scope of works required to remove the modification and restore the property.
- If there are external funding provisions to remove the modifications at the time of assessment.

## **5.10 Maintaining modifications**

### **5.10.1 Modifications funded by YWCA and hybrid funding**

Where YWCA makes modifications to the property, YWCA is responsible for the quality of the installation and ensuring they are safe and functioning, as the modifications will form part of the property.

Where expertise is required to install modifications, YWCA will engage builders specialising in disability modifications to ensure adjustments are safe and effective. YWCA will be responsible for compliance of the works in accordance with the Building Act 1993 and the National Construction Code.

Should modifications fail, the liability is that of the trade, contractor, or supplier that installed the modifications.

### **5.10.2 Consent only - modifications funded by resident/externally funded**

YWCA will not be responsible for the quality, or the suitability of adjustments made by the resident. Legislation protects rental providers from liability to residents for damage caused to the premises by the resident's failure to ensure care was taken to avoid damage.

In circumstances where a compensation payout is provided for the maintenance of modifications, the cost of their ongoing maintenance and upkeep will be the resident's responsibility and not that of YWCA.

Prior to works commencing, the resident will be required to provide evidence that the modifications will be completed by suitably qualified person that complies with the Building Act 1993 and the National Construction Code.

## **6. Transparency and accessibility**

This policy is made available on the YWCA Housing website [www.ywcahousing.org.au/policies](http://www.ywcahousing.org.au/policies).

## **7. Appeals**

Staff will inform residents of their right to appeal organisational decisions and to complain about the services of YWCA in accordance with the appeals and complaints process.

## **8. Record keeping**

Staff will maintain records of any modification requests, decisions and appeals in the tenancy management system.

## Document Data Control

Accessibility Modifications Policy				
Responsible Body			Director, Development and Housing	
Accountable Officer			General Manager, Property	
Supersedes			Property Modifications and Requests Policy [H09]	
Associated documents			Repairs and Maintenance Policy Sustaining Tenancies Policy	
Legislation			Housing Assistance Act 1996 (COM) Housing Act 1983 (VIC) Housing Act 2003 (QLD) Housing Regulations 2015 (QLD) Housing Act 1982 (NT) Residential Tenancies Act 1997 (VIC) Residential Tenancies & Rooming Accommodation Act 2008 (QLD) Residential Tenancies Act 1999 (NT) National Affordable Housing Agreement Victorian Charter of Human Rights and Responsibilities Act 2006 Queensland Human Rights Act 2019 National Community Housing Standards Department of Human Services Standards (VIC) Consumer Charter for Community Managed Housing and Homelessness Services (VIC) Disability Discrimination Act 1992 (Commonwealth), including its subordinate Disability Standards legislation Equal Opportunity Act 2010 (Victoria) Building Act 1993 (Victoria) National Construction Code (NCC. Commonwealth), including any Building Code of Australia (BCA) amendments specific to Victoria National Disability Insurance Scheme (NDIS) Act 2013 (Commonwealth) United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) National Community Housing Regulatory Code Victorian Community Housing Regulatory Code State based agreements between YWCA and statutory bodies	
Approval and Amendment history				
Review period – 2 years				
Approval date	Effective date	Version	Amendments	Next review
May 2022	May 2022	1.0	Supersedes Modified Housing Requests Policy	May 2024
Jun 2024	Jun 2024	2.0	Reviewed to align with CAV guidance and WHF principles.	Jun 2026