

**Response to
Visitable and Adaptable Features in Housing
Regulatory Impact Statement**

March, 2010

Summary.

People with disabilities make up one fifth of our population. When the people who care for them are also included, 1 in 4 people are affected by disability and the social and economic barriers which result from disability. The requirements for disability access which are mandatory in public buildings, do not apply to private residential buildings. Currently people with disabilities are not afforded the same rights which other people enjoy because of the lack of access available into private homes. They are often unable to visit friends and family, resulting in social isolation and poorer mental health.

Changes to the Building Code of Australia are proposed which will require private homes to include a limited number of features to improve access for people with disabilities. These features are not intended to meet the needs of all people with disabilities but will over time increase the number of houses which are suitable for people of all abilities. These properties will allow people with disabilities to visit friends and also be easily adjusted to suit the needs of the individual residents who are affected by disability and the limitations of ageing.

Scope fully supports the changes to the Building Code of Australia. The four identified features include provision of a level entry, wider doors, wider passages and the provision of wall supports to allow the installation of grabrails beside the toilet pan. In our opinion, some additional requirements should be included. These are detailed in our response below but include:

- Careful review of exemptions allowed for level entries;
- Aligning the requirements for clear opening of doors and thresholds with the recently published AS1428.1:2009;
- Increasing the height range of wall supports for grabrails; and,
- Inclusion of a level entry shower.

It is acknowledged that these features will increase the cost of construction slightly. If included at the time of construction, the additional costs are a small fraction of the total construction costs. The cost of retrofitting these elements has been calculated to be up to 22 times more. Alterations to people's homes are usually required as they age or are affected by disability. This often occurs at a time in their lives when they are least able to afford expensive building work. As the Australian population ages, additional burden will be placed on already inadequate Government funding provided to assist people with home modifications.

Increasing the number of houses with visitable and adaptable features will allow:

- People to remain in their own homes longer;
- Welcome friends and family members with disabilities; and,
- Necessary adjustments to houses to be made more easily and at a greatly reduced cost to both the individual and Government programs.

Scope supports the alteration to the Building Code in Victoria and recommends that all proposed items for improving access to private homes be adopted as soon as is practical.

Scope – Who we are.

Since 1948 when it was known as the Spastic Children's Society of Victoria, Scope has been one of the leading disability service providers in Victoria. Our staff have expertise working with people with complex physical, intellectual and multiple disabilities and are committed to overcoming the personal, structural and attitudinal barriers that prevent those living with a disability from participating in community life.

Scope's mission is to support people with disabilities to achieve their potential in welcoming and inclusive communities. We believe in seeing the person, not the disability.

Scope offers services such as Early Childhood Intervention, school support, day and lifestyle activities for adults, supported employment, transport, accommodation and respite and a range of specialist therapy services. This coupled with the fact that Scope is the only disability services organisation with a comprehensive statewide support network; mean our services are in high demand.

Scope has over 7,000 direct clients and thousands more access our services intermittently. Scope's extensive research program is focused on finding ways to provide a better life for people with disabilities and Scope's Communication Resource Centre is recognised as a leader both nationally and internationally in the provision of communication systems for those with little or no speech.

Scope undertakes community building work that fosters inclusion and acceptance by engaging people to better understand people with disability. These programs target health organisations, local government, schools, retailers, libraries and government departments. Some of these programs are delivered by people with disabilities and promote both a conscious and unconscious acceptance of diversity within the community.

The Victorian Government's commitment to people with disabilities.

The Victorian Government has made a commitment to providing a Fairer Victoria acknowledging that people with a disability should have the same rights to participate in the economic and social activities of the community. A Fairer Victoria 2009 "*continues to protect the most vulnerable and invest in the education, skills, health and wellbeing of our people and communities to build Victoria's collective capacity and resilience*" The document identifies four priorities which include improving health and wellbeing and to develop liveable communities.

Specific action is required by Government to make the promises of *A Fairer Victoria* a reality.

People with disabilities are economically disadvantaged.

Australian Institute of Health and Welfare report *The Geography of disability and economic disadvantage in Australian Capital Cities, 2009* reports data from the 2006 Census. It states that the level of disability increases with the level of economic disadvantage. Whilst the reasons for this relationship are multifaceted, the correlation between disability and disadvantage is clear. The greater the level of disability, the greater the disadvantage.

Australian Bureau of Statistics 2003. *Disability, Ageing and Carers: Summary of Findings* states people with disabilities are less likely to complete Year 12 or a tertiary degree. Of people aged 15-64 years, 30% of people with disabilities had completed Year 12 compared with 49% of people without disabilities.

Employment participation and unemployment rates showed similar levels of discrepancies. 53% of people with disabilities were employed compared with 81% of the general population. 8.6% of people with disabilities were unemployed at that time compared with 5% of others. Lower levels of education, higher rates of unemployment and the effects of disability combine to result in people with disabilities having a median income of only half that of people without disabilities. (\$255/week compared with \$501/week).

People with disabilities have less financial capacity for making alterations to their homes to allow them to remain living there.

Moving houses to more suitable accommodation for a person is also financially costly. According to the State Revenue Office, stamp duty would cost over \$18,000 for a house of median value (\$435,000). Once legal and moving costs are added, this is no longer a viable option for many people with disabilities who may need to seek more appropriate accommodation.

Financial assistance is provided to people with disabilities to assist in home modifications through the Victorian Aids and Equipment Program. Funds for home modifications are restricted to \$4,400. Once this amount has been provided, a person is ineligible for receiving further funds in the future even if their situation changes. The limit of \$4,400 has not been increased for nearly 10 years apart from an adjustment for GST.

The RIS identifies that alterations to improve access into a home would cost over \$19,000, over four times the amount provided to people through the Aids and Equipment Program.

At Scope we find that it costs approximately \$2,000 when supports must be installed into a wall. The same rail can be installed for under \$200 when the appropriate supports are already in place.

The proposed changes to the Building Code would allow a person to make adaptations to their home in a more cost effective way for individuals and the Government.

People are living at home.

The ABS *Disability, Ageing and Carers Summary of Findings* states that of the 20% of people with disabilities, 15.2% experience limitations with core activities. This is defined as the person needs help, has difficulty with, or uses aids or equipment with communication, mobility or self care activities. Of this group only 0.92% are living in cared accommodation. The remaining 14.28% are living in their own homes or, based on the numbers provided in the study, over 2,800,000 people in Australia.

The current building regulations do not provide sufficient options for people to live in their own homes with ease when they are affected by disability.

I am the mother of a severely disabled adult son with Spina Bifida who requires a wheelchair for mobility and permanent assistance with his toileting and showering.

Before he was born 27 years ago, my husband & I had just moved into our new two storey house. While he was young we had no problem lifting him up and down the stairs to bed and to the bathroom, but as time went on this was no longer an option. We looked at installing a lift some 15 years ago, but this was extremely expensive at the time, around \$20k, and the angle of the stairs made this impossible.

He now sleeps in the study downstairs, a small room, with no wardrobe space and very cramped conditions considering all the equipment he needs to use. We had our guest bathroom modified some years ago to enable his wheelchair to access the toilet and shower area. The doorway was also widened and a stepless shower installed. This modification was very expensive and with the help of some donations (from interchange) and our contribution of around \$15k.

I am now facing another challenge, recently widowed and now fearing for my son's future I have been searching for a house for him to live relatively independent with other young people with similar needs. With the help of a buyers advocate and much searching we managed to find a house with wide hallways and rooms to cope with wheelchair access. However, extensive renovation will still be needed to modify kitchen and bathroom areas, the widening of all doorways and also extensive decking front and rear of the property just to get inside. As plans are still under way, I do not as yet have a final figure on the cost of this renovation, but have been advised by the builder to be in the area of around \$200,000.

Kind regards,
Concerned Parent

The benefits of requiring accessibility and adaptability.

People do not choose to have a disability or the increasing limitations which result from aging. Disability can affect anyone, at any time. Most people never expect disability will affect them.

Until now, our housing regulations have not provided any home access or flexibility which can enable people to remain in their own homes when their lives are interrupted by disability.

Many people who are constructing homes for themselves and their families are not yet of an age when they are likely to be affected by the limitations of ageing or a disability. Including features which will allow them to age in place is not a high priority for them at that time. Unfortunately, when a person is most likely to need accessible features in their home, they are least likely to have the income required to make alterations.

Scope believes there are many benefits of providing greater access to private homes. They include:

- People with disabilities will have greater choice when seeking accommodation for themselves.
- Reduced need for social housing as people will be able to find suitable housing in the private market.
- Increased opportunities for social contact with families and within communities. This can lead to improved mental health, greater understanding and connections within local communities.
- People who have temporary disabilities, such as broken legs or hip replacements, will be able to return home more easily and require less time in hospital or rehabilitation settings. If accessibility features are included in all homes the overall cost to the health system and social services of the Government will be reduced.
- More people would be able to remain in their own home with greater dignity in spite of the onset of an illness, disability or ageing.
- Reduced risks of slips, trips and falls caused by steps at entries.
- All people benefit from the greater ease of carrying in shopping through wider doors.
- The provision of a safer work environment for tradesmen and delivery people.

Accessibility features are sometimes considered 'different' or 'other'. With good design, this perception is not necessary. Levels of acceptance will increase when these features become standard, just as the acceptance of water tanks and solar panels has occurred.

We note the benefits identified in the RIS are calculated over 10 years. The life of housing stock lasts many more years than this. The benefits, as determined by the RIS, will last significantly longer than identified.

We acknowledge that the costs associated with inclusion of the four features in buildings are far more easily identifiable and measureable than those social and community benefits that would result from improved contact and ease of visiting family and friends. **These less quantifiable benefits must not be underestimated.**

Kathy* moved into a unit and for the first time in her life was able to live independently. After unsuccessfully looking for a private rental property, it took 1 year to find an Office of Housing unit which was accessible to her. It was so exciting the day she went to the Office and discovered that the unit was around the corner from her friend's place. The whole office heard her shriek with delight. It was such a joyous moment. She needed a unit which she could get into in her wheelchair. The unit has an open plan living and dining room with an adjacent kitchen that is large enough for her to use and access the cupboards, sink and benches. The bathroom was large enough for her to use with a level entry shower and there were rails already installed.

Kathy is a proud home owner. The sense of independence which she got was the most important thing for her. Kathy had to learn how to manage an emergency, and she did. Kathy doesn't attend the day centre program as much any more as she is often out shopping or visiting her friend. Her friend's unit is also accessible and they chin wag for hours.

* Not her real name.

Why regulate?

Voluntary schemes and the provision of information has resulted in a low rate of inclusion of accessible features. Only 4% of new house constructions include access features as estimated by the Department of Planning and Community Development. Unless improved access becomes widespread, the benefits for people with disabilities will not be realised.

Some of the additional costs associated with non-standard building items, such as wider doors, will be reduced as these items become the new standard.

Victoria wide regulations would result in consistency for builders and developers. This is preferable to each individual council area developing their own requirements.

Introduction of the new regulations is required now to ensure new housing includes visitable and adaptable features. As the Australian population ages, more accessible and adaptable housing is essential.

Cameron West lives in Ormond in a supported accommodation house run by a disability organization. He currently has an application with the Disability Support Register for alternative housing.

Where do you live now?

I live in a house with four people I didn't choose.

Why do you want to live somewhere else?

Because I want to choose who I live with.

I want to be independent and I want privacy.

I could even live with my girlfriend.

What is stopping you?

Nowhere to move to.

What do you need to make a house liveable for you?

I need to get in the door, have enough room to manoeuvre and a bathroom that is big enough.

Cameron is happy to talk to people to help them understand the difficulties which people with disabilities face with housing. He can be contacted through Rhonda Joseph at Scope. (rjoseph@scopevic.org.au)

The Proposal.

The proposed variation to the Building Code of Australia is to apply to new Class 1 buildings (Class 1a – private houses; Class 1b – guest houses), Class 2 buildings including all ground level houses in medium density developments and 1 in 5 apartments in high rise developments.

Four features for inclusion have been identified.

- A clear path from the street or car park to a level entry at least 1000mm wide;
- Wider doorways (820mm clear opening based on 870mm doors) and passages (1000mm);
- A toilet suitable for people with limited mobility on the entry level; and
- Reinforced bathroom walls to allow grab rails to be inexpensively retrofitted.

Response to questions for consultation.

Question 1.

If accessibility and affordability were objectives in the construction of private dwellings in Victoria, what features, and what dimension of those features, would you consider to be the minimum requirements? You may also wish to give consideration to the proposed requirements for the common areas in Class 2 buildings.

Given that some studio apartments and small apartments may not currently be designed with toilets located in a corner of the bathroom, does the proposed requirement raise any issuer for stakeholders?

Scope supports the inclusion of all these features to improve accessibility to housing. Further comments and recommendations are identified below.

- ❖ Exemption for access is suggested where the gradient of the natural ground level exceeds 1:14. Whilst Scope accepts that full access is not possible to all sites due to the topography, we do not support exemptions which allow developers to 'design out' the need for access. It is envisaged that some developers will create gradients that exceed 1:14 in order to avoid providing access.
 - Scope does not support the exclusion of sites where the natural ground level is less steep than 1:14 and the finished ground level has been designed to exceed 1:14.
 - High rise developments are typically multi-million dollar projects. Achieving compliant access to the entry points would only be a small fraction of the overall cost of a project and should not be exempt from providing access, even on steep sites.
- ❖ Vic Figure D6.3 Ramped threshold indicates a ramp with a maximum length of 450mm and rise of 56mm as detailed by AS1428.1:2001, currently referenced by the BCA.
 - AS1428.1:2009 has recently been published and will be referenced by the BCA. Scope supports the provision of ramped thresholds in compliance with the updated version of the standard which includes a maximum length of 280mm and rise of 35mm. This provides consistency for builders.
- ❖ The proposal recommends doors have a minimum clear opening of 820mm. Scope supports the need for wider doors but believes a clear opening of 820mm is too narrow. As the average body weight of the population has increased and the design of wheelchairs has improved with technology, the width of wheelchairs has also increased. We believe an 820mm clear opening is too narrow for many people. Widening doorways is a significant cost when retrofitting is required.
 - Scope supports the inclusion of an 850mm minimum clear opening. The recently published *Australian Standard AS1428.1:2009 Design for access and mobility- New building work* has increased the required clear opening

from 800mm to 850mm for all public buildings. An 850mm clear opening will provide further consistency with the requirements for public buildings.

- ❖ 1000mm wide passages leading to all living, kitchen and sanitary areas are required.
 - Scope supports the inclusion of 1000mm wide passages; however, where a person must turn from the passage through a door a width of 1200mm is strongly recommended for ease of manoeuvring and reduction in damage to walls.
- ❖ Wall supports for the retrofitting of grabrails is considered an important priority. The suggested configuration of wall noggings is suitable for providing supports for a rail configuration similar to that outlined in AS1428.1 however this configuration is generic. An individual's anthropometrics, disability and personal preferences may result in the prescription of rail configurations which differ from those required in AS1428.1.
- ❖ Vic Figure D6.7b(a,b&c) are considered appropriate positioning of wall supports.
- ❖ Scope supports the provision of wall supports for baths and showers where they are provided on the entry level of Class 1&2 buildings.
 - The range for the noggings should be increased so it is provided between 725-1050mm high for the full length of 1200mm beside the WC.
- ❖ Scope believes the omission of a required level entry shower significantly reduces the effectiveness of this proposal to provide housing which is more accessible for people of all abilities. Level entry showers are common features in houses even where no other disability access features are provided and the cost of this inclusion would be minimal.
 - Scope would support the inclusion of a level entry shower or the shower area be constructed in such a way which would allow it to be easily altered to retrofit a level entry shower base when required.
- ❖ It is also noted that while a WC is to be provided on ground level of houses there is no requirement for any living space on this level. Developments which comply with the BCA amendments could include a garage, entrance door and a visitable WC on the entry level but would still not allow a person with a disability to socialise with family and friends.
 - Scope recommends that where no living space is provided at entry level, the stair should be constructed in such a manner so as to allow the installation of a wheelchair stair lift by the occupants, if required.

Question 2.

What do you consider to be a realistic cost that consumers would be prepared to pay for the package of accessibility features?

Do you consider the cost estimates presented in this RIS to be reasonable estimates of future costs?

To what extent do you consider that the four features would result in reduced amenity for residents due, for example, to alternative use of space or altered designs (eg. An inability to have steps leading to the house)?

- ❖ Scope strongly challenges the premise that these accessibility features would result in reduced amenity for home owners.
 - The provision of one point of level entry into a house does not have to greatly impact the look of a house. The Building Commission's *Welcome* book shows how a level entry can be achieved with good design without compromising the looks or function of the house. Only one point of access is required to be level under this proposal which may be provided at the front, rear or side of the house.
 - Wider doors only result in enhanced amenity.
 - Positioning the WC in the corner of a bathroom is unlikely to significantly reduce amenity within a house. The restrictions of space in small studio apartments may limit the layout of a bathroom.
 - Reinforced walls do not have any impact on amenity as these are entirely unseen.

Question 3.

Given the Melbourne 2030 policy objectives of a more compact city, and given that apartments are an affordable choice for many people who have a disability, what are your views on the proposed application of the features to the BCA building classes?

- ❖ BCA Class 1a – including single dwelling houses and town houses.
 - Scope fully supports the proposal to require all new Class 1a houses to comply with the four identified features. Insufficient numbers of accessible houses will be built without their inclusion.
- ❖ BCA Class 1b – including boarding houses, guest houses and hostels.
 - Guest houses and holiday accommodation units should also to comply to ensure people with disabilities are afforded the same choice of holiday accommodation as other people.
- ❖ BCA Class 2 – buildings with two or more sole occupancy units.
 - Scope supports the proposal of requiring all ground level units to comply with the requirements where no lift is provided to upper levels.
 - The inclusion of access to all common areas should be mandatory.

- ❖ BCA Class 2 – high rise apartments with lift.
 - Scope supports the inclusion of these features in high rise apartments.
 - Scope recommends the ratio of 1 to 5 be reviewed for high rise apartments. Apartments are usually more financially achievable for people with reduced incomes and higher ratios of required apartments would increase the available housing stock quickly.

Summary.

Scope fully supports the amendments to the Building Code of Australia which will increase the number and availability of housing for people with disabilities, particularly those with lesser limitations.

Until people have an experience with disability, people do not realize how pervasive the effects of disability are – potentially altering every aspect of a person's life. The opportunity exists now to improve life for people with disabilities, both for those who live with disability today and those who will live with it in the future.

Any delay to the proposed changes to the Building Code of Australia will perpetuate the inequalities which people with disabilities experience in finding suitable accommodation for themselves and family.

If this decision is delayed there will be another 40,000 inaccessible homes built in the next 12 months which will remain in the housing stock for the next 50 years or more.

There are a number of items which we believe could be improved as identified in this response. We recommend their inclusion in the final amendments of the Building Code.

Please contact us if further information or details are desired.

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References.

Australian Bureau of Statistics 2003. *Disability, Ageing and Carers: Summary of Findings*. Cat No. 4430.0

Australian Institute of Health and Welfare 2009. *The Geography of disability and economic disadvantage in Australian capital cities*. Cat. No. DIS 54. Canberra: AIHW

Australian Standard AS1428.1:2009 *Design for access and mobility Part 1 General requirements for access – New Building work*

Building Commission, Victoria 2002 *Welcome- Design Ideas for Accessible Homes*

State Government of Victoria 2009. *A Fairer Victoria – Standing together through tough times*.

State Revenue Office website stamp duty calculator.
<http://www.sro.vic.gov.au/SRO?SROCalcs.nsf> downloaded on 1/03/2010.