



Factsheet 21: Disability Modifications to Public Housing

1. What is a disability modification to public housing?

People with disabilities may need changes, or modifications, to their homes so they can live independently, comfortably, or move more easily and safely. For example, an access ramp may need to be installed in housing to accommodate for a wheelchair.

Housing ACT is responsible for making modifications to public housing to accommodate people with disabilities. Housing ACT's Property Condition and Responsibility Guide provides that Housing ACT will modify existing housing or provide newly constructed/upgraded housing to meet the essential needs of people with disabilities subject to assessment.

Housing ACT recognises a disability modification as any modification "to meet the essential needs of people with disabilities." This should include anything essential for your disability. It commonly includes:

- internal grab rails and external hand rails;
- hand held showers or hobless showers;
- lever handled taps and door handles;
- door wedges for wheelchairs, access ramps, wheelchair accessible paths; and
- large rocker switches.

Where disability modifications are required, Housing ACT has to make sure the modifications meet certain standards. For example, the type and height of taps and latches should enable you to use them; ramps should give easy access and not be slippery, and all corners and entry ways should have enough clear turning area for a person in a wheelchair to turn unaided.

2. How do I apply for a disability modification through housing ACT?

You can apply for a disability modification in your Housing ACT property by contacting the Disability Modifications Officer at Housing ACT (the relevant contact information is listed at the end of this factsheet).

When you speak to the Disability Modifications Officer, they will start by assessing your request. They will decide if your request requires an assessment by an Occupational Therapist (OT). You may be asked to complete Housing ACT's *Application to Modify a Housing ACT Property* form. Housing ACT can provide you with a copy of this form. Housing ACT has a form that your GP could complete in support of a modification request, otherwise you can ask your treating health professional (such as an OT) to provide a letter supporting your application.

How is my request assessed?

Some disability modifications can be approved by the Disability Modifications Officer without an OT assessment based on the evidence you can provide. For example, the following alterations can be approved if you provide Housing ACT with a letter from your GP:

- lever taps and lever door handles;
- hand rails along the side of steps;
- handheld showers; and
- clothesline height adjustments.

For other modifications, Housing ACT will need an OT to assess your situation. Some examples of modifications that Housing ACT will need an OT assessment for include:

- installing grab rails or hand rails;
- widening doorways;
- installing ramps; and
- major bathroom or kitchen upgrades.

If you already have an OT, they are often able to make the assessment. Your OT will need to send their report directly to the Disability Modifications Officer. If you don't have an OT, the Disability Modifications Officer can refer you to the Housing ACT Occupational Therapy Service. They will provide a reference number and phone number for you to contact an OT to arrange your assessment. Once the OT has conducted their assessment, they will send their report directly to the Disability Modifications Officer.

Further information on OT services can be found on this website: <https://www.communityservices.act.gov.au/hcs/policies/occupational-therapy-services>.

What happens if my request is approved?

If the OT's report to the Disability Modifications Officer recommends disability modifications to your property, or if the Disability Modifications Officer approves your request without an OT assessment, the Disability Modifications Officer will ensure a request is lodged with Housing ACT's Maintenance provider. The time frames for completion may vary depending on the modifications.

3. My application for a disability modification was rejected, are there any further steps i can take?

If Housing ACT rejects your request for a disability modification, this is not a decision that can be reviewed through Housing ACT's appeals process. However, you may be able to make a disability discrimination complaint to the ACT Human Rights Commission or the Australian Human Rights Commission.

For more information on making disability discrimination complaints, see our Fact Sheets on "Disability Discrimination Complaints in the ACT Human Rights Commission" and "Disability Discrimination Complaints in the Australian Human Rights Commission".

You should seek legal advice if you are not sure about this avenue.

Can the NDIS fund my disability modifications?

The NDIS does not fund disability supports which are more appropriately funded by another system. However, if you are a participant, the NDIS might fund your public housing modifications on a case-by-case basis if the modification is not part of Housing ACT responsibilities to meet the needs of disabled people. For example, the NDIS is unlikely to fund major renovations to a Housing ACT property to make it a fully accessible property. In addition to not being Housing ACT's responsibility, the modification will still need to meet all the other requirements under the NDIS, including being a reasonable and necessary support and representing value for money.

Often, it might be best to apply first for a modification to Housing ACT. If they refuse, you can apply for the modification under the NDIS. You might be able to use the rejection as evidence that Housing ACT does not consider it their responsibility.

The process for applying for funding to modify your home under the NDIS will depend on whether you are already a participant and what is in your support plan. If you already have a Local Area Coordinator or Support Coordinator, you can ask them for help. Otherwise, you can contact the NDIA (see contact details at the end of this factsheet).

If the NDIS is funding your disability modifications (or if you want to pay for your own modifications), you will still need to request permission from Housing ACT to modify your public housing as described below.

Can I make disability modifications at my own cost?

If Housing ACT does not approve your request for a disability modification, you may also request permission to make modifications to your Housing ACT property at your own cost. Modifications made at your own cost will need to be carried out by a qualified tradesperson and/or a licensed builder and needs to meet Housing ACT property standards. You will be responsible for maintaining these modifications. To request permission to modify your housing at your own cost, you should contact your Housing Manager and request an *Application to Modify a Housing ACT Property* form.

In the ACT, if you are making a modification to assist with your disability, for example, access ramps or safety rails, and have provided a written recommendation by a health practitioner in support of your request, a lessor can only refuse consent for the modification with approval from the ACT Civil and Administrative Tribunal ('the Tribunal'). The landlord must apply to Tribunal for this approval. If the tenant requests consent for a special modification in writing from the landlord and the landlord does not respond within 14 days, the landlord is taken to have consented.

4. Useful contacts and information

1. Canberra Community Law: 02 6218 7900
2. Housing ACT Disability Modifications Officer: 6207 3091 / HousingMaintenance@act.gov.au
3. Disability Modifications, Asset Management Branch, Housing ACT, Locked Bag 3000, Belconnen ACT
4. Housing ACT Occupational Therapy Service
5. <https://www.communityservices.act.gov.au/hcs/policies/occupational-therapy-services>
6. Canberra Community Law, Disability Law Resources
7. <https://canberracommunitylaw.org.au/resources/disability-law/>
8. ACT Human Rights Commission: 02 6205 2222 / human.rights@act.gov.au
9. Australian Human Rights Commission: 1300 369 711
10. NDIS: 1800 800 110 / NAT@ndis.gov.au / GPO Box 700, Canberra, ACT
11. <https://www.ndis.gov.au/>
12. Housing ACT Property Standards Condition and Responsibility Guide
13. https://www.communityservices.act.gov.au/data/assets/pdf_file/0003/141717/Condition_and_Responsibility_Guide.pdf
14. Tenant's Guide to Repairs & Maintenance
15. <https://www.communityservices.act.gov.au/hcs/policies/tenants-guide-to-repairs-and-maintenance/section-questions-and-answers>

Disclaimer

This Fact Sheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact us on 6218 7900.