

| Special accommodation requirements for public housing tenants operational guidelinesEffective date: October 2020 |
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# Revision history

| Version | Amended section | Effective | Details |
| --- | --- | --- | --- |
| 1.0 |  | 9 February 2015 |  |
| 1.1 | Throughout | July 2016 | Accessibility tag and imprint |
| 2.0 |  | July 2017 | Incorporation of ‘version control table’Reference to home modifications for NDIS participants |
| 3.0 | Throughout | September 2019 | Special Housing Requirements updated to Special Accommodation Requirements (SARs) to align with treatment of SARs in HiiP |
| 4.0 | Medical Cooling | October 2020 | Redefining the hottest part of Victoria as a zone in which all dwellings are eligible for the installation of air conditioning |

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# When do these operational guidelines apply?

These operational guidelines apply to current public housing tenants (including a household member) who have a special accommodation requirement due to a medical condition or disability.

Special provision is also made in these guidelines for the installation of air conditioning in all homes in defined locations where heat risks are elevated without regard to specific medical needs or disability.

## Human rights considerations

In deciding what action to take, staff will consider the potential impact of proposed action taken through these operational guidelines on the person’s (and their household’s) rights under the *Charter of Human Rights and Responsibilities 2006*.

Any person taking action in line with these operational guidelines must:

* understand the objective and rationale of the actions they are taking under these operational guidelines
* consider the impact of proposed action on the person’s Charter rights
* consider whether the proposed impact is balanced and proportionate and necessary to achieve that objective, and
* choose the least restrictive measures available.

## Overview

Requests to address a special accommodation requirement due to a medical condition or disability are made on the *Application for special accommodation requirements for tenants* (SAR) form, submitted to the local office[[1]](#footnote-1).

Local office staff review the completed SAR form and supporting documentation provided by the treating health practitioner, who is registered under the *Health Practitioner Regulation National Law Act 2009 (VIC)* to practice in a health profession other than as a student.

The decision to approve a request for SAR is based on demonstrated need as a result of the specific medical condition or disability. Approvals for property modifications will require the specific medical condition or disability to be of an ongoing nature or likely to deteriorate over time. Outcomes will be recorded in the Housing integrated information Program (HiiP) SARs tab to accurately record a tenant’s or the household’s property needs.

## Operating principles: special accommodation requirements

The department is committed to:

* responding to individual need and where possible, providing appropriate modifications to public housing properties to meet the special accommodation requirements of tenants or their household members
* ensuring fair and transparent decision making, based on demonstrated need, in relation to undertaking works for major or full modification of public housing properties
* maximising the effective use of public monies to address special accommodation requirements, including where appropriate, for the National Disability Insurance Scheme (NDIS) to fund certain modification types.

## Applying for special accommodation requirements as a current public housing tenant

Public housing tenant requests for special accommodation requirements should be made in writing by completing and submitting the *Application for special accommodation requirements for tenants* application form to the local office. Any relevant supporting documentation should also be provided to the local office, such as a report from an Occupational Therapist for specific SAR types including grabrails.

Special accommodation requirements include requests for:

* minor modifications that include grabrails or lever taps, medical cooling, including air conditioning.
* major modifications such as bathroom stepless showers, and
* full modifications such as fully modified properties that are wheelchair accessible.

## Recommending and approving special accommodation requirements for current public housing tenants

Local office staff who are considering a request for special accommodation requirements need to ensure the request is based on a demonstrated need which is related to the person’s medical condition or disability. Demonstrated need is assessed via the completed *Application for special accommodation requirements for tenants* form with supporting documentation provided by the treating health practitioner. The treating health practitioner must confirm that the special accommodation requirement is essential to the client’s ongoing health and without it their health will deteriorate. Requests for modifications to the existing public housing property must include evidence of the specific modifications required for the person’s medical condition or disability[[2]](#footnote-2).

Modifications that do not impact on the structure of a property are considered a ‘client’ SAR (fixtures and fittings) and modifications that require structural changes to a property are considered a ‘property’ SAR.

Housing Services Officers (HSOs) assess the tenant’s needs, or the needs of their household member, and enter a recommendation for the request in the HiiP tenancy SARs screen.

’Client’ based SARs can be approved in the HiiP tenancy SARs screen by a HSO2 or HSO3. ‘Property’ based SARs can only be approved by a VPS4 or VPS5 delegate.

Approval of a SAR request for medical cooling/air conditioning can only be made by the VPS5 delegate.

At this stage of the process, a decision to approve a SAR must be solely based on a demonstrated client need. If a tenant (or their household member) has demonstrated that they require a specific modification due to their ongoing disability or medical condition, the SAR should be approved in HiiP regardless of whether their current public housing property is suitable for the modification. This approach will ensure that the needs of public housing clients are accurately captured in HiiP and up-to-date client information is accessible for staff via the tenancy screen as well as through the housing application process.

Once a SAR is approved on the system, a letter will be sent to the tenant to advise them of their approved SARs and outline the next steps. The tenant is advised in the letter that a property inspection may need to be conducted to determine the property’s suitability for structural modifications.

Requests for a specific location due to a medical condition or disability are considered in accordance with the Victorian Housing Register’s, Clients with Special Accommodation Requirements operational guidelines and will form part of a transfer application.

## Installing special accommodation requirements at the current property after they are approved

Generally, any approved SAR requests that are minor ‘client’ based modifications or access requirements can be made to any dwelling irrespective of its suitability for major ‘property’ based modifications.

When these works are not of a technical nature, such as for lever taps, after the SAR is approved and entered into the HiiP system, an order can be raised to have these works completed.

For requests of a more technical nature or involving major modifications, it is likely an inspection will be required before decisions are made about whether the SAR can be installed at the property.

Consideration should be given to the long-term suitability of the home for such modifications. For example, if an elderly couple is residing alone in a three-bedroom property, it may be less reasonable to modify a bathroom by removing the bath to install a stepless walk-in shower.

If it is decided that the property cannot suitably accommodate the major or other necessary property modifications, a priority transfer may be considered with the tenant. Priority Transfer applicants need to satisfy all social housing eligibility requirements as outlined in the Eligibility Policy Framework of the Victorian Housing Register. In instances when a transfer may be needed, the tenant is required to lodge an application form to their local office.

## National Disability Insurance Scheme (NDIS) and home modifications in public housing

Social housing applicants and public housing tenants may also be participants in the NDIS. This is important to note when reviewing requests from public housing tenants for home modifications. The Director of Housing is responsible for funding any disability modifications that are considered ‘reasonable adjustments’ while the NDIS is responsible for funding any disability modifications that are considered ‘reasonable and necessary’. The NDIS may be responsible for funding some home modifications required in public housing that are specifically related to a person’s disability, but this is done on a case-by-case basis.

For more information, staff should refer to the Public Housing and the National Disability Insurance Scheme: Roles and responsibilities operational guidelines and the Home modifications in public housing during the transition to the NDIS operational guidelines.

## Qualifying conditions for medical cooling

Under the *Residential Tenancies Act 1997,* the Director of Housing as a landlord is not required to provide medical cooling, including air conditioners.

However, in certain circumstances, medical cooling may be approved for a specific medical condition or disability that requires a stable room temperature to be maintained.

For such cases to be considered, evidence is required of both the medical condition or disability and the requirement to maintain stable room temperature control. Evidence of these must be provided by the treating health practitioner as part of the SAR for consideration and/or approval of any medical cooling.

For tenants residing in an elevated heat risk zone, evidence of a medical condition or disability is not required. Tenants will not need to request the installation of an air conditioner in this zone, the Director of Housing will install an air conditioner in the main living area of these dwellings in a phased program. Tenants may need to wait until up to June 2022 to receive the air conditioner. The Director of Housing has defined Victorian locations falling within the National Construction Code’s Climate Zone 4 as elevated heat risk zones. This includes the following Local Government Areas:

* Mildura
* Swan Hill
* Hindmarsh
* Yarriambiack
* Buloke
* Gannawarra
* Campaspe
* Greater Shepparton
* Moira

Medical cooling, including air conditioning, can only be provided for a maximum of two rooms, those most utilised by the affected public housing applicant, tenant or household member.

Ceiling fans are not provided in public housing properties due to structural limitations and potential hazards.

The qualifying conditions for the provision of medical cooling are:

|  |  |
| --- | --- |
| * Parkinson’s Disease
 | * Lymphoedema
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| * Multiple Sclerosis
 | * Fibromyalgia
 |
| * Systemic Lupus Erythematosus
 | * Motor Neurone Disease
 |
| * Quadriplegia
 | * Scleroderma
 |
| * Muscular Dystrophy
 | * Poliomyelitis or Post Poliomyelitis Syndrome
 |

Please note that people with a qualifying condition may also be eligible for a *Victorian Medical Cooling Concession*.

The below medical conditions or disabilities may also be considered:

|  |  |
| --- | --- |
| * Chronic Obstructive Pulmonary Disease
 | * Heart Condition (severe)
 |
| * Cerebral Palsy
 | * Chronic Fatigue Syndrome otherwise known as Myalgic Encephalomyelitis
 |
| * Stroke otherwise known as Cerebro Vascular Accident
 | * Emphysema (severe)
 |
| * Epilepsy (uncontrolled)
 | * Cystic Fibrosis
 |
| * Cancer (major organ)
 | * Renal failure otherwise known as Kidney failure
 |
| * Myasthenia Gravis
 | * Other (where details are provided)
 |

## Treating health practitioners

Treating health practitioner refers to health practitioners registered under the *Health Practitioner Regulation National Law* (VIC) other than as a student, for any of the following professions:

* Aboriginal and Torres Strait Islander health practice
* Chinese medicine
* chiropractic
* dental
* medical
* medical radiation practice
* nursing and midwifery
* occupational therapy
* optometry
* osteopathy
* pharmacy
* physiotherapy
* podiatry
* psychology

The treating health practitioner must be treating the public housing tenant or household member and registered with a recognised specialty in the treatment of the relevant medical condition or disability. The treating health practitioner is required to provide specific details of the relevant medical condition or disability of the public housing tenant or household member and must also demonstrate that this specific medical condition or disability requires special accommodation requirements.

## Additional supports for tenants during periods of extreme temperatures

Support is provided to tenants and household members during periods of extreme temperatures through the implementation of the Cooler Places program on declared Heat Health Alert days, and the operation of the Keeping in Touch Program for tenants aged over 75 years of age and living alone.

In addition, tenants can install air conditioning at their own expense after obtaining permission from the local office by completing the Internal/External Works Permit.

## Supporting documentation

*Application for special accommodation requirements for tenants form.*

1. No application is required for air conditioning where the department has determined that a given location is in an elevated heat risk zone. For the purpose of these guidelines, residence in an elevated heat risk location meets the definition of ‘demonstrated need’. [↑](#footnote-ref-1)
2. Note that, for the provision of air conditioning, no application is required where a tenant is a resident of a defined elevated heat risk zone. [↑](#footnote-ref-2)