INCLUDED BY DESIGN: A CASE FOR REGULATION FOR ACCESSIBLE HOUSING IN AUSTRALIA

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Abstract: Accessible housing is a scarce yet much needed commodity in Australia. A national agreement between industry and advocacy groups to a voluntary approach, called the Livable Design program, aims to provide access features in all new housing by 2020. Through a range of awareness raising initiatives, the program is anticipating increased supply by builders and increased demand by home-buyers. However the people who need accessible housing are the least likely and least able to buy it at the point of new sale and average home-buyers do not consider access features as a priority.

This approach has not been successful overseas or in Australia in the past. Regulation with incentives supported by education and awareness has provided the best results, yet, regulation typically comes with controversy and resistance from the housing industry. A study is planned to identify how effective the Livable Design program is likely to be, what is likely to hinder it and why regulation is likely to be needed.

Key words: accessible housing, universal design, inclusion, wellbeing.

1 INTRODUCTION

Accessible housing is a scarce yet much needed commodity in Australia. For people with mobility limitations, such as people with disabilities, older people, people with temporary injuries, and families with young children, basic access features can significantly improve safety and wellbeing, not only in their own homes but also in the homes that they visit.

Currently, there are no regulations for access features for residential dwellings[1] under the Building Code of Australia and most private housing is built without formal consideration of access for people with mobility limitations. The Australian Government is aware of the need for an increased supply of accessible housing, due to advice from, amongst others, the National People with Disabilities and Carer Council (2009), the Australian Housing and Urban Research Institute (2010) and their private industry advisors (Disability Investment Group, 2009). In October 2009, the Federal Government called together representatives from the housing industry and community organisations to find consensus agreement on a way forward.

Named the National Dialogue on Universal Housing Design, this group agreed to a voluntary program (called Livable Design) encouraging buyers to demand and builders to provide these access features in all new housing by 2020. This paper considers whether this approach is likely to achieve this ambitious goal, what may get in the way and why regulation may be needed.

2 UNIVERSAL HOUSING DESIGN

Universal design is ―the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design" (Center for Universal Design, 2008, para. 3). Livable Design was developed from this concept and has three levels of access; from a minimum set of features (silver level) increasing in accessibility (gold and platinum levels) (National Dialogue on Universal Housing Design, 2010a). The silver level provides a step-free entry from the car or boundary into the dwelling, 1000mm wide corridors and 820mm wide door openings, a more spacious toilet[2], a step-free shower and reinforcement in the walls of the toilet and shower for future grab rails, all on the entry level. The typical size of a home now expected by Australians can easily include these access features. The cost is minimal when the features are included at the design stage and the benefits to the individual resident and the community at large can be significant over the lifetime of the building (Victorian Government, 2010).

[1] Class 1a, 1b, 2, and 4 buildings in the Building Code of Australia.

[2] The recommended min. width of 900mm of the toilet will exclude use by many people who use wheelchairs and some mobility aids.

3 LITERATURE REVIEW

The review of the literature identifies some key issues for the Livable Design program. The reasons for an increased supply of accessible housing are clear, however, there is no precedent that supports the Livable Design program's strategy of education and awareness-raising to meet the 2020 goal. Relying alone on demand for access features at the point of new sale is problematic and points to the need for a more assertive systemic approach by both government and the housing industry.

3.1 The perspective of government

For over fifty years, the United Nations has guided governments to safeguard and protect their vulnerable citizens, so that they may remain as active and valued members of their communities (United Nations [UN], 1948). The Convention on the Rights of Persons with Disabilities (UN, 2007) provides the strongest statement to date on people's rights regarding housing. It states that people with disabilities should ―have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others" (UN, 2007, Article 19). The Convention goes further by promoting the concept of universal design in the development of standards and guidelines for, in this case, housing in a way that requires ―the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities" (UN, 2007, Article 4).

A significant challenge for Australia in the next fifty years will be meeting the needs of an increasing population of older people and people with disabilities. Australians generally are expected to be less productive as a whole yet to have increased needs for health and community services (Commonwealth of Australia, 2010a). Similarly, older people and people with disabilities are more likely to be living in the community (AIHW, 2007). In anticipation, the Australian Government (Commonwealth of Australia, 2010a) has emphasised the importance of a ―prudent investment in social and

economic infrastructure" (p. xii). This supports an increase in the provision of accessible housing across Australia in an efficient and cost-effective manner.

The design of most privately owned homes fails to meet the access and safety needs of frail older people, people with disabilities, small children, and the people who care for them (Ozanne-Smith, Guy, Kelly, & Clapperton, 2008). Consequently, these householders are at risk of injury, isolation and eventual displacement. The cost of modifying a home is often prohibitive for the householders who most need it, at the time when they need it (Beer & Faulkner, 2009).

In Australia, current home modification programs for home owners have been found to be piecemeal, variable in quality, with long wait-times (Jones, de Jonge, & Phillips, 2008). Private housing tenants have an added difficulty using these programs as landlords are reluctant to have their properties modified (Beer & Faulkner, 2009). It is not surprising, then, that poorer householders turn to the already stretched social housing programs that are required by law (Disability Discrimination Act 1992; Queensland Anti-Discrimination Act 1991) to respond to the need for accessible housing.

The implications for government of slips, trips and falls in the home environment are of concern. A report commissioned by the Australian Building Codes Board, the mechanism responsible for building regulatory matters, found that accidents in the home affect mainly older people and children and are now a large and costly public health problem, the magnitude of which could be compared to that of traumatic road injuries (Ozanne-Smith et al., 2008). Ozanne-Smith et al. conclude that ~~"~~given the cost of the problem, investment in effective preventative solutions is imperative". Many of these solutions ~~"~~lie with the building industry and its regulators" (2008, p. xvii).

The broad policy direction towards safer and more inclusive communities (Commonwealth of Australia, 2010b), recognition of human rights (UN, 2007), and prudent infrastructure planning (Commonwealth of Australia, 2010a) should support a focused, and cost-effective means to increase the supply of accessible housing. In spite of this, the Australian Government has resisted regulation perhaps due to the Productivity Commission's advice (2004) to reduce a reliance on mandatory regulation where possible.

3.2 International perspective

The voluntary approach to the provision of access features in housing has not had great success in other countries. In a comparative review of policies and programmes in Europe, North America, United Kingdom, Japan and Australia, Scotts, Saville-Smith & James (2007) concluded that regulation with incentives has consistently provided the most reliable response. However, regulation is not without its problems. While it represents the most successful approach yet, it has consistently engendered the greatest controversy (Nishita, Liebig, Pynoos, Perelman, & Spegal, 2007).

Imrie (2006, p. 4) reflects on the experience of the United Kingdom where basic access requirements have been mandated for all new housing since 1999. While acknowledging the progress made, Imrie (2003, p. 8) argues that the regulation has encouraged a reductionist response, which does not necessarily meet the need of many people with disabilities and has inhibited innovative and inclusive building practice. Whatever strategies are used, a common experience is a reluctance by the housing industry to include access features and resultant vigorous advocacy by people whose wellbeing is affected as a consequence (Nishita et al., 2007).

3.3 The perspective of the housing industry

The Livable Design program focuses on the ~~"~~housing needs of people with disabilities, ageing Australians, people with temporary injuries, and families with young children" (National Dialogue on Universal Housing Design, 2010b, p. 1), and the main strategy is to convince home-buyers of the value of including access features, such as step-free entry, wider doorways and corridors and an accessible toilet, when they buy a new home.

In a study of demand and supply of accessible housing in the Unites States of America, Smith, Rayer and Smith (2008) raise a fundamental and important concern for the housing industry. While there was significant need for access features in housing, the demand for these features at the point of sale of a new home was negligible.

In Australia, a study of the housing needs of older people aged over seventy-five years (Judd, Olsberg, Quinn, & Demirbilek, 2009) observed that this group tend not to move and consider their wellbeing is contingent on staying in the community they know and near their networks of support. They consider their current housing to be suitable until a member of the household needs assistance, at which time they prefer to modify their home. The poorer householders typically have difficulty meeting the cost of modifications and many people do without them at their own peril.

Families with a person with disabilities experience different housing issues. In a similar Australian study Beer and Faulkner (2009) suggest that these households typically earn less, own less, and have greater difficulty maintaining the tenure of their home. This has led to a higher than average dependence on social housing. Because the wellbeing of these families is affected by the complexities of accessing support services and networks, affordable transport and employment, they are unlikely to move once they have a suitable home and all these elements are in place.

Imminent retirees have attracted many studies on the impact their ageing will have on welfare, health and housing in the future. (Beer & Faulkner, 2009; Myers & Ryu, 2008; Salt & Mikklesen, 2009). This group want to stay in the community, live well and for a long time (Salt & Mikklesen, 2009). They consider their housing to be an investment rather than a stable family base and are anticipated to be more mobile than the previous generation, changing their housing a number of times after they retire (Beer & Faulkner, 2009).

Spanbroek and Karol (2006), however, observed that these householders are not showing signs of planning for the realities of old age, illness or disability, to care for an ageing or ill partner, or the costs of home modifications that may be necessary. Of any group who may respond to the Livable Design program's awareness-raising campaign, it is likely to be middle-aged women, who realise they may be living alone and unsupported when they age (Beer & Faulkner, 2009).

In a study of potential home-buyers of sustainable housing in Victoria and New South Wales, Crabtree and Hes (2009) observed that the average home-buyer preferred not to be sold sustainable features as something special or different. Buyers endorsed energy sustainability as such; however, they wanted these added features to be included as normal, unobtrusive and without fuss. This behaviour suggests that the average home-buyer may react similarly about access features. Crabtree and Hes (2009) further noted that home-buyers, while supportive of these responsible design practices, baulked at paying extra for the common good. In the case of accessible housing, the common good would be for some unknown occupant or visitor who might need access features in the future.

It can therefore be expected that the housing industry is experiencing, and will continue to experience a lack of demand for accessible housing at the point of new sale. They understandably regard regulation as an inappropriate and heavy-handed response (Housing Industry Australia, 2007).

3.4 Issues for people with disabilities

From the perspective of the small number of people with disabilities who can buy a new home, Thomas's (2004) study in the United Kingdom observed that home-buying for people with disabilities is tough. Sales rooms and display homes are often inaccessible and sales persons are not adequately informed. After the struggle to obtain an accessible home, owners had expected that there would be a demand for their property when they sold it; however, real estate staff did not view access features as important for future buyers. With the absence of an equivalent study in Australia, it can only be assumed that people with disabilities are having a similar experience here.

There may be other reasons for the resistance by the housing industry and home-buyers to accessible housing. Clapton (2004), in her analysis of people's acceptance of diversity, suggests that Australians view ageing and disability as undesirable, even a tragedy rather than as an integral part of the human condition. Old people and people with disabilities are considered as different, separate and apart from the norm and should be treated as such. This belief may be reinforced within the housing industry because people with disabilities and older people are rarely present as customers. Imrie (2003), in his review of the impact of the regulation in the United Kingdom took this further by noting an initial resentment by mainstream builders in the UK in having to provide for a minority group that they considered should be provided for elsewhere.

A more generous view can be interpreted from Afacan and Erbug's (2009) evaluation of the adoption of universal design. Designers' reluctance was seen to be due to poor interpretation of universal design principles, poor collaboration and communication with builders, and a lack of empathy and understanding of the requirements of a diverse range of users. Nord (2009) tempers this further by suggesting that people are simply unaware of how a building can exclude people until it no longer works well for them personally, causing limited movement or pain. Perhaps designers, builders and home-buyers simply forget to consider the needs of people with mobility limitations, unless they are personally affected or there is a specific requirement to do so.

Nevertheless, accessible housing is fundamental to the wellbeing of people with mobility limitations and an increase in supply is urgent. Yet the Livable Design program's plan for a voluntary approach is flawed. The housing industry expects the home-buyer to demand accessible housing before they will provide it, people who need accessible housing are the least likely and least able to buy it at the point of new sale, average home-buyers do not consider access features as a priority and government authorities are reticent to intervene.

3.5 Reluctance of the housing industry

The housing industry has been consistent in its reluctance about any systemic change to housing design and construction for a broader social purpose, in this case, inclusion. Notwithstanding the work of a handful of visionary leaders, the housing industry has been ~~"e~~characterised by small-scale, cottage-based, craft-oriented building practices" (Murray, Reamirez-Lovering, & Whibley, 2008, p. 7) with a focus on their profit margin at the point of sale. The most prevalent criticism of regulation has therefore been the added cost to the builder and the buyer. The estimates vary according to the level of resistance against regulation.

Any debate on the cost should be compared with the cost of retrofitting the dwelling at a later stage. The costs outlined in the regulatory impact statement of Victorian Government's (2010) investigation into future regulation are likely to be the most objective, given their purpose. Tab. 01 outlines the costs for access features at design stage and Tab. 02, the average cost of retrofitting the same features (Victorian Government, 2010). The added cost of access features at design stage is minimal compared with the total cost of a dwelling and one twentieth of the cost of retrofitting for the inclusion of those same features.

TABLE 01- costs for access features at design stage

	Single house	Low-rise unit	High-rise unit (elevator)
Cost of access at design stage (AU$)	$870	$190	$1,000
Cost of dwelling (AU$)	$370,000	$250,000	$330,000
Percentage of cost	0.2%	0.1%	0.3%

TABLE 02 - cost of retrofitting the same features in Tab. 01

Cost of retrofitting (AU$)	$19,400
Cost of dwelling (AU$)	$320,000
Percentage of cost	6%

The comparison of arbitrary short-term costs with long-term benefits is also needed. These long-term benefits have traditionally been difficult to quantify. Certainly, the study of Ozanne-Smith et al. (2008) into the costs of slips, trips and falls does well in costing the consequences of poor housing design. In the absence of hard data, the advice to the Victorian Government (2010) on the long-term value of systemic change through regulation was unambiguous, anticipating significant value to the community through ~~"~~enhanced safety and amenity, greater social inclusion and social capital, and higher quality housing" (p. 6).

While the housing industry's rejection of regulation is understandable, the reason of the reticence of regulators is less clear. Previously noted was the advice from the Productivity Commission (2004) to reduce a reliance on mandatory regulation where possible. Northway (1997) observed in Britain a lack of willingness in a market-driven environment for authorities to legislate even though the consequences of inaction for people with disabilities were severe. Market forces, rather than government mechanisms, were being used to regulate social life. This phenomenon could explain the hands-off behaviour of the Australian Building Codes Board and their deference to the demands of the housing industry over the access and safety issues for people with mobility limitations.

3.6 Visitability and inclusion

The point of new sale is not when access features are typically needed or considered either by the buyer or the seller. A dwelling has a long life and many different households will live there. Given the increasing numbers of people with disabilities and older people living in the community, it can be anticipated that at least one household with a person with disabilities would occupy any dwelling within that dwelling's lifetime (Smith et al., 2008). It

follows that any dwelling would have a need for access features for its occupants at some time during its lifetime, without even considering the need for access for visitors.

The capacity for a dwelling to be accessible to visitors with mobility limitations is an idea that needs to be explored. Many consider older people and people with disabilities to be integrated into the community when they are in their own home (Northway, 1997), even if they are surrounded by inaccessible housing and are unable to visit the homes of family or friends. Chenoweth and Stehlick (2004) in their exploration of social capital suggest that mere physical integration is not enough in order to build inclusive and sustainable communities. Inclusion is a process through which people build valued roles in society, have opportunities to contribute and develop meaningful reciprocal relationships (Uditsky, 1993).

Inclusion leads to belonging, mutual support, friendship, and intimacy, when the highs and lows of life are shared at a deep level. These interactions occur in private spaces; at the neighbour‘s kitchen table, at a family dinner, or the friend‘s back verandah with a beer. When society excludes a person from these important social interactions and private spaces, social capital is lost and both the person and the community are diminished (Chenoweth & Stehlik, 2004).

3.7 **Need for systemic change**

Northway (1997) suggests if inclusion of all people is to be a reality, any change must be systemic and political and come in a manner that supports diversity and difference rather than relying on assisting individual vulnerable people, one at a time, to assimilate into an indifferent society. Northway also emphasises the importance of dealing with what has excluded people in the past.

> *If disabled people have a right to be included within society then it becomes necessary to identify and eliminate the factors which led to their historical exclusion and which, without action, would perpetuate exclusion in the future*" (Northway, 1997, p. 165).

The lack of regulation for access features in housing has been a factor in the systemic exclusion of people with mobility limitations, from work, family life and community participation. The Victorian Government‘s plan to regulate for minimum access requirements in all new housing will break new ground in Australia. It will be the first government in Australia to acknowledge that political, systemic change to include access features in housing is necessary and possible in Australia.

4 CONCLUSION

The reasons for the continued practice of inaccessible housing design and construction and the reluctance to regulate are complex and need to be fully understood. The proposed research by the author aims to contribute to this understanding and to inform the Livable Design program through its implementation. At the same time, Victoria‘s planned regulation demonstrates a growing consciousness by both government and the housing industry that systemic change will be needed in order to enhance the wellbeing, protect the health, and facilitate the inclusion of everyone.

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