

Note: Until 30 June 2021, NSW Land and Housing Corporation (LAHC) maintenance contracts will be in place in locations in which a Social Housing Management Transfer Lease issued prior to 2021 applies. LAHC's contractors will deliver disability modifications to dwellings in these locations during these periods.

1. Purpose

1.1 Asset Management Framework (AMF)

This procedure relates to section 4.4 of the AMF, which should be read prior to initiating this procedure. This procedure relates to Community Housing Providers (CHP) managing LAHC properties under the Long Term Lease, being a lease of fifteen (15) years or more commencing on or after 1 January 2018, or any lease forming part of the Social Housing Management Transfer Program (the Long Term Lease), and the Short Term Lease being a lease of three (3) years or less (Short Term Lease)

1.2 Disability modifications

Social housing providers have an obligation under the *Disability Discrimination Act* (DDA) to provide 'reasonable adjustment' (disability modifications or relocation) to support a tenant with disability. In certain circumstances, the National Disability Insurance Agency (NDIA) may fund some or all of the required disability modifications for social housing tenants under the National Disability Insurance Scheme (NDIS). CHPs should determine their own obligations under the DDA, as well as any agreements for funding from the NDIA.

CHPs should familiarise themselves with the requirements of the LAHC Home Modifications Guidelines available on the Department of Communities and Justice (DCJ) website. These Guidelines provide assistance in managing tenant requests for home modifications to meet the disability needs of tenants with the roll out of NDIS. LAHC will not meet or be responsible for the cost, repair, servicing, or removal of any modifications.

1.3 When is LAHC approval required for certain disability modifications?

LAHC's prior written consent is required:

- where the disability modification to a property either:
 - exceeds \$30,000 excluding GST
 - changes the number of bedrooms at the property
 - requires owner's consent under planning legislation or
 - reduces the value of the property.
- However, if a CHP, Health Professional or Maintenance Contractor or LAHC/DCJ identifies any disability modification works as a safety/health risk:
 - the works must be carried out within 72 hours regardless of whether LAHC's written consent has been given.

2. Procedure

2.1 How to apply

Where LAHC's consent is required as per section 1.3 of this document the CHP's request must:

- be made in writing through completion of the LAHC Application Form attached to this procedure (see "Disability Modifications Application Form" for proposed disability modifications to LAHC-owned properties)
- contain an occupational therapist (OT) report *excluding* those disability modifications listed in LAHC's 'Modifications not requiring an Occupational Therapist Report' document, available on the DCJ website
- be signed by the CHP's Asset Manager, or an authorised officer, and
- sent to LAHC at LAHC-CHPEnquiries@fac.s.nsw.gov.au

LAHC will consider the application and advise of the decision as soon as practicable

Note: if the Application Form is not completed in full, the application may be declined.

3. Responsibilities

3.1 Delivery of urgent modifications

In order to support tenants living with disability, LAHC expects priority will be given to modification works as follows:

- works identified as safety/health risk by a Health Professional, Maintenance Contractor or LAHC/DCJ required to be completed within 72 hours (with immediate on site attendance required on receiving notification of the risk or component failure).

3.2 Responsibilities and conditions for disability modifications requiring LAHC's consent

CHPs must:

- submit a detailed written request of the disability modifications, copies of the OT report (if required), and source all the documentation required in the Application Form
- obtain and provide copies of all required third party approvals, including 'in principle' approvals, and final approvals relating to the disability modification
- oversee the construction of the work and repair any damage to the property caused during construction work - (Short Term Lease, Long Term Leases issued after 1 January 2021, and applicable from 30 June 2021 for a Social Housing Management Transfer Lease issued prior to 2021)
- ensure compliance with all relevant statutory requirements and codes including but not limited to the National Construction Code, Home Building Act 1989, Work Health and Safety Act 2011, Work Health and Safety Regulation 2017, and Building Sustainability Index (BASIX) - (Short Term Lease, Long Term Leases issued after 1 January 2021, and applicable from 30 June 2021 for a Social Housing Management Transfer Lease issued prior to 2021)

- ensure work is carried out by qualified/licensed contractors - (Short Term Lease, Long Term Leases issued after 1 January 2021, and applicable from 30 June 2021 for a Social Housing Management Transfer Lease issued prior to 2021)
- pay all costs associated with the building, installing, maintaining, servicing and removal of the modification
- ensure all works that require LAHC's written consent as outlined in section 1.3 are:
 - scoped within 3 business days of receiving a request from a tenant or health professional
 - and an application made to LAHC within 3 business days of the request (longer may be allowed if OT report needs to be commissioned)
 - once approved by LAHC, works should be completed within 12 business days (or longer by agreement with LAHC).
- notify LAHC when work is completed and submit completion certificate that demonstrates that the works were completed as per scope and statutory requirements.

3.3 Responsibilities and conditions for ALL disability modifications

CHPs must undertake the following in relation to all disability modifications irrespective of the nature or cost of the disability modification or whether LAHC approval is required.

CHPs must:

- obtain copies of all required third party approvals, including 'in principle' approvals, and final approvals relating to the disability modification
- oversee the construction of the work and repair any damage to the property caused during construction work (Short Term Lease, Long Term Leases issued after 1 January 2021, and applicable from 30 June 2021 for a Social Housing Management Transfer Lease issued prior to 2021)
- ensure compliance with all relevant statutory requirements and codes including but not limited to the National Construction Code, Home Building Act 1989, Work Health and Safety Act 2011, Work Health and Safety Regulation 2017, and Building Sustainability Index (BASIX) - (Short Term Lease, Long Term Leases issued after 1 January 2021, and applicable from 30 June 2021 for a Social Housing Management Transfer Lease issued prior to 2021)
- ensure work is carried out by qualified/licensed contractors (Short Term Lease, Long Term Leases issued after 1 January 2021, and applicable from 30 June 2021 for a Social Housing Management Transfer Lease issued prior to 2021)
- pay all costs associated with the building, installing, maintaining, servicing and removal of the modification
- Completed disability modifications must:
 - be kept at Maintained Standard throughout the lease term (see section 3.2 of the AMF); and
 - be removed from the property and disposed of/relocated at the CHPs expense and any damage caused by the removal/disposal and relocation to the property must be made good by the CHP at the CHP's cost OR
 - as determined and directed by LAHC at its sole discretion, becomes the property of LAHC.
- As per the AMF reporting requirements, all completed disability modifications must be recorded in CHIMES detailing the type of modifications undertaken and the funding sources.

4. Enquiries

CHPs are welcome to direct any queries regarding disability modifications to LAHC at LAHC-CHPEnquiries@fac.s.nsw.gov.au. When the submission is complete, the LAHC Assets Division will liaise directly with the CHP.

Note: Until 30 June 2021, the 'Disability Modification Works' process prepared under the Maintenance Engagement Deed will apply to Disability Modifications on properties managed under a Social Housing Management Transfer Lease issued prior to 2021.

DISABILITY MODIFICATIONS APPLICATION FORM

(Includes any development involving building work (internal and external) and ancillary development (sheds, walls, structures))

About this form

CHPs can use this form to submit a request for approval to undertake disability modifications to a LAHC-owned dwelling

When does this form need to be submitted?

- This form (and accompanying documents) needs to be submitted for all disability modifications on CHP-managed properties where LAHC's approval and/or owner's consent is being requested.

How to complete this form

- For all applications, ensure that parts A, B, C & D are fully completed & have been filled out correctly.
- Complete the document transmittal form
- Once completed you must submit this form and all attachments by email to LAHC-CHPEnquiries@facns.nsw.gov.au.

PART A

Site Details

Street Address:

Title Details:

Applicant Details

Name:

Company/Organisation:

Position/Role:

Email address:

Contact Number:

PART B

√ Please tick each box

- Description of Proposed Development
- OT report (unless exceptions apply)
- Itemised Scope of Works
- Estimated cost summary report for value of development

- Drawings that indicate the extent of works
- National Construction Code (NCC) Compliance
- Have any works been identified as an immediate safety/health risk?

PART C

Where a complying development certificate (CDC) is required for the disability modification in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Exempt and Complying SEPP), applicants should submit **ALL** CDC documentation required under the relevant local government's CDC requirements for LAHC review and approval. This should include the local government CDC form and CDC checklist.

√ Please tick the box to confirm

- Yes**, the proposal meets the conditions of Complying Development
- N/A**

PART D

Where a development application (DA) is required for the disability modification in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), applicants should submit **ALL** DA documentation required under the relevant local government's DA requirements for LAHC review and approval. This should include the local government DA form and DA checklist.

√ Please tick the box to confirm

- Yes**, the proposal is permissible with the consent of the local council and a Statement of Environmental Effects has been prepared which outlines the proposal (attached).
- N/A**

Applicants must ensure that all the check boxes have been ticked and that all the information requested is present before lodging the application with LAHC. The Asset Manager or authorised officer should please clearly write your name below and then sign and date the form to confirm that all required information is attached.

Name of Applicant (Block Letters)	Position Held:
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**ASSET MANAGER OR
AUTHORISED OFFICER**

SIGNATURE

Date

