

People with Disabilities WA
individual & systemic advocacy



Parliament of Western Australia - Economics and Industry Standing Committee

Inquiry into Short-Stay Accommodation

People With Disabilities WA (PWdWA)

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy.

We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run by and for people with disabilities and aims to empower the voices of all people with disabilities in Western Australia

President: Lisa Burnette

Executive Director: Samantha Jenkinson

People with Disabilities (WA) Inc.

Oasis Lotteries House, 1/37 Hampden Rd, Nedlands, WA 6009

Email: samantha@pwdwa.org

Tel: (08) 9485 8900

Country Callers: 1800 193 331

Website: www.pwdwa.org

Submission

Short stay accommodation is one of the range of holiday accommodation options now available to the general public. It's form has changed with the digital disruption of models such as Airbnb and Stayz to include many more houses, units and apartments that are classified residential dwellings. Currently residential dwellings are not required to provide any form of universal disability access. Therefore, the vast majority (over 99%)¹ of short stay accommodation that is advertised for the public is not able to be accessed by people with mobility disability, and not likely to be safe for people with other disabilities such as blindness and deafness.

Some online platforms allow searches for 'accessibility' but there is no consistent information provided and no guarantee that any of the information provided is accurate and means that a dwelling meets the standards set in the Building Code for accessible accommodation.

Our understanding is that, although this is yet to be tested, the current short stay industry is likely to breach the Disability Discrimination Act and, we believe, does not comply with the obligations under the United Nations Convention on the Rights of People with Disability². A number of Articles in the UNCRPD lay out what a State party should be aiming for to meet the obligations in relation to access to the built environment, and to goods, services and facilities that the general public can access, including tourism and recreation services.

A 2017 study in the United States shows an alarming trend which many people with disability in Australia have also experienced. "In a randomized field experiment of close to 4,000 requests for Airbnb rentals nationwide, people with disabilities were less likely to be preapproved and more likely to be rejected outright, researchers at the Rutgers School of Management and Labor Relations revealed"³. The study showed that a major factor behind the rejection of many requests was simple lack of physical accessibility in the advertised properties. Professor Lisa Shur of Rutgers School of Management and Labor Relations and one of the study authors said "Here's the flip side of our tech revolution: Platforms like Airbnb seem to be perpetuating or increasing opportunities for exclusion, both economic and social,"⁴.

Without any changes to the Building Code to mandate universal access in all housing, Australia and Western Australia is in the same position.

Regulating the online environment is difficult and even with good search options and requirements for identifying access features, there is still simply less than 1% of

¹ Based on searches of online websites and verified in Tourism Council WA submission

² <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

³ 2017 press release accessed 17/02/2019 <https://smlr.rutgers.edu/news/press-release-study-many-airbnb-hosts-close-door-people-disabilities-highlighting-concerns>

⁴ <https://www.nytimes.com/2017/06/02/technology/airbnb-disability-study.html>

dwellings that are accessible. The proposed changes to the Building Code that are currently being investigated⁵, would if successful provide a solution in 20 to 30 years time. Building in access to a Livable Housing Gold Level standard⁶ is the option supported by Disability advocates and the Australian Network on Universal Housing Design for the change to the Building Code. It is of course much more cost effective to build to this standard with the increased cost being closer to \$4000 to \$5000 on top of total build costs compared to retrofitting.⁷

Given the number of investment properties being built as residential dwellings and then put out for short stay accommodation, it makes sense for WA to be ahead of the game and start enforcing building to a higher standard for access now. This could be achieved through the R-codes and regulated through local government and the WA Planning Commission.

Similar to developments that have occurred with Strata Title properties that have gone to court on issues of access, this area of Short Stay Accommodation is full of discrimination that is likely to end in Court without clear action by Local, State and Federal governments.

People with disabilities WA recommends the following in relation to Short Stay Accommodation in Western Australia:

- 1. Any accommodation registering as short stay must provide accurate accessibility information through a checklist, which is available on any online site advertising the property.**
- 2. Short Stay Accommodation with no host staying overnight that is available for rent for more than 100 days should be required to meet Livable Housing Gold Standard.**

UNCRPD

Article 9 – Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

⁵ <https://www.abcb.gov.au/Initiatives/All/Accessible-Housing>

⁶ <https://aduhdblog.files.wordpress.com/2018/08/lhaguidlineseditionno4-2017.pdf>

⁷ Page 10

https://www.dss.gov.au/sites/default/files/documents/05_2012/national_dialogue_strategic_plan.pdf

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.

Article 19 – Living independently and being included in the community

c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 30 – Participation in cultural life, recreation, leisure and sport

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.