

# FIND OUT THE TRUTH ABOUT PRIVATE ROOMING HOUSES IN VICTORIA

## CALL THIS A HOME ?

Campaign for safe rooming houses in Victoria

### FACT SHEET

#### WHAT IS A ROOMING HOUSE?

A rooming house is legally defined as a house or building where four or more people each rent and share facilities such as a kitchen and bathroom. People often share rooms. Each resident has an individual relationship with the operator, rather than a collective tenancy agreement as in a share house. Rooming houses can be run privately or by non-profit community operators. Community houses are usually of a higher standard.

#### WHO LIVES IN ROOMING HOUSES?

In the past, most rooming house residents were single men. Today, an increasing number of families, including women and children, are being forced to live in unsafe private rooming houses due to a severe shortage of affordable housing. Increasing numbers of local and international students are also being forced to live in private rooming houses for similar reasons.

#### HOW MANY VICTORIANS LIVE IN ROOMING HOUSES?

The latest Census (2006) recorded approximately 4,500 people living in Victorian rooming houses, mostly in suburban Melbourne. This figure is likely to be under-reported.

#### WHAT ARE THE KEY ISSUES?

##### General

- Victoria has a severe shortage of affordable housing.
- This has caused greater homelessness and a proliferation of privately owned, and mostly unregistered, rooming houses in disused commercial space and suburban homes. These often involve illegal and unsafe building works.
- Inadequate regulation and the lack of mandated minimum standards mean that privately owned rooming houses can operate for maximum profit, with little regard for the safety or amenity of residents.

#### Issues for private rooming house residents

All rooming house residents have legal rights under the Residential Tenancies Act 1997. However, these rights (including the right to quiet enjoyment, 24 hour access to facilities, written notice of entry or eviction) are frequently violated by private operators.

Many residents feel powerless to advocate for their own rights due to fear of eviction, violence and intimidation. Residents are often unable to leave an unsafe situation as alternative accommodation options are extremely limited.

Private rooming house residents may face issues including:

- **Safety** Many private rooming houses lack smoke alarms, safe access and are poorly maintained. Residents can be exposed to harassment or violence by other residents, visitors and operators in communal areas and rooms.
- **Privacy** Rooms may not have lockable doors. Sharing of inadequate facilities can cause conflicts. There may be an inappropriate mix of residents, eg. women and children sharing with older single men. Increasingly, houses that are unsuitable for multiple occupants are being 'converted' into rooming houses using cheap and inappropriate building materials, eg. lounge rooms or office premises being partitioned with plywood boards.
- **Security** Residents have limited security of tenure and are often evicted with little or no notice. Residents are often harassed and threatened by landlords, other residents and uncontrolled visitors.
- **Financial exploitation** Residents frequently pay up to \$300/week for a small room and shared facilities. Rent payments are often more than half a person's total income, indicating severe housing stress. Landlords who direct debit rental payments from Centrelink payments have been known to keep taking payments after the resident has left. Operators withhold bond payments without good reason.
- **Health and hygiene** Shared facilities such as toilets, showers and kitchens are often inadequate, dirty and poorly maintained by operators



## The role of unregistered rooming houses in Victoria's crisis housing and homelessness systems

Victoria's chronic shortage of affordable housing has created the perfect environment for unscrupulous operators to profit by turning formerly unrentable properties into accommodation targeted at those excluded from the mainstream private rental market. With a captive audience and weak regulation there is no incentive for operators to provide safe, secure and affordable accommodation to individuals and families.

For people experiencing homelessness, private rooming houses are often the only accessible option during the long wait for transitional and public housing. Other than short-term shelters/refuges, or expensive and unsustainable options like motels, private rooming houses have filled the vacuum and are now a substantial part of Victoria's crisis housing system. This means that the need to make them safe is urgent due to their central role in housing thousands of homeless Victorians.



“The bedding wasn't clean”

### Issues for homelessness and housing workers

Every day workers in the homelessness sector are faced with private rooming houses as the only accommodation accessible for many of their clients. Rising rental costs, low numbers of available properties and a decline in public and community housing stock has created this situation.

Even as a last resort, workers should not be forced to offer housing advice that might place people at risk. This takes its toll on housing workers and contributes to workforce burnout and loss.

Both workers and people experiencing homelessness have to make difficult choices about whether it is safer to move into poorly regulated private rooming houses or to sleep on the street.

Housing workers inform clients to the best of their knowledge about any known issues in a particular rooming house and provide information on rights and responsibilities.

However, housing referral workers are not funded or resourced to inspect properties or to provide ongoing outreach or follow up services.

### ARE PRIVATE ROOMING HOUSE RESIDENTS HOMELESS?

The 2001 Census found that: “Residents of private boarding houses do not have a separate bedroom and living room; they do not have a kitchen and bathroom facilities of their own; their accommodation is not self-contained; and they do not have security of tenure provided by a lease.

“They are (considered) homeless (if they live in a rooming house for more than 13 weeks) because their accommodation does not have the characteristics identified in the minimum community standard.”

“I could only lock the bedroom door if I paid an extra \$25”



## WHO IS RESPONSIBLE?

Developments in the rooming house sector are being driven by the critical shortage of affordable housing. Ultimately, this is the responsibility of the Victorian and Commonwealth Governments. Increasing housing supply is essential to a lasting solution.

Rooming houses are governed by the *Residential Tenancies Act 1997 (RTA)*, the *Health Act 1958*, the *Health (Prescribed Accommodation) Regulations 2001 (HPA)*, the *Building Code of Australia*, and the *Planning and Environment (Planning Schemes) Act 1996*.

**Local government** is responsible for registering rooming houses and enforcing the provisions of the HPA. Operators can be penalised for running an unregistered rooming house. However, councils vary considerably in their monitoring and enforcement of rooming house registration and compliance. Anecdotal evidence suggests that the majority of small private rooming houses remain unregistered. Penalties pale in comparison with the profits on offer for private operators. Many councils believe they are under-resourced to effectively regulate this sector.

**Consumer Affairs Victoria (CAV)** is responsible for monitoring and enforcing the RTA. This includes the power to pursue matters such as excessive rent increases, failure to lodge bonds or issue receipts, loss of quiet enjoyment and unlawful evictions. Most importantly CAV has the power to investigate rooming house operators who breach the RTA, however, in practice they rarely prosecute those breaching the RTA.

There is no requirement for rooming house operators to be licensed or registered in the RTA. There is currently no mechanism to ban operators who continually break the law.

“I was evicted when I complained about the terrible drainage in the bath and shower”

“They just changed the lock while I was taking my son to school”



“It makes me sick when I see syringes lying around, especially in the bathroom”

## HOW MANY ROOMING HOUSES ARE IN VICTORIA?

The number of residents – at least 4,500 – suggests there could be between 700 and 900 rooming houses in Victoria. The majority of these would be smaller private rooming houses.

However the exact number is unknown, since many private operators do not register their premises as a rooming house and there is no adequate system to enforce compliance.

For example, in 2007/08 the Tenants Union of Victoria visited 110 rooming houses, of which 90% were unregistered but continuing to operate.

## WHO OWNS / OPERATES ROOMING HOUSES?

The majority of rooming houses are privately owned by individual landlords or companies. Most of these are never registered by their operators. A smaller number are community owned and managed.

Community rooming houses are also registered under the Housing Act which has higher standards than private rooming houses. Community rooming house operators support the call for comprehensive standards and share concerns over rogue operators who give all rooming houses a bad name.

There has been an explosion in unregistered rooming house operators leasing ordinary suburban homes. They profit by charging exorbitant rents and through over-occupancy of properties.

### WHAT HAS BEEN DONE ALREADY?

The Victorian Government has recently aligned legislative definitions to ensure the threshold for a rooming house is set at four people instead of six. This was a welcome step.

This alignment of definitions is often referred to in response to questions about the Victorian Government's efforts to make rooming houses safe.

Unfortunately, this small positive change fails to address the core issues undermining rooming house regulation. Much more needs to be done. The good news is that the short-term reforms required are straight forward and inexpensive.

### WHAT NEEDS TO HAPPEN?

The Victorian Government has stated its commitment to "... creating a framework for fair, transparent and efficient residential accommodation and enhancing protection for tenants including residents of rooming houses".

**For rooming house conditions to improve, the Victorian Government must introduce:**

1. **A set of comprehensive minimum standards to ensure the basic needs of all rooming house residents are met**
2. **More effective registration, monitoring and enforcement to bring hundreds of unregistered rooming houses into the system and ensure their compliance with standards**
3. **A licensing system to regulate the management of private rooming houses to prevent exploitative practices**



**“It was the lowest place I’ve ever stayed in my life, which includes 10 years in jail”**



#### Call this a home?

is a coalition of peak bodies, organisations and individuals committed to safe rooming houses in Victoria. We believe every Australian has a fundamental right to safe, secure and affordable housing.

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is supported by the Tenants Union of Victoria, Council to Homeless Persons, Victorian Council of Social Service, Community Housing Federation of Victoria, Anglicare, Eastern Access Community Health, Eastern Health, Family Support and Carer Respite Program, Hanover, Box Hill TAFE, HomeGround Services, Melbourne City Mission, Neami, North East Housing Service, PILCH Homeless Persons Legal Clinic, RMIT Human Rights Campaign Workshop, Rural Housing Network, Sacred Heart Mission, The Salvation Army, St Mary's House of Welcome, St Vincent de Paul, Wesley Mission, Westcare, Wintringham, Women's Housing, Yarra Community Housing and Youthlaw.

**“Stressful, unhygienic, expensive and sends you Crazy”**

