



New Rooming House Standards effective from 31st March 2013

- **Summary of Proposed Standards as contained in the Regulatory Impact Statement (RIS);**
 - **RAAV's response to the RIS and RAAV's recommendations;**
 - **Outcomes and the new standards**

Overview

RAAV prepared a 30 page submission in response to the Regulatory Impact Statement (RIS) issued by the Government for the proposed new Rooming House Standards.

RAAV generally supported the intent of the reforms proposed in the RIS as many of these were included in the "Rooming House Standards Taskforce Report" handed down in 2009. RAAV was represented on the Taskforce and agreed with most of the recommendations in the Report as they focus on providing additional safety and amenities for residents.

However, RAAV expressed disappointment to the Government that the RIS proposed a number of Standards which go beyond the scope of issues considered by the Taskforce. Consequently the Taskforce and RAAV's members did not have the opportunity to discuss these proposals and consider their implications.

RAAV's submission included comments on the 15 proposed Regulations. The submission identified five Standards that RAAV supported which came out of the "Task Force Report". It also identified six other Standards arising from the "Task Force Report" that RAAV supported in principle but where some changes should be incorporated to take into account operational or financial considerations.

RAAV raised concern that four Regulations would have significant financial impact on private registered rooming houses and affect their viability. Comments and recommendations on these four Standards were the main focus of RAAV's submission which were:

- Standard 6
- Standard 11
- Standard 12
- Standard 22

The submission highlighted that these four Standards as drafted would have severe financial and operational impacts on the rooming house sector resulting in undesirable and unnecessary costs. If implemented, they would result in a loss of current and future rooming house stock. RAAV conservatively estimated the loss of existing rooming house stock would be 29% and that a total of

244 private rooming houses would close, 1,708 rooms will be lost aggregating to around 623,420 room nights over a year with many former residents sleeping rough every night.

It is pleasing to note that the Department of Human Services, who prepared the RIS and reviewed RAAV's submission, accepted RAAV's detailed calculations and generally accepted RAAV's rationale on these four proposed Standards.

The following information summarises:

- The original Regulations proposed in the RIS;
- A brief summary of RAAV's comments to DHS in response to the RIS for 15 proposed Regulations;
- The outcome of RAAV's submission; and
- The regulations that will come into effect on 31st March 2013.

Whilst the following summary includes a detailed explanation about the new Regulations, RAAV's summary should be read in conjunction with the final rooming house minimum Standards produced by DHS which were published on 27th February. The full Regulations can be found on CAV's website by clicking on to the following link: <http://www.consumer.vic.gov.au/minimumstandards>

Summary of RAAV's response to the Regulatory Impact Statement (RIS), the proposed Regulations in the RIS and final outcomes

1. Standards in the RIS that RAAV endorsed

The RIS contained a number of standards that RAAV had previously endorsed as part of the "Rooming House Standards Task Force Report. These were.

	Subject	Requirement in the Standard
Standard 8	Bedroom windows	The window is fitted with a window covering that can be opened or closed by the resident and affords privacy for the resident.
Standard 16	Electrical requirements	All power outlets and lighting circuits are connected to: (a) A switchboard type circuit breaker; and (b) A switchboard type Residual Current Device that complies with nominated AS/ANZ Approval and Test Specifications (The Standard offers a selection of residual current operated circuit breakers).
Standard 17	Ventilation	Each habitable room in a Class 1b R/H and Class 3 R/H complies with the relevant BCA performance requirement.
Standard 20	Electrical safety checks	An electrical safety check must be conducted at least once every five years.
Standard 21	External windows	Each external window that is able to be opened is able to be securely fixed in a closed or open position without a key.

2. Standards that RAAV recommended required further consultation

RAAV requested that the following Standards be reviewed and/or clarified. DHS considered 37 submissions in response to the RIS but did not make changes to the proposed Regulations with the exception of Regulation 7 as indicated below.

	Item	Original proposal in the RIS	RAAV's recommendation	Outcome
Standard 7	Power outlets in residents rooms	Each room have at least one double power outlet	At least two electrical power outlets in working condition which may already be in existence	DHS accepted RAAV's recommendation as many rooms already have two working power outlets.
Standard 13	Laundry facilities	(a) Each owner provides a communal laundry trough or basin plumbed to a continuous and adequate supply of hot and cold water; and (b) a designated space next to the wash trough with hot and cold water supply outlets suitable for a washing machine; and (c) a clothes line or clothes drying facility.	The term "continuous" be removed from clause (a) as this may increase unnecessary usage of water and that clause (b) be amended to read washing machine or other clothes washing facility.	The original proposed Standard 13 included in the RIS has been gazetted.
Standard 15	Emergency plans and procedures	That clause (a) required the rooming house owner must prepare an evacuation diagram; and (b) the evacuation diagram is prominently displayed in each resident's room and in all communal areas.	That clause (b) read the evacuation diagram is prominently displayed in a conspicuous common area of the building and additionally where residents are residing of a short stay of less than 28 days in each resident's room.	The original proposed Standard 15 included in the RIS has been gazetted.
Standard 18	Lighting	All interior rooms, corridors and hallways have access to either natural or artificial light; and A habitable room has access to natural light including borrowed light from an adjoining room during daylight hours; and Artificial light during daylight hours appropriate for the room.	That this Standard provides more detail about what is required by rooming house operators	The original Standard 18 b included in the RIS has been gazetted.
Standard 19	Gas safety checks	A gas safety check must be conducted every 2 years.	That a gas safety check be conducted of all gas installations and fittings, except internal gas heaters, at least once every 5 years and that internal gas heaters be checked every 2 ½ years	The original proposed Standard 19 included in the RIS has been gazetted.

3. Standards that RAAV recommended be withdrawn or significantly altered

- **Standard 11** **Kitchen and food preparation area**
- **Standard 12** **Dining facilities**

The comments on these two Standards are combined as they interact with each other.

3.1 What the RIS originally proposed

Standard 11:

The proposed Standard 11 in the RIS was:

- Each resident has access to and use of a kitchen and food preparation area;
- If the kitchen and food preparation area is self contained within a residents' room, the following amenities are provided:
 - A sink;
 - An oven and cook top that are in workable condition;
 - A refrigerator with a minimum gross capacity of 80 litres that is in working order;
 - A storage cupboard with a minimum storage of 0.13 cubic metres;
- If the kitchen and food preparation area is communal, the following amenities are provided:
 - A sink;
 - Not less than one oven that is in working order for every 10 or fewer residents based on the resident capacity of the rooming house;
 - Not less than one four-burner cook top that is in working condition for every 5 or fewer residents based upon the resident capacity of the rooming house;
 - A refrigerator with a gross capacity of 400 litres that is in working condition;
 - Not less than one vented lockable cupboard for each resident based upon the resident capacity of the rooming house with a minimum storage space of 0.13 cubic metres.

3.2 Standard 12 Dining facilities

The proposed Standard 12 in the RIS was:

- Each resident of the rooming house has access to a chair and table for dining;
- If the resident capacity of the dining room is 30 residents or less and the dining facilities are provided in a common area:
 - the number of chairs provided is equal to two-thirds of the resident capacity of the rooming house; and
 - the number of tables provided is equal to the number of tables that would be sufficient for the use by two thirds of the residents, based on the resident capacity of the rooming house, at any one time; and
- if the resident capacity of the rooming house is more than 30 residents and the dining facilities are provided in a common area:
 - the number of chairs provided is equal to one third of the resident capacity of the rooming house; and
 - the number of tables provided is equal to the number of tables that would be sufficient for use by one third of the residents, based on the resident capacity of the rooming house, at any one time.

3.3 RAAV's key concerns with the proposed Regulations

RAAV stated that these Standards would result in extreme cost consequences for owners, decreased number of rooms within rooming houses, closure of existing rooming houses to comply with the new Regulations and the discourage new rooming houses being established with little to no real benefit to tenants through improved safety or amenity. This would result in negative outcomes for tenant's amenity and safety.

Added to this would be the unintended building permit consequences due to the remodelling of existing kitchens which may trigger the new Disability Access provisions. This may cost up to \$45,000 for a Class 1b rooming house (see All Areas Access report). Alternatively many Class 1b rooming houses would have to convert one rented room to a dining facility.

The submission pointed out that in RAAV members' experience, the kitchens currently being used for rooming houses, and in particular Class 1b rooming houses, are sufficient for the number of residents that reside in them due to their diverse living patterns.

The cost analysis found in the RIS was based simply on the cost of providing the extra items that would be needed due to the legislation, e.g. bench top oven/cook top, sink, lockable food storage cupboards, large refrigerator, hot and cold running water. The RIS did not take into account the full cost of implementing these measures including additional capital costs to expand kitchen and dining facilities estimated at about \$15,000 per Class 1b rooming house.

RAAV provided alternative costs using the same methodology in the RIS. This highlighted the overall cost variance to implement these two regulations as \$72 million compared with \$31 million in the RIS as the RIS did not include the opportunity cost of lost rental income, capital costs of upgrading the facilities, the decrease in amenity, increased homelessness or the potential cost of meeting disability requirements.

RAAV estimated that rents would rise an average of around 9% and over 200 rooming houses would close.

3.4 Outcomes

Regulations 11 and 12 now reflect usual rooming house operations. The final Regulations are:

3.4.1 Standard 11 (Kitchen and food preparation area) was amended to:

- (a) A food preparation area in each resident's room; or
in a common area; and
- (b) A sink in each resident's room; or
in a common area; and
- (c) An oven that is in good working order:
 - (1) In each resident's room; or
 - (2) In a common area, for every 12 or fewer residents of the rooming house who do not have an oven in their room, based on the maximum number of residents that the rooming house can accommodate; and
- (d) A cook top that is in good working order:
 - (1) In each resident's room; or

- (2) With four burners, in a common area, for every 12 or fewer residents of the rooming house who do not have a cook top in their room, based on the maximum number of residents that the rooming house can accommodate; and
- (e) A refrigerator that is in good working order:
 - (1) with a minimum gross capacity of 80 litres in each resident's room; or
 - (2) with a minimum gross capacity of 400 litres in a common area; and
- (f) Not less than one cupboard for each resident based on the maximum number of residents that the rooming house can accommodate:
 - (1) with a minimum storage space of 0.10 cubic metres; and
 - (2) that is lockable, if provided in a common area.

This outcome means that the requirement for cooking facilities in communal areas will be one stove per 12 residents (not one stove per 10 persons as originally proposed) and one cooking top (e.g a hob) with 4 burners per 12 persons (not one cooking top per 5 persons as originally proposed).

The storage cupboards will not be required to be vented and will be reduced in size from 0.13 cubic metres to 0.1 cubic metres. This will allow storage cupboards to fit better in common areas of older Class 1b rooming house kitchens and cupboards.

3.4.2 Standard 12 (Dining facilities) was amended to:

- (a) A number of chairs equal to the maximum number of residents that can be accommodated in a residents' room in the rooming house; and
- (b) A table that can comfortably accommodate the number of chairs referred to in paragraph (a)

This means if the room in the rooming house with the highest number of occupants is 2 persons, then a table and 2 chairs will be required. If a rooming house has a room with a family residing in it, e.g. a couple and two children, a table and 4 chairs will be required.

The rationale from the Government, which RAAV agrees with, is that if a family is present in a rooming house, they should be entitled to eat together as a family.

4. Standards that RAAV recommended be reviewed or altered

- **Standard 6 Locks on resident's room**
- **Standard 22 Entrances**

4.1 What the RIS originally proposed was

Regulation 6 Locks on resident's room:

The original proposal in the RIS was:

- (a) That the door is fitted with a single locking device that is operated by a key from the side that faces a person seeking ingress; and

- (b) The door is readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900 mm and 1100 mm from the floor.

Regulation 22 Entrances:

The original proposal in the RIS was:

- (a) Each entrance to the rooming house is fitted with a single locking device that is operated by a key from the outside and a lever that can be unlocked from the inside without a key; and
- (b) The main point of entry to the rooming house has:
- A window, lockable screen door, peep-hole, security chain or intercom system; and
 - External artificial lighting during non-daylight hours which provided a level of luminance appropriate to allow safe access to the rooming house and to screen visitors to the rooming house.

4.2 RAAV's concerns with the two Regulations

Experience shows that if incorrect locks are fitted then residents will simply replace those locks or add their own, and the RTA currently gives them a legal right to do so under sections 70-71.

RAAV stated that Standards 6 and 22 as drafted will result in cost consequences for owners, closure of existing rooming houses and the discouragement of new rooming house stock with only minor real benefit to tenants through improved safety.

RAAV commented that the majority of the features required in proposed Standards 6 and 22 provide no benefit with one exception. RAAV strongly supported that a resident's door and at least one of the other main points of exit from the rooming house should be "openable without a key from the side that faces a person seeking egress" Other aspects of the proposed standards mainly just add cost, reduce lock choice and eliminate important lock features on a cost basis.

4.3 Problems with proposed Regulations

RAAV pointed out that the highest objective of the door locking device is to secure your own property if you are not present to guard it yourself. The second highest objective of the door locking device is to protect yourself against unwelcome intruders.

Other objectives of a locking device on a rooming house bedroom door include:

- Lock types should be tamper proof to other residents;
- Resident can go to sleep with the door locked on the outside;
- Door should have an anti-lockout feature;
- Residents should be able to use the door in "passage" mode when not concerned about theft;
- Devices should suit retrofitting to existing hollow core doors;
- Doors should not require mortising.

The lock choice should not be over-engineered for the door and surrounding architrave, so that in the event of deliberate damage (kicking and punching) the design failure mechanisms would either be the lock itself or the centre of the door, but not the door perimeter (door splits) or the surrounding architraves (split architraves and electrical damage to light switches).

RAAV reported that discussions with a range of independent lock specialists confirmed there is no basic lock in existence which would meet the RIS proposed new lock standards as well as meet the traditional locking objectives and rooming house bedroom door locking objectives.

The same independent lock specialists believe it may be possible to meet all the required objectives of a rooming house bedroom door based on the use a mortise type locking device but there are several concerns with this type of lock. These relate to the costs of initial fitting and of ongoing replacement as mortise locks should only be fitted to solid doors.

As many rooming houses are conversions from Class 1a to Class 1b dwellings, mortise locks would require the removal and disposal of hollow doors, the supply, fitting and painting of solid doors, and the supply and mortise installation of new locks which would cost around \$1,000.

RAAV calculated the overall cost to comply with proposed **Standard 6** to be \$5.8 million compared with the \$1.1 million calculated in the RIS.

RAAV calculated the overall cost to comply with proposed **Standard 22** to be almost \$2 million compared with the \$ 389,859 calculated in the RIS.

RAAV's submission stated that our members have a clear understanding of the purpose and practicalities of rooming house bedroom doors and other locks, based on many years of their combined experience. The submission stated the proposed Standard is overly onerous, costly to achieve, impractical for residents and places residents at greater risk of accidental and intentional lockouts and associated reduction in safety due to increased incidents of sexual and other assaults.

4.4 RAAV's recommendations

RAAV noted that the addition of the term "single hand downward action or pushing action on a single device which is located between 900mm and 1100mm from the floor" is inconsistent with the recommendations made in the Coroner's Report (Coroners Report p36). RAAV recommended removing this term to better align the RIS proposal with the Coroner's Recommendations and that:

- Door lock types should be regulated in a manner which allows for a wider range of lock choice.
- The new Standards should achieve the majority of the intended safety benefits without reducing other aspects of resident safety or adding a disproportionate cost to industry and unjustified effect on rooming house closures.
- A lever style passage set and single cylinder/thumb-turn deadbolt would be more suitable.

RAAV's overall recommendation was simple - reword Standards 6 and 22 to read: "openable without a key from the side that faces a person seeking egress". This would provide the majority of the safety objectives that residents would require for a very minor cost and meet the objectives of the Standard with potential safety benefits; e.g. lives will be saved in the event of fire emergency escape without the need to replace a single door.

4.5 Outcomes

DHS generally accepted RAAV's rationale and recommendations and the new Standards which will provide the safety issues outlined in the "Rooming House Standards Task Force Report". The Standards will provide flexibility of the type of lock that may be installed at a much lower cost than

that proposed in the RIS. Revising the maximum height for a lock to be 1,500 mm will save significant refurbishing costs if owners need to make modifications to their doors.

4.5.1 Lock on resident's room Regulation 6

Consequently, the proposed Standards have been amended to:

That the door is fitted with a locking device that:

- Is operate by a key from the outside; and
- Can be unlocked from the inside without a key

4.5.2 Entrance doors Regulation 22

The Standard now reads:

Each entrance to the rooming house is fitted with a locking device that is operated by a key from the outside and that can be unlocked from the inside without a key; and

The main point of entry has:

- A window, peephole or intercom system; and
- External artificial lighting during non-daylight hours which provides a level of illuminance appropriate to allow safe access to the rooming house and to screen visitors to the rooming house.

DHS generally accepted RAAV's rational about the lock and excluded the requirements for external wire doors and security chains but the Standard will require a safety device, e.g. peephole, window or intercom system to be installed in one main entrance door and a workable light outside this entrance.

Note:

RAAV will be organising information sessions over the coming months to allow our members to identify how they will be able to comply with these new Regulations from 31st March 2013.