



The Registered Accommodation Association of Victoria Ltd (RAAV)

RAAV is an industry association that brings together privately owned and operated rooming houses (RH) in the registered accommodation sector. RAAV members meet the needs of low-income residents who require medium and longer term accommodation.

RAAV represents the views of the industry and creates a stronger, more cohesive and respected industry. RAAV's membership currently includes 110 members which represents close to half of the Registered Rooming Houses in Victoria.

RAAV is an active voice on behalf of its members. The organisation's core activity is to ensure minimum and acceptable standards in operating registered accommodation and promote application of best practice to raise the image and performance of all privately owned rooming houses. RAAV encourages private rooming house owners and operators to adopt Best Practice Guidelines to assist in the good conduct of business, to meeting their obligations and the wellbeing of residents in rooming houses and other registered accommodation. This activity is funded and approved by Consumer Affairs Victoria.

RAAV'S other core activities include:

- Making RAAV's members aware of the legislative requirements as promulgated by the Victorian Government in operating registered accommodation;
- Providing information and assistance to the Government and Local Government in the operation of rooming houses;
- Encouraging un-registered and un-licensed rooming house operators to adopt best Practice in their rooming houses and to seek registration and licensing.

Executive Summary

RAAV appreciates the opportunity to respond to the **Rooming House Minimum Standard Issue Paper Work Stream 2** (Issue Paper).

We have provided a great deal of comment and information below to assist you in understanding our position on many of the questions you have proposed.

In general, given the diverse nature of the cohort of tenants that exist in rooming Houses we see it as not desirable to implement inflexible directives on how rooming houses should be operated. While certain requirements may be advantageous to tenants in one situation it may not be in another. It is important to allow for difference in Rooming House operation and set up. This is easily understandable when you appreciate the different arrangements that exist between rooming houses, for example Shared and Self-contained rooming houses.

RAAV believes that many of the standards proposed in the Issues Paper have the potential to be overly onerous if implemented and cause the loss of Rooming Houses and decreased investment in critical affordable housing in Victoria.

Most of commentary about resident issues focus on the disadvantaged who stay in rooming houses. RAAV's surveying of members has shown that this cohort of residents only represents circa 35% of the total population. The balance of people are students, and blue and white collar workers on low incomes. Making changes only in relation to one cohort of workers could impact negatively on others.

A comparison is often made throughout this Issues Paper with what is in the residential tenancy minimum standards and the rooming house minimum standards. This approach fails to consider the fact that rooming houses are regulated under many different acts including the Public Health and Well Being Act and the Rooming House Operators ACT 2016. Often something missing in the Rooming House minimum standards is covered in another act. "Doubling up" in different acts should be avoided as it creates added complexity and confusion for all parties.

The mandating of certain activities in rooming house operations such as the weekly cleaning of a tenants' room will cause extreme cost pressures for operators that will close rooming houses and cause homelessness.

Some of the additional requirements that are being suggested such as "Cleanliness and Maintenance" are already covered or effectively under existing legislation such as the Public Health and Well Being Act (PHW Act). Overlapping legislation is unnecessary and will create complexity and confusion for operators and residents. RAAV feels that any existing problems with effective application of appropriate current legislation should be addressed instead of adding more.

RAAV believes that private landlords are the key stakeholders who will be affected and called upon to make any proposed regulatory change. We are disappointed that our voice was not heard or sought when the Issues Paper was being written. This is in stark comparison to the view of advocates which have been actively sought and their information treated as **Foundational** to this Issue Paper.

RAAV is disappointed to see that again effort for regulatory change is to be focused on the registered rooming house operators and not the unregistered. Registered operators on the whole wish to follow regulation whereas the unregistered don't.

Some of the suggestions proposals made by advocates to change or enhance the regulations will work against their desired outcome. For instance, the requirement for communal area in rooming houses for residents "social wellbeing". RAAV's members experience has been that most anti-social behaviour and disputes occur between residents in communal areas. Residents, in most cases, would be better served by minimising communal areas. This approach has been supported by the current Labor government. For instance, Martin Foley on the 4th August 2016 commented that ***"Shared communal living, bathroom and kitchen facilities are an outdated model of accommodation, especially for women often impacting on their physical and mental health and their pathway to a better life. Apart from far better physical conditions for tenants, it also means more opportunities for tenants to socialise with the surrounding community, reduced conflict among tenants."***

Rooming House Industry Overview:

The importance of the Rooming House sector

The Rooming House sector plays a pivotal role in providing affordable accommodation in the state of Victoria. It is one of the few remaining affordable private accommodation options left for people who are financially vulnerable or on lower incomes. They allow people to live in areas where normally they would be priced out of the market. Rooming Houses have traditionally housed the more vulnerable of our community but in the last twenty years there has been a major shift in who resides in them. Residents now include nurses, trades persons and office workers. They are also an important form of accommodation to the Universities for both their interstate, rural and international students who seek practical and affordable lodging.

The affordability of the industry is borne out by a comparison of the September 2015 Department of Human Services (DHS) Rental Report where it shows that the average cost of a one-bedroom flat in Metropolitan Melbourne costs \$330 per week plus utilities. This compared with a rooming house where individuals can generally rent a fully furnished room, share a kitchen, bathroom and living room for between \$150 to \$200 per week including utilities depending on factors such as the size of the room and location.

This represents accommodation that is 40% to 55% cheaper than the normal residential market for single occupancy. Without this housing, the current 10,000 low-income people who are being provided accommodation would struggle to find an affordable roof over their heads.

Rooming House Industry Explained:

Operational Model:

Very broadly speaking there are two types of operating models - the “**shared model**” and the “**self-contained**” model. The shared model operates with many more shared facilities such as toilets and showers while the self-contained model (also referred to as “New Generation or New Model”, see below comments) has more facilities in the rooms such as ensuites and/or kitchenettes.

Building Class:

From the building code perspective, the rooming house sector can be broken down into class 1B rooming houses (predominately “Shared model”, “New Model” and “New Generation”) and class three rooming house (“Traditional”). Each of the two types of rooming houses have these characteristics:

Class 1b Rooming House - They are normally residential houses that have been converted to rooming houses. They tend to be in the middle to outer suburbs. Based on surveys of our members the average number of tenants in these rooming houses is seven but can be up to twelve or as little as four. There is no on-site manager who attends the rooming house daily or has an office on site. To have an onsite manager would simply make the operation of these rooming houses financially

unviable. Most members report attending their 1B rooming house on average twice a week (weekdays and weekends) and taking phone calls and other communications from tenants three to five times a week. The management structure of 1b rooming houses, as opposed to class 3's, is that the 1bs don't have dedicated staff managing the rooming house. The smaller 1B rooming houses are often owner operated by a husband and wife or other proprietary partner arrangements. Most 1b rooming house operators only have one rooming house.

Class 3 Rooming House: A class 3 Rooming House tends to be a purpose-built multi-level residential building located traditionally in the inner-city areas. They house many more people than 1b rooming houses and often have various configurations of accommodation. These rooming houses are run on a much more commercial basis such as having dedicated office areas and often a manager who will attend the office daily. The economics of this sort of rooming house makes it feasible to have a manager. Over the past twenty years a number of these larger class 3 rooming houses have been sold and not replaced. Examples of this are the Oslo and the Gatwick in St Kilda both of which were sold to the Block Television show.

Recent Changes in both the Private and Public Rooming House sectors:

Rooming house accommodation has been going through a dramatic transformation over the past two decade. This has been because of the increased cost of housing in Victoria generally and Melbourne more particularly. Consequently, rooming houses have seen a shift in the demographics of its tenants. Whereas previously most residents of rooming houses would have been considered vulnerable or from a lower socio-economic background we now find that rooming house tenants are varied in their backgrounds. For instance, a survey by RAAV of its members found that many rooming houses now cater to students exclusively. Added to this we found that many more young working men and women choose to stay in rooming houses due to the affordability of this style of accommodation and their location close to work and transport.

As a result of this change many tenants have started to demand higher levels of amenity and privacy in their accommodation. In response Rooming House operators both in the private and public sector have started to provide more services within the tenant's room. This change is so widely recognised that in the options paper produced by Consumer Affairs Victoria as part of the Residential Tenancy Review reference was made to the "New Generation" rooming houses (pg 137 section 9.1), see below:

"a new class of so-called 'new generation' rooming houses is emerging to cater to young professionals (such as health professionals wanting to reside near hospitals) and international students. 'New generation' rooming houses may include purpose-built developments providing residents with their own ensuite facilities and may be operated as rooming houses but designed to have very few shared facilities."

The main difference of the "New Generation" to the traditional rooming house model is that residents are provided with more services in their rooms (shower, toilet, bench top etc) while providing less space for shared areas such as bathrooms, kitchens and communal living areas. The resident is provided with a more "self-contained" bedroom model within the context of the overall

self-contained dwelling. Added to the enhanced amenity for residents this model has been widely recognised as providing a safer and better environment for the tenants to live in, especially for females. So much so that this self-contained room design has been supported by Minister for Housing, Disability and Ageing Martin Foley who announced on the 4th August 2016 a \$10 Million upgrade to a number of government owned rooming houses to convert them to self-contained rooms. Martin Foley said:

*“The rooming houses, which currently have shared facilities, will be converted into community housing properties with security and **self-contained accommodation**. The project provides an opportunity to not only improve the **safety** and **amenity** of rooming house accommodation but will allow disadvantaged tenants to better engage with community and support services.*

Shared communal living, bathroom and kitchen facilities are an outdated model of accommodation, especially for women often impacting on their physical and mental health and their pathway to a better life. Apart from far better physical conditions for tenants, it also means more opportunities for tenants to socialise with the surrounding community, **reduced conflict among tenants**.”

In 2018 there was a great deal of media coverage generated by Kate Langbroek’s alleged assault at the hands of a rooming house resident staying at the Regency Rooming House in St Kilda. In response to Kate’s request for action Minister Foley announced that they would spend “ \$6 million to convert the building into 37 self-contained units for mature-aged, disadvantaged women” (<https://www.theage.com.au/national/victoria/residents-booted-from-st-kilda-boarding-house-over-violence-drug-use-20180308-p4z3h6.html>).

This concept of self-containment within a building has been legislated in New South Wales under their **Affordable Rental Housing 2009** legislation sections 25 to 30. This legislation allows for Boarding House rooms to be totally self-contained including their own kitchen and bathroom. This legislation allows for the provision of only minimal shared areas within the building with most services and amenity being provided in the tenant’s room.

To assist in your understanding of the “New Generation” rooming house we have included a photo of an actual room in an existing building with the tenant’s commentary:



“I had to find a new place to live after a relationship breakdown. Being heartbroken I was not in a mental state to be able to cope with living in a shared house. I love living here as I have my own space and everything I need to get back on track. Also, being close to work and friends was important”

Tenant is a primary school teacher of moderate income.



Fairfield Rooming House - Providing residents their own space means a much higher level of amenity compared to tenants sharing common areas.

Legislative Change and Unregistered Rooming Houses:

RAAV has generally supported regulatory changes over the last decade. During this period there has been extensive change in the Legislation that covers rooming houses. This has included:

- The introduction of the RESIDENTIAL TENANCIES (ROOMING HOUSE STANDARDS) REGULATIONS 2012
- The introduction of the ROOMING HOUSE OPERATORS ACT 2016,
- Changes to the Planning and Environment Act 1987
- Changes to the RESIDENTIAL TENANCIES ACT 1997
- The introduction of Disability Standards under the Building Code of Australian.

Many of these changes were initiated from the Rooming House Standards Taskforce (Task Force) that RAAV participated in at the time.

RAAV had great hope that the above regulatory changes would lead to unregistered rooming houses being forced out of operation. Unfortunately, all these changes have failed to facilitate action against unregistered and unlicensed RH. We believe that most of the problems and poor operator behaviours that occur in the industry occur in unregistered RH's. The Operators who are registered and get licensed on the whole wish to follow the laws and meet standards. It is a little noted fact that the Rooming House Standards Taskforce sprung from the tragic fire that occurred at the **unregistered** RH in Sydney Road Brunswick. Even though the Task Force was formed due to the actions of an unregistered RH all the consequences have fallen upon the shoulders of the Registered Rooming Houses Operators. Most subsequent efforts from consumer affairs and councils have largely been focused on registered rooming houses meeting all the new requirements while unregistered operators have been ignored. Frustratingly their actions and misdeeds often reflect badly on registered operators. Once again RAAV and its members find themselves facing a suite of

potential changes that will increase the regulatory burden while there appears again to be no focus on those ignoring today's requirements let alone any new changes proposed.

Advocacy Groups Commentary and the lack of an Operators Voice in the Issues Paper:

RAAV's members are rooming house operators who are ideally placed to understand how rooming houses are run and the consequences of and the need for change. RAAV members operate close to half of the rooming houses in Victoria and interact with their residents daily. They visit their rooming house/s several times a week on average. The number of interactions that our members have with their residents over a year runs in to the hundreds of thousands. Despite this our views have not been sought to form the foundational comments in this Issues Paper. This we feel is a lost opportunity to have a balanced view in this process. To not be fully informed of all the issues being raised could lead to a very significant negative impact on affordable accommodation in Victoria. Added to this we see many issues raised within this paper from advocates that seem to reflect people's feelings and opinions. This is instead of quantitative measurements of what a problem is and what it is doing to the industry at large. If the industry is to be regulated on how people feel instead of measurable standards not being achieved, we are bound to fail.

Over an extended period RAAV has supported many legislative changes because we support a well-regulated industry. Over the last decade of extensive legislative change, we have observed continual advocate calls for change. It is the position of RAAV that many of these changes fail to show an understanding of the extreme cost, disruption and operational difficulties that would be involved in implementing them. Added to this we question how wide ranging the issues raised are and whether the events take place in a registered or unregistered rooming house. Often, we have no way of knowing this as no detailed evidence is provided of numbers of occurrences or status of the rooming houses. An example of this is the Peninsula Community Legal Centre report "Open the Door!". The report states that their objective was to visit people in "registered and unregistered" rooming houses and that they interviewed fifty residents only in the southeast. The subsequent criticisms of rooming houses didn't seem to detail if the rooming house was registered or unregistered, a very important detail.

Additionally, the cohort of people that most advocates represent are only one of the many different types of residents that reside in rooming houses. Based on surveys done by RAAV on their members the residents who are dependent on government assistance form only about 35%. There are also large numbers of students, white and blue collar workers staying in rooming houses. Many of the issue that advocates have raised do not apply to these other cohort of residents in rooming houses. This means that many of the changes they request create cost and red tape and provide no benefit to large portions of rooming house residents.

RAAV is at a loss as to why we have not been contacted when the views put forward in this initial Issues Paper were being formed. The multiple public submissions over more than a decade that we have made have not been referred. This contrasts with the works of many advocate groups cited. The lack of engagement with RAAV belies the fact that ultimately all the changes that are to be made will fall back upon the operators of rooming houses to implement.

RAAV's Response to Questions:

Door to resident's room (regulation 6)

Current regulation:

Door locks:

The door for entry to and exit from a resident's room must be fitted with a locking device that is operated by a key from the outside and can be unlocked from the inside without a key.

Question 1:

Does the current regulation for door locks to a resident's room adequately provide for the safety of residents? Are there further amendments that should be considered for this provision?

Answer 1:

RAAV's view is that the locks that were agreed to after much research and discussion when the standards were set initially are adequate and more importantly safe. We are not aware of any rooming house residents in registered rooming houses who have been caught in their rooms because they don't have a key, or the lock has failed to open from inside the room. This was one of the key findings from the tragic fire at the Sydney Road Brunswick unregistered rooming house.

The comments in the Issues Paper that related to damage to doors is not reflective of what happens to doors that are forced open. The comments relating to security focus on the door lock when in fact tenant's that damage their or other's doors don't damage the door lock but instead damage occurs

with the actual door or the frame surrounding the door. Almost always the door or frame needs repair and not the door handle itself when doors are damaged. Added to this fact we do not think that this is an issue that is prevalent across the Rooming Houses. Industry wide doors are rarely damaged by resident and the ones that are, are mostly damaged by the resident whose room it is. A common scenario is they lose their key and needing to enter their room quickly break their own door or door frame to get in. On the rare occasion this behaviour occurs it is more efficient to deal with the tenants' behaviour with breach notices under the Residential Tenancy Act than going to what would be the extraordinary effort of replacing every door and frame in the house with "panic room" grade materials. We don't believe that changing the system of door locks in the rooming houses will add any extra benefit to the tenants in relation to their safety. The issues that were raised initially in the minimum standards were properly resolved by the current arrangements.

Comments are also made in relation to existing locks being poorly maintained or substandard. We would suggest that the groups such as the Peninsula Community Legal Centre assist their clients to utilise the existing powers under the Residential Tenancy Act to compel operators to make repairs or replacements. We don't understand how the poor maintenance of door locks would provide evidence to change the door lock system.

Cost:

We would estimate that the cost to upgrade the door locks on every door in every Rooming House in the state of Victoria would be over \$19,880,000. This expense doesn't cover what it would cost to "panic room" proof every door and door frame in Rooming Houses, this cost would be many multiples of the door Lock costs.

Conclusion:

We don't believe that door locks in rooming houses need to be changed and that they have proven to be adequate for the purpose they are meant to serve. Any requirements to change door locks, the doors or door frames in Rooming houses would have an extreme cost to the industry that would lead to substantially less investment and the mass withdrawal of current rooming houses.

Power outlets in resident's room (regulation 7):

Current regulation:

Power outlets:

A resident's room must have at least 2 electrical power outlets that are in working order.

Question 2:

Are there further amendments that should be made to the current regulation for power outlets in addition to the clarification that they are required to be unoccupied?

Answer 2:

When this change was implemented by the Department of Human Services in the minimum standards it was very clear that the requirements was to have a minimum two power points in a room. There was never any ambiguity about the standard when it was done. A few years later consumer affairs who regulated minimum standards discussed with RAAV about Rooming House

Operators having two power points that are “unoccupied” in a room. What this meant was if you had a heater and fridge in the room then you would need two power points for those items and two free power points for other items such as chargers, lights etc. This was a very unfortunate development because by this stage Rooming House Operators had spent considerable amounts of money to meet the standards as they were presented to them

For many Rooming House Operators this change will mean more costly electrical work when they had already in good faith meet the standard that was set.

Other concerns:

RAAV is aware that operators could be exposed to contravention of this regulation based on the residents’ actions. Take the example where there are two unoccupied and two occupied power points before the resident entered the room. Subsequently if the resident then came with another heater and plugged it in then the operator would be in breach of the regulation.

We suggest that the regulation states the situation required before the resident enters the room. Drafting for your consideration without incorporating the change to number of power points:

“Power outlets:

A resident’s room, before it is occupied, must have at least 2 electrical power outlets that are in working order.”

Conclusion:

RAAV accepts that this change will be made and will assist our members to implement it. We do not believe that any other change needs to be made apart from the above suggestion re regulation drafting.

Windows in a resident’s room (regulation 8):

Current regulation:

Windows in resident’s room:

A window in a rooming house resident’s room must be fitted with a window covering that can be opened or closed by the resident and affords the resident with privacy.

Question 3:

Is the current minimum standard for window coverings in rooming houses sufficient? Are further provisions needed to improve standards for rooming house residents, such as including a requirement for window coverings to “reasonably block light”?

Answer 3:

RAAV does not endorse “blankets” being used as window covering. We would expect window coverings to be sourced from retail outlets that provide specific window covering furniture.

From the comments made as part of this section it seems that the main complaint is in relation to the fact that the furnishing used for window coverings by some operators are not fit for purpose.

Therefore, we would suggest that better action be taken against those operators not meeting the current standard.

RAAV also questions how a window covering can afford privacy without blocking light into the room given a proper blind is used in the room? What we would NOT like to see would be the requirements that light is completely blocked. This would not be appropriate because most tenants have their blinds down while in the room. During the day they like to have blinds that do allow some light into the room without opening the blind so that it isn't too dark in the room. If the blind was to completely block light, then they would have to open the blind and this would mean that they lose their privacy something that was critical to this standard. Obviously during the night this is not an issue and only the requirement of privacy is important.

Conclusion:

RAAV would like to note that it would be impossible to make everyone happy when it comes to the choice of window furnishing. We believe that the standard meets the requirements of tenants and that actions should be taken to identify operators not meeting the standard by using inappropriate blinds/blankets.

Bathroom facilities (regulation 10):

Current regulation:

Bathroom facilities:

A door to a shared toilet or bathroom facility must be fitted with a privacy latch which can be securely latched from the inside without the use of a key.

Question 4:

Is the current standard for bathrooms in rooming houses adequate in respect of residents' privacy, safety and amenity? Are there any other amendments that would improve this standard?

Answer 4:

RAAV strongly supports the need for residents using shared bathrooms to have security and privacy. The issues raised seem to relate back to the current regulation not being properly met. We would ask that this becomes a focus of any inspections that are done by either council or consumer affairs. Also, advocacy groups should be encouraged to request operators to fix any issues and failing that to assist their clients to enforce the standard. Also, RAAV would be happy to communicate to our membership any details of specific issues with this standard to ensure compliance.

Conclusion:

RAAV supports the current standard and isn't aware of any required amendments and none are presented in this paper to consider.

Kitchen and food preparation facilities (regulation 11):

Question 5 and 6:

Should providing residents with individual refrigerators and lockable cupboards in each residents' room be added to the rooming house standards? What issues would these amendments resolve or create?

Are there other amendments that could be made to the current regulation for kitchen and food preparation facilities that would improve rooming house operators' and residents' experience?

Answer 5 and 6:

RAAV would like to note that the standards currently require fridges in bedrooms if there is not a fridge in the common area.

RAAV has explained the different types of rooming houses in the introduction. We fully support tenants having fridges in their room when this is part of the model that the rooming house operator adopts. The same is true of locked cupboards in their room. However, we do not support mandating this as it would work against the more affordable accommodation model of shared accommodation. Generally, RAAV doesn't support standards that try to specify how a rooming house should be operated. It will always be better to set out an expectation and allow the operators to solve for the standard. We have seen over the years that this always produces the best result and through organisations like RAAV better outcomes by operators can be shared for better outcomes for all operators and residents.

Fridges:

The shared accommodation model has a shared kitchen and often a shared fridge providing the most affordable accommodation model and so the lowest rents for residents. Requiring rooming houses to purchase fridges for every room and then pay the cost of providing for an extra power point to meet new regulation 7 would be an extremely expensive exercise. It would result in increased rents or rooming house operators leaving the industry unwilling to or unable to afford the expense.

On a practical front it is quite often not appropriate for some bedrooms to have fridges put in them. This is because fridges can cause damage to carpet and underlay in rooms when they lose power or are turned off without being defrosted. If fridges are on first floors water from defrosted fridges that are not properly managed by residents can leak into tenant's rooms below and cause damage to their belongings. We have received feedback from operator that they have had to remove fridges from rooms and go back to a common fridge. This was because of the constant damage that was being done to carpets in bedrooms because tenants would turn their fridges off when going away for periods or leaving the room without discussing this with the operator and causing water damage from defrosting to the house and terrible odours due to rotten food.

Cupboard:

When the minimum standards were originally formed locks were excluded from being provided for cupboards in bedrooms because the door to the bedroom has a lock on it. This situation has not changed so we don't see the need now for locks on cupboards in bedrooms.

Cost:

We would estimate that the cost to add fridges and put locks on bedroom cupboards across the rooming houses in the state of Victoria would be over \$6,615,000. This would lead to a dramatic decrease in affordable housing and future investment.

Conclusion:

There are many good reasons to have fridges and locked cupboards in bedrooms. However, it would not be a good reason to mandate this. Not only would it decrease the diversity of available rooming houses it would impact the availability of the cheapest rooming house accommodation and given the cost involve dramatically decrease the investment in and the numbers of rooming houses.

We don't see a need to change this standard as it currently stands.

Dining facilities (regulation 12):

Current regulation:

Dining facilities:

Dining facilities in a rooming house must provide in a common area—

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

Question 7:

Do the current prescribed standards for dining facilities in rooming houses provide adequate privacy and amenity for rooming house residents?

Answer 7:

RAAV would disagree with the premise of your statement that residents need to be able to "simultaneously" prepare and eat meals in the kitchen if you mean all the residents in the house do so at once. As you point out rooming houses are not like share houses because the residents are not related and live mostly independently of each other. What is important to understand is that residents in rooming houses often follow very different timelines where some may be working shift, uber driving, studying, working from home or doing a nine to five job. As a result, you don't tend to see kitchens being required by the residents at the same times as you see in share houses or families. Instead, the use of kitchens is much more spread out due to residents differing schedules. There may be times where tenants will share the kitchen, but this is the nature of rooming houses that facilities at times need to be shared. It was with this understanding that the original standards were created to allow for a reasonable capacity in the kitchen and the dining facilities to cater for the maximum number of people in a room who are related. Many operators provide tables in

tenants rooms along with a table in any common area to give the residents the option to eat privately. The feedback that operators get from residents is that they most often prefer to eat in their room because this is where they have the most privacy.

RAAV's members don't experience ongoing issues with shared kitchens under the existing standards. The problem with extending the existing requirements or creating more space for the kitchen and dining areas is that you will have to remove existing bedroom space, so reducing available accommodation, or build more space which could trigger disability requirements under the Disability Access Standards. The cost of providing disability access, even if it isn't needed, has been estimated by the federal government to cost \$45,000 per house. Based on our experience in building rooming houses this building expensive is often 50% higher than the government estimate.

The new model rooming houses with self-contained facilities have the kitchen and dining facilities in the room and so residents are not required to share with others. Here the above-mentioned issues are not a consideration.

Cost:

We would estimate that any changes that required extra building or the loss of accommodation will cost at a minimum \$16,380,000. This would lead to a dramatic decrease in affordable housing and future investment.

Laundry facilities (regulation 13):

Current regulation:

Laundry facilities

The rooming house operator must provide—

- (a) a communal laundry wash trough or basin plumbed to a continuous and adequate supply of hot and cold water; and**
- (b) immediately next to the laundry wash trough or basin, a designated space with hot and cold water supply outlets suitable for a washing machine; and**
- (c) a clothesline or other clothes drying facility.**

Question 8:

Does the government's commitment to clarifying that there must be one set of laundry facilities for every 12 residents address the issues for laundry facilities in rooming houses? Are there any other amendments that would improve this standard?

Answer 8:

We support the clarifying that there needs to be one set of laundry facilities for every 12 residents. It is important to note that laundry facilities should be kept at a ratio of 12 residents because the 1b building classification allows for up to 12 residents.

We are not aware of any other requirements or changes that are needed and there are no other options that are presented for us to comment on.

Emergency plans and procedures (regulation 15):

Current regulation:

Emergency plans and procedures

- (a) The rooming house owner must prepare an evacuation diagram for the rooming house in accordance with section 3.5 and Appendix E of AS 3745 Planning for emergencies in facilities, as published from time to time; and
- (b) the evacuation diagram must be prominently displayed in each resident's room and in all common areas.

Question 9:

Are the standards for emergency plans and procedures adequate to address emergencies in rooming houses? What are some of the unique risks posed by certain rooming house types in relation to emergency management?

Answer 9:

Rooming houses have a much higher level of fire safety than a residential house because they have:

- Evacuation drawings under regulation 15.
- Rooming houses as class 1b or 3 buildings have requirements under the building code to meet essential safety measures such as interconnected smoke alarms in bedrooms that don't exist in normal residential buildings. Other measures include fire blankets and fire extinguishers. These measures have heightened service and testing requirements.
- Under regulation 6 of minimum standards door handles must be able to be open from the inside without a key.

The current regulation 15 was suggested by the Metropolitan Fire Services Board at the time of the standards being put in place. It was recommended that the evacuation drawings had to be in the common areas not the bedrooms because egress from a bedroom is not very difficult and then the diagram is available in the common area. The current standard is best practice.

In relation to the comment about "high rise buildings" we are not aware of any rooming houses that are situated in high rise buildings. This comment may be more appropriate for student accommodation that has many high-rise buildings built for it.

Conclusion:

RAAV believes that the current regulation is appropriate and along with the other safety measures required in rooming houses that the safety levels are very high. We are also not aware since the Sydney Road Brunswick unregistered rooming house fire over 16 years ago of any fire deaths in a registered rooming house.

Electrical requirements (regulation 16):

Question 10:

Are there any improvements that could be made to the standards for electrical requirements?

Answer 10:

RAAV supports the continuation of this regulation.

Ventilation (regulation 17):

Question 11:

Are the standards for ventilation in rooming houses satisfactory? For example, were any issues concerning ventilation raised during the COVID-19 pandemic?

Answer 11:

The issue of carbon monoxide poisoning is mitigated by the gas checking that has been done in rooming houses since the minimum standards were in place in 2012. RAAV is not aware of any carbon monoxide poisoning occurring in a rooming house.

The current requirements meet BCA requirements that go through a rigorous process to be determined. No change is required.

Gas and electrical safety checks (regulations 19 and 20):

Gas Safety Checks

Current regulation:

Gas safety checks:

A gas safety check must be conducted at least once every 2 years by a licensed gasfitter of all gas installations and fittings at the rooming house.

Question 12:

Are there any issues with introducing the new gas safety regulations for rooming houses? Are there other improvements to gas safety check requirements that could be made?

Answer 12:

No issues. We believe the Australian Standards do not need to be improved on.

Electrical Safety Checks

Current regulation:

Electrical safety checks:

An electrical safety check must be conducted at least once every 5 years by a licensed electrician of all electrical installations and fittings at the rooming house.

Question 13:

Are there any foreseeable issues with increasing the frequency of electrical safety checks from five years to every two years? Are there other improvements to electrical safety check requirements that could be made?

Answer 13:

RAAV support electrical checking in rooming houses.

RAAV members are soon to do their third round of electrical safety checks. These checks are very expensive, more so than the gas test, because the electrician must check and test every electrical device, outlet and light in the house. It is also very disruptive for tenants as this check also is done in their rooms. Given the lack of electrical accidents in rooming houses since the minimum standards were introduced, we would question the need to decrease the frequency from five years to two years.

RAAV believes there is no need to improve on Australian Standards requirements.

Record keeping requirements (regulations 23 to 25):

Current regulation:

Requirement to keep record of gas safety check:

- (1) A rooming house owner must retain a record of a gas safety check conducted in accordance with regulation 19 for a period of 2 years after the date that the gas safety check was conducted.**
- (2) A record under sub regulation (1) must include the details of the licensed gasfitter who conducted the gas safety check.**

Current regulation:

Requirement to keep record of electrical safety check:

- (1) A rooming house owner must retain a record of an electrical safety check conducted in accordance with regulation 20 for a period of 5 years after the date that the electrical safety check was conducted.**
- (2) A record under sub regulation (1) must include the details of the licensed electrician who conducted the electrical safety check.**

Current regulation:

Production of records:

A rooming house owner must ensure that records required to be kept under this Part are made available for inspection by the Director if the Director investigates for the purposes of section 131A of the Act.

Questions 14:

Are there any issues with bringing the record keeping requirements for gas and electrical safety checks in line with the Residential Tenancies Regulations 2021? Are there other improvements that could be made to the record keeping requirements?

Answer 14:

RAAV supports these changes. Consumer affairs have regularly requested records of gas and electrical safety from rooming house operators.

Lighting (regulation 18):

Question 15:

Have the prescribed standards in relation to lighting, external windows, and entrances in rooming houses been adequate in providing rooming house residents with privacy, safety, security, and amenity? Could these standards be improved?

Answer 15:

Lighting:

Requirements under the current requirements are satisfactory and follow the requirements of the building code.

External Windows:

We are of the view that “securely fixed in a closed” position in the current regulations means that a window must be able to be locked when closed. The important point here is that it can’t be locked by using a key. No key is allowed, and it must be able to be locked in a key less fashion. We have no issue with the incorporation of window locks or bolts as options to close a window. We would also suggest that an awning style window winder is included as an example meeting the standard. Window winders without locks allow windows to be secured in the open or closed position better than bolts or locks.

Windows that can’t be closed are a maintenance issue that an operator should address.

Entrance:

RAAV has no idea what a “proper lock” means. The standard locks used on front doors are fit for purposed. These comments about residents’ “feelings” are a very subjective measure. It will be impossible for rooming houses to operate if regulations are determined based on how unspecified numbers of people “feel” at any moment in time. If locks are not satisfactory in securing a front door, then tenants should be encouraged to act against operators to ensure regulations are met.

Exemptions (regulations 26 and 28):

Question 16:

Do you have any feedback or suggestions on the grounds for grant of exemptions?

Answer 16:

RAAV believes that the term “not able to modify” should be defined to include instances where it makes an existing rooming house financially unfeasible, and it could close. It is possible to do most things but whether or not you would do it is another matter. The implementation of the minimum standards was the first of many regulatory changes over the last ten years in the Rooming House Industry. RAAV has observed a dramatic increase in the difficulty of setting up and then running a rooming house due to these changes. The result has been the loss of investment and existing housing in the market. We think that in matters not related to people’s safety that there should be the ability to not do something due to a financial burden. In many cases it would make more sense for residents to have a roof over their heads than a non-life-threatening regulation met.

Additional reforms:

Communal living areas and cleanliness:

Provision of communal space:

As we have commented previously about Rooming Houses having different operating models this too applies to communal living areas. Common areas in the “new model” rooming houses are designed to be minimalist. Residents live in a very similar fashion to people in apartment buildings. This form of accommodation is very popular with residents. As these rooming houses are more capital intensive their rental costs are higher than in the old-style shared model.

Rooming Houses that have a shared model may or may not have a living area. What our RAAV members have found is that most of the anti-social behaviour, mess, noise, drug taking, and violence happens in the communal living area. Many people who advocate for living rooms and communal areas mistakenly think of rooming houses like family homes or even share accommodation. In these households’ families and friends decide to live together. In rooming houses residents almost

exclusively come on their own and then reside under the same roof with unrelated parties. The residents are normally of different ages, gender, culture and nationality. Our experience is that these tenants overwhelmingly are not interested in joining in with other residents to share their day-to-day activities. In fact, most rooming house operators report that their houses are empty during the day and early evenings as people are out working, studying or socialising. The residents of rooming houses tend to want to be left to themselves and not be disturbed by the other unrelated residents in the house. By far the most common complaint that rooming house operators get from residents in houses with living rooms is the anti-social behaviour and noise that other residents make there.

Another problem with retrospectively mandating living rooms in a rooming house is that you would have to either repurpose an existing bedroom or add more floor space. To change a bedroom into a living area would mean dramatically reducing affordable accommodation in Victoria. To create more floor space would require very expensive building works. Additionally, this building work could trigger disability requirements under the Disability Access Standards which have been estimated by the federal government to cost \$45,000 per house. Based on our experience in building rooming houses this building expense is often 50% higher than the government estimate.

RAAV is not taking the position that rooming houses shouldn't have living rooms just that they should not be mandated for the very good reasons above. To enforce such a requirement would lead to much reduced accommodation and a decrease in investment in the industry.

Cost:

RAAV estimates that the cost for the industry would be a minimum of \$16,380,000 and substantially more if building works were required.

Window coverings in living areas:

RAAV is not against rooming houses having window coverings in living rooms but as with other suggestions we would not recommend that it is mandated. The reason that window covering was not mandated initially is that the requirements for privacy in a rooming house is centred around the resident's room. Given that residents are living with non-related people the concept of privacy in the communal areas is not as critical as in their bedrooms where the resident expects privacy. Also, we have been given feedback from operators that where communal areas have blinds or curtains, they are almost always left open and effectively not used. The comparison with family rentals is not appropriate given that fact that the house contains nonrelated people who have a much lower expectation of privacy in communal areas.

Cost:

RAAV would estimate that the cost to add curtains and blinds to communal areas across the Rooming Houses in the state of Victoria would be over \$560,000.

Cleanliness:

RAAV contends that the cleanliness standards already set out in the Public Health and Wellbeing Act are more than satisfactory. Prescribed accommodation such as Rooming houses, unlike all other rental accommodation, have annual inspections by council health departments (CHD). Also, neighbours, the general public and residents can complain to CHD about noise or cleanliness issues and rooming houses will face further inspections. The consequence for rooming houses who don't follow CHD direction is dire as they can lose their registration which can then lead to the loss of their Rooming House License. Our members experience of CHD health inspections is that they are very thorough and any issues with cleanliness, mould, pest infestation, minimum standards and building deterioration receive direction to be fixed. These directions are followed up and enforced.

RAAV opposes the requirement to mandate weekly cleaning of Rooming House common areas and bedrooms. Not only because it would impose such a financial burden that the private rooming house industry would effectively close but that the residents in the rooming house would be completely opposed to the imposition on the private enjoyment of their rooms. RAAV members often report that residents complain that the six-monthly check of smoke alarms in their rooms is an impost on them. To suddenly impose a stranger entering their room every week to clean would be unacceptable to most residents. Another consideration is the security of residents' rooms if they suddenly had strangers coming in every week. Most residents have valuables in their room which would suddenly be exposed on a weekly basis to someone having access to them.

RAAV doesn't object to rooming houses having cleaners just against it being mandated. We are aware of many ways that rooming houses are kept clean. In the case of the New Generation Rooming Houses there are minimal common areas often just a hall and laundry so little needs to be done. In the case of the shared model there are a few different approaches that operators take. Sometimes they provide rosters for the residents to clean themselves, or cleaners are engaged to clean the common areas. In other cases, residents don't require assistance from the operator and organise the cleaning themselves.

Please see written comments from a current operator around cleaning in their rooming house:

“As long as the common areas are maintained clean, sanitary and hygienic, why does it matter how that happens?”

Our experience with regular cleaners in common areas has been that the residents do nothing as they know the cleaner will come and expect that the cleaner will clean up after them. It was often the case that two days after the cleaner had been, you couldn't tell there was a cleaner. Major items like ovens, exhaust fans etc can be done a couple of times a year or as required. By encouraging residents to clean up after themselves they get a better sense of wellbeing and can take more ownership over their living conditions.

We have even had residents in one rooming house ask us to stop sending a cleaner as they said they were more capable of better maintaining the cleanliness!"

In relation to the cost of this exercise, members report that cleaning a tenant's room when they leave is on average \$120. If this was required to be done in every room every week an average rooming house would cost an extra \$45,500 per year to run. For the industry this equates to a bill of \$63,700,00. This would mean that the rents in a rooming house would have to rise by over 50% which the tenants would not be able to afford. As mentioned above this would effectively close the private rooming house industry putting over 10,000 people on the street effectively overnight.

RAAV is not clear why a suggestion was made that "weekly cleaning of communal areas and residents' rooms" should be made the responsibility of the operators. It is not operators who make the mess in residents' rooms, this is clearly done by the resident. We have explained above why this is such a bad idea, but we are at a loss as to why this would even be suggested. Are we now treating residents as such children that they can't even be expected to clean up after themselves in their own room? While there may be specific rooming houses where these cleaning services are required for residents due to illness or disability to make this an industry wide regulation would be inappropriate. Residents should be encouraged to clean up after themselves for their own sake to encourage life skills and personal development.

Cost:

RAAV estimates that the cost to clean weekly tenants' rooms and communal areas across the rooming houses in the state of Victoria would be \$74,620,000.

Heating, cooling and energy efficiency:

RAAV agrees with the assessment about the difficulties in making any changes in rooming houses for heating, cooling and energy efficiency across the board. Any proposal would have to be weighed against the cost and potential loss of accommodation and future development. It should be noted that many of the issues raised are being improved and incorporated in new building and renovations by the building code.

Operators in general are very interested in improving the heating, cooling and energy efficiency of their rooming house as they pay for this cost themselves in most instances.

Maintenance:

RAAV does not agree with the Peninsula Community Legal Centre's (PCLC) view repeated in this Issue Paper that mould and pest infestation is a "significant problem in Victorian rooming houses". The PCLC's Open the Door! report spoke to 50 residents out of total population of 10,000 plus in Victoria. Added to this these residents were only located in a certain area of Victoria. RAAV members operate close to half of the rooming houses in Victoria, they interact with their tenants daily. They visit their rooming house several times a week on average. The number of interactions that our members have with their tenants over a year runs in to the hundreds of thousands. Our

members do not report a crisis in mould and pest infection in their rooming houses. If such things arise, which will at times, they will be obliged to deal with it. If they failed to, then at a bare minimum, council and consumer affairs inspections would bring these issues to a head. We note that the PCLC's Open the Door! report doesn't appear to explain if the rooming houses they visited were registered or not.

The comparisons the Issues Paper make to the residential rental sector is inappropriate as this sector is not regularly inspected by either the council health department or consumer affairs. Therefore the question is raised as to why there would be extra standards added.

As discussed previously under the heading "cleanliness" rooming houses fall under the PHW Act and so are regularly inspected by the health department of councils. Any issues found that relate to mould or pest infestation would quickly be raised by the council officers and enforced if an operator failed to act. The consequences for an operator of not following council direction is potential loss of registration and license.

Personal Mailboxes:

We agree with the comments in the Issue Paper that this proposal is not practical.

Blind cord safety anchors:

RAAV agrees that the proposition in this suggested regulation will protect children and so it should be considered. We are not aware of any of our members providing accommodation for children. We do not feel that a rooming house housing unrelated people is an appropriate place for young children. It seems that parents agree with us, and we do not see this cohort of tenant applying for rooming house rooms. This is not to say children are not staying in rooming houses. For instance, there may be all female rooming houses that have children within them.

Questions 17,18,19,20 and 21:

Please see detailed comments above for the below questions.

What would be the advantages and disadvantages of incorporating these additional reforms in the minimum standards?

Communal living:

RAAV view is that communal living areas should not be mandated for rooming houses. There are instances where they are appropriate and many where they are not. The state government has shown its own intention to provide self-contained rooming houses moving away from communal areas as they think is safer for females.

Window coverings in living areas:

RAAV view is that the expectation of privacy in common areas is not as great as bedrooms given the fact that residents are living with unrelated people. Rooming houses that do have window covering in living areas report that they are very often always left open.

Cleanliness:

RAAV view is that forcing the weekly cleaning of common areas and bedrooms will be so expensive that the private rooming house industry will no longer be financially viable. Added to this, residents will not want strangers entering their room on a weekly basis as their privacy will be disrupted as well as the security of their personal belongings.

Heating, cooling and energy efficiency:

As stated in the Issues Paper prior attempts to do this proved very complex and costly. As new buildings are added, and major renovations are done these issues will be addressed under current and future building regulations. It is in the operators' interest to have efficient heating and cooling as they most often pay for utilities.

Maintenance:

RAAV's view is that the issues of maintenance are dealt with by the current provisions under the PHW Act. Rooming houses are regularly inspected by council officers who do bring enforcement actions against operators when issues are present such as mould and pest infection. To then introduce more regulation under another act would simply be an unnecessary and confusing complexity that simply isn't needed.

RAAV's is also of the view that claims by Peninsula Community Legal Centre (PCLC) presented in this Issues Paper are not representative of the whole industry. PCLC in their paper appear not to specify if the rooming houses were registered or unregistered. Without this information it is very hard to know if any of it applies to registered rooming houses. There is also the issue of the very small sample of residents they spoke to.

Personal Mailboxes:

RAAV agrees this proposed regulation is impractical.

Blind cord safety anchors:

While RAAV members have not historically housed families given the nature of the accommodation we appreciate that there may be rooming houses that do house children, and this reform should be considered.

How would these additional reforms impact rooming house operators and residents and the availability and/or quality of rooming houses?

Communal living areas:

This change would reduce the rooms in existing housing and reduce the incentive to invest in the industry. Added to this it has the potential to trigger disability access requirements that the federal government estimated to cost \$45,000 per rooming house affected.

Window coverings in living areas:

The cost to industry would be \$560,000.

Cleanliness:

The cost to the rooming house industry would be \$74,620,000. This would close the industry over night.

Heating, cooling and energy efficiency:

Too hard to say unless the actions required were detailed.

Blind cord safety anchors:

Not cost prohibitive.

Are there any unintended consequences from reforms that need to be identified and considered?

RAAV's view is that many of the additional reforms that are being suggested are already covered by other existing legislation, are not necessary or are cost prohibitive and would result in homelessness, substantial rent increases and a decrease in future investment. Also, adding more reforms to the minimum standards when the identified issue is already covered under other legislation is unnecessary, creates legislative complexity and will confuse operators and residents. For instance, the requests to add regulations around cleanliness and maintenance are already covered by the PHW Act managed by councils. If there is a problem with the implementation of existing regulations, would it not be better to fix what is currently in place instead of adding more regulatory complexity across another piece of regulation.

Would the costs associated with the introduction of additional standards be likely to impact developer investment in the rooming house sector? What might these impacts be?

Communal living areas and cleanliness:

Yes, large capital expenditure to achieve the desired regulatory outcome and the triggering of costs such as disability access. This will decrease the attractiveness of investing in the industry.

Window coverings in living areas:

A capital cost of \$560,000 across the industry. Minimal impact on investment but increases in rent for residents to cover the cost of implementation.

Cleanliness:

Yes, this regulation will mean that the rooming house industry will no longer be financially viable to invest in or operate. The cost to industry we believe will be \$74,620,000.

Heating, cooling and energy efficiency:

As many of these changes would be complex but not specified here it is hard to clarify the impact.

Maintenance:

Yes, adding unnecessary regulatory complexity by doubling up on the PHW Act will discourage more investment in the industry from existing rooming house operators or new entrants. Running a rooming house is already very complexed, more complexity will discourage operators.

Blind cord safety anchors:

No impact on the industry and would not be cost prohibitive.

Are there additional issues relevant to the rooming house standards that have not been considered by this paper?

RAAV feels that the Issues Paper has been generated without seeking the view of the operators while actively seeking out the views of advocates in the industry. This has led to this issues paper presenting a very unbalanced view of current conditions.

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