

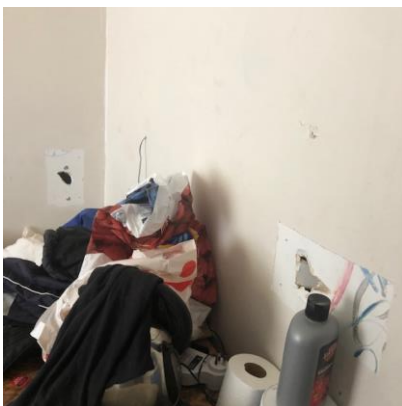


Western Homelessness Network submission to the proposed updates to the Residential Tenancies (Rooming House Standards) Regulations 2012

*“You feel dirty and low and worthless when the place is dirty and no one is cleaning the place.
Should supply cleaning products/ovens that work.”*

“kitchens and bathroom are not safe”

“Couldn't handle living with the others in that environment, went back living on the streets.”



Prepared by the
Western Homelessness Network
January 2023



For further information on or from the Western Homelessness Network, please contact Sarah Langmore, Western Homelessness Networker at sarah@wombat.org.au or on 0407 832 169.

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Membership of the Western Homelessness Network



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1. Introduction

This brief response to the Victorian Government consultation on the remaking the Residential Tenancies (Rooming House Standards) Regulations 2012 has been drafted by the Western Homelessness Network (WHN). The timeline for submission of a response was not sufficient for the Network to conduct a specific consultation, so the comments in this Response are drawn from annual consumer consultation findings and previous work of the Network.

The Western Homelessness Network (WHN) is the Network of 24 Specialist Homelessness Services managing 114 homelessness and family violence programs, and 10 allied services, in Melbourne's west. These services meet every six weeks to improve responses to people experiencing homelessness in Melbourne's West through management of coordinated homelessness service system arrangements, consumer consultation, linkages with allied service sectors and shared professional development.

Melbourne's west incorporates the Local Government Areas of Melbourne, Moonee Valley, Maribyrnong, Wyndham, Hobsons Bay, Brimbank and Melton.

1.1. Thank you

The Network would like to thank the Victorian Government for undertaking this work to improve the regulation of rooming houses and for providing the Network with an opportunity to participate in this consultation.

If you would like any more information about this submission, please contact: Sarah Langmore, Western Homelessness Networker at sarah@wombat.org.au or on 0407 832 169.

2. Context

Agencies of the WHN most commonly intersect with rooming houses as a source of short- and long-term accommodation for single people and couples seeking homelessness assistance. There is no private rental accommodation in Melbourne's west that is affordable for a single person on Jobseeker, so rooming houses become the key accommodation option of last resort available.

Services within the Network refer to rooming houses reluctantly and avoid referral to unregistered rooming houses whenever possible, because of feedback from consumers about their experiences in rooming houses:

"Get rid of rooming houses- not a productive environment."

"It was difficult sharing facilities with people that had complex mental health and addiction problems."

"Horrible. Lots of trouble with other residents getting drunk. Lack of amenities and very dirty ie. Fridge."¹

"Bedroom door kicked in. People dealing meth and other substances. Strangers coming into the premises day and night. Prostitution onsite. Violent assaults regularly. Noise all night/could never sleep properly. Back door never properly secured so anyone could come in. Locks never changed - former residents had access."

¹ Northern and Western Homelessness Networks, Annual Consumer System Survey 2017 (Melbourne, 2017)

“Filthy; no repercussions for people who don't abide by the rules. A lot of traumatic behaviour. The operators only intervene to remove people who owe rent.”

“If there were ok people it was alright but there were always people with issues. None of us had any support so were doing the best to help each other without information or resources.”

“It was glaringly obvious that the operator knew we had no other options and it feels like the take terrible advantage of our predicament.”

Not supportive and stressful as you take on other people's problems

“Rooming houses have been unsafe and violent. Over crowded with other tenants who have been aggressive.”

“Really difficult time and had no other options. Had no money left after paying the rent. Place was disgusting. All my stuff was stolen.”²

Services are also aware that most rooming house accommodation does not meet the basic requirements, identified by consumers, for accommodation that is clean, safe and with self contained facilities.

3. Consumer experiences of rooming houses

In 2017 the Northern and Western Homelessness Networks surveyed consumers about their experiences of various forms of accommodation.

Unfortunately, the commentary about rooming houses does not distinguish between registered and unregistered rooming houses – although the sector prioritises referral to registered rooming houses.

Safety in rooming houses

As can be seen in the chart below, consumers reported rooming/boarding house accommodation as the accommodation that they felt most unsafe in. Consumers were asked to rate how safe they have felt in each accommodation type with '0%' referring to 'terrified' and 'very safe' (100%). The scores in red represent the facilities that garnered the most positive response. The low score represent the most negative experiences. Rooming house accommodation rated the lowest score of all accommodation for both men, women and generally (33 out of a possible 100%), compared with refuges, which rate 72%.

² Draft results, 2022 Annual Consumer Survey
(Northern and Western Homelessness Networks, Melbourne, November 2022)

If you have ever stayed in any of these places, how safe did you feel? (Score out of 100)
 0 = I was terrified (0%), 1 = Unsafe (25%), 2 = It was okay (50%), 3 = Safe (75%), 4 = I felt very safe (100%)

	Average score Overall	Average score Males	Average score Females	Trans score (1 respondent)
Caravan Park	34%	33%	41%	NA
Crisis facility like Flagstaff, Southbank or Ozanam House	66%	66%	97%	80%
Hostel	36%	37%	34%	50%
Hotel	46%	54%	39%	94%
Motel	48%	49%	47%	51%
Refuge	72%	67%	81%	100%
Rooming or Boarding House	33%	34%	35%	100%

In the following chart, rooming house accommodation rates most highly in terms of being stressful, dirty and unhealthy and very low in terms of support. In this table, the most significant scores in each category are marked in red.

	Crisis facility like Flagstaff, Southbank or Ozanam House	Hostel	Hotel	Motel	Refuge (e.g. Family Violence or Young People)	Rooming or boarding house	Caravan Park	Total Respondents
Supportive	39%	4%	5%	11%	39%	9%	4%	76
Difficult or stressful	12%	20%	19%	37%	11%	40%	16%	90
Dirty	6%	16%	15%	30%	3%	44%	15%	79
Unhealthy	9%	18%	12%	34%	5%	39%	14%	77
Overcrowded	11%	20%	11%	23%	11%	39%	18%	56
Expensive	11%	15%	19%	37%	5%	45%	14%	84
Didn't have the facilities or the amenities I need like kitchens, toilet, laundry or bathrooms	5%	11%	21%	48%	0%	26%	21%	61
I felt discriminated against	16%	24%	13%	24%	5%	47%	8%	38

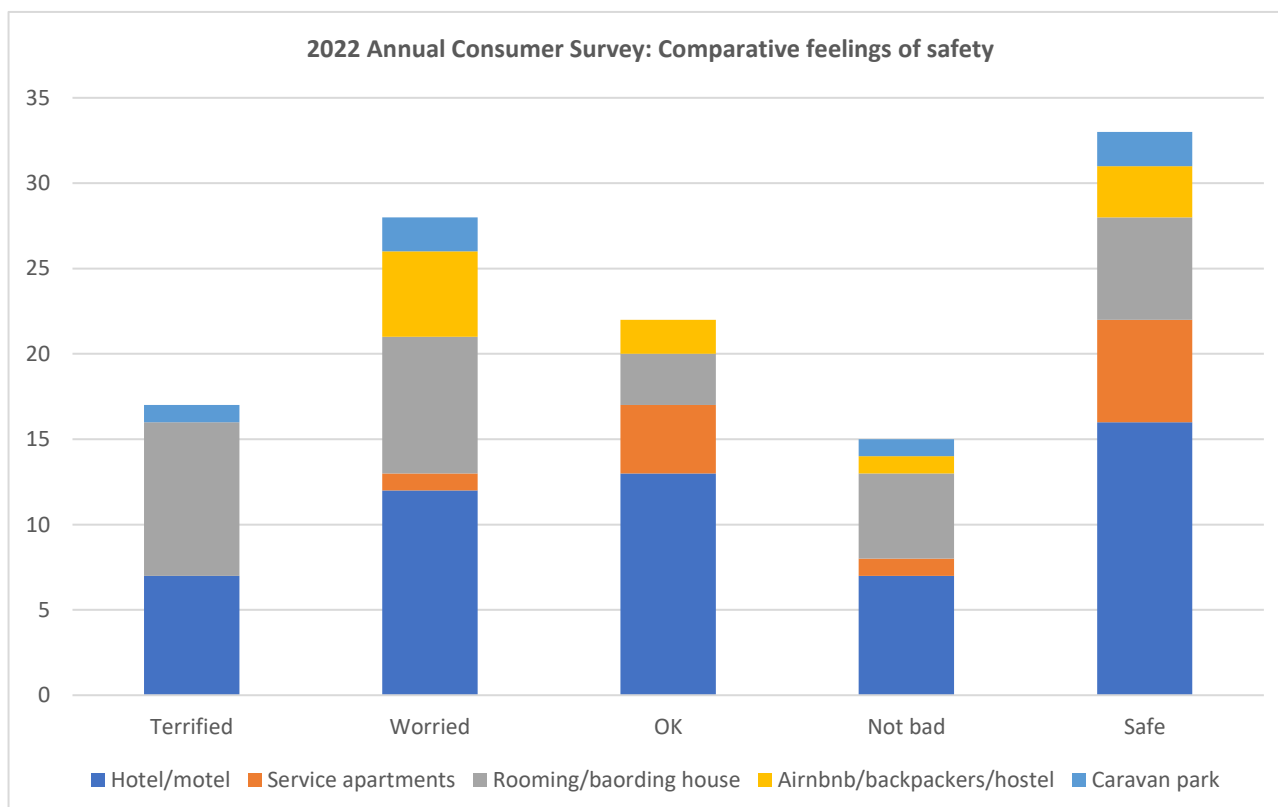
Again, consumers report rooming/boarding house accommodation as being the most expensive and overcrowded accommodation options that they have accessed, lacking in amenities and as the accommodation type in which they felt discriminated against.

	Crisis facility like Flagstaff, Southbank or Ozanam House	Hostel	Hotel	Motel	Refuge (e.g. Family Violence or Young People)	Rooming or boarding house	Caravan Park	Total Respondents
Overcrowded	11%	20%	11%	23%	11%	39%	18%	56
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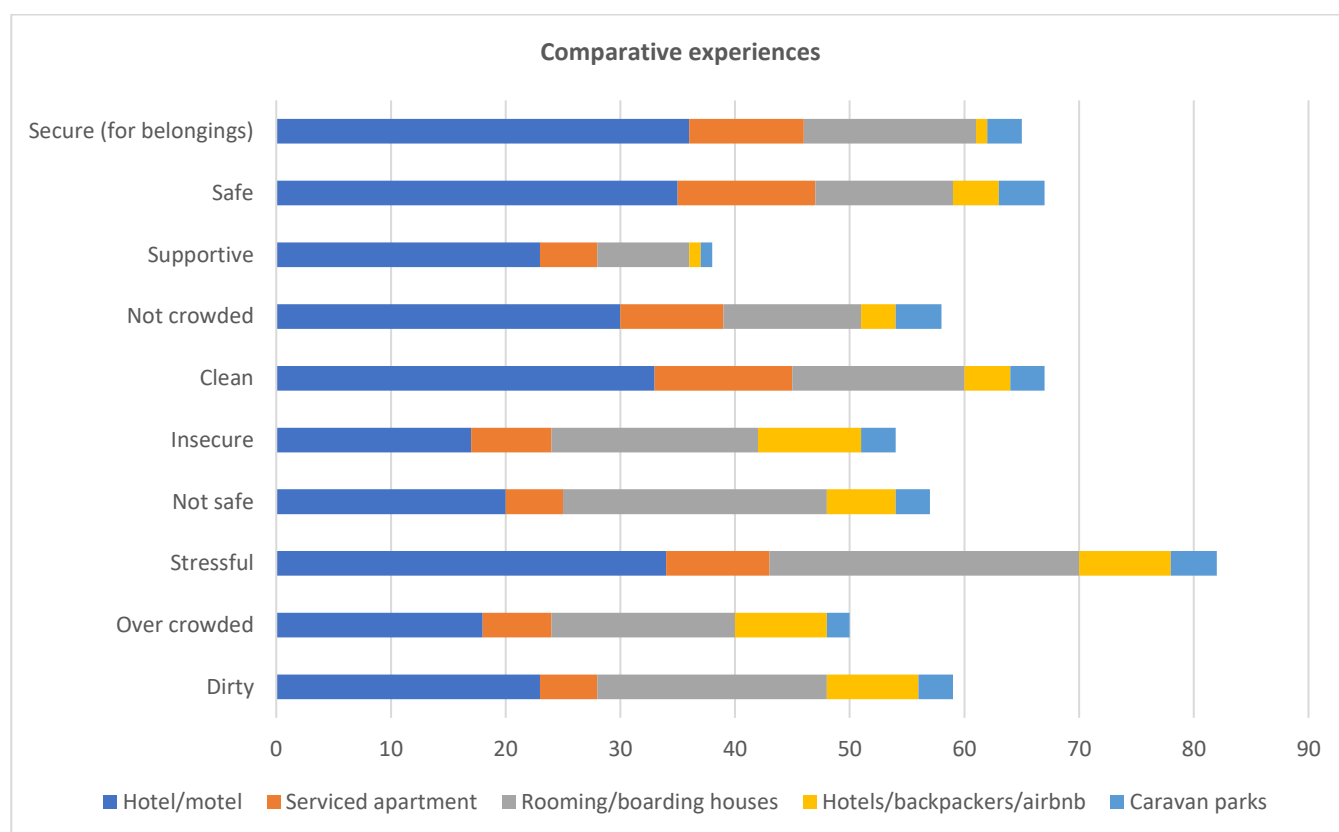
When asked what it was like staying in congregate accommodation with shared facilities, consumers responded as follows:

- Women: hard/bad/terrible/horrible (violence and rape), unsafe, unclean/lack of care; not appropriate for children; some good (refuges); difficult to cook and can't store food
- Men: Bad/difficult/terrible/shit; unclean, overcrowded, unsafe, OK, community, great or good (refuges usually); poor facilities; difficult to cook and can't store food.

In 2022 the Networks again asked consumers about their experiences of several forms of accommodation. As can be seen below, participants who had stayed in rooming houses most commonly identified the experience as 'terrifying'.



In the same survey we asked consumers about their experiences in this range of accommodation. As can be seen below, those who had experienced rooming house accommodation most commonly described the experience as ‘insecure’, ‘not safe’, ‘stressful’, ‘overcrowded’ and ‘dirty’.



We asked consumers what their ideal emergency accommodation would be like:

- Women: homely, spacious and private, good facilities – kitchen, safe and secure, clean, appropriate for children, supported
- Men: own space and private, safe and secure, supported, less restricted, affordable

Consumers reported that a mob mentality can develop amongst residents, and this is very scary. Consumers also reported being too fearful to cook in shared kitchen facilities.

Tenants Victoria reported seeing more people in rooming houses who are starving because they don't have enough money left for food after paying for accommodation.

4. Position of the WHN

The WHN has released two reports, in conjunction with the Northern Homelessness Network, on the appalling state of emergency accommodation in Melbourne's North and West: *A Crisis in Crisis*³ and *Crisis in Crisis II: The Way Forward*⁴.

The Reports are informed by consumer experience. The Networks asked consumers what appropriate short-term accommodation would be like. 85% of consumers surveyed identified that they would like their own lockable space, even if it is small. Consumers also identified safety and cleanliness are central to good accommodation and identified lack of safety and lack of cleanliness as detrimental aspects of rooming house accommodation.

The writer has spoken with one rooming house resident who described a positive experience of their rooming house – identifying that a concerned rooming house manager and stability and longevity amongst the tenants created a positive community amongst the tenants.

All other feedback from rooming house tenants has been largely negative.

Findings from the Crisis in Crisis II Report, include:

- The sector lacks detailed information on the private options it uses, with significant divergence of perceived quality and suitability across services.
- Agencies' access to private emergency accommodation options is precarious and vulnerable to closures and withdrawal of service.
- Relationships with providers have largely been developed ad-hoc and significant efforts are required to source, negotiate and monitor options.
- The sector lacks alternatives to private rooming houses, despite those in use by the sector perceived as being unsuitable, unaffordable and unsafe by both clients and staff.
- Better quality private rooming house options are less accessible to the sector, with operators reluctant to engage with the homelessness Sector.
- With insufficient capacity at specialist Crisis Supported Accommodation (CSA) facilities and a systemic lack of long-term options, suitable options for single-person households are particularly challenging to source and maintain, particularly for those with complex support needs.

Crisis in Crisis II also reports:

“In 2017, a Launch Housing report on the experiences of clients supported by Launch Housing's Rough Sleepers Initiative (RSI) program found that households sleeping rough had commonly refused rooming house options in the past. Many clients declined these options due to prior negative experiences, concerns around safety, and wanting to avoid being around drug-use (Kolar, 2017). It was found that clients were also reluctant to explore rooming house options for fear of exacerbating their own mental health issues.

³ Northern and Western Homelessness Networks, *A Crisis in Crisis: The Appalling State of Emergency Accommodation in Melbourne's North and West* (Melbourne, February 2019) [a-crisis-in-crisis-doc-final-040219.pdf \(nwhn.net.au\)](https://www.nwhn.net.au/wp-content/uploads/2019/02/a-crisis-in-crisis-doc-final-040219.pdf)

⁴ Northern and Western Homelessness Networks, *A Crisis in Crisis II: The Way Forward* (Melbourne, January 2021) [crisis-in-crisis-ii-081021.pdf \(nwhn.net.au\)](https://www.nwhn.net.au/wp-content/uploads/2021/01/crisis-in-crisis-ii-081021.pdf)

The Council to Homeless Persons (CHP)'s 2014 rooming house report recorded similar feedback from its consultation, finding that 'the environment in rooming houses can be one which makes people feel incredibly unsafe', and that 'some individuals would rather sleep rough than stay in a rooming house' (CHP, 2014: 18). Peninsula Community Legal Centre's 2020 report paints a similarly troubling picture of the experiences of residents. Almost half of all residents surveyed (48%) described their living conditions as 'very poor', 'bad' or 'unsafe', with data held by the PCLC's Rooming House Outreach Program indicating that more than 40% of rooming houses in its South-East suburban catchment were in 'a significant state of disrepair and lack of maintenance' (PCLC, 2020: 3)."

The WHN strongly supports Recommendation 38 from the Inquiry into Homelessness:

"Inquiry into homelessness in Victoria: Final report

Recommendation 38: That the Victorian Government improve monitoring and compliance actions in relation to rooming houses, and in particular:

- ensure Consumer Affairs Victoria is adequately resourced to monitor and inspect registered rooming houses to ensure the prescribed standards are met and to investigate and respond to reports of unregistered rooming houses
- promote information-sharing and collaborative responses between Consumer Affairs Victoria and local councils in order to target unregistered rooming houses
- investigate the potential for development of a standardised accommodation ratings system for private rooming houses
- review planning scheme provisions in relation to rooming houses to prevent a concentration in particular areas and to ensure they have connectivity to services."

The WHN also recommends that Consumer Affairs Victoria, and local councils, should be adequately resourced to inspect rooming houses. Homelessness service staff have reported improvements to a rooming house environment, following an inspection, only to find that the facility then deteriorates enormously in the period in between inspections.

The Network recommends the development of a standardised and transparent accommodation rating system. The Northern and Western Homelessness Networks have developed a rating scale for accommodation that the Sector refers to, which is drawn from consumer feedback about what constitutes appropriate accommodation. Services rate accommodation features (safety, cleanliness, quality of furniture, location and amenity) against a 3-star system:

- 3 = meets expectations
- 2 = barely meets expectations
- 1 = does not meet expectations

The challenge with this strategy has been in the application of the rating scale. Sufficient staffing resources are required to visit and rate accommodation facilities ongoingly.

The pandemic has highlighted the down sides of congregate accommodation and the complexity of supporting people to manage health issues whilst in shared accommodation. Many people staying in rooming houses are doing so because they do not have the financial resources to secure appropriate, independent accommodation – often because they are suffering from health and mental health issues that preclude their participation in the

labour force.

In conclusion, whilst the Network supports any attempts to improve the safety, cleanliness and amenity in rooming houses, we would strongly advocate for the creation of appropriate, affordable, self-contained and supported accommodation as an alternative.

5. Response to consultation questions: Proposed amendments to the Residential Tenancies (Rooming House Standards) Regulation 2012

1. The new rooming house standards will require a resident's room to have 2 power points that are free for the resident to use. Are there any other changes that should be made relating to power points?

The Network has not consulted with consumers about power outlets but would support the proposal that each room must have at least two power outlets (at a minimum) that are free and are not linked to heating, cooling or refrigeration appliances.

2. The new standards will require that curtains and blinds in a resident's room should block light. Is this an acceptable standard for window coverings?

The Network supports the proposal to bring the current minimum standard for window coverings in line with those for private rental and to ensure that window coverings provide both privacy and reasonably block light. The Network also suggests that flyscreens should be provided on any openable windows.

3. The new standard for lighting in a resident's room will require that a resident's room should have a window that lets in natural light. What factors will operators need to consider when meeting this standard?

The Network supports the proposed amendment requiring that a resident's room should have a window that lets in natural light, however, the requirements about 'natural light' incorporate 'borrowed light from an adjoining room', which doesn't ensure that a resident has an external window.

The Network would also like to add that these windows should be openable, to enable ventilation and contribute to cooling and that windows must have locks, in order to ensure safety – with capacity to be locked open, without fear of break in.

Knowledge developed about living safely with COVID highlights the centrality of ventilation as a mechanism for limiting the spread of disease, therefore windows that open externally are necessary.

Facilities in a rooming house

4. The new standard for shared toilet doors will require something like a snib catch be installed. Will this provide residents with more privacy?

Ideally any form of shared accommodation should provide self-contained bathroom and toilet facilities. It is near impossible to ensure an adequate level of safety and hygiene with shared facilities. Consumers have reported that the cost of rooming house accommodation is so high that they cannot afford cleaning products – and/or that they are loath to clean public areas, which are then dirtied by other residents.

"Shared a bathroom and its putrid."⁵

Access to self-contained amenities is one of the key features that consumers have identified in appropriate accommodation. They have reported that safety and cleanliness are key to adequate accommodation and that neither can be guaranteed in shared facilities.

⁵ Northern and Western Homelessness Networks, Annual Consumer Systems Survey 2017 (Melbourne, 2017)

The requirement for a 'latch' on any bathroom or toilet door does not indicate sufficient strength or quality of lock. Women who are residents of rooming houses have reported being too scared to use the toilets at night, for fear of attack.

The Network recommends that, at a minimum, bathroom and toilet facilities should be separated or that additional toilets are installed in any facilities in which the toilet is in the bathroom.

In mixed gender facilities, different amenities should be provided for men and women (ideally with a third gender neutral option).

5. Is one set of laundry facilities including a washing machine for every 12 residents sufficient? Are other changes required to further improve laundry facilities?

The current regulation requires for a 'designated space with hot and cold-water supply outlets suitable for a washing machine' but does not seem to require provision of a washing machine. Provision of at least one washing machine should be mandatory, for every four residents – with a minimum of two washing machines per facility, to allow for a backup if one is awaiting repairs.

Any additional amendment that can be made to the regulations to enable capacity for residents to dry their washing without fear of theft would be ideal.

6. The new standards will mean that more fridge space and cooktops will need to be provided in rooming houses with a higher number of residents. Are further changes needed to reasonably improve cooking and food storage facilities?

Yes, provision of individual refrigerators and lockable cupboards, and ideally, cooking facilities, in each resident's room should be added to the rooming house standards. Again, consumers report very poor hygiene in shared cooking spaces and that their food is frequently stolen from shared spaces. Locks on individual cupboards in shared kitchens are rarely of a standard that can withstand vandalism and there is no facility to prevent theft or food tampering in a shared refrigerator.

As with bathrooms, consumers have recommended individual kitchenettes, so that they can ensure a level of cleanliness and food safety. Failing this, sufficient cooking facilities are required to enable residents to prepare food simultaneously, avoiding conflict and/or to allocate food preparation spaces for particular dietary and religious requirements.

7. Do the new standards for shared spaces (kitchens, dining areas and bathrooms) give rooming house residents adequate space or privacy?

See above.

8. What do you think of the new standard that will require an energy efficient heater in a common area of a rooming house? Should the heater be located somewhere else?

A rooming house tenant should be able to expect the same level of amenity as anyone in a rental situation therefore the WHN supports matching rental law reforms provision of a fixed heater in the living area of all premises and requirements for heating energy efficiency standards. The proposed regulations only require fixed heater with the 2-star energy rating. The Network would recommend a minimum of a 4-star energy rating.

Fixed energy efficient heating should be standard in each room in a rooming house. Rooming house residents are amongst the most economically disadvantaged in our community so we must take all steps to minimise the costs of accommodation and maximise level of comfort for residents.

As the impacts of climate change are increasingly felt, standards for provision of cooling facilities, openable and lockable

windows for air circulation and effective insulation should all be required in rooming house accommodation.

9. Rooming houses don't have to have a common area like a living room. What are your thoughts on this – should all rooming houses have a living room?

The WHN supports the Council to Homeless Persons (CHP) contention that a lack of communal social space renders residents unable to partake in activities which promote social wellbeing and a sense of housing stability. Under the Australian Bureau of Statistics definition, a person is homeless if they do not have suitable accommodation alternatives and their current living arrangement:

- is in a dwelling that is inadequate;
- has no tenure, or if their initial tenure is short and not extendable; or
- **does not allow them to have control of, and access to space for social relations**⁶.

Cleanliness

Cleanliness and safety are the two issues that consumers most commonly raise in relation to rooming houses:

“you feel dirty and low and worthless when the place is dirty and no one is cleaning the place. Should supply cleaning products and ovens that work”

What would a good facility look like? “Cleanliness, no bed bugs, safety, female only sections.”

Consumers frequently report poor standards of hygiene and cleanliness in rooming houses and that this has a demoralising impact on them. As identified previously, consumers have reported that they do not have sufficient funds for cleaning products and that they resent investing time and money in cleaning spaces that are then dirtied by other residents.

Weekly cleaning of communal areas would ease this significantly.

Safety and security

10. Do you think the proposed standards for door locks, lighting, windows and entrances respond to safety and security concerns for residents?

No, as can be seen from residents' comments about their experiences in rooming houses, it is near impossible to ensure adequate safety and security for residents in accommodation with shared facilities.

Access to self-contained amenities is one of the key features that consumers have identified when asked to comment on what would be considered appropriate accommodation. They have reported that safety and cleanliness are key to adequate accommodation and that neither can be guaranteed in shared facilities.

Self-contained accommodation, ideally with onsite support/management is required for residents to increase the likelihood of appropriate safety and security.

Where accommodation facilities are shared, locks on individual rooms must be sufficiently strong to mitigate against break ins and vandalism. The Network supports the requirement that external windows should have capacity to be locked when open or closed so as to be secure from external entry at any time.

⁶ Australian Bureau of Statistics, Census of Population and Housing: Estimating Homelessness (Canberra, 2018)

⁷ Northern and Western Homelessness Networks, Annual Consumer System Survey 2017 (Melbourne, 2017)

The Regulations should be revised to require that all locks are of a standard that precipitates against break ins and that are in workable order at all times.

11. What do you think of the new standards for gas and electrical safety checks in rooming houses?

The Network is supportive of the move to increase electrical safety checks.

12. Are there any issues with requiring blind cord safety anchors on all curtains and blinds in a rooming house?

Not that the Network can identify.

13. Should the minimum standards include ceiling insulation and draughtproofing for rooming houses?

Yes definitely. Rooming house residents are amongst the most economically disadvantaged in Australia so anything we can do to make their living arrangements inherently more comfortable and affordable is important. As the climate worsens, any measures that can be regulated to make accommodation more sustainable are important.

Other suggestions

Numbers of rooming house residents referred to bed bug infestations that were not adequately addressed.

The Network has not received specific feedback about damp and mould but strongly endorses the proposal from CHP that standards be introduced into rooming houses to mitigate against and manage both pest infestations and mould/damp. Both are so harmful to an individual's health and rooming house residents do not generally have the financial resources to address either issue or their consequences.

