

**Northern Homelessness Network**

**Rooming Houses Lived Experience Project (RHLEP)**

**Submission - April 2022**

1. **Context**

The Commissioner for Residential Tenancies[[1]](#footnote-1) is seeking submissions from interested parties about current living conditions in Victorian rooming houses and any barriers to effective regulation and compliance in the rooming house sector. The last significant review of rooming house conditions was in 2008. The Commissioner believes it is timely to seek the views of those involved in the sector about current conditions in Victorian rooming houses.

The Submission process is part of a broader project that includes interviews with rooming house residents.[[2]](#footnote-2)

The Northern LASN (NLASN) welcomes the invitation and opportunity to provide comment and advice to the Rooming House Lived Experience Project (RHLEP). A number of consultation sessions facilitated by consultant Zoe Probyn were held with homelessness and family violence services seeking their views and advice on what needs to change.

The NLASN believes that homelessness can be solved by the provision of enough safe, affordable housing to meet both current and future demand. A healthy social housing system is one able to meet the diverse needs of the community and underpinned by a long-term strategic focus as well as adequate and ongoing levels of investment.

The NLASN has 30 member agencies, managing approximately 100 homelessness programs across seven local government areas - Yarra, Darebin, Moreland, Hume, Nillumbik, Banyule and Whittlesea.  The focus of the NLASN’s work is to improve responses to people experiencing homelessness in Melbourne’s North through:

* coordinated homelessness service system arrangements
* consumer consultation
* linkages with allied service sectors and shared professional development
1. **Consultation participant’s Feedback**

*What do residents tell you about their experiences of living in rooming houses (RH)?*

*Please note: This feedback focusses primarily on the experiences of residents in privately operated rooming houses as opposed to rooming houses operated and managed by community organisations.*

**Personal Safety:** Violence, including sexual assault, is frequent, persistent and significantly under reported due to fear of reprisals, mistrust of police and/or lack of faith in any supportive or appropriate action. Residents cite personal safety as their number one concern. Residents report feeling perpetually scared and frightened, especially in rooming houses that are privately operated. Women and children in rooming houses report assaults, threats, intimidation and feeling very unsafe and afraid.

Residents report that the constant flux of people, often with complex needs (untreated or unmanaged mental health issues especially) who have been recently discharged from hospitals or prisons, adds to the lack of safety and an unpredictable and volatile environment. High levels of problematic alcohol and other drug use exacerbates and fuels violence. Instances of former residents returning to threaten, assault or steal from current residents is common. Theft of personal belongings, food and medication is widespread.

**Poor Amenity:** Properties are often dirty, unhygienic, dusty and greasy in all areas. Keeping the private RH environment clean and hygienic is virtually impossible for residents. Missing doors, missing locks, missing beds, broken windows are common issues.

Many properties lack natural light because they have been “modified” to incorporate additional bedrooms.It’s hard to sleep, cook, clean and seek the help and support needed to get out of rooming houses into better housing.

Most properties have little or no insulation meaning they are very hot in summer and very cold in winter. There are ongoing issues with vermin and pests, often never treated or effectively managed. Residents report a lack of consistent utility supply. Gas and electricity supply are controlled by the operator, residents report utilities are often disconnected without warning.

**Rights and Complaints:** Residents have limited or no awareness of their renter rights or the RH operator’s responsibilities, so problems, incidents and complaints are chronically under reported. Participants agreed residents are focused on *survival* whilst in unsafe, low amenity private rooming houses rather than exercising their rights as a renter. Although it is a requirement under the Rooming House minimum standards, very few residents report having been provided with information on their rights by operators of private rooming houses.[[3]](#footnote-3)

Residents that do make complaints often do so with homelessness support staff *after* they have left the property. Participants noted the complicated and lengthy processes involved in making a complaint are in themselves a significant barrier. Literacy issues and limited or no access to IT are further barriers to exercising renter rights.

***Too much noise, room too small, too hot or too cold. People with mental problems triggering me.***

***Men at the house who stare and follow me around.***

***I always end up leaving and sleeping on the streets or going back to Mum’s place where I’m not safe.***

Residents report a sense of fear and futility, believing things could get worse for them if they complain or no one with any power to do anything will listen or act on their complaints. Accessible information for residents on their rights is currently very limited, especially for those without access to the internet.

**Expensive:** Private rooming house accommodation is not affordable. Participants report that residents often can’t afford food, medication, travel costs after rent. Residents are trapped in a poverty cycle. Food insecurity is widespread.

**Lack of safe, personal space** - Residents must share intimate spaces such as bathrooms and kitchens with strangers, this both uncomfortable and unsafe. Residents report feeling isolated and *“cooped up”* due to spending most of their time in their bedroom due to all other communal space having been repurposed into addition bedrooms.

Residents report they are unable to keep bedrooms or bathrooms secure. (No locks, faulty locks, flimsy doors that are easily forced). Personal belongings are not secure, theft is common.

**Despair** - Residents commonly state a preference to sleep rough, rather than stay in private rooming houses. Participants state that refusal to consider a private rooming house option is at an all-time high across the region. They are seen as unsafe, traumatizing and dangerous places where people’s homelessness is exploited for profit.

Aboriginal homelessness services report their community members tell them sleeping rough is safer than rooming house accommodation. The significantly disproportionately high numbers of Aboriginal people in the current rough sleeper population in Melbourne’s CBD demonstrates this.

***I got raped at a rooming house.***

***A housing service put me there. I just left, then never got any more help from them because I knew they’d put me in another one.***

***I didn’t report it. Why bother?***

***Who would I tell?***

*Are there common problems that are reported to you?*

Violence including sexual assault and very poor safety and low amenity are the most common problems.

Participants noted that it is common for private RH operators to move clients from house to house. A place in a registered private rooming house[[4]](#footnote-4) is purchased by a homelessness service but when the client arrives at the address, they are “moved” by operators to another property that is of poor safety and worse amenity.

Often clients will return to the homelessness service stating the new property is so unsafe and dirty that they cannot stay.

*Has your service ever reported a problem? What happened?*

***Homelessness staff report ‘zero confidence’ in the current regulatory frameworks to adequately address any issues in rooming houses.***

Overall, the participant’s experiences of reporting problems in private rooming houses were unsuccessful and largely negative.

One participant reported that they were yet to receive a single reply to multiple emails sent to Consumer Affairs Victoria (CAV) regarding multiple complaints over a lengthy period of time.

Another participant stated that complaints over a 5-year period to local government about a specific private RH property has resulted in no discernable action or improvements to date.

Participants stated that when complaints are made to local government and or CAV about RH properties, they are routinely informed that no information on actions or outcomes will be shared with them due to *“privacy.”* Some participants have been informed that they can’t make complaints on behalf of residents. Participants stated they would welcome feedback mechanisms as currently complaints *“disappear into a void”* and it is impossible to gauge if any action has been taken.

Participants noted that whilst CAV can issue on the spot fines to operators that they are unaware of this happening in any meaningful way. By and large, the view was that substandard rooming house operators simply *“get away with it.”* Their failure to register, meet minimum standards or regulations, or address health and safety concerns goes unchecked. Participants stated there seemed to be little or no consequences for unscrupulous operators. Participants noted that unscrupulous private operators are adept at evading fines or complaints processes. Their agility in evading accountability is viewed as in direct contrast to the systems that should be making them accountable, which were described as unwieldy, disjointed, convoluted and ineffective.

Participants stated there is a widespread sense that complaints from clients and HSS staff to local councils or CAV are not taken seriously or prioritised. Participants noted that SHS staff address complaints most successfully by approaching the operator directly and stating that no further Housing Establishment Funds (HEF funds) [[5]](#footnote-5) will be spent at a property until complaints are addressed and safety and amenity improved. Using the spending power of HEF is seen by homelessness services as a viable way of forcing action in a broken system where oversight is ineffective or absent.

***Using the spending power of HEF is a way of forcing action in a broken system where regulatory oversight is absent.***

Participants noted that direct action by North and West Metro homelessness services such as the embargo on the use of unregistered RH properties in the North and West Metro Area has been an effective way to impact the financial model of some unscrupulous private rooming house operators. However, it was noted that these actions were *“forced”* upon homelessness services as a result of the failure of those with the regulatory responsibilities to provide effective oversight and action.

One participant noted that the COVID 19 work from home directions had led to a significant increase in complaints from neighbours of private rooming houses. This led one inner metro local government to actively investigate and implement actions in a manner which was unprecedented. The working from home directions meant that more people were aware of and impacted by the rooming houses in their neighbourhood. It seems there was action undertaken when *rate payers* made complaints but that similar complaints from clients and homelessness services prior to the lockdown had not elicited the same response or afforded the same level of urgency and action.

 *Are there any impediments to effective oversight or regulation of rooming houses in Victoria?*

Participants agreed that there is currently no effective oversight or regulation of rooming houses in Victoria especially in relation to privately operated rooming houses. It was felt that overall local government’s *“appetite”* for action on rooming houses is limited and very variable. Participants noted significant differences between local governments even on fundamentals such as the definition of a rooming house.

Participants noted that although rooming houses must have their registration confirmed annually following an annual on-site inspection by local government, it appears these inspections do not always occur. Further, it was noted that annual inspections are inadequate, properties can deteriorate very quickly. Inspections should be quarterly at a minimum.

Participants noted that minimum standards are not being met by many operators and are frustrated that many substandard properties pass registration every year. Overall participants state the majority of the private rooming houses they visit do not comply with most if any of the minimum standards as described on the CAV website.[[6]](#footnote-6)

Overall, the regulatory environment is considered to be poorly articulated, difficult to navigate, poorly integrated and lacks a cohesive strategic framework, vision and mission.

*Have you noticed any changes in living conditions in rooming houses?*

Participants whose roles include outreach to people in rooming houses did not report any significant improvements to safety and amenity in private rooming houses. Substandard private rooming houses continue to operate with apparent impunity, exploiting vulnerable Victorians by offering accommodation that is dangerous, dehumanising, traumatising and inadequate against all measures. Participants state that operators who continue to fail to register and persist in offering exploitative, dangerously substandard accommodation are not held accountable.

The continuing chronic shortage of appropriate, supported crisis accommodation options and the inadequate availability of long-term affordable housing (both social and private rental) means that significant numbers of people with complex needs continue to be discharged from prison and hospital into substandard, private rooming house accommodation. Participants noted that substandard rooming house accommodation thrives because Victoria’s housing system is broken, and fails to provide adequate, safe affordable housing for all its citizens.

***Substandard rooming house accommodation thrives because Victoria’s housing system is broken, and has been failing for decades to provide adequate, safe affordable housing for all.***

Conversely it was noted that community managed rooming houses offer a much better and safer housing option with significantly better amenity and most importantly onsite support that enables pathways to alternative long-term housing where needed.

The introduction of the public register of Rooming Houses on the CAV website has been a very welcome innovation. Homelessness Services report their staff use the register on a daily basis to confirm registration status, [[7]](#footnote-7) though they note that registration does not guarantee that properties meet the minimum standards or are safe.

*What would improve living conditions in rooming houses?*

* The eradication of unscrupulous operators who fail to meet their regulatory responsibilities and a regulatory system that prevents them from setting up business in the future.
* A far more rigorous inspection regime by local council. Annual inspections are inadequate. Quarterly inspections should be introduced at a minimum. New and rigorous inspection regimes that ensure operators are in reality meeting their responsibilities to ensure minimum standards; prompt and effective maintenance, addressing health, safety and security concerns, providing adequate heating and cooling, the provision of beds, fridges and other household goods.
* A greater onsite inspection regime by CAV staff.
* A greater provision of self-contained properties.
* A mandate for local government to establish and maintain regular communication channels with homelessness services in their areas on rooming houses; who is registered, who is not, what actions are being taken to address unscrupulous operators, how to communicate issues and problems, a feedback loop on actions following complaints.
* A properly maintained noticeboard in every property with multilingual information for residents on their rights and who to call to report problems.
* A regular cleaning service paid for by operators.
* A significant increase in funding for onsite and outreach support delivered by the homelessness services system who have the required specialist expertise to deliver this support.

**Additional Information – Bond Loans**

An increasing number of private RH operators now require a bond as well as rent in advance. This development is a significant concern. Homelessness services report that clients are met at properties by operators who have already filled out bond loan applications that the resident is then asked to sign. Services report that condition reports are rarely if ever provided to the resident. Given the appalling conditions of the properties, many clients leave without staying longer than a few nights.

***“I am the queen of VCAT”***

***A private RH House operator***

The operators then apply to Victorian Civil and Administrative Tribunal (VCAT) for the bond, claiming the resident caused damages. Rarely are residents aware that VCAT hearings are occurring so the operator is the only attendee at hearings. Services state that residents aren’t aware of what a bond loan entails and the debt that can occur against them.

One homelessness service highlighted a specific private RH operator who essentially boasted about their proficiency in manipulating the bond loan system and VCAT and the additional income this provides them. This homelessness service contacted CAV on numerous occasions to lodge complaints about this issue. None of their calls or emails were returned by CAV staff.

The practice of requiring a bond in this context is a shameless exploitation of vulnerable Victorians and the systems that are meant to assist them into safe and affordable housing and protect their rights as renters. It requires urgent investigation by the relevant governmental bodies, including the Department of Families, Fairness and Housing who are responsible for issuing bond loans.

1. **What needs to change - Recommendations**
2. The creation of a taskforce whose aim is the **eradication** of unscrupulous RH operators who fail to meet their obligations and responsibilities and the **prevention** of any unscrupulous operators from entering into rooming house provision in the future. This taskforce should be overseen by the Minister for Local Government and the Minster for Consumer Affairs.[[8]](#footnote-8) The Housing Minister should participate in this taskforce given their portfolio responsibilities for housing and homelessness. Senior representatives from the homelessness service system should be invited to participate in the Taskforce Reference Group in order to provide critical information and advice on tackling the problem. Urgent consideration should be given to the problem of accountability for rooming house regulation and oversight being split between two ministerial offices.
3. The development, implementation and testing of a new, streamlined Rooming House Complaints System. Until this new system is in place and proven effective, we recommend all complaints relating to rooming houses be sent to the responsible Minister’s offices in the first instance (Minister for Local Government and Minister for Consumer Affairs). This would elevate complaints to a Ministerial level and mean actions by the responsible bodies would be subject to far greater scrutiny and accountability. Learnings from this diversionary process will inform the development of the new complaints process.
4. An urgent, joint Ministerial review of the roles of local government, CAV and MAV in the regulation and oversight of rooming houses in Victoria. This should include a review of the minimum standards for rooming houses and the practice of asking for a bond. The Minister for Housing should be involved in this review given their portfolio responsibilities. This work should lead to the development of a long-term strategic framework for Rooming Houses in Victoria that includes a *no exits to homelessness policy* for all publicly funded hospitals and prisons given discharge to a private rooming house is in effect a discharge into homelessness.
5. A mandated requirement for all local governments to proactively establish and maintain tangible, respectful and meaningful partnerships with homelessness services in their areas; local government and homelessness services will share information and advice; who is registered, who is not, what actions are being taken to address unscrupulous operators, issues, trends and problems, a feedback loop on actions following complaints.
6. Housing Establishment Funding (HEF) guidelines amended to include explicit and non-negotiable directions that HEF funds can *only* be used to purchase accommodation in registered rooming houses, though we note that currently registration by no means guarantees accommodation that meets the minimum standards for RHs.
7. A significant investment in additional specialist outreach support services delivered by the homelessness service system, targeting people in sub-standard rooming housing accommodation that provides pathways to long term housing and support.
8. New investment to build more community managed rooming houses able to provide onsite support and self-contained, short, medium and long-term accommodation as directed and based on the individual’s needs and desires.
9. **Conclusion**

The drivers of the proliferation of substandard RH accommodation are well known; lack of affordability, insufficient social housing and poverty. Melbourne is an extremely difficult city in which to find affordable private rental. The Age newspaper reported in April 2022 that:

*“Melbourne faces a fresh rental housing crisis as tenants find properties have dried up in some areas of the city. Both the real estate industry and tenant’s advocates are warning of a serious problem emerging after the supply of rentals, which peaked at more than 5.2 per cent during the pandemic, dropped to just 1.8 per cent across the city in March, according to the latest research by Domain”* [[9]](#footnote-9)

What adds further pressure and reduces the pool of affordable rental properties are the unscrupulous private operators who scoop up houses at the most affordable end of the market and transform them into RHs that no one should have to live in.

A theme that many participants reported was unscrupulous rooming houses operators justifying their exploitative activities by stating they are *“looking after the vulnerable”* and *“government don’t care about these people but we do.”* For anyone familiar with what really happens in substandard rooming houses this kind of grand standing and gaslighting is extremely hard to stomach.

We welcome this opportunity to provide comment and recommendations to the Commissioner. We hope this will herald a new direction in the regulation and oversight of Rooming Houses in Victoria.

1. https://www.rentingcommissioner.vic.gov.au/ [↑](#footnote-ref-1)
2. Submission Information, Rooming Houses Lived-Experience Project, Commissioner for Residential Tenancies, 2022. [↑](#footnote-ref-2)
3. 3 https://www.consumer.vic.gov.au/housing/renting/starting-and-changing-rental-agreements/resources-and-guides-for-renters/rooming-house-residents-guide [↑](#footnote-ref-3)
4. Participants state: registration does **not guarantee** that the property meets the minimum standards or is safe. [↑](#footnote-ref-4)
5. https://providers.dffh.vic.gov.au/housing-establishment-fund-hef-94113 [↑](#footnote-ref-5)
6. 6 https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/minimum-standards/rooming-house-minimum-standards [↑](#footnote-ref-6)
7. https://www.consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/public-register [↑](#footnote-ref-7)
8. 8 https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-current-ministers/details/22/1725 [↑](#footnote-ref-8)
9. https://www.theage.com.au/national/victoria/melbourne-renters-left-scrambling-as-market-recovers-quickly-20220406-p5ab6r.html [↑](#footnote-ref-9)