



Peninsula
Community
Legal Centre



Submission
Rooming House Lived Experience Project
April 2022

About Peninsula Community Legal Centre

The Peninsula Community Legal Centre (PCLC) is an independent, not-for-profit organisation that has been providing free legal services to Melbourne's south eastern communities since 1977.

In addition to its general legal services, the Centre operates specialist programs in family violence, family law, fines, and tenancy. We also undertake community legal education, community development and public advocacy activities. Our clients overwhelmingly experience disadvantage. Our priorities include people on low income, people with disabilities, those experiencing elder abuse, family violence, homelessness and other vulnerable groups.

A factor of particular relevance to this project is the fact that PCLC operates in a region which has one of the largest populations of Rooming House residents in Victoria. The increasing shortage of affordable and appropriate housing has seen an increase in Victorians residing in marginal housing options such as rooming houses. This led the Centre to identify rooming house residents as a priority group and to set up an assertive rooming house outreach program covering the southern and eastern suburbs of Melbourne in 2012. In 2020/21 the Centres Outreach Program visited 597 Rooming Houses.

Background

PCLC welcomes this opportunity to contribute to the Rooming House Lived-Experience Project.

Our submission focuses on rooming house residents experience residing in rooming houses and the findings of our *Open the Door Report* published in 2020. We will support our submission with recent case studies and updated data. We will also make a number of recommendations based on our client's experiences, some of which have been made in our Open the Door report and previous access to justice reviews by ourselves and others.

Rooming House Outreach Program

Peninsula Community Legal Centre's Rooming House Outreach Program (RHOP) is funded by the Department of Fairness, Family & Housing. The RHOP services cover a catchment area of 17 local government areas in the South East region.

The primary purposes of the RHOP are as follows:

1. Visiting single people living in registered and unregistered rooming houses in the South East Region.
2. Identifying and assisting residents requiring more suitable housing.
3. Identifying and assisting residents to connect with health, housing, legal and support services.
4. Offering residential tenancies advice relating to residency/tenancy issues.
5. Reporting breaches of minimum standards to regulators.

What do residents tell you about their experiences of living in rooming houses?

Rooming houses are often used as crisis accommodation by emergency housing services due to a lack of any affordable alternatives. More often than not rooming house accommodation is seen as a last resort for people who have no other options in terms of housing.

With the chronic shortage of social housing and the lack of affordable private rental housing, residents are living in rooming houses for increasingly longer periods. PCLC's RHOP data indicates a thirty month average occupation period.

Residents provide reports of a mixture of experiences to our RHOP workers. Ranging from extremely positive to very critical, many residents consistently request more suitable housing options, citing concerns about safety, poor hygiene, sub-standard conditions, excessive rents, overcrowding and social isolation.

Some residents see rooming houses as a very short term option as they find them far from ideal or unsafe (particularly women). Some residents tell us they will be moving to live on the streets as they think this is a safer option.

A high proportion of rooming house residents have complex needs, including mental health problems, drug and alcohol dependence, or a history of family violence. Many receive government pensions or work in low-income employment.

Residents often tell us they feel abandoned, placed in rooming houses by health and support agencies and forgotten.

Residents consistently report that life is difficult, many often cannot afford to eat.

Residents often complain about the cramped conditions of the properties which often cause hygiene problems.

*"Things are broken and they don't get fixed. The toilet is broken – not flushing. The shower water doesn't drain properly and there's no hot water. Its been like this since I moved in. Ive never had curtains and the windows don't close."*¹

Are there common problems that are reported to you?

Common problems that are reported to RHOP workers include;

Lack of compliance with the minimum standards as conveyed by Consumer Affairs Victoria and set out in the *Residential Tendencies Act 1997*.

¹ Peninsula Community Legal Centre Open the Door Report 2020

Residents often show concern about a lack of security on premises including no locks on doors.

Residents frequently reported feeling unsafe and reluctant to leave possessions unattended.

Residents often cite the lack of and/or enforcement of house rules. House rules not displayed in the Rooming House as required by the standards.

There are instances of the use of residents as proxy managers by rooming house operators.

Residents have frequently expressed concern about the condition of the rooming house both internally and externally, including cleaning and maintenance. Long delays in repairs are then being undertaken by operators.

Residents have also expressed concern about the propensity of housing agencies to place residents in properties, (often outside their usual suburbs) without any supports or information.

Residents not receiving receipts for rental payments.

Residents referred into rooming house by a housing service but then put into a different house by operator (sometimes an unregistered property).

A lack of management and/or contact by the Rooming House Operator

Confusion for residents regarding the management structure of the Rooming House when the Rooming House Operator and the Rooming House Proprietor are both participating in management activities of the Rooming House.

*"If (only) repairs were made to the door and windows, smoke alarms were working and I had a shower and toilet"*²

Has your service ever reported a problem? What happened?

In the past two years the PCLC Rooming House Program has reported a total of 142 breaches of minimum standards to Consumer Affairs Victoria and the relevant Local Government Authorities.

These reports have received a mixed level of responses and interest from local government. In some cases the response is prompt, but in other cases there is a feeling of reluctance to address the issues reported.

The RHOP workers have built good working relationships with the regulatory bodies. PCLC welcomes the opportunity to meet with Consumer Affairs Victoria quarterly to discuss trends and issues impacting rooming house residents. The RHOP have developed direct

² Peninsula Community Legal Centre Open the Door Report 2020

email complaint processes with some local governments, including the provision of photos. This has supported and streamlined the complaint process on behalf of the residents.

Residents are often confused about the regulatory bodies, and the role they undertake. Often residents are not issued with the CAV Rooming House Guide at the commencement of their residency, or during their residency.

*“More government control and more monitoring. Councils and CAV do the minimum. They don’t come into the rooms to inspect. There’s no power point checks. You can’t complain because the owner is standing there with the inspectors”.*³

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

We would welcome more random inspections of properties by authorities to assist with effective oversight. Residents often report that operators make some improvements or adjustments just prior to the proposed inspection.

There is often a siloed approach to the regulatory response, hampering the capacity to measure the number of complaints/breaches reported within specific local government areas. There is a reluctance of particular rooming house operators and/or individual rooming houses towards supporting a systemic and/or coordinated approach. We would welcome a strengthening of the rules with clear expectations in order to facilitate a coordinated approach.

This siloed response is inconsistent with the approach under the Rooming House Closure Protocol. It is not uncommon for PCLC to be notified by Local Government of a prospective closure, and often meetings are convened with the regulators, local government, housing and relevant community organisations to develop a coordinated strategy and action plan. This approach could be enhanced to incorporate rooming houses of concern.

The Rooming House Operators Act and subsequent Public Register does not adequately address the issue of the Rooming House Proprietor, listing only the Rooming House Operator on the Public Register. This can have serious consequences for residents where the proprietor appoints a Rooming House operator but remains actively involved in the daily running of the Rooming House, this has potential to evade the criteria stipulated in the ‘fit and proper person’ test under s.17 of the *Rooming House Operators Act 2016*.

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

Overall we have not seen any significant changes in the living conditions in rooming houses. We continue to observe properties that are increasingly subject to a lack of maintenance, both broken windows and doors are commonplace. In some houses doors are non-existent. We have seen an increase in Rooming Houses not providing any form of bed or bedding as part of the residency.

³ Peninsula Community Legal Centre Open the Door 2020

During COVID we did see some efforts by local government and rooming house operators around supplying cleaning and cleaners in some rooming houses.

We do note that we have seen a number of rooming houses, closer to the City either close or change its use in the past twelve months.

Recommendations to improve living conditions on rooming houses?

1. Widespread breaches of the regulatory framework in registered rooming houses across the South East require more concerted action by rooming house operators to comply with the law and for regulators to enforce adequate levels of compliance
2. Improved coordination and communication between state regulators, local government, rooming house operators, housing and the non-government sector is required in order to improve the identification, coverage and enforcement of regulation.
3. The Establishment of a state level rooming house consultative or advisory committee made up of all key stakeholders to provide oversight of the statewide picture
4. Current minimum standard should be reviewed and strengthened, in order to bring them into line with community expectations of decency and amenity, taking into account a post COVID health lens.

Minimum standards should include:

- A minimum of one toilet for every five residents
- A minimum of one shower for every five residents
- Weekly cleaning of communal areas and resident's rooms
- External mailboxes for each room
- Room Numbers on each room
- Secure current Australian Standard entry door locks
- 24 hour access to adequate heating, cooling, cooking and washing facilities.
- Allocated storage space in communal areas such as kitchens
- Central communication board, highlighting key contacts including regulatory authorities
- Sufficient power outlets in each room
- Adequate window coverings

5. Consumer Affairs Inspection powers are broadened to include repair breaches under the *Residential Tenancies Act*, breaches under the *Health & Wellbeing Act 2008* and the *Building Act 1993*. Consumer Affairs to liaise with the relevant local government based on their findings.

6. Local Government Victoria play a greater role in the coordination of compliance activity between councils and ensure a consistent approach to regulations, standards and compliance practices across the State. Compliance by the local government sector should achieve best practice standards.

7. Recognition of rooming house resident's individual residency with the provision of residency documents, visual room numbers, individual mail boxes and allocated storage areas.
8. Local Government support to establish regional rooming house resident committees Including opportunities for residents to access CAV Inspectors outside of the rooming house.
9. Improved referral protocols by housing agencies placing people in rooming houses outside of their support networks.
10. Rooming house outreach programs such as that run by Peninsula Community Legal Centre are a key element of the regulatory system and often provide the trigger for compliance action by regulators and should continue to receive adequate funding from the state government to ensure improved coverage and enforcement of regulation.

CASE STUDY –ROMANS FEEDBACK

Roman was referred to the PCLC RHOP by Local Government following a routine inspection at a registered rooming house.

Roman is a young man from a culturally and linguistic background. He had resided at the house for 12months and had experienced ongoing intimidation and harassment from residents and the operator (RHO) that remained unresolved. There had been further pressure placed on Roman as a result of difficulty paying rent. There had been a history of numerous repair issues and overcrowding in common areas brought to the attention of the RHO that remained unresolved. As a result Roman feels unsafe residing at the rooming house.

Roman received tenancy advice and advocacy services from PCLC RHOP and TAPP services in relation to repairs Notice to Vacate and COVID restrictions.

With support from a local housing agency Roman was able to move into more appropriate accommodation. He continues to engage with PCLC's RHOP. Once feeling safe Roman transmitted information to the RHOP worker regarding concealed rooms at the premises not to regulation. Photos and a detailed plan was supplied and approval for PCLC to forward the materials to the regulators.

Recent follow up discussions between PCLC RHOP and the local government concluded the photos and map supplied was very helpful in assisting with the investigation. One room with a bed was discovered and the other two rooms cleared out by the RHO.

The matter is still being reviewed within Local Government.

The PCLC RHOP continues to build on relationships and partnerships with various LGA's Environment and Health Departments.

CASE STUDY – JAN’S PLACE

Jan had been living in rooming houses for years. She has been in her current rooming house for 10 years having moved in after her partner had died. She informed PCLC RHOP workers that she felt a little apprehensive about moving onto a rooming house but was relieved when she finally found a place. She was even happier when she found the place she resides in to this day. Jan shares the house with both males and females.

Jan praised the operator for the manner in which they care for the property. She was also grateful in response to the careful screening/assessment process the operator adopts prior to placing new residents in the house. She purported that this makes her feel very safe and secure in her environment. Despite the other residents being much younger than Jan, she is still able to converse and feel safe and secure in their surroundings. She is also fortunate in that she has her own separate residence out the back which is cut off from the main house which provides for her privacy.

Jan has children living nearby and can rely on them for support such as providing transport to the shops and the medical centre. She also told us that she is very social and has missed the interaction with family and friends during Covid19.

Our Rooming House Outreach Workers have been visiting Jan for some time supporting her with material aid and helping to link her in with community support. During one of our visits, Jan explained that while she is very happy and satisfied with her current accommodation, she has notified the operator about an issue with an outside step which makes it difficult for her to leave or enter the property with her electric walker. Jan had informed Council in the past about the situation who subsequently visited the property for an inspection. Although the Residential Tenancies Act does not explicitly address the issue of access in light of Jan’s situation, it is certainly Jan’s right to request an inspection. Although the issue concerning the ease of access remains unresolved for Jan, she now feels more informed about her rights as a resident after talking with PCLC outreach workers. Although she remains happy and content with her accommodation the RHOP team will stay in contact with Jan, especially in order to ensure that compliance is forthcoming and necessary standards are maintained.

CASE STUDY – TERRY’S STORY

Terry suffers from mental distress and instructed the RHOP worker that his cognitive ability has recently declined. Terry’s bedroom was infested with pests. Upon learning of this fact, Terry reported the issue to the person that was purporting to be the rooming house operator, it took several months for the issue to be addressed. It was the Rooming House proprietor, (according to the title) who called pest control to the property, however in the process they destroyed Terry’s clothes and possessions after claiming that his belongings had been impacted by the substance used to eliminate the infestation.

Terry told us that he was not informed about the destruction of his property and was hospitalized in acute care at the time after suffering from an overdose of prescription medication. Terry returned home after 3 days later to find that all his property had been destroyed, he was left with no clothes and very limited personal possessions. Terry claims that he was insufficiently informed about the possible options for dealing with the clothes such as washing the clothes in a warm wash using the washing machine or taking them to a professional cleaner. The rooming house proprietor reportedly said to Terry that it was very expensive to treat the clothes and that as Terry could not afford to pay for the clothes, they had to be discarded. The individual responsible for the destruction has made a variety of assumptions about Terry during this process. Terry estimates his loss to be between \$1000-3000.

Terry was provided advice and informed about his rights including a right to exclusive possession of his personal property without interference. The operator can deal with the property, house, and dwellings within good reason, however this does not give the operator the right to deal with the personal property in such a manner. Remembering of course that the person performing the operator’s duties in this instance was not actually the operator. Our team have written to the other party requesting that Terry be compensated for his loss. If the matter does not settle, and proceeds to VCAT the issue of who is the respondent, the proprietor or the operator.

Conclusion

Peninsula Community Legal Centre’s experience providing outreach services to Rooming Houses has demonstrated that there is considerable way to go to achieving the objectives of almost a decade of legislative reform to ensure that rooming houses meet community expectations of decency and amenity.

The COVID pandemic and the threat to public health posed by overcrowded and unhygienic living conditions mean that the need for more action towards achieving this objective is ever more urgent.