



Peninsula
Community
Legal Centre



Submission to the Rooming House Minimum Standards Issue Paper (Workstream Two)

20 September 2022

Peninsula Community Legal Centre acknowledges the traditional Aboriginal owners of country, recognises their continuing connection to land, water and community and pays respect to Elders past and present.

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, rooming house 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 review 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 2021/22 the Centres Outreach Program visited 349 Rooming Houses.

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.

In 2021/22 the Centre's Outreach Program visited 349 Rooming Houses, assisting 397 residents with tenancy assistance (76), legal advice (68) and facilitated housing support need referrals (77). We identified 30 minimum standard breaches with referrals to the relevant regulators.

Introduction

PCLC welcomes this opportunity to contribute to the Rooming House Reform Project.

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

In our region, 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 housing options.

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 have reported a variety of rooming house experiences to our RHOP workers. Whilst some residents' experiences have been very positive, many 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 consistently report that life is difficult, and 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. It's been like this since I moved in. I've never had curtains and the windows don't close."*¹

¹ Peninsula Community Legal Centre Open the Door Report 2020

Recommendations

Recommendation 1

1. That regulation 6 of the Regulations is amended to require that all entry and exit doors to and from each resident's room and to the Rooming House be fitted with tamper proof locks and fittings that meet Australian standards.

Recommendation 2

2. That the regulations be amended to include a fully operational latch on all windows of the Rooming House to secure the premises against external entry, in line with private rental minimum standards.

Recommendation 3

3. That the regulations be amended to require the provision of two double power points in each resident's room, with the double power points located on at least two walls of the room.

Recommendation 4

4. That electrical safety checks, including power points and testing and tagging of all electrical appliances supplied by the Rooming House Operator, be conducted annually.

Recommendation 5

5. That the regulation be amended to require window coverings provide adequate privacy, are in good working order and reasonably block light.

Recommendation 6

6. That the regulation be amended to include a requirement that all shower screens meet Australian standards and/or provide protection from water overflow.

Recommendation 7

7. The regulations incorporate provisions for the installation of grab rails in all communal toilets to support clients with limited mobility.

Recommendation 8

8. That the density limit of bathrooms and toilets be amended to one bathroom and one toilet to five people to improve the decency and amenities for residents

Recommendation 9

9. That the regulation be amended to incorporate the provision of a small (bar size) fridge in each resident's room along with lockable storage cupboards for each room in the kitchen and/or residents room.

Recommendation 10

10. That the regulation be amended to include that the kitchen and food preparation facilities of a rooming house must be available to residents at all times.

Recommendation 11

11. Adequate food preparation areas are provided in the communal kitchen

Recommendation 12

12. That a habitable room must have access to artificial light at all times which provides a level of illuminance appropriate to the function or use of the room.

Recommendation 13

13. That the regulations be amended to include the provision of door closures on external entry doors.

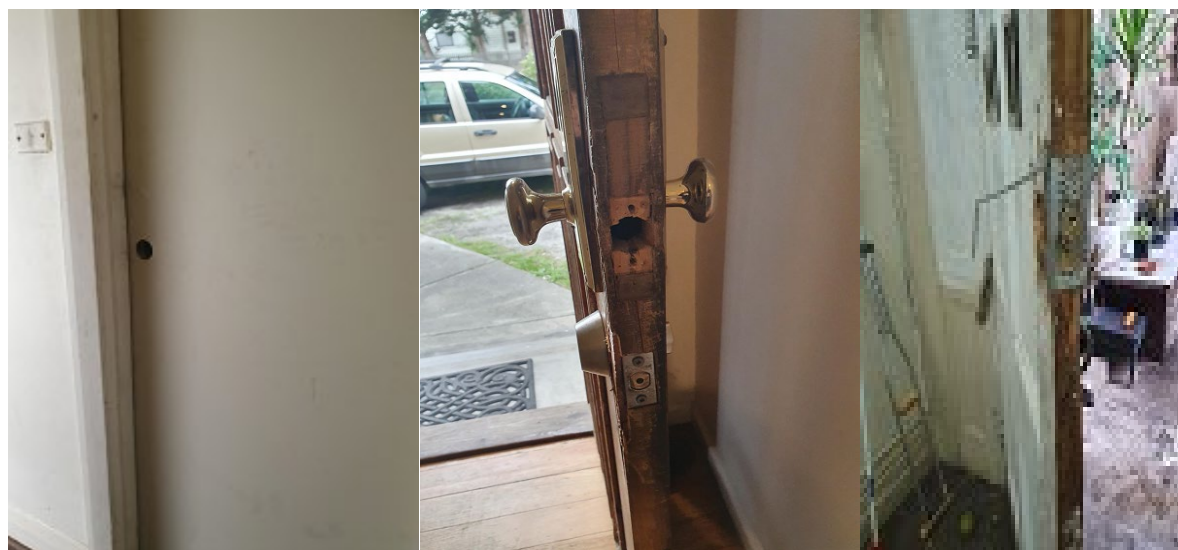
Recommendation 14

14. That the additional reforms as proposed in 2.6 of the Issues Paper be included in the Regulations.

Response to consultation questions

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?

A constant theme emanating from our rooming house service is residents reporting concerns about a lack of security on premises, including no or inadequate locks on doors. Residents often report that the locks are of poor quality often only requiring limited force to open. Residents report feeling unsafe and a reluctance to leave possessions unattended.



Rooming House Outreach Program photographs 2021/22

Case study

Ms. M is a woman in her mid -sixties who has been residing in a local rooming house for three years. Ms. M is receipt of the Disability Support Pension due to a number of health concerns.

Ms. M has made numerous complaints to the Rooming House Operator about health and safety concerns, the lock to her door is not working and she has a leaking tap causing a build of mould in her room over a three month period.

With intervention from RHOP after a visit to the Rooming House the repairs were conducted within two weeks.

Recommendations

1. That regulation 6 of the Regulations is amended to require that all entry and exit doors to and from each resident's room and to the Rooming House be fitted with tamper proof locks and fittings that meet Australian standards.

2. That the regulations be amended to include a fully operational latch on all windows of the Rooming House to secure the premises against external entry in line with private rental minimum standards.

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?

PCLC's rooming house research found that rooming house residents spend significant amounts of time each week at the rooming house, locked away in their rooms. Residents report storing all their possessions, including electrical appliances, in their rooms and that they regularly have to use multiple power boards and extension cords to utilise their appliances, additional lighting and communication devices.

Recommendation

3. That the regulation be amended to require the provision of at least two double power points in each resident's room, with the double power points located on at least two walls of the room.

4. That electrical safety checks including power points and testing and tagging of all electrical appliances supplied by the Rooming House Operator be conducted annually.

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”?

Our RHOP workers regularly visit rooming houses where window coverings are inadequate, in poor condition, makeshift or non-existent. The lack of appropriate window coverings does not meet community expectations of decency and amenity. A common occurrence our service experience whilst conducting outreach is the boarding up of windows. Residents report a constant struggle to maintain warmth in the winter and cooling in the summer, compounded by the inadequacy of the window coverings.



Rooming House Outreach Program Photos 2021/22

Case Study

RHOP visited a registered rooming house in the Melbourne’s South East, where upon no answer at the door, the team called out through the back gate in the hope that someone would hear them. They heard an answer and were invited around the back of the property. Upon entering the rear of the property they found a man in his 60’s, who due to poor health could not get out of this bed. His room door lock was broken and the glass in his room’s external window was smashed leaving large and dangerous shards hanging. The resident was subject to the cold weather as he could not close the door properly or prevent the weather from entering through the empty window frame. This dire situation further exacerbated his poor health.

RHOP arranged for a health professional to visit, where hospitalization was arranged. A few weeks later upon his discharge, he had moved into secure, supported residential accommodation. The RHOP team reported the numerous breaches of minimum standards to the local council and Consumer Affairs Victoria. Council took action and the property has ceased to operate as a rooming house.

Recommendation

5. That the regulations be amended to require that window coverings provide adequate privacy, that they be in good working order and that they reasonably block light.

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?

Access and coordination of bathroom facilities is a common concern of rooming house residents, with the current prescribed standards requiring one toilet, bath, shower and one wash basin for every 10 people.

The Open the Door report highlighted that residents were concerned with the overall lack of cleanliness and poor hygiene practices in the rooming house environment. Not surprisingly, this was a major issue in relation to the state of kitchens and bathrooms especially. Residents report that fixtures and fittings are often in a state of disrepair, resulting in excess water, shortage of hot water, the presence of mould and the door latches are broken.

Rooming house residents often have chronic health conditions and limited mobility, and report difficulty accessing toilets.



Open the Door Report 2020 photos

Recommendation

6. That the regulations are amended to include a requirement that all shower screens meet Australian standards and/or provide protection from water overflow.

Recommendation

7. The regulations incorporate provisions for the installation of grab rails in all communal toilets to support clients with limited mobility.

Recommendation

8. That the density limit of bathrooms and toilets be amended to one bathroom and one toilet to five people to improve the decency and amenities for residents

5. 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?

Storage of food is a critical issue for rooming house residents. Residents often report that cupboards are not lockable and often there is little space in communal fridges. Food and cookware is often stored in overcrowded bedrooms, increasing the likelihood of pest infestation.

Recommendation

9. That the regulations be amended to incorporate the provision of a small (bar size) fridge in each resident's room along with lockable storage cupboards for each room in the kitchen and/or residents room.

6. 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?

The Open the Door research demonstrated that 64% of residents surveyed reported problems preparing meals or cooking in the kitchen due to the lack of cleanliness or poor hygiene practices of other residents, or issues relation to the stealing of food and/or cooking equipment.

Alarmingly 16% of residents surveyed reported they had set up cooking facilities in their own rooms and prepared and cooked food there instead of using communal facilities. They reported that in this way they were able to avoid many of the issues to do with cooking in the kitchen and some of the residents as well. One resident reported the kitchen was 'overcrowded (with) too many cooking at the same time (and) cooking facilities not working properly. I have a microwave and frying pan in my room'.²

² Peninsula Community Legal Centre Open the Door Report 2020



Residents have reported to RHOP that in some rooming houses, house rules do not allow the use of the kitchen during certain times of the day. These rules impact on the health and wellbeing of residents.

We note that regulation 11 lists the provision of amenities such as kitchen and food preparation, sinks, ovens and cook tops as first preference in each resident's room or in a common area. We support that the provision of cooking amenities should be referenced in the common areas first, or residents' rooms for the safety of residents.

Recommendation

10. That the regulations be amended to include that the kitchen and food preparation facilities of a rooming house must be available to residents at all times.

Recommendation

11. Adequate food preparation areas are provided in the communal kitchen to take into account the number of residents residing in the rooming house

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?

PCLC supports the proposed amendment to increase the frequency of electrical safety checks to align with the Residential Tenancies Regulations 2021. We recommend that the electrical safety checks incorporate testing and tagging of all rooming house operator supplied appliances.

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?

PCLC recommends that the regulations include that a copy of all checks must be retained onsite at the rooming house.

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?

The concept of borrowed light is unclear in the regulation. OurRHOP has seen some fairly loose interpretations of this including one instance where a room was situated at the rear of the garage and so the only natural light was borrowed from the garage only when the garage door was left open. This created issues for the resident around heating and cooling. Often residents for security and privacy reasons will keep the doors of the room closed and therefore cannot access borrowed lighting from adjacent rooms.

As we have outlined earlier in the submission, broken windows are commonplace in rooming houses. Often the owner's response is to board them up therefore restricting natural light and this raises issues of ventilation, hygiene and safety.



Rooming House Outreach Program Photos 2021/22

Recommendation

12. That a habitable room must have access to artificial light at all times which provides a level of illuminance appropriate to the function or use of the room.

Recommendation

13. That the regulations be amended to include the provision of door closures on external entry doors.

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

PCLC welcomes the proposed additional reforms as outlined in 2.6, detailed below:

- Provision of communal space – RHOP regularly visits rooming houses where there is no communal living room. This severely limits residents' capacity to socialise with each other, to entertain visitors and to enjoy family time with children.
- Window coverings in living areas – The provision of window coverings aligns with the private rental minimum standards and provides a level of privacy to residents.
- Cleanliness – The overwhelming issue for residents other than security is the cleanliness of communal areas. We support the provision of weekly cleaning, particularly to the communal areas such as bathrooms, kitchens and toilets.
- Heating, cooling and energy efficiency – to align with recently introduced private rental standards.
- Maintenance – The implementation of a regular maintenance schedule will strengthen the overall condition of the premises, and provide residents with assurance that repairs will be addressed in a timely manner.
- Mailboxes – The provision of mailboxes and room numbers give the residents some comfort that personal mail and formal correspondence, such as notices from the landlord, Vicroads, Fines Victoria will be delivered safely and in a timely fashion. We do note that many residents do not have regular access to online services and therefore rely on Australia Post.

Recommendation

14. That the additional reforms as proposed in 2.6 of the Issues Paper be included in the Regulations.

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

In our experience, there is often a siloed approach to the reporting and enforcement of rooming house regulations. Currently, it is difficult to measure the number of complaints and breaches reported within specific local government areas, and it can be difficult to monitor the compliance of particular rooming house operators and individual rooming houses with the Regulations. In our view, a centralised system where compliance can be monitored, and breaches can be reported is necessary to effect real improvements to rooming house accommodation.

We would welcome more random inspections of properties to assist with effective oversight and recognise the need for additional resources to regulators to conduct this work. Residents often report that operators make some improvements or adjustments just prior to the proposed inspection.

“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

³ Peninsula Community Legal Centre Open the Door 2020