

April 2022

Submission to Commissioner for Residential Tenancies about current living conditions in Victorian rooming houses and barriers to effective regulation and compliance in the rooming house sector

Your Community Health (YourCH) welcomes the opportunity to contribute to the Commissioner for Residential Tenancies review into rooming house conditions and strongly advocates for reforms that improve living standards, through strengthened regulations and increased support. YourCH's submission is based on the lived experience of both previous and current tenants, acknowledging the importance of the voices of people living in rooming houses being centred in the consultation process.

YourCH is a community health organisation that partners with people and communities to deliver health and wellbeing services and promote equity in the Darebin Local Government Area and surrounding regions. Services are provided at YourCH sites, in a range of community settings and in people's homes, including within rooming houses. YourCH has a long history of working with people residing in rooming houses and is a funded High-Risk Accommodation Response provider, preventing COVID-19 outbreaks in high-risk housing settings and promoting community recovery. This program has enhanced YourCH's understanding of the issues impacting people living in insecure housing and rooming houses.

Rooming houses are an integral component within Victoria's housing system, keeping many people from entering homelessness and often providing accessible housing options for people that may experience barriers to private rental and social housing. Most often accommodating people that have experienced hardship and disadvantage, rooming houses are also utilised as short-term options for international students or transient workers. Despite being a positive housing option for some, there are many systemic issues that result in the poor living conditions of rooming houses, including the lack of funded support, the low regulatory standards and the complexity of multiple legislative frameworks causing confusion on rights, roles, and responsibilities. Additionally, there are many unregistered rooming houses that are unregulated, often resulting in poorer living conditions, reduced resident rights and potential exploitation.

The link between inadequate housing and poor health is well documented. To achieve healthy communities, housing needs to be safe, affordable, and secure. Changes to standards and increased support would enhance safety and overall conditions in rooming houses, consequently improving the health and wellbeing of residents. YourCH's submission is structured as follows:

1. Submission Responses
2. Lived Experiences of Rooming Houses

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3. Recommendations

YourCH is passionate about housing equity and the need for safe and affordable housing as a key determinant of health. For any further information on the submission, please contact Annie Grant annie.grant@yourch.org.au or Jennifer Tobin Jennifer.tobin@yourch.org.au.

Yours Sincerely,



Kent Burgess

Chief Executive Officer

Your Community Health



Submission Responses

What do residents tell you about their experiences of living in rooming houses? Are there common problems that are reported to you?

Current and previous residents have reported both positive and negative experiences of living in rooming houses. Many explaining that rooming houses were the only feasible option that prevented them from homelessness or rough sleeping following difficult circumstances. One of the major benefits of rooming houses is that residents do not require previous rental references to secure a room, improving accessibility for international students, or people with a history of homelessness. Positive rooming house examples are often correlated with the professionalism and integrity of the person operating the rooming houses. With adequate amenities, regular cleaning of common areas, supportive operators and household cohesion, rooming houses can be a positive housing outcome for people.

Whilst there are positive experiences reported, many people have difficult experiences in rooming houses and often seeking support from YourCH for advocacy and/or to seek alternative housing options. Below are the common problems reported:

Poor Standard of Living

Residents in rooming houses often report living in poor conditions with inadequate facilities and broken/unsafe equipment. These conditions are worsened in rooming houses that are overcrowded. Standard of living appears to have deteriorated throughout the COVID-19 pandemic, with an observed decrease in property owners' engagement in overseeing rooming house conditions. Whilst there are rooming house minimum standards that property operators are required to adhere to, these standards are too low and poorly regulated. The high number of illegal rooming houses also reduces accountability to maintaining a clean, safe and secure living environment. Residents often avoid reporting property operators for providing poor standards of living due to fear of eviction. Common problems that rooming house tenants report:

- Common areas (bathrooms, kitchens and living areas) are often unclean and unhygienic. The cleaning of common areas which is the responsibility of rooming house operators, is often not completed regularly.
- Broken or substandard equipment, such as oven/fridges not working. One example includes a staff member citing a stove top installed into a wooden desk, which once reported was deemed as compliant by regulatory bodies.
- Minimal equipment in shared kitchens, such as pots, crockery and cutlery.



- Build-up of rubbish internal and external to properties. This is especially prevalent in properties that have six or more residents and only one residential bin. Often rooming houses have broken furniture and dirty mattresses left around the property.
- Inadequate facilities for the number of residents, for example one bathroom for ten residents, and one fridge between ten residents.
- Basic health and safety measures not in place, such as fire alarms not working, absence of locks on doors or locks broken.

Personal Safety

Many residents have reported feeling both physically and psychologically unsafe in rooming houses, stating that the level of privacy and safety is inadequate. Often residents in rooming houses have experienced social disadvantage and have high needs, such as drug and alcohol use, complex mental health and trauma histories, chronic health conditions and incarceration/interactions with the justice system. These needs are often unsupported and can result in behavioural and psychosocial challenges that impact other residents. Residents have reported experiencing:

- Physical violence, threats and intimidation
- Financial extortion
- Being fearful of personal safety due to lack of privacy with no or faulty locks in bathroom or bedrooms
- Sexual harassment

Rooming houses are often very transient places. Residents have no control over who moves in or out of the property, and this often leads to increased anxiety, tensions and safety issues.

When reporting issues of personal safety to rooming house operators, residents are directed to call the police. Rooming house operators are often reluctant to evict residents based on violence and aggression, resulting in an unsafe environment for other residents.

Cost

Despite rooming houses being perceived as a low-cost alternative to private rentals, many residents report that excessive rental amounts are becoming an increasing problem, forcing them to live in poverty. The cost of rooming houses varies, with operators setting their own amounts. On average, privately owned rooming houses charge \$235 per week which is typically deducted electronically. The weekly cost often exceeding two-thirds of residents' income for substandard and small rooms. The lack of affordable housing has facilitated the growth of the private rooming house sector as a profitable business, and many private rooming house operators are profiteering off residents who are among the most vulnerable



and disadvantaged in our community¹. Most people living in rooming houses are supported by centrelink payments such as the disability support pension or jobseeker. This leaves very little to spend on living expenses and creates a poverty trap preventing residents' ability to move on.

Resident Rights

A common theme reported by rooming house residents is their lack of rights, fearing that advocating for their rights or making a report may compromise their tenancy or treatment. Additionally, due to the complex regulatory environment and multiple agencies monitoring various aspects of compliance, many residents are unsure about their rights and how to make a complaint. Many report not receiving information upon entry and that when provided with the information it is inaccessible (jargon), preventing residents from understanding their rights. Many residents report not having notice when inspections are occurring, or when rooming house operators are showing potential residents into the house and into their private bedrooms.

The Tenants Victoria Rooming House outreach program provides a highly valued role in the rooming house sector, visiting residents and advocating for their rights. Unfortunately, this program is insufficiently resourced with one worker covering the entire North West region.

Lack of Support

Often people entering rooming houses have faced disadvantage, many are in crisis and have unmet psychosocial needs. Some residents have poor living skills or limited capacity to care for themselves, impacting on other residents. Whilst people have high support needs, many report being unaware of local support services and emergency relief options stating they don't know how to seek assistance when it was required.

Has your service ever reported a problem? What happened?

In the context of COVID-19 safety, YourCH reported issues with several rooming houses to Consumer Affairs and Council in relation to poor maintenance, insufficient amenities for the number of residents, and tenant safety. The concerns included the lack of common area cleaning and unhygienic environments observed in many properties. Complaints were made in writing and presented verbally. YourCH regularly meets with the two regulatory bodies responsible for rooming houses, and whilst this structured communication is helpful in sharing information about new or recently shut-down rooming houses and reporting issues, there has

¹ <https://pclc.org.au/wp-content/uploads/2020/09/Open-the-Door-The-Residents-View-of-life-in-a-Rooming-House.pdf>



been little change as a result of regular complaints. In some instances in COVID peaks, common area cleaning was undertaken after repeated advocacy, but rarely maintained as per YourCH's request as part of COVID safety planning. From our experience of reporting issues, we are unaware of any rooming house operators being fined.

Regulatory bodies are bound by insufficiently low minimum standards and therefore legislative compliance does not necessarily ensure a safe and secure living environment for residents. Sometimes rooming house operators blame residents for lack of cleanliness and rubbish accumulation, without providing adequate bins, undertaking communal area cleaning, or recognising the limited capacity of some residents daily living skills.

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

There are many complex issues with the current rooming house regulatory environment. Council, Consumer Affairs Victoria and the Police all have distinct roles in regulating rooming houses, all adhering to unique legislation and processes. Despite YourCH's long history of working with people living in rooming houses and associated regulatory bodies, the roles and responsibilities of each regulator remains unclear. Additionally, residents can have fixed term rental agreements, open-ended written agreements or verbal agreements - each with different rights. The many roles and responsibilities result in confusion to rooming house operators, residents, and support organisations preventing effective oversight.

Due to the significant role rooming houses play in housing individuals who may otherwise face homelessness, regulatory bodies are put in a difficult position of closing rooming houses down that do not comply with standards that may result in residents entering homelessness or rough sleeping. This leniency whilst understandable, perpetuates the low standard of living in many rooming houses.

The Council's oversight of current health regulations is often narrowly focussed (ensuring there is one toilet for every 10 residents and checking hot/cold water supply) and needs to be amended to be more comprehensive on general housing disrepair, living conditions and cleanliness of common areas. If health regulations could be amended to be more comprehensive, this would greatly improve the standards of rooming houses.

When illegal rooming houses or registered rooming houses are closed due to non-compliance, often the same operators open new properties shortly afterwards with the same low standards and poor living conditions. Changes to legislation should be made to ensure unscrupulous operators are banned from opening rooming houses in the future.



Lived Experiences of Rooming Houses

"I lived in a rooming house with 14 other people. I moved in because it was cheap and close to my uni. The oven didn't work, we had one microwave and one electric stove top. There was no clothesline and things were not often fixed or maintained once reported. There was one recycling bin and one general waste bin, with a roster to put the bins out that wasn't adhered to. There were weeks where the rubbish didn't go out that would pile up around the house. We were supposed to have a cleaner once a week, but COVID happened and they weren't allowed in, so when the owner had time they would come in, meaning sometimes the house wouldn't get cleaned for 3 or 4 months. I would get sick of the mess and clean, but we never had a mop.

The agents weren't interested in fixing things. If you asked them for something they were irritated. They were frequently rude and even more rude to international residents. A lot of things don't get challenged or raised because lots of people are scared of losing their housing references. One of the big recurring themes, if any big works were done to the house we were never told about it. Tradies would come at all hours to install, and it was really disruptive. COVID hit the landlord like others, so he (rooming house operator) was desperate to make money and wanted every room full.

The main reason I moved out was because a fellow moved into the room next to me, and we shared a wall. He was fine to my face and would have good weeks where he would sleep the whole time, and then bad weeks when he wouldn't sleep at all and yell and rant for hours throughout the night, screaming (sexually threatening language). The reason I moved out is that I didn't feel safe. I complained officially 5 or 6 times and I think they gave him warnings but didn't evict him and as far as I know he is still living there. Whilst I didn't experience it, a number of housemates complained about theft.

I still haven't gotten my bond back even though the I know the owner wanted me to get it back. I moved out in October. I know for a fact that two people moved out before me didn't get their bond back because the agent didn't think they would fight them on it because they returned overseas. They used the excuse that the walls were unclean and needed to be repainted, but I lived there and the room definitely did not get repainted before the next resident moving in. – Previous Resident

"I have lived in two rooming houses in Australia; the first rooming house had bills included and the second bills were not included in the rent, and the price of bills would change month by month, which made it hard to budget. I also had a feeling that the owner was ripping me off with bills because they kept getting more expensive. But it is nice to have my own room and own space.

When I first moved in, I was unaware that according to rooming house regulation, bills need to be included in a fixed rent amount and that bond needed to go to a third party. The owner kept resident's bonds. It was only when I met a representative from Tenants Victoria, that I found out the proprietor was not following regulations. Tenants Victoria called and checked up on me once every three months which was very helpful.



You don't know who you are going to get when a new tenant moves in, and the owner does not inform us what day they are due to move in. The proprietor would often bring around people to see our room without notice. I felt like I had no privacy.

When I raised issues with the proprietor, she would say that "I was stressing her out that she had family." A good thing was when we raised maintenance issues the proprietor would be quick to fix them. Major works at the rooming house was completed during lockdown which left only one bathroom for 5 people and one portable stove top for everyone. The landlord did not decrease rent and started works early in morning after later night shifts.

Living conditions would be improved if there was enough storage in common areas and kitchen. If the proprietor would let us know about visits, we are young females living along and often feel vulnerable. Having basic things when we first move in, like a microwave, kettle, bed, bedside table, wardrobe." – Current Resident

"I lived in a rooming house for 3.5 years. I was couch surfing for a couple of days and Haven (housing service) put me in a 5-bedroom rooming house in Reservoir. It was \$450 per fortnight, including bills. When I was in the rooming house I was scared, I was frightened. None of us had the support we needed. Residents should know where they can get support, and who to ring if they need help or food assistance, but you're on your own.

The place I was living was falling apart. I fell down the back porch twice, and they never fixed it properly. They do the easy and cheap way and don't want to spend a lot of money on rooming houses. The house was so cold, there was no heating as they cut off the ducted heating.

The facilities were alright, we had a common kitchen and area. At the start we all got along, but then the relationships fell apart. I just stayed in my room. People stole my stuff all the time. One of the people was on ice and had a machete. We kept reporting to the owners, but they didn't do much, they just told us to call the police. We're ringing to tell them how violent this person was, but they didn't want to know. He eventually went to jail. I later got attacked by a hammer by another resident. That was the end of it, it put me into shock, I was having panic and anxiety attacks, I couldn't go out the front door. All I wanted to do was sleep. It destroyed my self-esteem and confidence. I started being supported by Catherine (YourCH worker) and things improved a lot. I moved into a one bedroom house that's \$231 per fortnight. I'm more relaxed and much happier. I now have a dog and a backyard. I now feel it's important to share my story so I can advocate for other people to live in safe and secure housing." – Previous Resident

Recommendations:

1. Strengthened Minimum Standards:

A comprehensive review and subsequent strengthening of both the general minimum standards and the public health and wellbeing standards (set out in the Public Health and Wellbeing Regulations 2009) that rooming house operators must adhere to. Standards to be written with less subjective language with clearly articulated



requirements. Standards to include more detail expectations on cleanliness and housing conditions, such as frequency of cleaning and ensuring amenities are safe and in good working order. A review and decrease of quotas of people per amenities (reduce the number of people per toilet, shower, fridge.)

2. Harsher Penalties for Breaches of Regulations and Minimum Standards:

Breaches of regulations need to be met with more concerted action, including prompt fines and closures for repeated breaches. Houses that have been reported need to be monitored more closely to ensure ongoing compliance. Operators that have been previously shutdown for non-compliance should not be allowed to open new rooming houses.

3. Increased Support for Residents:

There is a need for increased investment into the support for people living in rooming houses. This includes health and social support, support to understand housing rights, support to understand local services and where to ask for help, and financial assistance with basic household items.

The Department of Families, Fairness and Housing should play a lead role in the oversight of rooming house resident support, similar to their role in the High Risk Accommodation Response (HRAR) program. An increase in funding for health and social outreach support for tenants (particularly following the cessation of HRAR funding) is required.

Given the majority of rooming house referrals come from emergency housing services, if housing services were funded to provide additional support this would set residents up for a more successful tenancy. Support could include:

- Assisting residents to understand their rights and how to make a complaint
- Providing residents with a list of local support agencies
- Identifying any immediate unmet needs upon assessment and provide appropriate referrals
- Supporting residents to complete a Victorian Housing Register application

An increase in resources for the highly valued Tenants Victoria rooming house outreach program is required, as there is currently only one staff member servicing the entire North West region. Tenants Victoria support residents to understand their rights and advocate for better conditions. This function could also provide additional surveillance to ensure rooming houses comply with standards and report breaches.



Residents' rights need to be made more accessible, such as written in easy English and translated into other languages to ensure that all residents are aware of the minimum standards and how to report an issue.

4. Increased Coordination between Regulatory Bodies:

Local stakeholder meetings should occur in each local government area, with regulatory bodies and support services regularly meeting to provide clear communication channels and proactively identify and respond to problematic rooming houses not meeting standards.

The Department of Families, Fairness and Housing should play a greater role in the oversight of resident health and wellbeing and should coordinate a statewide group to ensure a consistent approach with local councils.

Council and Consumer Affairs Victoria need to work at clarifying their roles and explaining the interface between the two regulatory bodies through simplified messaging and regular communication to key stakeholders (including residents, operators and supporting agencies). This will reduce confusion with the complex regulatory environment.

5. Rent Control to Avoid Profiteering:

The development and implementation of a Victorian rooming house rent control scheme should be developed to protect rooming house residents from financial exploitation, where rental amount is proportionate to the room and facilities of the rooming house.

6. Increase in Council Provided Bins:

Council to provide additional general waste and recycling bins for houses with a high number of residents to avoid the common problem of excess rubbish within and outside of houses.

