

Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

Overview

Fairer Safer Housing is a Victorian Government initiative to ensure that all Victorians have access to safe, affordable and secure housing. One of the key elements of the initiative is a review of the *Residential Tenancies Act 1997* (the Act).

The final of a series of six issues papers explored the issues that are unique to alternate forms of tenure.

Who responded to this issues paper?*

A total of 152 individuals and organisations provided a response to the Issues Paper through five different channels. These channels included posting stories online, participating in online forums, providing written submissions, email comments and social media posts.

Individual tenants were the largest participant group with 64 respondents (42.1 per cent), as illustrated in *Figure 1*. The summary draws on a broad spectrum of views captured in the results.

Information was accessed in a language other than English 237 times, the most commonly downloaded languages were Chinese, Lai Holh and Hindi.

Figure 2 illustrates that the majority of responses received 104 (68.4 per cent), were made via social media. The majority of landlords and tenants responded to questions on social media. Landlord/agent representative organisations, tribunals, local governments and other organisations contributed solely through written submissions.

Figure 1: Stakeholder cohorts that responded to the issues paper

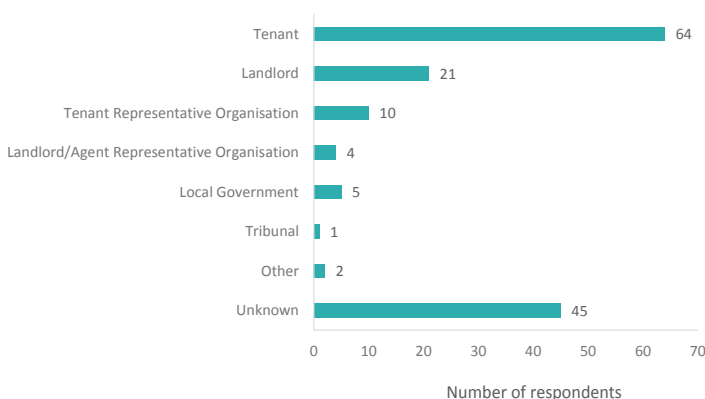
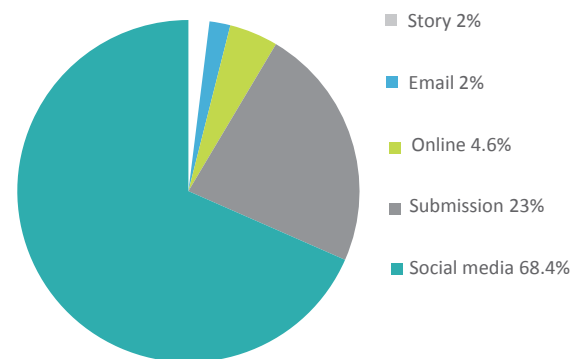


Figure 2: Methods stakeholders used to respond to the Issues Paper



Number of responses = 152

- The emerging trend of rental villages operating in the same manner as rooming houses; month to month rent and full board and meals provided (one landlord/agent representative organisation).

Rental villages and independent living units

Issues identified that arise for residents in rental villages and independent living units, and what form of regulation would best suit these accommodation models

- The Act does not currently deal well with rental villages and independent living units, particularly in terms of dispute resolution (two tenant representative organisations and VCAT).
- Rental villages should be regulated under separate legislation and a Retirement Village Ombudsman should be established (two tenant representative organisations).
- Rental villages should be regulated under the Act, provided security of tenure is improved (one tenant representative organisation).

Theme 1: Classification of park models

'Annuals' tourist stays in mixed used caravan parks

Respondents discussed 'annuals' tourist stays and whether they should be regulated under the Act

- 'Annuals' tourist stays should be managed by separate legislation. This is because 'annuals' do not fit the definition of 'residential' and only residential occupancies should be regulated under the Act (one landlord and one landlord/agent representative organisation).
- 'Annuals' should be regulated under the Act if they are outside the Urban Growth Boundary, for the purposes of maintaining 'a well-planned settlement pattern' (one local government).

Emerging accommodation models

Examples given of emerging accommodation models

- Many parks that previously catered for 55+ year-olds are now opening up to younger people who are looking for affordable housing (one tenant representative organisation).

*The results of the consultation are not representative of the market but, rather, reflect current views about alternate forms of tenure amongst the organisations and individuals who chose to participate. In addition, people who responded via social media and other online channels self-identified as either tenant or landlord.

Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements*.

Theme 2: Part 4 caravan park residency rights

Classifying caravan occupants as residents for the purposes of the Act

Respondents views about when caravan occupants should be classified as residents and covered by the Act

- Caravan park occupants should be covered by the Act if they are paying rent, regardless of their length of stay in the park (four unknown, two tenants, one landlord, and one tenant representative organisation).
- Occupants should only be covered by the Act if the caravan park is their main residence (one landlord and two unknown respondents).
- People in caravan parks should not be covered by the Act at all, because the dwellings are not permanent. There was concern that tourists could access rent assistance for their holiday homes (three landlords).
- Caravan park occupiers should be covered by the Act if there is a written agreement that the occupant intends to reside there permanently. Additionally, if there is written clarification there is no need to wait 60 days before the Act applies (two tenant representative organisations, one landlord and one landlord/agent representative organisation).

Definitions in the Act relating to moveable dwellings

Five respondents wanted to see more clarification in the definition of a 'moveable dwelling' (two tenant representative organisations, one local government, one landlord/agent representative organisation and VCAT). In their experience, the current definition is interpreted to include anything that can be deconstructed in 24 hours, resulting in a somewhat artificial test.

Improving security of tenure for residents in caravan parks

The advantages

- It would help many vulnerable residents, who are common in caravan parks, to avoid homelessness, particularly if the 'no specified reason' notice to vacate were abolished (two tenant representative organisations).
- Residents would more readily exercise their rights for repairs and maintenance (one tenant representative organisation).
- Tenants would be more likely to request reviews of rent increases (tenant representative organisation).

The disadvantages

- Many caravan residents prefer flexibility to pursue employment or other opportunities. Lease break fees could become a burden, particularly for vulnerable residents (one tenant representative organisation, one landlord and one landlord/agent representative organisation).

- Additional legislation could discourage future caravan park operators and reduce the supply of affordable housing (one landlord).

One landlord/representative organisation also believed there should be shorter notice to vacate periods for residents who interrupt the peaceful enjoyment of others, particularly if violent behaviour is involved.

Sale of dwellings in caravan parks

Respondents had mixed views about how the Act should address the sale of dwellings in caravan parks

- Park owners should be able to refuse sales on-site if the dwelling is not up to standard (one landlord and one landlord/agent representative organisation).
- The sale of a dwelling should trigger building inspections to make sure it is up to health and safety standards, including fire safety (one landlord and one other organisation).
- Park owners should not be able to refuse the sale of an on-site dwelling without sufficient evidence. If a resident cannot afford to bring a dwelling up to standard, there should be a mechanism in the Act to enable the resident to realise some of the value of the sale (one tenant representative organisation).

Closure or sale of a caravan park

Varying perspectives on how the Act should address circumstances where a caravan park closes or is sold

- Park owners should be required to compensate residents for relocation costs (two tenants, one landlord and one landlord/agent representative organisation).
- A mortgagee giving a notice to vacate to a caravan park resident should provide six months' notice, regardless of whether the mortgage precedes the tenancy (two tenant representative organisations).
- As with residential tenancies, the owner should only have to provide 60-days' notice for the closure of the park (two unknown and one landlord).
- Owners should be obliged to help residents access support services if necessary (one tenant representative organisation).
- If the lease is a fixed term, the owner should have to pay break lease fees (one landlord).
- The owner should not be required to do anything because the dwelling is moveable (one unknown).

Transferring residency to a third party

One landlord and one landlord/agent representative organisation did not support transferring residency rights in any circumstances. This is because they believed all people must go through the resident application process to ensure peaceful and harmonious enjoyment of the park.

In contrast, one tenant representative organisation suggested transferring residency rights should be allowed in the case of death.

Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

Theme 3: Part 4A site agreements

Standalone legislation for residential parks

Overall, respondents were in support of standalone legislation for residential parks, for the following reasons

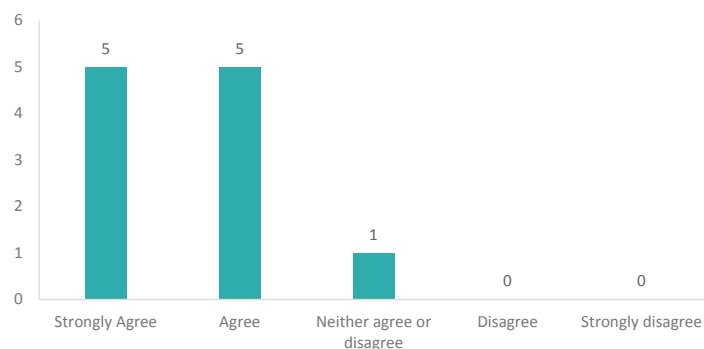
- Residential parks are unique and complex and it would make regulation more specific and accessible if they had their own legislation (two tenant representatives and VCAT).
- The Act is already too complex and cumbersome. Separating the legislation would give more clarity to park owners (one landlord/agent representative organisation).
- There is already separate legislation in other states (two tenant representative organisations).

Two tenant representative organisations felt it would be necessary to have separate legislation to cover both Part 4 and 4A tenancies because they are similar and there is already confusion about the differences in parks that have both.

The only disadvantages provided were separate legislation could add additional compliance and over-burden the sector (landlord); and may require a lot of cross references with the Act (VCAT).

An online quick poll asked the questions; Would you support standalone legislation for residential parks? and received 11 responses. As illustrated in *Figure 3*, respondents overwhelmingly agreed, and no respondents disagreed.

Figure 3: Online quick poll: Would you support standalone legislation for residential parks?



Number of respondents = 11

Central register of residential parks and villages

Most respondents were in favour of creating a central register of residential parks and villages. Only two landlords and one landlord/agent representative organisation did not see any benefits in a central register.

Cited benefits of a central register

- It would allow prospective site tenants to research residential parks

to determine what would be best for them, including whether the park has the same owner and operator or their energy supplier (two tenant representative organisations and one tenant).

- It would make it easier to ensure standards are known by all parks and complied with (two tenant representative organisations).
- Knowledge of residential parks and villages, including location and number of dwellings, would assist emergency service plans and protect residents in the case of emergency (one other organisation).
- It would give the Victorian Government a better understanding of the sector and its scope (one tenant representative organisation).
- Owners and operators will be able to connect and support each other over mutual issues of concern (one tenant representative organisation).

Three tenant representative organisations and one tenant wanted the central register to be publicly available and managed by CAV.

Improving security of tenure for Part 4A site tenants

One landlord/agent representative organisation and one landlord expressed concern that improving security of tenure, particularly minimum lease terms, would reduce the number of hybrid caravan parks offering Part 4A site agreements. The landlord/agent representative organisation believed the current security of tenure offered in the Act is appropriate.

Tenant representatives felt differently and provided the following suggestions for how security of tenure could be improved for Part 4A site agreements

- Abolish 'no specified reason' notices to vacate (two tenant representative organisations).
- Allow the value of the site relative to the overall dwelling price be acknowledged in the Act. Currently if the dwelling is sold without site rights the value is minimal (two tenant representative organisations).
- Allow a partner/spouse to be added to the site agreement during fixed terms (one tenant representative organisations).
- Enforce a minimum five-year fixed lease term (one tenant representative organisation).
- Improve disclosure of rents, services, park rules and the owner/operator relationships in the site agreement (one local government).



Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

Regulating commissions on the sale of a site tenant's dwelling

Three respondents provided the following commentary about regulating sales commission in the Act

- Park operators are the best placed sales agents for Part 4A dwellings because of their knowledge of the industry (one tenant representative organisation and one landlord).
- Park operators should only be allowed to take a sales commission if they act as the sales agent (one tenant representative organisation).
- Capping the sales commission for park operators would push people to use commercial agents who, without adequate knowledge of the sector, could provide incorrect information to prospective purchasers (one landlord).
- A cap on sales commissions are needed to ensure vulnerable site tenants are not exploited (one tenant representative organisation).
- It should be mandatory to provide independent valuation documentation for all sales, and the site owner should not be able to unreasonably withhold consent to re-assign the site agreement (one tenant representative organisation).
- There is no need to regulate sales commissions in the Act (one landlord/agent representative organisation).

Sale of residential parks

Three respondents emphasised that current provisions for when a park closes or is sold are unclear, particularly that there is no notice to vacate in this instance and park operators have to utilise other notices (two tenant representative organisations and one landlord).

One landlord/agent representative organisation saw no need for further provisions in the Act because park closures are uncommon.

Other suggestions for the sale of parks

- If a park is sold, site agreements should be binding on the new owner (one tenant representative organisation and VCAT).
- The Act should formalise lease breaking compensation to site tenants when a park is sold (one landlord and one tenant). The landlord thought there should be a minimum amount but no maximum and there should be no compensation offered for relocation.
- It should be mandatory for park operators to disclose when there has been changes to the park's ownership, including changes in freehold and/or leaseholder rights (two tenant representative organisations).
- If a park closes, there should be a wind-down period of two and half years, otherwise compensation should be offered (one tenant representative organisation).

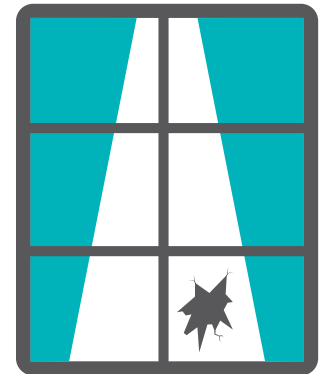
VCAT and a tenant representative organisation believed the Act should distinguish between instances where the park is being sold for profit or because of bankruptcy and insolvency.

Provisions for maintenance and repairs in residential parks

Respondents felt that there is a definite need to clarify the provisions about maintenance and repairs, and to ensure there are clear obligations for each party (two tenant representative organisations, one landlord/agent representative organisation and VCAT).

There were several suggestions about the right balance of responsibilities for maintenance and repairs

- The site tenant should be responsible for the maintenance of the dwelling and the park operator should be responsible for fixtures (four tenants, four unknown, three tenant representative organisations, one landlord, one other organisation and one landlord/agent representative organisation).
- The person who breaks something should be responsible for fixing it, even if it is a fixture of the site (one landlord and one tenant representative organisation).
- With sheds, fences and gardens the person who built the structure should be responsible for its maintenance (three tenants and two landlords).
- The Act should stipulate that site tenants have the obligation to keep the dwelling clean and in good repair (one tenant representative organisation).
- Site tenants should have to provide certificates of building inspections every three years, and the site operator should be able to terminate a lease if the dwelling is uninhabitable because of poor maintenance (one landlord).
- Model maintenance agreements should be established for all parks (one local government).
- Provisions around maintenance and repairs should include urgent and non-urgent repairs, as with normal tenancies (one tenant representative organisation).



Two landlords and one tenant believed the current balance of rights and responsibilities for repairs and maintenance in the Act are sufficient and did not want to see additional provisions.

Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

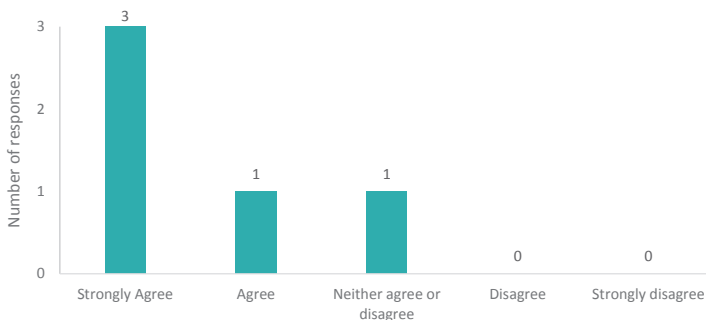
Businesses and visitors in a residential park

One landlord representative organisation and one landlord did not support tenants operating businesses out of residential parks because it could disturb the peaceful enjoyment of others. VCAT however made the argument that park operators should not be able to unreasonably withhold consent to a business operating on a site, noting that online businesses can already operate without signage or the attendance of customers.

The issue of visitors was raised many times. Three tenants, one unknown respondent and one tenant representative organisation want to see site tenants be allowed to have family and friends visit for a short period of time without charge. This is particularly important for older people, in order to maintain relationships with their family.

An online quick poll asked the question: Should residents of a rooming house, caravan park or residential park owe a duty under the Act to use their room or site for residential purposes only (i.e. not for a business purpose)? and received five responses. *Figure 4* illustrates that respondents strongly agreed.

Figure 4: Online quick poll: Should residents of a rooming house, caravan park or residential park owe a duty under the Act to use their room or site for residential purposes only (i.e. not for a business purpose)?



Number of respondents = 5

Regulating management practices of park operators

Respondents had mixed views about whether the Act should regulate the management practices of park operators

- Provide training for park managers in communicating with residents and conflict management. This will address instances where park managers bully residents, particularly the vulnerable (tenant representative organisation and one tenant).
- People who have been bankrupt or have a criminal history from the previous five years should not be allowed to manage residential parks or retirement villages (one tenant representative organisation).
- Licensing should be introduced for park operators (one tenant and a local government).
- Regulation of park operators should not be permitted under the Act (one landlord/agent representative organisation).

Theme 4: Other issues common to caravan parks and residential parks

Promoting a harmonious park community

Respondents made suggestions for provisions in the Act to support park operators in promoting a harmonious park community

- A three strikes and you are out policy, enforced through breach of duty notices (one tenant representative organisation and one unknown).
- A demerit point system for poor behaviour that leads to eviction (one landlord).
- Principles spelled out in the Act for what constitutes inharmonious behaviour (one tenant representative organisation).
- A binding dispute resolution process (one landlord/agent representative organisation).

Several respondents emphasised the importance of 'no specified reason' notices to vacate in the situation where a tenant is disrupting the park community (one other organisation, one tenant representative organisation and one landlord/agent representative organisation).

Planning regulations for parks

In reference to the planning and building requirements for parks, respondents discussed the number of government bodies that have a role in regulating caravan parks and residential parks and the confusion this can create.

There was support from one landlord/agent representative organisation, one landlord and one tenant representative organisation for the Act to establish a clear line of authority for enforcement of regulations in parks. A local government also called for the introduction of rigorous legislation for councils to address the planning, construction and management of parks.

Commentary on the safety, health and wellbeing and accessibility of caravan parks

- Accessibility for emergency services can be very difficult in caravan parks. The health and safety of residents needs to be placed above aesthetics (one other organisation and one tenant representative organisation).
- Many park tenants are older and have increasing accessibility needs. Therefore, it is important that park operators are not allowed to unreasonably withhold consent for modifications to both dwellings and communal facilities (two tenant representative organisations). VCAT highlighted that a provision similar to s497 could be included in the Act to help park operators access loans to make modifications.

Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

- To avoid dangerous 'do it yourself' modifications, it should be a requirement that all modifications to dwellings and the site have to be approved by the park operator (one landlord and one landlord/agent representative organisation).
- The Act should consider the increasing use of mobility scooters and encourage provision for proper parking and charging stations in parks, to avoid dangerous charging within dwellings leading to fires (one other organisation).
- Regulation of parks should not only consider the health and safety of tenants but also their social wellbeing. Social support organisations should be included in the monitoring and regulation of parks (one tenant representative organisation).

One landlord/agent representative organisation saw no need to amend the Act in relation to regulation of planning laws and modifications. Their only exception is to remove the requirement for caravan parks to renew their registration with the local council every three years as it is a significant cost burden and often a repetition of work already completed.

Theme 5: Rooming houses

Definition of a rooming house

The majority of respondents believed the definition of a rooming house should be extended to include a broader range of models.

Suggested inclusions for the definition of a rooming house

- The definition should relate to the purpose of the accommodation provider or the function of the accommodation, not to how many people live there (four tenant representative organisations).
- The ability for a Minister to declare a rooming house should be expanded to include those owned by community housing organisations (one landlord/agent representative organisation).
- There should be a single definition underpinned primarily by human rights principles (one local government and four tenant representative organisations).
- Short-term stay arrangements in private households; for example, Airbnb (one other organisation).
- Dwellings that share some kind of amenity or common space; for example, tiny houses in backyards or those grouped together in small 'villages' (two tenant representative organisations).

Two landlord/agent representative organisations felt that the definition of a rooming house should not be changed to include emerging accommodation models because they cater to very different residents.

Strengthening protections for residents

Respondents suggested several measures for strengthening the protections for rooming house residents as outlined below under the relevant headings.

Protecting resident rights

- Introduce rent control measures (one local government and two tenant representative organisations).
- Introduce provisions to allow third parties to represent residents at VCAT (one local government and one tenant representative organisation).
- Remove 'no specified reason' notice to vacate provisions under the Act to reduce arbitrary retaliation against residents (one local government and one tenant representative organisation).
- Introduce and implement an effective education program for rooming house operators and residents (one landlord and three tenant representative organisations).
- Strengthen existing minimum standards for rooming houses; for example, kitchens, maintenance and repairs, heating and cooling standards (two local governments, two tenant representative organisations and one tenant).

Registering rooming houses

- Introduce tax breaks for registering rooming houses (one landlord).
- Prosecute unregistered rooming houses by way of removal of ownership of the property (one landlord).
- Require building safety reports from reputable firms before registration renewals are issued (one tenant).
- Rooming house addresses should not be publicly available due to concern for women escaping domestic violence (one landlord/agent representative organisation).
- Registered rooming house operators should be compelled to display a sign indicating premises are being used as a registered rooming house (one tenant).
- Introduce a character test for rooming house operators which could include gathering references, both written and verbal, and psychological testing (one tenant representative organisation).
- A rooming house operator should obtain the consent of the property owner for the establishment of a rooming house (one local government).



Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

Monitoring and enforcement

Respondents reported several issues that arise when monitoring and enforcing regulation of rooming houses

- The process for councils to prosecute a non-compliant operator is highly resource and time intensive (one tenant representative organisation).
- Too much time is spent inspecting places that are already registered and compliant. More time should be spent investigating unregistered properties (one landlord/agent representative organisation and one landlord).
- There is inconsistency in compliance across and within local governments. Local governments work in silos and it is unusual for different government departments to communicate with each other (two tenant representative organisations).
- Residents fear reporting unacceptable conditions because they risk losing the last form of housing available to them (one tenant).
- There is no enforceable repair resolution system for rooming houses (one local government and one tenant representative organisation).
- Compliance with orders and the overall operation of VCAT needs improvement to better reflect VCAT as the 'consumer's arena' (one local government and one tenant representative organisation, one tenant).

There were also many suggestions made for ways to strengthen monitoring and enforcement

- Increasing investment in CAV and its capacity in the current regulatory regime. For example, increased frequency and quality of rooming house inspections (one local government and one tenant representative organisation).
- Introduce stronger enforcement powers for inspectors; for example, clearly stated sanctions against operators who do not meet their responsibilities (one local government and one tenant representative organisation).
- Timely enforcement of penalties for operators who do not comply with repair orders or other directions determined by VCAT (one local government, two tenant representative organisations).
- Improve investigation and enforcement provisions by reversing the current onus of proof of breach to inspectors (one local government and one tenant representative organisation).
- Ensure the Rights and Responsibilities Handbook is provided to all residents (one tenant representative organisation).
- Consider quarantining all or part of the fines collected from unlicensed operators to subsidise council registration and licensing fees for registered rooming house operators (one landlord/agent representative organisation).
- Section 131 of the Act should be amended to permit a resident to verbally give notice to a rooming house owner of required repairs (one tenant representative organisation).

- The Act should be amended to allow VCAT to impose a civil penalty if it finds that the building owner or agent knew or should have known the building was not registered (one tenant representative organisation).
- Yearly inspections should include discussions with residents (one tenant).
- Explore the creation of a single centralised regulatory instrument and agency (one local government, one tenant representative organisation and one landlord/agent representative organisation).

Types of agreements in rooming houses

Most respondents felt that the type of agreement a resident can enter with a rooming house operator should be limited.

- Residents may not be aware of the legality of agreements, and may sign agreements that breach their rights, or that put onerous and unnecessary responsibilities on them (VCAT, three tenant representative organisations and one tenant).
- Signing a tenancy agreement means residents are not offered the protections under Part 3 of the Act, created specifically for rooming houses and the unique experience of rooming house residents (three tenant representative organisations).
- Fixed tenancy agreements may not be flexible enough to consider the changing needs of the resident throughout their tenancy. They may also limit the owner / operator in terms of their ability to evict a troublesome client (one tenant representative organisation).
- Fixed-term tenancy agreements offer very limited security due to the high level of unaffordability in the sector. The overwhelming majority of residents are in severe rental stress and are at high risk of falling into rent arrears (one tenant representative organisation).
- At present some rooming house operators are avoiding regulation using sham lease or tenancy agreements (one local government).

Respondents suggested several arrangements that should apply where a rooming house resident and operator wish to enter a fixed-term agreement

- The agreement must be modified to reflect the difference between a typical tenancy and a rooming house (one tenant representative organisation).
- No bond or a lower bond amount should be payable for fixed-term agreements in rooming house situations (one tenant representative organisation).
- Lease break costs should be defined for any form of fixed-term agreement relating to a rooming house (one tenant representative organisation).

Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

- If both the tenant and the owner / operator want to enter a fixed-term agreement, it may be helpful to delay this for 30 days (one tenant representative organisation).
- Rooming houses residents should have access to a social service that could assist residents to understand fixed-term agreements (one tenant representative organisation).
- The 'no specified reason' notice to vacate should be removed (one tenant representative organisation).

Strengthening provisions for the application and enforcement of rooming house rules

Recommendations for reforms to strengthen the existing provisions in the Act relating to rooming house rules

- There should be a mandatory uniform set of house rules for all rooming houses (two tenant representative organisations and two tenants).
- A uniform set of house rules would not work (two landlord/agent representative organisations).
- There are strong incentives for residents not to challenge the reasonableness of rules, or report a breach, for fear of retribution by operators (VCAT and one tenant representative organisation).
- The Act should provide guidance about what rules are reasonable, and what rules would impact on a resident's quiet enjoyment of the property. For example, principles in 'Creating a Home' commissioned by the City of Greater Dandenong (three tenant representative organisations).
- Rules should outline the operator's responsibilities as well as residents' (one tenant representative organisation).
- House rules should provide operators with an ability to manage fire and security risks where those risks are increased significantly by the actions of residents (one other organisation).

Frequency of inspections

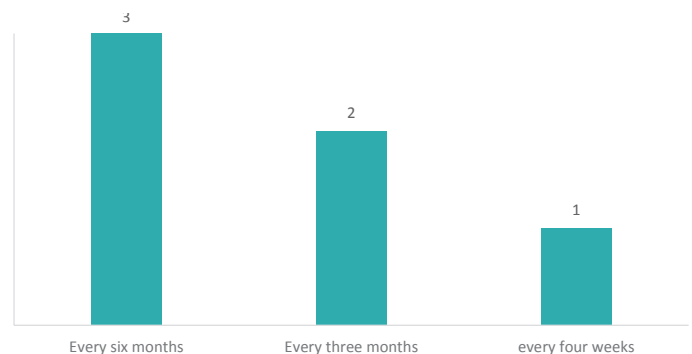
Opinions on the appropriate frequency period for general inspections in rooming houses varied

- Once every three months (three tenant representative organisations).
- Very few rooming house owners would actually conduct inspections every four weeks, but given their responsibility to the safety of all residents, it is important that the option be retained (one landlord/agent representative organisation).
- Monthly inspections for new residents, but less frequent inspections for long term residents. For example, every six months (one tenant representative organisation).
- Monthly room inspections are an unnecessary breach of quiet enjoyment and should be made less frequent (one tenant representative organisation).

- No more frequently than once a month. A 24 hour notice period is adequate (two tenants).
- Every three to six months and more than 24 hours' notice should be given (one tenant).

An online quick poll asked the question: What is an appropriate frequency period for general inspections of a resident's room in a rooming house? and received six responses. *Figure 5* illustrates that the highest proportion of respondents supported every six months.

Figure 5: Online quick poll: What is an appropriate frequency period for general inspections of a resident's room in a rooming house?



Number of respondents = 6

Quiet enjoyment of other residents

Respondents provided the following suggestions for what obligations a rooming house resident has under the Act for the quiet enjoyment of other residents

- Provisions in the Act that require residents to take responsibility for their guests' behaviour when near a rooming house are unrealistic and unnecessary. Residents cannot be held responsible for incidents that occur near a rooming house (two tenant representative organisations).
- The terms 'near the rooming house' and 'visitors to the rooming house' should be more clearly defined (VCAT).
- Breach of duty notices are ineffective in cases where a resident is preventing quiet enjoyment of other residents (one landlord/agent representative organisation).

Pets in rooming houses

Five landlords, three unknown respondents and one tenant thought pets should not be allowed in rooming houses for reasons including; health, safety, amenity and damage to property.

Two landlord/agent representative organisations felt the current duty provision section 117 of the Act is adequate.

However, a number of respondents (six tenant representative organisations, one local government, five tenants, one other organisation and three unknowns) felt that residents should not be unreasonably made to miss out on the social, personal and health benefits of having a pet.

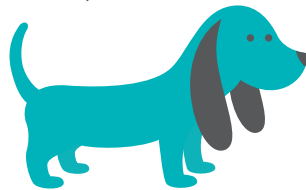
Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements.*

Suggestions made for keeping pets in rooming houses

- The Act should stipulate that a rooming house owner must not unreasonably withhold consent for pets (three tenant representative organisations).
- A probation period for new residents with pets (one tenant representative organisation).
- The Act should have the keeping of pets as a right (one local government and two tenant representative organisations).
- Residents should have to provide an additional bond if they want to have a pet (one tenant and one landlord).
- The Act provides insufficient protection for residents who live with assistance animals and pets (one tenant representative organisation and one unknown).



Security

Two tenants felt that operators are not doing enough to remove dangerous and disruptive residents from rooming houses. Two tenants believe more secure locks were needed on bedrooms and bathrooms.

One landlord/agent representative organisation felt that the means for rooming house operators to remove dangerous residents are limited. They suggested this issue could be partially remedied by changing the wording in sections 279 and 376 of the Act.

Three tenants reported instances where they had not received important mail such as court notices. It was suggested there should be minimum standards that include a clearly numbered and secure mail box assigned to each room in a rooming house (one local government, three tenant representative organisations and two tenants).

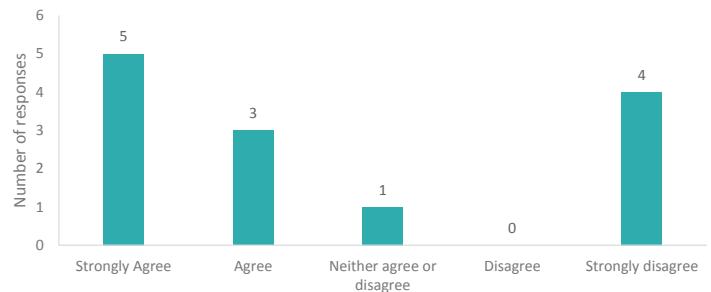
Timely payment of rent

Respondents provided the following commentary about making the timely payment of rent a duty owed under the Act

- Tenants and residents should owe a duty to pay rent on time. Paying rent is an important part of the transaction so it is unreasonable to expect a landlord or rooming house owner to continue to provide a service they are not being remunerated for (three landlord/agent representative organisations).
- In principle, the timely payment of rent is a reasonable duty owed under the Act. However, an equal and reciprocal provision needs to include the duty of operators to maintain safe and affordable premises and to ensure timely repairs at the request of the tenant or a tenant advocate (one local government and one tenant representative organisation).
- The duty for residents to pay rent should be removed, as the Act already allows a notice to vacate to be issued if rent is not paid. Imposing such a duty on residents places highly vulnerable people at significant risk of eviction and therefore homelessness (four tenant representative organisations).

An online quick poll asked the question: Should the timely payment of rent be a duty owed under the Act by rooming house residents? and received 13 responses. *Figure 6*, illustrates that most respondents agree or strongly agree.

Figure 6: Online quick poll: should the timely payment of rent be a duty owed under the Act by rooming house residents?



Number of respondents = 13

Liability for utilities

Respondents provided the following commentary on how the Act should regulate liability for utilities in rooming houses

- The Act does not need to regulate for utilities because water and utility costs are included in the overall rent charge, which is monitored by CAV (two landlord/agent representative organisations).
- The Act should include metering in an embedded network and landlords should be able to charge for water usage (one landlord/agent representative organisation).
- Utility charges are open to abuse by operators. It was suggested that more needs to be done in this area (one tenant representative organisation).
- Section 108, which requires rooming house owners to pay for electricity and gas that is not separately metered, should be amended to include water (VCAT).
- The Act should be updated to specify that residents cannot be charged for water where it is not separately metered (two tenant representative organisations).
- If utilities are not included in rent, they should receive formal bills (one tenant).



Alternate forms of tenure

Review of the Residential Tenancies Act 1997

Summary of responses to the issues paper, *Alternate forms of tenure - parks, rooming houses and other shared living rental arrangements*.

Theme 6: New housing models and emerging issues

Respondents suggested a number of additional housing models that should be regulated by the Act

- Share housing, which should be included because issues such as payment of bond, owner permission for subletting, tenancy transfer, condition reports and co-tenancy are not currently addressed in the Act (one landlord).
- Short term accommodation such as Airbnb, specifically in sections 81 and 82 (one local government, one landlord/agent representative organisation and one other organisation).
- Properties in high rise apartment buildings that have under four people, but that are in effect overcrowded 'rooming houses' (one local government and one tenant representative organisation).
- Squatting (one other organisation).
- Accommodation that also provides people with social and health services such as medication, drug testing or therapy, similar to a halfway house (VCAT).
- Rooming house-like living situations managed in a variety of ways (e.g. via standard tenancy agreements) (one other organisation).
- Room-share arrangements, often targeting international students and workers in the inner city (one other organisation and one tenant representative organisation).
- Ex-nursing homes and other high capacity accommodation buildings being used as official or unofficial rooming houses (one other organisation).

