Submission to FACS – Draft Boarding Houses Regulation 2013
## Applicant Details

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Homelessness NSW is a peak body representing individuals and services with an interest in homelessness in NSW. Our mission is to work towards the prevention and elimination of homelessness.

We work collaboratively with Governments, other peak bodies, community organisations and the private sector to advocate for homeless people and services that support them. Homelessness NSW plays a coordination, advocacy, policy development, leadership and information dissemination role for the homelessness sector in New South Wales.

At the time of the 2011 Census it was estimated that there were 28,190 people homeless in NSW. According to the Census the main categories of homelessness are:

- 34% in severely crowded dwellings
- 23% in boarding houses
- 17% in supported accommodation for the homeless
- 17% staying temporarily with other households (‘couch surfers’) and
- 7% in improvised dwellings, tents or sleeping out.

Using the data from the ABS indicates that people using boarding houses are a significant proportion of those people in NSW experiencing homelessness. In recent years there has been much academic debate on the differing methodologies of counting residents in boarding houses. The recently published work of Professor Chris Chamberlain indicates that the ABS has substantially undercounted the number of people residing in boarding houses.\(^1\)

Issues relating to the rights of residents of boarding houses have been of long interest to Homelessness NSW. Our expertise and knowledge have been recognised by both government and our peers. Homelessness NSW is a member of the NSW Government Boarding House Implementation Committee, The NSW Government Boarding House Expert Advisory Group and the Coalition for Appropriate Supported Accommodation (CASA).

Homelessness NSW strongly supports the aims of the government action, namely to

1. Reduce risks to boarding house residents;
2. Simplify the compliance task for local councils and boarding house operators;
3. Improve amenity for residents of properties surrounding boarding houses, and improve public perception and acceptance of boarding houses; and
4. Maintain the viability and sustainability of the boarding house sector.

Our members regularly inform us that a lack of affordable housing is among main causes of homelessness among their clients. This is supported by research by the Australian Institute for Health and Welfare. For this reason we strongly support improving the public perception and acceptance of boarding houses as well as maintaining and sustaining an industry that provides safe, affordable and accessible housing. Without an improved public profile legislation and regulation alone will not see an increase in the acceptance and consequent building of boarding houses across NSW.

Homelessness NSW is supportive of the new regulations and believes that with appropriate enforcement the community will witness an increase in the standard of living for residents. As a general rule we would support regulations that lead to a feeling of de-institutionalisation for residents of assisted boarding houses. We believe that there is ample evidence of the impact of institutional living on residents of assisted boarding houses.

As an initial move toward de-institutionalisation Homelessness NSW supports limiting the number of residents in an assisted boarding house to 30. However we believe that in the review of the Boarding House Act this should be re-examined with a view to a further reduction to a maximum of 20. Regardless Homelessness NSW believes this matter should only be grandfathered for a maximum of two years. We believe that if this a standard of occupancy for residents of assisted boarding houses it is only reasonable that existing residents have these same rights within the shortest possible timeframe.

Homelessness NSW believes that the new regulations should include a cap by owners on the level of charges they are allowed to charge. We understand that this has been examined previously and believe in a move towards de-institutional living ensuring an adequate personal income is vital.

We also strongly support the installation of call bells in assisted boarding houses. We believe these will add to the safety and security of residents.

The provision of adequate food is a vital issue for most people and as such we would support access to kitchens for both food and the availability to refreshments throughout other parts of the day. Homelessness NSW is not convinced by arguments about residents being likely to scald themselves by having access to hot water of kettles. We have witnessed previous residents of a boarding house quickly learn the requisite skills to make their own hot beverages when given the necessary training and skill development.

Access to adequate first aid is vital for all people and as such Homelessness NSW would support this being available for residents of assisted boarding houses as well. We are not convinced by arguments regarding residents acting irresponsibly with these supplies.

In relation to clause 18 we believe that if a resident of an assisted boarding house has caused such an offence as to be evicted notification to the Director General should be immediate to ensure adequate plans are enacted to ensure care and support.

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Homelessness NSW strongly supports the measures that ensure all residents have their own bedroom. However we are concerned that too low a threshold has been set with the exception that ‘residents know each other and have requested a share bedroom.’ We believe that this should be altered to only be applicable when residents are spouses or partners. Again we believe that this clause should only be grandfathered for two years. It is our understanding that only cosmetic changes would be required to premises to allow this to occur and we believe that two years is an adequate time frame.

Similarly we believe that clause 8 in Schedule 1 requires strengthening. Currently it only provides that heating equipment be appropriate to the climate and temperature. We would support wording that ensures that heating and cooling equipment must be provided appropriate to the climate. We are aware of previous licensed boarding houses (now called assisted) where no heating was provided.

Ensuring that residents of assisted boarding houses have a similar lifestyle to the general community does appear to be an aim of the legislation and regulations. As such we believe that private or quiet rooms should be mandatory for all assisted boarding houses. The majority of the population does not receive visitors in their bedrooms.

As a further move towards de-institutionalisation Homelessness NSW would support the inclusion of laundries in all assisted boarding houses. We believe that this would also assist residents with learning some skills around laundry as well as provide possible cost savings.