

Boarding Houses Act Evaluation: Interval 3 Report

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Executive Summary

This is the third interval report for the five year evaluation of the *Boarding Houses Act 2012* (the Act). This report presents data that has been collected throughout 2016 in relation to the implementation of the Act, as well as resident outcomes in relation to rights and standards and well-being. This report also provides comparisons of data between the three annual collections prepared to date (2014-2016).

The Act commenced in 2013 and aims to establish a regulatory framework for boarding houses to ensure that boarding house residents are provided with adequate protection and living standards.

This evaluation has both process and outcomes components, and draws on program logic methodology. There are four overarching aims of the evaluation, including:

- assess the effect of the Act on the well-being of residents of boarding houses;
- assess whether the rights of residents of boarding houses are better protected following the introduction of the Act;
- determine the effect of the Act on the sustainability of the boarding house sector; and
- determine levels and types of collaboration between departments, agencies and community organisations that work with the boarding house sector.

The evaluation involves annual data collections of residents, proprietors, staff who work in the health and welfare sector, as well as information from relevant state government agencies. The evaluation is producing a comprehensive longitudinal dataset that is generating sound evidence in relation to the impact of the Act, and particularly the experience of vulnerable and marginalised people who live in boarding houses.

The interval reports are expected to present evidence that will assist in the successful implementation of the legislation. The interval reports can highlight emerging issues that need to be addressed through policy and program responses.

This report has three main sections:

1. **Regulatory framework** – reporting on registrations included on the central register that is overseen by NSW Fair Trading; stakeholder (resident, proprietor, agency staff) reports of the implementation of the Act particularly in terms of the role of different organisations in regulating and governing the Act; stakeholder and proprietor knowledge and use of dispute resolution mechanisms; and analysis of complaints and enquiries made to NSW Fair Trading.
2. **Rights and standards** – reporting on the use of written occupancy agreements; the extent to which standards set out in the legislation are met; resident and proprietor reports of knowledge of the Act; and, fire safety measures.

3. **Well-being of residents** – reporting on the results of the personal well-being index, boarding house satisfaction index, as well as service use and unmet need.

Key findings in relation to each of the three sections are detailed in the concluding section of this report and are summarised here.

Interim findings in relation to regulation and governance of the Act

There has been a steady increase in the total number of registered boarding houses in NSW since the introduction of the Act. The number of registered boarding houses has increased from 776 (August 2014), to 885 (June 2015) and 947 (October 2016). During this time the number of assisted boarding houses has continued to decline; in 2013 there were 470 residents, and in 2016 there were approximately 340 residents across 20 assisted boarding houses.

Participants from local councils, as well as agency staff from community organisations, continued to raise concerns about the ability of local governments to monitor and enforce the Act within existing resources. As reported in previous years, local councils may require additional resources to meet the requirements of the Act in relation to enforcement and monitoring of standards

In the first two years of the implementation of the Act, there was an increase in knowledge and awareness of the Act (slight decrease by 2% in 2016). Notwithstanding a general increase in knowledge over the three years of the study, when asked if they were aware of the Act, 45% of residents surveyed responded 'no' in 2016 (compared with 3% of proprietors). While there has been an increase in the use of occupancy agreements, given the high turnover of boarding house residents, there may be a need for ongoing training for residents about rights and standards under the Act, including information about dispute mechanisms.

There has been a continued increase in the number of enquiries to NSW Fair Trading for information and advice (295 enquiries in 2014; and 600 enquires in 2015-2016) and few complaints made (five in 2013, 12 in 2014 and 9 in 2015-2016).

Interim findings in relation to rights and standards

Compliance with many of the standards remained the same or similar throughout 2015-2016.

- Residents reported a slight increase in receiving occupancy agreements (from 62% in 2014, to 65% in 2015, and 66% in 2016). It is noteworthy that the majority (76%) of residents with an occupancy agreement had been living in their boarding house for less than three years, consistent with the introduction of the Act.
- Proprietors report an increase in providing occupancy agreements to their residents (87% in 2015 and 97% in 2016). It is noted, however, that fewer proprietors participated in the online survey in 2016 (96 in 2015 and 36 in 2016).
- Resident knowledge of the Act (increasing from 44% in 2014, to 58% in 2015, and slight decrease to 56% in 2016).

- Residents who are provided with information about fire safety (increasing from 53% in 2014, to 66% in 2015 and a slight decrease to 62% in 2016).
- Residents are able to lock their room (increasing from 88% in 2014, to 94% in 2015 and 2016).
- Residents' knowledge about the requirement to provide 4 weeks written notice before an increase in occupancy fee improved from 14% in 2014, to 19% in 2015, however declined slightly to 17% in 2016.
- Residents receiving receipts for money given (78% of residents report receiving receipts in 2014, this compares with 77% in 2015 and 80% in 2016).
- There was a significant increase in the number of residents who paid 2 weeks or less occupancy fee as a security deposit (95%); this compares with 82% in 2015. However, 70% of residents reported that they did not know the timeframe for return of their security deposit.

Interim findings in relation to the impact of the Act on the well-being of residents

The Personal Well-Being Index tool was used to record residents' self-reported well-being across 7 indicators.

- From 2014 to 2015, residents reported an improvement in well-being in all but one indicator. In 2016, there is a slight, yet significant ($p < 0.001$) decline across all indicators. This decline will be monitored throughout 2017 and explored further in semi-structured interviews; however, it must be noted that the 2016 findings fall within normal range for the general population.
- Residents continue to report high levels of service usage including use of doctors, food services, community and neighbourhood centres, caseworkers, psychologists, psychiatrists and dentists. Residents identified access to dental services, NSW Housing, casework and psychologists as areas of unmet need.
- While there is a slight decrease in the number of reports relating to people living in boarding houses who require daily care, 29% of residents report that there are two or more people requiring daily care such as help with showering, moving around and taking medication who live in their boarding house. Proprietors report that of the people requiring daily care in their boarding house 46% of these residents do not have adequate access to services.

Background

In October 2012, the Parliament of New South Wales (NSW) passed the *Boarding Houses Act 2012*, to strengthen and regulate boarding houses in NSW. The Act followed a series of reports which highlight the vulnerability of boarding house residents as well as the need for reform of the boarding house industry. The Act was also a result of the long campaign by housing and disability advocates for greater legal rights and protections for boarding house residents.

The Act aims to protect and safeguard the rights of vulnerable and marginalised residents, especially those residents who have an intellectual disability or mental illness, while at the same

time seeking to promote the sustainability of the boarding house industry. It is expected that the Act will bring standards for assisted boarding houses into line with community expectations and Australia's commitment to the United Nations Convention on the Rights of Persons with Disabilities.

The Act aims to improve the standards of registered boarding houses through:

- Establishing a publicly available register, maintained by NSW Fair Trading, of registrable boarding housing in NSW
- Increasing inspection powers for local councils
- Introducing occupancy rights for people living in boarding houses including:
 - occupancy agreements must be in writing
 - residents are entitled to quiet enjoyment of premises which are clean, secure and in a reasonable state of repair
 - standards governing payments, penalties, eviction, termination etc.
- Modernising the laws that apply to boarding houses accommodating people with additional needs
- Disputes to be resolved by the NSW Civil and Administrative Tribunal (NCAT).

There are two types of registrable boarding houses covered by the Act. These are:

- **General boarding houses** which accommodate five or more paying residents, excluding the proprietor, the manager and members of their families. General boarding houses do not include hotels, motels, backpackers' hostels, aged care homes or other types of premises excluded by the act.
- **Assisted boarding houses** which accommodate two or more persons with additional needs. A person with additional needs has a disability such as an age related frailty; a mental illness and/or an intellectual, psychiatric, sensory or physical disability, and needs support or supervision with daily tasks and personal care such as showering, preparing meals or managing medication.

The Act commenced in parts, with the provisions relating to the Boarding House Register, shared accommodation standards and initial compliance investigations commencing on 1 January 2013, and the rest of the Act, which largely pertains to assisted boarding houses commencing on 1 July 2013.

Local councils have the primary role in approving new boarding houses and inspecting and enforcing safety and accommodation standards in existing boarding houses. They also have the power to fine operators of unregistered boarding houses or to issue orders for boarding houses to meet certain building, safety and accommodation standards.

Assisted boarding houses are licensed and monitored by the NSW Department of Family and Community Services (FACS).

Prior to the Act, general boarding houses were known as unlicensed boarding houses and were only subjected to regulation by local government in relation to fire safety and building codes. There was no other specific legislation in NSW that governed general boarding houses. Assisted boarding houses, which were known as licensed residential centres, were regulated under the *Youth and Community Services Act 1973 (NSW)*.

An evaluation of the Act, reviewing it against its objectives after five years, is a legal requirement specified in Section 105 of the Act. Newtown Neighbourhood Centre (NNC) and Associate Professor Gabrielle Drake (Australian Catholic University) are undertaking the evaluation.

Purpose

There are four overarching aims of the evaluation, to:

1. assess the effect of the Act on the well-being of residents of boarding houses
2. assess whether the rights of residents of boarding houses are better protected following the introduction of the Act
3. determine the effect of the Act on the sustainability of the boarding house sector, and
4. determine levels and types of collaboration between departments, agencies and community organisations that work with the boarding house sector.

Evaluation questions

The evaluation questions are as follows:

- Has the Act contributed to the residents of registered boarding houses feeling of safety and well-being?
- To what extent do residents of registered boarding houses live in premises that are secure?
- To what extent has the Act impacted on residents of boarding houses capacity to sustain their occupancy?
- To what extent do registered boarding houses meet the set standards?
- To what extent are residents of registered boarding houses using reasonable dispute resolution mechanisms to manage occupancy disputes?
- Have there been changes in the way boarding house proprietors provide services as a result of the Act?
- How many boarding houses are registered? What factors contribute to proprietors not registering boarding houses?
- How many residents of boarding houses are there in NSW and what is the rate of change from 30 June 2013?
- What is the level and type of coordination and collaboration between departments, agencies and community organisations?

Structure

This interval reports have three main sections, as follows:

- **Regulatory framework** – reporting on registrations included on the central register that is overseen by NSW Fair Trading; stakeholder (resident, proprietor, agency staff) reports of the implementation of the Act particularly in terms of the role different organisations in regulating and governing the Act; stakeholder and proprietor knowledge and use of dispute resolution mechanisms; analysis of complaints and enquiries made to NSW Fair Trading; and analysis of data on applications to the NSW Consumer Affairs Tribunal.
- **Rights and standards** – reporting on the use of written occupancy agreements; the extent to which standards set out in the legislation are met; resident and proprietor reports of knowledge of the Act; and, fire safety measures.
- **Well-being of residents** – reporting on the results of the personal well-being index, boarding house satisfaction index, as well as service use and need.

This structure is consistent with the program logic that underpins the evaluation framework (Attachment A).

This report focuses on presenting the quantitative evidence that is collected through the survey instruments as well as data provided by government agencies. Some qualitative data that has been gathered through in depth interviews with residents, proprietors and agency staff is drawn on to supplement the quantitative data, as needed.

This report is the third interval report and includes data from the annual collection for 2015-2016. The report will identify how the legislation is being implemented to date, flag emerging issues, and highlight the outcomes for residents and the sustainability of the boarding house sector. The final report will collate the four years of data gathered and will use this longitudinal dataset to address the four overarching aims of the evaluation.

The evaluation will produce a comprehensive longitudinal dataset, with annual updates over the five year period 2013-2018. This includes four annual data collections, with three interim reports and a final report.

Table 1: Evaluation Reporting Framework

2014	2015	2016	2017	2018
Annual data collection	Annual data collection	Annual data collection	Annual data collection	Final report
Interval report	Interval report	Interval report		

Evaluation framework

This evaluation is both a process and outcomes evaluation.

- **Process evaluation** component assesses whether the legislation is being implemented as intended, particularly in terms of the compliance of Boarding House Operators. Process evaluations help determine what has worked well, and/or needs to be refined or eliminated.
- **Outcomes evaluation** component measures the change that has occurred as a result of the legislation. The outcomes component will measure the change the legislation has had for residents and for the sustainability of the boarding house sector.

Three fieldwork sites

Three fieldwork sites were selected to gather data and information: Ashfield LGA, Marrickville LGA and Newcastle LGA. The table below shows the number of registered boarding houses in each of the study sites for the years 2014 - 2016.

Table 2: Number of registered Boarding Houses in three study sites 2014-2016

Study site	Number of registered Boarding Houses in 2014	Number of registered Boarding Houses in 2015	Number of registered Boarding Houses in 2016*
Ashfield LGA	41	48	48
Marrickville LGA	92	100	111 ¹
Newcastle LGA	50	55	65

Source: *Office of Fair Trading Boarding House Register, accessed 26 September 2016

Data collection methods

The evaluation design involves collecting both quantitative and qualitative data on an annual basis and there are a number of data collection instruments and sources, as follows: state wide survey of proprietors, semi-structured interviews with proprietors across the three case study sites, survey of residents across three case study sites, semi-structured interviews with residents across the three case study sites, focus groups with agency staff (from NGOs and government agencies), as well as data from agency data collections that relates to the implementation of the legislation. The table below sets out the number of participants in the research by data collection method for the years 2014 - 2016.

¹ Figure supplied by NSW Fair Trading to Department of Family and Community Services as at 30 September 2016. The public register on the Fair Trading website will only display a maximum of 100 boarding houses in any one search.

Table 3: Number of research participants by data collection method, 2014-2016

	Residents		Operators		Agency staff
	Surveys	Interviews	Surveys	Interviews	Focus groups
2014	215	54	57	20	4 focus groups with 35 staff
2015	217	54	94	21	4 focus groups with 24 staff
2016	201	54	36	18	3 focus groups with 24 staff

Agency staff came from a variety of community organisations and relevant government agencies operating in the fieldwork sites and held positions including: inspectors/compliance officers, specialist policy staff, tenancy advisors, outreach and caseworkers, and mental health workers.

Resident survey participants were recruited from the fieldwork sites using a number of approaches, including fieldwork visits where potential participants were invited face-to-face, advertised interview sessions delivered to known boarding houses that included a time and place to attend (e.g. at Newtown Neighbourhood Centre, Salvation Army Oasis Centre in Newcastle, All Saints Petersham). Participants from assisted boarding houses were recruited via staff of the Active Linkage Initiative (ALI) and advocacy organisations that had direct contact with assisted boarding house residents.

A \$25 payment was offered for each survey, which on average took 15 minutes to complete. Fieldwork was conducted in teams of at least two researchers. The researchers maximised the extent of geographic and demographic mix by going to different locations and different types of boarding house communities (for example student, assisted, new as well as traditional boarding houses).

In 2016, 176 of participants identified as male and 24 identified as female which is consistent with the previous year of this evaluation, other studies, and ABS data. One participant chose not to disclose their gender status. Of the 201 participants, 191 resided within general boarding houses and 10 resided in assisted boarding houses. Forty per cent of residents reported living in the boarding house for less than a year, and 30 per cent reported living there between one and three years. While there remains a high turnover of boarding house residents (less than one year), ten

per cent of residents reported living in their boarding house for more than ten years. These residents tended to live in Marrickville and Ashfield LGAs, live in an assisted boarding house and be aged 50-69 years.

In 2016, a total of 54 individual interviews were conducted with boarding house residents (16 in Ashfield, 26 in Marrickville and 12 in Newcastle). Some of the interviewees were also interviewed in the previous year. Participants were paid \$50 for their time. Interviews were audio recorded and transcribed and analysed thematically.

While the resident survey focused on people residing in the three fieldwork sites, the proprietor survey was state-wide. NSW Fair Trading distributed 942 surveys to proprietors via email across the state. A direct link to the online survey was provided in the email. 36 surveys (3.8% response rate) were completed by proprietors (significantly less than 2015²; 96 surveys and a response rate of 12%). In 2016, only 2 proprietors of assisted boarding houses completed the survey (10 in 2015). The majority were aged over 40, with 9% of residents aged over 70 (20% in 2015).

A total of 18 individual interviews were conducted in the fieldwork sites with boarding house proprietors (4 in Ashfield, 10 in Marrickville and 4 in Newcastle). Proprietors were paid \$50 for participating in an interview. Interviews took place in a wide variety of locations including public places such as cafes, and at Newtown Neighbourhood Centre and at the Salvation Army Oasis Centre in Newcastle. In-depth interviews were audio recorded, transcribed and have been analysed thematically.

Data from local governments (Ashfield, Marrickville, Newcastle), NSW Civil and Administrative Tribunal, NSW Family and Community Services, NSW Fair Trading, as well as the Tenants Advocacy and Advice Service was requested as part of the evaluation. The data gathered has not been comprehensive in all circumstances, and efforts will be made to further include agency data in the final report.

Regulatory framework

This section reports on the number of registered boarding houses included on the central register, the role of agencies in implementing the legislation, dispute resolution mechanisms, complaints and enquiries made to NSW Fair Trading.

Central register

All registrable boarding houses (both general and assisted) are required to register with NSW Fair Trading for a one-off fee of \$100. Boarding house proprietors are required to provide basic identification information as well as information about the number of residents, beds and bedrooms. Proprietors are required to update the register annually. It is an offence not to register and to provide false and misleading information for the register.

² There were significant delays in the distribution of the online survey which has contributed to a decline in the response rate of the proprietor survey.

Within 12 months of being registered, a registrable boarding house must undergo an initial compliance investigation by local council (unless the premises have already been inspected in the last 12 months) to determine whether the premises comply with planning, building and fire safety requirements and accommodation standards.

The total number of registered boarding houses has increased from 776 (August 2014) to 885 (June 2015) to 947 (October 2016). The number of unregistered boarding houses is not known and difficult to determine.

Data has been provided by FACS which shows the number of assisted boarding houses in 2014-2016. The number of assisted boarding houses has declined slightly from 22 to 20 in 2016. The overall number of residents residing in assisted boarding houses has declined significantly from 2014, as detailed in Table 4 below.

Table 4: Number of Assisted Boarding Houses, 2014-2016

NSW Family and Community Services (FACS) data	2014	2015	2016
Number of assisted boarding houses in NSW	22	20	20
Capacity	522	412	405
Actual occupancy³	470	340	340

FACS advises that inspections of assisted boarding houses occur every 6 to 8 weeks and a full service review occurs at least once every 3 years. A monitoring inspection report is completed after each inspection.

Role of agencies

While NSW Fair Trading hosts the register, it has no function in relation to enforcing the Act; this is largely the responsibility of local government. Local government plays an important role as the Act requires an initial compliance inspection to be conducted by councils. Within 12 months of being registered, a boarding house must undergo an initial compliance investigation by local council (unless the premises have already been inspected in the last 12 months) to determine whether the premises comply with planning, building and fire safety requirements and accommodation standards.

Consistent with findings reported in 2014 and 2015, agency workers remained concerned that councils are not enforcing notices and that this was largely due to insufficient resources. For example, as one agency staff member explained:

³ Figures of actual occupancy are approximate

There's an Act but is anyone enforcing it? It does appear to me that there is no appetite to go after the unregistered ones [boarding houses]. Councils are, at best, inconsistent. However, council said before this legislation came in they needed resources to be able to enforce it. Those resources were not forthcoming ... They said that it was not going to be possible for them to have capacity to be out inspecting and enforcing and of course that's true. So I don't think there's no will from them. I don't think they're not interested. (Agency Worker)

In addition to resource constraints, one Council officer discussed the challenge for Council in balancing compliance with preventing primary homelessness:

If we take action on something we're potentially making people homeless. One of the big guides for us is... are the [residents] being looked after?

Dispute resolution

Part 3 of the Act states that all boarding house proprietors and residents have access to the NSW Consumer Affairs Tribunal (NCAT) for the resolution of an occupancy principles dispute in those instances where proprietors have tried to resolve the dispute informally. A prerequisite for this is that residents are aware of the NCAT and its functions, and feel confident in its powers.

Residents were asked in the survey, where they would go for advice if they got into a dispute with the owner about their rights. Their responses are outlined in the Table 5.

Table 5: Resident reports of where they would go for assistance with disputes, 2014-2016

Agency/organisation identified	2014		2015		2016	
	Number	%	Number	%	Number	%
Community or neighbourhood centre	48	22	61	28	50	25
Tenants advice Service/Tenants Union	31	14	32	15	33	17
Legal Aid	9	4	20	9	8	4
Case worker	13	6	12	6	8	4
Tenancy Tribunal/NCAT	26	12	22	10	27	13
Other	41	19	21	10	34	17
Don't know/Not sure	47	22	47	22	38	19

Proprietors were asked if they were aware, under the new legislation, which places handles disputes between proprietors and residents. Their responses for 2014 - 2016 are presented in Table 6 below.

Table 6: Proprietors knowledge of who is responsible for resolving disputes, 2014-2016

	2014		2015		2016	
	Number	%	Number	%	Number	%
NCAT	39	65	57	64	24	75%
Don't know	18	30	29	33	7	22%
Local Court	2	3	1	1	1	3%
Land and Environment Court	1	2	2	2	0	0%

Source: Boarding Houses Act Evaluation Proprietor Survey 2014, 2015, 2016

One agency worker commented that even if a boarding house resident took action and the matter was heard by the NCAT, a resident could still be evicted with two weeks' notice.

And even if people have gone through the proper channels and taken things to NCAT and ultimately they'll just get evicted anyway because all they [proprietors] have to do is give two weeks' notice of eviction. Even if that person is being evicted because they have dared to complain that the place had bed bugs... Then they take it to the tribunal and the tribunal will rule, you know, yes, you have to try to eradicate the bed bugs... But then they're still within their rights to ask that person to leave in two weeks' time ... it doesn't offer very much protection except for maybe two weeks to find somewhere else to live.

Complaints and enquiries made to NSW Fair Trading

NSW Fair Trading (the Department) collects data on complaints and enquiries received by their call centre. The Department has provided data for 1 January 2015 to 31 October 2016. Only 9 complaints relating to boarding houses were received during this time, which is consistent with low numbers of complaints received in 2014. These complaints related to resident concerns about eviction and lack of an occupancy agreement. The number of enquiries about boarding houses continued to increase; 600 enquiries between 2015-2016 (295 enquiries in 2014).

Rights and standards

This section of the report focuses on the use of written occupancy agreements; the extent to which standards set out in the legislation are met; resident and proprietor reports of knowledge of the Act; and, fire safety measures.

Occupancy Agreements

The Act outlines that residents are entitled to a written occupancy agreement, and proprietors are required to provide one. In 2016, 66% of residents who completed the survey indicated that they had received an occupancy agreement (65% in 2015; 62% in 2014). The majority (76% in 2016) of residents with an occupancy agreement had been living in their boarding house for less than three years. Of the 36 proprietors who completed the online survey, 97% indicated they were using an occupancy agreement (this compares with 87% in 2015).

Knowledge of the Act

In 2016, residents report a slight decline in their understanding of the Act with 56% of residents surveyed reporting they are aware or at least have some understanding of the Act (this compares with 58% of residents in 2015). The table below details residents' survey responses.

Table 7: Resident knowledge of the Boarding Houses Act, 2014-2016

Indicator of knowledge of the Act	Survey Responses					
	2014 (N)	2014 (%)	2015 (N)	2015 (%)	2016 (N)	2016 (%)
Yes, I am aware of the Act	54	25%	69	32%	59	30%
I have some understanding of the Act	42	19%	56	26%	51	26%
No, I am not aware of the Act	120	56%	91	42%	90	45%

Residents were also asked in interviews if they had heard of the Act and to talk about their understanding of the Act. A standard response from residents who had some understanding is:

I don't know about the laws, but I know the paperwork has changed. I thought it was good that they gave them enough time to actually sort something out, instead of the old rules where it was one hours' notice. It actually gave him time, so I think that's pretty good.

Other residents remained uncertain about their rights under the Boarding Houses Act:

I don't even know my rights to be honest. I don't know where or who to go to for help.

Some residents were able to identify some of the occupancy principles, such as notice of eviction and timeframes for security deposits being returned after vacating a room, although these were not always accurate.

Well I'm aware that there has to be – if the rent's going up we have to have got two weeks' notice...that [the]landlord cannot enter the rooms as well without providing notice.

Some residents reported that the proprietors had made some improvements due to the Act, for example:

Yeah especially in the last maybe two years the whole place has be re-renovated, there's now signs – we've got fire – a big fire thing on the – as you walk in the door explaining where all the fire alarms are. There's exit signs, more exit signs up now for the smoke alarm and also if the power goes out we've got a backup lights in the place so we can still find our way around.

While there has been an increase in understanding and knowledge of the Act, a significant proportion of residents stated that they were unaware of the Act (45% in 2016).

Fire safety

Residents were asked if they have been provided with any information about fire safety either verbally or in writing. In 2016, 124 (62%) of residents surveyed reported that they had. This compares with 144 (66%) in 2015 and 111 (53%) in 2014. Boarding House proprietors were asked in the survey if they have a current fire safety certificate. In 2016, 32 proprietors (97%) report that they have a current certificate (this compares with 96% in 2015).

Standards

The definition of a reasonable standard is underpinned by the occupancy principles for residents stated in Schedule 1 of the Act. According to these, residents are entitled to:

- Live in premises that are reasonably clean, in a reasonable state of repair and are reasonably secure
- A right to have a quiet enjoyment of the place in which you live
- Know the rules of the boarding house before moving in
- 4 weeks written notice before an increase in the occupancy fee
- Be notified before signing an agreement if there will be a charge for utilities
- Be charged for any utility according to the cost of providing it plus usage by the resident
- Know why an occupancy may be terminated and how much notice will be given before termination
- Be given reasonable written notice of eviction
- Be given receipts for any money given to the proprietor

- Have any security deposit limited to 2 weeks occupancy fee, and repaid within 14 days of the occupancy, less certain allowable deductions

The evidence relating to these standards that has been collected directly through the survey instruments in 2014, 2015 and 2016 is reported below.

Live in premises that are reasonably clean, in a reasonable state of repair and are reasonably secure

Residents report being less satisfied with repairs and maintenance of their boarding house in 2016 (the mean score was 7.35 in 2015 and 6.07 in 2016; $p < .001$). Residents also report being less satisfied with the overall security of the boarding house in 2016 (the mean score was 7.64 in 2015 and 6.30 in 2016; $p < .001$).

The percentage of residents reporting they can lock their room remained the same in 2016 (187 residents, 94%). This compares with 204 residents, 94% in 2015 and 190 residents, 88% in 2014.

4 weeks written notice before an increase in the occupancy fee

Under the Act, proprietors are required to provide 4 weeks written notice before an increase in occupancy fee. Importantly, proprietors' knowledge of this standard has increased significantly since 2014. In 2016, of the proprietors surveyed, 87% correctly identified that they were aware of the 4 week notice period (this compares with 71% in 2015 and 54% in 2014).

While there has been an overall increase in residents' knowledge of this standard since the implementation of the Act, there was a slight decrease in the percentage of residents who accurately identified written notice period before an increase in occupancy fee (17% in 2016, 19% in 2015 and 14% in 2014).

Be charged for any utility according to the cost of providing it plus usage by the resident

Residents were asked in the survey if the occupancy fee includes utilities (electricity, gas, water). Ninety per cent (180) of residents surveyed in 2016 indicate that the occupancy fee includes utilities (this was the same in 2015; 195 (90%)).

Be given reasonable written notice of eviction

Residents and proprietors were not asked if they receive or provide reasonable notices of eviction. What constitutes reasonable notice is unclear in the Act – agency staff of Tenants Unions have consistently observed this as an area of weakness in the current legislation.

Proprietors were asked in the survey if they give verbal or written notice when they want a resident to move out. In 2016, 59% of respondents indicated they provide notice both verbally and in writing; 34% in writing only; and 6% verbally only (this compares to 9% in 2015).

Be given receipts for any money given to the proprietor

Under the Act, residents are entitled to receive written receipts for occupancy fees or any other money paid to the proprietor. Residents were asked in the survey if they receive receipts. In 2016 159 (80%) residents surveyed reported that they received receipts, compared with 168 (77%) in 2015 and 161 (78%) in 2014.

Have any security deposit limited to 2 weeks occupancy fee, and repaid within 14 days of the occupancy, less certain allowable deductions

Residents are required to pay no more than 2 weeks security deposit. In 2016, there was a significant increase in the number of residents who paid 2 weeks or less occupancy fee as a security deposit (95%); this compares with 82% in 2015. The table below shows this data.

Table 8: Resident report of number of weeks security deposit paid to the proprietor of their boarding house, 2014 and 2015

	2014	2015	2016
1 week	15%	17%	22%
2 weeks	66%	65%	73%
4 weeks	19%	18%	5%

It is a requirement under the Act that the security deposit is returned within two weeks of vacating the boarding house. In 2016, only 13% of residents were able to identify this requirement; this declined from 25% in 2015. Of concern 70% of residents indicated they were unaware of the timeframe for returning the security deposit.

Well-being of residents

Personal well-being index

In the survey, residents were asked to rank, from 0 (no satisfaction at all) to 10 (completely satisfied), their satisfaction with their well-being for seven indicators. These indicators were drawn from the Personal Well-being Index - Adult (PWI-A) which is a widely used tool for measuring well-being in Australia and overseas.

From 2014 to 2015, residents reported an improvement in well-being in all but one indicator where there was a very slight decrease. In 2016, there is a decline across all indicators, as detailed in the table below. This decline will be monitored throughout 2017 and explored further in semi-structured interviews; however it must be noted that these data fall within normal range for the general population.

Table 9: Personal well-being index, comparison of results for 2015 and 2016

	2015 mean score (n=217)	2016 mean score (n=201)
Part of the community	7.30	5.75
Health	7.05	5.83
Life as a whole	7.02	5.82
Future plans and prospects	7.58	6.19
Achieving in life	6.84	5.45
Personal relationships	7.49	6.28
Standard of living	7.07	5.74

Boarding House satisfaction index

In addition to the personal well-being index, residents were asked to rank, from 0 (no satisfaction at all) to 10 (completely satisfied) their satisfaction with indicators relating to their satisfaction with living in their boarding house. In 2016, there was a slight, yet significant ($p < 0.001$) decline in satisfaction with the boarding house, as reported in the resident survey.

Table 10: Boarding House satisfaction indicators, comparison of results for 2015 and 2016

	2015 mean score (n=217)	2016 mean score (n=201)
Overall experience	7.74	6.5
How the boarding house is run	7.68	6.4
Overall security	7.64	6.3
Repairs and maintenance	7.35	6.07

Service use and need

In the survey, residents were asked to indicate the services they had used in the last 3 months. Table 12 outlines the services by boarding house residents. As in previous years, most residents (78%) accessed doctors or hospitals and only 3% of residents accessed Home Care services.

Table 11: Resident service use, comparison of results for 2014- 2016

Services used	2014		2015		2016	
	Total	%	Total	%	Total	%
Doctor or hospital	153	71%	169	78%	154	78%
Food service	113	53%	88	41%	94	48%
Community Centre	86	40%	88	41%	60	30%
Housing waitlist	68	32%	61	28%	65	33%
Caseworker	64	30%	63	29%	68	35%
Psychologist or psychiatrist	61	28%	73	34%	62	31%
Dentist	45	21%	53	24%	48	24%
Other material aid	32	15%	27	12%	18	9%
Drug and alcohol counselling	24	11%	17	8%	20	10%
Methadone	10	5%	12	6%	9	5%
Home care	6	3%	15	7%	6	3%

Residents were also asked which services they would like to use but are not gaining access to. In 2016, 22 respondents indicated they would like access to public housing, 18 required a dentist, 5 indicated they would like a caseworker, and 4 nominated psychologists.

In 2016, 29% of residents surveyed indicated that there were two or more people with disabilities, or who are very aged or frail, who need daily care such as help with showering, moving around and taking medication, living in their boarding house. This compares with 34% in 2015 who indicated that there were two or more people needing daily care.

Proprietors were asked if there are people requiring daily care (for example psychiatric care or physical care related to disability or being frail aged) and if they feel these residents can access home and community care services. In 2016, 54% of proprietors surveyed felt these residents could access services and 46% felt they could not.

In the survey, residents were asked if support services staff visited to assist anyone in the boarding house. In 2016, 42% of respondents indicated they did, and 58% indicated they did not.

Conclusions

The evidence associated with the implementation and outcomes of the Act has been presented in this report in three different sections.

Regulatory framework and governance of the Act

The first section, which focuses on the regulatory framework and governance of the Act, sets out evidence in relation to: the registration process through an examination of the central register that is overseen by NSW Fair Trading; stakeholder (resident, proprietor, agency staff) reports of the implementation of the Act particularly in terms of the role different organisations in regulating and

governing the Act; resident and proprietor knowledge and use of dispute resolution mechanisms; and analysis of complaints and enquiries made to NSW Fair Trading.

Key findings:

- The total number of registered boarding houses in NSW is continuing to increase, from 885 (June 2015) to 947 (October 2016).
- Capacity of assisted boarding houses decreased slightly in 2016 (405 beds in 2016; and 412 in 2015). The actual occupancy rate remained steady at about 340 residents across 20 boarding houses.
- There is variation between Councils in relation to compliance and enforcement of standards under the Act.
- 45% of residents surveyed stated that they were unaware of the Boarding Houses Act (compared with 3% of proprietors).
- There has been a continued increase in the number of enquiries to NSW Fair Trading for information and advice (295 enquiries in 2014 and 600 enquires in 2015-2016) and few complaints made (five in 2013, 12 in 2014 and 9 in 2015-2016).

Rights and standards

The second section, about rights and standards, sets out evidence in relation to the use of written Occupancy Agreements, which is a requirement of the Act; resident and proprietor reports of knowledge of the Act; and the extent to which standards set out in the legislation are met.

Key findings:

- Proprietors report an increase in providing occupancy agreements to their residents (87% in 2015 and 97% in 2016). It is noted, however, that fewer proprietors participated in the online survey in 2016.
- Resident knowledge of the Act (increasing from 44% in 2014, to 58% in 2015, and slight decrease to 56% in 2016).
- Residents who are provided with information about fire safety (increasing from 53% in 2014, to 66% in 2015 and a slight decrease to 62% in 2016).
- Residents are less satisfied with repair and maintenance and security in 2016.
- Residents are able to lock their room (increasing from 88% in 2014, to 94% in 2015 and 2016).
- Residents' knowledge about the requirement to provide 4 weeks written notice before an increase in occupancy fee improved from 14% in 2014, to 19% in 2015, however declined slightly to 17% in 2016.
- Increase in residents receiving receipts for money given (78% of residents report receiving receipts in 2014, this compares with 77% in 2015 and 80% in 2016)
- There was a significant increase in the number of residents who paid 2 weeks or less occupancy fee as a security deposit in 2016 (95%); this compares with 82% in 2015. However, 70% of residents reported that they did not know the timeframe for return of their security deposit.

Well-being of residents

The third section, about the impact of the Act on residents' well-being, sets out evidence in relation to: personal well-being index, comparing resident reports of well-being in 2015 and 2016; boarding house satisfaction index, comparing resident report of satisfaction in 2015 and 2016 and residents' use of services and need.

Key findings:

- From 2014 to 2015, residents reported an improvement in well-being in all but one indicator. In 2016, there is a slight, yet significant ($p < 0.001$) decline across all indicators. This decline will be monitored throughout 2017 and explored further in semi-structured interviews; however it must be noted that these data fall within normal range for the general population.
- Residents continue to report high levels of service usage including use of doctors, food services, community and neighbourhood centres, caseworkers, psychologists, psychiatrists and dentists. In 2016, residents identified public housing, dental services, casework, and access to psychological services as areas of unmet need. These findings are consistent with 2015.
- While there is a slight decrease in the number of reports relating to people living in boarding houses who require daily care, 29% of residents report that there are two or more people requiring daily care such as help with showering, moving around and taking medication who live in their boarding house. Proprietors report that of the people requiring daily care in their boarding house, 46% of these residents do not have adequate access to services.

Attachment A:

