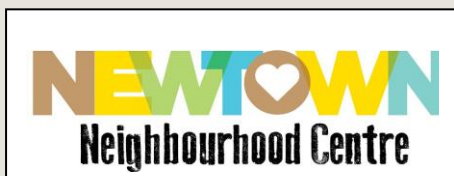


# **Evaluation of the *Boarding Houses Act 2012***

## **Final Report**

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## Contents

Glossary .....	3
Executive Summary .....	5
Regulation and governance of the Act .....	5
Rights and standards.....	6
The impact of the Act on the well-being of residents .....	6
Background .....	7
Regulating the boarding house sector.....	8
Boarding Houses Act 2012.....	9
Research Design.....	10
Purpose .....	10
Evaluation questions .....	10
Evaluation framework.....	10
Fieldwork sites.....	10
Data collection methods .....	11
Participants.....	11
Participant retention.....	12
Regulatory framework and governance of the Boarding Houses Act.....	14
Central register .....	14
Role of agencies.....	14
Dispute Resolution .....	15
Complaints and enquiries made to NSW Fair Trading.....	16
Rights and Standards.....	18
Occupancy Agreements .....	18
Fire safety.....	19
Standards .....	19
Well-being of residents.....	22
Personal well-being index.....	22
Satisfaction with the boarding house.....	29
Service use and need.....	29
Conclusions.....	31
Regulatory framework and governance of the Act .....	31
Rights and standards.....	31
Well-being of residents.....	32

# Glossary

## **The Act**

This means the Boarding Houses Act 2012 (NSW).

## **Assisted boarding house**

"An assisted boarding house" means any of the following:

- (a) boarding premises that provide beds, for a fee or reward, for use by 2 or more residents who are persons with additional needs (not counting any persons with additional needs who reside there with their competent relatives),
- (b) boarding premises that are declared to be an assisted boarding house by a notice in force under section 39 [of the Act]. [note – section 39 allows the Secretary of Family and Community Services (FACS) to declare a premises an assisted boarding house].

## **General boarding house:**

Boarding premises are a “general boarding house” if the premises provide beds, for a fee or reward, for use by five or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietors or managers).

## **Boarding house**

A boarding house in this report has the same meaning as “boarding premises” in the Act:

"boarding premises" means premises (or a complex of premises) that:

- (a) are wholly or partly a boarding house, rooming or common lodgings house, hostel or let in lodgings, and
- (b) provide boarders or lodgers with a principal place of residence, and
- (c) may have shared facilities (such as a communal living room, bathroom, kitchen or laundry) or services that are provided to boarders or lodgers by or on behalf of the proprietor, or both, and
- (d) have rooms (some or all of which may have private kitchen and bathroom facilities) that accommodate one or more boarders or lodgers.

## **Boarding house proprietor**

The owner of the premises being used as a boarding house.

## **Boarding house resident**

A person who pays an occupancy fee or other consideration to live in a room in a boarding house.

## **Caretaker**

A person who is paid or is given reduced rent in consideration of looking after a building and/or managing residents. For example a boarding house caretaker may collect rent, clean common areas, and manage residents (including carrying out evictions). This person may or may not be a resident of the boarding house.

## **House Rules**

The rules that a resident must abide by whilst living in a general boarding house. They may or may not be written and typically relate to such matters as refraining from illegal activities, not smoking indoors and paying rent on time. A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

## **Key deposit**

A fee charged on issuing of a key to a resident. This is not allowed under the Act.

## **‘New Generation’ Boarding Houses**

This is a term used to refer to new-build general boarding houses that often offer kitchenettes and ensuites attached to a room, as well as some communal spaces. These boarding houses are often more expensive than ‘old style’ boarding houses and may be targeted towards the student or low wage worker markets. ‘New generation’ boarding houses may be developed under the Affordable Rental Housing - State Environment Planning Policy, and must meet the requirements of this policy.

## **Occupancy Fee**

An “occupancy fee means an amount payable by or for a resident of a registrable boarding house for the right to occupy one or more rooms in the boarding house as a resident of the premises during the term of an occupancy agreement” (s. 27 of the Boarding Houses Act 2012). However to reflect the terminology used by nearly all residents, proprietors and agency workers, the term ‘rent’ has been used throughout this report and should be taken to mean occupancy fee.

## **Security Deposit**

This is often referred to as a ‘bond’. A security deposit can be required as long as the deposit does not exceed two weeks of occupancy fee under the occupancy agreement, and the amount is payable on or after the day on which the resident (or the resident’s authorised representative) enters the agreement.

## **Occupancy Agreement**

“Occupancy agreement”, in relation to a registrable boarding house, means a written or unwritten agreement: (a) that is between a proprietor of the boarding house (or a person acting on behalf of the proprietor) and a resident of the boarding house (or a person acting as an authorised representative of the resident), and (b) under which the resident is granted the right to occupy, for a fee or reward, one or more rooms in the boarding house as a resident of the house, but does not include a rental agreement between a proprietor and resident of a registrable boarding house (or any persons acting on their behalf).

## **‘Older-style’ (or ‘traditional’) boarding house**

This is an unofficial term used to refer to established general boarding houses that offer rooms plus communal kitchen and bathroom facilities. These boarding houses are more likely to be in older buildings, and targeted towards low waged workers and people on Centrelink payments. A minority include meals as part of the service.

## Executive Summary

This is the final report of the evaluation of the *Boarding Houses Act 2012* (the Act). This report presents findings on the implementation of the Act, as well as resident outcomes in relation to rights and standards and well-being, based on a longitudinal dataset from 2014-2017.

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 included annual data collections from residents, proprietors, staff who work in the health and welfare sector, as well as information from relevant state government agencies. The 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 need.

### 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 in 2014 to 1002 in October 2017. During this time the number of assisted boarding houses has continued to decline from 22 (470 residents) in 2014 to 18, with approximately 300 residents (licensed capacity of 386 beds), in 2017.
- Consistent with each of the interval reports, 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.
- Notwithstanding residents reporting an overall increase in knowledge and awareness of the new boarding house legislation, half of the residents surveyed stated that they were unaware of the Boarding Houses Act, and more than a third did not have an occupancy agreement. Given the high turnover of boarding house residents, there is a need for ongoing training for residents about rights and standards under the Act, including information about dispute mechanisms.

## RIGHTS AND STANDARDS

- Residents reported a slight overall decrease in receiving occupancy agreements (from 62% in 2014 to 58% in 2017). It is noteworthy that the majority (77%) 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.
- Six of the 11 assisted boarding house residents interviewed in 2017 reported that they did not have an occupancy agreement - all of these residents had been living in their boarding house prior to the introduction of the Act. FACS Boarding House Compliance Team advise that in 2014 all residents in assisted boarding houses were provided with Easy English booklets explaining their rights under the Act, including Occupancy Principles, and that a standard template for Occupancy Agreements was designed for assisted boarding houses and provided to operators. FACS also advised that they continue to check if residents have Occupancy Agreements and to date all assisted boarding house residents appear to have an agreement in place. If residents do have an Occupancy Agreement, but do not realise or remember they have such an agreement, the need for ongoing training remains relevant.
- Proprietors report an increase in providing occupancy agreements to their residents (87% in 2015 and 97% in 2016 and 2017). It is noted, however, that fewer proprietors participated in the online survey; 96 in 2015 and 33 in 2017.
- Overall, residents' knowledge of the Act increased from 44% in 2014 to 50% in 2017.
- Residents who are provided with information about fire safety increased from 53% in 2014 to 60% in 2017. This is much higher for assisted boarding houses - 78% in 2017.
- Residents who are able to lock their room increased from 88% in 2014 to 94% in 2017. Six of the 11 residents living in assisted boarding houses reported that they were unable to lock their bedrooms.

## THE IMPACT OF THE ACT ON THE WELL-BEING OF RESIDENTS

The Personal Well-Being Index (PWI-A) 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. From 2016-2017 there is a slight, yet significant ( $p < 0.001$ ), decline across all indicators. However, for residents of assisted boarding houses, there wasn't a significant difference in self-reported well-being over the study period; the scores remained high, and significantly higher than residents of general boarding houses.
- Residents consistently reported high levels of service use including doctors and hospital emergency departments, food services, community and neighbourhood centres, caseworkers, psychologists, psychiatrists and dentists. Assisted boarding house residents had higher rates of service use than residents of general boarding houses, especially doctors, case management and community centres. 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, 35% of residents reported 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. In 2017, proprietors reported that of the people requiring daily care in their boarding house 36% (46% in 2016) of these residents do not have adequate access to services.

## Background

Boarding houses are for profit businesses (NSW Ombudsman, 2011 p.2) that are described as one of a range of ‘marginal housing’ options (Goodman et al 2013) for diverse groups of people, including people experiencing multiple disadvantages. Boarding houses are a type of private accommodation whereby the occupancy fee, or rent, is collected for the use of a single room, but other facilities such as kitchens, bathrooms and toilets are shared (Greenhalgh et al 2004). They differ from share house arrangements in that residents are not generally known to each other and each individual occupant has their own agreement with the operator (Greenhalgh et al 2004). The manager or proprietor may also live onsite.

Boarding houses operate within different policy, regulatory and historical contexts across Australia which makes it difficult to draw comparisons. In other Australian jurisdictions, a boarding house may also be known as a rooming house, hostel, a boarding home facility or lodging house. Dalton et al (2015, p.5) define boarding houses as:

...buildings containing multiple bedrooms or units that are supplied on a furnished basis and provide shared access to communal facilities such as kitchens, bathrooms, laundries and living areas. They are let on a weekly basis to multiple, unrelated residents, with the numbers and letting arrangements the subject of state-specific legislation in Australia’s federal system of government.

Dalton et al (2015) in their research on boarding and rooming houses in NSW and Victoria identify a number of different types of boarding houses, as follows: ‘traditional’ boarding houses which cater for people who are the most disadvantaged and vulnerable; ‘upgraded traditional’ boarding houses which are more expensive and have a more mixed demographic of residents; ‘student’ boarding houses which are targeted to local and international students; ‘new generation’ boarding houses in inner city areas which include some professionals and international students and, ‘small suburban’ boarding houses which accommodate a variety of people and are spread throughout the suburbs. As Costello et al (2013, p.39) state:

While they [boarding houses] have traditionally been a source of accommodation for people with disabilities and/or mental health issues, they are more recently targeted towards international students, young people, arts workers, families, backpackers, people escaping homelessness and young people exiting state care.

People who live in traditional style boarding houses have very limited housing choices. For these people, boarding houses may present the most accessible, immediate and viable option. Most people who live in traditional boarding houses are unable to access alternative low-cost housing, have a history of housing insecurity, and are likely to experience multiple disadvantages (NSW Ombudsman 2006; Greenhalgh et al. 2004). People who live in traditional boarding houses include those who are: unemployed; people with disability, cognitive impairment or mental health issues; people with a history of problematic drug and alcohol use; and people who are exiting the criminal justice system. Boarding house residents are typically reliant on income support, and residents of assisted boarding houses pay between 75 and 100 per cent of their benefits to the proprietor (NSW Ombudsman 2011, p.2). The Australian Bureau of Statistics (ABS) counts boarding house residents as a sub-set of homeless populations.

It is well documented that far more men than women reside in boarding houses (see for example, Costello et al 2013). What is also widely reported is that people with disability, cognitive decline or mental health issues form a large proportion of boarding house residents. According to Goodman et al 2013, people with mental health issues find themselves in boarding houses for a range of reasons, including: their needs have not been met in the service system (e.g. through inappropriate eligibility criteria or misdiagnosis); a history of housing insecurity; prefer this housing form; it is one of the limited ‘affordable’ housing options; or face issues of discrimination in other private rental housing options (cited in Costello 2013, p.39).

## REGULATING THE BOARDING HOUSE SECTOR

Since the 1960s, a number of investigations and reports have highlighted problems in the boarding house sector, particularly relating to the experience of people with disability. From the early 1970's, NSW boarding houses for people with disability became subject to licensing requirements with the introduction of the *Youth and Community Services Act 1973* (YACS Act) and became known as licensed boarding houses. The YACS Act set out the obligation of licensed boarding house operators to comply with conditions which had minimum requirements relating to the physical condition and structure of the premises; record keeping; provision and storage of food; staffing suitability; residents' rights, welfare, finances and advocacy; and medication administration, supervision and health (NSW Ombudsman 2011, p2). Of importance, in 2010, an amendment was made to the YACS Act, which brought the licence conditions relating to the care, safety and well-being of residents in to the regulation. Further, new requirements relating to medication management and first aid qualifications of staff, and an obligation on boarding house licensees and managers to provide residents with information on support services, advocacy services or other service or information providers was built into the YACS Act (NSW Ombudsman 2011, p.3). However, the YACS Act and its enforcement were not considered sufficient to ensure the care, safety and wellbeing of residents (see for example, NSW Ombudsman 2011).

In 1993, media reports including the front page of the Sun Herald ('Hostel of Horror', Sun Herald March 28, 1993) included allegations of abuse, exploitation and sub-standard conditions at a licensed boarding house for people with disabilities (NSW Government 1993). In response to this, the NSW Government formed a Taskforce on Private For Profit Hostels. The Taskforce found that while there were some boarding houses focused on the needs of residents, there was widespread use of physical and chemical restraint and confinement, regimentation and material deprivation, poor nutrition, significant fire and other safety concerns, serious health concerns, high incidence of sexual assault and numerous systemic issues including the need for an effective licensing and monitoring framework (Drake 2013). The Taskforce recommended a new set of licensing standards to conform as closely as possible with the *Disability Services Act 1993*, changes to complaints, appeals and monitoring legislation to improve accountability, day programs for residents, restriction on size and location of boarding houses, improved referral and admission procedures, training for boarding house managers and proprietors and various committees to improve the provision and coordination of services to residents (NSW Government 1993, iii).

At the same time as the Taskforce was conducting its inquiries, the Burdekin Inquiry (National Mental Illness Inquiry) was publicly discussing its findings and later that year released the Burdekin Report (HREOC 1993). The findings of the Burdekin Inquiry argued against the use of boarding houses as an accommodation option for people with mental illness. The evidence presented to the Inquiry in all states indicated that the physical conditions in many boarding houses are depersonalising, depressing and completely uncondusive to any dignified, normal life (HREOC 1993, 388).

The 2011 NSW Ombudsman report, *More than Board and Lodging: The Need for Boarding House Reform* (NSW Ombudsman, 2011) was "far-reaching" (Goodman et al 2013). The report identified ongoing critical failings in the monitoring of licensed boarding houses. The report stated that:

The current legislation governing licensed boarding houses and the standards expected in such facilities are inadequate to protect already vulnerable residents from harm and violations of their fundamental human rights. People living in unlicensed boarding houses have even fewer safeguards and protections (NSW Ombudsman, 2011:p.i).

And further:

At a minimum, our work demonstrates that there is a critical need for legislative change to improve the circumstances of, and outcomes for, people living in licensed boarding houses (NSW Ombudsman, 2011:p.i).



## BOARDING HOUSES ACT 2012

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 for a fee or reward (ie rent). 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 as a result of the condition.

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 concerns occupancy rights and obligations, and the regulation of assisted boarding houses, 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).

# Research Design

## 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

- 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?

## 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.

## FIELDWORK SITES

Three fieldwork sites were selected: 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 - 2017.

**Table 1: Number of registered boarding houses by study site 2014-2017**

STUDY SITE	REGISTERED BOARDING HOUSES 2014	REGISTERED BOARDING HOUSES 2015	REGISTERED BOARDING HOUSES 2016	REGISTERED BOARDING HOUSES 2017
Ashfield	41	48	48	49
Marrickville	92	100	111	115
Newcastle	50	55	65	70

Source: Office of Fair Trading Boarding House Register, accessed 10 November 2017

## DATA COLLECTION METHODS

The evaluation design involved collecting both quantitative and qualitative data on an annual basis from 2014-2017. 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 - 2017.

## PARTICIPANTS

**Table 2: Number of study participants by data collection method 2014-2017**

	RESIDENTS		OPERATORS		AGENCY STAFF
	Survey	Interview	Survey	Interview	Focus groups
2014	215	54	57	20	4 focus groups (n=35)
2015	217	54	94	21	4 focus groups (24 staff)
2016	201	54	36	18	3 focus groups (24 staff)
2017	199	54	38	18	2 focus groups, 1 interview (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 2017, 169 of participants identified as male and 29 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 199 participants, 190 resided within general boarding houses and 11 resided in assisted boarding houses. Approximately 80% of residents were aged over 40 and half were aged 50-59 years. Of note, there were no residents under 19 and only six residents under 30.

Forty per cent of residents reported living in the boarding house for less than a year, and 31 per cent reported living there between one and three years. While there remains a high turnover of boarding house residents (less than one year), six 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. A total of 54 individual interviews were conducted with boarding house residents (16 in Ashfield, 26 in Marrickville and 12 in Newcastle). Participants were paid \$50 for their time. Interviews were audio recorded and transcribed and analysed thematically.

**Table 3: Age of resident participant by gender, 2017**

AGE	MALE	FEMALE	OTHER	TOTAL
15-19	0	0	0	0
20-29	6	0	0	6
30-39	26	6	1	33
40-49	52	5	0	57
50-59	46	14	0	60
60-69	31	4	0	35
70+	8	0	0	8
<b>Total</b>	169	29	1	199

### **PARTICIPANT RETENTION**

Throughout the study, a total of 571 residents participated in the study from 2014-2017. Despite the study design having a number of mechanisms to improve retention, only 8 residents participated in all four data collection periods. However, 106 residents participated in two data rounds; these residents tended to be from assisted boarding houses, with lower levels of turnover, or connected with services, such as neighbourhood centres or food services.

**Table 4: Retention of resident participants in the study 2014-2017**

	MARRICKVILLE ANNUAL QUOTA 106	ASHFIELD ANNUAL QUOTA 56	NEWCASTLE ANNUAL QUOTA 38	TOTAL NUMBERS 200
<b>Participated once over duration of project</b>	185	135	91	411
<b>Participated twice</b>	50	31	25	106
<b>Participated three times</b>	30	11	5	46
<b>Participated each year of the project</b>	6	2	0	8
<b>Total number of people who participated in project over the 4 years of data collection</b>	271	179	121	571

While the resident survey focused on people residing in the three fieldwork sites, the proprietor survey was state-wide. In 2017, NSW Fair Trading distributed 960 surveys to proprietors via email across the state. A direct link to the online survey was provided in the email. 33 surveys (3.4 % response rate in 2017) were completed by proprietors, consistent with 2016 figures (significantly less than 2015; 96 surveys and a response rate of 12%). In 2017, only 3 proprietors of assisted boarding houses completed the survey (10 in 2015 and 2 in 2016). The majority of proprietors were aged over 40, with 9% 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.

## Regulatory framework and governance of the Boarding Houses Act

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 lodge an Annual Return which sets out any changes to the registration details, and notify Fair Trading if the premises are no longer being used as a boarding house. It is an offence not to register and to provide false and misleading information for the register.

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 in 2014 to 1002 in October 2017. The number of unregistered boarding houses is mostly unknown and difficult to determine. There are numerous operators and managers who evade registration to avoid oversight. Some of the common reasons include, tax evasion; concerns with building safety or modifications that have occurred outside of a development application process; and accommodating more than two people with additional needs requiring licensing with FACS. There are also a number of emerging methodological challenges in how boarding houses are 'counted' within research studies and in the ABS Census. Dalton et al observed, that 'there is a lack of objective and verifiable data on [boarding house] provision in NSW... [and] official estimates of the number of...residents have been contested and different methodologies have produced different results' (Dalton et al 2015, p.21).

The number of assisted boarding houses has declined slightly from 22 to 18 in 2017. The overall number of residents residing in assisted boarding houses has declined significantly from 2014, as detailed in Table 5 below.

**Table 5: Number and capacity of Assisted Boarding Houses**

	2014	2015	2016	2017
Number of assisted boarding houses in NSW	22	20	20	18
Capacity (licensed beds)	522	412	405	386
Occupancy (number of residents)	470	340	340	300

\* Data has been provided by Family and Community Services, November 2017

FACS officers conduct inspections of assisted boarding houses 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. 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 all of the data collection periods from 2014-2017, Council staff and agency workers maintained that that councils were limited in enforcing notices due to insufficient resources. As one agency staff member explained:

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).

There was also variability in council's approach to monitoring and enforcement of the Act; this was due, in part, to the other demands of compliance officers roles (most councils had one staff member where boarding house inspection was only one aspect of their role), and the council's need to balance compliance activities with broader strategies to reduce homelessness. The diverse approaches to enforcement was felt most by operators with boarding houses in multiple locations and councils.

But even the local government – every local government acts in a different manner to another local government, they don't all act formally the same which, I think, can be a problem. Every boarding house has to comply to the exact same thing but each council acts differently upon enforcement (BHO7).

Boarding house residents were divided in their reported experience of councils conducting inspections and responding to compliance breaches. Of the residents surveyed in 2017, only 43% reported that the Council had inspected the boarding house in the past 12 months.

They actually introduce themselves, that they're from [X] Council, and what they're here to inspect, and they inspect the whole building, just not the fire alarms, they check everything. (BRM37, general boarding house resident)

There was a council inspection probably more than 24 months ago and there were outstanding items that needed to be rectified, but there was no follow up from the council. (BRM49, general boarding house resident)

## DISPUTE RESOLUTION

Part 3 of the Act states that all boarding house proprietors and residents have access to the NSW Civil and Administrative Tribunal (NCAT) for the resolution of an occupancy principles dispute, although it is expected that before going to NCAT proprietors and residents will 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 Table 6.

**Table 6: Resident reports of where they would go for assistance with disputes, 2014-2017**

Agency/organisation identified	2014		2015		2016		2017	
	N	%	N	%	N	%	N	%
Community or neighbourhood centre	48	22	61	28	50	25	59	30
Tenants advice Service/Tenants Union	31	14	32	15	33	17	27	14
Legal Aid	9	4	20	9	8	4	9	5
Case worker	13	6	12	6	8	4	14	7
Tenancy Tribunal/NCAT	26	12	22	10	27	13	15	8
Other	41	19	21	10	34	17	24	12
Don't know/Not sure	47	22	47	22	38	19	50	25

Residents consistently reported that they would seek assistance from a community or neighbourhood centre or a tenant’s advice service or Tenants Union. This finding reflects the prominence of such services in the study sites and the recruitment methods of the study.

Many residents talked about the difficulties they experienced with raising concerns with proprietors and attempting to have complaints or disputes resolved. Residents feared retribution and the threat of, or actual, eviction – particularly in a context of very limited alternate, affordable housing options. Many of the agency workers felt that the inadequate definition of what constitutes ‘reasonable notice’ for terminating an occupancy agreement compounded this fear.

You see the problem is people are scared to complain because they find if they make a complaint they’ll kick them out. (BRM40, general boarding house resident)

Because it's a boarding house they just think, "Oh well, we'll kick people out whenever we feel like it and I've heard of some shocking stories where people have paid two weeks in advance and got kicked out the next week because their landlord didn't like them or the caretaker didn't like them and I think that's really cruel. It's not fair for people like me and my partner who've done five and a half years of being homeless off and on. (BRA47, general boarding house resident)

Proprietors were asked if they were aware, under the new legislation, who handles disputes between proprietors and residents. Their responses for 2014 - 2017 are presented in Table 7 below.

**Table 7: Proprietors knowledge of who is responsible for resolving disputes, 2014-2017**

	2014		2015		2016		2017	
	N	%	N	%	N	%	N	%
<b>NCAT</b>	39	65	57	64	24	75	29	91
<b>Don't know</b>	18	30	29	33	7	22	3	9
<b>Local Court</b>	2	3	1	1	1	3	0	0
<b>Land and Environment Court</b>	1	2	2	2	0	0	0	0

\*Source: Boarding Houses Act Evaluation Proprietor Survey 2014-2017

### COMPLAINTS AND ENQUIRIES MADE TO NSW FAIR TRADING

NSW Fair Trading, as part of the Department of Finance, Services and Innovation, collects data on complaints and enquiries received by their state-wide call centre. NSW Fair Trading has provided data from 2014-2017. The number of enquiries to NSW Fair Trading has remained steady with approximately 300 enquiries made each year (295 enquiries in 2014; 600 between 2015-2016 and 279 in 2016-17) and few complaints - a total of 31 complaints made during the study period. These complaints were mostly related to resident concerns about eviction and lack of an occupancy agreement.



**Table 8: Numbers of complaints and enquiries about boarding houses to NSW Fair Trading 2014-2017**

	2014	2015-2016	2016-2017
Complaint	12	9	5
Enquiry	295	600	279

\*Source: NSW Fair Trading August 2017

## 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. Over the study period there has been a slight decline in residents receiving occupancy agreements (from 62% in 2014 to 58% in 2017). It is noteworthy that the majority (77%) 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.

Six of the 11 assisted boarding house residents interviewed in 2017 reported that they did not have an occupancy agreement - all with length of tenure preceding the introduction of the Act. The table below details residents' survey responses. FACS Boarding House Compliance Team advise that in 2014 all residents in assisted boarding houses were provided with Easy English booklets explaining their rights under the Act, including Occupancy Principles, and that a standard template for Occupancy Agreements was designed for assisted boarding houses and provided to operators. FACS also advised that they continue to check if residents have Occupancy Agreements and to date all assisted boarding house residents appear to have an agreement in place. If residents do have an Occupancy Agreement, but do not realise or remember they have such an agreement, the need for ongoing training remains relevant.

Proprietors report an increase in providing occupancy agreements to their residents (87% in 2015 and 97% in 2016 and 2017). It is noted, however, that fewer proprietors participated in the online survey; 96 in 2015 and 33 in 2017.

**Table 9: Resident knowledge of the Boarding Houses Act, 2014-2017**

REPORTED KNOWLEDGE OF THE ACT	2014		2015		2016		2017	
	N	%	N	%	N	%	N	%
Yes, I am aware of the Act.	54	25	69	32	59	30	50	25
I have some understanding of the Act.	42	19	56	26	51	26	48	24
No, I am not aware of the Act.	120	56	91	42	90	45	100	50

Source: Resident survey, Boarding Houses Act Evaluation

Residents were also asked in interviews if they had heard of the Act and to talk about their understanding of the Act.

I understand it's to regulate boarding houses, to impose certain legal standards for reasons of safety and condition, so that we're not living in squalor. And a statement of the landlord, or the owner's obligations and the tenant's obligations. (BRM34, general boarding house resident)

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

Basically it's just the rules and your rights as a resident and the grounds that you can be - basically rules and regulations of living in a boarding house and also your rights as a resident...on the noticeboards there's the Boarding House Act and rules and all that, they're pinned to the noticeboard but I don't think, it didn't like explain it, it hasn't been actually explained to all of us or anything like that but it's there to see (BRM25, general boarding house resident).

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

when the boarding house rules changed it made us a little bit more aware of our rights, as well as the tenants' rights (I don't think the previous managers even bothered to read the Act. I don't even know if they understood their obligations, whereas I think the new people are making an effort to be fair and do the right thing in terms of doing the right thing by the residents. (BRM49, general boarding house resident)

While there has been an increase in understanding and knowledge of the Act, about half of the residents who participated in the study were unaware of the new boarding house legislation .

## **FIRE SAFETY**

Residents were asked if they have been provided with any information about fire safety either verbally or in writing. In 2017, 60% (118) of residents surveyed reported that they had. This compares with 124 (62%) in 2016, 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 2017, all of the proprietors surveyed reported that they had a current certificate, compared with 97% in 2016 and 96% in 2015. Only 15% of the proprietors surveyed in 2017 had applied for the fire safety upgrade grant.

But they've got a long way to go like fire safety and all those sorts of issues that are normal in a workplace. I wouldn't like to see it get out of hand to privateers, in the respect they could, like I said there's no fire extinguishers, there's no first aid kits. I think our Council need to have more involvement at per service ratio. ...simple stuff like fire and safety. (BRN5, general boarding house resident)

While there has been an overall increase in resident knowledge and proprietors reporting that they have a fire certificate, a number of residents identified concerning behaviours and practices, such as, the removal of smoke alarms to enable residents to smoke or cook in their rooms.

I don't do a lot of cooking in the kitchen area. Two reasons – one, I don't have a lot of cooking utensils at the moment. And two, I just – yeah, I'm not real happy with the hygiene of the kitchen. I think it could be kept a lot cleaner. So, I eat a lot of – I cook stuff in my room. (BRM26, general boarding house resident)

## **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
- An entitlement to have 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 between 2014-2017 is reported as follows.

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

Over the study period there was a significant difference ( $p < 0.001$ ) in the reported satisfaction of repair and maintenance for residents of general boarding houses. Within this there was an increase in satisfaction in 2014-2015, however there was a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.424$ ). When asked about the security of the boarding house, residents recorded an increase in score in 2014-2015 ( $p = 0.014$ ), and a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.124$ ).

Residents of assisted boarding houses reported high scores with their satisfaction of the repairs and maintenance of their boarding house, and there was no significant difference over the 4 years ( $p = 0.325$ ). Again, assisted residents reported no significant difference in how secure they felt over the 4 years ( $p = 0.543$ ), with scores of 8 and 9 out of a possible 10 consistently reported throughout the study. Notwithstanding this finding, six of the 11 residents interviewed in 2017 were unable to lock their bedrooms.

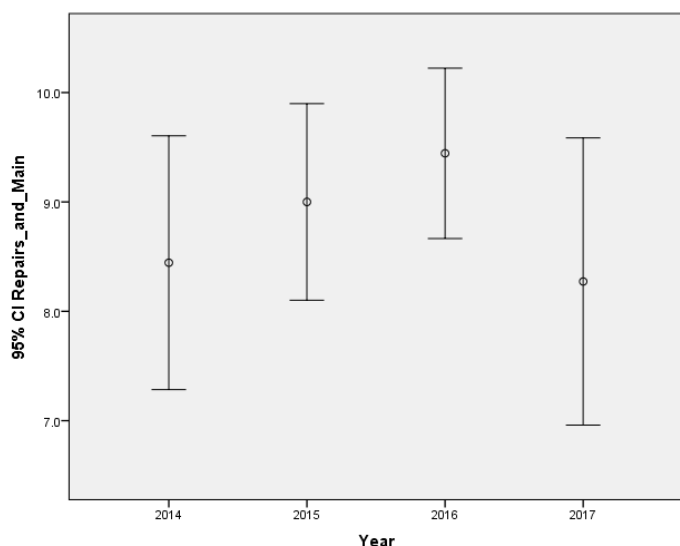


Figure 1: Assisted BH satisfaction with repairs and maintenance, 2014-2017

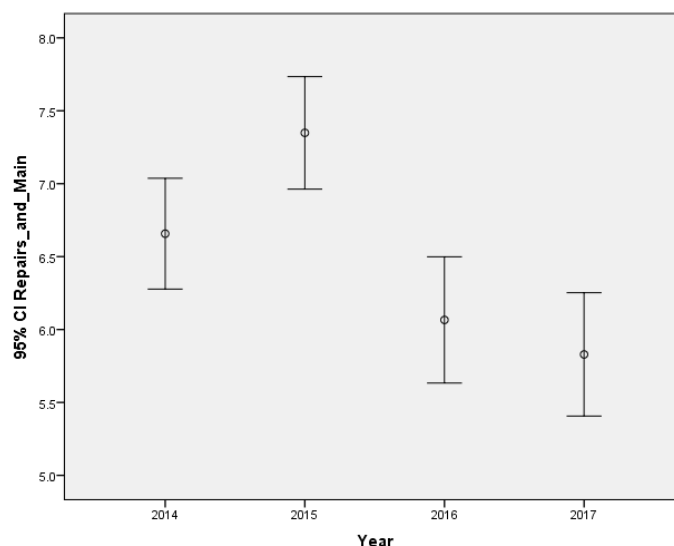


Figure 2: General BHs satisfaction with repairs and maintenance, 2014-2017

There's 10 or 12 of us using one bathroom. Terrible. Shocking. Anyone who had ever been in a boarding house – you walk into the bathroom, you'd walk right out. You'd walk into the kitchen, you'd walk out. You wouldn't want to cook, you wouldn't – especially for a women, you wouldn't want to use that bathroom (BRM22, general boarding house resident).

[Boarding houses] some are good, some are bad, I think they're a microcosm of society. It was literally a store room. Bit like a jail, it was half the size of a jail cell (BRM24, general boarding house resident)

### ***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. Over the study period there was a significant increase in proprietors' knowledge of the requirement to provide 4 weeks written notice before an increase in the occupancy fee (54% in 2014, and 80% in 2017), noting the small sample size. Residents' knowledge of this standard was quite poor and declined from 14% in 2014, and 19% in 2015, to 5% in 2017.

***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 of residents surveyed, consistent across the four data collection periods, indicated that the occupancy fee includes utilities.

***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 and this has been consistently identified 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 2017, 80% of respondents indicated they provide notice both verbally and in writing (this compares to 59 in 2016); 18% in writing only; and 3% verbally only.

They don't want to rock the boat because they know there will be retribution from this landlord guy and he's already tried, and he has got people out of there who haven't done whatever he's wanted to do, or who have just complained about certain things (BRM22, general boarding house resident).

***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 2017, 133(68%) residents surveyed reported that they received receipts, a decline from 2014-2016 where approximately 80% of residents reported receiving a receipt for payment of their occupancy fee.

***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%); however there was a slight decline in 2017 to 84% of residents in the study. Table 10 below shows this data.

I had a – yeah, some type of an agreement, but only a key deposit; I didn't have to pay two weeks bond. And now it's changed and turned over to the real estate, so that requires them to have two weeks bond and two weeks in advance of moving in. I've got the same agreement, yeah. I get them from – not from the real estate - I get nothing from them – but I get a little docket from them when I pay my rent to the post office (BRA 17, general boarding house resident).

**Table 10: Amount of security deposit paid 2014-2017**

	2014 (%)	2015 (%)	2016 (%)	2017 (%)
1 week	15	17	22	21
2 weeks	66	65	73	63
4 weeks	19	18	5	5

It is a requirement under the Act that the security deposit is returned within two weeks of vacating the boarding house. Of concern, 75% of residents in 2017 indicated they were unaware of the timeframe for returning the security deposit.

## Well-being of residents

### PERSONAL WELL-BEING INDEX

Boarding house 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 reliable tool for measuring well-being. From 2014 to 2015, the averages for all seven indicators did not change significantly, however there was a significant decrease in the averages of all the indicators between 2015 and 2016. There were no significant changes between 2016 and 2017.

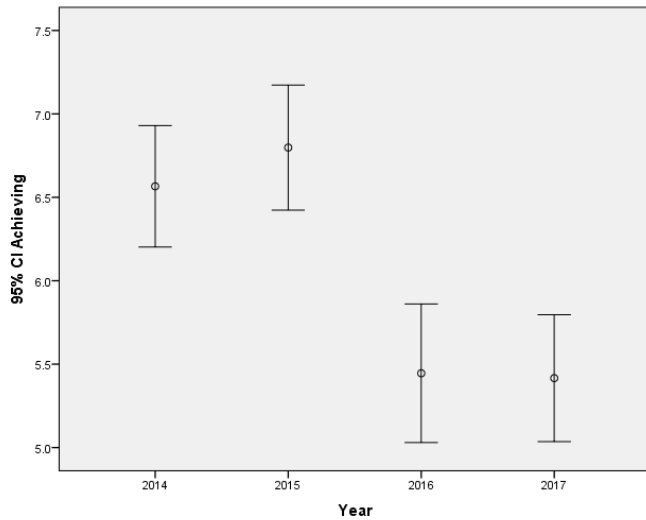
**Table 11: Personal well-being index, comparison of mean results 2014-2017, General BH**

	2014	2015	2016	2017
Part of the community	7.36	7.30	5.75	6.11
Health	6.96	7.05	5.83	6.29
Life as a whole	6.78	7.02	5.82	5.64
Future plans and prospects	7.37	7.58	6.19	6.05
Achieving in life	6.57	6.84	5.45	5.42
Personal relationships	7.08	7.49	6.28	5.91
Standard of living	6.62	7.07	5.74	5.59

**Table 12: Personal well-being index, comparison of mean results 2014-2017, Assisted BH**

	2014	2015	2016	2017
Part of the community	9.13	9.17	7.58	8.64
Health	8.56	9.58	8.75	8.27
Life as a whole	8.11	9.33	8.75	8.0
Future plans and prospects	8.75	9.42	7.71	8.64
Achieving in life	8.0	9.17	8.38	7.91
Personal relationships	9.25	8.75	9	9.18
Standard of living	9.25	9.42	9.38	8.27

**Figure 3: Satisfaction with what you're achieving in life 2014-2017, General BH**

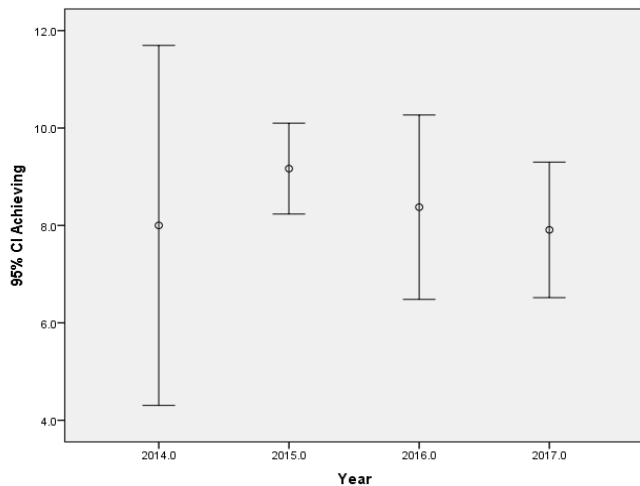


There was a significant difference between the average score over the 4 years ( $p < 0.001$ ); no significant difference in 2014 to 2015 ( $p = 0.390$ ); however, a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.916$ ).

I became homeless. I was living in a car basically. I was having a shower under the tap at the servo, so. Lost my job and I'm pretty grateful. I've got somewhere to have a hot shower and a bed. (BRN5, general boarding house resident)

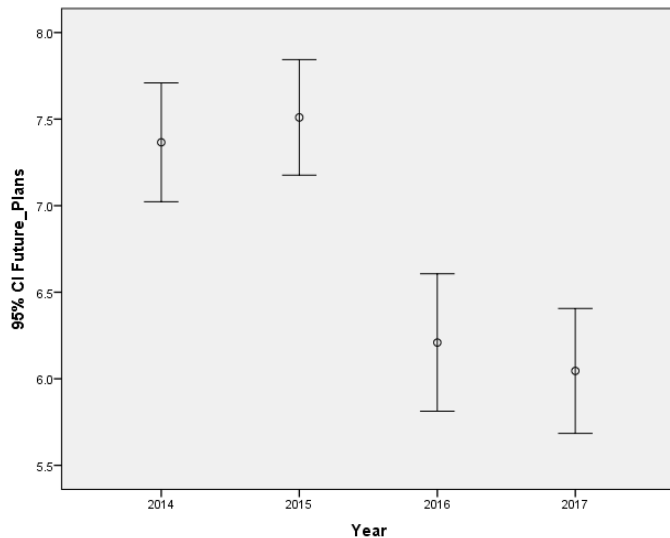
I was pretty desperate to try and get myself somewhere into a ... I just wanted to get myself fairly settled somewhere that I could start getting my life back in order. (BRN10, general boarding house resident)

**Figure 4: Satisfaction with what you're achieving in life 2014-2017, Assisted BH**



Residents of assisted boarding houses reported **high scores for satisfaction** for what they are achieving in life, with no significant difference in the score over the 4 years ( $p = 0.552$ ).

**Figure 5: Satisfaction with future plans or prospects, 2014-2017, General BH**

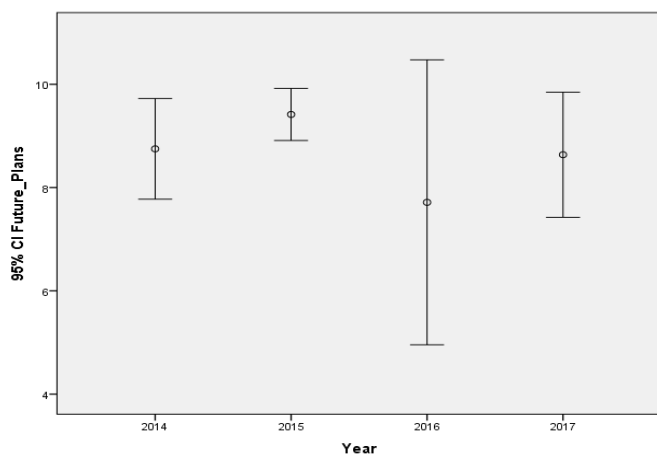


There was a significant difference between the average score over the 4 years ( $p < 0.001$ ).  
 There was no significant difference between the average score from 2014 to 2015 ( $p = 0.570$ ); there was a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.530$ ).

For people with low income it's affordable. The troubles are just caused by anxiety and fears about how their situation is, they all want to get ahead in life, they just don't get the opportunities or they don't know how to do it, that's all. (BRM38, general boarding house resident)

Well, I assume that one day we're all going to get driven out by high-rise development, and I'll be lucky to find a place this side of the mountains. To be honest, I think, my long-term career is being on the street. (BRM31, general boarding house resident)

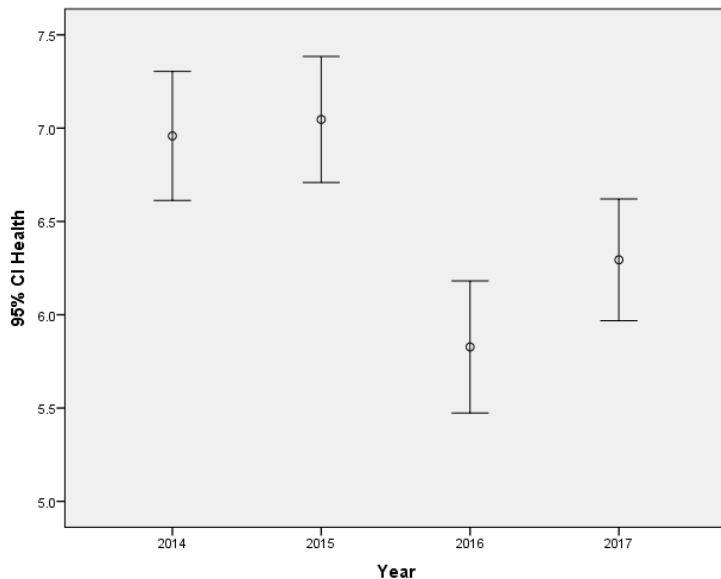
**Figure 6: Satisfaction with future plans or prospects, 2014-2017, Assisted BH**



No significant difference between the average score over the 4 years ( $p = 0.249$ ); consistently high scores for residents of assisted boarding houses.



**Figure 7: Satisfaction with health, 2014-2017, General BH**

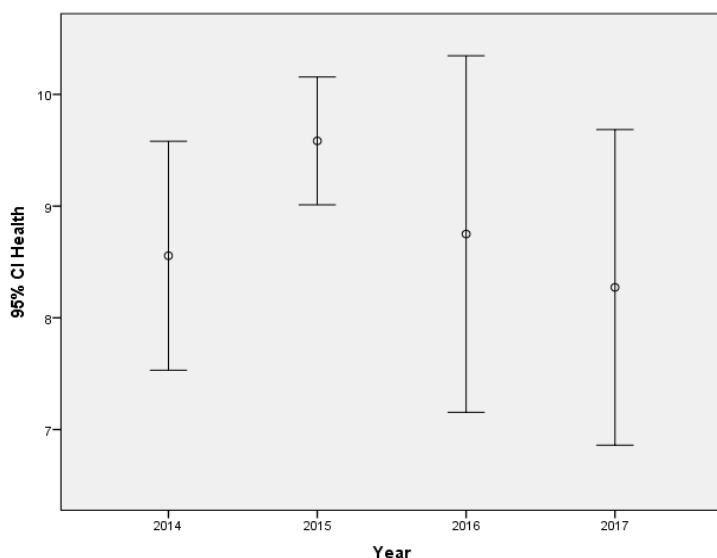


No significant difference between the average score from 2014 to 2015 ( $p=0.713$ ), there was a significant decrease from 2015 to 2016 ( $p<0.001$ ) and no significant difference from 2016 to 2017 ( $p=0.063$ )

Yeah, physical environment. Just dirty. Share house dirty. Yeah, there's – it feels – my lungs have been playing up since I've been living there the last couple of months, so I know there's a lot of coal ash and dust in the roof. Yeah, rats in the roof. Bad, they'll wake you up through the night, stamping through the place, holes in the floor which I fixed. (BRN1, general boarding house resident)

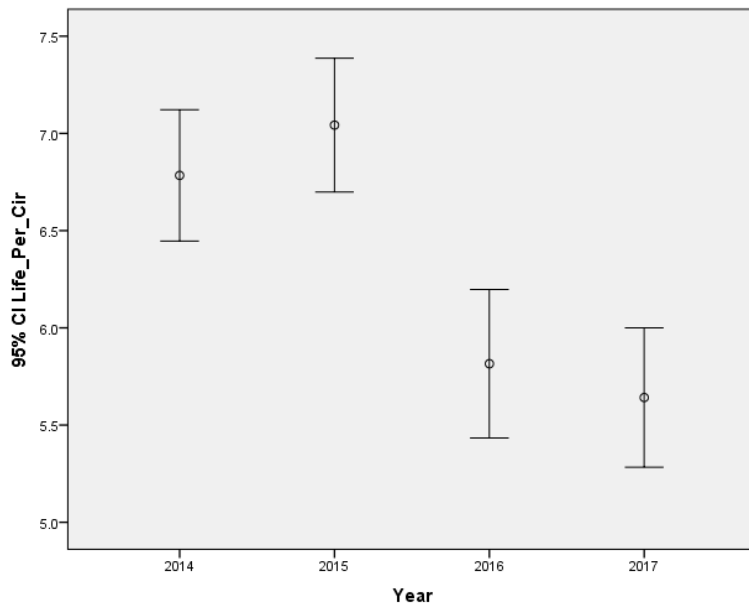
Last two months two have died. Palliative care has taken place in the boarding house. (BRM35, general boarding house resident)

**Figure 8: Satisfaction with health, 2014-2017, Assisted BH**



There is a significant difference between the average health score over the 4 years ( $p=0.254$ ); consistently high scores for residents of assisted boarding houses.

**Figure 9: Satisfaction with your life as a whole, 2014-2017, General BH**



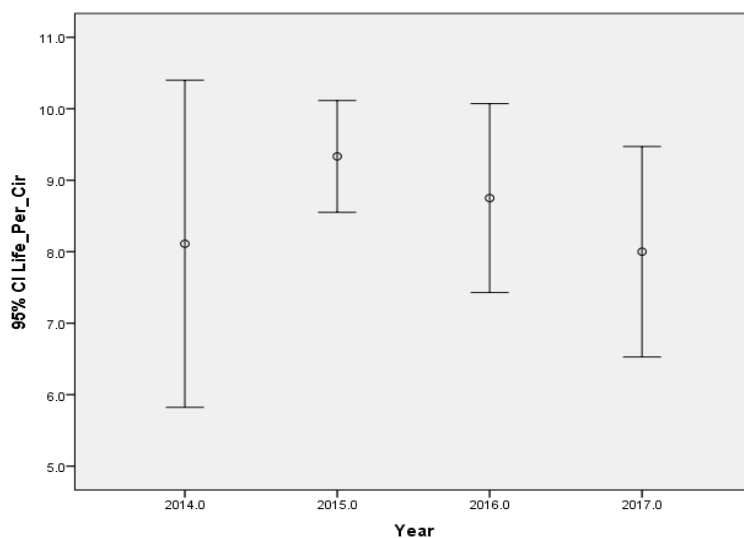
There was a significant difference between the average score over the 4 years ( $p < 0.001$ ).

No significant difference between the average score from 2014 to 2015 ( $p = 0.301$ ); there was a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.503$ ).

I was in a rehab in Queensland. And then I was homeless for about a year and then Housing Department told me about the boarding house in Adamstown and I travelled on the train and haven't been happier. Couldn't be happier. (BRN8, general boarding house resident)

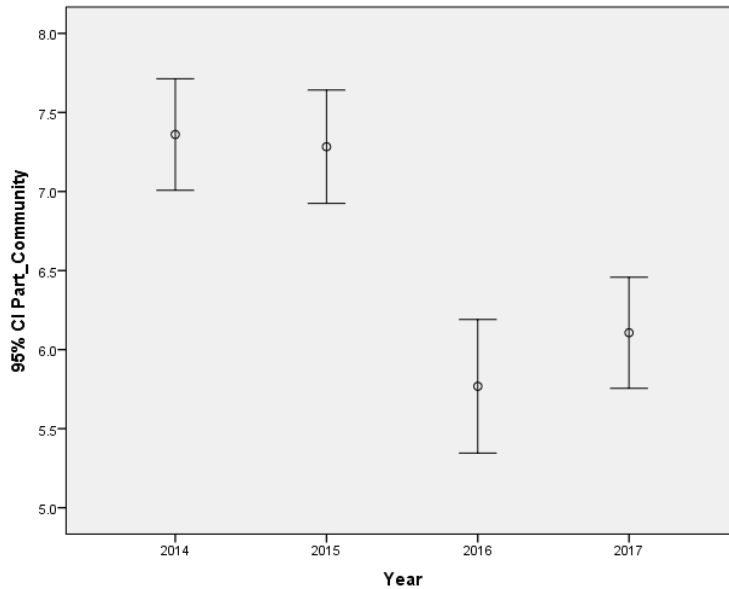
I walk on egg shells around them. Not so much unsafe but that sometimes they're temperamental. (BRA47, general boarding house resident)

**Figure 10: Satisfaction with your life as a whole, 2014-2017, Assisted BH**



No significant difference between the average score over the 4 years ( $p = 0.405$ ).

**Figure 11: Satisfaction with feeling part of the community, 2014-2017, General BH**



There is a significant difference between the average score over the 4 years ( $p < 0.001$ ).

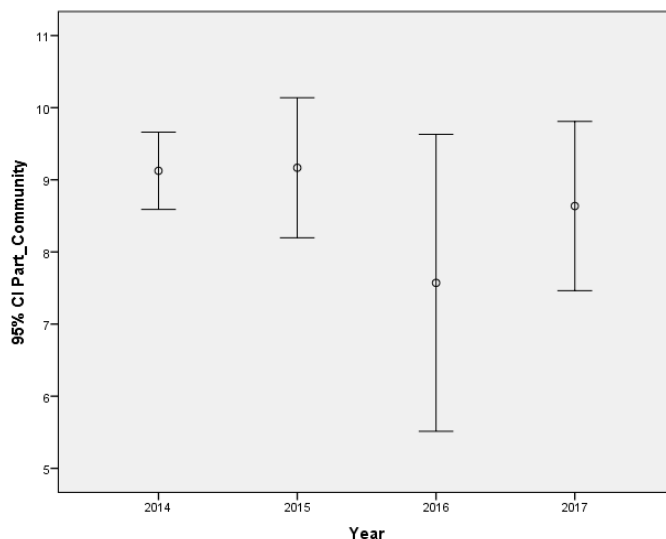
No significant difference between the average score from 2014 to 2015 ( $p = 0.767$ ); there was a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.212$ ).

Because some people just don't want to live on their own, they want someone like that because you've always got someone to talk to so there's your social interaction and if something happens to you, like you might fall over and if you lived on your own no-one would know about it but if you live in a boarding house and something happens to you there's someone there that can help you (BRA39, general boarding house resident).

... it's allowed me to become more stable I ran away from home when I was very young and I moved around 30 or 40 times and over the last, as I said I've been here for nine and a half years, it's given me the stability to actually fix my life up and that's what this boarding house has done, it's allowed me the opportunities to work on my issues, and yeah (BRA 17, general boarding house resident).

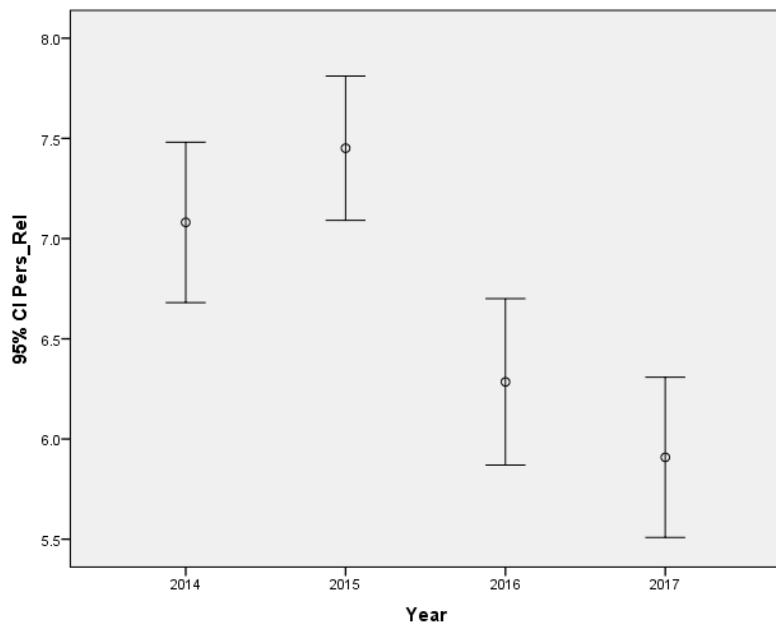
Generally if you stay in a boarding house, there's a bad stigma attached to it and people are really like – you generally don't really tell people, yeah, I live in a boarding house. (BRN4, general boarding house resident)

**Figure 12: Satisfaction with feeling part of the community, 2014-2017, Assisted BH**



No significant difference between the average score over the 4 years ( $p = 0.194$ ).

**Figure 13: Satisfaction with personal relationships, 2014-2017, General BH**



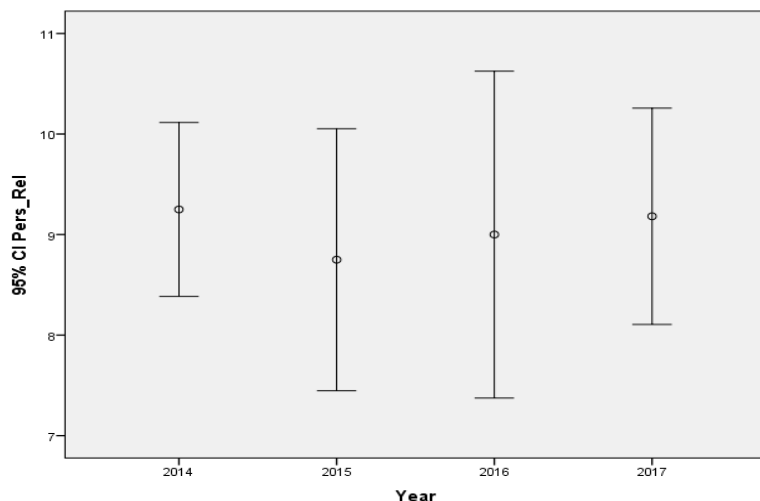
There is a significant difference between the average score over the 4 years ( $p < 0.001$ ).

No significant difference between the average score from 2014 to 2015 ( $p = 0.181$ ); there was a significant decrease from 2015 to 2016 ( $p < 0.001$ ) and no significant difference from 2016 to 2017 ( $p = 0.192$ ).

Buried two parents at the end of last year from Cancer. Wife walks out on a 29 year marriage in between that. And in January I lost my licence for six months. (BRN5, general boarding house resident)

My mate was living there and he just rang me up and said there are rooms here. I was staying at my sister's garage at the time, so I just moved down there. Sometimes there is a flare up (between residents) the cops are always there anyway. Two, three times a day some days. (BRM45, general boarding house resident)

**Figure 14: Satisfaction with personal relationships, 2014-2017, Assisted BH**



No significant difference between the average score over the 4 years ( $p = 0.902$ ).

Over the four data collection periods, there was an overall significant difference between residents reported satisfaction with their standard of living ( $p < 0.001$ ). Of note, was a significant decline in satisfaction between 2015 and 2016. This decline was explored with residents through the semi-structured interviews in the 2017 data collection period. Residents attributed this decline in satisfaction to limited affordable housing options and increased occupancy fees - this was felt mostly in Sydney, and by those participants in receipt of Newstart allowance.

Residents of assisted boarding houses reported significantly higher levels of satisfaction with their standard of living, compared with residents of general boarding houses, noting a slight decline from 2016-17. All of the residents from assisted boarding houses who participated in the study received the Disability Support Pension and were more likely to describe their accommodation as ‘reasonably affordable’ or ‘very affordable’. Some of the residents, particularly those living with addiction, stated, that they sometimes struggled to pay for clothes or medications because of the high fees.

.....it’s going to get worse and worse and they’re gradually going to be edging out the kind of people who need housing. (BRM22, general boarding house resident )

The quicker I’m out of one, the better. I, honestly, the experience itself isn’t horrible, so bad that it’s ... but some of the places that I’m seeing, like I said, some of the rooms, these are small rooms and this is not just this one I’m in, there are other ones that I’ve looked at, they remind me very much of jail cells without the benefit of a toilet in the same room, or a shower and they are not nearly as maintained, that’s honestly...(BRM36, general boarding house resident)

It’s terrible. I mean I’m on a priority list for housing commission. I’ve been on that for more than 12 months now on priority. Previous to that I’ve known people that have been, and on a normal list, for more than 10 years and they are still not getting into a place any time soon. So we are all forced into these small kind of dingy houses that have been run still fairly sparsely, sort of maintained and furnished and cockroaches everywhere, having to sort of try and keep them – on top of that as well, for health reasons. Yeah. It’s common. It’s a little bit scary. (BRM17, general boarding house resident)

## SATISFACTION WITH THE BOARDING HOUSE

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 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, and further decline in 2017. Residents of assisted boarding houses reported high scores across the four satisfaction indicators, with no significant change across the four data collection periods.

**Table 13: Boarding House satisfaction indicators, comparison of results 2014-2017**

	2014	2015	2016	2017
Overall experience	7.35	7.74	6.50	6.12
How the boarding house is run	7.60	7.68	6.41	6.17
Overall security	6.93	7.64	6.30	5.85
Repairs and maintenance	6.66	7.35	6.07	5.83

## SERVICE USE AND NEED

Residents were asked what services they had accessed in the preceding three months. As outlined in Table 14, residents reported high-levels of service use. Consistent with previous years, most residents (78%) accessed doctors or hospitals, and only 3% of residents accessed Home Care services.

Residents in assisted boarding house reported higher use of services, including doctors or hospitals, case management, psychologists, dental and frequent access of neighbourhood or community centres.

**Table 14: Resident service use, comparison of results for 2014- 2017**

Services used	2014		2015		2016		2017	
	Total	%	Total	%	Total	%	Total	%
Doctor or hospital	153	71	169	78	154	78	159	79%
Food service	113	53	88	41	94	48	94	12
Community centre	86	40	88	41	60	30	73	10
NSW Housing waiting list	68	32	61	28	65	33	78	10
Caseworker	64	30	63	29	68	35	68	9
Psychologist or psychiatrist	61	28	73	34	62	31	73	10
Dentist	45	21	53	24	48	24	45	6
Other material aid	32	15	27	12	18	9	44	6
Drug and alcohol counselling	24	11	17	8	20	10	22	3
Methadone	10	5	12	6	9	5	22	3
HomeCare	6	3	15	7	6	3	4	0.5

When asked about what unmet needs in relation to health and welfare services, residents consistently identified access to public housing, dental services, case work and psychological interventions.

In 2017, 35% 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 figure is consistent across the study period.

Proprietors were also 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 2017, there was a significant increase (+10%) in the number of proprietors surveyed who felt residents had access to the health and welfare services they required. Notwithstanding this increase, a third of proprietors identified gaps in services available to residents, especially access to mental health services. While it is common for emergency services to attend boarding houses in response to violence and health and welfare concerns, proprietors identified the need for ongoing access to primary and allied health services - especially for residents who, for a variety of reasons, rarely left the boarding house. A number of proprietors discussed the need for further government support, either through funding or the provision of services, such as case management and domestic care services.

I do the police job. I do the social worker job. I do lot of job for government, but I never get help for government. Never get help. That's so wrong (BHO1)

# Conclusions

## 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

- 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 in 2014 to 1002 in October 2017. During this time the number of assisted boarding houses has continued to decline from 22 (470 residents) in 2014 to 18, with approximately 300 residents (licensed capacity of 386 beds), in 2017.
- Consistent with each of the interval reports, 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.
- Notwithstanding residents reporting an overall increase in knowledge and awareness of the new boarding house legislation, half of the residents surveyed stated that they were unaware of the Boarding Houses Act, and more than a third did not have an occupancy agreement. Given the high turnover of boarding house residents, there is a need for ongoing training for residents about rights and standards under the Act, including information about dispute mechanisms.
- The number of enquiries to NSW Fair Trading has remained steady with approximately 300 enquiries made each year (295 enquiries in 2014 and 279 in 2017) and few complaints made - a total of 31 complaints made during the study period.

## 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

- Residents reported a slight overall decrease in receiving occupancy agreements (from 62% in 2014 to 58% in 2017). It is noteworthy that the majority (77%) 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.
- Six of the 11 assisted boarding house residents interviewed in 2017 reported that they did not have an occupancy agreement - all of these residents had been living in their boarding house prior to the introduction of the Act. FACS Boarding House Compliance Team advise that in 2014 all residents in assisted boarding houses were provided with Easy English booklets explaining their rights under the Act, including Occupancy Principles, and that a standard template for Occupancy Agreements was designed for assisted boarding houses and provided to operators. FACS also advise that they continue to check if residents have Occupancy Agreements and to date all assisted boarding house residents appear to have an agreement in place. If residents do have an Occupancy Agreement, but do not realise or remember they have such an agreement, the need for ongoing training remains relevant.
- Proprietors report an increase in providing occupancy agreements to their residents (87% in 2015 and 97% in 2016 and 2017). It is noted, however, that fewer proprietors participated in the online survey; 96 in 2015 and 33 in 2017.

- Overall, residents' knowledge of the Act increased from 44% in 2014 to 50% in 2017.
- Residents who are provided with information about fire safety increased from 53% in 2014 to 60% in 2017. This is much higher for assisted boarding houses - 78% in 2017.
- Residents who are able to lock their room increased from 88% in 2014 to 94% in 2017. Six of the 11 residents living in assisted boarding houses reported that they were unable to lock their bedrooms.
- Residents' knowledge about the requirement to provide 4 weeks written notice before an increase in occupancy fee declined significantly from 14% in 2014, and 19% in 2015, to 5% in 2017.
- Residents receiving receipts for occupancy fee payments has declined from 78% in 2014 to 69% in 2017.

## 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 from 2014-2017 in general and assisted boarding houses; boarding house satisfaction index, comparing resident report of satisfaction in 2015 and 2016 and residents' use of services and need.

- From 2014 to 2015, residents reported an improvement in well-being in all but one indicator. Between 2016 and 2017 there is a slight, yet significant ( $p < 0.001$ ), decline across all indicators. However, for residents of assisted boarding houses, there wasn't a significant difference in self-reported well-being over the study period, however the scores remained high, and significantly higher than residents of general boarding houses.
- Residents consistently reported high levels of service use including doctors and hospital emergency departments, food services, community and neighbourhood centres, caseworkers, psychologists, psychiatrists and dentists. Assisted boarding house residents had higher rates of service use than residents of general boarding houses, especially doctors, case management and community centres. 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, 35% of residents reported 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. In 2017, proprietors reported that of the people requiring daily care in their boarding house 36% (46% in 2016) of these residents do not have adequate access to services.