Boarding Houses Education Campaign

Final Report

June 2016

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Contents

Introduction

This report completes the two-year Boarding Houses Education Project (The Project) managed by the Tenants' Union of NSW (TU).

The Project commenced in April 2014 with the aim to "develop and implement an education program to ensure that stakeholders, including residents of boarding houses are aware of the new law in NSW and its application and have the skills to monitor and take action under the relevant provisions of the *Boarding Houses Act 2012*" (the Act).

The passing of the Act was the first time that occupancy rights between an owner and resident became regulated. As the boarding houses legislation differed considerably from that of the Residential Tenancies Act 2010 (NSW), it was identified that a community education program on the new law needed to be implemented.

The Project focussed on the inner west suburbs of Sydney, and the Local Government Areas (LGAs) of the Cities of Sydney, Newcastle and Wollongong. Between them, these four areas contain more than 50% of the registered general boarding houses in NSW. [1]

To achieve the aims of the Project a number of resources were developed, ranging from a hotline service, business card and brochure for residents through to a factsheet, posters, e-bulletin, newsletter and training for those in the community services sector working with boarding house residents

Over the course of the Project, it became clear that a significant amount of resource development and capacity building would need to be undertaken in order to meet the overall aims of the funded Project. During the past two years, an action-reflection approach has been applied to understand how best to design and implement an education program for boarding house residents and other stakeholders. [2] This has resulted in this Project now being understood as the necessary first phase in a two-phase project. The work that has been undertaken over the past two years has comprised a *resource and capacity-building phase*. It is recommended that the next phase of the project include *policy development* both prior to and following *a review of the Act* and continuing education work as resources allows.

This report is set out in four sections:
- o The first sets out the history of boarding houses in NSW.
- o The second introduces and describes the aims of the Project.
- o The third details the Project's activities and outcomes.
- o The fourth sets out recommendations for the future of the Project.

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[1] Definitions of 'boarding house' are set out in Appendix B.

[2] Observation following action to determine the next action again followed by observation

History of boarding houses in NSW

Although boarding houses, particularly in the inner suburbs of Sydney, are often stereotyped as accommodation for single men, down on their luck, often unemployed, living on government benefits and possibly suffering from drug and alcohol abuse and mental health problems, that has not always been the situation. [3]

From early years of colonisation in Sydney to the mid-20th century boarding houses were a customary way of catering for the accommodation needs of single, working class men on either a short term basis as they travelled between rural areas and the city for work, or on a permanent basis as the casual occupancy arrangements suited their lifestyle needs. Boarding houses also catered to migrants looking for work before moving into private accommodation either in the local area where jobs could still be found, or into suburbs further from the inner city.

In the 1970s three changes happened to the inner city landscape that altered the way boarding houses operated
   o Firstly, there was an increase in the number of affordable flats to buy or rent with a subsequent decline in the number of residents in boarding house accommodation.
   o Secondly, there was a decline in the manufacturing industry in the inner city resulting in a further drop in the number of men needing accommodation.
   o Thirdly, mental health facilities became deinstitutionalised leaving many vulnerable people seeking a cheap form of housing. As boarding house owners had lost not only their residents but also a source of income, boarding houses became magnets for people seeking affordable accommodation near support services that were located in inner city suburbs.

A small change may be happening in the profile of residents in inner city boarding houses. From callers to the Tenant's Union boarding houses hotline, it appears that there are full time workers, seemingly on good wages, moving into the more expensive, renovated boarding houses.

At 31 December 2015, there were 12,679 people living in 906 registered general boarding houses. Of that number, 8376 or 64.53% were men and 4604 or 35.47% were women.[4] These figures are believed reflect significant under reporting.

Over 50% of the registered general boarding houses are located in the inner west suburbs of Sydney, the City of Sydney, and the LGAs of Newcastle and Wollongong.[5]

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[3] Although numbers are not available, homeless agency managers indicate that drug and alcohol dependency usually includes mental health illness.

[4] (Manager Specialist Programs (Boarding Houses) Dept of Family and Community Services, private communication via email, 19/4/16).

[5] Based on a mailout in December 2014 to 487 registered boarding houses in the local council areas of Sydney, Marrickville, Ashfield, Canada Bay, Canterbury, Strathfield and the LGAs Wollongong and Newcastle

Women residents: a hidden population

Although women are nearly one third of the resident population they appear to be more hidden within the boarding house population than men. There is some indication however this is a growing population.

No women were seen on visits to boarding houses undertaken with this project Although men were seen in their rooms or in a community area (usually the backyard), when the owner/manager of a boarding house was asked whether a woman was in residence, the answer was "they're out" or "at work". In addition, during a letter box drop of boarding houses in January 2016, only men were observed at doorways or sitting on verandas.

A conversation with one female resident suggested that women are more likely to 'blend in' with crowds: spending time at libraries, taking up opportunities to study, ride on public transport or participate in activities organised by community agencies.

One resident was aware of a mother and her child in a boarding house, but conversations with caseworkers suggest that mothers and children are separated when boarding house accommodation is the only option for women who have children. Once employment is found or if alternative private accommodation is obtained, mothers and children are reunited.

A 2014 publication of ACT Shelter *Home Truths – Older women's housing vulnerability in the ACT* shows that women are not interested in living in boarding houses "as their independence is too important to them and they believed it would be compromised in this type of situation … be noisy … there might be people they might not get along with … or violent or unsafe people."[6]

This same survey indicated that women wanted a place to live so that they could have their children and grandchildren around – a situation that traditional boarding houses in inner city areas are not likely to cater for. It is probable that women's housing needs are similar in NSW.

A study is underway in Sydney by the Sydney Women's Housing Alliance (SWHA) into the possibility of having women-only boarding houses. The study is in its very early stages and it is not possible here to indicate what the outcome of that study may be.

The long road to rights

In the late 1970s a group of people who included tenancy workers, church members and staff from non-government agencies came together to work on tenants' rights legislation. Boarders and lodgers, who at the time had no tenancy rights, were also included in the group's focus.

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[6] http://www.actshelter.net.au/announcements/home-truths-older-womens-housing-vulnerability-in-the-act-1   P21   accessed 8/6/16

The history of the campaign for residential rights for boarders and lodgers proved to be a long and frustrating one as workers were not successful in getting boarding houses legislation passed for more than 30 years.

Some milestones in the campaign for boarding house rights include:

- o 1987: The Residential Tenancies Act excluded boarders and lodgers from the Act: the Minister for Consumer Affairs advised that a committee would be established to deliberate on particular problems of boarders and lodgers and consideration would be given to an extension of the Act based on the context of the review committee's recommendations. [7]
- o October 1990: the Tenancy Commission submitted a report on the status of boarders and lodgers to the Minister for Housing
- o March 1991: an announcement was made that the Minister would introduce new legislation into Parliament
- o May 1991: the debate on the second reading of the Bill was adjourned on motion
- o August 1991: the Bill was re-introduced to the Legislative Assembly. The Government took no further action and the matter lapsed[8]
- o 1997: BLAG drafted a new Boarding Houses Bill. No Bill was introduced
- o 1998 September: an announcement of a further enquiry into the desirability of boarding house legislation. Action lapsed.
- o 1998: The Department of Fair Trading established a working party to investigate the need for regulation to protect the needs of boarders and lodgers
- o 2003: the working party was still considering submissions.
- o 2005: proposal put forward by the TU which would be: "a model of law reform based on occupancy agreements. In summary, this model would be broad and non-prescriptive….. It would use terms like 'reasonable', which would give the Tribunal flexibility to decide matters on a case-by-case basis. For example, what may be appropriate for a boarding house may not be appropriate for student lodging accommodation".[9]
- o 2008:Interdepartmental Committee met to look at reform to the boarding house sector
- o 2010: Residential Tenancy Act passed which again did not include provision for boarders and lodgers
- o 2012: Coroner's report into the death of six residents of a boarding house
- o 2012: Boarding Houses Act passed giving residents of boarding houses occupancy rights for the first time

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[7] (NSW Hansard, 1 April 1987, P9735).

[8] Ecumenical Council Briefing Notes on Boarding Houses Legislation, undated, unpublished

[9] Alex Azarov,Boarders and Lodgers Information Paper, Draft, undated

Introduction of boarding house legislation

The Boarding Houses Act 2012 was introduced into law by the NSW Parliament in an attempt to mandate rights for people living in boarding houses in NSW. This was the first time that such legislation had been enacted in NSW.

The Boarding Houses Act covers four main areas:

1. **Registration**
    The need for owners to register their boarding houses
    *   owners need to register their premises with the Office of Fair Trading

2. **Definition**
    A registerable boarding house is:
    *   a place that accommodates five or more paying residents
    *   those five people do not include the proprietor, manager or members of their families
    *   the residence does not include hotels, motels, backpackers hostels, aged care homes or other premises excluded by the Act

3. **Local Councils**
    The role of local Councils under the Act is to:
    *   inspect and enforce safety and accommodation standards in existing boarding houses. They were given the power to fine operators of unregistered boarding houses or to issue orders for boarding houses to inspect and enforce safety and accommodation standards in existing boarding houses. They were given the power to fine operators of unregistered boarding houses or to issue orders for boarding houses to meet certain building, safety and accommodation standards. [10]

4. **Occupancy principles for residents**
    Occupancy principles for residents under the Act include:
    *   Being given a copy of an agreement;
    *   Know the rules of the boarding house before moving in;
    *   Not be required to pay a penalty for breading either the rules of the boarding house or the agreement;
    *   Live in premises that are reasonably clean;
    *   Live in premises that are in a reasonable state of repair;
    *   Live in premises that are reasonably secure;
    *   Know why and how your agreement may be ended;
    *   Know how much notice will be given if our agreement is to end;
    *   Not be evicted without reasonable written notice;

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[10] http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Boarding_houses.page (accessed 10/5/16)

- Have quiet enjoyment of the premises;
- Be given the opportunity to resolve disputes using reasonable dispute resolution processes;
- Not be charged more than 2 weeks' occupancy fee as a security deposit;
- Receive your security deposit back with 14 days of the end of the agreement except for specific costs;
- Be given 4 weeks' notice of an increase to the occupancy fee;
- Be given receipts for any money you pay to the proprietor;
- Be told what utilities you will be asked to pay for and how the changes will be calculated by the time you enter into the agreement.

Boarding Houses Education Project

The TU NSW received funding from the NSW Government through Newtown Neighbourhood Centre to conduct an education program aimed at informing residents and other stakeholders of the new legislation and its various applications, and developing their skills in monitoring and taking action under the relevant provisions of the Act.

A part time project co-ordinator commenced in April 2014.

An expert Project Reference Group was formed to guide the direction and provide ongoing advice to the Project. The Reference Group met for the first time in July 2014. Members were drawn from local stakeholders with a particular interest and/or expertise in boarding house issues and comprised staff from TU, Newtown Neighbourhood Centre, Shelter, Public Interest Advocacy Centre's Homeless Persons Legal Service, Streetcare (a consumer group of people with lived experience of boarding houses), Sydney University Postgraduate Representative Association and Dtarawarra (Resource Service for Aboriginal Tenants Advice and Advocacy Services).

In considering the overall aims of the Project and the current resources available, the Reference Group agreed to the following priority activities over the life of the Project:
- A series of resources be developed for both residents and service providers as there was a scarcity of information in the public arena.
- A user friendly information resource for residents to be prioritised.
- Meetings be held with boarding house residents to inform the form and content of any resources developed on residents' rights.
- Contact be made with organisations that provid services and or support to residents of boarding houses to ensure those organisations became informed of the Act, how to apply the Act's occupancy principles and appropriate referrals for legal advocacy.

- Visits be made to local councils to find out what impact the Act had on councils and what, if any, action was being taken against owners of unregistered boarding houses.

These activities were subsequently developed into a project plan by the co-ordinator and undertaken between August 2014 and June 2016, as outlined in the Project Activities and Outcomes section below.

Guiding principles

Three guiding principles have shaped the formation of the Project;
1. An action-reflection approach is appropriate given the exploratory nature of the Project.
2. The Project will be informed by the available evidence and research into circumstances of boarding house residents in NSW.
3. Collaboration and strong networks will provide a strong and effective approach to boarding house education.

Action-reflection approach

An action-reflection approach was applied to the Project in recognition of its essentially exploratory nature. From the outset of the Project, it was clear that a significant amount of learning about boarding houses, boarding houses residents and appropriate educative approaches would need to be undertaken prior to the widespread development and implementation of strategies.

This was principally due to two factors: the novel nature of boarding house rights, which had never before been enshrined in legislation in NSW; and the lack of data and information available about unregistered boarding houses and their residents. This meant that the Project needed to:

1. Commit resources to identifying, describing and analysing unregistered boarding houses in NSW (one of the early findings from the Project was that such data is unavailable).
2. Develop appropriate resources for residents, service providers and other stakeholders.
3. Build the capacity of residents, services and other stakeholders to understand and apply the new legislation.

The Project plan therefore developed into a two-phase approach to the overall goal of providing education on boarding house reform:
1. Resource and capacity building phase.
2. Recommendations for continued implementation, monitoring and evaluation phase.

The current Boarding Houses Education Project became the first of these phases, while it is anticipated that the second phase will be implemented by the TU as resources become available.

Research and evidence-informed

There are two significant ways in which the Project has been informed by research and evidence:

1. An initial scan of the available literature and data to establish what is known about boarding houses and boarding house residents in NSW was undertaken at the outset of the Project. This scan revealed that data on boarding houses and their residents is very limited, leading to strategies to gain further information such as interviews of local service providers and Council workers.

2. The Evaluation of the Boarding Houses Act (2012-2017) is an interim evaluation of the Boarding Houses Act conducted by Newtown Neighbourhood Centre and Western Sydney University. The Project Co-ordinator has worked with the researchers on this project to understand and incorporate its findings into the Boarding Houses Education Project.

A collaborative approach

The importance of collaboration was recognised early in the project, as a key mechanism for: a) finding and sharing information, and b) embedding over the long term a service delivery method that will enhance outcomes for boarding house residents by enabling a common approach to boarding house rights. Three sets of collaborative networks were established as part of the Project:

1. Networks within TU to increase its organisational knowledge and skill in boarding house issues

2. External networks to promote and share knowledge, understanding and approaches to boarding house issues among local agencies and other stakeholders.

3. The experience and expertise of the Newtown Neighbourhood Centre Boarding House project was crucial to the understanding of the context for boarding house residents

Project activities and outcomes

Following the advice of the Project Reference Group, in a staged approach to building resources and capacity in boarding house rights the co-ordinator undertook the following activities with associated intended outcomes[11]:

Activity areas	Intended outcome
Development of resources for residents	Increased knowledge and awareness of boarding house rights among local boarding house residents
Development of resources for local agencies and other stakeholders	Increased knowledge and awareness of boarding house issues among local service providers
Provision of training to local agencies and other stakeholders	Increased skills in addressing boarding house issues among local service

[11] A detailed list of activities undertaken is set out in Appendix A.

	providers
Network development among local agencies and other stakeholders	Increased collaboration and network strength among local service providers
Establishment of internal TU network	Increased knowledge and skill among TU staff and the development of TU as a learning organisation
Stakeholder consultation on the Boarding House Act and its implementation and effects	Increased knowledge of the implementation and effects of the Boarding House Act among local networks to inform TU's policy and law reform work

Resources for residents

Prior to the commencement of the Education Project, two resources were developed by TU: a Boarding Houses Factsheet and an issue of Tenant News *Boarding Houses: Then and Now*. Both resources were used in the mailout to 487 boarding houses in December 2014. All 3000 issues of Tenant News have been distributed to the general community, homeless agencies and boarding house residents. A pull out poster formed the centrefold of the Tenant News. Details of distribution of both resources can be found in appendix A.

Business card

A meeting was held in September 2014 with former boarding house residents to develop relevant materials that would be useful in the long term as well as the short term. A variety of ideas were suggested with the final choice being a resource in business card format.

The card was designed to include information on the occupancy principles. In addition, it was decided to procure a dedicated hotline number that residents could call for help and that free-call number was included in the information displayed on the business card.

In April 2015 an initial print run of 25,000 business cards was done. The cards were distributed to:
- All TAAS in NSW.
- 247 agencies who work with boarding house residents recorded on the Project's distribution list.
- 140 boarding houses in Surry Hills, Darlinghurst and Redfern (1400 cards).
- Nine food vans servicing the inner city suburbs (900 cards).

- Interagency meetings at the City of Sydney and Marrickville Council.
- Homeless Connect days at Sydney and Parramatta.
- Homeless agency events.
- Seven Council meetings.
- Politicians' offices.
- Project delivered training sessions.
- Community Legal Centres and Legal Aid Offices.
- Social work departments at hospitals in the Project's catchment area.
- Libraries situated in the Project's catchment area.

Websites such as TU, Legal Information and Access Centre and Law and Justice Foundation also featured the resources.

All 25,000 cards were distributed and another print run of 5,000 is underway at the time of writing this report.

The business card has been the most successful, readily recognised and immediately useful resource developed. Some callers to the hotline number explain that they carry a card in their wallet; one agency staff member saw a resident take one out of his wallet to show that he carried it around for a time when he may need it in the future. Other residents have said that friends carried more than one and handed one over when required.

Hotline phone number
The TU dedicated boarding house hotline commenced in April 2015 and calls to the hotline average one per week. Enquiries come from residents or service provider staff calling on behalf of a resident. The nature of the enquiry is recorded for statistical purposes and details of the enquirer are then forwarded to the local TAAS office with a request to make contact with the caller a priority.
Of the 34 calls received between April 2015 and May 2016 regarding occupancy rights, 15 concerned eviction and 2 for loss of possessions, with the balance concerning such issues as noise, cleanliness and utilities.

A smaller number of calls to the hotline are not directly related to the terms of reference of the Project e.g. asking for an address of a boarding house where there is a vacancy; asking for a staff member to accompany them when viewing a boarding house or generic tenancy matters asking to be connected directly to a TAAS service. Callers looking for accommodation are referred to the Newtown Neighbourhood Centre, while tenancy enquiries are directed to the caller's local TAAS service.

The boarding houses hotline number will continue to operate after the completion of the Boarding Houses Project.

The intended outcome of developing these resources was to increase the knowledge and awareness of boarding house rights among local boarding house residents. Those methods have proved effective. Callers to the boarding houses hotline have identified receiving the number through a letter box drop while

> **others have said they picked up information in their local library and others were given the hotline number by a homeless agency they had called.**

Resources for service providers

The Evaluation of the Boarding Houses Act Interval Report Number 2, conducted by Newtown Neighbourhood Centre and Western Sydney University, shows that in regard to seeking assistance for disputes 28% of residents interviewed would go to a community centre; 9% to legal aid and 6% to a caseworker. Based on those figures, a concerted effort was made to inform homeless agencies, community centres, and legal centres of residents' rights in regard to occupancy principles through the distribution of boarding house resources.

From the commencement of the Project in April 2014 searches were made to find out which service providers already existed that supported boarding house residents. From that search, a distribution list was developed with the aim of establishing contact with organisations so that as the Project developed information could be easily circulated to them about information resources, including training opportunities.

The names on the distribution list were collected from google search; interagency meetings at the City of Sydney, North Sydney and Marrickville Councils and homeless connect days at Sydney and Parramatta and visits to service providers working in the homeless sector who gave contact information on other providers.

The distribution list eventually grew to include 247 individuals and organisations.

Newtown Neighbourhood Centre (NNC) has become a hub for disseminating information to boarding house residents. Staff at NNC have distributed business cards advertising the hotline number to residents seeking legal help. Several callers to the hotline have stated that it was through the Project's resources picked up from NNC that they became aware of what they could do to assert their residential rights. NNC itself operates outreach sessions that includes legal assistance specifically for boarding house residents. The legal assistance is undertaken by a local TAAS office.

Onboard ebulletin

An ebulletin entitled *Onboard* was developed to update homeless agencies and TAAS services about the resources being developed for the Project; to advertise those resources; to advertise training available and to disseminate information to those agencies that may not have received it otherwise.

Between August 2014 and March 2016, six ebulletins were emailed to the network. The bulletins included topics such as: advertising project resources; advertising

training opportunities; utilising case studies to explain the law; answering frequently asked questions and pointing to research on boarding house issues.

The most common response from recipients of *Onboard* was for requests for resources and to accept offers of training.

In response:
- 1800 business cards were sent to 23 agencies.
- 280 brochures were sent to 12 agencies.
- 49 posters were sent to 12 agencies.
- 40 individuals enrolled in training sessions.

[this is in addition to the TU's own distribution strategies]

Brochure and poster

Following the completion of the business card, a poster was co-designed with boarding house residents who attend NNC for advice and recreation. With their permission, photos were taken of the residents and those photos were used to put on the front cover of a brochure and poster. The same people were interviewed about their experiences of living in a boarding house and those stories and comments were included in the material. The poster and brochure with 'real' people's photos and their comments, was intended to make a more personal connection with the general public.

Seven thousand brochures, of which 3000 were distributed to libraries, were posted to more than 247 different homeless agencies, legal centres, hospitals, politicians and Tenant Advice and Advocacy Services (TAAS).

It was well received by homeless agency staff but it is not possible to quantify whether brochures and posters, in particular, have led to action being taken by residents regarding occupancy rights.

Tenants Rights Manual

A further resource is the recently updated chapter on Boarding Houses, which can be found in the *Tenants Rights Manual* a publication of TU on all tenancy matters. [12]

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[12] http://www.legalanswers.sl.nsw.gov.au/guides/tenants_rights_manual/boarding_houses/boarding_houses.html

Training for local agencies

Prior to the appointment of the Project Co-ordinator, a limited amount of training on boarding house issues was provided by the TU, but only to the TAAS network. In building the Project plan, the Co-ordinator vastly expanded the range of this training, both to address the new legislation and the associated rights framework, and also to disseminate training to a much wider audience of local agencies, Council staff and legal and medical staff.

Two hundred and fifty-three individuals from homeless agencies, council offices, legal centres, and medical organisations attended 16 training sessions between June 2015 and June 2016. Of those 253 people, 168 attended training in their place of employment organised either as a result of advertising in *Onboard* or by direct contact by the Project Co-ordinator. The remaining 45 were staff from TAASs.

Free training was offered in two ways: attendance through TU courses where legal, advocacy and project staff facilitated whole day sessions and secondly, directly to homeless agency workplaces where TU advocacy and project staff offered training tailored to time frames and the specific requirement needed by the different organisations.

The success of engaging local service providers in training and therefore further opportunities for education and discussion indicates that the intended outcome of increased knowledge and awareness of boarding house issues among local service providers has been met.

Training via TU courses

Five training sessions took place between June 2014 and June 2015. Originally developed for staff from TAAS offices with the emphasis on legal training, the sessions were expanded to include what practical action could be taken by agency staff when confronted by a boarding house resident in need.

Thirty-one TAAS staff received training via this approach, as did 42 staff from homeless agencies.

For homeless agency staff their requests centred around the action they could take, and the advice they could give (apart from legal help) to residents.

Tailored training for individual agencies

Ten training sessions were undertaken at work place venues between September 2014 and November 2015. One hundred and eighty-two individuals received training:
- 133 from homeless agencies.
- 15 at Legal Aid.
- 20 staff from a local council.
- 14 received training in TAAS offices.

Overall responses to training evaluations were positive. Comments included:

- o Thank you! Great facilitation & very knowledgeable trainer.
- o Thank you for this insightful presentation!
- o I enjoyed hearing from other individuals on the day, their stories and experiences and the fact that you encouraged these interactions
- o Knowledge of presenters and ability to respond to enquiries and keep flow of training was excellent
- o Overall really impressed, found the day very useful. Thank you!
- o Case studies very helpful in understanding application of Act and general support/advocacy options for residents

Network development

Many of the activities undertaken as part of the Project have been intended to develop the knowledge and collaborative capacities of the local service network on the rights of boarding house residents. These activities include:

- Creating a forum via the Project Reference Group for diverse stakeholders to begin a conversation about boarding house reform in NSW.
- The design, development and delivery of the *Onboard* ebulletin, which has contributed to the development of a common language and centralised point of information for local service providers with an interest in boarding house issues. This specialised network now has 450 members.
- The provision of training forums as an opportunity for local service providers to network and develop collaborative approaches to boarding house activities.
- Beginning a program of stakeholder consultations in order to understand and analyse a collective view from local service providers and other stakeholders on boarding house issues.

Developing these networks had a range of effects, some of which were unintended consequences of the Project. These included:

- Expanding the dissemination of boarding house training to a much wider audience than its previous narrow base of TAAS services.
- Enhancing the profile of TU as a policy development and educational organisation in the area of boarding houses and boarding house rights.
- Expanding the size of the service network that has an interest in boarding houses.
- Making new contacts for the TU to engage in both the boarding house and other aspects of its work.

Establishment of internal TU resources and network

An internal TU reference network was established in order to facilitate the knowledge and skill of TU staff in understanding and advising on boarding house rights. Internal resources were also produced in order to support this development. These internal network and resources were highly successful in meeting their objectives, and contributed to:

- Expanding the skill of TU staff in advising boarding house residents of their rights.

- Expanding TU staff members' understanding of the historical and legislative context of the recent boarding house legislation.
- Reducing silos within the TU.
- Ensuring work on boarding houses continues when the dedicated Boarding House Project Officer finishes

Stakeholder consultation

A number of stakeholder consultations were held in April 2016 as the first in a planned series of consultations to ensure a continuous collection of information on sector responses to the implementation and effects of the Boarding Houses Act 2012.

Meetings and interviews were held with representatives from six frontline services to determine the impact of the Boarding Houses Act since legislation was passed. The meeting also included preliminary ideas with regard to a review of the Boarding Houses Act due in 2018.

The services which participated in the consultations were: Tenants' Union NSW; Newtown Neighbourhood Centre; Homelessness NSW; Haymarket Foundation; Inner West Sydney Tenancy Advice and Advocacy Service; Illawarra South Coast Tenancy Advice and Advocacy Service and Hunter Tenancy Advice and Advocacy Service.

These services were engaged in the consultation because they work in the area of boarding houses, including:
- Assistance to residents regarding legal advice around occupancy principles.
- Assistance to residents regarding advice concerning applications to NSW Civil Administrative Tribunal (NCAT).
- Finding accommodation in boarding houses for homeless people.
- Education of residents regarding their rights under the Act.
- Education of boarding house owners regarding their responsibilities under the Act.
- Policy development on issues concerning living in a boarding house.

Overall, the responses by all services shows there is still much work to be done to ensure residents are provided with safe, reasonable and affordable accommodation.

The major themes arising from this feedback are set out below.

1. The Boarding Houses Act has not been successful in all its aims:

There is a disincentive with the Act as the security bond is not lodged with the Bond Board (TAAS worker).

The legislation has made no difference (TAAS worker)

…Don't have any evidence that legislation has given either the TAAS or homeless agencies any more leverage to act that before legislation (TAAS worker)

Residents don't see that legislation is working for them as tenants (TAAS worker)

The Act ….. has failed – we need to understand what has not worked (Policy worker)

When they are told the difference between a boarder and a tenant they usually lose interest in what the Boarding House Act can do for them (TAAS worker)

2. Local councils are not carrying out their responsibilities, as permitted under law in ensuring boarding houses in their LGAs are registered. There has been no funding for Councils to undertake this work.

Local councils are not enforcing compliance with the Act (Policy worker)

In a walk down inner Sydney suburb streets[13] it was apparent that local councils were not enforcing compliance that boarding houses be registered (Boarding Houses Education Co-ordinator)

3. Failure of local councils to fine boarding houses owners that are not registered

Local councils don't get any money if they fine owners so there is no incentive to do so. (Policy worker)

Possibly one reason for lack of follow up is that:

Local councils are struggling with so many other housing issues – airbnb, student overcrowding, which pushes boarding houses further back in priority (Boarding House project worker)

4. The Boarding Houses Register is inaccurate and only reflects a small percentage of boarding houses in operation

The Boarding Houses Register is largely ineffective – it is an inaccurate way of knowing if the information on the register is correct (Boarding House project worker)

There is no communication between Fair Trading and ADHC (Boarding House project worker)

But the register identifies landlord's names, which enables easer identification of the party for NCAT matters" (TAAS worker)

5. The power of boarding house operators

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[13] During a letterbox drop to registered boarding houses in inner city Sydney suburbs, several houses advertised as boarding houses but were not on the boarding houses register.

(I am) most concerned about lawless owners. There are extreme incidences; they have a good knowledge of the system and use it to their advantage. They can extort money from vulnerable residents (TAAS worker)

6. The failure of owners/managers to comply with occupancy principles particularly in regard to eviction notices and return of bonds

   When residents get behind in their rent they are often evicted with either very little notice, or no notice at all (Homeless agency caseworker)

   Termination usually means "I'm being evicted tomorrow." Termination should be a minimum notice period. (TAAS worker)

   Most boarding houses ask for four weeks bond rather than two weeks (Boarding Houses project worker)

   (There are) a greater number of occupancy agreements between managers and residents. The agreements do not necessarily reflect the occupancy principles as owners write issues in them that make eviction easier. (TAAS worker)

One positive response was:

   Where services are active, residents are aware of their rights (Boarding Houses project worker)

7. The difficulty of drug and alcohol dependent people being housed in boarding houses

   Owners are less likely to take people who are D & A dependent now (Homeless agency caseworker)

   Owners won't put up with destructive behaviour from residents as it doesn't look good for business. They evict residents with bad behaviour quickly (Boarding Houses project worker)

8. Real estate agents putting together house rules for boarding houses, that don't always comply with occupancy principles

   Agents now put together their own house rules – they don't always comply with occupancy principles (Homeless agency caseworker)

9. NCAT

   Very few applications go to NCAT and those that do are usually about eviction and possessions. The applications are usually negotiated before the process ends. (TAAS worker)

(The legislation) hasn't made it any easier to get to NCAT to sort our common problems. (TAAS worker)

Once advised that they may need to go to NCAT to get their problems sorted out, residents are not willing to do that. Their attitude is to get by day-to-day. (TAAS worker)

Although the feedback from service staff showed that more work needed to be done to strengthen rights for residents, some positive aspects also came to light during the consultations:

- It is better to have an Act than not at all. What already exists can be developed and expanded by the time a review of the Act takes place in 2018.

- There is more leverage for TAAS to work with residents. Although residents are generally reluctant to go to NCAT to apply for their rights, some TAAS workers find that owners/managers are more willing to give an extension of time to an eviction once contacted by an agency worker.

- Some residents are better off. Some owners support the Act and because of that may treat their residents with more consideration.

- There are reports of boarding house owners who, rather than signing occupancy agreements with their residents, transferred their lodgers onto tenancy agreements.

The future

A review of the Boarding Houses Act is due to take place in June 2018. There is interest already within homeless agencies at looking how the Act can be improved. A set of recommended actions emerged from the stakeholder consultations, which will be considered as the Project moves into its second stage. Recommendations are:

- Resources and incentives be provided to local government to ensure local councils undertake monitoring and compliance of all boarding houses (registered and unregistered).
- Continue the planned series of stakeholder meetings to ensure the voice of local agencies and practitioner expertise are captured in recommendations to government.
- Obtain the views of boarding house residents in creative and inclusive ways that allows the voices of marginalised people to be adequately heard.
- Write a discussion paper setting out the findings of those consultations to inform advocacy to the NSW Fair Trading and NSW Family and Community Services.
- As part of that discussion paper, promote the need for legislative changes to the Boarding Houses Act to strengthen and detail the provisions of the Act.

A further recommendation of this Project is for the TU to adopt a network and campaigns approach to its work with boarding house residents and stakeholders in order to streamline the required project management and advocacy approach that will be needed to achieve further boarding house legislative reform.

Conclusion

As the Project has unfolded, it has become clear that this two-year Boarding Houses Education Project is in fact the first phase of a two-phase endeavour. The work that has been undertaken over the past two years has comprised a *resource and capacity-building phase*. It is recommended that the next stage include *policy development* both prior to and following *a review of the Act* and continuing education work as resources allows.

The *resource and capacity-building phase* has included a range of activities designed to enhance the knowledge, skills and capacities of boarding house residents, local service providers, and local networks. These activities have taken place across six key activity areas:
   1. The development of resources for residents.
   2. The development of resources for service providers.
   3. The provision of training for local agencies.
   4. The development of local networks.
   5. The establishment of internal TU resources and networks.
   6. Stakeholder consultation.

There is indicative evidence that the intended outcomes of these activities are being met:
   1. Increased knowledge and awareness of boarding house rights among local boarding house residents.
   2. Increased knowledge and awareness of boarding house issues among local service providers.
   3. Increased skills in addressing boarding house issues among local service providers.
   4. Increased collaboration and network strength among local service providers.
   5. Increased knowledge and skill among TU staff and the development of TU as a learning organisation.
   6. Increased knowledge of the implementation and effects of the Boarding House Act among local networks.

It is recommended that these outcomes be further investigated in the anticipated second phase of this Project, which will build on increasing knowledge of rights to develop a considered and coherent argument for continued legislative reform.

Appendix A Distribution of resources

The table below shows the resources developed and the extent of their distribution

Resource	Audience	Date developed	Distribution
Boarding Houses Factsheet	TAAS, homeless agencies, residents	2013	**December 2014**: Mailout of factsheet and newsletter to 487 boarding houses. **In 2015**: there were 8,625 clicks onto the Boarding Houses Factsheet and 16,790 page views of the Boarders and Lodgers Factsheet
Tenants' Union Newsletter	Residents; TU members and supporters; homeless agencies; TAAS; general public	2014	3000 – all distributed
Onboard e-bulletin	Homeless agencies; local government; TAAS; interested individuals	2014	103 recipients in August 2014 increased to 426 recipients by March 2016. The e-bulletin was opened 666 times
Hotline number	Residents, homeless agencies	2015	The hotline received 34 calls between April 2015 and May 2016. Once phone assistance was given, the caller's details were forwarded to their local TAAS for any necessary follow up.
Business Card	Residents; homeless agencies; legal centres	2015	25,000 hardcopy cards distributed; e-bulletin advertising the cards went to 400 people and opened 825 times
Brochure	Homeless agencies	2016	7000 distributed; TU e-bulletin to 1,236 people; opened 1,471 times
Poster	TAAS; homeless agencies;	2016	600 distributed

| Training | TAAS; homeless agencies; legal centres
Staff from all NSW TAASs
Local Council: Ashfield; Leichhardt; City of Sydney
Homeless agencies: Newtown Neighbourhood Centre; Community Housing; Catholic Community Services; ARV Homecare; Catholic Care; Community Care; Bobby Goldsmith Foundation; SUPRA; The Haymarket Foundation; Ozaman Learning Centre; Jewish House; Vinnies; Neami National; Salvation Army
Legal Centres: Macarthur Legal Centre; Minter Ellison; HPLS; Legal Aid;
Medical: Liverpool Brain Injury Rehab; | 2014- 2016 | 16 informal sessions totalling 71 people.
5 TU sessions:
(a). 26/3/14; 12 attended – TAAS
(b). 5/6/14; 7 attended – 5 TAAS and 2 Ashfield Council
(c). 3/6/15; 19 attended – 5 TAAS; 11 homeless agencies; 2 legal; 2 City of Sydney Council staff
(d). 19/6/15: 9 attended – 2 TU; 6 homeless agencies; 1 legal
(e). 1/6/16: 25 attended – 9 TAAS; 6 homeless agencies; 6 legal agencies; 2 City of Sydney Council; 1 medical unit; 1 student agency[14]

(1) 5 sessions to homeless agencies totalling 133 people[15]
(2) 1 session: Leichhardt Council totalling 20 staff
(3) 1 session to Homeless People's Legal Service totalling 15 staff
(4) 3 sessions to TAAS staff at Hunter TAAS – 4 attended; Central Coast TAAS – 4 attended and South Sydney TAAS – 5 attended |

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[14] Prior to the commencement of the Boarding Houses Education Project only TAAS staff attended training. From June 2015, attendees at training broadened to include staff from local councils, homeless agencies, legal, student and medical staff.

[15] Homeless agencies included: Streetcare, Ozanam Learning Centre, The Homeless Hub Wollongong, and St Vincent de Paul Night Patrol

Appendix B: Definitions of boarding houses:

The Australian Bureau of Statistics defines boarding houses as:

> *Tertiary homelessness refers to people who live in boarding houses on a medium to long-term basis, operationally defined as 13 weeks or longer. Residents of private boarding houses do not have separate bedrooms and living rooms; they do not have kitchen and bathroom facilities of their own; their accommodation is not self-contained; and they do not have security of tenure provided by a lease. They are homeless because their accommodation does not have the characteristics identified in the minimum community standard.*
> (http://www.abs.gov.au/Ausstats/abs@.nsf/Latestproducts/4922.0Appendix32012?opendocument&tabname=Notes&prodno=4922.0&issue=2012&num=&view=) (accessed 26/4/16)

The NSW Fair Trading defines boarding houses as follows:

> *A boarding house provides accommodation for a fee. Boarding houses are sometimes called lodging houses. A boarding house resident does not have the same control over the premises as a tenant does. Often a resident of a boarding house only has a right to occupy a room and to share other facilities such as a kitchen and bathroom.*
> http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Boarding_houses.page (accessed 10/5/16)