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| Private rooming house closure protocol  Memorandum of Understanding and Model Partnership Protocol and closure of private rooming houses |
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# Section A: Background information

## Private rooming house closure – from a resident’s perspective

When a private rooming house is not compliant with regulations or faces the possibility of closure for other reasons, those who suffer the greatest disruption and dislocation are the residents who live there. Through no fault of their own, they can be ordered to leave either immediately (in the case of the building being declared unsafe for habitation or an unacceptable fire risk) or within a period of a couple of weeks or months (where the owner or manager fails to meet their obligations to make improvements to the building, Victorian Civil & Administrative Tribunal (VCAT) orders that a notice to vacate be given to residents, or the owner simply decides to sell). Due to the current crisis in supply of affordable housing, often the only alternative accommodation available to people affected by closures is other rooming houses.

There is likely to be a wide range of issues faced by residents in this situation, depending on their individual circumstances, including:

* no appropriate alternative accommodation options available (and being forced to sleep rough)
* where alternative accommodation can be found, it may be located a significant distance away causing residents to lose their supports and local connections, or it may just be of a temporary nature meaning they remain in an ongoing state of transition and homelessness
* for newly arrived immigrants, including refugees and asylum seekers, there are often language barriers and difficulty understanding their rights and responsibilities – in addition they may be fearful of authorities or of making complaints about their accommodation
* serious health and mental health issues requiring medication and access to local health services;
* no means of transport for moving their belongings
* limited capacity to understand what is happening to them, and difficulty in making decisions about their future – for residents with mental health issues this can be a particularly frightening and anxious period causing a deterioration in their mental health status
* loss of friendship and support from other residents within the rooming house (particularly where they have been long term residents and have no other family or friends to support them)
* where they have shared custody of children, residents need to be mindful of the needs of their children in any relocation decisions
* where they have pets, residents will need to organise short term alternative care and accommodation for their pets as well
* residents may face intimidatory or violent behaviour by private rooming house operators when they seek to remedy a breach of the *Residential Tenancies Act 1997* including questioning the format or proper use of a Notice to Vacate.

One of the greatest difficulties cited by residents is the lack of clear and accurate information in the process leading up to and during a closure.

Discussions are typically being held between Council and the owner and/or manager of the building and residents can feel like they are being kept in the dark. This can be a very confusing and stressful time for residents with the fear of imminent evacuation and/or eviction looming.

For residents with a history of homelessness or insecure housing, the prospect of becoming homeless once again can be extremely traumatic and further entrench their poverty and other difficulties. For this reason, putting the needs and rights of the residents front and centre in any closure or potential closure process is critical.

## Private rooming houses in the current housing market

A shortage of affordable rental accommodation across Victoria (including both social housing and private rental) has resulted in an increasing reliance on private rooming houses. As a result, people experiencing homelessness are often referred to rooming houses by housing and homelessness services because there are no other options, not because rooming houses are considered an appropriate solution. Premises used a rooming houses must be registered with the local council. Consumer Affairs Victoria maintains public register of rooming houses, which is updated by local councils. This allows the public to check if a rooming house is registered with local council. Persons and entities who operate rooming houses will be also required to be licensed by the Business Licensing Authority, once the *Rooming House Operators Act 2016* comes into operation in 2017.

Registered rooming houses are required to meet minimum standards for privacy, security, safety and amenity as well as public health and sanitation standards[[1]](#footnote-1).

The private rooming house sector has changed significantly in recent years, with the demise of many larger inner-urban establishments and the emergence of large numbers of smaller rooming houses in suburban and regional locations. These are often poorer quality houses in the private rental market that are head-leased by a rooming house operator, with individual bedrooms sublet to single people or families who then share common areas such as the kitchen and bathroom. While the whole property may be leased to the operator for $500 per week, rooms may be rented to residents for up to $235 each per week, with substantial profits being made out of these premises.

Within this environment, it is important that local governments and homeless services work together in their response to better regulation and compliance within the private rooming house sector.

## Government Rooming House Taskforce

In response to serious concerns about the operation of sub-standard rooming houses and the role of ‘rogue’ operators within the sector, the Victorian Government established a Rooming House Standards Taskforce in July 2009.

The Taskforce report[[2]](#footnote-2), released in October 2009, contains an overview of the rooming house sector in Victoria, a profile of residents, the problems with private rooming houses (particularly around standards, compliance and enforcement, registration and supply) and a proposed plan of action.

There are 32 recommendations contained in the report, unified by the following guiding principles:

* placing the onus of responsibility for the conditions of and management practices in rooming houses on rooming house operators
* improving and bringing together the minimum standards that apply to rooming houses
* ensuring active compliance and effective enforcement
* government moving to ensure access to private affordable rental and increases in the supply of both public and private affordable housing.

It is recognised within the Taskforce report that some loss of stock will be inevitable as a result of making the required improvements in the private rooming house sector, and a series of recommendations are made around managing implementation of the changes. However the need to protect vulnerable residents living in private rooming houses, particularly those run by ‘rogue’ operators, is considered a priority by government.

The Taskforce also recognised the need for improved collaboration between local government, homelessness service providers, other community support agencies and Department of Health and Human Services local areas in managing rooming house closures, and made a specific recommendation for a protocol to be developed (see Recommendation 27).

The following ‘Memorandum of Understanding’ and ‘Model Partnership Protocol’ are part of the broader reforms of the private rooming house sector being overseen by State Government.

# Section B: Memorandum of Understanding

**Memorandum of Understanding (MOU)**

**between**

**[Local Government Authority]**

**and**

**[Homelessness Entry Point XXX Division]**

## A. Aims and objectives

This Memorandum of Understanding enables the implementation and ongoing operation of a partnership protocol to deal with the closure or potential closure of rooming houses in the [*Municipality*].

The attached protocol, as negotiated between these two parties, outlines a process for working together to:

* promote registration and compliance and prevent private rooming house closures where possible and/or appropriate
* work collaboratively in the event of a closure to provide residents with accurate and timely information, and assist them with housing and support needs in any relocation process
* ensure that the rights of residents within private rooming houses are upheld at all times, and that they are treated with dignity and respect.

## B. Background/context

It is acknowledged that private rooming houses play an important role in the housing system, providing both short and long term accommodation for residents. While some residents actively choose to live in this form of accommodation, for many residents they have few other options given the lack of supply and access to affordable housing across many parts of Victoria.

Parties to this protocol recognise that:

* rooming house residents are valued members of the local community
* it is important to work together to prevent closures where possible, and to provide the best possible outcomes for residents where a closure is necessary
* a rooming house is often considered their home by the resident, and anyone entering these premises should show the same respect to residents and their belongings as is shown to people in other forms of housing
* many rooming house residents experience social and economic disadvantage, and may be extremely vulnerable or socially isolated, requiring personalised support services or assistance both in their everyday lives and at times of upheaval or crisis
* while many private rooming house operators work cooperatively with authorities and service providers, some operators wilfully evade compliance with legislative and regulatory obligations
* the homelessness service system is struggling to meet the current high levels of demand for affordable housing and emergency accommodation options, with little if any spare capacity for accommodating residents forced to vacate their room in the event of a rooming house closure
* some Local Government authorities face significant difficulties in resourcing their response to private rooming houses, including skills shortages within their workforce, and the increasing volume of smaller and unregistered operations
* while Local Government is responsible for compliance and enforcement of rooming house regulations under State Government legislation, they also have responsibilities toward rooming house residents (and neighbouring residents) as part of their community service obligations.

While this agreement and the attached protocol focuses on the issue of closure and potential closure of rooming houses, it is recognised that closures are only one part of the continuation of compliance issues. By developing better relationships around the issue of closures, [*Council*] and [*Lead Agency*] will be in a better position to develop improved collaboration and communication around other aspects of private rooming house operations and compliance to the benefit of the broader community.

## C. Principles

A successful protocol arrangement requires a spirit of partnership, cooperation and commitment based on the following principles:

* ***prevention/early intervention*** is a much better approach to resolving compliance issues in rooming houses than having to deal with the crisis of a closure
* a ***people-centred approach*** to closures and potential closures will ensure that rooming house residents are treated with dignity and respect throughout the process
* the ***exchange of timely and accurate information*** is critical in the process of managing closures and potential closures of rooming houses, and all efforts will be made to ensure that communication channels are operating effectively at all times
* both parties will ***work constructively*** in a spirit of goodwill, recognising that their respective needs and external pressures may at times differ. If one party believes the agreements in this protocol are not being fulfilled, they will initiate discussions with the other party to resolve the issue or concern.

## D. Legal framework

The following State legislation and regulations govern rooming houses:

* Rooming House Operators Act 2016 (expected to commence early2017)
* *Residential Tenancies Act 1997*
* Residential Tenancies (Rooming House Standards) Regulations 2012
* Residential Tenancies Regulations 2008
* Public Health and Wellbeing Regulations 2009
* *Emergency Management Act 1986 and* [*2013*](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/a12f6f60fbd56800ca256de500201e54/6C6A73FDF8CBFB9BCA25743A0080D953/$FILE/86-30a040.doc)
* *Planning and Environment Act 1987*
* *Building Act 1993*
* [Building Regulations 2006](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/b12e276826f7c27fca256de50022686b/9594D0937EDBADE2CA2576240029C8DF/$FILE/06-68sr010.doc) (for information on local government are planning schemes and change of use)

## E. Review and monitoring of the protocol

Both parties are committed to ensuring that the operation of this protocol is monitored on an ongoing basis. It is agreed that:

* a report/checklist will be completed by [*Lead Agency*] in consultation with [*Council*] at the completion of each closure event to ensure reflection on the process used and the outcomes achieved for residents (see Appendix A)
* regular meetings (at least annually) will be held between [*Council*] and [ *Lead Agency*] to discuss issues relevant to the protocol including:
  + - * updates on new rooming houses;
      * debriefing on recent closures;
      * updates where relevant of Council inspections and compliance activities;
      * reporting on current waiting lists for housing and support services by [*Lead Agency*]
* either party can propose additions to the protocol, based on incidents in this municipality or reported from elsewhere, however the principals underpinning the protocol will remain constant. The protocol template will be reviewed annually and redistributed to ensure ongoing relevance.

As part of the ongoing monitoring of their Funding and Service Agreements with the Department of Health and Human Services, [*the Lead Agency*] will report on activities under this protocol to the Department of Health and Human Services Local Area Office.

## F. Implementation of the protocol

Both parties agree to implementation of this protocol *effective [immediately/set date/once certain other actions have been taken – to be outlined]*

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name]

Chief Executive Officer

[Council]

Date:

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name]

Chief Executive Officer

[Lead Agency]

Date:

# Section C: Model partnership protocol

## 1. Aim

This protocol outlines the partnership arrangements between [*Lead Agency*] and [*Council*] in dealing with the closure, or potential closure, of a private rooming house in [*the Municipality*].

Our common objectives are:

* to ensure that all private rooming houses in [*the Municipality*] are registered and comply with relevant legislation and regulations
* to promote ongoing compliance and prevent private rooming house closures where possible
* to work collaboratively in the event of a closure to provide residents with accurate and timely information about the process, and assist them with their housing and support needs in any evacuation or relocation process
* to ensure that the rights of residents within private rooming houses are upheld at all times, and that they are treated with dignity and respect particularly at times of crisis such as the pending loss of their home.

## 2. Definitions and exclusions

Define primary and secondary organisations.

Under the *Residential Tenancies Act 1997*, a rooming house is a building where:

* there are one or more rooms available for rent, either for short or long periods
* at least four people may occupy those rooms
* each resident pays rent
* residents rent a room and can share communal facilities such as bathrooms and toilets but may also have their own facilities within the room
* different rental agreements can exist for different residents.

While backpackers’ accommodation, student dormitories or other forms of guest house may be classed as rooming houses, it is not the intention of this protocol to respond to closures of premises where the residents do not rely on this form of accommodation as their primary residence.

## 3. Information and communication

Accurate and timely information exchange is critical when it comes to the closure or potential closure of a rooming house. Communication processes must include:

* sharing of information about local rooming house operations, particularly where there is a suspected breach of regulations
* alerting the other party of potential closures
* ensuring that residents receive accurate information and are not unnecessarily or prematurely advised of the need to vacate the premises. This is particularly important when Emergency Orders are issued by Council and residents may erroneously believe they will be required to vacate immediately
* providing information, where possible, about alleged and proven breaches of regulations
* ensuring contact details for relevant personnel are kept up to date
* agreement around which party will be responsible for communicating with residents, both at initial stages of the process and through its resolution and completion

## 3. Information and communication

* ensure that all communication with rooming house residents is conducted in plain English, and all printed materials (including formal notices) are provided in community languages for residents from non-English speaking backgrounds.

Avenues for this communication should include:

* regular meetings (at least annually) between the lead agency and Council, officers from [*Environmental Health, Building, Community Services, Planning*] – this meeting should also involve a representative from the Department of Health and Human Services Local Area Office and Consumer Affairs Victoria
* nomination of a Key Contact Person in each organisation, to be responsible for coordinating information exchange between the two parties
* regular telephone and/or email contact between the two Key Contact Persons, both during a closure or potential closure process and at other times as information exchange is required
* development of a list of ‘primary agencies’ and ‘secondary agencies’ to be contacted in the event of a closure or possible closure (see Appendix B).

### Internal communications

Both parties to this protocol also need to ensure that effective internal communication is occurring in the event of a closure or possible closure. This will ensure that the Key Contact Person within each organisation is aware of all relevant information, and is able to effectively communicate with external organisations.

In relation to Councils, this will require internal communication protocols between different parts of Council including: community services, building control services, environmental health services, planning services and communications/customer services.

For the lead agency, this will require communication between relevant staff (who are likely to hear of closures from clients of the service) and the Key Contact Person.

**Example of good practice:**

The City of Melbourne has developed a protocol, specifically for dealing with inner city squat closures, that ensures all relevant parts of Council and community services are immediately made aware of the process. In both emergency evacuations and planned closures of squats, the protocol establishes a coordinated response involving the Building Control Group, Community Safety and Wellbeing, and relevant community support agencies.

A copy of the protocol can be requested by contacting Melbourne City Council.

### 4. Roles and responsibilities in relation to private rooming houses

This section outlines the roles and responsibilities of various stakeholders, specifically as they pertain to issues surrounding the non-compliance or potential closure of private rooming houses.

### 4.1 Rooming house residents

* Adhere to all responsibilities under the *Residential Tenancies Act 1997* including payment of rent, informing the owner/manager of repairs needed, not deliberately or recklessly causing or allowing serious damage to the property, not being violent towards other residents or their visitors
* Follow the house rules, as outlined in the document the owner/manager must provide to all residents when they move in

### 4.1 Rooming house residents

* Give the rooming house owner two days’ notice if intending to leave
* Ensure that all personal belongings are removed or stored prior to vacating.

### 4.2 Consumer Affairs Victoria

In March 2013 the Minimum Standards set out in the Residential Tenancies Regulations 2012 (Rooming House Standards) became effective. All rooming house operators must comply with the minimum standards.

The Rooming House Standards relate to privacy, security, safety and amenity in rooming houses. The minimum standards apply to a rooming house and its rooms, irrespective of whether the resident is on a rooming house agreement or individual tenancy agreement.

Consumer Affairs Victoria publishes a centralised register of Victoria’s rooming houses which is updated by local councils. Consumer Affairs Victoria is responsible for enforcing compliance with the standards.

Consumer Affairs Victoria also:

* Provide advice to residents and landlords on any issues related to the *Residential Tenancies Act* *1998* or *Residential Tenancies Regulations 2008* (including legitimacy of Notices to Vacate that have been issued)
* Encourage compliance by landlords and may take enforcement action in the case of continued non-compliance with residential tenancies legislation
* Educates landlords and residents regarding their the rights and responsibilities
  + Receives allegations of unregistered and sub-standard rooming houses. Allegations of suspected unregistered rooming houses are referred to the relevant local council.

Consumer Affairs Victoria is leading a review of the *Residential Tenancies Act 1997*. This is a critical part of the Government’s broader Fairer and Safer Housing work program, and will ensure that regulation of Victoria’s rental sector is appropriate to meet the needs and expectations of tenants and landlords, now and into the future. It is anticipated the review will be completed by mid-2018.

### 4.3 Department of Health and Human Services

* Central Division - Policy and program development
* Local area - Funding of homelessness services through Funding and Service Agreements
* Local area - Review and monitoring of activities through Funding and Service Agreements
* Local area – Identify the lead agency for each local government area
  + Local area - In the case of closures, providing information to homeless agencies about the availability of resources and financial assistance within the Local Area, including public housing stock, additional resources for relocation and other costs.

### 4.4 Homelessness Services

Homelessness services across Victoria work within an area-based service coordination framework called Opening Doors. Opening Doors aims to provide people seeking assistance with timely and effective access to homelessness and social housing services.

Within each Local Area Service Network (LASN) across Victoria, one or more agencies are nominated as ‘entry point’ services, and are responsible for providing the following assistance:

* Initial assessment of client needs, with a focus on their immediate needs and risks such as: safe housing that night, physical and mental health, risk of harm to self or others, personal needs (including
* Clothing, food, access to toiletries, retrieval and/or storage of belongings, listing on tenancy databases, eligibility for priority public housing)
* Specialist initial assessment is provided for particular groups including young people, people experiencing family violence and Indigenous people
* Interim response – either offered by the Entry Point agency or through referral to other specialist agencies, this response might include:
  + - * Placement in emergency short-term accommodation and subsequent exit planning, outreach and follow-up
      * Assistance to secure and/or maintain crisis, transitional or private rental accommodation
      * Assistance with applications for priority access to public housing, or to secure community housing
      * Financial assistance for housing-related needs
      * Advocacy/liaison with other agencies
* Intake and case management assessment occurs once a person is accepted as a client of housing and/or support service – this is a much more in-depth assessment process aimed at developing longer term strategies to meet their housing and support needs and assist them out of homelessness.

### 4.5 Local government

The majority of the responsibilities of local government are related to their role in administering and ensuring compliance with the following legislation/regulations:

*Public Health and Wellbeing Regulations 2009*

* Undertake registration of all rooming houses within the municipality
* Keep a rooming house register with all relevant details (including the name and address of the proprietor, address of the premises and any conditions on the grant of registration)
* Power to inspect rooming houses to ensure they comply with the standards outlined within the regulations such as: overcrowding and room size, maintenance and cleanliness, water supply and drinking water, discharge of sewage and waste water, refuse receptacles and disposal; toilet and bathroom facilities
* Issue notices to owners that they are required to rectify breaches of regulations, and ensure that breaches are satisfactorily remedied
* Where breaches are not rectified within required notice periods, issue appropriate notices of closure and if required initiate prosecution proceedings.

*Building Act 1993* and *Building Regulations 2006*

* Administer and enforce building controls to ensure that minimum fire safety standards and other safety measures are met
* Power to inspect premises to ensure that essential services are operating and properly maintained (including exit doors, early warning systems, fire detector and alarm systems, smoke alarms, emergency lighting, fire hydrants, fire hose reels and extinguishers, paths of travel to exit)
* Where breaches have been detected, provide written notice to the building owner and issue an order for compliance
* In the case of a serious breach where it is determined that the premises are a danger to life or property, issue an Emergency Order for evacuation of the premises (either immediately or within 24 or 48 hours dependent on the nature of the breach) to the rooming house owner and informing the manager and residents
* Where a breach is not satisfactorily rectified, follow-up proceedings against an owner.

*Planning and Environment Act 1987*

* Power to require properties to have a valid planning permit before the commencement of building works
* Power to issue permits to ensure the use of the building complies with Council requirements and meets all relevant conditions imposed
* Power to require that any breaches are rectified by the owners.

*Emergency Management Act 1986 / Emergency Management Act 2013*

* Prepare and maintain a Municipal Emergency Management Plan (MEMPlan) in order to respond to an emergency event that may endanger or threaten the safety or health of residents, including fire, explosion, siege or riot, or disruption to an essential service
* Identify the council and other resources in the district available for use for emergency prevention, response and recovery, and specify how these resources are to be used
* Council must appoint:
  + - a Municipal Emergency Resource Officer (MERO), responsible for ensuring the coordination of municipal resources to be used in emergency response and recovery;
    - a Municipal Recovery Manager (MRM) to be in charge of co-ordinating the resources used in recovery;
    - a Municipal Emergency Management Planning Committee (MEMPC) comprising members and employees of council, response and recovery agencies and local community groups involved in emergency management issues. This committee must prepare a draft MEMPlan for approval by council.

In addition, Local governments play a role in providing community services to residents and advocating on behalf of disadvantaged or marginalised residents. In such roles, Councils often develop instruments such as Affordable Housing policies or strategies to address the supply of affordable housing within the municipality.

Such policies or strategies may specifically articulate roles and responsibilities in relation to rooming house residents or people experiencing homelessness.

### 4.6 Private rooming house operators

As part of their responsibilities under the *Public Health and Wellbeing Regulations 2009*, a person who provides rooming house accommodation must:

* register their premises with the local Council, which includes:
  + - providing a plan of the premises and proposed use for each room
    - specifying the class of accommodation which is registered
    - providing details of the conditions to which the registration or renewal is subject
* keep a Register of Occupants that contains records of the names and addresses of residents, date of residents’ arrival and departure (for at least 12 months after the date of the last entry in the Register)
* meet all obligations related to overcrowding, cleaning of communal areas, making known the emergency evacuation procedures, and ensure working smoke alarms are fitted throughout the premises.

As part of their responsibilities landlords under the *Residential Tenancies Act* 1997, theymust also:

* provide a copy of the prescribed statement of rights and duties and a copy of any house rules
* provide a statement of exclusive or shared occupancy
* undertake both urgent and non-urgent repairs to the premises as necessary
* provide to all residents the rooming house owner, manager or agent’s name and address and a phone number to authorise urgent repairs
* take all reasonable steps to ensure that a resident’s property is secure
* give residents 24 hours written notice before entering their room (exceptions include in the case of an emergency to save a life or valuables)
  + provide a properly executed ‘Notice to Vacate’ when they want a resident (or all residents) to vacate the premises, with the correct minimum notice periods and valid reasons given.

As part of their responsibilities under the *Building Act 1993*, owners and operators must ensure that minimum fire safety standards and other safety measures are met. This is often the area that causes greatest to concern to Council, given the potential for loss of life in the event of a fire or other emergency, and most commonly leads to the issuing of Emergency Orders for compliance or evacuation.

As part of their responsibilities under the *Planning and Environment Act* 1987 owners and operators must ensure they have permits for building works that require council approval.

Once the *Rooming House Operators Act 2016* comes into operation in 2017, it will require anyone who wants to operate a rooming house to be licensed by the Business Licensing Authority in order to operate legally. Only ‘fit and proper persons’ will be licensed.

## 5. Reasons for a closure

There are several likely scenarios leading to the closure of a rooming house, as outlined below, each with different minimum notice periods required to be given to residents. However it is important to note that the majority of closures are related to an operator deciding to shut down the premises, or being forced to cease operations because the owner/landlord of the premises has asked them to leave. This may or may not be related to any enforcement or inspection activities by the local Council. Once the *Rooming House Operators Act 2016* comes into effect, VCAT may order- as part of disciplinary proceedings against a licenses initiated by Consumer Affairs Victoria – that the licensee service notices to vacate on his or her residents.

In all these scenarios, it is important for residents to understand that they do not have to move out unless there has been an immediate Emergency Order or evacuation notice issued by Council, or they have received a properly served Notice to Vacate by the owner/operator of the premises. In all cases they should be encouraged to seek advice from the Tenants Union of Victoria or the Consumer Affairs Victoria Rooming House hotline on 1300 365 814 about their rights before making any arrangements to move.

Lead agencies should seek this advice also.

| Reason | Minimum notice period |
| --- | --- |
| **Immediate evacuation** of a rooming house in an emergency event such as fire, flood, explosion, etc: typically handled by each Council under its ‘Municipal Emergency Management Plan’ (MEMP) | Immediate (no prior notice required) |
| **Imminent evacuation** of a rooming house owing to issue of an Emergency Order by Council officers. | **48 hour notice to the owner** to rectify breaches: where breaches are rectified, no further action will be taken.  Where breaches are not rectified, residents may be given an immediate notice to vacate by Council OR provided with a formal ‘Notice to Vacate’ by the owner. |
| **Planned closure**, unrelated to an emergency, such as the sale or change of use of the premises, or where renovations are planned and all necessary permits have been obtained. | Owner/manager must provide residents with a minimum of **60 days’ notice** |
| Where a **mortgagee** becomes entitled to the possession or exercise of a power of sale over the rooming house. | **28 days’ notice** must be provided to all residents by the mortgagee |
| Owner/manager **acts illegally** to intimidate or threaten residents into leaving | Residents should notify the Victoria Police |
| **No specified reason** | An owner can provide residents with a **120 days’ notice** to vacate for no specified reason – but this must not be because residents have been exercising their rights or saying they will do so. |

# Section D: Step-by-step response to a closure

Under this protocol, there are three types of response that may be activated in the event of a private rooming house closure, depending on the specific circumstances at hand, being either:

1. an **immediate evacuation** in response to an emergency event, such as a fire (in which case responses under the Municipal Emergency Management Plan will be enacted), **Table A**
2. an **imminent evacuation**, owing to the issue of an Emergency Order by Council requiring evacuation within a specific time, with notices served on the owner and the occupier, **Table B**
3. a **planned closure**, unrelated to an emergency, such as the sale or change of use of the premises, or where the rooming house operator has initiated closure of the premises, **Table C**

A step-by-step response is outlined in the following tables, outlining:

* the **Action** to occur
* who has the **Primary responsibility** for each action
* which **Support Agencies** need to be involved
* the **Timing** of any action
* the **Purpose** of each action.

The responses outlined are intended to give guidance about key actions required in any closure event; however it is inevitable that each event will unfold in a different way due to the individual circumstances. The timing of individual steps and actions are likely to be dictated by the decisions made by the responsible authority (such as decisions about the length of time to rectify breaches under an Emergency Order, or decisions by a Tribunal Member if a matter is taken before the Victorian Civil and Administrative Tribunal).

Both Council and the lead agency must be aware of the need to work flexibly in response to each closure (or potential closure), and ensure that communication channels are open and active at all times during the closure process.

A process for debriefing after each event is also outlined in the tables, to ensure that lessons learnt from each event can be usefully incorporated into the updating of the protocol for future use.

## Table A: Immediate evacuation of a rooming house in an emergency event: Municipal Emergency Management Plan 2003

| Action | Primary responsibility | Support agencies | Timing | Purpose |
| --- | --- | --- | --- | --- |
| STEP 1: State Police activate emergency response, eg in a fire, and the MEMP. Specific steps, including media protocol, are covered in the MEMP. | Victoria Police are the Emergency Response Co-ordinators at State, Divisional, Municipal and Field Level, and has responsibility for communications.  Council Municipal Emergency Response Officer OR Municipal Recovery Manager | The municipal emergency planning committee is constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issues. | Immediately | To fulfil the requirements of the *Emergency Management Act 1986* and the *Emergency Management Act 2013*. The Municipal Emergency Management Plan and municipal emergency planning committee are also activated. A municipal emergency planning committee must give effect to any direction or guidelines issued by the Co-ordinator in Chief. |
| STEP 2: Evacuate residents/owners/lessees in immediate risk, as soon as possible. Provide as much documented information to primary organisations as possible. | Victoria Police responsible for evacuation.  The Council Municipal Emergency Response Officer assists in the implementation of the evacuation. | Assistance in an evacuation may be provided by Evacuation Support Agencies. The Municipal Recovery Manager will nominate involved agencies. | Immediately | 1. The Municipal Emergency Response Officer is appointed by, and responsible to, the municipal council for ensuring the co-ordination of municipal resources to be used in emergency response and recovery. 2. Apart from meeting legal requirements formal documentation can assist in adding authority to any evacuation processes |
| STEP 3: Simultaneously notify Lead Agency of evacuation, if possible, and any imminent danger in the building by telephone. | Council Municipal Emergency Response Officer OR Municipal Recovery Manager |  | Immediately or as soon as possible | 1. To give Lead Agency details such as:  * Address * Estimated number of residents * Date and time of evacuation * Contact details of person responsible for the evacuation * Assessment of safety concerns  1. Convene an evacuation briefing |
| STEP 4: Notify all Primary and Secondary Organisations of evacuation.  Invite Primary organisations to an Evacuation briefing. It will not normally be safe to convene this briefing on-site | Council Municipal Emergency Response Officer OR Municipal Recovery Manager | Lead agency | As soon as possible | To ensure relevant agencies in the community sector are informed and involved in closure |
| STEP 5: Facilitate Evacuation briefing | Council Municipal Emergency Response Officer OR Municipal Recovery Manager | Primary  Organisations | As soon as possible | 1. Identify a base for workers 2. Disseminate a contact list of workers 3. Roster community coordination teams 4. Communication of closure to residents in a range of communication styles – for example a simple poster or pamphlet template may be used to clarify official notice 5. Allocate task of determining availability of funding as necessary. 6. Ensure residents are not denied service if they cannot provide documentation (i.e. in the event belongings are destroyed in fire) |
| STEP 6: Debriefing Meeting, as per the MEMP | Council Municipal Emergency Response Officer and Primary  Organisation. under, the Municipal Emergency Management Plan Co-ordinator (Victoria Police) will convene the meeting, and all agencies who participated should be represented. Chair of the Municipal Emergency Management Plan Committee should chair this meeting. | All Organisations Involved | As soon as practicable after an emergency | 1. Assess the adequacy of the Municipal Emergency Management Plan and to recommend any changes |
| STEP 7: Recovery debrief, as per the MEMP | Municipal Recovery Manager |  |  | It may also be appropriate to conduct a separate recovery debrief to address recovery issues. This should be convened and chaired by the Municipal Recovery Manager. |
| STEP 8: Response/Recovery handover, as per the MEMP | Victoria Police Municipal Emergency Response Co-ordinator, in conjunction with the Control Agency and Municipal Emergency Response Officer. In the Recovery Processes of an emergency, Department of Health and Human Services acts as principal recovery planning and management agency, and facilitates a coordinated response. | Recovery agencies, with specific agencies nominated for Recovery Arrangements in the MEMP for information services, material aid, financial assistance, temporary accommodation, language services, rebuilding and utility restoration, community development and personal support services. |  | There will be a cessation of response activities and a handover to recovery agencies when the Victoria Police Municipal Emergency Response Co-ordinator, in conjunction with the Control Agency and Municipal Emergency Response Officer declares ‘Stand Down’ of response. |
| STEP 9: Community Recovery Committee, as per the MEMP | Department of Health and Human Services as above | A list of agencies assisting in recovery is contained in the MEMP, as well as a list of support arrangements |  | Where the magnitude of the event requires community input into the recovery process, one or more Community Recovery Committees may be established within the affected area. |
| STEP 10: Post Impact Assessment (Debrief) | Council, through the Emergency Management Group and other affected municipalities |  |  | A post impact assessment is an appraisal of the extent of damage, disruption and breakdown to the community and its infrastructure as a result of the emergency. |

## Table B: Imminent evacuation of a rooming house owing to issue of (and/or non-compliance with) an Emergency Order

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Action | Primary responsibility | Support agencies | Timing | Purpose |
| **STEP 1:** Notify Lead Agency of imminent closure and any imminent danger in the building by telephone and convene a pre-closure briefing on site. | Council | Lead Agency to activate a range of support agencies, including Centrelink and the Tenants’ Union of Victoria, if within the realm of normal business.  Council to activate support agencies if outside the realm of normal business. | At earliest convenience | 1. To give Lead agency details such as:   Address  Estimated number of residents  Date and time of evacuation  Contact details of person responsible for the evacuation  Assessment of safety concerns   1. Convene a Pre-closure briefing on site |
| **STEP 2:** Notify all Primary and Secondary Organisations of imminent closure.  Invite Primary organisations to attend pre-closure briefing | Lead Agency |  | At earliest convenience | To ensure relevant agencies in the community sector are informed and involved in closure |
| **STEP 3:** Meet for Pre-closure onsite briefing | Council and Lead Agency  Primary organisations | Secondary organisations | Prior to first contact with residents | 1. Identify a base for workers 2. Disseminate a contact list of workers 3. Roster community coordination teams 4. Communication of closure to residents in a range of communication styles – for example a simple poster or pamphlet template may be used to clarify official notice 5. Allocate task of determining availability of funding as necessary. |
| **STEP 4:** Provide notices of evacuation to residents/owners/lessees. Provide as much documented information to primary organisations as possible. | Municipal Building Surveyor | Primary organisations | At earliest convenience | Apart from meeting legal requirements formal documentation can assist in adding  authority to any evacuation processes |
| **STEP 5.** Evacuation | Council and Lead Agency | Primary organisations and secondary organisations (if required) |  | 1. Notify residents of closure 2. Assist residents to access housing assistance available 3. Notify residents of the support and assistance available to them 4. Support residents to link to assistance. 5. Provide additional supports to those residents that do not want to evacuate or move |
| STEP 6. Debriefing Meeting | All Organisations Involved | After evacuation  completed and at  earliest convenience |  | 1. Review evacuation process, debrief, follow-up on unresolved issues and amend protocol. 2. Organise Rooming House Closure Event to mark the closure with the residents if appropriate. |

## Table C: Planned closure, Table unrelated to an emergency, such as the sale or change of use of the premises

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Action | Primary responsibility | Support agencies | Timing | Purpose |
| STEP 1. Notify Lead Agency and/or Council by telephone | Person OR agency who hears of sale, potential sale or possible closure. |  | At earliest  convenience | 1. To give early warning to key agencies 2. To help retain the property as a rooming house if appropriate |
| STEP 2. Ensure all primary and  secondary organisations are notified and convene a potential closure strategy meeting | Lead Agency | Council | Prior to first contact  with residents if  possible | 1. To ensure primary and secondary organisations (and Council) are informed about potential closures and that steps are taken to help support the residents 2. To ensure clear and consistent communication systems are in place. |
| STEP 3. Convene possible closure strategy meeting. | Lead Agency | Primary and Secondary  Organisations  Department of Health and Human Services Local Area Office |  | 1. Determine key stakeholders; residents, vendor, lessee, purchaser etc 2. Explore the possibility of retention as a rooming house and possible purchase by Department of Health and Human Services. 3. Plan to meet with key stakeholders to gather information on their position re future of building. 4. Use a range of communication styles to ensure all residents are informed of the situation. 5. Determine availability of necessary funding |
| STEP 4. (If evacuation is required and proper notices to vacate are served) - Implement evacuation plan in a timely manner as per Table B for Imminent Evacuation  OR | Lead Agency | Primary and  secondary organisations | Once property is sold with a vacant possession order or it is confirmed property  must be vacated | 1. To ensure residents are supported and informed in a timely manner 2. To ensure good communication between organisations in the event of a rooming house closure |
| STEP 5. (If building is retained as rooming house) - Support residents and purchaser through transition period | Primary and secondary  organisations | Council | Once decision is made to retain property as a  rooming house | 1. To reduce the impact of the sale of the property on the residents |

# Appendix 1 – Report on closure

|  |  |
| --- | --- |
| Address of premises |  |
| Proprietor details |  |
| Date of first contact |  |
| Date of closure of premises |  |
| Number of residents  Number of children |  |
| Number of residents/children requiring housing assistance and or support assistance |  |
| Number of residents/children relocated |  |
| Other agencies involved |  |
| Council action and follow up activities |  |
| Lead Agency action and follow up activities |  |
| Reflection on use of closure protocol and practice |  |
| Suggestions for improved practice in future |  |

# Appendix 2 – Contact list

| Organisation | Contact Person | Phone | Email |
| --- | --- | --- | --- |
| Council | *Key Contact Person* |  |  |
|  | Municipal Building Surveyor |  |  |
|  | Environmental Health Officer |  |  |
|  | Community Services Officer |  |  |
|  | Planning Officer |  |  |
| Lead agency | *Key Contact Person* |  |  |

### Primary Agencies

| Organisation | Contact Person | Phone | Email |
| --- | --- | --- | --- |
| Department of Health and Human Services – Local Area Office |  |  |  |
| Consumer Affairs Victoria (to inform of closure) |  |  |  |
| Royal district nurses service– Homeless Service Team |  |  |  |
| *Local psychiatric service or mental health outreach team* |  |  |  |
| Tenants Union of Victoria |  |  |  |
| Victoria Police |  |  |  |
| Centrelink – *local office* |  |  |  |
| Australian Red Cross |  |  |  |
| *Other housing and support services as applicable – from the Local Area Service Network database* |  |  |  |

### Secondary Agencies

| Organisation | Key Contact Person | Phone | Email |
| --- | --- | --- | --- |
| *Other local community service agencies as applicable* |  |  |  |
|  |  |  |  |

# Appendix 3 – Checklist for homelessness agencies

## Prevention

Through regular contact with Council’s Key Contact person:

* Inform Council of any suspected unregistered rooming houses in the municipality in order for inspections to occur
* Seek information about any upcoming closures/potential closures (including information about any properties with significant breaches of regulations
* Seek information about properties with Emergency Orders either issued or likely to be issued

Through contact with clients living in rooming houses:

* Identify any premises where suspected breaches of regulations are occurring and inform Council (as well as Consumer Affairs Victoria if appropriate)
* Gather information about any possible ‘change of use’ or planned closures by owners, and inform Council

## Early intervention

When notified of an Emergency Order being issued by Council:

* ⁬Seek information on the basis for the Emergency Order being issued
* ⁬In consultation with Council, undertake an assessment of the likely timeframes involved in the order being complied with and the proposed plan of action by Council
* ⁬Use this information to determine the appropriate timing and manner in which to inform residents of events (i.e. if Council is confident that breaches will be remedied within timeframes, there may be no need to inform residents)

## Response to closure

Follow protocol steps for: a) Immediate closure, b) Imminent closure or c) Planned closure

* Where ‘notices to vacate’ have been issued to residents, check that appropriate notice has been given and in proper form (if in doubt consult with Tenants Union of Victoria)
* Where appropriate, make contact with owner/manager of Rooming House to negotiate access to building, register of residents, and develop cooperative approach to assisting residents (i.e. owner/manager may be able to help identify particularly vulnerable residents)
* Resident needs assessment – undertake an individual initial assessment of all residents, using the Opening Doors framework/guidelines, to determine their immediate and longer term housing and support needs (engage interpreters where required)
* Prioritise needs of the most vulnerable residents
* Provide direct assistance and relevant referrals for housing and support services to residents
* Develop agreed plan of action, including timing of liaison meetings and staff to be involved, for responding to the closure
* Communication strategy – develop appropriate communication tools (ensure that materials are provided in relevant community languages, based on resident audit) to communicate with residents, owner/manager and other relevant support services.

# Appendix 4 - Resources

| Author | Publication | Year |
| --- | --- | --- |
| Consumer Affairs Victoria | [*Minimum standards in rooming houses*](https://www.consumer.vic.gov.au/minimumstandards) | 2013 |
| Consumer Affairs Victoria | Search for Rooming houses: a guide for residents, owners and managers  <https://www.consumer.vic.gov.au/> | 2016 |
| Consumer Affairs Victoria | [*Public Register of Rooming Houses*](https://www.consumer.vic.gov.au/housing-and-accommodation/renting/types-of-rental-agreements/sharing-in-a-rooming-house/public-register-of-rooming-houses) | Real time |
| Department of Health and Human Services, Victoria | [Human Services Standards](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/human-services-standards) | 2012 |
| Department of Health and Human Services, Victoria | Search for Minimum Standards in rooming house fact sheets  http://www.vic.gov.au/ | 2013 |
| Department of Health and Human Services, Victoria | Search for Homelessness Services Guidelines and Conditions of Funding  http://www.vic.gov.au/ | 2015 |
| Legal Aid Victoria | Search for find legal answers housing and tenancy rooming houses  http://www.vic.gov.au/ | 2016 |
| Tenants Union of Victoria | Search for Residents handbook – Rooming House  http://www.vic.gov.au/ | 2009 |
| Victorian Government | Rooming House Standards Taskforce: Chairperson’s Report <http://chp.org.au/wp-content/uploads/2013/05/Appendix-Taskforce-Report.pdf> | 2009 |
| Victorian Government | Search for *Public Health and Wellbeing Act 2008*  [http://www.vic.gov.au/](https://www2.health.vic.gov.au/about/legislation/public-health-and-wellbeing-act)  [and-wellbeing-act](https://www2.health.vic.gov.au/about/legislation/public-health-and-wellbeing-act) | 2010 |
| Victorian Government | Search for *Residential Tenancies Act 1997*  http://www.vic.gov.au/ | 2014 |
| Victorian Government | Search for *Building Act 1993*  http://www.vic.gov.au/ | 2016 |

1. www.consuer.vic.gov.au/minimumstandards [↑](#footnote-ref-1)
2. *Rooming House Standards Taskforce: Chairperson’s Report*, 2009, Victorian Government, Melbourne. [↑](#footnote-ref-2)