

Laws about boarding houses



We want to know what you think

Easy Read version



How to use this document



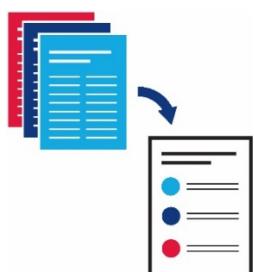
This information is written in an easy to read way. We use pictures to explain some ideas.



This document has been written by the NSW Government Department of Family and Community Services (FACS). When you see the word 'we', it means FACS.



Some words are written in **bold**. We explain what these words mean. There is a list of these words on page 67.



This Easy Read document is a summary of another document.



You can find the other document on our website at
www.fairtrading.nsw.gov.au/consultation-tool/review-of-the-boarding-houses-act



You can ask for help to read this document.
A friend, family member or support person may be able to help you.

What's in this document?

Boarding houses in NSW	4
The law	6
Have your say	8
What the law says	11
Other ideas	64
What happens next?	65
Word list	66

Boarding houses in NSW



A **boarding house** is a building that has rooms for rent.



People who live in boarding houses are called **residents**.



A **general boarding house** has 5 or more residents.



Residents pay for:

- the room they live in
- the rooms they share with others, such as the kitchen or the lounge room.





Some residents have **additional needs** because they:

- are older
- have a disability
- have a mental illness.



They may need help with things like:

- meals
- taking medicines
- showering.



Assisted boarding houses are boarding houses where more than 2 people with additional needs live.

The law



In the past, there were lots of different rules and laws about boarding houses.



They weren't enough to make sure all boarding house residents were safe and well.

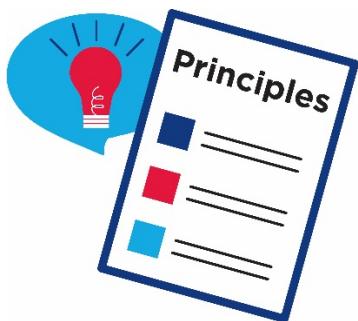


We introduced the *Boarding Houses Act 2012* (the Act) to protect boarding house residents and their rights.

The Act said there should be:



- a registration system for boarding houses



- important ideas to explain how residents and people who run boarding houses should work together

We call these **principles**.



- better standards for smaller boarding houses



- stronger powers for checking and inspecting boarding houses



- bigger punishments for people who run boarding houses that don't follow the law.



We also introduced the *Boarding Houses Regulation 2013*.



It changed some of the rules about assisted boarding houses.

Have your say



We need to review the laws so we can work out if we:

- set the right goals
- can reach those goals.



We want to know if the laws match what the community needs.



We have already heard some ideas from:

- boarding house residents
- people who run boarding houses.



You can tell us what you think about the laws.



This document explains:

- what the laws are
- changes some people might want to make to the laws
- issues that have come up when people have talked to us about the laws.



You should read this document first, then tell us your thoughts.

We call this a **submission**.



We explain the issues people have told us about.



There are questions you can answer about the issues.



You don't have to answer all the questions.

You can just tell us about the things that matter to you.



We have a form on our website you can use.
www.fairtrading.nsw.gov.au/consultation-tool/review-of-the-boarding-houses-act



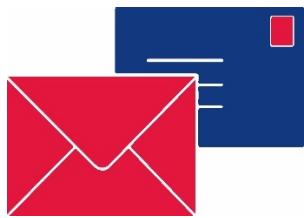
You can send an email to:

boardinghousesreview@finance.nsw.gov.au



You can use the NSW Government's *Have your Say* website to send your comments:
www.haveyoursay.nsw.gov.au

You can send us your comments in the mail:



Statutory Review of Boarding Houses Act 2012

Department of Customer Service
McKell Building
2-24 Rawson Place
Sydney
NSW 2124



We need to have everyone's submissions by **Tuesday 8 October 2019**.



We will share all the submissions we get with the public.



If there are things in your submission you don't want us to share, you need to:

- tell us
- give us reasons why.



Sometimes the law says we have to share a submission, even if the person who made it asked us not to.

What the law says



The goal of the Act was to make sure residents were getting good services.



We wanted to follow what's in the United Nations *Convention on the Rights of Persons with Disabilities* (UN Convention).



This is a document that says people with disability should be treated fairly.



Many countries around the world have agreed to it.

We also wanted to make sure residents in assisted boarding houses were:



- getting good services



- being treated fairly.

Are our goals for the Act still the right ones?

Why? Why not?

1

Laws and rules



The Act covers:

- general boarding houses
- assisted boarding houses.



There are other places people might live that the Act doesn't cover. We call these **premises**.

Lots of premises aren't covered by the Act if they are covered by other laws.



These premises can include:

- hotels and motels
- nursing homes and aged care
- retirement villages
- housing provided or funded by the government.

2

Some residents have supported independent living in their National Disability Insurance Scheme (NDIS) plan.

They might live with other residents who have NDIS plans.

Should we add these premises to 'assisted boarding houses' to be covered by the Act?

Should other premises be added to the Act or taken out?

Which ones?



Other states have different laws about boarding houses.



In Queensland they have 3 levels:

- accommodation only - you just live there
- accommodation and meals - you live there and they give you food
- accommodation, meals and services - you live there, they give you food and the support you need.



Boarding houses need to be registered for the right level based on what they offer.



In NSW we only have two levels.

What are the good things about having 2 levels in NSW?

3

Would having 3 levels be better or worse than having
2 levels?

Being registered



The Commissioner for Fair Trading (the Commissioner) is in charge of registering boarding houses.



The Act tells boarding houses about the information they need to give when they register.

The information they need to give includes:



- the name and address of the person who owns the boarding house



- the name and address of the boarding house



- if it is a general or an assisted boarding house



- how many people can live in the boarding house



- how many people who live in the boarding house are younger than 18



- who runs the boarding house



- how many bedrooms there are in the boarding house.

People who run boarding houses need to:



- register within 28 days of opening



- keep their information up-to-date.

Is there anything on the list that needs to change?

4



Some of the information about boarding houses is shared with the public online.

This is called the **public register**.

The information that gets shared is:



Name:

Address:

- the name and address of the boarding house



Name:

Address:

- the name and address of the people who run the boarding house



- if the boarding house is general or assisted



- any trouble the boarding house has had following the rules and laws.

Does the public register give people enough information?

Why? Why not?

5

What information could be:

- added to the public register?
- taken off the public register?



The Act says that if a boarding house is closing down, the people who run it need to tell the Commissioner within 28 days.

This means their information can be taken off the public register.



If the people who run the boarding house don't tell the Commissioner it's closing down, it can still be taken off the public register.



The Act says the Commissioner needs to keep the public register up-to-date.

But the Act doesn't say the Commissioner can take boarding houses off the public register though.

Should the Act say the Commissioner can take boarding houses off the public register?

6

Following the law

It is the job of local councils to:



- approve plans for new boarding houses



- make sure boarding houses are:
 - safe
 - providing good services.



The Act says that councils can check on registered boarding houses within 12 months of when they register.



They need to check the boarding house meets all the standards for:

- planning
- building
- fire safety
- shared living.



If the boarding house doesn't meet these standards, the council can decide the punishment.



They can give the people who run the boarding house:

- a fine – make them pay money
- an order – tell them what to fix and when to fix it by.

Are we doing the right things to make sure people who run boarding houses follow what the Act says?

7



The council needs to tell the Commissioner if a boarding house isn't registered.



The council doesn't need to tell the Commissioner if they have given a boarding house a fine or an order.

Should councils have to tell the Commissioner about any fines or orders they have given out, so they can be put in the public register?

8

Agreements



The Act says people who run general boarding houses and residents need to sign a written contract.

This is called an **occupancy agreement**.



The occupancy agreement explains your:

- rights
- responsibilities – things they need to do.



There is a *Standard Occupancy Agreement* that anyone can use.



It talks about things like:

- how clean and well looked after the boarding house should be



- house rules and what can be done in the boarding house



- punishments for not following what the agreement says
- **quiet enjoyment** – when you can live:
 - in peace
 - in comfort
 - without being disturbed by other people when you want to be left alone.



- when the people who run the boarding house can enter the building or your room



- if or when fees will go up – you need to be given 4 weeks' notice



- the cost for utilities

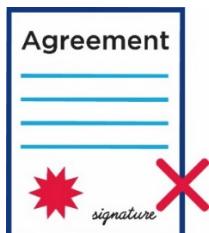


A **utility** is something you need and use in your home, such as:

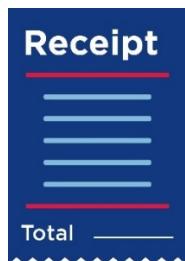
- water
- electricity
- gas
- internet.



- security deposits - a payment you make when you sign an agreement to live in a new home



- ending the agreement



- giving you receipts for money you pay



- how to solve problems between you and the people who run the boarding house.



We call these important ideas
occupancy principles.



People who run general boarding houses can choose to write their own agreement.

It needs to follow what the Act says.

Is there anything in the *Standard Occupancy Agreement* that should be changed?

9

Is there anything that should be added to the *Standard Occupancy Agreement*?

What do you think about the *Standard
Occupancy Agreement*?

10

What do you know about the occupancy principles?

Should you be given a copy of the occupancy principles when you move in?

Should the occupancy principles be on display in the boarding house where everyone can see them?

11

What do you think about the occupancy principles?

12

Are they useful? Do they need to be changed?

Are people who run boarding houses following the occupancy principles? If they aren't, why not?

13

Should you be given more information when you move in to a boarding house?

14

You could be given information about how to get support you need or services you can use such as doctors or dentists.

Should people who run boarding houses be given more information about their responsibilities?

15

Moving out



The occupancy principles say that before a resident has to move out, they should be told why and when

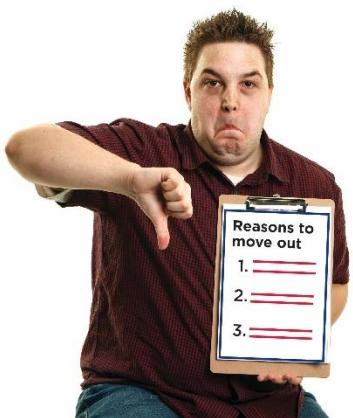


The resident must be told in writing.

The *Standard Occupancy Agreement* explains:



- reasons people who run boarding houses can have for telling a resident to move out



- reasons a resident can give for wanting to move out.

Reasons people who run boarding houses can have for telling a resident to move out include:



- the resident was violent or threatened other people



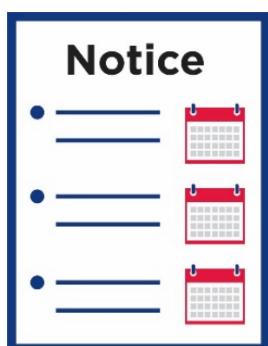
- the property was damaged on purpose



- the resident broke the law or the house rules



- the resident didn't pay their fees.



The *Standard Occupancy Agreement* also explains how much notice the resident should be given for each reason.

Are these ideas about why a resident might move out working? Do they need to be changed?

16

Are the notice periods in the *Standard Occupancy Agreement* fair? If not, why not?

17

Do people who run boarding houses need to give you reasons for why you should move out? Why? Why not?

18

Are the ideas in the *Standard Occupancy Agreement* enough to make you feel secure?

19

Ways to solve problems

Some of the problems that come up between residents and people who run boarding houses include:



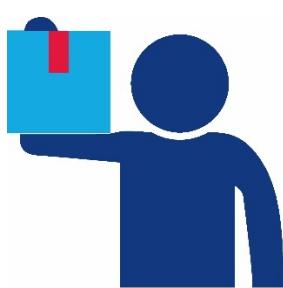
- how clean and well looked after the boarding house should be



- fees and charges



- checking things over and making repairs



- being told to move out



- collecting things you own after you have been told to move out.



If you can't solve the problem yourself, you can go to NCAT.

NCAT is the NSW Civil and Administrative Tribunal.



NCAT is similar to a court where people with accommodation problems can have them solved by a special officer.

What do you know about the ways residents and people who run boarding houses can solve problems?

20

How well are the ways people can solve
problems working?

21

Can you think of other ways people could solve boarding
house problems?

22

Assisted boarding houses



Assisted boarding houses are for people with additional needs.

A person with additional needs is someone with a condition that will last their whole life, such as:



- a health problem related to their age



- mental illness



- disability.

They need support for:



- daily tasks such as:
 - showering or bathing
 - preparing meals
 - taking medicine



- taking care of themselves.



What the Act says about people with additional needs is different to what the NDIS laws say.

Is it clear what it means when we say ‘a person with additional needs’?

23

Should we give more detail? Should we talk about things like:

- how the Disability Support Pension shows that someone has additional needs?
- people who can take part in the NDIS and how that shows that someone might have additional needs?

Should the Act say exactly what the NDIS laws say?

Unauthorised assisted boarding houses



Sometimes general boarding houses take in residents with additional needs without permission.



This is against the law.



They are often residents with mental illness.



It can be hard to work out if they have additional needs based on what it says in the Act.



They might only need support some of the time.



Sometimes we don't find out someone needs support until later on.



The people who run general boarding houses don't always want to become assisted boarding houses.

They would need to make a lot of changes.

Should only assisted boarding houses be allowed take in residents with additional needs? Why? Why not?

24

What standards should general boarding houses meet if they are going to take in residents with additional needs?

25

Applying to become an assisted boarding house



An assisted boarding house can only operate if we have said it can.



To run an assisted boarding house without our approval is against the law.



We take applications to become assisted boarding houses from suitable:

- individual people
- companies and organisations.



When someone applies we make sure they:

- are suitable
- have enough money.



When individual people apply, the Act calls them a 'natural person'.



If we get an application from a person, their name is the only one that can go on the licence.



If they have a business partner, their name won't even go on the licence.



If we approve an application for a company or organisation, only the name of the company or organisation can go on the licence.



The owners of companies can change.



The new owner could keep the same licence. They wouldn't need to apply for a new one.

Is it a good or bad thing to say that only one person can apply to have a licence?

Should companies and organisations be able to get licences?

26

Giving up a licence



The Act says an assisted boarding house can give up its licence.



We cancel the licence 28 days after it is given up.



The residents with additional needs have to find somewhere else to live within those 28 days.

This can be very hard.

Is 28 days enough time for the boarding house to give up its licence and for the residents to find somewhere else to live?

27

Making sure boarding houses follow the law



We have people who make sure boarding houses follow the law.

We call them **enforcement officers**.



Enforcement officers can go into boarding houses to:

- ask questions
- check the boarding house meets our standards.



If you give **consent**, you say it is ok to do something.



Enforcement officers don't need consent.



A person who runs a boarding house must give an enforcement officer any information or documents they ask you for, if the Act says they need to have that information.



If a person who runs a boarding house doesn't give an enforcement officer what they ask for, they are breaking the law.



An enforcement officer must warn the person who runs the boarding house about this.

When a person who runs a boarding house is asked questions by an enforcement officer, should they be warned that:

28

- they have the right not to answer the question
- if they do say something, it will be written down
- if they say something that makes them look bad, it might be used against them?

Service providers



We want service providers to visit boarding houses and talk to residents about their services.



We can give a service provider the right to enter an assisted boarding house without asking for consent from the people who run the boarding house.



The Act uses the words 'authorised service provider' but it means only one person.



That person is the only person from the service who can visit a boarding house.

They need to tell the people who run the boarding house:



- at least 24 hours before they plan to visit
- when they have arrived.



Should the meaning of 'authorised service provider' be changed so it includes any people who work for an organisation that provides services, not just one person?

29

Limit of 30 residents



Many people think residents in large boarding houses aren't as happy, safe and well as people who live in small boarding houses.



There is a limit of 30 residents on assisted boarding houses to help fix this.



It can help residents feel like they are part of a community.

Was putting a limit of 30 residents on assisted boarding houses the right thing to do? Why? Why not?

30



We want to make sure residents each have their own room.



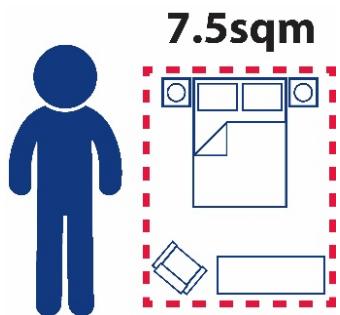
We want to do this so they have a good standard of living.

This matches what it says in the UN Convention.

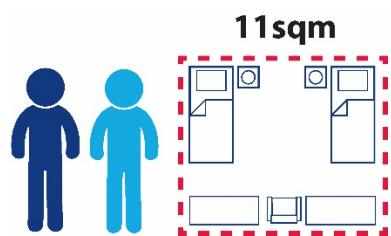


Some residents choose to share their room.

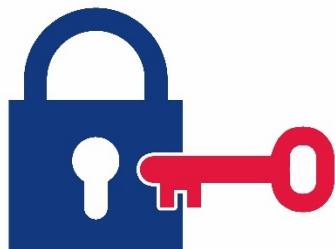
The law talks about how much space rooms need to have:



- a room for 1 person must be at least 7.5 square metres in size



- a room for 2 people must be at least 11 square metres in size



Residents need their privacy so each room must have a lock.

People who run boarding houses need to keep a master key in a safe place.



Assisted boarding houses also need to give residents a private or quiet space where they can have visitors.

Is what the law says about privacy enough?

31

Is a room 11 square metres in size big enough for
2 residents to share?

32

Should there be a minimum size for a private or quiet space?

33

Shared spaces



Boarding houses need to have at least one shared space for residents to use.

The Act doesn't say how big the space must be.



The space can be outside if it is suitable for the weather and climate of the area it is in.

There also needs to be a shared space inside though.

Should the law say how big shared spaces need to be?

If you agree, should the size be based on how many residents there are, for example, 1 square metre per resident, or more?

34

Young residents in assisted boarding houses



↓18

The law says that we must be told if someone under 18 becomes a resident of an assisted boarding house.



At the moment, there are no assisted boarding house residents under 18.

Most assisted boarding house residents are older men with mental illness and disability.

Is the law saying we must be told if a young person becomes a resident of a boarding house good enough?

Why? Why not?

35

The Screening Tool



We have a Screening Tool we use to help us decide if someone can live in an assisted boarding house.

It helps us work out what someone's needs are.

It has been around for a long time and hasn't changed much.



People who run assisted boarding houses need to make sure the Screening Tool has been used to assess possible new residents.

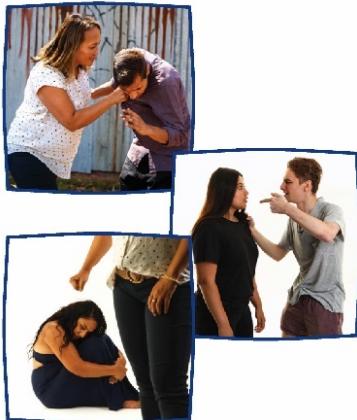
Are the reasons for using the Screening Tool still the right ones?

36

If a resident with high needs can get all the support they need through the NDIS, should they be allowed to live in an assisted boarding house?

Abuse and neglect

Abuse is when someone:



- treats you badly
- does or says things that upset you
- takes away your rights.



Neglect is when someone is supposed to help you, but they don't.



At the moment, the laws about boarding houses don't say what abuse or neglect mean.



We go to the police when we find out a resident has been abused or neglected.

Is the Act good enough in dealing with abuse
and neglect?

37

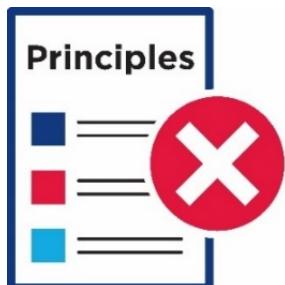
Protecting people's money



People who run boarding houses need to give residents receipts when they pay their fees.



This helps the resident manage their money.



If the people who run a boarding house don't give residents receipts it goes against the occupancy principles.



Boarding House Enforcement Officers don't have the power to make assisted boarding house owners give residents receipts.

Should the law change so that Enforcement Officers can check that people who run assisted boarding houses have given residents receipts when they pay their fees?

Should the law say something that helps keep residents and their money safe?

This includes money they may have to buy services in their NDIS Plan?

Records



People who run boarding houses need to keep good records about their boarding house.



They need to show their records to an enforcement officer if they are asked.



These records don't include:

- occupancy agreements
- NDIS service agreements.

Should enforcement officers be able to see more of the records kept by a boarding house, such as:

- occupancy agreements
- NDIS plans
- NDIS service agreements
- payments made to service providers through NDIS plans?

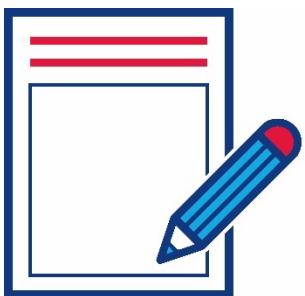
39

Other ideas



We haven't covered everything in this document.

You might have other ideas about the boarding house laws.



You can use the space below to write your ideas.

What happens next?



When we have read all the submissions,
we will write a report.



We will send the report to the
Ministers for:

- Innovation and Better Regulation
- Family and Community Services.

They will think about what the report
says and if they should make changes to
the laws.

Word list



Additional needs

Some people need support because they:

- are older
- have a disability
- have a mental illness.



Assisted boarding house

A boarding house that includes 2 or more residents who have additional needs.



Boarding house

A building that has rooms for rent.



Consent

You say it is ok to do something.



Enforcement officers

People who make sure boarding houses follow the law.



General boarding house

A boarding house that has 5 or more residents.



Occupancy agreement

A written contract people who run boarding houses and residents need to sign.



Occupancy principles

Important ideas talked about in the *Standard Occupancy Agreement*.



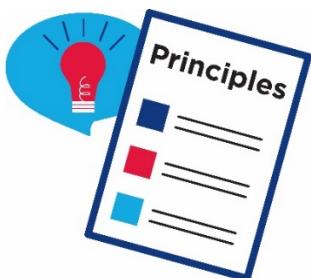
NDIS

National Disability Insurance Scheme



Premises

Places people might live that the Act doesn't cover.



Principles

Important ideas to explain how residents and boarding house managers should work together.



Public register

Where information about boarding houses
is shared with the public online.



Resident

A person who lives in a boarding house.



Submission

When people tell us their thoughts.



This Easy Read document was created by the Information Access Group using stock photography and custom images. The images may not be reused without permission. For any enquiries about the images, please visit www.informationaccessgroup.com.

Please quote job number 3295.