Rooming House Policy

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Position title of responsible business unit Manager:	Manager Community Safety and Compliance
Approved by:	Council

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1. TITLE

Rooming House Policy

2. OBJECTIVE

The objective of this policy is for Council:

- to protect the health of the community, specifically those recognised as being vulnerable to risk from sub-standard rooming house accommodation;
- to apply a coordinated and consistent approach with respect to Council's legislative responsibilities to regulate rooming houses;
- to educate operators to improve compliance with relevant *Acts* and regulations and promote best practice management;
- to prioritise and target activity toward rooming house accommodation that poses a higher risk to public health;
- to apply a risk-based and proportionate approach to assessed risk to determine the appropriate action or enforcement provided in relevant *Acts* and regulations.

3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Council	means Glen Eira City Council
Rooming house	means a building, other than an SDA enrolled dwelling, in which there is one or more rooms available for occupancy on payment of rent (a) in which the total number of people who may occupy those rooms is not less than 4 or (b) in respect of which a declaration under section 19(2) or (3) is in force
Rooming house operator	has the same meaning as the term defined in section 3 of the *Rooming House Operators Act 2016,* namely a natural person or a body corporate that conducts the business of operating a rooming house whether or not the rooming house operator owns the property on which the rooming house is located

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4. POLICY

Registration of rooming houses

4.1 Council applies a single point of contact methodology to the registration of rooming houses. This enables Council to be efficient and effective in coordinating activities when adhering to its responsibilities and obligations under the following, regarding the registration of rooming houses under the:

- *Public Health and Wellbeing Act 2008* and *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020*;
- *Building Act 1993*, *Building Regulations 2018*, and *National Construction Code*;
- *Planning and Environment Protection Act 1987*; and
- the *Glen Eira Planning Scheme*.

Supporting businesses to comply

4.2 Operators' responsibilities

Rooming house operators are responsible for ensuring their accommodation is managed and maintained to standards that protect public health.

To operate an effective and safe rooming house, rooming house operators require a sound

understanding of the regulations, standards and guidelines that apply to rooming houses.

Council's responsibilities

Multiple agencies regulate rooming houses. Council's role is to support rooming house operators to build knowledge around legal compliance and support the implementation of best practice standards. To monitor compliance, Council employs both proactive and reactive activities including inspections, education, and complaint investigations.

Council's risk management approach

In conducting compliance monitoring, Council uses a risk management approach to establish risk to public health. The assessment uses factual understanding and reliable evidence to determine potential harm to health, whether to an individual or a group of people. Council uses this determination to prioritise activity toward rooming houses that pose a higher risk to public health.

Response to non-compliance

4.3 Council takes a risk based and proportionate approach to assessed risk and non-compliance and will consider the attitude, compliance history and actions of the rooming house operator when selecting the most suitable enforcement tool.

Other considerations when determining the most appropriate response to non-compliance will include the public interest, the degree of deterrence, the sufficiency of evidence supporting the offence, consistency of approach and whether the non-compliance can be effectively dealt with in another way.

The enforcement tools available to Council include official warnings, infringement notices, orders, prosecution, the cancellation or suspension of registration, and the refusal to issue, transfer or renew registration.

Council may use enforcement tools to achieve compliance, and continued non-compliance may result in escalating enforcement action. Any sanctions applied will be proportional to the risk and culpability.

Council is the only authority which can deregister a rooming house. This level of enforcement may apply in cases where there is a serious risk to public health.

Closing a rooming house

4.4 A rooming house may close due to a planned closure by the rooming house operator, the sale of the property, an immediate evacuation in response to an emergency event or an imminent evacuation in response to risk to public health.

When Council becomes aware of the closure of a rooming house, the required response will adhere to the Department of Families, Fairness and Housing private rooming house closure protocol. As necessary, Council will contact relevant agencies to support the rooming house operator and residents to arrange new accommodation where required.

5. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

6. ASSOCIATED INTERNAL DOCUMENTS

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- Glen Eira City Council Risk Management Framework and Policy
- Public Transparency Policy
- Prosecution Policy

7. EXTERNAL REFERENCES/RESOURCES

- *Public Health and Wellbeing Act 2008*
- *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Local Government Act 2020*
- Municipal Association of Victoria Public Health and Wellbeing Act 2008 Guidance Manual for Local Government Authorised Officers March 2010
- Department of Families, Fairness and Housing private rooming house closure protocol

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