

BOARDING HOUSES: Long awaited rights for some

Parts of the NSW Government's Boarding Houses Act 2012 began coming into effect in early 2013, with the rest of the Act expected to roll out later in the year.

The Act will introduce the following improvements for lodgers in registerable boarding houses:

- A written agreement must be supplied;
- There will be a standard form agreement;
- House rules will need to be provided to lodgers before they move in;
- Receipts need to be provided to lodgers for all payments of money;
- Security deposits are limited to no more than 2 weeks board;
- Balance of security deposits to be returned to lodgers within 14 days after the agreement ends;
- No penalties are allowed for breaching the agreement;
- Lodgers are entitled to quiet enjoyment of the premises;
- Grounds for termination must be provided;
- Reasonable written notice is required to terminate;
- Utilities only to be charged to lodgers if this is disclosed at the start of the agreement and the charge is a reasonable measure of the lodger's use;
- The premises is to be reasonably clean, in a reasonable state of repair and reasonably secure;
- Four weeks notice for rent increases;
- Lodgers will be able to apply to the Consumer, Trader and Tenancy Tribunal to have their rights enforced, claim their security deposits and claim compensation

The details of registerable boarding houses will also be publically available. These properties will be subject to inspections and fines for infringements in relation to overcrowding, amenities, hygiene and so on. . TAAP services have been waiting for such reforms for over 20 years and look forward to seeing how the Act plays out.

EATS took a particular interest in the development of the Act. Our catchment areas, Waverley, Woollahra and Randwick Council areas contain a number of registered and unregistered boarding houses. The closeness to UNSW, Sydney University and a number of major tourist sites in Sydney means that these areas attract a lot of international students and backpackers. Boarding houses are also one of the only affordable housing options for low-income earners in the area.

We provided a detailed submission to Government and are pleased to see that a number of our suggested changes have been incorporated in the legislation.

The Act has some limitations. There are still tens of thousands of renters who don't have legal tenancy rights. These include people in share housing, and "boarding houses" with four or fewer residents. In the view of EATS and many others, the Boarding Houses Act 2012 represents a significant first step that we hope can be expanded upon.