

Rooming House Policy

2018 Draft revision of 2014 Policy



**MORNINGTON
PENINSULA**
Shire

Table of Contents

- 1 Introduction..... 3
- 2 Purpose..... 3
- 3 Objectives 3
- 4 Owner..... 4
- 5 Scope..... 4
- 6 Definitions 4
- 7 Policy..... 4
- 8 Procedure..... 4
- 9 Roles and Responsibilities..... 5
- 10 Communication 6
- 11 Review 6
- Attachment 1 0
 - Table A: Immediate evacuation of a rooming house in an emergency event: Municipal Emergency Management Plan 2003..... 0
 - Table B: Imminent evacuation of a rooming house owing to issue of (and/or non-compliance with) an Emergency Order 3
 - Table C: Planned closure, Table unrelated to an emergency, such as the sale or change of use of the premises 5

1 Introduction

Council acknowledges that access to safe, secure, affordable and appropriate housing is a basic human right. While Rooming Houses can provide affordable and safe accommodation for singles including vulnerable and disadvantaged people, if not regulated and supported they can be detrimental to an individual's health and well being and to the broader community.

In recent times Rooming House sector regulation has been significantly strengthened in response to the rapid growth of unregistered rooming house operators who often utilise physically and financially exploitative practices. Local Government has a social responsibility to residents and a critical role in compliance enforcement of both Environmental Health, Building and Planning regulations, and there can be significant consequences where these requirements are not met. Previous experience indicated a need for an integrated approach, given the complexity and lack of cohesion across regulatory frameworks, and the vulnerability of residents.

The supply of affordable and secure housing for single people on the Peninsula is inadequate, and support for quality and regulated rooming house sector can assist to address this gap. While the primary responsibility for the provision of social and affordable housing lies with the Federal and State Governments, Council acknowledges that it has an important role in facilitating housing outcomes and developing strategies to address gaps in the housing market.

This policy affirms Council's proactive role by defining an integrated approach to the development of a quality rooming house sector which will ensure that:

- Obligations to achieve compliance with legislated standards are met; and
- Council will work in partnership with the community to facilitate positive housing outcomes for some of its most disadvantaged residents.

2 Purpose

To provide a coordinated policy response and best practice approach to the development of a healthy and regulated rooming house sector and to improve housing justice outcomes on the Mornington Peninsula.

3 Objectives

To provide a whole of Council response to relevant Federal, State and Local Government rooming house legislation and regulation.

To promote a best practice philosophy amongst current and potential rooming house operators and the wider community, in order to extend the provision of safe, affordable housing options on the Mornington Peninsula.

To recognise rooming houses as an essential element of a diversified housing system, and provide leadership in planning and development to meet the needs of changing households.

4 Owner

Council is responsible for this policy and its implementation will be carried out by the Shire teams specified in Section 9.

5 Scope

This policy applies to all stakeholders in the rooming house sector within the Shire.

6 Definitions

Terms	Definitions
Rooming House	Means a building in which there is one or more rooms available for occupancy on payment of rent, in which the total number of people who may occupy those rooms is not less than four or a building that has been declared as a rooming house under Section 19 of the Residential Tenancies Act 1997.
Response Plan	A plan developed in conjunction with a rooming house operator and other stakeholders where closure is required, in order to minimise harmful impacts to residents, the operator and neighbours during the process.

7 Policy

1. Provide a proactive and integrated approach to the rooming house sector through a collaborative response
2. Respond to unregistered properties using the Rooming House Compliance and Enforcement Protocol 2018, and where appropriate, enact a response plan to minimise negative impacts on residents.
3. Support the education of potential and existing rooming house operators about the legislative framework that governs the rooming house sector, and encourage best practice in the sector.
4. Promote the rights and responsibilities of residents in partnership with relevant agencies.
5. Advocate to all stakeholders for continuous improvement in the rooming house sector, and community acceptance of a well managed rooming house sector.
6. Facilitate networking of housing and support agencies to provide integrated support for residents who are vulnerable and at risk.

8 Procedure

A range of documents work to support the delivery of this policy:

- The Consumer Affairs Victoria website that includes:
 - Rooming houses: a guide for residents and operators
 - Rooming house licencing and registration
 - Reporting unregistered rooming houses – a guideline for real estate agents
 - Rooming house register
- **Rooming House Compliance and Enforcement Protocols 2018** outlines procedures to guide officers across a range of regulatory activities.
- **Rooming House Protocols and Procedures Guide** detailing how a whole of Council approach to rooming houses will be achieved across units and between Council and the community service sector.
- **Guidelines for a rooming house closure response plan**
 A rooming house may need to be closed immediately, imminently or in a planned manner such as in the scenarios listed below. Each of those scenarios warrants its own type of response plan and attachment 1 (Tables A, B and C) provides guidance in this matter.
 - a) 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**
 - b) an **imminent evacuation**, because of 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**
 - c) 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**

9 Roles and Responsibilities

The following table sets out the key roles and responsibilities under the policy:

Roles	Responsibilities
Team Leader Environmental Health	Leadership of other Shire teams in providing a first response
Environmental Health Officers	Administering the <i>Public Health and Wellbeing Act 2008</i> and its associated regulations. Administering the <i>Residential Tenancies Act 1997</i> and the <i>Residential Tenancy (Rooming House Standards) Regulations 2012</i>
Planning Services Officers	Administering the Mornington Peninsula Planning Scheme in terms of assessing proposals.
Team Leader Planning Compliance	Administering the Mornington Peninsula Planning Scheme from a compliance perspective
Municipal Building Officer	Administering the Building Act 2006 and its associated regulations.
Team Leader Social Planning and	Contributing to the preparation and implementation of a response plan.

Community Development	Reviewing and updating this policy as required.
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10 Communication

This policy will be displayed on the Shire's website and communicated in the training and management processes of relevant Shire teams.

11 Review

This policy will be reviewed within 6 months of the review of the Council Plan.

Attachment 1

(Source: State Government (2016) Private rooming house closure protocol: Memorandum of Understanding and Model Partnership Protocol and closure of private rooming houses, pp 19 to 24)

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 <i>Emergency Management Act 1986</i> and the <i>Emergency Management Act 2013</i> . 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	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 1. To give Lead Agency details such as: <ul style="list-style-type: none"> • Address • Estimated number of residents • Date and time of evacuation

Action	Primary responsibility	Support agencies	Timing	Purpose
				<ul style="list-style-type: none"> Contact details of person responsible for the evacuation Assessment of safety concerns 2. 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	<ol style="list-style-type: none"> Identify a base for workers Disseminate a contact list of workers Roster community coordination teams 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 Allocate task of determining availability of funding as necessary. 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	All Organisations Involved	As soon as practicable after an emergency	<ol style="list-style-type: none"> Assess the adequacy of the Municipal Emergency Management Plan and to recommend any changes

Action	Primary responsibility	Support agencies	Timing	Purpose
	(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.			
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	<ol style="list-style-type: none"> To give Lead agency details such as: <ul style="list-style-type: none"> Address Estimated number of residents Date and time of evacuation Contact details of person responsible for the evacuation Assessment of safety concerns 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	<ol style="list-style-type: none"> Identify a base for workers Disseminate a contact list of workers Roster community coordination teams 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 Allocate task of determining availability of funding as necessary.
STEP 4: Provide notices of evacuation to residents/owners/lessees. Provide as much documented information	Municipal Building Surveyor	Primary organisations	At earliest convenience	Apart from meeting legal requirements formal documentation can assist in adding authority to any evacuation processes

to primary organisations as possible.				
STEP 5. Evacuation	Council and Lead Agency	Primary organisations and secondary organisations (if required)		<ol style="list-style-type: none"> 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		<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> To give early warning to key agencies 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	<ol style="list-style-type: none"> To ensure primary and secondary organisations (and Council) are informed about potential closures and that steps are taken to help support the residents 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		<ol style="list-style-type: none"> Determine key stakeholders; residents, vendor, lessee, purchaser etc Explore the possibility of retention as a rooming house and possible purchase by Department of Health and Human Services. Plan to meet with key stakeholders to gather information on their position re future of building. Use a range of communication styles to ensure all residents are informed of the situation. 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 STEP 5. (If building is retained as rooming house) - Support residents and purchaser through transition period	Lead Agency Primary and secondary organisations	Primary and secondary organisations Council	Once property is sold with a vacant possession order or it is confirmed property must be vacated Once decision is made to retain property as a rooming house	<ol style="list-style-type: none"> To ensure residents are supported and informed in a timely manner To ensure good communication between organisations in the event of a rooming house closure <ol style="list-style-type: none"> To reduce the impact of the sale of the property on the residents

