

## Information for operators of boarding houses who may house “people with additional needs”

### Boarding Houses Act 2012

The *Boarding Houses Act 2012* provides a new framework for the regulation of boarding houses in NSW. This includes:

- central registration with NSW Fair Trading of “general boarding houses” and “assisted boarding houses” (called Assisted Boarding Houses in this fact-sheet)
- an initial compliance inspection by the local council
- the introduction of occupancy rights for residents administered by the Consumer Tenancy Trader Tribunal
- enhanced standards for “assisted boarding houses” authorised and monitored by Ageing, Disability and Home Care (ADHC), Department of Family and Community Services.

Boarding house operators can get information about whether their property is covered by the Act and needs to be registered by calling NSW Fair Trading on 13 32 20, or going to <http://www.fairtrading.nsw.gov.au> > Tenants & Home Owners > Boarding Houses.

### People with additional needs

General boarding house operators also need to be aware of the definition of an “Assisted Boarding House”. Someone may be operating an Assisted Boarding House if they provide boarding accommodation for two or more “persons with additional needs” as set out in the *Boarding House Act 2012*. Assisted Boarding Houses need to be authorised to operate by the NSW Government. Premises that are exempt from the Act, and don’t need to be authorised, including pubs/hotels, government-owned or funded group homes for people with disabilities, hospitals, nursing homes, retirement villages, and accommodation operated by schools or universities.

A “person with additional needs” is defined as a person:

- with a permanent disability, mental illness or aged related frailty, and
- who requires support with their daily care and living tasks, such as showering, taking medication or cooking meals.

It is important to understand that many people with a disability (including a psychiatric disability or mental illness) can and do live independently in the community and would not be assessed as having “additional needs,” even when they receive some community support services. Also, the fact that a resident receives the Disability Support Pension (DSP) from Centrelink does not necessarily mean that they are a “person with additional needs”.

If a boarding house manager or owner believes there are two or more residents with additional needs living in the premises, they should seek advice from ADHC.

### General boarding houses with residents with additional needs

If ADHC thinks there are two or more people with additional needs living in boarding premises, ADHC officers will make an assessment of the residents’ needs and determine whether the

boarding house needs to be authorised as an Assisted Boarding House. This may include ADHC making a visit to the property, talking to the residents about their accommodation and support needs, and talking to managers and owners.

There are a number of actions that ADHC can take after these initial inquiries:

- no action – if ADHC finds that the residents do not need additional support or that the premises are exempt from the Act (for example a group home), no further action may be necessary
- further assessment – where resident support needs are not clear, ADHC may arrange resident support needs assessments
- resident support – ADHC may refer people to appropriate case management services to support residents to sustain their existing accommodation arrangements – a decision still needs to be made on whether the boarding house is required to seek authorisation
- authorisation – ADHC will provide advice to operators on the requirements for authorisation as an Assisted Boarding House to provide accommodation and services to people with additional needs
- legal action – as a last resort, if sufficient evidence exists that the proprietor or manager knowingly continues to operate an Assisted Boarding House without authorisation, and against ADHC's advice, ADHC may take legal action including financial penalties and/or prosecution.

## Key Messages

The NSW Government is committed to supporting and improving the wellbeing of people with additional needs living in boarding houses in NSW and will support residents to make informed choices about their service and accommodation options.

The NSW Government is also committed to preventing and reducing homelessness and is concerned that residents of boarding houses are placed at risk of homelessness.

Owners and managers of boarding houses who are concerned that they may be housing people with additional needs, but are not authorised to do so, should seek advice from ADHC before taking any action with regard to the tenancy of existing residents.

Owners and managers of boarding houses are encouraged to contact their local Housing NSW office or community housing provider if they believe that residents may be made homeless due to a closure or change of use of the boarding house.

## Further Information

If you would like further information about boarding houses please contact ADHC's Assisted Boarding House Team on 02 9377 6000 or email [boarding.houses@fac.s.nsw.gov.au](mailto:boarding.houses@fac.s.nsw.gov.au).

Information on housing assistance can be found through Housing Pathways providers which includes Housing NSW offices and participating community housing providers at <http://www.housingpathways.nsw.gov.au/Ways+we+can+Help>.

After hours information can be obtained from the Housing Contact Centre on 1300 HOUSING (1300 468 746) or the After Hours Temporary Accommodation Line on 1800 152 152.