



Final Report

The experience of marginal rental housing in Australia

authored by

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ACRONYMS

ADHC	NSW Ageing Disability and Home Care
AHURI	Australian Housing and Urban Research Institute
ABS	Australian Bureau of Statistics
DSP	Disability Support Pension
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
IB	Inner Brisbane (Queensland case study)
IDC	NSW Interdepartmental Committee on the Reform of Shared Private Residential Service
IWS	Inner Western Sydney (NSW case study)
LGA	Local Government Area
LRC	Licensed Residential Centre
NC	NSW North Coast (NSW case study)
NGO	Non-Government Organisation
NPD	Non-private dwelling (ABS)
NSW	New South Wales
OWS	Outer Western Sydney (NSW case study)
PAVS	NSW Parks and Villages Service
PRS	Private Residential Service
QC	Queensland coast (Queensland case study)
RSAA	Residential Services (Accommodation) Act 2002 (Qld)
SC	NSW South Coast (NSW case study)
SRF	Supported Residential Facility
TAFE	Technical and Further Education
TU	Tenants' Union
VC	Victorian coast (Victorian case study)
YACS	Youth and Community Services

EXECUTIVE SUMMARY

This is the Final Report of a research project on contemporary marginal rental housing in Australia. The study aimed to: understand the defining characteristics of marginal rental housing and create a marginal rental housing typology; understand the experiences of residents, service providers and managers; and draw out the findings and implications for policy-makers.

An earlier Positioning Paper (Goodman et al. 2012) reviewed the recent literature and research on marginal rental housing and marginal renters in Australia and internationally. This Final Report presents the findings of qualitative research undertaken through focus groups and interviews with marginal renters in case study sites and associated housing, health, legal and advocacy service providers, operators and government staff which informed the resulting typology and our policy recommendations.

The major forms of marginal rental housing covered by current legislation and regulation are:

- Renting a room in a rooming or boarding house (with or without meals, as a boarder, lodger or occupant).
- Renting a room in a hotel or motel (as a permanent or semi-permanent resident).
- Renting a caravan or manufactured home in a caravan/residential park where the dwelling is rented.
- Renting a site within a caravan/residential park on which to locate an owned caravan or manufactured home.

As most state and territory legislation and regulation in Australia applies to properties with three or more renters who are unrelated and renting from the landlord individually, private sub-rental arrangements between landlords and fewer than three boarders, joint or shared housing, homestays and houseboat occupants were generally not addressed by this study.

Research questions

The project addressed the following key questions.

- What differences and commonalities exist in marginal rental housing and planning regulations, legislation and policies across the Australian states and territories?
- What best-practice models exist internationally?
- What is the spatial spread of marginal rental housing across Australia, in its component forms and functions?
- What are the demographic and housing characteristics of marginal renters across Australia?
- What recent trends have affected the types of marginal rental housing?
- What are the daily experiences, circumstances, challenges and opportunities of residents in these forms of accommodation?
- What are the implications of existing trends and regulatory developments for housing policies?

Method

The project had four stages. Stage 1 informed a Positioning Paper on marginal rental housing through a review of local and international research and relevant Australian state and federal legislation, regulations and policies (see Goodman et al. 2012). A summary of

current Australian state and territory legislation applicable to this form of housing is included in Appendix 1.

Stage 2 was a quantitative study and drew on Australian Bureau of Statistics (ABS) census data for 2011 and 2006 to inform spatial maps of two main types of marginal rental housing: boarding or rooming houses; and caravan/residential parks. This data assisted in our selection of case study areas along with advice from service agencies and tenant' advocacy groups.

Stage 3 entailed a roundtable focus group with policy-makers and service providers to identify potential case study sites in Victoria, NSW and Queensland. The selected case study sites covered all main types and major geographic differences in marginal rental housing, as well as identifying major trends and developments. A set of semi-structured questions was developed and submitted with the application for ethics approval which was granted through RMIT University prior to the commencement of any interviews. Formal in-depth interviews were conducted with 51 marginal renters, 24 service providers and 11 operators, totalling 86 interviewees. In addition, 14 short informal telephone or face-to-face interviews were conducted with staff from real estate agencies, councils, community housing service providers, state government agencies and operators of marginal rental housing.

Stage 4 consisted of a workshop with expert housing researchers to make sense of the research findings in an appropriate conceptualisation and categorisation of marginal rental housing within a typology useful to policy-makers.

Key findings

What distinguishes residence in marginal rental housing from tenancies in social housing and private rental? This study found that marginal rental housing is most usefully conceptualised as highly managed or controlled housing, with fewer occupancy rights and some degree of shared facilities and spaces. The common characteristic across all types of marginal rental housing is the level of managerial control over conditions and daily activities of marginal renters compared with other forms of private rental or social housing tenancy. The high level of control held by managers results in higher levels of insecurity and a sense of disempowerment for residents in marginal rental housing. The study found that the adequacy and appropriateness of management was a key indicator of the level of overall satisfaction of renters. This key finding distinguishes this research from other studies.

The marginal rental housing typology, presented in Table 3 (see pp.98–101), details the chief characteristics of the range of marginal rental housing types including the resident characteristics, management practices and ownership and business models.

Types of boarding or rooming housing:

- Traditional: large buildings in cities, often in poor condition with well-established, on-site management employed by landlord, and clear house rules.
- Mini houses: suburban houses or urban apartments divided into independently let rooms and shared facilities with off-site management directly by landlord and informal or individual rules.
- Hotel or motel in rural or urban area either shared or en-suite facilities.
- Traditional for high support needs.
- Traditional private student house.
- Community housing for special needs—'marginal rental housing' due to high level of management compared with rental in private market or social housing.

- Various emerging models, such as 'New generation' (NSW) which are regulated 'mega' boarding houses or new student accommodation models.

The typology identifies three distinct types of residents in residential parks:

- Owner-renters, who own a relocatable dwelling but rent the land on which it is sited in the park.
- Renter-renters who rent their dwelling and site as a package directly from management or sublet it from an absent owner.
- Retirees who in a gentrified sub-sector of more expensive residential park communities.

The study confirmed the findings of previous research that a proportion of marginal rental housing was of poor quality, insecure and unsafe, had inadequate utilities and facilities and often were barely affordable, amounting to low value-for-money. Conversely, a small proportion of residents experienced well-run accommodation where they were comfortable with the amenity.

In short, the study identified remarkable deficits and variation both within and between the main types of marginal rental housing explored in terms of:

- Daily experiences of marginal renters, especially in terms of management.
- Standards and quality of buildings and facilities.
- Cost and affordability of accommodation.
- Security of tenure.
- Safety of residents.

The researchers concur with key advocacy groups, such as the tenants' unions of NSW and Victoria, that marginal rental housing is best understood in terms of the accommodation and associated services offered rather than in relation to the demographic profiles of the residents. Nevertheless, it is important for policy-makers to understand the demographic and characteristics which inform housing need, for example, whether residents are in receipt of Commonwealth Rent Assistance, have high support needs, constitute family households or are socially isolated, marginalised or unemployed.

The study found that many occupants of boarding or rooming houses have high support needs due to psychiatric and/or physical illness, disability and unemployment. There are very few programs addressing these needs but outreach programs such as those typically run by neighbourhood houses or the community housing sector can be effective. Outreach workers try to relocate such occupants, especially those in poor-quality marginal housing, to social housing or private rental, as more appropriate accommodation. Even fewer outreach services are provided to residential parks for residents such as renters in caravans or owner-renters in manufactured home villages, who are often elderly pensioners.

Developments and trends include:

- A decline in traditional large old urban boarding houses.
- An increase in the use of ordinary suburban houses as mini-boarding houses, which are often difficult to detect and have led to recent reforms including mandatory registration in Victoria and NSW.
- The growth of manufactured home villages to cater for retirees able to purchase an on-site dwelling, who pay fees for the site and associated services and are vulnerable if faced with eviction or park closure.
- The 'gentrification' of some boarding houses and residential parks, with middle-income retirees, fly-in fly-out workers and students competing with low-income residents.

- Threats of closure to caravan/residential parks due to gentrification or change of land use offering greater profits for land owners.

Like previous studies (notably Chamberlain 2012a, 2012b) this study found that ABS statistics in this area may be unreliable due to problems associated with the difficulty of identification of premises; limitations with definitions; and reliance on self-reporting by operators. Some governments are proceeding with mandatory registration of boarding houses and caravan/residential parks but achievements to date are not significant. Some councils that started registers years ago do not consider their data comprehensive and a number of boarding houses remain 'under the radar'. Few occupants will report non-compliant operators and the majority of complaints are reported by housing, health, legal and advocacy service providers.

Marginal rental housing has not developed in a vacuum. The drivers in terms of supply and demand are directly related to levels of unemployment and retirement and the shortage of affordable private rental housing. These factors put considerable pressure on the market and provide landlords with a high degree of selectivity, discrimination and power over their tenants. The number of single and family households residing in marginal housing has increased significantly in recent years. A shortage of social housing and a tight private rental market has forced many low-income households or those with poor records in rental housing to rely on marginal rental housing.

Policy implications and proposals

The implications for policy include:

- The need to recognise that conditions within marginal rental housing and the practical choices for marginal renters are contingent on the affordability and accessibility of other forms of housing, especially private rental and social housing.
- The need for comprehensive, even nationally uniform, legislative and regulatory reform, including compulsory registration based on classifications according to the services provided.
- The need to enforce regulation at a local level by properly resourced staff.
- The licensing and training of managers/operators of marginal rental housing is desirable.
- The need for outreach services supporting the case-management of renters at risk and those with special needs.
- The need for support for models in the sector that offer greater security of tenure, minimal standards for buildings, facilities and other services, and enhanced autonomy of occupants, especially through processes that enhance governance.

Contextual understanding of marginal rental housing

The shortage of affordable private rental properties and social/public housing has exacerbated the quality and quantity of various forms of marginal rental housing in areas of high demand particularly in the inner and middle suburbs of Sydney and Melbourne. This has further limited the options available to many marginal renters.

Housing policy-makers at all levels of government need to integrate plans for improving data and data collection for all forms of marginal rental housing while acknowledging that causes and solutions lie outside the sector, in improving access and affordability of private rental accommodation and the availability of social housing.

Without real choices within and without the sector, closure of any marginal rental establishment risks homelessness for the marginal renters. This circumstance has constrained the enforcement of existing legislation and regulation.

Comprehensive legislative, regulatory reform and enforcement

Legislation and regulations must be comprehensive and cover all components of marginal rental housing, namely:

- Rights and responsibilities of occupants and operators.
- Minimum standards for buildings and open space.
- Reasonable levels of privacy and amenity.
- Adequate services and shared facilities.

Consideration should be given to the creation of national minimum standards for any type of marginal rental housing in Australia in the context of setting a broader policy of secure occupancy in all types of rental housing. We recommend generalising occupancy rights to all boarders however small the establishment, even for single boarders or lodgers in private houses. For decades the different kinds of marginal rental housing have not been comprehensively or effectively regulated and enforced, with serious risks to residents' health and well-being. Greater regulation and enforcement of minimum standards is essential, regardless of difficulties.

Improved formalisation of occupancy agreements for all types of marginal rental housing is recommended. One option is to regulate for an expanded role for real estate agents to arrange occupancy agreements for prospective residents of boarding houses and residential parks as is common practice with mainstream private rental housing. This option assumes that real estate agents develop their knowledge of, and expected standards in, the boarding house and residential park sectors. Another option is for the organisations of operators in each sector that exist in many states and territories to introduce templates and standard procedures around agreements and house rules and for advocacy groups and government to promote these practices amongst marginal renters.

Regulatory enforcement of all health and safety matters and expanded coverage for prevention and readiness for fire and flood is necessary. Emergency services and state and territory governments can develop templates for standard emergency response plans, including flood and fire drills that can be tailored to each residential park or boarding house by their operators following the example of Flood Victoria's *Caravan Parks Flood Emergency Management Plan* (Bewsher Consulting 2008).

Local government seems the most appropriate and effective body to ensure that legislation, regulations and reforms are complied with. Enforcement requires a resource commitment to disseminate requirements on state and council websites, monitor developments, negotiate with operators to commit to plans to make non-complying properties and services compliant within a feasible time-frame, check improvements and take legal action against unscrupulous landlords when necessary. Sourcing funding for employing council staff to fulfil these roles needs to be taken up by federal and/or state and territory housing policy-makers. Formalising and resourcing councils in these areas offers an immediate strategy for exposing abuses and raising standards to conform with current legislation and regulation.

Councils have significant roles in determining the applications of park and boarding/rooming house developments and should consider carefully the implications of allowing residential housing in areas of low amenity, perhaps isolated and away from appropriate services or at risk of inundation or other threat.

Standards of management and governance

Operators of marginal rental housing and marginal renters would benefit substantially from professionalisation and development of a national accreditation scheme. Mandatory licensing and minimum qualifications in terms of a specific marginal rental housing

operators' qualification would be highly beneficial. Licensing might follow models set, for example, in the retirement villages sector. A mandatory certificated qualification for generic training across the sector delivered through TAFE units would focus on personal skills in dealing with residents, enhancing collective governance with respect to rule formation and familiarity with, respect for and contact with, social outreach workers offering housing, legal, health and advocacy services.

Many problems associated with the highly managed nature of marginal rental housing can be addressed through improving governance by residents, such as residents' committees with legal rights to represent residents' interests. These committees would negotiate with management as cooperative partners in the creation and modification of rules, and have input into rental increases and developments related to facilities. Introducing frameworks, processes and opportunities for more cooperative governance is central to achieving financial efficiencies in management and enhancing residents' rights and sense of ontological security.

Interest in cooperatively owned and governed parks has resulted in Australian studies that show that they are feasible, but financial barriers have delayed any advance in this area. Policy-makers can scope ways such as public-private partnerships, direct investment and guarantor mechanisms that would support such developments. This model provides a direct route for transforming marginal rental housing towards home ownership while retaining the collective community-based characteristics attractive to residents.

Registration and statistics

Compulsory registration of all types of marginal rental housing is necessary to facilitate both the collection of reliable statistics and the enforcement of relevant legislation and regulations. Housing agencies and housing workers need mechanisms for reporting establishments and operators that are non-compliant. One proposal is to make it an eligibility condition of Commonwealth Rent Assistance that it can only be paid for registered accommodation but this could disadvantage people in informal renting arrangements in share or private houses and drive up these rents. Students in particular would be placed in a position of being unable to claim the rent subsidy where their private house is not registered. The wider use of Centrelink to collect data is another possible intervention, by adding a question such as, 'Do you live in a boarding house, hotel, motel, residential park (in a caravan or manufactured home village) or houseboat?' to all social security applications.

Definitions and methods of collection limit the scope and relevance of ABS statistics. A review of definitions of marginal rental housing and collection methods would enhance a more complete statistical exercise, enhanced by other strategies proposed here, such as possibilities for triangulation of data collection through the Census by drawing information from councils and other government agencies and service providers.

Outreach services and case-managed service provision

Many occupants of marginal rental housing, particularly boarding houses, have high support needs due to psychiatric and/or physical illness, disability and unemployment, which require support through outreach programs. Some targeted programs exist and have proved very successful. Marginal rental housing operators who see their establishment as 'nested' within, easily accessible to, and welcoming of the local delivery of services for residents in need would find this approach efficient and effective. Caseworkers can monitor for non-complying practices, inform statistical collectors and work closely with local government and other services.

Identifying and encouraging better-practice models

Community housing organisations, in particular, are developing practical and attractive social housing on boarding/rooming house models that maximise resident governance and

relative autonomy of residents. Some have been developed for low-income independent residents and others provide well-supported assisted living quarters for people with high support needs, which range from co-located share/d (joint) houses to multi-unit dwellings.

This housing comes with tenancy rights similar to other forms of social housing and rights to expect and demand well-maintained accommodation of a certain standard. Where the business model is effective and the rents charged are affordable for low-income residents, this type of housing offers the private sector a model to follow. However, much of this kind of community housing has developed with philanthropic and/or government funding. This trend is of particular interest because governments can conditionally grant or invest funds into such developments and policy-makers can scope partnership models for the future.

Research gaps

Marginal rental housing is under-researched. Improving the depth and breadth of knowledge of the sector would be of great benefit to policy-makers. Significant topics include: investigating cooperative housing models for residential parks and boarding accommodation; analysing existing social housing successfully offering affordable shared housing with reasonable level of collective governance; reviewing whether or not families with children should be protected from living in boarding/rooming houses, hotels and motels in Australia today and how best to apply such a measure; boarding accommodation for students, especially international students, and park accommodation for students at regional universities; the Australian manufactured home industry, in terms of quality and quantity of output; the environmental sustainability and affordability of park dwellings; shared equity arrangements for park dwellings; gentrification of park villages associated with the growth in demand from retirees.

Conclusions

In terms of legislation, regulations and their enforcement, a holistic strategy has been suggested. If the recommendations proposed were followed, the concept of 'marginal rental housing' developed in this study for current policy-making purposes might well become obsolete or require radical revision. The recommendations outlined aim to bring mainstream 'marginal' rental housing establishments into legislative and regulatory frameworks that ensure 'marginal' renters have a comparable level of rights, security of tenure and standards of accommodation across the private rental and social housing sectors. If they succeed, such housing would no longer be 'marginal'.

The ultimate effect of successful reforms would be to abolish the sector, without eliminating appropriately and well-managed multi-occupancy and shared facility housing altogether. Attractive and socially useful aspects of marginal rental housing include the focus on living together in a supportive community, sharing living spaces and facilities. Some marginal housing models demonstrate effective governance and sharing practices. The number of retirees who are buying into manufactured home villages and students finding such accommodation appropriate for a range of financial, social and functional reasons are examples of a where such accommodation, which has a long history in all cultures, may be adequately meeting specific needs.

1 INTRODUCTION

This is the Final Report of AHURI research project *Marginal rental housing and marginal renters: a typology for policy*, commissioned in 2011. An earlier Positioning Paper (Goodman et al. 2012), provides a review of the relevant literature and background to this report and should be read in conjunction with this report. The primary aim of the project was to identify the drivers, characteristics and demand for marginal rental housing in Australia, and to create a typology of marginal rental housing to inform policy development and practice. The project included a review of current research, policy, regulation and practice, and used qualitative research methods to collect and analyse experiential accounts of marginal renters, service providers and key personnel in government and other agencies involved with its provision. Data from the 2011 and 2006 ABS Census on Population and Housing informed the selection of case study sites, along with advice from housing providers and tenant advocacy organisations.

Caravans, manufactured homes and boarding or rooming houses have long been perceived as sub-standard forms of permanent rental accommodation. However, the lack of affordable private rental housing and social housing, exacerbated by the impacts of the current global financial crisis, and the housing shortage in the larger Australian cities has resulted in an increased demand for marginal housing forms. At the same time the gentrification of many of the locations of marginal rental housing—inner and middle suburbs and coastal caravan park locations—has introduced greater complexity for policy-makers, researchers and policy analysts. The quandary for policy-makers is clear: while far from ideal, marginal housing for low-income groups fills a need for households who might otherwise be homeless. Attempts to reduce the supply of marginal housing in the current economic climate even were that possible, would therefore likely exacerbate levels of homelessness and create further strain both on social housing and on affordable housing in the private rental market.

The defining characteristic of marginal rental housing typically is the extent to which it can be described as shared-facility accommodation, in which the residents experience less control over the circumstances of their daily living, and management has greater control over tenants' privacy and amenity. The current study has therefore emphasised the highly managed nature of shared-facility accommodation for marginal renters in Australia as a defining feature. The study contends that operators of shared-facility accommodation have a much greater role and presence in determining the living conditions of marginal renters than is the case for renters in the mainstream private market or those in social housing. Marginal renters thus experience less control over the conditions of their daily living than do renters in the social or mainstream private rental market or in home ownership.

Marginal rental housing typically refers to a rented room in a boarding or rooming house, hotel or motel (see Chapter 3), or a rented or owned dwelling on a rented site in a caravan/residential park or residential village (see Chapters 4 and 5). In this report the terms 'boarding' and 'rooming' houses are used interchangeably as the different state jurisdictions use different terms. These distinctive major types of marginal rental housing have developed in different ways. The evolution and form of marginal rental housing in Australia, relevant business models and their consequences for residents are discussed in Chapters 3–5. A set of recommendations for actions by policy-makers and legislators is included in Chapter 6, with federal and state legislative and regulatory mechanisms governing the provision of marginal rental housing summarised in Appendix 1. The methods and stages of the study are outlined in Chapter 2.

The quandary for policy-makers is clear: whilst far from ideal, marginal housing for low-income groups fills a need for households who might otherwise be homeless. Any attempt to reduce the supply of marginal housing in the current context is likely to exacerbate levels of homelessness and, given the shortage of social housing, create further strain on the

affordable private rental market. This report attempts to identify and clarify current demand and developments in this area of housing, and presents and a set of recommendations for actions by policy-makers and legislators in the final concluding chapter.

2 CONCEPT AND METHODS

This chapter outlines the underlying conception of marginal rental housing which developed in part as an outcome of extensive interviews with: marginal renters; operators of marginal rental housing; housing, health, legal and advocacy service providers; and government officials. We present the methods used in this research project and its development in four stages, along with challenges that forced changes to the structure of this project. These included deficiencies that we identified in formal data collection relating to statistics on the distinct types of marginal rental housing, which limited the contribution of statistical information to the decision over the sites chosen as case studies. We therefore revised plans to present a chapter dedicated to quantitative analysis, and instead some statistical findings are included as spatial maps in this chapter, to assist in introducing the topic in a national context.

2.1 The concept of marginal rental housing

The key defining characteristic of marginal rental housing generally has been regarded as 'shared-facility accommodation'. However this project has identified that a critical linked characteristic is its highly managed and controlled nature. This shift in emphasis has particular policy implications in that it points to the differences between marginal and mainstream renters and therefore suggests those practices which need to be altered or constrained.

2.1.1 Management control

The extent of management control and intrusion into peoples' lives has significant bearing on perceptions of freedoms and overall wellbeing and satisfaction for people living in marginal rental accommodation. Owners or managers have a much greater role and presence in determining the living conditions of marginal renters than is the case for tenancies in mainstream private rental or social housing. Indeed, the ACT *Residential Tenancies Act 1997* Section 6E distinguishes boarders and lodgers from tenants specifically on the basis of the different levels of control exercised by the landlord:

If the owner maintains control, then the person is more likely to be an occupant. If the owner gives up control of the premises, then the person is more likely to be a tenant. (Tenants' Union ACT 2010, p.2)

This distinction, decided on a case-by-case basis by the ACT Civil and Administrative Tribunal, confirms our characterisation of marginal rental housing as distinctively highly managed housing as compared with other forms of housing tenancies.

The principle of extent of control is demonstrated by certain practices undertaken by the owner of marginal rental properties or their representative, for example: living in and working out of the property; directly or indirectly providing services, such as cleaning and/or meals; deciding the rules that all residents must follow; offering and maintaining shared spaces and facilities; and controlling the master external door key (and changes to it) for unannounced and ready access or for barring access (Tenants' Union ACT 2010).

These practices make 'home' life for marginal renters distinct from tenants in private rental who are protected from their landlord's presence and influence on their everyday lives. This characteristic is as strong in caravan/residential parks as in boarding or rooming houses, hotels and motels. It makes the level, quality and style of management in each establishment a key factor in determining the residents' experiences of their living circumstances.

2.1.2 *Shared-facility accommodation*

Marginal rental housing is commonly defined in terms of the existence of shared facilities. This is a reasonable descriptor for marginal rental housing and distinguishes it from home ownership, private rental and social housing tenancies.

A boarder or lodger in a boarding/rooming house typically has the privacy of a bedroom but will likely share the bathroom, kitchen and recreational facilities with other residents. Some rooms will have an en-suite and/or kitchenette and offer a greater level of personal privacy; other rooms may be shared either by a couple or two single people who may be strangers but share for reasons of economy.

Renting a site or dwelling in a caravan/residential park provides more private space for occupants but can also involve sharing bathroom and laundry facilities which would normally be private in regular rented accommodation, in addition to recreational facilities and community areas.

Permanent occupants of hotels or motels generally will have fewer facilities and reduced amenity relative to those in caravan/residential parks, but increased personal privacy relative to occupants in shared boarding/rooming environments. Rooms may be more cramped, especially when rented out by a family, and may have better base-line facilities such as a TV and bar fridge but occupants sacrifice in most cases any opportunity for interaction with other residents through the absence of shared communal spaces.

Where the primary characteristic of marginal rental housing is perceived as shared-facility accommodation, policy-making for improvements in the situation of occupants can focus on making the accommodation more self-contained. This is the implicit assumption in the NSW government's policy incentives for 'new generation' smaller and less easily identified boarding houses. Two problems arise with this kind of policy reform: expense for operators and therefore ultimately residents; and the removal of opportunity for communal living, which our study identified as a key benefit for all types of marginal renters. However, if such policies lead to an increase in affordable self-contained accommodation with improved amenity, they will contribute to the diversity of low-cost housing options available.

A further conceptual problem with defining marginal rental housing simply as shared-facility housing is the growth of models of home ownership and private rental housing, such as master planned estates and apartment blocks, whose residents share a range of purpose-built recreational and community facilities managed by their owners corporations.

What makes sharing amongst those living in marginal rental housing distinctive from other housing forms is that unrelated people, often strangers, are brought together under one roof or in one space through a relationship with a manager who decides the rules for their joint use of spaces and facilities. In this way management has authority over:

- Defining what is private space and how it is used, for example with respect to pets, visitors and modifications permitted.
- Designing spaces, facilities and aspects of residents' relationships, thereby greatly influencing social dynamics and the community culture within the collective home.
- Common rules influencing the nature of sharing. These rules, which are set and subject to change by management without resident consultation (as would be the case with owners' corporations), impinge in a variety of ways on daily activities.

Once the key role of management in defining the experience of residents and the scope of their daily activities within their accommodation is appreciated, it is clear that this is the key characteristic of marginal rental housing. Power rests with management in determining not only the standard of facilities and amenity but also the dynamics of sharing. Recent NSW policy reforms have therefore centred on redressing the power imbalance between

management and residents, inclusive of management styles and decision-making processes, through a focus on the governance of sharing (see, e.g. *Improving the Governance of Residential Parks*, NSW Fair Trading 2011).

Ideally such reforms will expand the opportunities for and benefits flowing from communal living while addressing processes for limiting the disadvantages and challenges that can arise when facilities and spaces are shared by people who are economically and/or socially vulnerable. Ideally such reforms will lead to residents in marginal housing having a voice in decisions that impact directly on their living circumstance and wellbeing, and the opportunity to become active members in a defined and active community.

2.2 Method

The research team employed qualitative and quantitative methods to collect and analyse data in four stages.

2.2.1 Stage 1: Literature review and Positioning Paper

Stage 1 provided a review of secondary analyses and primary legislation, regulations and policies at all levels of government across Australia. The findings were presented in a Positioning Paper, which should be read in conjunction with this report (see Goodman et al. 2012). Legislative and policy changes which occurred since the publication of the Positioning Paper are incorporated in the summary of state and territory legislation in Appendix 1.

2.2.2 Stage 2: Quantitative data collection and mapping

Stage 2 used the ABS Census Table Builder Pro facility to extract data from the ABS Census of Population and Housing for 2006 and 2011. These data informed the initial spatial mapping of two key forms of marginal rental housing of interest to the study, boarding/rooming houses and caravan/residential parks, tracking their extent and development over this period. However, a number of limitations with the datasets were identified. The ABS has struggled with enumeration strategies for marginal renters partly because the distinct types of accommodation fall under so many different regulations, business activity names and monitoring standards, and partly due to difficulties with identifying housing occupancies that would constitute marginal rental housing.

While the ABS acknowledges that people without secure housing tenure are 'marginally housed' or 'homeless' (see ABS 2012a, pp.7, 12–13; 2011. pp.76–98), it does not include this criterion amongst the eligibility characteristics for identifying people who are marginally housed in 'caravan parks', for example, which include caravans, cabins and houseboats and cater for people who would not otherwise be classified as marginal renters (e.g. retirees, fly-in-fly-out workers, lifestyle choice etc). The ABS excludes owner-renters as marginally housed, which means that ABS data excludes the inhabitants of many very modest owner-occupied dwellings in caravan parks with substandard facilities. Additionally, the ABS has been criticised for using residential park operators as census collectors, due to their requirement for the number of permanent residents to accord with council registrations and entitlements, which might lead to an underreporting by managers of marginal renters (Connor & Ferns 2002, p.11). (Depending on the state or territory concerned a 'permanent' has been a resident for longer than say 60 days.) Furthermore, it is not uncommon to find both 'long stayers' and 'short stayers' who are veritable permanent occupants but lack a formal lease agreement with management and therefore have limited rights and no security of tenure. Hence, data for marginal renters in caravan/residential parks that inform this report have been drawn from the number of rented dwellings as a proportion of total residents in caravan parks and must be viewed with caution.

Recognising the limitations of the ABS data our intent had been to supplement it with local data such as lists created by councils, housing and other service providers. However, while frequently more extensive and detailed than the ABS data, these were often incomplete in similar ways and for similar reasons: namely, the propensity for establishments offering marginal rental accommodation to operate outside public attention. In addition, the need to protect our interviewees' identities and confidentiality seemed to preclude more detailed studies, as these might indicate where the primary research was conducted and subsequently identify our sources.

Due to the well-acknowledged limitations of the census data for the caravan/residential park sector, statistics in this report centre on boarding houses but these statistics are unreliable too. For instance, many 'mini' boarding/rooming houses are indistinguishable externally from the ordinary suburban houses out of which they have been created for a small number of occupants by partitioning and fitting keys for private rooms. However, a house with a number of unrelated adults may simply be a shared house run collectively, rather than one managed by an operator of a boarding/rooming house. The ABS applies a method for distinguishing between group houses and boarding/rooming houses but, given subterfuge related to unregistered operations, it is difficult for authorities to find a fool-proof method for collecting correct data without compulsory registration, whereby a 'registered' categorisation can apply.

While our research has focused predominantly on people with low incomes, some medium income residents in residential parks and boarders were interviewed. Irrespective of income the level of security of occupancy agreements and conditions of occupancy are generally lower in residential parks and boarding houses than for mainstream private renters covered by tenancy legislation and regulations.

Recent research by Chamberlain (2012a, 2012b) has suggested that the Census might underestimate numbers of boarding/rooming house residents by a considerable margin. In an attempt to obtain accurate figures for rooming houses in Victoria, Chamberlain interviewed council officers to conclude that an estimated 12 568 people lived in Melbourne's boarding houses in 2011, which extrapolated to 70 000 nationally compared with 13 880 reported in the Census as the national population (ABS 2011).

Our assessment of the robustness of ABS 2011 census data for modelling marginal rental housing nationally also benefited from the introduction of the NSW Residential Parks Amendment (Register) Bill 2011, which has required NSW caravan parks and manufactured home villages with any permanent residents to be registered. This process commenced in March 2012. Summary data current at 31 August 2012 provided by NSW Fair Trading indicated a total of 33 737 people living as permanents in 483 NSW parks on/in 22 553 sites/dwellings/households. This included 19 476 owner-renters and 3077 renter-renters (Jenkin 2012). These residents occupied a range of dwelling types from small vans with an annex through to large manufactured homes with ocean views (see Chapter 5 for more detail). The 2011 ABS Census recorded a similar number of NSW caravan residents (34 802) categorising 7816 as 'marginal renters'.

However, advocacy groups and housing, health and legal service providers suggest that such government data remain far from complete. One such interviewee estimated that there existed around 1000 residential parks in the NSW North Coast alone and up to 60 000 people living in manufactured home villages (NC4—'North Coast' interviewee 4, see Table 1 for case study coding to identify case study locations and retain interviewee anonymity). Council staff estimates of establishments in their local government areas also showed discrepancies with ABS census data. Many of residents in parks are retirees on pensions or incomes of less than the \$2000 per household per week ABS income criterion but own their dwelling (which might be worth as little as, say, \$30 000). As owner-renters these people fall outside the ABS marginally housed category. Therefore neither the ABS nor NSW

government estimates capture all those we classify as marginally housed due to the circumstances of their tenure (NC3). Meanwhile ABS figures over time remain significant in informing considerable policy discussion in determining trends, for example, around closures of parks (see, for instance, O’Flynn 2011, pp.4–6). Hence, questions around their reliability and relevance are significant.

Our NSW case studies found that local government was the most likely government agency to be interested in and in a position to collect reliable data on marginal housing. However, many councils were stretched financially and only a few that we consulted had a sufficient number of residential parks or boarding houses in their jurisdiction to develop specific statistical data sets. An advocacy group interviewed for this study reported that the NSW Department of Planning and Infrastructure had very usefully collected statistics from councils related to parks and villages over a decade ago but had since stopped gathering such data. Many interviewees suggested that the newly developed NSW Fair Trading register of residential parks did not offer enough useful information for residents, was incomplete and was not user friendly. For example, at least initially the search tool was case sensitive and required the full name of the residential park or park owning firm when users might only have a partial name and wish to browse parks registered in a particular region.

A park resident’s status can be unclear in as much as informal arrangements to extend a casual residency to a permanent one exist. Local on-the-ground monitoring needs to be improved. Council staff with related responsibilities in health, safety, building and planning compliance could most easily supervise the sector to enforce all legislation, regulations and registration.

Mandatory registration of businesses, licensing of owners and managers and training of staff would all help improve the conditions for gathering and monitoring trends in marginal housing. More reliable statistics about the number and characteristics of establishments and their spatial distribution, as well as demographic details of marginal renters, are critical if relevant policy and decision-makers including governments, advocacy groups and service providers are to be appropriately informed.

In summary our inclusion of ABS statistics in this report must be read with all the qualifications and modifications identified above.

2.2.3 Stage 3: Roundtable focus group and interviews

Formal in-depth interviews were conducted with 51 marginal renters, 24 service providers and 11 operators, totalling 86 interviews overall. In addition 14 short (generally 10–20 minutes) informal telephone or face-to-face interviews were conducted with staff from real estate agencies, councils, community housing service providers, state government agencies and operators of marginal rental housing. Service providers in case study sites facilitated access to residents in marginal housing to disseminate information on the research study and invite volunteers to be formally interviewed about their daily experiences. They additionally offered opportunities for our research team to accompany them on their daily rounds and made their offices available to us for interviewing. The formal process involved a summary explanatory of the study and contract with interviewees and an exchange of signed consent form in accordance with the university ethics guidelines. Most interviews lasted longer than 30 minutes, some stretching to over 120 minutes. The interviews were recorded and transcribed.

The City of Port Phillip in Melbourne hosted a roundtable focus group discussion in June 2012 to scope and direct the fieldwork underpinning Stage 3 of the project and to discuss current and emerging business models of marginal rental housing. The range of participants included representatives from local governments, welfare services, housing advocacy organisations and other relevant stakeholders. A summary of these discussions is available on the AHURI website (see Thompson & Jones 2012).

Issues for marginal renters identified in this discussion included: insecurity of tenure; inability to gain a rental reference or record; landlord interference; limited access to information about rights; overcrowding; a lack of safety; social isolation; poor standards of accommodation affecting health; and a lack of support services. This discussion informed the list of interview questions for study participants (see Appendix 2).

Informed by the roundtable focus group and preliminary research as to feasibility, the research team identified seven case study sites. Urban, rural and coastal case study sites were selected on the basis of concentration of marginal renters in a range of settings in NSW, Victoria and South East Queensland and the representation of the major types and geographic differences applicable to marginal rental housing. The existence of strong outreach services or health and community housing service providers influenced the choice of regions because of their capacity to facilitate access to prospective interviewees and to assist the research team in understanding their general circumstance and service needs. Additional interviews were conducted with experienced outreach workers, health, housing, legal and advocacy service providers, operators and council staff (see Table 1). Case study sites were referenced generically as a general intrastate region in presentations of the research findings and have been coded in published reports to ensure the anonymity of participants. However, certain service providers agreed to being identified.

Semi-structured in-depth interviews were conducted with 51 marginal renters in a conversational open-ended style (see Appendix 2). These questions interrogated the practical, social and personal details of their housing careers and aspirations, as well as their daily experiences of living in different types of marginal rental housing (where applicable). Table 1 attempts to capture the diversity of these experiences. Each interviewee is only listed and counted once in the table although quite a few of the interviewees had experiences both as marginal renters and as managers or service providers in either a paid or voluntary capacity.

Table 1: Interviewees by case study region and experience of marginal renting

Case study region and Code	Marginal renters	Operators	Housing, health, legal and advocacy service providers, and council staff	Total formal interviewees (total substantial informal informants)
Victoria coastal (VC) <i>Owner-renters in caravan parks</i>	9 owner-renters, including 3 in caravans, some with experience of renter-renting	0	1 long off-the-record interview with a worker accommodating university students	9 (1)
Inner western Sydney (IWS) <i>Inner-suburban capital city boarders</i>	10 boarders, most with a variety of experiences of boarding house accommodation and one with management experience in a residential park	1 operator of several boarding houses with prior experience in student accommodation	7 highly experienced outreach workers with boarders 2 phone conversations with council planners responsible for boarding houses	18 (2)
Outer western Sydney (OWS) <i>Renter-renters in caravan parks, hotel permanents, boarders in licensed/assisted/ high support needs housing</i>	3 boarders, including one permanent in a hotel Observed conversations of outreach worker with 8 renter-renters at a residential park	1 community housing operator	4 housing, health and legal service providers to boarders (including hotels and motels) and renter-renters in residential parks Phone discussions with staff at 2 councils and conversation with 1 real estate agent	8 (11)
North coast of NSW (NC) <i>Owner-renters in manufactured home villages and residential parks with mix of vans, cabins and mobile homes</i>	8 owner-renters of manufactured homes, either in a village solely of manufactured homes or in a residential park with vans and mobile homes	0	1 voluntary advocacy service provider with personal experience of living in boarding houses and parks Note: 2 owner-renters (counted in column 1) provided voluntary advocacy services	9

Case study region and Code	Marginal renters	Operators	Housing, health, legal and advocacy service providers, and council staff	Total formal interviewees (total substantial informal informants)
South coast of NSW (SC) <i>Owner-renters in residential parks with mix of manufactured homes, cabins and vans, one park on government owned land</i>	9 owner-renters, some with experience of renter-renting, 2 of them living in caravans with annexes and one owner renter in a shared equity arrangement with the landlord	0	3 legal and advocacy service providers Note: 3 of the owner-renters (counted in column 1) provided voluntary advocacy services	12
South coast of Queensland (QC) <i>Operators (and owner-renters and renter-renters) of caravan parks, including manufactured homes</i>	3 owner-renters of caravans (one with another caravan) and 2 renter-renters of a caravan	8 operators, including 3 assistant managers, ex-renter-renters and ex-owner-renters, and operators of government-owned parks	3 housing service providers 1 council staff member responsible for supervising council-owned parks (management contracted out)	17
Queensland urban (QB) <i>Inner-suburban capital city boarders</i>	7 boarders	1 operator of boarding houses	4 housing and advocacy service providers 1 council staff member responsible for boarding houses	13
Totals	51 marginal renters: 20 boarders; 31 park residents, 29 owner-renters, but some with direct past experience of renter-renting (Note: 8 informal, participant observation, contacts with renter-renters)	11 operators, including government-owned operations and not-for-profit community housing	24 housing, health, legal and advocacy service providers, and council staff	86 interviewees formally recorded or notes taken (Note: 14 other, less formal, discussions directly related to case studies)

Interviewees were encouraged to range over a series of topics with the researcher guiding participants in their discussion of areas of interest to the research. Significantly, while none of the interview questions related specifically to management, participants spoke most about management and governance issues.

Interviews undertaken formally with housing, health, legal and advocacy service providers (18) and council staff (two) were tailored to their particular service and characterisations of conditions in the geographical region/s in which they had worked. Their interviews informed the questions and prompts made to marginal renters and enabled the triangulation of findings from these interviews. Given that only two people interviewed were classified as renter-renters, it is important to note that a number of service providers were able to describe the conditions of renter-renters in residential parks and that several owner-renters and park operators had experiences of renter-renting which we asked them to report on.

The 11 operators who agreed to be interviewed were experienced at a range of levels and in both major types of marginal rental housing, that being: caravan/residential parks; and boarding/rooming houses.

All but one of the 83 recorded interviews were conducted face-to-face and ranged in duration from 15 to 120 minutes, with the majority in the 50–60 minutes band. Some interviews involved two or three people and the duration of these interviews was greater than an hour. Shorter but significant discussions were held informally with further informants. For instance, data for the four NSW case studies included notes from discussions with staff from six councils, two real estate agencies, two community housing service providers, four coordinators of homelessness programs and several staff from relevant state government agencies.

2.2.4 Stage 4: Case studies

The seven case studies recorded in column one of Table 1 covered the main types of marginal renters. More details of the methods used to understand the everyday experiences and circumstances of marginal renters follow.

The inner western Sydney (IWS) case study focused on interviews with seven service providers from two organisations, and 10 clients of a boarding house outreach project. We accompanied one of the service providers on their weekly round as they checked on several clients in boarding houses and arranged health appointments and transport for shopping. These boarding houses ranged from small ('mini') boarding houses, that is, converted suburban houses often with small extensions, through to large premises with lots of rooms, corridors and occupants. We attended two gatherings at which local boarders could socialise and receive advice on boarding house issues including referrals. These activities exposed us to a range of residents and boarding houses, and to outreach activities such as community gardening. The gatherings provided an opportunity for us to invite boarders to be interviewed, some of them conducted on the spot. In other instances service providers gave our flyers and consent forms to boarders and arranged spaces for us to conduct the interviews. We interviewed a manager of several boarding houses who had a wealth of experience in the sector and a strong understanding of economic pressures, diversity across the sector and challenges for management. We spoke with a council officer responsible for registering and inspecting boarding houses in areas such as safety (especially fire) and maintenance. We found a hotel in the area that catered for permanent residents and a real estate agent who regularly advertised and managed small boarding house residencies. Photos of poor practices and conditions, reports by councils independent researchers and service providers, media reports, conversations with council planners and interviews with policy officers in tenants' unions each contributed to the broader picture of accommodation in the boarding/rooming house sector and our research.

The outer western Sydney case study (OWS) focused on service provision to boarding houses and residential parks in the vast peri-urban, semi-rural and rural regions west of Penrith. We interviewed three service providers from two organisations, one focused on the provision of health services for boarders, the other on accommodation for women. The forms of marginal housing dealt with by these agencies included residential parks, hotels and motels. Again we were invited to accompany a service provider on their rounds. We were introduced to a number of renter-renters whose stories we heard and conditions we observed. We followed the transition of special needs residents in a licensed boarding house to another setting and finally their resettlement with a continuous lease arrangement in group households. We interviewed two residents and a health service provider concerned with the transition, and had discussions with a community housing provider, council planner and real estate agent, who additionally directed us to a range of written and electronic resources. We interviewed a permanent resident of a regional hotel, and drew on reports from interviewees who had prior experiences of marginal accommodation in 'pubs' (hotels). The latter case study was also informed by research into other forms of marginal housing in the wider region, media reports and relevant officers in local government areas and the NSW Tenants' Union.

The marginal renter interviewees in the southern and northern coastal regions of NSW lived in areas that accounted for around 14 per cent of all residential parks and villages listed in the NSW Residential Parks Register as at 31 August 2012. Nine residents (four females and five males) from several caravan parks and manufactured home villages were interviewed in one region on the NSW South Coast (SC). These parks ranged from caravan and annex-style accommodation through to substantial two-storey manufactured homes in resort parks. One owner-renter was in a shared-equity arrangement with management. We interviewed two representatives of the state Parks and Villages Advocacy Service (PAVS) and the NSW Tenants' Union policy officer responsible for issues associated with parks and villages. Studies by charitable associations and universities of parks and boarding houses in the region additionally informed our report.

Eight owner-renters in several caravan parks and manufactured home villages in a northern coastal region of NSW (NC) were also interviewed. One interviewee, now in private rental, had lived for years in a local residential park and had experience both of living in boarding houses and of letting out rooms to boarders. A number of interviewees regularly provided expert support for residents appearing in relevant state and territory tribunals for hearing matters such as rental increase appeals and others had experience with state forums and bodies representing the interests of people living in residential parks and villages. One had considerable experience as a census collector with homeless people for the ABS Census of Population and Housing; another had researched and advocated for a cooperatively owned residential park or village. Interviews with legal and advocacy experts additionally informed this study.

The inner city Brisbane case study (QB) focused on boarding houses of the 'traditional boarding house' type: the large residential buildings with many bedrooms typically seen in inner-urban areas of Australian cities. In recent decades these rooming houses have increasingly housed low-income people who have often experienced other forms of disadvantage including mental illness, drug and alcohol dependence and disabilities of various forms. Seven residents of these boarding houses were interviewed. Four interviews were conducted with housing workers in inner city Brisbane who dealt with a range of accommodation related issues including conflicts between occupants and occupants and managers. Other interviews were undertaken with a member of council responsible for boarding houses and with an operator with long-term involvement in owning and managing rooming houses.

Queensland Shelter assisted with research for the urban (QB) and southern coastal (QSC) case studies. Queensland Shelter hosted a focus group for people involved in tenancy advocacy, advice, policy or practice including community housing providers and caravan park resident advocates. The focus group provided an opportunity to review developments in Queensland relevant to marginal rental housing and informed the selection of the Queensland case studies. Significantly, the QSC case study focused on the management of residential parks and included interviews with two renter-renters, three owner-renters, eight operators of varying experience, three housing service providers and a council staff member with responsibilities in relevant areas.

The Victorian case study (VC) focused on three caravan parks in adjacent townships of a coastal region characterised by a fluctuating holidaymaker population and a stable population of older residents. All marginal renters interviewed in this case study were over 65 years of age and lived in residential parks that could be considered tourist destinations. These interviews highlighted that meeting the needs of an ageing population in caravan/residential parks will be a major issue for local governments into the future.

All recorded interviews were transcribed and analysed, with discrepancies between the research literature and fieldwork informing our reflections on the findings to date. The analysis centred on drawing out the commonalities as well as contrasts and diversity amongst the reports of experiences along a grounded theory method. The substantive primary material informed a half-day workshop attended by key members of the research team, which determined the structure of the report and key policy recommendations.

Stage 4 concluded with a workshop with the five authors of this report and five AHURI housing researchers not connected to the study. The workshop's aim was to develop an appropriate conceptualisation and categorisation of marginal rental housing and to identify the components of a typology that would be most useful to policy-makers in a range of sectors.

The following chapters discuss the substance of the qualitative research study. Chapter 3 reviews our findings for managed accommodation in a boarding or rooming house, hotel or motel. Chapter 4 focuses on the situation for marginal renters in caravan or residential parks and manufactured home villages.

2.2.5 Summary

Our concept of 'marginal rental housing', and its components, is different from the ABS definition and more consistent with the everyday practices and experiences of local governments and service providers with respect to the occupants of residential parks and boarding houses. Our concept was developed as the most useful for policy-makers. Due to limitations with existing statistical data, we have drawn almost exclusively on qualitative approaches. The extensive qualitative fieldwork conducted for our study centred on formal interviews supplemented by some informal observation and discussion, mainly with relevant workers for local government and providers of legal, health, housing and social services to marginal renters. We also conducted long and formal interviews with key representatives of the latter.

3 RENTING A ROOM IN A BOARDING OR ROOMING HOUSE, HOTEL OR MOTEL

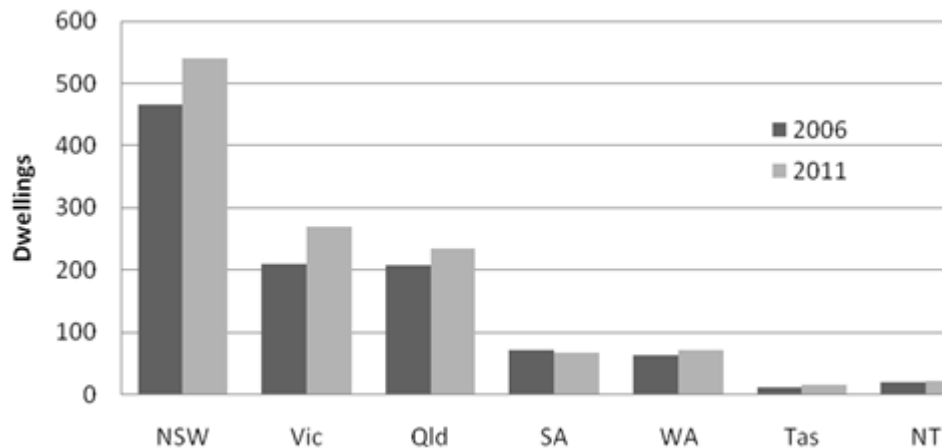
3.1 Introduction

Boarding or rooming houses have long been a feature of Australian housing provision. A boarding/rooming house is a building sub-divided into furnished rooms rented on a room-by-room basis. A room will be rented either to a single person or a couple, or less commonly shared by individuals not known to each whose primary relationship is their shared tenancy. Residents will have access either to an ensuite or common bathroom, toilet, kitchen and laundry facilities. Some rooms will have beverage and snack-making facilities (kitchenettes) and/or a television. Many boarding houses have common television or living areas and an outdoor BBQ area. Televisions in private rooms were particularly valued by those interviewed in the Inner Brisbane (IB) case study.

Historically, a person who was 'boarding' or 'lodging' in an establishment (a 'boarder' or 'lodger'), would generally receive and be entitled to additional services such as meals, cleaning and sometimes laundry services. The combined provision of board and meals is less common today, with agreements usually limited to a room and the use of common facilities. Victorian legislation and regulations formally refer to 'rooming' houses, but in NSW and Queensland the term 'boarding house' remains in use irrespective of the kinds of services they offered. In this report the terms 'boarding' and 'rooming' houses are used interchangeably.

Notwithstanding the limitations of the ABS data noted previously (see Section 2.2.2), data describing marginal rental housing forms are included in this report to provide broad indications of spatial patterns. Residents of boarding/rooming houses are described in ABS censuses as 'at home' in a 'non-private dwelling', 'boarding house, private hotel'. The 2011 census figures indicate that there were 1226 dwellings classified as boarding/rooming houses across Australia on census night. Most (85%; N=1043) were located in the eastern mainland states where our seven case studies were conducted, with 44 per cent located in NSW (N=540), 22 per cent in Victoria (N=269) and 19 per cent in Queensland (N=234). Between the 2006 and 2011 censuses, the number of boarding houses in Australia increased by 16.5 per cent from 1052 dwellings in 2006 to 1226 dwellings in 2011. Figure 1 shows an increase in the number of boarding house residents across most states and territories in the same period but a decline in South Australia and the Northern Territory. Among the selected case study areas, Victoria experienced the largest proportional growth in boarding house dwellings, with a 28 per cent increase over the five-year period from 210 (2006) to 269 (2011). NSW recorded the largest increase in the absolute number of dwellings from 466 (2006) to 540 (2011), a proportional increase of almost 16 per cent.

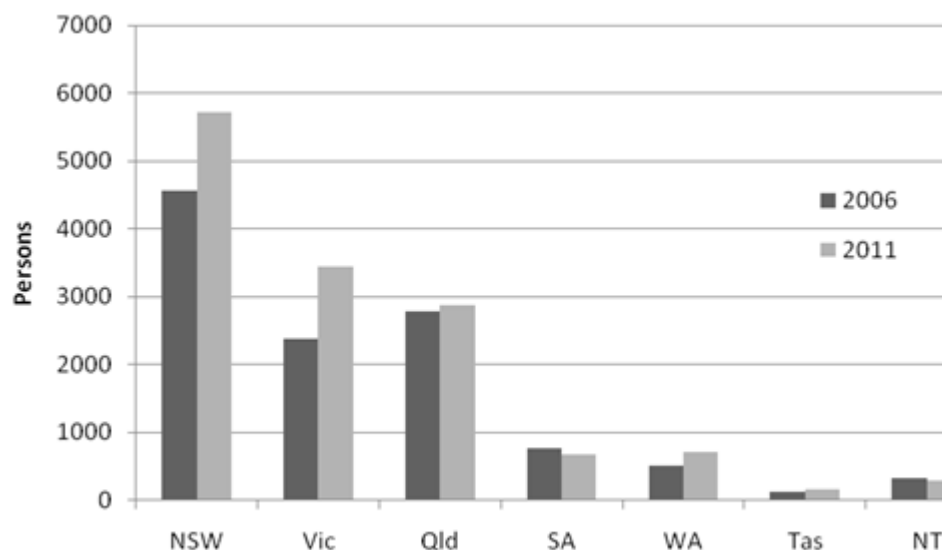
Figure 1: Number of boarding houses by state and territory, 2006 and 2011



Data Source: ABS Census of Population and Housing 2006, 2011

According to the 2011 ABS Census, 13 880 people resided in boarding/rooming houses in Australia on census night. Most (87%; N=12 039) were located in the eastern mainland states, with 41 per cent of boarding house residents living in NSW, 25 per cent in Victoria and 21 per cent in Queensland. According to the ABS, between 2006 and 2011 the number of boarders increased by 21 per cent from 11 500 residents in 2006 to 13 880 residents in 2011. Figure 2 shows an increase in the number of boarding house residents across most states and territories with the exception of South Australia and the Northern Territory. This trend is consistent with data on the absolute number of boarding houses by state and territory. Despite a larger absolute increase in the number of boarding houses in NSW, Victoria experienced the largest growth in boarding house residents, with a 45 per cent increase over the five-year period from 2374 residents in 2006 to 3451 residents in 2011.

Figure 2: Boarding house residents by state and territory, 2006 and 2011



Data Source: ABS Census of Population and Housing 2006, 2011

The focus in this chapter is on contemporary arrangements in the provision of boarding/rooming house accommodation and the experience of rooming house residents. While in recent years the number of dwellings described as rooming houses has grown

overall, this follows on from a previous period of decline (Chamberlain 2012a, p.12). This growth has been accompanied by a significant shift in the form of rooming house dwellings, which has seen the rise of 'small', 'suburban' or 'mini' rooming houses which follow a different model to the 'traditional' rooming house (see Rooming House Standards Taskforce (Vic.) & Foley 2009 and Chamberlain 2012a), along with the composition and socio-economic profiles of their inhabitants. The contemporary rooming house market is now more diverse also in the patterns of supply and demand. This growing diversity is important for identifying marginal rental housing and marginal renters.

The nature of the contemporary boarding/rooming house market is discussed in the following sections. Specific focus is paid to the:

- Types of buildings used as rooming houses.
- Experiences of residents living in rooming houses.
- Forms of rooming house management.
- Business models developed by rooming house owners.
- Boarding houses for occupants with high support needs.
- 'Permanents' in hotels and motels.

Through these discussions particular attention is paid to the development of new forms of rooming houses.

3.2 Private rooming houses

In private rooming houses residents, who are in general unrelated, rent a bedroom which is lockable and control access to it. Residents establish a rental agreement directly with the operator, manager or landlord. This rental agreement often includes utility costs for water, gas and electricity. Unless they have an en-suite and/or private outdoor facilities, residents usually share access to the toilet, bathroom, kitchen, laundry and common indoor and outdoor spaces.

This broad description of a rooming house is found in state and territory legislation, for example, the Queensland Residential Tenancies and Rooming Accommodation Act 2008 and the Victorian Residential Tenancies Act 1997. In NSW the Boarding Houses Bill 2012 distinguishes this type of rental from other forms of private rental (see Appendix 1 for a summary of current legislation and regulations). Rooming houses are further defined in public health, planning, building, consumer protection and residential services legislation.

Moving from this broad definition of rooming houses to identifying and describing rooming houses in different Australian cities is difficult. Over many decades the patterns of demand and supply for single room rentable accommodation has changed along with their built form and geography. However, a broad distinction has been made between 'traditional rooming houses' and the 'new model' (see Rooming House Standards Taskforce (Vic.) & Foley 2009). This distinction assists in structuring a discussion of the stock of private rooming houses in Australian cities. In addition, in the past three or four decades, some rooming houses have been acquired and managed by community housing organisations with the support of state housing authorities. However, except in special council areas such as the City of Port Phillip in Melbourne, this non-market provision of rooming houses remains a small proportion of total rooming house provision.

3.2.1 The 'traditional' rooming/boarding house

The 'traditional' rooming/boarding house refers to the large residential buildings with many bedrooms that typically are located in inner and middle ring suburbs in larger cities. One interviewee aptly described a boarding house in which they had lived in inner Brisbane:

The rooms are a box. They're approximately two and a half metres by, if I'm lucky, two metres. There's a television set. If it works, you're lucky ... a small bar fridge, a little bench, a tap ... of course, there's a single bed and, again, if you're lucky you'll get some bedding with the room ... The kitchen was a communal kitchen. There's crockery, cutlery, cookware ... It was humungous. It was ... one, two ... two and a half levels because it was on a sloping block of land. On the level I was in I think there was 16 rooms and there was ... by two is 32, plus there was another six downstairs. So that's 32 and ... it's 38 thereabouts, say 40 rooms. (IB3)

Many of these buildings have long histories that reflect a time when they provided accommodation to single men working in inner city industries from the late-nineteenth century through to the mid-twentieth century. They were either purpose built or were converted into rooming houses from other uses. Following large-scale labour market and housing market changes from the 1960s, the resident profile of these rooming houses changed. Since that time they have increasingly provided accommodation for low-income people, of whom many will be outside of the workforce and experience other forms of disadvantage (O'Hanlon 2002; Penfold 2009).

Recent evidence of a decline in this type of rooming house was first researched in local area studies such as CURA (1979) and Jope (2000). In Queensland monitoring of the state-wide supply of rooming houses followed the introduction of the Residential Services (Accreditation) Act 2002 and recorded a decline from 416 to 283 rooming houses (32%) in the period 2002–06 (Department of Housing 2007). At the national level research by Greenhalgh et al. (2004) concluded that there had been a significant decline through the redevelopment of rooming houses and their conversion into other uses including single houses or apartments.

3.2.2 *The 'new model'*

What was missed in many smaller studies and the national review, however, was coverage of the emergence of what has been described as the 'new model' of smaller rooming houses, or 'mini' boarding houses. These rooming houses are not always easily identified as rooming houses. Typically they are existing residential houses that are converted into rooming houses. At a minimum this should involve ensuring that all bedrooms have their own locks. It might also involve internal modifications such as the partitioning of rooms to create additional bedrooms or the conversion of garages and sheds into habitable rooms.

Two community service workers described rooming houses in the inner west of Sydney which did not comply with local government requirements. One reported:

I came across a boarding house in X about a month or two ago that hadn't been registered with council. It was five rooms and it was sleeping up to about 20 people in there. And the owner was then going to turn the backyard garage into a new room. (IWS1)

The second worker referred to a rooming house that was registered but was being expanded. It had been operating for many years but the owner had:

Built a couple of sheds in the backyard and had residents living in there. One was a garage, one was a tiny little shed and one further down, bigger, brick, which should've been a laundry, [but] it was a room. (IWS2)

The local government authority of Casey in outer metropolitan Melbourne provided a description of the way in which many new boarding houses appeared in the urban fabric. Recently the municipality had registered 22 rooming houses:

Typically Casey's registered rooming houses are privately owned, converted from suburban homes, and house between four and 10 residents. The majority of rooming

houses provide communal facilities for tenants. (Rooming House Policy Steering Group 2012)

There are, perhaps, two principal reasons as to why the emergence of this new model was not noticed earlier or included in analyses and policy discussion:

1. A proportion of rooming house owners or proprietors do not comply with relevant legislation and regulations and fail to declare that they are providing rooming house accommodation so developments in the sector remain 'under the radar'. Further, regulatory bodies, principally local government authorities, experience difficulty in enforcing rooming house registration, health, building and fire regulations that can lead to the identification of rooming houses.
2. Surveys, principally the five-yearly ABS Census, fail to identify rooming house residents and collect accurate data about their living arrangements which can then be used to detect the presence of rooming houses. As Chamberlain (2012a, p.50) shows in his analysis of metropolitan Melbourne rooming houses and residents, there appears to have been a significant growth not enumerated in the 2011 census. In large part, he argues, this growth has been in small boarding houses that 'looked no different from other properties in the same street'.

In summary, rooming houses are broadly of two types. There exists a stock of older and larger rooming houses, mainly in the inner and middle ring suburbs of Australian capital cities, which often are referred to as 'traditional' rooming houses. These have many rooms and residents generally have access to common bathroom, toilet and kitchen facilities. More recently a new form of boarding house has emerged, often referred to as the 'new model'. These tend to be smaller and are established within existing suburban houses. Often the number of rooms in these houses has been increased through the partitioning of existing rooms.

3.3 Lived experiences

A starting point for a discussion of what it might mean to live in a rooming house is the idea of 'ontological security' of residents (Newton 2008). Newton's concept draws on the work of Giddens (1990) to identify what is important in the lives of long-term residential park residents. In her analysis of transcripts of interviews with renters and managers, Newton (2008, p.231) suggests that this lies in being able to live in a caravan park and experience 'safety, security and happiness', where safety and security allowed 'patterned long-term life habits, and the repetition of meaningful routine'.

There are two ways in which this report presents an account of life in a rooming house. First, there are earlier studies and official inquiries, beginning in the 1990s, that investigated and reported on rooming house life in the three states in which we conducted our case studies: Queensland, NSW and Victoria. These studies and inquiries resulted in changes in legislation and regulation over the last two decades, and informed changes currently under way in NSW and Victoria. The research and official inquiries found that safety and security were issues in the lives of many rooming house residents.

Second, we analysed our interviews with rooming house residents. Some residents reported that they felt safe and secure and were happy with their life in a boarding house. However, overwhelmingly, the interviews with rooming house residents undertaken for this research found that their experience of safety and security was an issue for them. Many rooming house residents were keen to move into independent affordable accommodation and some were on waiting lists for social housing.

3.3.1 Research and official review findings

In Queensland rooming house residents became a focus of policy attention and research in the late 1990s (Carr 2009). It was recognised by this time that there was a case for improving 'the quality of life of residents by improving residents' safety, residential amenity and services, residency rights and access to external support services' (Fisher et al. 2008). This led to the passing of the Residential Services (Accommodation) Act 2002, which improved the legal framework for rooming house residents and operators through new provisions for written agreements, rent receipts, notice periods for terminations and breach notices. It also led to a system for the registration of rooming houses, improved compliance with building and fire safety legislation and expanded tenancy advice services (SGS Economics and Planning 2008). However, a contribution to the 2008 review reported that 'insecurity of tenancy' remained common and that residents continued to experience a lack of privacy, abuse and isolation (Fisher et al. 2008).

Although contributions to the 2008 review led to new legislative provisions in the Residential Services (Accommodation) Act 2002 and Residential Tenancies Act 1994, and passing of the Residential Tenancies and Rooming Accommodation Act 2008 (Qld), the security of tenure for rooming house residents did not increase because of changed rules governing relations between residents and proprietors (Gastaldon 2008; Carr 2009). In summary, the process of review, legislation and service development in Queensland from the late 1990s through to the 2000s led to greater policy focus on rooming houses and some improvement in the regulation of the conditions of rooming house infrastructure. It also extended access to a number of services including tenancy advice services. However, it did not address the insecurity of tenure identified by Fisher et al. (2008). As Carr (2009) notes, the Queensland government decided to retain the summary eviction provisions in the new Residential Services (Accommodation) Act 2002.

NSW boarding houses became a focus of policy attention during the 1990s at a similar time to Queensland. During the 1990s there was an inquiry (NSW Government 1993) and a number of reports by non-government disability policy reform advocates were published (Davidson et al. 1997; Davidson 1999; Robinson 2000). The first substantive change to follow the inquiry was the amendment of the NSW Act which brought the licensed sector catering for people with high support needs under the NSW Ombudsman's jurisdiction in 2002 (NSW Ombudsman 2011). This provided for greater and more persistent scrutiny of boarding houses and gave the Ombudsman the power to report on 'reviewable deaths' in boarding houses licensed under the Act. Subsequently, regular reports presented reviews of residential mortality in licensed boarding houses. These reviews examined the causes and patterns of deaths and recommended ways to improve services in order to reduce early or preventable deaths (NSW Ombudsman 2011).

This development also led to a far-reaching report, *More than Board and Lodging: The Need for Boarding House Reform* (NSW Ombudsman 2011). A paragraph in the introduction to this report summed up the Ombudsman's perspective of the situation (NSW Ombudsman 2011, p.1).

What is evident from our work is that there are fundamental flaws and inadequacies in the existing legislation and requirements for licensed boarding houses, and that these problems can adversely affect the safety, health, welfare and rights of residents. Concurrently, the capacity of licensed boarding houses is declining, and there are concerns that vulnerable people are entering unlicensed boarding houses, where there are fewer safeguards and no regulations.

Indeed our NSW case studies of unlicensed (now 'general') and the relatively small unlicensed (now 'assisted') boarding houses show that there exists a relatively high

proportion of people with high support needs in the unlicensed/general sector (see Section 3.6).

In the context of sustained scrutiny by the NSW Ombudsman, and further incidents reported widely in the media, the NSW government established an Interdepartmental Committee on the Reform of Shared Private Residential Services (IDC) in mid-2008. The IDC was given the responsibility to consider the development of 'an overarching, centrally administered regulatory framework which would cover accommodation and standards, and occupancy protection'. It was also required to consider the development of a new regulatory framework so that boarding houses would remain viable and result in 'the ongoing availability of board house style accommodation'. The IDC published its report (IDC 2011) in the same month as the NSW Ombudsman's (2011b) report *More than Board and Lodging*.

The Boarding Houses Bill 2012 (NSW) outlined provisions for registering boarding houses with five or more residents in terms of:

- Mandatory registration of all 'registrable boarding houses' with the Register of Boarding Houses administered by NSW Fair Trading.
- Application of shared accommodation standards under the Local Government (General) Regulation 2005 to smaller (general) boarding houses.
- Initial compliance investigations of registered boarding houses by local councils.
- Introduction of occupancy rights for all boarding house residents administered by NSW Fair Trading.
- An enhanced scheme for the authorisation and operation of 'assisted' boarding houses administered by NSW Ageing, Disability and Home Care (NSW ADHC 2012).

At the time of writing this report, the provisions of the new Act were in the process of being implemented by NSW state and local government agencies in collaboration with non-government agencies. It will take some time before the outcomes can be compared or contrasted with the powerful findings of the NSW Ombudsman over a number of years that the living arrangements of rooming house residents contributed significantly to eroding the safety, health, welfare and rights of rooming house residents.

In Victoria rooming house issues were highlighted by the Inner Urban Rooming House Project, which formed in 1997 as a coalition of representatives from the Tenants Union of Victoria, Consumer Affairs Victoria, local government authorities, building regulation and health areas and rooming house owners. The starting point was a consensus among these groups that the key problems lay in 'the poor physical state of many rooming houses, high support needs of the client group, and lack of support and resources to rooming house owners' (Incerti 2007, p.10). The project led to the publication of a report focused on retaining and expanding rooming houses and improving their management (Kliger 2003) in addition to a continuing program of consultation. Most importantly, a coalition that included rooming house providers and rooming house resident advocates developed.

In 2006 the quality of rooming houses and the needs of residents became an election issue in Victoria. A commitment by the Minister for Consumer Affairs to examine rooming house issues in early 2007 (Consumer Affairs Victoria 2007) was also made against the background of an inner city rooming house fire in October 2006 in which two young people died. The State Coroner of Victoria, who investigated the deaths, concluded:

These two young lives were lost against a backdrop, which included a failure in the administration of applicable building code fire safety, planning and rooming house regulations and a failure to maintain both electrical wiring and electrical components. (White 2009, p.1)

This finding made it clear that the safety of boarding houses should be a mainstream issue. The evidence presented during the Coroner's investigation demonstrated that rooming house resident safety and welfare was a sector-wide problem. The Coroner recommended significant changes to regulations and legislation and considerable development of state and local government capacity for informing providers and rooming house residents as well as enforcing regulations. In this context the Victorian government recognised that the rooming house sector was growing and established a taskforce charged with developing a plan for responding to:

... a significant subset of providers in this growth sector who are operating outside the current registration and regulatory regimes and exploiting vulnerable groups in urgent need of affordable or emergency accommodation. (Rooming House Standards Taskforce (Vic.) and Foley 2009, p.1)

Meanwhile local government was reviewing its place within the system of regulation (Victorian Local Government Association 2009). Subsequently, a new regulatory regime and capacity for enforcement has been developed and is currently being implemented (Department of Human Services 2011).

3.3.2 *A framework for understanding experiences of rooming house residents*

Rooming house residents who we interviewed indicated that it was possible to experience safety and security in rooming houses and were able to identify the features that made for safe and secure accommodation. Many had years of experience to draw on in responding to questions about life in rooming houses. Some residents were avowed 'travellers'; others had moved through bad experiences. IB1 boasted: 'what I'm up to now with the home I'm in now, 107 homes, I think. Brilliant, I've passed 100' (IB1). He described his requirements:

I didn't want the long-term accommodation and you know, stay there for a long period, I just wanted to go there, just find a room, pay me weekly rent, stay for the time I want to go and then, then I move on. So it suits my lifestyle good.

Another, resident (IWS9), had lived in six rooming houses over 10–11 years for 'periods anywhere between from two and a half months to five and a half years'.

In summary, five features of rooming house life can be distinguished in the way interviewees talked about their experiences and the extent to which they felt safe, secure and contented with life in rooming houses:

- security, with respect to management
- room size and standard
- amenity of their room
- amenity of shared spaces
- behaviour of other residents.

3.3.3 *Security*

Security had two key aspects for rooming house residents. First, residents wanted control over their own room and their privacy in their room respected. This included knowing that their room and possessions were secure in their absence. IWS10 observed: '[you] do not leave doors or windows open, there are always people with less than you'. IB5 summed it up in these terms:

[T]hat's the biggest issue with boarding houses, it's safety, it's being able to have a window that opens and locks and be able to have a door that securely locks and you can close, you know.

Sometimes this was not possible because of the design and construction of rooming houses. Fisher et al, (2008, p.17), provide a description of a rooming house by a focus group participant in their study:

[E]ach room had a door to the outside of the building, rather than a window. In order to get any ventilation, residents have to leave these doors open at night, leaving themselves vulnerable to anyone who might want to enter their room from outside.

Second, easy and unobserved entry by non-residents into some boarding houses was an issue and residents sought some control over who could enter the rooming house. IWS5 observed that 'lots of people come in and out of the front of the house', while IB4 similarly said that 'there's a lot of strays coming and going'. IB3 described the openness of his rooming house: 'So there's very little security; you can't lock the front.'

3.3.4 *Amenity of rooms*

The size and presentation of a resident's room was important to interviewees in our study. Residents celebrated the space when they found a good-sized room.

I've just been living in boarding houses for so long because I find it's easier and cheaper to live. And [if] you get a nice boarding house and you get a fairly big room I find you don't have a problem ... this room that I've got, at least I can have two or three people over ... they can sit in the space of the room. (IB7)

This room was in contrast to the 'shoeboxes' that 'aren't really designed for people, but they do put people in them ... unfortunately' (IB7). IB3 reported that 'some of the rooms aren't much bigger than this room we're sitting in, which is ... you're talking 12 square metre rooms'.

For some residents there was an issue about the size of the room and ventilation, especially during hot weather. IB3 complained:

It's horrendous, tiny room, and it's stinking hot. It gets no breeze and just falls in the bad luck category really.

IB2 identified the same problem and linked it to the security issue:

You've got to use a fan because the room is so friggin' small and you don't get much air turbulence and people that do open the windows open themselves to getting broken into.

One resident spoke about why he liked to return to a rooming house that he had lived in previously:

I got me room with me bed, the, all the linen, the blankets. He gives me anything, extra pillows or extra towels. He got a fridge and TV. (IB1)

Similarly, IB7, who had found a larger than usual room, was satisfied with the amenity of the rooms he had rented in recent times:

I've been fortunate the last ones that I've moved into have sort of been fairly clean and upmarket. Not upmarket but just all clean and neat and tidy and have the requirements that I need, you know, like a fridge and a TV and whatever else, you know. Well, that's all I've got is a fridge and a TV. Yeah, and beds and everything else.

Because his room was larger than usual he 'went and got a couch' (IB7).

However, rooming house residents spoke more frequently about the poor amenity of their rooms. They spoke of problems with beds, poor maintenance, faulty electricity supply and leaking roofs. Two interviewees had experienced bed bugs in recent times. Resident IB2

described how 'bed bugs were rampant right through the building', and how the rooming house manager did not respond to their complaints. Consequently, this resident took matters into his own hands and fumigated his room, which led to further conflict when the fumigants set off the fire alarm.

Interviewee IB6 described how his rooming house was:

... now pretty much empty because everyone [was] moving because, because of too many issues in there, like bed bugs ... Yeah, if I open my shirt you can see

He also described how he and his partner could not sleep at night because they left the light on after realising that 'if I turn on light, bed bug doesn't come'.

Another interviewee (IB7) found his bed too dirty to sleep on:

When I first moved in, this is the most recent place, the bed was so smelly and yucky and mouldy and everything that I put it up against the wall and I've slept on the couch ever since.

A local community service worker assisting rooming house workers confirmed a widespread issue with bed bugs: 'bed bugs in ... yeah, just a lot, a lot of, lot of bed bugs' (IB1).

There was an issue of reliable electricity supply for some. IB6 noted:

The next room, he hasn't, he got ... power, he need to bring the power from the other room. So is like that and whenever he use, it just boom, no power at home, he need to take up his power and then we can use it.

Several residents complained about leaky plumbing, or water coming into their room from an unknown source. IB12 spoke of a problem with a leaking roof which led to water coming in through the ceiling:

The heavens fell in, so it rained in my room. And they wanted, they said to me, 'Oh, you have to stay in your room tonight'. And I was like, 'But it's raining in here!' And it really was. There was about five spots [leaking] across the roof because there was a real torrential storm and the rains, yeah, came in my room and nearly wrecked all of my electrics.

3.3.5 *Amenity of shared spaces*

Beyond the individual rooms were the common areas from passageways to shared bathrooms, toilets and kitchens. Maintenance and cleaning were considered very important to the rooming house residents interviewed. Common areas were often cleaned by a longer-term resident in exchange for reduced rent, and residents generally reported that they were satisfied with the state of these areas. IB1 described the arrangement in his rooming house, but indicated that it had been different in others he had lived in:

Actually the cleaner lives there too, so I think he's on the floor I am, because I see him each morning about 6 am. Yeah, because he just goes and empties all the bins and he vacuums the corridors and mops and stuff. But he doesn't get in people's way if they want to go to the shower, bathroom or anything. But generally, yeah, there's, yeah, one kitchen but each floor's got the toilets and shower that get mopped every day. And so he keeps it clean like the bathrooms and the kitchen ... and [pause] but then there's other boarding houses

Similarly IB5 was happy with the amenity in his rooming house:

Yeah, he makes sure that the place is clean every day, you know. In the afternoons the floors are all wiped, all the rubbish is picked up, you know. All the kitchen's nice and clean and then on Sundays he does all the bathroom and toilets for everyone so, you know, so it is really well looked after and it is clean.

However, sometimes this arrangement with a resident failed. Interviewee IB6 was particularly unhappy with the 'housekeeper' who he said, 'didn't [clean], she just clean one day and then 15 days, or whenever the next inspection, she clean'.

Interviewees also pointed out that the issue of cleanliness of shared areas was not just the diligence of the cleaner. Because residents had to interact in shared spaces there could be issues about how responsible they were for their own behaviour. Inevitably there were issues. Interviewee IB7 expressed it in these terms:

You have to share bathroom, you have to share kitchen, you've got to clean up after yourself and there's always problems because you're living with other people, and other people you don't know.

Often these issues could be resolved through day-to-day interaction between residents, which resulted in behaviour change. Interviewee IB3 described it this way:

One fellow is paid to clean it and we're all pretty reasonable as far as keeping the kitchen and toilet pretty good. So, you know, generally we speak up if somebody else has made a mess. You know, it's like being their father sometimes, you know, 'Clean up after yourself'. But it's pretty good really, considering how bad ... you know, how bad some of them are.

However, it is also possible in rooming houses for the health of residents to be so poor that cleaning arrangements are not sufficient. Interviewee IB4 graphically described a circumstance where the cleaner could not keep up with the challenge:

I've found all sorts of human by-products ... in the common areas. Everything, from fresh faeces to puddles of urine to blood to vomit. There's spit. There's, there's everything. I mean it's not, the place does have a, a cleaner. Like one of the other residents is, cleans ... one of my neighbours downstairs and he's a very nice man. And he cleans pretty much every day. But there's people there getting it filthy every day too.

Accounts provided by other interviewees indicated that some owners and managers did not make arrangements for common areas to be cleaned and maintained adequately. IB3, who was happy with his current arrangements, spoke of his earlier experience of an unclean and hazardous rooming house:

[It was] basically a big, square house with four rooms and a hallway down the centre. And that was just so disgusting. It was unbelievable. And I ended up doing my own disinfecting and cleaning of the toilets once a week. So I got something and I started to pass blood, which scared me a bit.

In a similar vein IB6 described his current frustration with a poorly maintained bathroom:

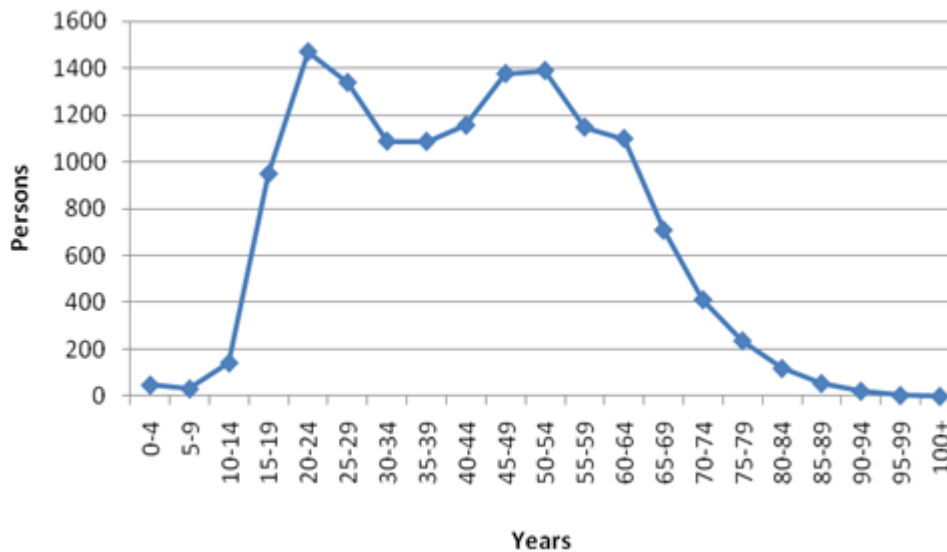
[The basin] just blocked from somewhere, stuck, and no-one using the basin. So what they're using is the washing machine. There's a sink, we are using that one. But this is blocked and, if you use that, next person it's horrible and so one shower room, the door if you [try to] lock that, it doesn't lock.

3.3.6 *Behaviour of other residents*

The behaviour of residents in rooming houses is important for the safety and quality of life for all residents. However, resident behaviour has a broader dimension. Understanding this dimension starts with recognising some of the features of rooming house populations, which suggest that rooming houses can be difficult places in which to live. Figure 3 shows the age range of those living in boarding houses in 2011, which suggests that few children or elderly residents choose (or are able) to live in this form of accommodation. Rather a majority of boarding house residents (80%) were aged between 20 and 65 years of age in 2011. Even

so, the 15 to 19 and over 70 age groups each had almost 1000 residents, including some residents in their nineties.

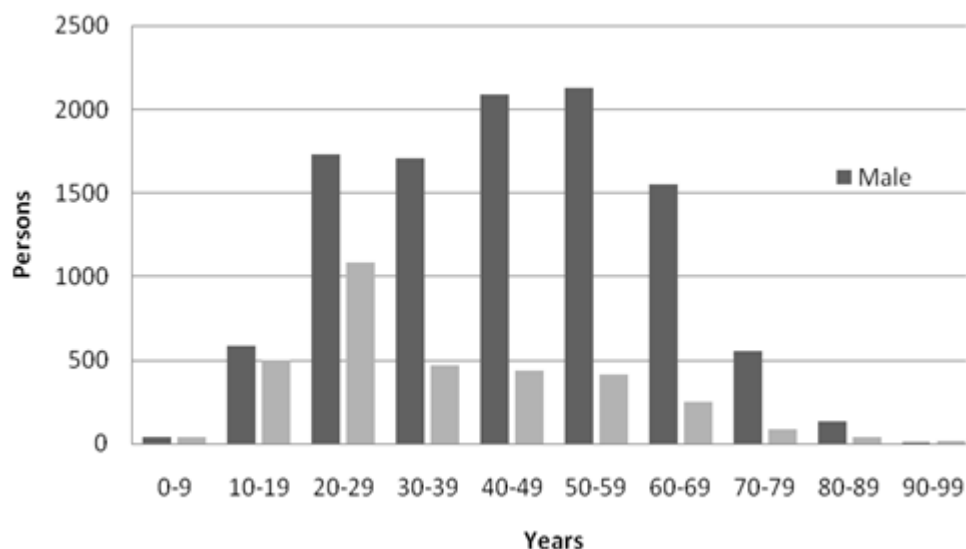
Figure 3: Boarding house residents by age, usual residence, 2011



Data Source: ABS Census of Population and Housing 2011

Figure 4 shows that in 2011 three-quarters of Australian boarding house residents (76%) were male and a quarter of residents (24%) were female. The female resident population was younger than the male resident population, with similar numbers of males and females under 20 years of age. One-third of all female boarding house residents (32%; N=1083) were aged between 20 and 29 years. In contrast, 40 per cent of male residents (N=4211) were aged between 40 and 59 years. In short, the boarding house population as a whole is characteristically masculine and middle-aged.

Figure 4: Boarding house residents by age and sex, 2011



Data Source: ABS Census of Population and Housing (2011)

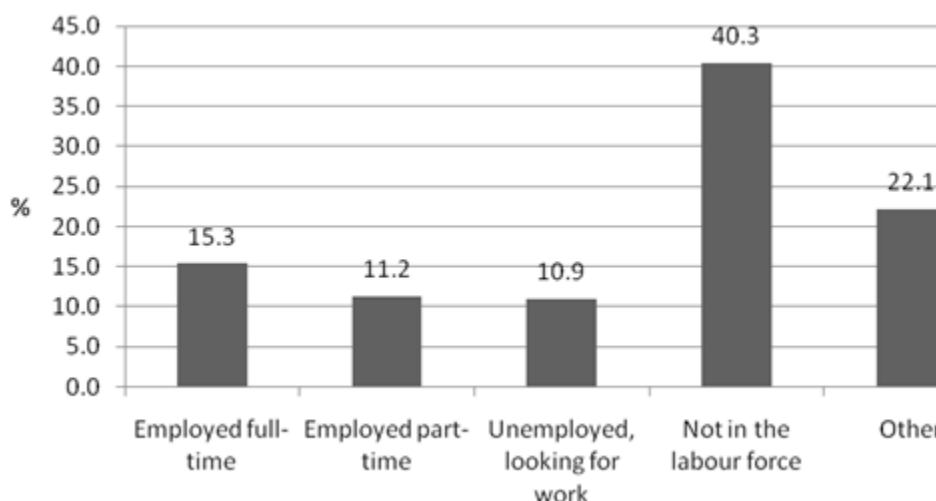
The most important recognisable feature of rooming houses is that the people who live in them are poor. As Chamberlain (2012a, p.48) argues, there are some groups in the broader population who because of low incomes are often in a 'precarious' housing situation: 'single

parents, aged pensioners, people on Newstart, and students on Austudy'. He suggests that people within these groups are most likely to become rooming house residents.

Most poor people are resilient in the face of adversity and they do not become homeless. Nonetheless, a minority of people on welfare payments 'tip over' into the rooming house population (Chamberlain 2012a, p.49).

Again, ABS data are instructive. The age profile of boarding house residents (Figure 5) indicates that the majority are of working age. However, ABS census data show that only 27.5 per cent (N=3689) of all boarding house residents were employed on a part-time or full-time basis in 2011; 40 per cent (N=5600) were not in the labour force; and 11 per cent were unemployed and looking for full-time or part-time work (N=1519). In contrast, at the time of the 2011 Census, only 26 per cent of Australians were not in the labour force and only 3 per cent were unemployed and looking for full-time or part-time work. In our current research, residents in rooming houses in NSW (19%; N=1080) were more likely than those in Victoria (10%; N= 346) or Queensland (13.5%; N=388) to be in full-time employment, with only 35 per cent (N=2019) of NSW boarders 'not in the labour force' compared with 46 per cent (N=1591) in Victoria and 43 per cent (N=1232) in Queensland.

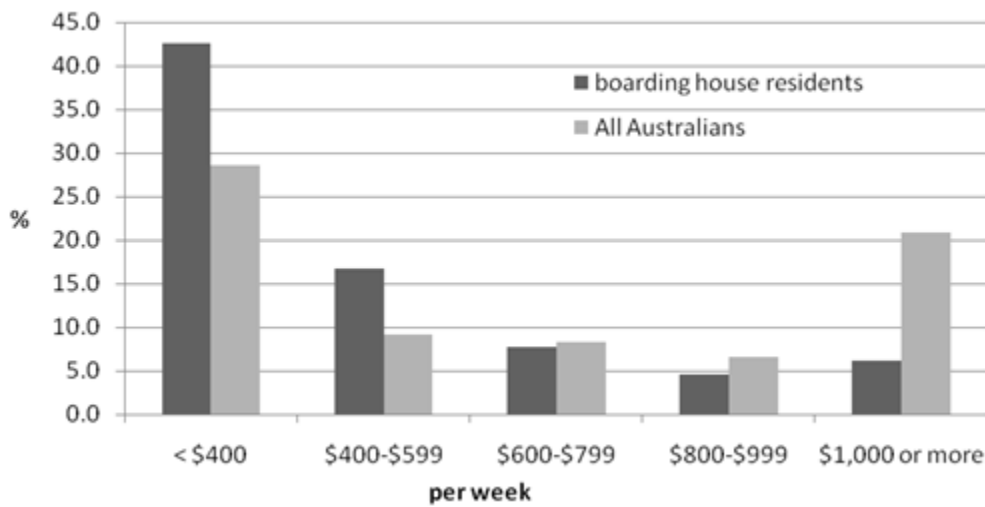
Figure 5: Labour force status of boarding house residents, 2011



Data Source: ABS Census of Population and Housing 2011

ABS data indicate that boarders had lower weekly incomes than for the general Australian population. Figure 6 shows that 43 per cent (N=5908) of all boarders in 2011 earned less than \$400 per week, compared to 29 per cent (6 215 123) of the total Australian population.

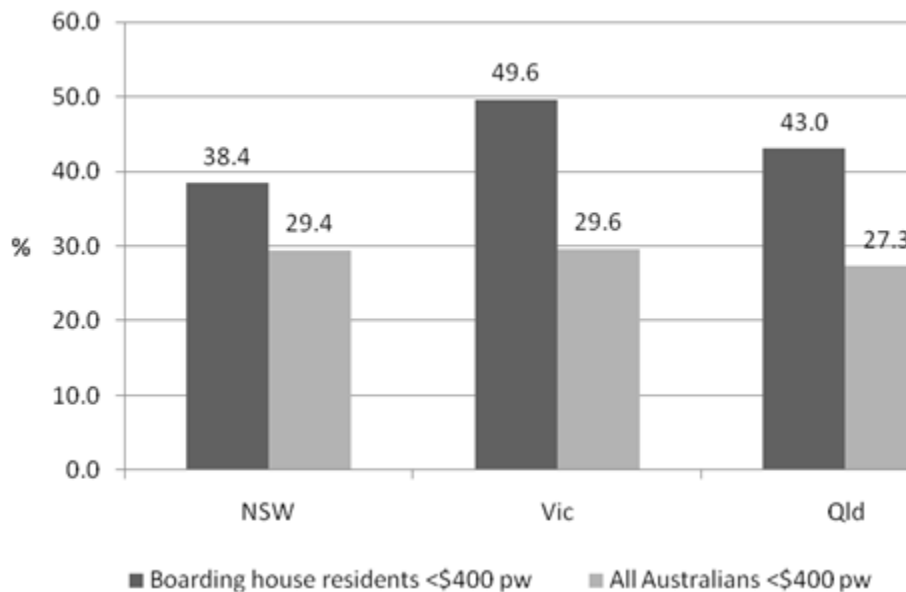
Figure 6: Comparison of income of boarders and all Australians, 2011



Data Source: ABS Census of Population and Housing 2011

However, Victoria recorded a greater income disparity between the boarding house population compared with the general Australian population. Figure 7 shows that 50 per cent of boarding house residents in Victoria, compared with 30 per cent of all Australians, earned less than \$400 per week.

Figure 7: Boarders' weekly incomes under \$400 in NSW, Victoria and Queensland, 2011



Data Source: ABS Census of Population and Housing 2011

The key characteristics of boarding house residents compared to the general Australian population are summarised in Table 2. Compared with the general Australian population, boarding house residents are: predominantly male; of working age; less likely to be in the labour force; and, if employed, are more likely to be on low incomes.

Table 2: Comparison of boarding house and Australian residents 2011

	Boarding house population	Australian population
Male	76%	49%
Aged 65 and over	11%	14%
Not in the labour force	40%	26%
Individual income less than \$400 pw	43%	29%

Data Source: ABS Census of Population and Housing 2011

Just how they ‘tip over’ is illustrated in the way a housing advice worker described constraints in options for accommodation for people on low incomes. The service provider had some scope to refer people receiving Disability Support Pension (DSP) to community housing providers because DSP was at a higher rate than other benefit payments. Generally community housing providers could not accommodate people on incomes that were any lower because of their funding model. For these people the options were very limited:

What’s scary is that for us, when we’re referring people to housing, you know, a big thing is income. So for people who aren’t, who are on anything lower than DSP, it [rooming houses] actually becomes pretty much like one of their only options. (IB9)

One worker described the way in which clients who were not eligible for DSP could fall through the system and be relegated to housing that was inappropriate to their needs:

[The client had] issues with him toileting himself, so he has to shower basically after every time he goes. Needs self-contained [accommodation] but doesn’t have a specific disability payment, therefore doesn’t get the higher level of payment. So, if he’s looking for housing, he’s not even an option for [community housing] so that leaves him in a boarding house situation. (IB9)

The likely consequences of this client living in a rooming house with shared facilities are significant both in terms of his privacy and personal wellbeing and the possibility that his use of shared bathroom facilities would become a source of conflict with other residents.

People with alcohol abuse issues were prominent in and frequently referred to rooming houses, in large part because they were the only form of accommodation they could afford to live in. One interviewee, IB2, talked quite openly about his own alcoholism and described the boarding/rooming house population as ‘mainly they’re drug addicts, ex-drug addicts, alcoholics like myself’. He said that most were quiet and kept to themselves. However, their disability could lead to disruptive behaviour. IB2 described the following episode:

But him, as a result of his alcoholism, he’d be running through the hallway saying, ‘get out of my face ... get out of my head’. And, I mean, this was three o’clock in the morning, bellowing. And he subsequently got kicked out. So that only happened on two occasions.

In another situation several men with problems with alcoholism were relegated by a live-in manager to an area at the back of a divided house where they provided mutual support to one another and shared a common toilet, bathroom and kitchen. Another group prominent in the rooming house population are people with psychiatric illnesses whose behaviours can also create problems for other residents. This situation was graphically illustrated by an account of a fire in a rooming house told to us by a female resident:

One of the rooms was burned. And, I've just found out the guy in the psych ward that burned his room down, they just found out he did it on purpose so he could have killed everybody who was there. I was in the psych ward at the time because I just hated the place. (IB7)

A manager who had spent many years managing rooming houses observed that some operators were prone to alcoholism and drug addiction:

[It was] rife with mental health, heroin addiction, alcohol. It was quite a bad scene, yeah ... I have horrific stories of squalor and mental health, drug addiction and hoarding, yes. ... I've been stabbed. I've been thrown down stairs. I've been bashed. (IWS14)

However, the character and culture of rooming houses can vary:

There's two houses that have a common backyard. [We] are generally all older people. I find that I've got less problems and less headaches with older people, with not so many issues. They have no drug issues. There are alcohol issues along the way but not to any extreme. (IWS14)

Other studies have described the population of rooming houses more broadly, including the outcomes of current referral processes and constraints experienced by low-income people with histories of long-term disadvantage and illness. In the NSW Marrickville Local Government Area (LGA) the Newtown Neighbourhood Centre (2003) summarised earlier research and described rooming houses as places where many residents were unemployed or on benefits, disabled, led isolated lives with little contact with people beyond the rooming house, and had poor access to community support services. Fisher et al. (2008, p.26) produced a description of rooming house populations in Queensland based on reports from service provider and government agency participants in focus groups:

Focus group participants consistently described an environment in which drug dealing and use, violence and criminal behaviour and prostitution are common. They described residents 'subletting' their rooms, often to young homeless people. They described Level 1 facilities [rooming houses] as very unsafe places, especially for women.

NSW housing service providers reported one situation in a local 'mini' boarding house:

Look, there's people around here that rent out rooms and stuff to uni students. There is a fair bit of that going on. There's also a house around here that's being divvied up 'cause we assisted a mum to get into there 'cause she'd just lost her kids ... We paid a bond and we helped her get in there. And, about six weeks after, she's like 'What have you got me into?' And there was all these males knocking on her door all hours of the night and day. And we quickly ... got her out of there. (OWS7)

Finally, it is important to note that the networks of agencies which assist low-income people to find accommodation in rooming houses often rule out referrals to particular rooming houses, having formed a judgement that conditions and/or behaviours are too problematic for their clients. A housing referral worker described it in these terms:

There's certainly ones we don't, we deliberately don't, put on our referral list. So the referral list is just generally, we don't really have a great idea about them. But the ones that we consistently hear that are not, you know, not safe or, that are definitely not safe, we don't, we omit them from the list. (IB9)

In summary, rooming houses tend to be places where low-income people are concentrated. Many experience multiple forms of disadvantage including vulnerabilities associated with ageing, alcoholism, mental illness and drug addiction. These forms of disadvantage are often associated with anti-social behaviours that are disruptive in the shared domestic

environment of a rooming house. For most who live in rooming houses the choice is limited, with other forms of accommodation either unaffordable, in short supply or otherwise beyond their reach.

3.4 Management

Rooming house managers are increasingly described as rooming house operators. Consumer Affairs Victoria (2012) states that such operators can be the owner of the building, a person who has leased a building and is operating it as a rooming house, or an agent or head tenant employed by the owner. In the following discussion the term 'operator' is used to refer to a manager, an owner or a manager-owner. Other roles are indicated as relevant.

In broad terms managers are responsible for processes that enable people to become rooming house residents. Many live in or adjacent to their rooming houses. They ensure that rooming house properties are maintained and that all arrangements comply with legislation. Until recently these processes and responsibilities were not defined or detailed but today they are increasingly being codified in new legislative requirements for managing rooming houses that explicitly set out the rights and responsibilities of owners and managers and residents (see Appendix 1).

In Victoria the report of the Rooming House Standards Taskforce (Vic.) and Foley (2009) recommended that the state government support 'the Registered Accommodation Association of Victoria to develop a revised code of conduct for members in light of the regulatory changes'. This led to the peak association representing rooming house owners and operators to propose a set of accountabilities for a person with responsibility for managing a rooming house. They direct that such persons:

- Have more direct communication with residents and help resolve problems sooner.
- Help residents feel safer and more secure.
- Help minimise damage to the building.
- Ensure repairs and maintenance works are carried out quickly and maintain hygiene standards.
- Help enforce the house rules.
- Help build good relationships with neighbours.
- Deal with legal issues.
- Represent you at the Victorian Civil and Administrative Tribunal (VCAT).

(Registered Accommodation Association of Victoria 2011)

This initiative developed against the background of at least three well-recognised issues in rooming house management. The first issue involved managers who did not follow legislative requirements and exercised unaccountable authority over residents who were often not in a position to challenge them. Some of our interviewees spoke about managers who 'did a reasonable job'. For example, IB1 described how the manager displayed a set of rules on the back of the door of each room which set out:

... what he expects from every resident in the home, which is good. I mean I like that, I like his policies, you know, because I've been in boarding houses where there's, you know, just, you know, no, no rules, I mean there's no caretaker, the residents make their own rules in what they do. But he's good.

Another resident, IB5, spoke in similar terms about an approachable and responsive manager:

So he's quite—he's quite good, you know. He'll get on the phone and tell the owner that I need this, this and this, and the owner will come over and, okay, you need this, this and this, you know, he goes, yeah.

However, others spoke of managers who they thought did not manage at all well. For example, IB4 described what had happened in her rooming house:

The, the onsite manager, like, like I said the first couple of months I was in there you never saw him if there was anything going on. He never took care of any of the, like ... issues. He was basically either drunk or stoned or both, or on meds, or whatever his issue was. And then about [pause] probably four or five, six weeks ago, he started just picking fights with everybody and he was in everybody's face.

A community service worker who assisted rooming house residents described a similar situation:

I had a client a couple of weeks ago who had this manager that kind of stayed off the radar. But I think was drinking a fair bit and was kind of threatening people and banging on people's doors in the middle of the night and demanding all these things. And everyone knew that he probably couldn't do that, but no-one wanted to be the one to stick their neck out and say, and call him on it, because ... They've basically just got more power. So you know, the professionalism on their part is, you know, non-existent. (IB9)

Another rooming house resident described a manager who 'steals from them and takes other small implements, from things like the clothesline and the dining room, where she feels it's hers to take ... and not be punished' (IB3).

Another rooming house resident, IB6, described the situation of a manager who was a local real estate agent and who he thought was not doing the job of managing at all well:

'Real estate' comes and she just, I don't know what she check, she just put on paper and then that's it. So she doesn't check anything. Yeah, nothing change from the beginning.

The second issue is that it is often not clear who is the manager of a rooming house. This lack of clarity about responsibility can be evident in several ways. First, some owners delegate authority to someone who lives in a rooming house in a way that leaves lines of accountability and the exercise of authority unclear. An interviewee with many years of experience of the Brisbane rooming house industry described the phenomena in these terms:

So the management issues are massive because the owners don't want to ... [be] ... involved with it. The best thing they'll do is they'll find a resident who comes in and who's pretty switched on, and they'll put him in the front flat and they'll say, 'Hey, can you just let me know if there's any maintenance?', or 'You can be my semi-caretaker', and give him cheap rent or free rent. But that doesn't mean that everyone there has [their] medication and sees a doctor [or that such a delegate] looks after their mental health issues. So management-wise, there's a massive problem and a lot of people go unreported ... So Level 1's [rooming houses] are very difficult to manage, and that's why owners try to step away and not manage them. (IB8)

Carr (2009, p.29) has corroborated this type of arrangement from the position of a tenant advocate:

It was not uncommon for an issue to arise between residents and untrained caretakers who were themselves essentially longer-term residents receiving free rent in return for basic duties such as rent collection and taking rubbish bins out.

In this context there is continuing discussion about the efficacy of a system where owners delegate authority to someone who lives in a rooming house, a 'lead resident' role, which the Registered Accommodation Association of Victoria (2011, p.8) cautions proprietors to consider carefully:

Some operators believe there is a role for a lead resident. The benefits of a lead resident may include: having the respect of other residents, if the lead resident has the right personality; reducing the need for the owner or operator to always be at the property; quicker resolution of disputes between residents, if a lead resident is on the premises.

However, there are also reasons why you may not want to have a lead resident. For instance: they have no legal power to enforce the house rules; privacy laws may stop them from doing anything if it impacts on other residents' wellbeing; a lead resident may create an unequal hierarchy in the rooming house, causing resentment in other residents.

Think carefully before installing a lead resident, and work out if it is the right option for your rooming house.

This lack of clarity about responsibility becomes evident when it becomes difficult to identify the operator, as evidenced in the case of the Melbourne rooming house fire where two young people died in 2006. The Coroner, through his investigation, found that a number of business entities had been established by the operators and it was difficult for state and local government authorities and residents alike to work out who was the operator. Consequently, the Coroner recommended a system of registration that clearly identified managers and the criteria they had to meet in order to be appointed. He recommended:

That the Director, Consumer Affairs Victoria, implement a licensing system for all rooming house operators with each business to be managed by a nominee who shall be the person in charge, with such persons to be fit and proper persons having regard to criteria to be established by the Director. (White 2009, p.1)

A revised system for registering boarding/rooming houses and principles for their management is now being implemented following legislative changes in Victoria and NSW.

The third issue is that operators do not always acknowledge that residents may have a range of disabilities and require good access to community support services. These disabilities may result in complaints from other residents resulting in their eviction. Fisher et al. (2008) notes:

Residents who require assistance with mobility, personal care, and hygiene or have some challenging behaviour are often quickly evicted with a couple of days' notice. Many caretakers have reported that they do not feel comfortable with this practice, but they are running a business and they cannot ignore complaints from other residents.

One management response is to develop systems that filter out residents who might be difficult to house. A manager spoke about his approach to resident selection:

I think I've worked it down to a fine art now of matching dynamics of people in houses. And, from what used to be a three-to-six month average stay in the houses when I first started, we've now increased that to around about the two-and-a-half years. So people are now a lot happier, dynamics work, again, my screening process of weeding out the drug and alcohol issues, and to a certain degree, mental health issues. (IWS14)

This same manager had developed networks with community-based services and outreach workers for boarders in need of services:

I utilise services, community services, and that's probably the main factor of keeping the clientele happy for one, serviced, it addresses the isolation, their, the issues, their needs. (IWS14)

This approach has been incorporated into the recently enacted Boarding Houses Act 2012 (Parliament of NSW 2012), which provides for approved entry by service providers and advocates into rooming houses without consent or a warrant in order to provide:

... relevant information or advice to residents of such boarding houses about support services, financial services, legal services or advocacy services provided by the person or the organisation to which the person belongs.

In summary, managing rooming houses can be problematic. Rooming house operators, whether owners or managers, have few formal guidelines on how best to manage rooming houses. Recent initiatives, such as legislative provisions in NSW and the development of guidelines in Victoria, are a positive way forward. Nonetheless, many of the people living in rooming houses, and many who continue to seek accommodation in rooming houses, experience disabilities and other forms of disadvantage that can make it difficult for them to live independently unless supported in ways that can impinge on other residents and lead to conflict and/or eviction.

3.5 Business models

This section focuses on the entities providing rooming house accommodation and the ideas that guide the establishment and conduct of these businesses. Often the type of business model sums up the framework of the business entity based on certain assumptions. It focuses our attention on both the nature of the entity—sole trader, partnership or firm—and the cluster of ideas that guide the business. This cluster of ideas provides insights into the rationale that goes with the products or services, the form of organisation and the operational processes of the entity. These ideas can be stated explicitly in strategic and business plans or can be implicit and only identified by searching through records and analysing the practices of those involved in the production of the products and services. Rooming house businesses are generally the latter type. In the main they are small entities, sole traders, private companies and unincorporated small businesses that do not engage in complex business planning processes. They are businesses run for profit that provide rooms to residents and access to shared domestic facilities for rent. Understanding the way in which they are established and operate, and the ideas that guide them, are generally found in secondary sources.

An indication of the absence of business planning in the rooming house industry is the assistance that Housing NSW provides to rooming house providers to 'gain a better understanding of issues affecting the viability of a boarding house business' through the development and distribution of a simple 'profit and yield' calculator: an spreadsheet template and guidelines on its use (Housing NSW 2010). The calculator assists owners and operators to more systematically record and analyse revenues, capital costs of upgrades and developments and operating costs, in order to approach financing more conscientiously, calculate net yields and understand the impact of stamp duty and land tax arrangements. It was developed in recognition of the low level of business analysis and planning capacity of operators and owners.

As discussed previously, rooming houses can be categorised as two main types: 'traditional rooming houses'; and the 'new model' of smaller and harder to identify rooming houses in ordinary suburban houses.. It is possible to discern some differences in the business model behind each type. However, severe limitations arise because, as Greenhalgh et al. (2004) note, the scarcity of data collection on rooming houses makes a structural analysis of the boarding/rooming house industry difficult. Consequently, evidence is partial and fragmented.

3.5.1 *Traditional rooming houses*

The starting point for appreciating business models for traditional rooming houses is to recognise the similarities between rooming house operators and landlords in the private rental market. Operators are overwhelmingly small-scale investors with only a few large corporate-style rooming house investors and operators found in NSW. Anderson et al. (2003, p.17) found that in South Australia:

Most commonly boarding houses were operated by an individual or family partnership, with owners owning and operating a sole property. Multiple property ownership—that is, where a private owner owned more than one boarding house property—accounted for about 20 per cent of the total bed numbers.

Further, there is evidence that investors and operators have different histories and motivations for being in this market, in the same way as private rental market investors represent a diversity of interests. Klinger and Greenhalgh (2005) suggest, on the basis of consultations with rooming house owners and managers in the inner city of Melbourne, that four categories could be distinguished: long-term owner-managers; unintended landlords; professional commercial operators; and socially responsible professional commercial operators.

Perhaps the most important feature of any account of the traditional rooming house business model is the approach of the owners to the use of capital. Here the evidence is that owners largely focus on cash flow for their businesses, have no or little debt and, therefore, no or few debt-servicing charges. In other words, these owners are probably not considering the 'opportunity cost' of capital invested in their rooming houses by ascertaining whether the financial assets that might be realised could be invested elsewhere and attract a higher rate of return. However, this approach to the financing and management of rooming houses helps us to understand why in recent decades many rooming houses have closed, been sold or converted to other land uses, especially in inner city areas where land prices have increased significantly.

Hunter and Marquette (2003, p.13), in their study of supported residential facilities (SRF) in South Australia, found an 'overlap' between SRF and rooming house accommodation:

It is apparent that those operators who own their premises outright are able to achieve a better cash flow position than those who rent or have the properties mortgaged. This does not, however, fairly reflect the opportunity cost of the substantial investment in the property asset that such tenure requires. Facilities that were mortgaged also showed a better cash flow position than those that were rented. Again, this does not reflect the opportunity cost of the owners' equity invested in the property.

Greenhalgh et al. (2004, p.66) reached a similar conclusion in their analysis of discounted cash flow in three Brisbane rooming houses:

If placed on the open market for sale, it appears that a boarding house would not compete in its present form in Brisbane, and as such is not operating at its highest and best use. This conclusion was reached after analysing relatively basic income and expense variables, although all were considered fair and reasonable in the overall market context.

An interviewee in the Brisbane rooming house industry with many years of experience, corroborated this finding:

So the average owner still is after yield, but a lot of them have owned them forever; they don't really have mortgages, they will often, will actually use it as equity for other properties they then, then purchase. (IB8)

On this basis it is reasonable to suggest that many providers of traditional rooming house accommodation are 'subsidising' their rooming house businesses by taking low returns on capital invested in their rooming houses. It may well be that some view their property in terms of the capital gain that might be achieved in the future.

These findings provide a context for discussion of future investment in the traditional rooming house sector where there is a tension in the policy objectives that inform regulatory reform. First, rooming house owners tend to continue to rely on income derived from largely debt-free rooming houses while receiving low returns on invested capital. Second, state government policy-makers recognise that a significant proportion of residents continue to live in rooming houses where their safety and security is compromised and that the improvements required would increase the costs incurred by owners. Therefore, not surprisingly, there is a tension in the discussion about the viability of traditional rooming houses.

A clear expression of this tension was found in the Victorian government publication, *Proposed Residential Tenancies (Rooming House Standards) Regulations: Regulatory Impact Statement* (Department of Human Services 2011) that assesses the economic impact of increased regulation of rooming houses, which made clear that safety and habitability for residents and economic viability for owners were both objectives, but that safety and habitability must come before economic viability. The statement of the primary objective reads:

The broad objective of the proposed regulations is to ensure that every rooming house constitutes a safer and more habitable affordable housing option for vulnerable Victorians.

The issue of viability is addressed as a secondary objective, to ensure that:

... the rooming house sector remains a viable means of providing affordable accommodation. This includes ensuring a minimal number of rooming house closures as a result of any measures to implement minimum standards. (Department of Human Services 2011, p.42)

This hierarchy of objectives was reflected in weightings for the cost-benefit analysis: safety was weighted at 45, amenity at 5, possible closures of rooming houses 5 and cost 35.

In this context, three factors focus discussion about the future of traditional rooming houses: the cost of the safety and amenity improvements required by new regulations; insurance costs; and, more recently, the rising costs of energy and water.

The best evidence of the cost of upgrading rooming houses is contained in a Victorian regulatory impact statement (Department of Human Services 2011), which presented costings for eleven safety and amenity requirements for boarding houses of different sizes. It concluded that the total cost to owners and managers would be \$5.7 million over 10 years for 8772 rooming house rooms or around \$650 per rooming house resident. Actual results remain to be seen and are difficult to predict in the absence of adequate micro-economic analyses of the boarding/rooming house industry.

Insurance for rooming houses has been a significant issue for traditional rooming house owners and proprietors. Greenhalgh et al. (2004, p.13) found that the 'boarding house industry is having difficulties obtaining public liability and building insurance', especially in Brisbane. They noted that the cost of insurance for some owners had risen substantially. Similar circumstances have been reported in NSW. A study of rooming houses in the inner Sydney municipality of Marrickville reported that two rooming houses out of 23 experienced difficulty in obtaining public liability and building insurance (Newtown Neighbourhood Centre 2003).

Another issue that has arisen more recently is the cost of energy and water. Increases in such utility costs has become a significant public policy issue for all consumers but takes a particular form in boarding/rooming houses because most boarders are not metered separately for their use of electricity, gas and water. In each rooming house there is just one meter for each utility and the rooming house proprietor passes the costs onto the residents in their rents. Operators have noticed steep increases. One, who manages a small number of rooming houses in inner Sydney with between 10 and 15 residents, explained:

Utilities are inclusive of a set weekly tariff. So with the ... expense of electricity and water going up, our quarterly bills per house, or outgoings, has tripled in the last three years. So, whereas we could pay maybe \$1000 per house per quarter for utilities, we're now looking at \$3000 bills. (IWS14)

This increase has led him to encourage residents to be more conservative in their use of gas, electricity and water or risk a potential \$10 increase in weekly rents.

One outcome of the debate about viability is that some state governments are providing subsidies alongside the new regulations. Housing NSW has been running a Fire Safety program since 1997 that provides grants for fire safety upgrading where owners of existing rooming houses apply for grants to undertake essential fire safety works. The Boarding House Financial Assistance Program in NSW offers grants for community housing providers of 'new generation' boarding houses of \$10 000 per room to construct or expand under 'new generation' principles, provided that rooms are rented at 'affordable' rates for at least 5 years. The grants are paid out in instalments of \$2000 over five years. In Victoria there has been only one short-lived Sustainability Victoria program aimed at improving the energy and water efficiency of rooming houses, which provided a free energy and water assessment and a basic retrofit upgrade of common areas and subsidies for more efficient appliances with the objective of improving the efficiency of properties and lowering utility costs.

Finally, the income of rooming house residents must be part of the discussion of the traditional rooming house business model. Rooming house operators offer accommodation at a price and make judgements about the level of demand and the capacity of people seeking rooming house accommodation to meet their rental rates. Furthermore operators offer accommodation at different rates, which reflect quality of accommodation and its location. The resulting market structure evident in the Marrickville municipality has been described thus:

It is estimated that there are in excess of 200 privately run unlicensed [now 'general'] boarding houses across the Marrickville LGA. They range from low to high quality accommodation for people on very low to moderate incomes. The lower end of the market targets some of the most vulnerable residents on very low incomes, often with drug and alcohol problems and/or those who receive income support in the form of pensions or benefits. The higher end of the market includes renovated or new premises targeting students and moderate-income workers. (Marrickville Council 2009, p.26)

This description indicates the kinds of variation in the business models of rooming house owners and a market with two broad lower-end and upper-end segments. Of particular interest is the lower quality segment, where there is little additional capacity for residents to pay more. The Newtown Neighbourhood Centre (2003, p.8) calculated that the costs of living in a rooming house for residents represented '50.7 per cent of unemployment benefits or 44.4 per cent of a pension', and concluded that 'for an individual who is reliant on a pension or other Centrelink benefit for their main source of income, this is not affordable accommodation'. We conclude that the capacity of rooming house owners and managers to raise rents in a market segment offering accommodation to people who rely on pensions and benefits is seriously constrained.

3.5.2 *New model rooming houses*

As previously noted, 'new model' rooming houses tend to be smaller and less visible than traditional models. Typically they are existing suburban houses converted into rooming houses through internal modifications such as locks on bedroom doors, partitioning of rooms to create additional bedrooms and the conversion of garages and sheds into de facto bungalows. The main two business models for these rooming houses are: landlords own the premises and manage the rooming house themselves; or houses are head-leased to a person who then sublets each room (Rooming House Standards Taskforce (Vic.) and Foley 2009). Both models represent a means for increasing income that can be extracted from existing rental housing in the context of a very tight rental market. Hulse et al. (2012, p.39) note:

In the context of vacancy rates lower than 2 per cent, it is not surprising that there is some evidence of the emergence of a marginal rental sector where detached houses are effectively converted into rooming houses and rented out per room.

The first type of new model rooming house business model is largely an extension of the long-term pattern of Australian residential landlordism, which is characterised by widespread small-scale rental property ownership. Although the proportion of landlords who pass the management of their rental properties to real estate agents has been increasing (Hulse et al. 2012), a significant proportion continue to manage their property directly themselves, thus taking on the role of establishing individual letting arrangements. The Rooming House Standards Taskforce (Vic.) and Foley (2009) suggested that they could either be 'Mum and Dad' investors seeking to maximise income from one or two rental properties, or be more entrepreneurial investors using debt-financing to develop a profitable portfolio of rooming houses.

In the second form of the new model, the owner passes the residential property over to a lessee in a head-lease arrangement who 'then sublets individual rooms through residency agreements' (Rooming House Standards Taskforce (Vic.) and Foley 2009, p.1) in a flexible, low-cost and potentially highly profitable model. The taskforce illustrated the potential profitability by presenting a case study for a five-bedroom house where a total of \$4248 in rent was received each month by an operator who on-paid \$1300 per month to the owner, suggesting that this represented a profit of \$2948. However, even though utility and other outgoings were not included as deductions, this calculation suggests that the profit after other costs must have been significant.

Further, evidence of the significant returns that can be derived through a head-leasing model can be found in an inquiry conducted by the State Coroner of Victoria into the deaths of two young people who lived in a rooming house operating under a head-leasing arrangement. In this case the lessee gained access to the owner through a real estate agent to arrange, in 2004, to lease the property for two years and partition some rooms for a residence of six rooms on the first floor of a two-storey building. Proprietors have often used this type of arrangement to develop a large business. The Coroner stated that:

In regard to the business of Northern Suburbs Accommodation generally, Mr Maatouk also testified that his business leased some 60–70 homes over the past five years and accommodated 200–300 people. The company's income was around \$40 000 per week and that it was his practice to keep the number of tenants at five or less to avoid the need to register premises. (White 2009, p.12)

In summary, the new model rooming house is a way of reconfiguring the economic relations of rental housing. The traditional mainstream private rental agreement with a tenant for an agreed dwelling rent (e.g. who might sub-let) is replaced with one whereby a landlord or head lessee makes an arrangement with tenants on a room-by-room basis. This will generally mean that the landlord or lessee assumes responsibility for some costs, in

particular utility costs, and perhaps costs for the cleaning of common areas such as the bathroom, toilet and kitchen. However, the overall arrangement appears to produce higher returns than that found in private rental housing.

3.6 Assisted housing: Occupants with special needs

Across Australia boarding/rooming houses for occupants with special needs have distinctive frameworks for operation, most required by legislation or regulation and others due to the type of services offered. As outlined in Section 3.3.1, this sector has a long history of poor performance and regulation, especially in terms of monitoring and implementation of policies to protect the vulnerable persons in their care. Clients and their families have tended to be unaware of their rights and found the defence of their rights difficult. Non-compliance and safety issues have been common. For-profit operations have struggled to be viable and many have closed. Neglect, abuse and poor conditions have surfaced in reports and the media for decades. In response, regulations have been revised and policy implementation improved in many states and territories. Much of this has occurred in the last decade. The general direction has been towards an interagency, partnership model of care and support for people with special needs to gain increased independence, respect and integration. However, change seems to be occurring only slowly.

By way of an example of reforms, during the early 2000s Queensland's Office of Fair Trading registered and accredited this type of accommodation as a Private Residential Service (PRS) Class 3, that being 'supported accommodation' offering accommodation, personal services and, generally, meals. This approach conforms with our preferred framing of marginal rental housing reforms, which is based on an accommodation services model rather than the needs of 'special' types of residents, the latter characterising the NSW legislation outlined below. SGS Economics and Planning (2008) was commissioned to review the 2002 reforms to Queensland's regulation of the whole boarding house sector. These reforms included introducing: written residential service agreements between residents and service providers, with the Residential Tenancy Authority providing the means to resolve associated disputes; registration and accreditation of operators; minimum standards for buildings, services and residents' rights; a government-run Resident Support Program; responsibility for the Tenant Advice and Advisory Services Queensland; particular attention to improving fire safety in the sector; and financial incentives for boarding house operators to make the necessary changes.

SGS Economics and Planning (2008, p.3) found evidence to support the stronger regulatory framework in terms of improvements to rights, safety and amenity, but suggested further improvement by adopting a case management approach to residents with special needs and demanding higher qualifications and training from operators. Their evaluation covered all levels of boarding accommodation but, significantly, recommendations focused on improvements to PRS Class 3. Viability of the sector was also raised as a serious issue. Subsequently, Queensland introduced the Residential Tenancies and Rooming Accommodation Act 2008 and the Residential Tenancies and Rooming Accommodation Regulations 2009. Under current legislation there are minimum standards to meet in order to register to provide accommodation (Level 1), food (Level 2) and personal care (Level 3) (Queensland Department of Housing and Public Works 2012). To allow for cost and implementation difficulties, the government would grant up to three years for a business to meet its accreditation standards.

Our case study in outer western Sydney (OWS) focused on residents with special needs, enabling more detailed discussions of NSW regulation, building types, management, business and ownership models, residential profiles and lived experiences of boarders. These are discussed in the following sections.

3.6.1 *New South Wales*

Our OWS case study focused on premises for residents with special needs and their service providers by following the transition of residents from a well-established large, traditional, for-profit licensed boarding house, where they had lived for several years, to re-housing in a smaller, more community-based, boarding house with better facilities and environment for two years, as they waited to finally enter shared and supported group houses. We interviewed two residents who had lived in the older establishment for some years before experiencing the transition. At the point of interview they had been living in the group homes for almost a year. A number of service providers involved in the transition were also interviewed.

3.6.2 *Regulation*

Until 2013, NSW boarding houses were regulated as either 'licensed' or 'unlicensed' premises. Ageing Disability and Home Care (ADHC, a division of the NSW Department of Family and Community Services) licensed premises that catered for at least two people with special needs (i.e. a disability or requiring aged care), which were also known as Licensed Residential Centres (LRCs) and operated under the Youth and Community Services Act 1973 and Youth and Community Services Regulation 2010. Under these arrangements, ADHC was obliged to provide case workers to create case plans and coordinate service delivery and assist in relocation of such boarders and address compliance issues in LRCs. ADHC was 'responsible for ensuring minimum standards of housing' and 'facilities ... for the health, comfort, safety and proper care' of boarders in licensed boarding houses, and for ensuring that management would supervise medication, offer nutritious food and treat boarders fairly (Redfern Legal Centre 2011, p.23).

In NSW, licensed premises in particular have been notorious for poor management and conditions. The Ombudsman and media have reported numerous deaths and abuse in them for many years. Less than 20 years ago the Burdekin report described the physical and social conditions in such licensed premises as 'a national disgrace', 'appalling' and 'very bleak'. Fifteen years ago Millard summarised conditions in Sydney as 'a model of minimum care' (Burdekin 1994 and Millard 1997, cited in Godfree & Bridges-Webb 2002, pp.1–2). Subsequent reforms suggested for all licensed and unlicensed boarding houses aimed to establish a comprehensive, unified and straightforward regulatory framework, which would protect residents' rights and the economic viability of boarding houses through flexible, efficient and results-focused measures (IDC 2010, pp.7–11). The options for reforms included: a Queensland model of accreditation focusing on the kinds of services delivered; specific service standards for boarding houses, offering services to people with special needs ('vulnerable residents') following the Youth and Community Services Regulation 2010; incentives for LRC operators; and encouragement of non-government service provision, including accommodation.

Despite reform efforts, questions in the NSW Parliament in May 2012 associated with a coronial inquest into the deaths in 2009 and 2010 of six people with disabilities who lived at 300 Livingstone Road, Marrickville, revealed that: four residents of Sunshine Lodge had also died within a little over one year; 'services were not consistent or standardised across regions'; some staff members still did not have a First Aid certificate as required by law since September 2010; and each resident on average only received \$1200 worth of ADHC service provision per annum in spite of the responsible minister announcing a recent increase to \$1815 (Perry and Minister for Ageing 2012, pp.1841–43). The Coroner summarised conditions at '300 Hostel' as 'Dickensian': on weekends one staff member was responsible for 35 residents and records were negligible; the deaths had resulted from boarders being 'uncared for, poorly treated medically and neglected' (AAP 2012). She recommended new legislation to improve service and accommodation standards in all

boarding houses and compulsory registration, adding pressure for the subsequent NSW Boarding Houses Bill 2012. The coronial inquest confirmed the NSW Ombudsman's decade-long campaign to draw attention to the 'vulnerability and poor circumstances' of licensed boarding house residents, the consistent and 'critical failings' of ADHC, 'inadequate' legislation, and desperate need for 'rights-based' protection and adequate services (NSW Ombudsman 2011). Indeed the NSW Ombudsman (2011, p.14) stated that:

The standards in place for people with disabilities living in licensed boarding houses are markedly below those in place for people with comparable support needs living in funded disability services, and do not have regard to the United Nations Convention on the Rights of Persons with Disabilities.

Among other investigations in the sector, the Ombudsman had reported on the notorious Grand Western Lodge in Orange—inland and further west than our case study—three times before its closure due to serious allegations that boarders 'frequently experienced beatings, over medication, sexual assault, harsh punishment, prolonged segregation, solitary confinement and financial exploitation', revealing the systemic failure of ADHC to act (PWD 2011).

There are conflicting data regarding the LRC sector. While the NSW Ombudsman reported in the mid-2000s that there were 55 LRCs in NSW with around 900 beds—a sharp reduction from the 179 LRCs with 3900 beds in 1993—the ABS Census of Population and Housing 2006 identified 236 premises in NSW classified as 'hostels for the disabled' with 3621 occupants (NSW Ombudsman 2006 cited in Tenants' Union of NSW 2011, p.2). By mid-2008, a NSW government-appointed committee charged with scoping a broad centralised regulatory framework to ensure adequate standards and the financial viability of the boarding house sector reported just 31 LRCs with 687 beds (IDC 2010, p.2). Indeed, of an estimated 300 boarding houses in its local government area—of which Marrickville Council (2004, pp.44–45) had only registered around half—just three had been 'licensed' under the outgoing legislation.

Many residents of establishments formally classified by ADHC had moved to LRCs as a result of the 'deinstitutionalisation' process decades ago. The Tenants' Union of NSW has long advocated eliminating such 'mini-institutions', arguing that people with high service needs should be accommodated in more appropriate, desegregated, community-based, not-for-profit accommodation than that offered by private, commercial operators (OWS1). Advocacy in this particular area, however, has been left to People With Disability Australia, the non-profit, non-government peak disability rights and advocacy organisation, which operates a dedicated ADHC-funded Boarding House Advocacy Project that responds to complaints and informs boarders of their rights, investigates neglect and supports people in cases of closure across NSW (OWS1).

A Boarding House Reform Program introduced in 1998 was designed to integrate and improve the access of boarders with special needs to the whole range of health, welfare, educational, training, employment, creative and recreational activities enjoyed by most citizens in NSW (NSW ADHC 2012). This program aimed to move residents from LRCs to community-based accommodation, provide caseworkers to support boarders and implement protocols protecting residents when premises were closed. However, the provision of outreach services and caseworkers proved patchy in coverage and inadequate, especially given that people with special needs were moving out of sight into unlicensed premises. Decades of reform have failed to meet the service requirements of many people with special needs living right across the boarding house sector.

While policy-makers might trivialise the licensed sector because of its apparent representation of such a small proportion of boarders, of greatest concern to those campaigning for reform was the strong suspicion that many people with special needs were

living in unlicensed boarding houses, which were subject to less scrutiny. For instance, the NSW Ombudsman (2011, p.14) had noted that:

While the safeguards for people with disabilities living in licensed boarding houses are problematic ... there are almost no safeguards for people living in unlicensed boarding houses. Evidence which shows that some licensed boarding houses are relinquishing their licences to become unlicensed boarding houses is of great concern.

Indeed, given the relatively high support needs of boarders with mental health and alcohol and drug issues, it has been widely acknowledged that people with special needs unknown to ADHC have often been living in unlicensed boarding houses without proper supports and access to services (Martin 2007, p.20; IDC 2010, p.5; Marrickville Council 2004). This finding was supported by our case studies: people who clearly had special needs and were nonetheless living in unlicensed boarding houses.

In its response to the new draft exposure Bill on boarding houses, Marrickville Council (2012, pp.47, 51–52) not only expressed concern in not being able to identify what would become 'Tier 2' or 'assisted' boarding houses (new terms for 'licensed' premises), but also anxiety over the level of resources needed to service residents in unlicensed premises. The analysis by Marrickville Council (2011, p.19) of their survey of over 100 unlicensed boarding house residents (of an estimated 2000 in its local government area), showed that almost three-quarters received a government allowance, including over a quarter of all those surveyed who were on a disability support pension. This indicates that the discussions in this section potentially apply to broader populations of boarding houses than the narrow one specified in legislation.

It is in this context that the Boarding Houses Bill 2012, effective from the start of 2013, was introduced to form a register of boarding houses and greatly improved regulatory framework. What had been licensed boarding houses now belong to a 'Tier 2' category of 'assisted boarding houses' for people with 'additional needs' and with special regulatory conditions. In the pre-existing legislation any premises catering for at least two people with special needs, as defined by ADHC, had been expected to apply for a licence that gave them access to support services and caseworkers. Clause 4.1.36 of the new Act defines these needs in association with boarders who have 'an age related frailty', a 'mental illness' according to the Mental Health Act 2007 and/or a disability caused by any one or more of a wide range of impairments where their condition is as good as permanent and requires care or support services related to daily tasks, personal care and medication.

3.6.3 *Building types*

According to the Building Code of Australia, all boarding houses catering for more than 12 residents are classified as 'Class 3' buildings with a different set of standards from those with fewer than 12 residents ('Class 1b' buildings). Types of buildings used for LRCs have been similar to those for unlicensed boarding houses:

- Old period-style buildings in constant need of repair, expensive to heat and cool due to their design, often with insufficient bathroom facilities.
- More modern medium-sized buildings with a more appropriate design and stronger community feel.
- Shared and supported shared houses, similar to family residences.

The transition followed in our OWS case study started with an old traditional for-profit boarding house (c. 1920s) of around 50 occupants. In the years leading up to its closure the boarding house had had serious maintenance and non-compliance issues, including fire safety, due to the death of its owner. During the first half of the twentieth century it had been

a respectable boarding house for workers, professionals and tourists. Only later, as the demand for such boarding houses diminished, did it become a facility for people with a range of psychiatric illnesses and intellectual disabilities. After the owner died, the manager retired and the residents were relocated. The building was advertised in the *Domain* property section of the *Blue Mountains Gazette* (2011, p.45) as a 'mortgagee auction sale' and 'in a sad state'. The local council planner reported that it would cost 'millions' to renovate, a job complicated by its heritage listing, which prohibited its demolition and various kinds of refurbishments, renovations and retrofitting appropriate for its use as a multi-storey boarding house (OWS8).

The *Local Government Act 1993* requires councils to balance the needs of residents with orders they might make regarding compliance, which means offering a reasonable time within which conditions will be improved, sometimes leading to a weak level of compliance. In the years leading up to the closure of this boarding house, a service provider who worked in it reported a range of environmental safety risks:

[F]ire risk was a big problem ... having sprinkler systems and things like that ... they weren't allowed to smoke in their rooms but they did smoke ... you might have inebriated people smoking in their bedrooms when it's not safe and the place would have gone up like a tinderbox ... it did smell and the carpets were filthy. (OWS2)

In contrast, after the old boarding house closed, the accommodation that some former residents moved into had 'a very different feel to it' (OWS2). Another three-storey but smaller and more modern brick building—once a youth hostel in a commercial tourist zone—provided two years' transitional accommodation for 17 of the residents. Built in the mid-twentieth century in art-deco style, this 19-room residence contained 18 bathrooms, two large living areas, two large dining areas and a commercial kitchen.

The final transition for the residents was their rehousing in relatively recently constructed brick townhouses, each housing just a few people in well-serviced shared households—residential style accommodation considered much more suitable to their needs. Here they were able to prepare their own meals and use the bathroom and laundry facilities without waiting in line. Changes in the built environment—as well as in transitional life skills programs—were key to creating a more independent and community-based social environment in which to live. This was particularly important to these clients, who were likely to spend much of their time within their residence. The transition offers a possible model for the future for the boarding house sector in general.

In all three instances in our OWS case study, located in a rural township, proximity to facilities and health and welfare services was good. Boarders were free to spend significant time in the township where numerous activities were available. However, accessibility of local facilities is a variable characteristic across the boarding house sector.

3.6.4 Management

Management of people with special needs incorporates caring responsibilities that are key to their quality of life. Our OWS case study offered examples of authoritarian management, benevolent management and co-management styles with increasing levels of independence.

The old for-profit model was characterised by live-in managers with a top-down approach who drew more or less on services provided through state and non-government health and welfare systems. Despite constant complaints that the level of service provision was inadequate, outreach service providers have found many of these kinds of managers suspicious of incorporating outside assistance:

One of the biggest challenges being that boarding house managers truly believe that they are providing a good service, with adequate levels of care. (Godfree & Bridges-Webb 2002, p.9)

However, a service provider described management in the OWS traditional for-profit boarding house as 'fantastic', partly because the manager recognised that services 'made her life easier' (OWS2). Also, in the years leading up to its closure, the manager had been 'quite selective' in accepting applications for residents when places slowly became available—still leaving some 'really volatile' residents and 'a few high risk people' (OWS2).

After the owner died and the manager retired late in 2009, representatives from NSW ADHC, a local neighbourhood house, community housing organisation, mental health team and other service providers joined together to relocate the residents in appropriate ways within a three-month period. Around 17 of the more able, younger and interested occupants were given the opportunity of transition to more appropriate housing, which would be managed by a well-established not-for-profit charitable organisation that provides accommodation and other support services for people with intellectual disabilities.

The plan was to move them on into small group households in townhouses that were still being built. Meanwhile, they lived in 'what was essentially another LRC; albeit smaller and far better resourced' (Sylvanvale Foundation 2011, p.10). However, the management was less regimented and more individually and community focused than the for-profit traditional boarding house in which they had previously been accommodated: 'there were more engaged staff', 'it was universally warm ... a fridge open 24/7 ... it was comfortable' (OWS2). This stage offered the disability service provider, with their entrenched personalised approach to supporting individuals, a fresh challenge and opportunity to work with the group and community dynamics established among the boarders in their previous home (Sylvanvale Foundation 2011, p.10).

The permanent disability housing in which our interviewees had been living for several months when we spoke with them finally was based on a community-based co-management model with the residents having individual and joint involvement in decisions about their activities and service provision. It exemplifies a cross-agency partnership and collaboration model advocated by the NSW Ombudsman (2011) and demonstrates the way in which smaller shared housing models can provide for people with an intellectual disability (or other disabilities) in a supported environment without sacrificing either their wellbeing or autonomy.

This transition illustrated the range of management styles found in boarding houses providing accommodation for people with special needs across NSW and the nation more generally. While privately managed for-profit licensed boarding houses have a poor record of service provision and economic viability, some viable and reasonable models have evolved. One interviewee talked about a boarding house in Sydney that had two buildings, one licensed and the other unlicensed, each with eight residents, and a common courtyard and associated interaction. Even amongst the licensed boarding house residents there was diversity: ethnic backgrounds included refugee histories and English as a second language; some residents worked; most were 'really independent' or attended day programs (OWS2). Privately run by a couple who had owned the business for a couple of decades, the boarding house provided meals and supervised medication and was 'incredibly stable' in terms of resident turnover (OWS2). Significantly, the owners/managers made good use of government service providers to support their boarders.

Besides the shared and supported group home model discussed in this section, OWS2 talked about a 'really large psychiatric facility' in the UK that was similar to a boarding house in that it covered an entire block. However, each resident had their own flat (and keys) with a bedroom, bathroom and living area, meals were provided in a dining room at a set time,

and a few staff members were always on duty who monitored residents and could be contacted if needed. It was 'the best case scenario', 'respectful and independent but supportive' (OWS2). OWS2 further noted that while 'it costs a lot of money ... often things cost more when you don't do enough'. This view is supported by Johnson and Chamberlain (2011, p.10) and follows a 'housing first' principle.

3.6.5 *Ownership and business models*

Boarding houses for people with special needs run either on a private for-profit model, which evolved mainly to cater for deinstitutionalisation and is diminishing in practice, or on a growing community-housing model, whose operators focus more on the needs of clients but also aim for financial viability through partnership approaches.

As discussed in Section 3.5, it is widely acknowledged that the for-profit traditional model has struggled with insurance, property maintenance and compliance costs for decades. Self-funded group homes have also been developed by the Motor Accidents Lifetime Care and Support Scheme (IDC 2010, p.3). The impact of these management and business models on clients is described below. It suffices to note here that the policy future of the sector is set in the direction of partnerships between government and non-government sectors, resulting in more appropriate, smaller community or social shared housing with an adequate level of support services. The latter offer greater security of tenure, more affordable and supported accommodation, and a respectful style of management with rights and responsibilities of both parties made clear from the outset.

Boarding houses for people with special needs generally rely on direct debits of charges to residents through deductions from Centrelink payments. The level of these payments frames their business model. A survey of boarders by Marrickville Council (2002, p.10) found that boarding house managers arranged over one-third of residents' budgeting and finances. Ten years later, the summary of the NSW Ombudsman's 2011 report highlighted that residents of licensed boarding houses 'are typically reliant on income support, and hand over most, or all, of that money to the boarding house operator to pay for their board and lodging'. In November 2012, the national Disability Support Pension (DSP) was \$356 per week for a single or \$268.35 per week for each member of a couple, plus up to \$30.30 and \$25.35 respectively in the form of a 'pension supplement'. Rental assistance was \$60.50 per week for a single without children, \$44.33 for a 'sharer' and \$28.45 if living as a couple, provided that the single was paying \$53.40–\$134.36 rent per week and the couple together paid \$87.40–\$163.26 per week, though 'special rules' covered single sharers and those paying for meals. In November 2012, the pharmaceutical allowance for those on DSP was just \$3.10 per week for both singles and couples (DHS 2012). Two of our interviewees in the OWS study reported that they received around \$85 a week after all other expenses were paid (OWS5).

Our OWS case study followed a program developed by the neighbourhood house sector, which has experimented with outreach over the last decade to develop 'a comprehensive case management model incorporating direct service provision and brokerage' for residents in licensed boarding houses (Godfree & Bridges-Webb 2002, p.1). The model is complementary to that examined in our IWS case study of outreach within unlicensed boarding houses. Local work by service providers from neighbourhood houses and health and welfare agencies was greatly enhanced in when the disability housing provider offered to accommodate former residents in a shared and supported group house where management negotiated residents' needs and how they might be met.

Several of the service providers and caseworkers we interviewed had worked with real estate agents who were either resistant to or concerned about arranging private rental accommodation for people with special needs and on low incomes. They endeavoured to demonstrate to the agents that a partnership approach could minimise the risks of rental

arrears, as service providers would advance money for rent while working on budgeting with financially straightened clients. An established network meant that real estate agents could contact service providers directly to report any arrears and remedy any failure to fulfil contractual duties rather than immediately moving to evict them. These kinds of partnership approaches could be expanded to provide increased security both to accommodation businesses and their clients.

3.6.6 Residential profiles

Boarding houses for people with special needs mainly cater for residents with psychiatric and intellectual disabilities, many of whom are over 65 or in their forties and fifties.

A health services provider for the traditional for-profit boarding house in our case study (OWS2) described clients in the 50–85 age range (estimating 60 years as the average) ‘with hugely varying degrees of needs’. She noted that ‘some people were quite high functioning, some people had never, ever cared for themselves’. There was a ‘high level of chronic ill health ... long-term medication ... self-medicating with drugs and alcohol, particularly nicotine’ and levels of memory loss. Her description is supported by eight detailed profiles based on interviews with residents by Adams and Lloyd (2008, pp.80–95) and a report from Sylvanvale Foundation (2011), where residents were also described as suffering from ‘cognitive impairment’. OWS2 outlined the lag effects of working with ‘clients who were put in institutions and left there’: ‘Some people don’t have the capacities or the skills nor do they want to be left to their own devices.’

In our case study of the large for-profit boarding house, doctors visited the premises and a health service provider assessed the clients, arranging appointments and visits to specialists and to dental care. As has been typical across the sector, residents could be resistant to service provision and improving their health and wellbeing. Those on DSP and without other income frequently are unable to take up medical advice due to cost pressures (Godfree & Bridges-Webb 2002, p.8) yet live with multiple and chronic health conditions requiring nuanced treatment. A health service provider in our case study struggled to find specialists who provided sympathetic and comprehensive care to her client group and bulk-billed or were inexpensive. She was specifically concerned with the risks of over-medication for her clients (OWS2) as a panacea to alternate and more complex interventions. With a history of childhood institutionalisation and/or life on the streets, many clients felt that ‘experts’ were unhelpful and tended to ‘close down’ (Godfree & Bridges-Webb 2002). One interviewee (OWS5) admitted that he tried to keep his considerable mental health issues a secret when he lived under an authoritarian management regime: ‘I consider myself a good liar, so I was classed as pretty sane ... I kept it in.’

3.6.7 Lived experience

Our OWS case study included interviews with two male residents in their fifties who had experienced life on the streets, institutional care and poorly run and maintained boarding houses before entering the ‘traditional’ for-profit boarding house sector where they stayed for around five years. They then relocated to a middle-sized community housing transitional facility and finally to a shared group house where they were living at the point of interview. OWS5 recalled a hostel for the disabled where he’d lived for over 10 years and shared with three others in a room that couldn’t fit much more than their four beds. He noted that ‘the living room was always chock-a-block full with about 45 people ... and there was a little TV and that was about it.’ Breakfast comprised ‘Weetbix and tea and a bit of toast, and lunch was ... maybe a patty and a bit of mashed potato and tea was always baked beans or spaghetti’ (OWS5).

Fights were breaking out all the time ... we had bullies ... They used to come in and go through your gear ... Sometimes money was put in my wallet and sometimes money was taken out ... The only way I got money was I asked my mother to put the

money in the shop and I bought a can of Coke and a packet of chips once a week and that was about it. (OWS5)

In the large for-profit boarding house that they both had lived in, the rooms were 'very small' and 'dark' and tea and coffee-making facilities were not permitted in their rooms. The men often wanted for hot water and privacy: 'You couldn't have a shower when you wanted to ... they locked the showers ... after about 10 o'clock [am] there was no hot water left' (OWS4). '[E]veryone just flocked to the facilities ... there wasn't enough to go around' (OWS4). The men had to pay for electricity use for heating their bedrooms in a building that was 'absolutely freezing cold' (OWS2).

OWS2 observed that 'particularly on paydays ... some people would just go and get absolutely blind drunk and there was gambling, especially with the pokies was quite a huge issue.' Despite the dismal feeling within this particular boarding house, one service provider remarked on 'how much the residents supported one another ... it did really feel like a family or a collection of families' and, living almost on the town's main street, residents were free to come and go (OWS2).

Our interviewees fondly recalled the two years in their next home, the middle-sized more modern boarding house:

I had a big room with a nice view of the street. (OWS5)

It had a nice big lounge down the bottom. (OWS4)

You could make your own tea and coffee. (OWS5)

You had proper hot water. You had an en-suite. (OWS4)

During that period OWS4 started a horticulture course through the local TAFE. He was continuing with the horticulture course well over a year later, when he was permanently settled in the shared and supported group house. There he had a garden and a dog and shared meal-making with other residents: 'It's your place, so you do what you want' (OWS5). They were assisted with transport, shopping, cleaning and other chores and activities: 'It's comfortable' (OWS4).

OWS4 and OWS5 argued that their various experiences taught them how crucial environment was for their psychological health: 'people can't get mentally well in a boarding house' (OWS4):

I didn't know how crazy I was till I got here [in the share/d and well-supported group house], because in the [old for-profit boarding house], I used to hear voices and talk to people in my mind ... I'm in a better environment here. (OWS5)

This link between social and physical environments and inner balance is supported by Johnson and Chamberlain (2011, p.10).

OWS3, whose story features in the section on long stayers in hotels and motel rooms, also lived for several years in 'psychiatric care in group homes', which she found 'horrendous', 'like hell' and 'disgraceful', partly because she shared her bedroom with other women but also because they had to clean up the house after other, including male, residents while trying to manage their own psychiatric illnesses:

One was a fairly violent guy. One time he came home without keys and just put his hands through the glass. (OWS3)

Our NSW NC case study included an interviewee who had experience of a boarding house in Sydney in the early 2000s after leaving a private psychiatric clinic where he'd been for several months (NC6). It was a traditional for-profit style establishment, affordable (around \$80 per week), with reasonable facilities and well run by a couple. However, he described

the residents as 'flotsam and jetsam'. There was an alcoholic resident who regularly stole from the communal fridges and simply boiled up all his takings in a pot: 'The smell was sometimes quite revolting.' Another couple were always 'opening their first bottle of red for the day as breakfast' and often had cuts and bruises from walking into trees when they tried to negotiate their way home at night. NC6 concluded: 'I never felt unsafe there but I never felt at home.'

3.7 'Permanents' in hotels and motels

Although many hotels and motels do not allow permanent residents, others permit, and some encourage residents for long-stays. This can act to obscure the incidence of marginal renting, especially for occupants who are constantly on the move, spending several months at a time in each place. Arrangements are often informal and tend to rely on a continually renegotiated longer stay, so it seems likely that few appear in official statistics and are counted as short-stay tourists. Similarly, such arrangements are likely to escape formal regulation.

Policy-makers have generally taken a 'practical' approach to arrangements for people who reside long-term in hotels and motels. This is in part because of the practice in some regions of government and non-government agencies to refer clients to hotels and motels as a form of 'emergency' accommodation. As part of its continuing housing enumeration strategy, the ABS (2012b, p.4) is committed to improving its collection of 'non-traditional homeless accommodation such as hotels and motels' for the 2017 Census. However, while partnering with outreach services will identify clients in supported accommodation, caravan parks and registered and unregistered boarding houses, people who fail to use these services will likely be absent from the enumeration of marginal renters. A broader and more detailed approach to statistical collection and analysis is required for adequately targeted and appropriate policy-making for marginal rental housing.

Our OWS case study included interviews with a permanent resident in a regional hotel (OWS3) who had experience of living in a psychiatric group home, and service providers (OWS6; OWS7) who were referring people, inevitably for protracted periods, to emergency/crisis hotel and motel accommodation but supported them throughout their stays.

3.7.1 Buildings

Applications for permits related to accommodation in hotels and motels are made through local councils. The residential part of hotels and motels fall under Class 3 buildings within the Building Code of Australia. Hotels and motels offer a range of building types, though those used by 'permanents' in our case study areas tended to be typically budget accommodation: multi-storey, 50–100-year-old brick, brick-veneer or weatherboard structures with a weathered appearance and poorly maintained. OWS3 was living in an older period-style hotel which catered for several other permanents. She occupied a room of reasonable size enhanced by high ceilings. However, the building had a range of security issues and fire risks associated with its old design and construction materials, such as a single internal wooden stairwell for escape in an emergency. Maintenance was 'a bit slack' and one toilet had been out of order for the entire period of her stay. OWS6 referred to a local motel regularly used by NSW Housing clients which was in an isolated area and had been reported as a safety and health hazard because of the lack of fire extinguishers and exposure of occupants to raw sewerage.

3.7.2 Management, ownership and business models

The owners, managers and business models of hotels and motels that offer accommodation on a permanent or 'long stay' basis often rely on this niche market for most—or a minor but critical part—of their income. As competing liquor outlets have increased, 'pubs' have

struggled to remain viable and have turned to services including accommodation and gambling ('pokies') in an endeavour to maintain their profit margins. In regional areas on the outskirts of Sydney tourism is a risky and unstable sector impacted most recently by the global financial crisis and rise in value of the Australian dollar. Our NSW IWS case study identified a number of hotels and real estate agents that regularly advertised cheap rates for long-term stays, targeting this market. Our OWS case study similarly identified multiple hotels where 'permanents' were welcome.

Managers tended to have as casual an arrangement with 'permanents' as they did with short-stay visitors, requesting minimal personal details, offering a key and outlining the services available. Long-term stays were negotiated on a mutually agreed and informal basis. The informality of 'permanent' arrangements left marginal renters at risk of eviction at short notice and resulted in a lack of confidence in their ability to complain about facilities, maintenance and conditions without risk to their housing tenure. A study by Marks (2009) of homeless people and marginal renters in Katoomba, the administrative centre of the Blue Mountains on the outskirts of Sydney, included a profile of a man who had been living in a car for months after his eviction from a hotel room:

I was staying in a room above a local hotel. I had been living there for several years rent-free because I did some lead lighting for them. Then they charged me rent, and it got too much for me. ('Brian' cited in Marks 2009, p.24)

As respite from living in his car, a local charitable organisation would provide him with a week's accommodation on an infrequent basis at another local hotel.

Service providers and advocates in Queensland reported a few sources of hotel and motel accommodation for 'permanents'. The Queensland Department of Housing had purchased motels to accommodate clients but as one service provider noted, 'while they're self-contained units, they're very high density and, you know, anecdotally at least, high conflict areas' (QSC10). Many private Gold Coast motels accepted long-stay visitors 'when the holiday traffic collapses'. '[A]bove the pub' was a common regional option, but left clients vulnerable to being told to leave whenever it suited the proprietor. QSC10 added that certain backpacker accommodation and hostels had developed policies against quasi-permanents because of the level of crisis referral, and now asked for evidence of travel documents such as passports.

OWS3 remarked that while 'you can get really abusive, really exploitative managers', to be successful you needed 'extremely astute, sensitive and amazingly skilled managers to run something that works for everyone, because they have to protect other boarders' from violent or other socially challenging behaviour.

3.7.3 Resident profiles

The limited relevant literature available and our interviews both suggest that most people who stay for an extended period in a hotel or motel as their primary accommodation have a history of private rental, living with friends or living on the streets. They are most likely to have special needs. They may have been evicted or gone bankrupt, and no longer have a reliable history to re-enter private rental or get a mortgage. They may have found private rental too expensive or hard to compete for, due to poor literacy, unemployment, under-employment or a low income, including being on a Centrelink benefit. Service providers reported a greater number of older women without superannuation and young single mothers in these circumstances. The profile of their clients included women escaping from domestic violence, recovering from a family break-up or beset by drug and/or alcohol issues. Many had waited for several years for allocation to public housing and it was reported that some service providers were advising clients to go further west, to Dubbo or Parkes, where the public housing supply was higher (OWS6; OWS7). However, as one

service provider noted, many relied on local support networks and going further west ‘might as well be [to] Mars’ (OWS6).

OWS3 lived on a limited income, was very independent and capable but had a history of psychiatric illness. She spoke of another woman in the same hotel who had been waiting for around a year for a placement by the local mental health team: she ‘just stays in her room all day’ (OWS3). Another resident in his forties had no rental reference and had been living at the hotel also for over a year. A local worker lived in a self-contained section of the hotel, while some of the hotel staff lived in co-located rooms. OWS6 reported that clients of the motel she provided outreach services to often accommodated families and had ‘mostly Aboriginal [familie]s up there now’.

3.7.4 *Lived experience*

The use of motels and hotels as emergency accommodation has been reported widely in the media (e.g. Ferguson 2009). In 2009 an ABC *Four Corners* program entitled ‘The last chance motel’ revealed the extent of state government use of hotels and motels for ‘emergency accommodation’ for families, in particular, in NSW:

There is supposed to be a limit of four weeks for temporary accommodation but the Lightbodies have been shifted between four different motels and a caravan park over 17 weeks. (Ferguson 2009, p.5)

Such people get moved out, are reassessed and relocated each week. Meanwhile the motel they occupied was ‘claustrophobic’ and ‘confined’; ‘they wash, cook, eat and sleep in one room’ and ‘the kids are struggling’ (Ferguson 2009, pp.1–2).

Ferguson (2009, p.5) also claimed that state government agencies paid \$15 000 for a family to live in various motels and parks for just 17 weeks. In November 2012, a motel in our OWS case study area was offering ‘long term accommodation’ at \$289 a week for a single Backpacker lodges, guesthouses and hotels advertise rates of \$21–35 per night for a single bed (usually a bunk) in shared dormitory style accommodation. In December 2011 one hostel advertised weekly rates for four weeks or more that were almost half the cost of a week’s accommodation: a private room with ensuite and four or six beds cost \$350 or \$370, respectively, for a month or more (Blue Mountains Backpacker Hostel 2011). This hostel is listed among the crisis accommodation options on a factsheet produced by the Regional Taskforce on Homelessness for Penrith, Blacktown, Blue Mountains and Hawkesbury.

According to one interviewee in the OWS case study region, Housing NSW referred people seeking temporary accommodation to ‘a lot of hotels, motels around here’ (OWS6). Centrelink clients were eligible for bond assistance, but only annually, so once in a hotel or motel where they used such assistance, they might be stuck there.

OWS6 referred to a local motel that requested four weeks’ rental in advance and charged \$275 per week—similar rental to two-bedroom flats in the local region—for a double bedroom with an en-suite, TV, shared kitchen and laundry facilities and a small balcony. The premises were isolated, far from public transport, presented serious safety and health hazards and often catered for families with young children and frail elderly people.

OWS3 moved into a hotel almost by accident—there on one week’s holiday, finding the location convenient, and deciding to stay longer. For \$140 a week (\$20 more than where she’d lived previously in a house), she found the pub much closer to facilities, activities and public transport. She described the lifestyle as convenient, independent and cheap. Residents were permitted to have kitchen appliances in their rooms and to cook and had access to a fridge and shared laundry facilities. The landlord lived onsite but had separate facilities.

OWS3 contrasted her experience of the hotel favourably with others, including her experience of psychiatric group-homes. However, she noted that there were certain security risks and behavioural problems associated with other residents, especially 'itinerants' co-located with or visitors of 'permanents'. On occasions this had 'caused chaos' and violence requiring police intervention and leading to her moving out for a few days. Additionally, the room could only accommodate a double bed, wardrobe and desk, so she needed to find cheap storage nearby for her extra belongings. A further consideration was that her mail couldn't be delivered to where she lived so she had to pay for a postal box. OWS3 reported that she had had some things stolen and found that she couldn't insure her belongings while she stayed at a hotel. Moreover, she worried about safety in the event of a fire, because she removed her hearing aids at night and was concerned she might not hear the alarm. She admitted it was dangerous. Contact six months after the interview revealed that OWS3 had relocated after almost a year in the hotel to affordable private rental where she felt safe and had more space.

3.7.5 Conclusions: Improving integrated service provision

Service providers find that many clients are misinformed or ill-informed about their rights and eligibility for government benefits, and are in need of much support to change their circumstances. If the accommodation is poor, dangerous and insecure, caseworkers might work more closely with their client to apply for other opportunities, only to find that they have moved on without notice. One way of addressing this is to make sure that clients are assisted promptly, which would require an increase in the number and coverage of case workers.

However, it can take caseworkers a long time following initial assessments to arrange accommodation for clients. Caseworkers have a range of networks to which they refer clients or consult with on their behalf. These include: council officers (compliance with environmental, safety and planning requirements); police (squalor, violence); NSW Department of Family and Community Services (family violence and child protection); Housing NSW (bonds and other housing assistance); homelessness/welfare organisations (temporary, crisis accommodation); real estate agencies (accommodation/housing); TAFE and VET providers (education and training); Centrelink (federal employment and disability related income supports); Ageing, Disability and Home Care (ADHC); and not-for-profit and charitable organisations, such as St Vincent de Paul and the Salvation Army. One NSW model to facilitate such networking is the 'Hub', which has operated once every three months in the Hawkesbury region for the last year or two. The Hub comprises the major government agencies, such as NSW Housing and TAFE, church organisations and non-government service providers, who converge for a day to provide open access to citizens who benefit from networked solutions to their challenges. This is one model for improving integrated service provision.

The discussion in this section adds weight to the Tenants' Union of NSW approach to legislation and regulation which focuses on categorising the services that premises offer, rather than the residents they might target or endeavour to cater for. Underpinning this approach is the development of legislation and regulations that are comprehensive and cover boarders and rooming occupants in all types of living arrangements. Where legislation is narrow and lacks total coverage, arrangements will continue to be made under the radar: 'if it's not hotels, it's going to be something else' (OWS1). In short, mandating occupancy agreements and defining all categories of accommodation strictly on the basis of the services offered, fulfils the necessary formality, transparency, basis for appeals and criteria for standards across various marginal rental housing sectors.

3.8 Summary

This chapter presented an analysis of boarding/rooming houses from the perspective of low income renters, service providers and government agencies. Rooming houses in Australia have a long history. Initially designed to accommodate single working men on a 'board and lodging' basis (and more recently 'backpackers'), today they are a primary source of rental accommodation for low-income individuals who often experience other forms of disadvantage and are largely disengaged from the labour market. Over the years state governments and non-government organisations have held inquiries into conditions and deaths in boarding/rooming houses, leading to a review of their regulation and control. This has led to recent changes in legislative and regulative provisions which are progressively being implemented across the states.

This chapter extended its analysis of rooming houses with research on the experiences of rooming house residents: their security; the size and arrangement of resident rooms; amenity of rooms; amenity of shared spaces and facilities; and the behaviour of other residents. Management of rooming houses proved a key determinant of residents' use and experiences of rooming house accommodation.

The discussion on the economics of rooming houses observed that the decline of older, predominantly inner city 'traditional' boarding houses is being accompanied by a growth in new and smaller 'mini' suburban boarding houses. Underlying market arrangements were also discussed. Traditional rooming houses in older inner city areas are typically in areas where the value of the land has increased significantly and there is potential for greater returns through a change of use and redevelopment. New model rooming houses are typically being established in existing suburban houses where room-by-room letting is leading to significant returns on investment.

Private for-profit boarding/rooming houses for people with high support needs are a diminishing sector as smaller targeted housing forms offer new conditions and models for management for people with disabilities. These are primarily accessed by clients who are case managed and offered services and supports through the community housing sector. These arrangements are of special interest because of the high proportion of boarders with high support needs who remain hidden in the private-for-profit housing sector.

Finally the chapter discussed another hidden type of marginal renter: 'permanents' (or 'long stay' renters) in hotels and motels—places where those in need of emergency accommodation are often referred yet remain poorly monitored for their compliance with basic standards of building, safety and security.

4 RESIDENTIAL PARKS AND MANUFACTURED HOME VILLAGES

Since the global financial crisis of 2007–2008 there has been increased household economic instability both in Australia and elsewhere. In Australia this has resulted in more people selecting, or being forced into, long-term accommodation in residential parks or villages. These cover a mix of dwellings ranging from caravans in older-style caravan parks through to large manufactured homes in residential park estates. Such parks might exclusively offer one form of housing, typically manufactured homes, or a mix of types reflecting their establishment over time and emerging trends. These are generally located in distinct sections of the parks. Increasingly such parks cater for short- or long-stay residents in addition to tourists. These parks are managed premises and offer a range of facilities shared by all residents.

Most residents of parks are owner-renters who own their dwelling but rent the site it sits on. A significant minority are 'renter-renters' who rent both the dwelling and the site either directly from the park owner/operator or, less frequently, in a management approved sub-letting arrangement with an absentee owner-renter. Given various levels of insecurity around the tenancy arrangements of both owner-renters and renter-renters, including the potential for eviction at the will of park managers, most of these residents to some extent can be considered as 'marginal renters' and are treated as such in this report.

Serious policy analysis and discussion on permanent residents in residential parks did not develop until three or four decades ago. ABS data have only identified permanent owner-renters and renter-renters as separate from park visitors (tourists) since the 1986 Census. However, as the ABS recorded fewer caravan park residents through the 1990s, 'permanents' in caravan parks remained marginalised in housing research, even as manufactured home estates catering in large part initially for retirees, and more recently for people in need of emergency or crisis accommodation, increased. Although tenancy legislation and regulations differ between the Australian states and territories, and local councils have treated such developments in differing ways, a number of trends and major policy challenges are common to these jurisdictions.

This chapter provides background for the following chapter, Chapter 5, which draws on the material collected and analysed in our case studies. As such this chapter defines and describes the main two types of marginal renters in residential parks and manufactured home villages and discusses significant other analyses of owner-renters and renter-renters. This chapter identifies trends across the sector and legislative and regulatory issues for policy makers, using New South Wales (NSW) as an example but referring to certain distinctions in other states, territories, regions and local government areas.

4.1 Renter-renters and owner-renters

Across the various jurisdictions of government in Australia (local, state and national) different minimum lengths of occupancy, usually 30 or 60 days, define an occupant of a caravan or residential park as 'permanent' under law (see Appendix 1 for a summary or relevant state legislation). However, in practice it is widely believed and reported that a 'tourist' booked in as a 'short-stay' visitor might remain in a park for a length of time that qualifies them as 'permanent', without having a formal agreement to that effect. These kinds of arrangements are common for people in receipt of emergency or crisis accommodation through housing or other welfare service providers.

The two key types of residents in these parks are renter-renters (who rent both their dwelling and its site) and owner-renters (who own the dwelling but rent the site it sits on).

Within these populations, however, there exist different characteristics. Amongst renter-renters are those who:

- Freely made a lifestyle choice.
- Decide that living in a residential park or village is preferable to other (limited) options.
- Arrive seeking emergency/crisis accommodation but become 'permanents' in 'housing of last resort'.

The latter renter-renters are of specific interest to policy-makers and are generally considered in studies and literature on the homeless. Formally, people in crisis or emergency accommodation are in 'temporary' accommodation and referred to as 'homeless' for ABS purposes of enumeration. The ABS (2012a, p.20; Appendix 4) description of 'marginally housed in caravan parks' focuses on long-stay renter-renters who are in insecure tenure and at a heightened risk of homelessness, and on the extent to which basic kitchen, toilet and bathroom facilities are shared. Thus the definition relates to substandard conditions of both tenancy and dwellings. However, mainly due to deficiencies in data collection, these figures are neither robust nor is the definition comprehensive (see Section 2.2.2; Appendix 4). In certain areas, park and village operators servicing renter-renters target seasonal, casual and fly-in fly-out workers, especially those working in construction and mining, as well as students. These types of renter-renters seem to fill an intermediate place between short-stay tourists and 'permanents' and are often accommodated in cabins. The ABS does not count them as park residents in as much as they inhabit another 'primary' place of residence. However, it is often the case that they spend more time over a few years in this 'secondary' accommodation, and the conditions necessarily affect their quality of life. They have been included in our typology of marginal rental housing, although our research concentrated on challenges to student renter-renters because of the higher incidence of poor practices reported with respect to international students, in particular.

Over recent decades the number of Australians living permanently in caravan parks and manufactured home villages on an 'owner-renter' basis, owning their dwelling but renting the dwelling site, has increased. This is particularly the case for retirees who can find the accommodation more attractive in terms of affordability, lifestyle and support than living in a privately owned or rented dwelling. Such owner-renters have generally made a lifestyle choice in the context of limited options such as a lack of finances, or a preference to allocate their savings to superannuation rather than a home to live in

The distinction between 'owner-renters' and 'renter-renters' is significant. First impressions suggest that renter-renters are most vulnerable. Renter-renters face heightened risks of eviction compared with private rental whether for personal, social or circumstantial reasons, for example when an operator decides to change the land use of their dwelling, section or the whole of the park or village. However, those who own the dwelling that they live in and only rent the site are likely to have settled in a permanent way and, if evicted or forced to sell, often find that relocation or sale of their dwelling difficult. Besides the disruption and distress, effort and time that a move might involve, relocation is usually very expensive and a sale can fail to realise the expected value of their asset. These expenses often multiply for reasons outside the owner-renter's control and can be due to decisions made by the operator. Stress can cause physical as well as emotional illness (NC5; NC12; Connor & Ferns 2002, p.12).

Owner-renters not only often share their living environment and landscape with renter-renters, but also their insecurity of tenancy. This gives them more in common with renter-renters than with either owners or renters of private property comprising both land and dwelling. These interests have been expressed in the creation of a new national alliance of residential park dweller organisations, the inaugural meeting of which took place 9 April 2013. At the same time the interests of owner-renters and renter-renters are distinct. In

recent years gentrification of the sector has been driven by operators who see more stability and profits in attracting older owner-renters to the detriment of emergency or medium-term permanent renter-renters with a wider age range. This development amplifies some of the problems with developing a typology that might seem to include quasi-home owners on middle incomes, rather than those on lower incomes.

The development of our typology of marginal rental housing was informed by significant literature. In an analysis of 2001 ABS census statistics that had eliminated a person in full-time employment from the category of marginal renters in caravan parks, Chamberlain (2005) estimated that around one-sixth of occupants of parks might be counted as marginal renters akin to boarding house occupants. He characterised marginal renters as those who typically shared their living space and endured insecurity of tenure, with caravan parks as the rural equivalent of urban boarding houses: both places for the 'tertiary' homeless. Chamberlain arrived at his estimate of the number of marginal renters in caravan parks by eliminating people who were residing there temporarily or using it as a form of secondary housing; had paid employment; or were owner-renters. Chamberlain (2005) divided the parks into four types:

1. 'High quality' ones 'exclusively' servicing tourists or the 'niche' market of retirees who rented only their site and owned their dwelling.
2. Ones that mixed their business between seasonal tourists and emergency, cheap, more-or-less casual accommodation in the off-season.
3. 'Mixed clientele' parks servicing tourists, owner-renters and renter-renters (often in distinct sections of the park) throughout the year.
4. Those exclusively accommodating low-income renters.

In a similar vein, Wensing et al. (2003, pp.5–7) acknowledged that there was a vast range of standards and facilities offered by caravan parks, which were mainly occupied by:

- Those who'd made a lifestyle choice, especially for retirement living.
- Casual low-income workers, who had also chosen this accommodation option.
- Those forced into caravan parks due to low incomes, straightened circumstances and/or waiting for public housing.

A UNSW Social Policy Research Centre (2010, p.18) study has emphasised the age of park residents, who were mainly retirees, and has attracted a distinct set of service providers and advocates, such as Victorian Housing for the Aged Action Group.

Advocates and service providers have developed the broader categorisation of marginal renters adopted in our study, which includes the many retiree (and other) owner-renters, who have purchased a dwelling and rented a site in a residential park or manufactured home village, often because it provides cheaper accommodation than private rental or home ownership. These residents remain highly vulnerable to decisions made by park owners and managers and are strongly affected by their styles of operating. Similarly, some workers have sought park accommodation as a way to manage poor family relationships, while others were unsuccessful in finding private rental or found it too expensive. Whatever their reasons for living in a park, owner-renters endure many of the terms and conditions of renter-renters. Similarly, temporarily unemployed or very low-income workers report using park accommodation as a long-term temporary option until such time that they improve their income and have other choices. This broader perspective informed our concentration on the owner-renter and renter-renter distinction and the attention drawn to the gentrification of the sector, which complicates making policies in this area.

4.2 Trends

Not surprisingly, business models reflect the trend for parks and villages to target residents that offer higher incomes, that is better paying and consistent demand. The strongest and broadest trend has been away from accommodating low-income renter-renters in cabins or caravans with or without annexes, and towards increasing reliable permanent owner-renters in comfortable manufactured homes. Furthermore, in NSW in particular, there has been a general trend for the older-style family owner-manager caravan park to be bought out by firms with multiple properties, often across the eastern states, with management teams who focus on profitability rather than service provision and on turning caravan parks into manufactured home estates.

Other developments cannot be defined so easily as clear and general trends as park businesses respond to local conditions and opportunities. In certain coastal regions tourism has become a more attractive option to lower-paying 'permanents' (Consumer Affairs Victoria 2007, p.3): 'A cabin for a family in the peak Christmas season, you're talking about weekly rentals of \$1500, \$2000' (NC3). In regional areas a tertiary campus or mining site might offer a new stream of demand for long-term casual residents, de facto 'permanents', who are likely to pay more than existing low-income 'permanents'. Indeed, 10 years ago, Connor and Ferns (2002, p.8) reported permanent residents being replaced by tourist and itinerant workers in the west of NSW. Wagga Wagga has an army base and university campus and is a centre for regional transport construction among other developments, all factors which, according to one interviewee, were pushing up rents and the more financially precarious residents out (NC12). Reasons for changed land use or park closure are generally related to an alternative land use becoming or seeming likely to become more lucrative. Land taxes, insurance and rising land prices have all contributed to closures. Not surprisingly, urban areas have been much more prone than rural ones to park closures for residential, commercial or industrial expansion. Ten years ago Connor and Ferns (2002, pp.2–3, 7, 30–31) estimated that 5–10 per cent of permanent residents in NSW were threatened with, or were in the process of, park closure.

A number of authorities and councils in NSW, for example Gosford through their Local Environment Plan and others via special use zoning, have protected park and village zoning from changes to land use. Wyong Council demands that a social impact assessment accompany applications for parks or villages. Meanwhile, state governments along the eastern coast, where most parks and villages are located, have developed collaborative government, industry and community closure protocols as responses to the dislocation and relocation demanded by such closures. NSW Fair Trading has developed a protocol to help inform and support residents faced with park closure (NSW Fair Trading 2012).

Significantly, the most common trend is towards gentrification of parks and villages. This often takes the form of new estates or turning tourist or very low-income accommodation into manufactured housing estates for the over-50s or over-55 age group on low to medium incomes. In states and territories such as NSW, this development is encouraged by land tax exemptions for parks with retiree permanent residents (O'Flynn 2011, p.9). Builders of manufactured housing have partnered with park and village operators and some real estate agents to promote 'affordable' housing for this 'sound and reliable' cohort of residents. The website of Manor Park Homes (2012), a manufacturer in the NSW region of Gosford/Somersby which services exclusive and leisure resort manufactured home villages, offers a graphic example. However, there remain many parks where a mix of residents—renter-renters, tourists and owner-renters—live in a range of accommodation and for a variety of reasons, sharing community facilities and social activities and facing a common management system.

In summary, our 2012 study of caravan parks and manufactured housing villages found a more complex arrangement of accommodation within and between parks and villages in the eastern states and a less clear-cut classification of clientele than previous research suggests. While some key trends within the sector currently were evident in Chamberlain's findings over a decade ago, the characterisation of 'sharing' as a key common element seemed less significant in the stories we captured of the lived experiences of current marginal renters in parks and villages than their complaints associated with being highly, and often poorly, managed. In other words, the defining characteristic of marginal rental housing in the caravan park/residential village sector, even more so than in the boarding/rooming house sector, is its highly 'managed' state rather than the extent to which it is 'shared' facility housing.

The trend towards gentrification will challenge policy-makers and service providers because of the health and associated support needs of older or aged residents, who are being encouraged to age in place. Residents in parks include people who are vulnerable and poor through to people who are independent and sometimes employed. Policy-makers can target support to the most needy clients by integrating income and asset criteria into targeted programs. At the same time, improving statistics at the LGA level and smaller scales will enhance appropriately targeted programs in the most disadvantaged locales.

4.3 Regulation and legislation

The key jurisdictions of Victoria and NSW have been in the process of improving legislation and regulation across the residential park sector. The nature and detail of such improvements have been hotly debated—especially in NSW, where a draft exposure bill for residential parks, the Residential (Land Lease) Communities Bill 2013, was released on 6 April 2013 for comments and submissions by 17 May. This section identifies significant aspects of such policy discourse and reforms.

Distinctions between regulations and legislation across all types of marginal rental housing in each state and territory are outlined in Appendix 1. Appendix 1 shows clearly the plethora of legislation that applies to different aspects of marginal rental housing across different jurisdictions. A roundtable meeting on marginal rental housing held in Melbourne in June 2012 reinforced calls for greater consolidation of current legislation to address its complexities (Thompson & Jones 2012). During the roundtable discussions some tensions around regulatory reform became apparent: flexibility was seen as necessary to address contradictory fears that excessively stringent regulation might push some forms of marginal rental housing underground; whereas too much leniency might enable financially exploitative situations to continue (Thompson & Jones 2012, p.9). It was mooted, for example, that the cost of enforcing higher standards for fire prevention and safety measures might lead to closures resulting in homelessness for residents; conversely, fire safety is crucial to wellbeing, life and security of property. In practice, councils or other state agencies can and do address such tensions by negotiating plans for compliance within a feasible timeframe or offering subsidies for improvements.

A discussion paper produced for the NSW government's reform agenda in the sector, *Improving the Governance of Residential Parks* (NSW Fair Trading 2011), referred to approaches considered better practice and most appropriate in other states and territories. The concerns discussed and issues raised during this review seemed generally representative of other trends and challenges across Australia. The following discussion therefore concentrates on policy issues and options raised in the review of laws covering parks and villages that extended from the last quarter of 2011 through to the first half of 2013. The process reflected the contentious nature of the proposals and subsequent need for lengthy industry and consumer negotiations.

Following a pre-election commitment, the NSW government initially held a three-month consultation (2011–12) organised by NSW Fair Trading which was based on its discussion paper, *Improving the Governance of Residential Parks* (NSW Fair Trading 2011). The discussion paper highlighted the significance of governance and management. Indeed, Chapter 5, which draws on interviews with residents, revealed that residents' relationships with management were a key concern. Another related key concern for owner-renters was insecurity of tenure in terms of their site. Management could evict residents for a range of reasons, which might be personal, perhaps relating to behaviour, or relate to wholesale park closure. Interviewees outlined the ways in which management could make living conditions more-or-less intolerable and force residents out if a defensible reason for eviction was not found. Relocation of a dwelling was often difficult and very expensive. Security of tenure was the fundamental issue in Victoria (VC7; VC8; VC9) and Queensland, as well as in NSW.

The question of whether or not it should be mandatory in the future for park and village operators to be licensed and trained was raised in the discussion paper. A subsequent question related to the kind of model that would be most efficient and appropriate and the entity that would provide such training (NSW Fair Trading 2011, pp.4–8). The paper pointed out that no Australian jurisdiction required licensing of residential park operators (NSW Fair Trading 2011, p.5). Key concerns for government were focused on licensing operators and educating future managers and, as corollary addressing the rapid growth in appeals over excessive rent increases. The discussion paper also outlined the costs (and benefits) of a system for licensing all operators, which had precedence internationally but had not been done in Australia (NSW Fair Trading 2011, pp.4–6). A simpler and less costly option proposed was to apply the approach of Section 57 of the NSW Retirement Villages Act 1999, which followed similar park-related provisions in Victorian and Queensland law, of prohibiting from management anyone who had committed any violent, fraudulent or financial crime in the past five years, and obliging management to protect residents from harassment and intimidation. The paper stated a concern to improve the education of operators and canvassed options with respect to course content and providers, whether it should be voluntary, and exactly which staff it might target (NSW Fair Trading 2011, pp.7–8).

Rent increases were explored in greatest detail in the paper (NSW Fair Trading 2011, pp.9–13). Indeed during the 2011–12 financial year, 1875 of the 2306 cases heard in the Residential Parks Division of the NSW Consumer, Trader and Tenancy Tribunal (CTTT 2012 p.34) were concerned with excessive rent or rent increases. The discussion paper reported that a NSW Fair Trading study of determinations from 2005–2011 found that around two-thirds were made in the residents' favour (NSW Fair Trading 2011, p.10). However, waiting for a determination could result in high anxiety for residents. Rent increases were of special significance to owner-renters, who are less able than renter-renters (or renters in mainstream private rental) to respond to rising rents by simply moving on. Ironically, given the stress on mobility in their nomenclature, the 'immobility of dwellings' in practice, heightened by a strong demand for park sites in the wider market, was reported as leading to 'extraordinary leverage for park operators' (NSW Fair Trading 2011, p.10).

Currently, it is incumbent on residents to prove that a rent increase is excessive, yet they have limited information on the operator's costs. Since the 2005 parks legislation it has been accepted that CPI increases are fair, and not subject to appeal. (Although, it was observed that sometimes it was unclear as to which CPI should be applied—particularly for Sydney or NSW) The paper scoped six options for appeals on rent increases, including reversing the onus of proof onto the operator (NSW Fair Trading 2011, pp.11–13). It was mooted that a tribunal appeal system which would only accept appeals when a set minimum proportion of residents act, but then demand that management defend their proposed increases, would be most efficient because operators have the evidence (i.e. financial details) required. PAVS and the Tenants' Union of NSW have been particularly concerned to see the onus of proof

on operators (NC5; NC12). Following Victoria's lead, another option was to have Fair Trading assess any application for a rent increase by a park operator and make a recommendation. If the operator went ahead without the support of the tribunal then residents could appeal with certain evidence.

The remainder of the discussion paper centred on other significant issues for park and village residents, including:

- Improving the form of the information provided when an owner and resident sign their initial agreement.
- Introducing a cooling-off period after the signing of the agreement.
- Introducing the dispute resolution function that the Western Australian model of park liaison committees perform.
- Expanding or refining mediation processes.
- Producing a template for park rules easily adapted for specific application in each park.
- Following Victoria's lead in making enforcement of park rules a manager's responsibility.
- Introducing a model bill of sale for dwellings, which are often transferred more in the manner of a vehicle than a house.
- Following Queensland's and South Australia's lead in preventing park operators from interfering in an owner's sale of their dwelling, given that the current situation allows for a conflict of interest (where, for instance, park operators offer to sell pre-loved dwellings in their park alongside new ones).
- Extending leases beyond than the common six to 12 months (and then ongoing) model.
- Encouraging a resident cooperative ownership model.
- Demanding that all future parks be a strata or community scheme.
- Making upfront compensation to residents for relocation due to forced closure by park owners.
- Examining the clarity, legality and fairness of new shared equity agreements made between park owners and residents concerning their dwelling.
- Addressing the persistence of illegal entry fees.
- Prohibiting exit/opportunity fees.
- Reconsidering the value of the '30/30 rule' whereby the NSW Act may not take effect until a resident has lived for 60 days in the park or village, meaning a new resident is vulnerable to an owner's trial period, and those in crisis rental can be abused (NSW Fair Trading 2011, pp.14–28).

The NSW government had identified three principles on which it would assess any proposed changes, that being in terms of: a cost/benefit analysis; effectiveness for both residents and operators; and regulatory efficiency. By the deadline for submissions of 29 February 2012, 870 submissions had been received. Although the plan outlined by NSW Fair Trading was to issue a set of recommendations by mid-2012, it took much longer than expected to process and complete negotiations with the major stakeholders over the content of a new Bill. Consequently, the draft exposure Bill for the NSW Residential (Land Lease) Communities Bill 2013 was released on 6 April 2013, as this report was being finalised. A summary appears in Appendix 5 and outlines: new rules of conduct for operators and penalties for non-compliance; mandatory training of operators; and a negative licensing system for operators. It limits increases in site fees to once a year and puts the onus on the operator to justify and rationalise increases through appeal processes. Model community

rules are mooted: whether or not they eventuate, rules must now be 'fair', 'reasonable', 'clearly expressed' and 'apply uniformly'; entrants will need to be better briefed; and operators will be limited in interfering with sales of dwellings on site. These reforms address many, but not all, of the complaints of residents outlined in Chapter 5. Without adequate resourcing, implementation of this recent bill and the NSW Boarding Houses Bill 2012 are highly likely to prove difficult. Nonetheless, the principles to be adopted raise standards and expectations. Along with other key legislation pointed to in this report both bills act as reference points for policy-makers.

4.4 Summary

This chapter defined the two main types of marginal renters in residential parks and manufactured home villages: owner-renters and renter-renters. We discussed trends across the sector, highlighting the growth of manufactured home villages for the over-50 age groups which will challenge policy-makers and service providers because of the needs of a population that is being encouraged to age in place. We referred to some statistical data and discussed significant analyses of owner-renters and renter-renters, which inform our typology in Chapter 6. We highlighted key aspects of recent policy discourse by way of a range of issues identified and proposals made in the discussion paper prepared by NSW Fair Trading (2011), which aptly focused on management. The consultation arising from this discussion paper informed the constitution of the new Bill, which similarly focuses on the role of management as well as the responsibilities and rights of residents.

5 OWNER-RENTERS AND RENTER-RENTERS

This chapter draws on interviews with caravan/residential park residents, operators and service providers. The interviews were conducted in areas along the NSW North Coast (NC) and South Coast (SC), in a Victorian bayside region (VC) and on the Queensland coast (QC). The interviews referred to highlight the experiences and views of park residents, operators, council staff and service providers, and inform recommendations for improvements to policy.

We interviewed 31 owner-renters, mainly in the over-50s age bracket, who had lived in many different parks or villages for varying periods of time. They represented singles and couples and included men and women in a range of financial positions. We interviewed two renter-renters; drew on further material offered by owner-renters and a number of boarders with experience of renter-renting; and directly observed conversations of an outreach worker with eight renter-renters at the caravan/ residential park in which they lived. These observations were part of the Outer Western Sydney (OWS) case study, which covered the full range of marginal renter types. We additionally interviewed eight caravan/residential park operators and 12 housing, health, legal and advocacy service providers to renter-renters and owner-renters in marginal housing. The insights of operators and service providers provided further evidence to reports by residents and assisted the analysis of interview transcripts and with the forming of policy recommendations by the research team.

These interviews inform the following discussions in this chapter, which focus on: further descriptions of the case studies and interviews; the types of dwellings in, and locations of, residential parks; a range of management issues including ownership and business models; resident profiles; and the daily lives of park residents, from experiences which expose safety and security issues to stories which reveal the sense of camaraderie and mutual support found in parks. The following discussion is organised in seven sections: case studies; building standards and planning considerations; management; ownership and business models; resident profiles; lived experience; and summary of findings.

5.1 Case studies

The NSW interviewees included residents of parks and villages who lived in local government areas (LGAs) within two case studies that focused on park residents and covered around 14 per cent of all residential parks and villages listed in the NSW Residential Parks Register on 31 August 2012. Another NSW case study offered the opportunity to observe and discuss conditions and circumstances for renter-renters. This section discusses the four case studies drawn on for our analyses.

Our NSW South Coast (SC) case study included the full range of low-, mid- and high-cost parks and villages. We interviewed nine owner-renters (four females and five males) who lived in several caravan parks and manufactured home villages in a discrete south coastal region of NSW known for its high number of residential parks with both caravans and manufactured homes. These parks ranged from caravan and annex-style accommodation through to substantial two-storey manufactured homes in resort-style parks. We interviewed two representatives of the NSW Parks and Villages Service (PAVS), which is funded by NSW Fair Trading (within the Tenants Advice and Advocacy Program) to inform, advise, train, resource and conduct policy research and outreach services for residents, and a representative of the Tenants' Union of NSW.

Our NSW North Coast (NC) case study concentrated on mid-cost caravan parks and manufactured home villages where we visited and interviewed eight owner-renters. An association of park and village residents in this region alone boasts some 1400 members of a possible 2000 or so (N3). One interviewee included in this case study had lived for years in a local caravan/residential park but had previous experience of rooming houses both as

an occupant and letting out rooms to boarders. Some people interviewed regularly provided expert support to tribunals; others had experience in state forums and bodies representing the interests of those living in parks and villages. One also had considerable experience collecting data for the ABS, including counting people who were homeless or lived in residential parks and villages. We interviewed yet another park resident who advocated for a cooperatively owned park or village and led us to relevant research.

The Victorian (VC) case study included interviews with nine owner-renters of manufactured homes in mixed caravan and manufactured home residential parks. One couple in their late sixties had lived in their park for four years. They paid \$124 per week for their site plus extra for energy use and \$5 per visitor per night. Another couple in their mid-seventies had lived in the same park for over a decade. One male in his late seventies, and one female in her late sixties, represented two owner-renter couples. One of those couples lived in a cabin; the other in a unit. Both couples were on 99-year leases in a park where two-thirds of the 200-odd sites were occupied by holidaymakers. The remaining 60 sites included renter-renters and owner-renters in caravans, units or cabins. The other three interviewees, one couple in their seventies and a single resident had lived in their parks for three-and-a-half years and 11 years respectively.

The Queensland (QC) case study involved 17 interviews with: two renter-renters; an owner-manager of a private park, which seemed reasonably well-run and screened tenants; operators of a state-owned park with only caravan renter-renters, many allegedly with criminal records and/or mental health and substance abuse problems; a council staff member in a business unit associated with state-run parks; two owner-renters who had been assistant managers (in return for free rent and power) for a few years in a park where they had lived for around 20 years and who had previous experience of managing a park in another state for many decades; two service providers from a low-income housing organisation; one couple and one single resident, both owner-renters from the one village; an owner-renter who lived in one of his two caravans part-time ; and several other owner-renters.

These case studies represented a range of urban, peri-urban, suburban and rural locations. Our approach benefited from literature on other studies of parks and boarding houses in the regions conducted by government and non-government bodies, charitable associations and universities. Nevertheless, the findings that follow all centre on our primary research.

5.2 Building standards and planning considerations

Councils regulate most of the planning and physical aspects of dwellings through planning and building regulations. However, regulation tends to be fragmented and incomplete and much of the development of parks and villages has gone ‘under the radar’. This is in large part because parks and villages have often not been treated as a residential land use. In some jurisdictions villages with only manufactured homes fall under ‘caravan park’ legislation and regulation, leading to the complaint that politicians and bureaucrats are unclear about the kinds of buildings and residents they might be dealing with.

Even when legislation and regulations have been clear-cut, it seems that monitoring and compliance has often been weak: ‘nobody polices it’ (VC7). We heard of serious complaints involving dozens of compliance issues which were not acted on (QC10). Many caravan parks, evolving initially as holiday accommodation, have been developed in non-residential zones. The mixed-business approach of parks with accommodation for short-term tourists, ‘grey nomads’ and long-term ‘permanents’ in a range of mobile and more-or-less immobile building types and styles, has only made regulation more difficult. Even tent sites meant only for casual, short-term tourists are found in many coastal residential parks. Marks (2008, p.vi) reported a family of six living in a ‘second hand canvas tent’ by way of emergency accommodation in a park located in a country area of NSW. A further complication has

involved some lack of clarity around the respective authority and responsibilities of management, council and residents regarding buildings, extensions and their maintenance.

5.2.1 Buildings

Legislation and regulation of the park and village sector refers to 'mobile', 'movable', 'relocatable', 'caravans', 'cabins' and their 'annexes' (see Appendix 1). Mobile caravans and relocatable cabins have changed in design, materials and quality over the decades. Annexes might be flimsy, made perhaps with thin metal poles and canvas walls, or constructed of rigid materials set on or in a concrete slab: 'winched down with great steel straps underneath' (SC5). One park in NSW was full of vans which looked like containers, were reportedly built by the owner and were non-compliant with local council regulations. In Queensland, transportable manufactured accommodation, often used for workers, is referred to as 'dongas'. That state's interviewees referred to 'a lot of conversion from caravan parks to dongas around the mining towns' (QC10).

In Victoria, a distinction is made between VicRoads categories of 'registrable' and 'unregistrable' mobile dwellings, given that only some dwellings are classified as 'mobile' dwellings by road authorities. This distinction not only refers to those with current roadworthy permits but also to the increasing trend over many decades towards 'mobile' dwellings to be tied down, concreted or embedded in some other way into their site as the occupants settle in and add annexes and other features. An example of these building types, and their social implications, was revealed in the threatened closure of the Sienna Caravan Park in Alice Springs (Sleath 2010). A worker had recently purchased a \$40 000 dwelling established in the 1980s on a 'big slab of concrete' with a caravan built into a larger structure under an overarching roof. The structure breached the Fire Safety Act and the new owner faced eviction. The park owners, however, offered him only \$5000 towards the cost of relocation.

Manufactured home construction and delivery is a burgeoning sector, not only for parks and villages but also other residential housing. In the last two decades, in particular, many firms have developed formal or informal arrangements with specific parks and villages to promote and facilitate the sale of their goods and services. Many of the manufactured homes that we visited seemed to be of reasonable to high quality in terms of workmanship. However, many were poorly insulated and, with respect to fire risks, we noted that they tended to be closely co-located. Most were made of aluminium, which melts when exposed to the kind of heat generated in domestic fires, and some residents felt at high risk of toxic fumes associated with materials used to manufacture their dwellings (NC2; NC1).

5.2.2 Planning

Many residential parks are located in areas that would not normally be approved for residential development. For instance beach frontages might be prone to inundation, vulnerable to the effects of climate change or swampy; land might be previously industrial, contaminated or under major power lines or other infrastructure. Some interviewees complained about their exposed location adjacent to a noisy and windy freeway (VC4). Another was close to a highway and adjacent to a cemetery. Additionally, there was no sewerage available, affecting the site's future: 'This will never get developed' (QC6).

The trend to more permanent villages of manufactured homes servicing retirees also raises questions of location, particularly where a park is operating towards the end of a lease on land that was not expected to house residents permanently. While many parks are conveniently located close to shops and other services, others are more remote with little or no public transport: one interviewee explained that the bus was a 20 minute walk away and taxis preferred not to go into the park, so they were campaigning for a community bus service twice a day into the park for people who couldn't drive (VC3).

Currently, the distinction made in NSW between a 'park' and 'village' might refer to the period when the business was established rather than the existing site use. For instance, a '(caravan) park' might now cater for manufactured homes and generally be referred to as a 'village'. Many parks for permanent residents also incorporate short-term, van or cabin accommodation for tourists. However, a 'residential park' is just as likely to exclusively, or mainly, comprise manufactured homes.

One interviewee (SC8) described their park's development, some 25 years ago, as 'like topsy, just dropped ... higgledy-piggledy'. Many, now dominated by manufactured homes, have been developed on what were once solely parks with caravans, the vans since relocated or remaindered in one section. A park of around 400 residents on 250 sites covering 17 hectares, for example, had 100 van sites moved with their annexes and fixed in place in a back area, while the rest of the land was filled with manufactured homes built in stages over a couple of decades (SC7). Vans and cabins often had facilities such as ablution blocks servicing a set of dwellings. Manufactured home divisions (and estates) were more likely to have a community hall, pools and other recreational and entertainments areas amongst their residences.

Perhaps because residential parks often provide a social service in the form of emergency and low-cost housing, councils have tended to turn a blind eye to a range of building and planning misdemeanours associated with ongoing park maintenance and developments. There have been long periods in the recent past, too, where self-regulation was believed to be efficient and little or no monitoring of park compliance took place. One interviewee pointed out that after some decades of negligence a recent disaster had prompted the Council to pay attention to a list of non-complying items including issues associated with where and how vans were sited and maintenance and fire preparedness. The Council offered the owners 12–36 months to rectify the range of deficiencies identified (SC8).

It seems that council policies to regulate and monitor effective emergency procedures for all parks and villages need to be improved, alongside increased attention to planning and building practices. For the many parks and villages located in bushland and coastal areas there is a history of incidence of floods and bushfires, as discussed below (see Section 5.6.8). It suffices here to mention that many interviewees reported concerns with inefficient or slow procedures associated with the entry of emergency vehicles into their premises through boom gates, which have limited smart card access. Several interviewees from different parks reported the inundation of roads and thoroughfares following severe rain (SC3), and deficient plumbing in purchases of pre-loved dwellings.

With sea level rises heightening risks of inundation on vulnerable coastal land, some NSW councils, encouraged by federal and state policies, were requiring new developments on threatened property to be raised higher off the ground. However, a change of government led to the policy being overturned leaving many local government areas in limbo. Some of our interviewees complained about what they perceived to be an over-reaction to the threat to coastal land caused by the effects of climate changes. They felt that the consequent regulations to site dwellings on higher ground (SC7) and chain them down firmly (SC8) went too far. They were particularly concerned that more stairs made it harder, if not impossible, for the mainly elderly residents to live in their parks; all transportable dwellings tended to be off the ground, which caused problems for people with disabilities (VC3). Meanwhile manufacturers were advertising the transportability of dwellings as a positive aspect in the face of such risks (Buildhome 2012a, p.110).

5.2.3 Government and residents

The experience of park residents interviewed with councils and other government agencies has been mixed. Residents valued being able to get independent advice from council regarding their rights and responsibilities on matters relating to buildings or planning, and

health and safety issues. However, as NSW PAVS (2013 p.7) has written, although councils administer park regulations, 'getting a Council to take action can be an extremely difficult task' and 'local Councils are often the source of, or a contributor to, problems'.

We heard many complaints about park owners who were not informing (or were misinforming) residents on extensions or changes to their dwellings. For instance, residents complained that they were only informed that they had breached council regulations when they went to sell or asked approval for an extra extension from the owner. Others reported vicious cycles, for instance, when council staff members refused to speak with residents directly about developments and referred them back to park management (NC12). Indeed some councils regarded residential parks purely as businesses, emphasising that various activities within the parks were beyond their legal authority (NC9). In other instances councils had been very useful in informing residents directly of building and planning rights and responsibilities (SC9) or dealt directly with approvals, which relieved reliance on (and suspicion of) management (SC2). Certainly when councils were presented with development applications, they often spent a lot of time considering and sometimes having to defend their decisions (e.g. *Baulkham Hills Shire Council v. Ko-veda Holiday Park Estate Limited (No. 4)*; *The Hills Shire Council v. Ko-veda Holiday Park Estate Limited (No. 3) [2010] NSWLEC 239*).

The fact that governments, including councils, have owned or managed land used for residential parks has made certain situations more complicated. Almost 10 years ago there were over 30 000 dwellings, mainly accommodating tourists, on around 300 parks on Crown land in NSW alone. Half of these were located along the coast and two-thirds managed by Reserve Trusts—most commonly the local council—with the rest leased (LMPA NSW 2010, p.5). An advocate pointed out that some councils seemed to have been negligent and others compliant in amendments to development approvals that included deleting clauses to ensure an owner's consideration or compensation to existing residents (NC4). Either there needs to be clarity around rights to information, responsibilities for compliance and council processes for gaining consent related to sites and dwellings, or legislation at a state level needs to be more comprehensive and detailed in clarifying, accounting for and protecting residents' rights and responsibilities.

Advocacy groups report that many councils, which are responsible for most non-tenancy residential park regulation, have ad hoc and informal institutional arrangements for addressing the various aspects of parks in their local government area. Furthermore, according to certain service providers, 'some parks the councils are involved in directly running are often the worst'. There were reports of lack of transparency, neglect and poor management of some crown land reserves. For example, while dwellings installed before 1996 were protected and could be on-sold, it was alleged that many owners were never made aware of the condition under the new regulations, that no new dwellings could be sold on-site (NC4).

To illustrate the disarray in tenancy arrangements and living circumstances of many 'permanents' in parks we refer to a draft of the *Sydney Lakeside Plan of Management* prepared for Pittwater Council. This plan incorporated numerous recommendations for a park on government-owned land with almost 100 'permanents' living alongside over 300 different forms of short-term visitor accommodation. The recommendations included: providing all 'permanents' with agreements; meeting formally with 'permanents' each quarter; ensuring that future planning accounted for climate change-related flooding; addressing encroachments and illegal structures; making sure park rules were observed; and establishing a solid border and landscaping to protect short- and long-term stayers from interfering with one another's distinct interests and activities (PEP 2009, pp.vi, 8, 19, 69–71).

5.3 Management

Many parks and villages have resident on-site managers, which is useful for addressing issues best understood when observed or experienced first-hand and in emergencies. However, the high visibility and presence of a manager makes their management style and behaviour significant for residents. While interviewees were not asked a specific question about management (see Appendix 2), most of their general complaints about living in parks revolved around issues of management. Advocacy groups also complained of 'horrendous rogue operators', 'illegal lockouts of residents', the 'use of bikie gangs as security', owners and operators with criminal histories and intimidating behaviour (NC4; NC6).

Under current NSW legislation, managers have considerable powers including: setting rules and conditions for the community living in the park; offering (or withholding) facilities and services for residents; approving or refusing permission for residents to sublet or sell their dwellings on-site; increasing rent/fees paid for a site; and serving termination notices. These powers can make residents feel very vulnerable, especially if they come into conflict with management. Some interviewees told stories of managers cancelling residents' swipe keys to the entrance gate, and even a case of removing their dwelling, despite the residents informing management that they would be in hospital or working overseas (NC1; NC2; NC3).

5.3.1 Good manager–resident relations

There seems to have been a slow trend away from the traditional family-owned residential park where the management style tended to be more attentive to residents' needs than the growing number of managers working for property groups that own multiple properties (SC8). One interviewee pointed out that owner-managers 'can make the decision there and then ... the next day it's sorted', instead of waiting for a resolution while a manager consults with owners (SC1). Another reported:

We've got very, very good owners that own this park, the family that owns it is exceptionally good. You can talk to them. (VC1)

One interviewee referred to a park with over 400 sites run by a resident owner-manager couple as 'a model village', highlighting the 'beautiful gardens' and that 'everybody [was] happy' (NC6). Furthermore, in the latter case:

Every year they brought the books out, sat down with the residents and said, 'Well, these are our costs for changes,' and so on. And they all discussed it, and they agreed on a rent increase, which almost invariably was the CPI. (NC6)

When asked what they thought were the essential skills managers needed, one couple who had had experience in the hospitality industry and were running a caravan park replied:

QC12: Patience, compassion.

QC4: Empathy.

QC12: Yeah, understanding, and be firm.

QC4: And be fair ... you need to treat them like people. They're not statistics. They're not income. They are people and need to be respected as people ... This one being predominately a permanents' park, you have to work with your clients, and our rental arrears are miniscule.

Another owner-manager in a family-owned business operating a few residential parks with caravans and manufactured homes also stressed that: 'People skills is the most important thing' (QC5). Indeed, good management seemed to produce good results, and residents seemed relaxed and forgiving when they had good relationships and confidence and trust in managers.

5.3.2 *Communication difficulties*

Residents expected to be able to speak with managers about problems and to work out some solution together. When these expectations were not realised it caused great distress:

If you're treated fairly, you know, there's a bit of flexibility, a bit of give and take. We don't expect to win nine out of 10 requests, but you get 60 per cent of requests, which are genuine, and they're fine. It's, he's just all one-sided; it's a no, no, no win. And that's what he's got: everyone by themselves, all the elderly by themselves, frightened of saying 'Boo'. (NC9)

Those who found management difficult to discuss issues with, resistant to addressing issues, manipulative, rude or punitive felt their whole quality of life was jeopardised and eroded:

[T]he management company, I'd say 90 per cent of the time, refuse to take phone calls. They don't even acknowledge emails let alone reply to them. So, as much as we love the village ... we really like our homes and we really like the people we share the village with ... we are very, very unhappy with the current management. (VC3)

[I]f you want something done, you've got to ask to have something done and it depends on what side of the bed the owner gets out or whether he says yes or no ... We're pretty straight and I think we're pretty proud in regard to what we do ... without the residents they wouldn't have a business. But then their concept is if you do complain, and this is pretty general, but, 'Well you chose to live here. If you don't want to live here, sell and we'll get somebody else in.' So they're not going to lose anything, right? (VC5)

In many cases a stand-off had developed between management and proactive residents. One NSW interviewee told us that their manager had retaliated against members of their new residents committee (NC3). A 'residents committee' does not include representatives of park owners and/or managers, whereas a 'liaison committee' does. According to the NSW Fair Trading register, at the end of August 2012, less than a quarter (113) of the 483 registered parks had either a residents committee and/or a park liaison committee (Jenkin 2012). Some interviewees complained that management consistently refused to recognise that they had a residents committee, or that management refused point blank to discuss issues with committee representatives, and/or that a manager gave committee members the cold shoulder:

NC7: He will not communicate with us ... Dead silence ... it's all in writing. They get it. No feedback. Nothing ...

NC8: I'll speak to him and say, 'Good morning.'

NC7: He won't acknowledge it ...

NC3: There's no action we can bring in the tribunal for that.

Elderly women in residential parks can be in their eighties or even nineties, frail and especially vulnerable. Several interviewees living in different parks observed that elderly or single women were targeted and vulnerable to managerial abuse: 'he's stubborn and he's arrogant, and he hates talking to women, and he hates a women getting the better of him' (NC7); 'X is a big man, and he relies on that to intimidate ... anyone that's sort of a little bit nervous or a little bit unsure of themselves' (NC2).

One interviewee talked about business-partner managers who:

[w]ere very aggressive towards a couple of elderly ladies on their own ... [and] they picked on [a younger woman] because she complained about a mistake in the

charging of gas bottles, which finished up with them giving her a notice to vacate, very nastily ... It was like tit-for-tat. It was, 'You do something, we'll do it bigger next time, because we can.' ... And, in my opinion, the management who issued it knew that they weren't going to win the case [the woman took them to VCAT and won], but it was persecution ... (VC8)

In yet another park, a male resident reported that:

[T]he only real complaint is the owners not doing what they're supposed to do in regard to requests of people, particularly the single ladies living by themselves ... I've gone down to the office ... on behalf of a couple of ladies and they go, 'No, sorry, they've got to come down themselves.' (VC5)

Perhaps more women need to be in management positions in parks to deal with female residents? Whether this is a useful way to go or not, it is clear that regardless of their age and gender all residents wish to be respected and listened to.

5.3.3 *Dealing with conflicts*

While stonewalling caused frustration, divisive actions by managers led to anger and fear. One interviewee reported that in the middle of a series of hearings in the tribunal which involved exorbitant (20–30%) rent increases, the owner had announced that he was putting up a fence in an area that the appellant had been led to believe was part of his own site. Another appellant was being warned by the manager about wrongly positioning his gas bottle: 'at this stage of life we don't need it. ... I know he can't evict us ... but things are going on' (SC9). The same interviewee reported that this manager had always been inclined to make one rule for one resident and another rule for another resident, which caused resentment, suspicion and jealousies amongst the park community.

Some managers used their onsite presence to unnecessarily and inappropriately interfere in the residential community and garner support from some residents against others. One interviewee, who described her manager as 'very arrogant', went on to say that her park liaison committee members 'do as the owner tells them':

Unfortunately he's sort of got the park a bit divided because there are certain residents, about a half a dozen of them, who are his little lap dogs and, you know, they're driving around the park six times a day to report on anything they see. (SC4)

Other interviewees said:

And we have a liaison committee that was elected and virtually elected on this owner's terms, like ... they sacked the caretaker ... when the manager comes down once or twice a week he goes straight to their place and has morning tea ... it's caused the most trouble in the park ... it's divided the park. (SC9)

The residents' association, to me, seems to have too much doing with management. You know it's a residents' association. It's not a management association. (SC3)

The experiences of residents suggest that managers require a high level of skills and training to fulfil their complex roles successfully. These descriptions are included to highlight the extent to which managers may impinge upon, and become involved with, residents' activities, in order to show the kinds of skills they might need to be qualified in. Resident activists and self-help groups, as well as residents and park liaison committees, found that addressing issues with management was so difficult that residents might live for extended periods of time with conflict on a 24-hour-a-day basis: 'we were spoken to as riff-raff' (VC7); 'you never really knew what form of abuse you were going to get when you went to the office ... it was non-stop and it was both verbal and threatened physical when you went to the office' (VC3).

Some interviewees saw this as a strategy of attrition used by management to isolate 'troublesome' residents and pressure them to leave. For instance, one interviewee told us of:

a case where the park owner was trying to claim that somebody was covered under the Holiday Parks Act when they were, in actual fact, covered under the Residential Parks Act. The case was taken to the tribunal [and the] case was won. The resident was awarded a significant amount of compensation, around about \$2000. But then we got, 'Your plant boxes are against the park rules.' And that's false. And you'd win that and then it was something else about park rules. And, in the end, the woman gave the bloody house to them, pretty much. Just wore her down. (NC12)

Some Victorian park residents reported disruption in a park that seemed aimed to interfere with residents' committee meetings. Such committees had been enabled by the relatively recent introduction of Part 4A of an amendment to the Residential Tenancies Act in Victoria before which they had not been formally permitted to assemble and represent themselves. Even recently, 'management [had] threatened residents in the village that if they tried to form any kind of committee they'd be evicted for causing trouble' (VC3).

Another interviewee recalled their experience of an operator's 'vengeance' in being served with a termination notice after successfully appealing a rent increase:

I spent several months with the park owner, park manager, and his family and staff harassing me. I could step out of my van to take a mobile phone call and one of them would arrive and stand alongside me with a Whipper Snipper and start it up. If I walked from my van down into the annexe I would sometimes see one of them standing, just standing at the screen door staring in, never said anything. They were just there.

... now that one went to the tribunal and I lost. The tribunal chairperson ... thought the legal grounds for the termination were valid. They [the operators] wanted, they said, my site for another purpose ... I lost the legal decision and I was offered compensation to go, which I did, sold the van for about a third of its price, took the money and got out ... So, if somebody said to me, 'Would you live in a village again?', the answer is, 'No.' (NC6)

Many people expect that living in a residential park would lead to a range of conflicts between residents. Owner-renters did report 'a little bit of tension' and 'some people who hold grudges' (VC1). Not many people reported too many disturbing problems within the owner-renter park community, but bullying was among the intransigent ones. In the cases raised it seemed that managers had not played an effective role. In one of the worst incidents reported, one interviewee said:

I've actually had a resident run into me with his car. He abused me, and then drove his car into me. When I complained to the manager, I was told that, because I called the police, he wouldn't do anything ... There are the favourites that can do no wrong, and then there's us. (NC2)

This is a one-sided anecdote, but at least points to the kind of everyday incidents that managers need to deal with, and shows the level and kind of training, qualifications and experience demanded. It seemed clear, from the number of stories heard of frustration and harassment occurring in manager-resident relations, that management training was insufficient.

Managers of mixed-use residential parks including owner-renters and renter-renters faced numerous challenges. For instance, a manager of a small park where only a quarter of the residents were owner-renters talked of suicides amongst renter-renters and 'health-related deaths ... which had traumatised other residents, with the result that managers not only had

to deal with these incidents but also [the] effects on other members of the park community' (QC4; QC12).

To address such challenges, Shelter NSW (2010, p.9) has recommended that park residents, especially renter-renters, have access to services akin to those offered to boarders by the Boarding House Outreach Project, which operates out of the Newtown Neighbourhood Centre and involve direct support, case management, referral and brokerage. Such services might support integration because, just as many parks tend to keep tourists in separate blocks from 'permanents', others segregate renter-renters and owner-renters. Sometimes the separation is functional but at other times it has distinctly social explanations.

5.3.4 Neglectful management

Another complaint heard from several interviewees was neglect by management. Some reported that in the past 'there was always someone available in the office' but now 'no-one' ever seemed to be there (VC3; VC4). A representative at the PAVS Residential Parks Forum in Surry Hills on 12 June 2012 observed that in many parks management was absent out of office hours. One interviewee said they only saw the manager once a week and, in between times, there was not even a phone number for contact in the event of an emergency or other problem (SC9).

Several residents in parks were enduring 'between-management' situations, with the same result:

[W]hen we came in here, the safety issue was that we would have on-site managers all the time ... we actually haven't had anybody for the last month over night. So, if anything happens during the night, you have to race up to the office, read the phone number that is written on the door, phone them, and they have to come ... Which could be too late in an emergency, if there was a fire, for instance. (NC7)

Absent managers seemed to be a relatively common circumstance. One interviewee reported a turnover of more than a dozen managers in six years (QC6), and hand-over protocols weren't always in place or smooth. Many interviewees also reported learning the 'tough' way that they needed to get approvals or agreements with management in writing prior to commencing any works. For instance, one couple got a verbal 'go ahead' with the manager to erect an extension to their pergola (at a cost of around \$8000), only to have the owner order its demolition when he finally found out about it (VC5; VC6).

5.3.5 Management licensing and training

We suggest that the systemic management issues outlined above will best be served by mandatory training in conjunction with mandatory licensing involving the screening of owners and operators for previous criminal, fraudulent or financial misbehaviours. Such training would help to develop managers' skills in dealing with residents with complex needs including substance abuse and mental health issues. It would additionally serve to promote more robust business practices in areas including financial management and the treatment of clients and staff (NC4). One of our interviewees, who had been both a manager of a residential park and a resident for some decades, indicated that in terms of managers' skills, '[p]ublic relations is Number 1':

I've always said no one should be allowed to manage a caravan park unless they've had some sort of schooling on it. (QC2)

Set rules of conduct, standardised industry training delivered by independent educators and accreditation were supported by the vast majority of people we interviewed. Such registration would need to be retrospective as well as prospective, that is cover the whole industry but allow time for current staff to become appropriately qualified. Reforms would

rely on operators complying with new standards; on residents and third parties having formal processes to report breaches; and on effective independent (perhaps council-based) monitoring processes to check that new licensing and training practices were established.

5.4 Ownership and business models

Ownership and business models in residential parks and villages are many and varied. Parks are established on either private or crown land. Those on Crown land will be leased (often through a council), while those on private land may have one or more owners (including partnership, family and company structures) and similarly involve lease or sub-lease arrangements. In states such as NSW, parks on crown land will involve different regulations.

Given that councils have substantial regulatory responsibilities beyond tenancy arrangements, and have developed a variety of approaches and policies, parks have evolved business models according to the opportunities and limits of local governance as well as local natural (environmental), social (demographic, cultural and historical) and commercial assets.

5.4.1 Government-owned, managed or leased parks

Our Queensland case study included interviews with managers (agents) of government-owned or leased parks. Some owner-renter interviewees in privately owned and run parks—who were paying \$150 per week for their site and power to it—reported that the state-owned parks in their region were ‘all dearer’ (QC2; QC11). A council bureaucrat in a park ‘business unit’ reported that one of the reasons for that was that many state-owned parks were well located. Additionally, they were obliged to ‘include all our costs or costs that a private park would normally encounter’ due to the ‘code of competitive conduct business under national competition policy, which was about having a level playing field’ (QC3).

However, we interviewed the managers of one state park, which charged modest rents reflecting the site’s substandard conditions. The long established park had been bought from private owners by a Queensland government agency several years ago. It and currently had 13 owner-renters, 30 renter-renters, 14 unoccupied sites and 20 vacant tourist sites. The managers of this state park appeared to be fulfilling an important social service, supporting residents with high support needs including terminal illnesses, cancer, Alzheimer’s disease, emphysema, poor mental health (e.g. paranoid schizophrenia), drug and alcohol addictions and a range of other disabilities. They described their business as ‘virtually a nursing home’ (QC4):

You’ve got a duty of care and you’ve got a responsibility. You’re showing responsibility for people who are really reliant on some kind of outside help and you’ve got to take that on board as well. You’re not just here to collect rents and bugger off ... (QC12)

5.4.2 Private family-owned businesses

An example in our Queensland case study of a privately owned and managed family residential park that had been a going concern since the early 1980s and supported ‘a good living’, reported an average occupancy rate of 250 people, 85 per cent occupancy rate amongst its owner-renter and renter-renter ‘permanents’ sites (70% of the total), and 80 per cent occupancy in tourist sites (30% of total sites). There were seven regular staff members. The park charged \$150 per week for sites occupied by owner-renters and \$180–230 per week, which included both water and electricity services, for renter-renters. Rents hadn’t been increased for three years. Now they faced a quandary. With water and power bills going up, they imagined they would need to install individual meters to pass the costs on to residents (to remain viable) but metering was going to be costly to install (QC5).

The owner-manager of this family business said it was 'common knowledge in the industry' that state-run parks existed for people re-entering society from 'prisons or rehab'. Instead, he screened applicants through the national tenant data base, TICA, and rejected extra people with suspected behavioural or drug problems. Residents were given a six-week trial lease and, if no problems arose, would get a periodical lease *ad infinitum*: 'we have people in here, been in this park for 25 years now'. The sites of owner-renters were regularly randomly inspected (QC5).

The owner-manager described the park rules simply thus: 'Clean up, shut up and just pay the rent on time' (QC5). He noted that residents in arrears would get an eviction notice, but might leave him significantly out of pocket with unpaid rent of around \$1000. He complained that this was mainly due to lenient government regulation of park residents. He observed that manufactured homes, which could be sold for around \$300 000 and delivered an income of just over \$140 per week with 100 per cent occupancy, made more financial sense and were the way to go (QC5).

5.4.3 *Gentrification: manufactured homes estates*

The development of manufactured home estates housing wholly or mainly owner-renters is a key trend in the residential park sector. There is an accompanying trend away from holiday and residential parks accommodating tourists, casuals and 'permanents' in either their own caravans or park-owned dwellings. A key strategy in these developments is for village owners to partner with manufactured home businesses and offer package deals including site and custom-built, pre-built or pre-loved homes, especially for retired couples. Such packages are often relatively expensive compared with the cost of simply purchasing a manufactured home. As a business model the manufactured home village offers a more reliable and higher income stream than other models, with the potential for further improvement with improved facilities and the growth in demand from baby-boomer retirees. The rise in upmarket manufactured home estates has resulted in expensive developments and gated communities (NC12). One of our interviewees resided in a 'resort' with a range of accommodation segregated into blocks and two-storey homes with a beach view selling for upwards of \$700 000 (SC2).

This 'gentrification' of parks and villages is associated with corporate property groups expanding their portfolio of investments in parks and villages, which are increasingly managed in a fairly standard style and aim to be as profitable as possible. For instance, the Hampshire Property Group of companies owns at least seven villages in NSW and Victoria. The group promotes its services in the residential aged sector as low-cost housing but advertises homes for \$300 000. It was taken to the NSW Consumer, Trader and Tenancy Tribunal in mid-2011 by 400 residents of its Bayway Village for 'exorbitant' rent rises of up to 40 per cent (HPG 2012; NC5; Carr 2011). Indeed, one interviewee suggested that a typical model involved companies paying only around \$100 000 to bring a manufactured home into their village and then on-sell it to new residents with a site agreement for more like \$250 000 (NC3). These figures are supported by a comparison of the Hampshire Property Group's manufactured home estate websites with figures in trade magazines such as *Buildhome* (Buildhome 2012b, p.117).

Similarly, asset management services company Harvest Property (HP 2012) has purchased parks to fulfil its 'core strategy of acquiring significant parcels of land that have both existing income and underlying future redevelopment potential'. With Gateway Lifestyle Residential Parks, an 'Australian owned and operated' firm managing seven manufactured home estates across NSW and Queensland, Harvest bought the ailing Nepean Shores village from the Penrith Panthers, where new homes can now be purchased for over \$245 000 while pre-loved ones across all seven villages are advertised for \$175–289 000 (GLRP 2012). Harvest Property (HP 2012) described its \$11 million purchase of Nepean Shores, with a total of 180 sites (110 already with manufactured homes on them), as 'anticipating a

cash yield in excess of 10 per cent per annum'. A similar property investment made in 2011 in Brisbane was marketed 'with return expectations of between 12–13 per cent per annum'.

Walter Elliot Holdings Pty Ltd (Palm Lake Works 2012), a 'family owned' business with headquarters on Queensland's Gold Coast, has more than 15 residential park 'resorts' in Victoria, NSW and Queensland, with sites for around 3000 homes targeting the over-50s. The company advertises homes in its Beachmere Sands retirement resort from \$299 000 (Palm Lake Retirement 2012) and offers low cost real estate management services. Service providers and advocates reported that some residential parks charged around \$200 per week for a manufactured home site (QC10), although we interviewed caravan owners whose site fees were only \$165 (QC6).

Operators frame the arrangement with owner-renters in commercial lease terms, while rhetorically emphasising home ownership. The Caravan Camping Industry Association of NSW and Manufactured Housing Industry of NSW (CCTI & MHIA NSW 2009, pp.5, 7) promoted buying into 'land leased' estates in which 'you own your own home and lease the land' without the 'burden' of paying council rates yet remaining eligible for rent assistance from Centrelink. Similarly, despite differences in legal ownership and regulations, 'pre-loved' manufactured homes are advertised by real estate agents on their websites alongside ordinary residential buildings on freehold land.

Such developments are not without their human casualties, who service providers and advocates interviewed in Queensland referred to as victims of 'partial closures':

[W]e're going through a lot at the moment, where the residents who may be living in a caravan with a hard annex for anything up to 30 years are now being evicted in 60 days ... [with] no reason for eviction. And it's our sort of duty of care to try and relocate these people into other areas. It's corporate greed ... caravan parks are virtually going to be non-existent. It's just going to be all over 50s lifestyle manufactured home parks. (QC10)

Residents and their service providers noted that gentrification could result in managers getting rid of certain residents, either directly giving them notice, or by making them feel unwelcome so that they might leave of their own accord. A housing service provider (QC10) reported that gentrification had highlighted distinctions in tenancy rights between those covered by the Residential Tenancy Act in contrast to the Manufactured Home Act in Queensland, which made the former vulnerable to '60 days' notice to vacate without cause', while notices to the latter were more generous and likely to be based on practical reasons such as property redevelopment. Clearly all residents of residential parks need strong protection against unfair eviction and it is justifiable to expect owners to bear certain responsibilities for residents in protocols surrounding closures from which they profit.

Discourses by policy-makers concerning the implications of gentrification and corporate business models for residents—frequently couched in terms of balancing residents' interests with proprietors' concerns with being profitable—need to be more sophisticated. Such discussions have often referenced the numerous park closures as evidence of the precarious nature of these businesses, which suggest a there may be a case for government subsidies. However, the residential park sector is very diverse and the wealthier parks and developments do not appear to need support. Furthermore, are the social services, of affordable and supportive living that many policy-makers see the sector fulfilling, being undermined or reversed by such developments?

As the market changes and the means to satisfy different forms of demand change, competition from profitable firms might well drive out the traditional low-cost housing options that parks have offered. Certainly it is not appropriate to view or treat the sector as one entity. Rather it is important to acknowledge that certain kinds of residential park businesses do fulfil the needs that policy-makers find significant in combating homelessness and the

lack of affordable options for low-income Australians. However, others clearly do not. Indicators, such as levels of rent, are likely to be useful in targeting reforms to the most needy, without diverting limited resources elsewhere.

5.4.4 Shared equity agreements

There is widespread concern, especially in NSW, over the recent rise of shared equity arrangements offered by companies which operate multiple villages and parks, because they seem to involve considerable disadvantages for owner-renters. Some advocacy groups and residents believe that shared equity agreements should be made illegal because they can contain opportunity and exit clauses and guaranteed gains for the investor even if the dwelling is re-sold at a loss, thus seriously disadvantaging the resident (NC4). These agreements did not exist when current NSW regulation pertaining to parks and villages was developed and they contain different terms and conditions depending on the firm issuing them. They are often associated with sales of homes with inflated prices. One interviewee (NC5) reported that homes had been advertised under shared equity agreements at around 50 per cent above asking prices for similar units a couple of years earlier.

Another interviewee (SC3) had rather innocently entered a 70:30 shared equity agreement with management without legal advice. At the time 'it was a bit of a rush job with us' and 'suited us with our finances'. The home cost them around \$290 000 five years earlier and was estimated to be worth around \$350 000 at the time of the interview. The interviewee was not clear about the terms and conditions of future re-sale of his dwelling, which he expected would be a challenge for those who inherited it, or what might happen if the firm who made the agreement sold the park they lived in. Legal advice since entering the agreement was that he would need to 'wait and see' whether the arrangement would turn out to be safe and reasonable (SC3).

An advocate reported that a resident presented him with the following case. A park owner had proposed buying the resident's existing dwelling 'not at full value' but instead for \$100 000. According to the advocate, the park owner had added:

We want you to relocate to this other site. We'll sell you a manufactured home that we've already capitalised on.' They actually admitted that. 'But we'll make it subject to shared equity. So, if we give you \$100 000 for yours—it's \$400 000 is the purchase price—it's a 75/25 per cent share and, you know, it's a good option. There's a win in it for you, a win in it for us. We'll give you permanent status.' They [the resident] didn't want to move. What they are told then is, 'If you don't accept that, well, you've just got an occupational agreement, so we'll give you a three-month notice of termination. (NC4)

Shared equity arrangements are more likely as manufactured home firms partner with village operators to retail their homes. In this way operators become financiers as well as managers. State consumer affairs agencies are perhaps best placed to distribute information about the pitfalls of shared equity arrangements and to monitor such developments, and create legal protections for parks residents in shared equity arrangements.

5.4.5 Village closures and the option of residential park co-operatives

A primary threat to the security of park owner-renters is the closure of the park on which their only asset and home sits. The closure of a village causes such disruption that most governments have established ad hoc closure management schemes to assist in the relocation of residents. The impacts of village closures on the lives of residents are discussed in Section 5.6. Although residents cannot get regular home loans to buy a dwelling on land in a residential park, park owners can mortgage the property on which their dwellings sits. However, because many parks are on land that is leased, they are vulnerable

to repossession and closure. Indeed, more than one park occupied by our interviewees had been repossessed. In one case of repossession, almost 10 per cent of sites seemed to have been bought akin to private property before the bank sold the rest of the business on to a new owner. This left the quasi-freehold owners paying around \$30 a week to use the park's facilities and a technical, rather than practical, power to be involved in decision-making with the new management. According to our informant (SC9), several of these sites ended up in one person's hands. This meant they had arrangements with several renter-renters independent of the new management. In another case of repossession none of the residents was aware of what had happened to their park until the sheriff turned up to evict them. They remained liable for their site fees and lost the value of their dwellings and some of their possessions (NC4).

The NSW Fair Trading (2011, p.22) discussion paper mentions the option of residential co-operative ownership of a park or village. Such models have been shown to exist successfully in North America with financial support. Housing NSW funded a study into a model which might allow residents to either: buy the park they lived in; purchase and relocate to another park; or develop land specifically as a cooperative enterprise. A study conducted by Snell (2006) for the Karalta Road Park Home Owners Inc. explored the feasibility of low-cost resident-funded housing. He demonstrated that with some initial financial backing to purchase land sites, the model could be self-sustaining after an initial period in which a collective mortgage would be repaid. However, the group has been unsuccessful in finding a housing provider or financial organisation prepared to support their plan.

Introducing long-term leases in the order of 30–99 years has been suggested as another way to provide security of tenure both for residents and management. However, an interviewee cautioned that, in one instance he knew of, prospective purchasers were paying more for a home with the perceived security of a 25–40 year lease, while in fact there was a high risk of the site being wholly redeveloped at the conclusion of the lease (NC3).

5.4.6 Sharing profit: on-site dwelling sales

While owner-renters own their dwelling, if they sell it on site the price realised is likely to reflect the condition, amenities and quality of both the park and the dwelling itself. As outlined in Appendix 5, the draft NSW Residential (Land Lease) Communities Bill 2013 stipulates that the operator cannot interfere with a sale but also allows operators to include a term in future site agreements 'to allow them to share in any capital gain from the sale of an on-site home (up to 50%) or to charge the outgoing home owner a percentage of the on-site sale price (up to 10%)'.

In the May issue of *Outasite Lite* (no.11, p.10) NSW PAVS referred to this 'windfall' as 'the most shocking proposal in the Draft Bill'. PAVS pointed out that if a pensioner (or other person) sold their dwelling within, for example, a year of the purchase for the cost of their purchase under the latter style of agreement, they would effectively need to 'gift' to the park owner 10 per cent of their life's savings. However, arguably the provision provides an incentive to operators (owner/managers) to securely invest in the amenity of residential parks for all residents, because of their potential to recoup their investment at the point of sale. If this clause is included in the Bill passed by parliament, it will be crucial to monitor how it is applied in practice and whether or not it contributes to improvements in services and amenities for this sector.

5.5 Residents' profiles

Many residential parks accommodate dwellers in caravans, tourist-style cabins and manufactured homes. Often vans, cabins and manufactured homes are separated spatially because their development was associated with different stages in the evolution of the park

and because the interests, activities and circumstances of their occupants can differ. The findings of our study suggest that renter-renters are more likely to occupy caravans and cabins than manufactured homes. These forms of housing can range from modest caravans and cabins through to expensive manufactured homes with waterfront views and access and will reflect the circumstances and choices of residents to different degrees. In our case studies in NSW, Victoria and Queensland, we therefore asked interviewees to describe how they came to live in their current caravan/residential park and explored their experiences of living in other settings.

5.5.1 Motivations for moving into a park

Although some residents had prior experience before settling as a 'permanent' of caravan holidaying and travelling—sometimes for years at a time—many others had come to park life almost by accident. Some chose the life because it offered: more affordable accommodation than continuing in a family home; the chance to 'own a home' when they had never had one before; more leniency to children; greater independence than living in a retirement village; and proximity to the beach, fishing, shops, services or specialists. One couple gave their reasons as:

VC1: Downsizing ... we had a four-bedroom house and just the two of us there ... Half the house wasn't used.

VC2: ... being a taxi-driver we didn't have a whole lot of super ... We had a mortgage ... once you're on a pension you can't pay mortgages.

One woman described her own situation as typical:

[I] worked, brought up my children. I never got superannuation. There was nothing. And my ex-husband walked out. And I was left with a house that was falling down and nothing to build on. And there's thousands and thousands of women now in that position, particularly when they turn 50 (VC8).

Others were attracted by the idea of less housework, often related to a declined capacity due to illness or injury, and the neighbourliness of living in a park. More had owned a home, often with a mortgage, than had been in private rental. However, cost was a driver both of change both for owners and renters. For instance, a NSW interviewee had previously rented inner city flat in Sydney for which he paid \$260 per week. He was able to purchase and insure an onsite caravan for \$55 000, for which he paid \$94 per week five years ago and currently \$106 per week (SC1).

Most interviewees had lived in just one dwelling in the one park and had no other property. However, others had profited from buying and selling park and village dwellings, not always living in them themselves, and/or owning property offsite. One interviewee purchased a caravan onsite in a Queensland residential park because it was convenient to contract work, and then moved in permanently following his divorce. He noted that he had found it too expensive and lonely to stay in a villa he owned in Sydney, in which he subsequently put tenants (QC7). Another caravan owner-renter of six years, who said 'I'll be here forever' but 'pretty much kept to himself', owned a 'two-storey brick place' with his partner in Brisbane and was renovating a houseboat elsewhere (QC6).

Indeed, one manager of a small park in Queensland, which charged modest rates, reported:

There's a percentage of people, I wouldn't like to put a figure on it, who come here, who have used it as an affordable stepping stone to buy a house ... They've had the foresight to see that, if they go into a private rental market, they're paying as much per week for private rental as they would be on a mortgage, so they come and stay here. We've had several couples, I can't put a figure on it, who have done that. They've had some vision and some planning in their decision to stay here. (QC12)

5.5.2 *Ages of residents*

Most of our interviewees were over 50 years old. The majority reported an average age range of 65–70, although some were in their eighties. SC9 observed: 'I'm 71 and ... I consider myself one of the younger ones.' Some parks had no children as permanent residents and most others had very few. Some children lived there part time with separated parents or temporarily in the care of grandparents.

There has been a trend for residential parks and villages to promote their services to older age groups. This trend is encouraged by tax exemptions to operators for providing accommodation to retirees. Additionally, operators often regard retirees as more responsible, reliable and stable as a residential community. Park and village operators breach anti-discrimination legislation if they refuse to admit people who are younger, although several of our interviewees had a clause in their agreement that they would not sell to anyone under 55 years-of-age (SC6; SC7; SC2).

Many residents liked living with peers but referred to a divisive trend for younger generations, who could afford to buy the more expensive dwellings, to place upwards pressure on rents through improvements to facilities they might not even enjoy. This trend largely reflected operators' business models (see Section 5.4) and acted to disadvantage older and less wealthy residents. This tension suggest that there is a need to consider the impacts of gentrification—which can bring with it a range of benefits in the form of improvements to services and facilities—on the provision of accommodation that is accessible to a broad client group and is affordable (see also Section 5.4.6).

5.5.3 *Divisions and leadership within parks*

A 'social divide' was also reported (Stuart 2004, p.261). One interviewee referred to this most starkly as he showed us a map of his park:

Section 1 is what I would call the 'downtrodden'.

Section 2 ... is an older section but lots of new houses in it. But they'd be sort of 'middleclass'.

And a lot of people up here [i.e. Section 3] are retirees who retire with fairly large superannuation ... You've got some very capable people up there. (SC2)

Section 3 had houses selling for \$600 000, \$700 000 and \$750 000 at the time of survey. The residents' committee in this park was all-inclusive but the social committee was based in Section 3.

Although the separation between different types of occupants might seem reminiscent of segregation, the entertainment and recreational interests of tourists '... those who owned holiday homes that allowed them occupancy for just half the year—casuals and short-stayers were often in opposition to 'permanents', whose park abode was described as more of a 'haven' (NC1, QC3). Therefore permanents and tourists alike preferred the privacy afforded by their separation.

Permanent renter-renters whom we interviewed had more interests in common with permanent owner-renters, but still distinctions remained. Many owner-renters referred to a separate section of renter-renters who, they suggested, typically lived off unemployment benefits, were ex-prisoners or were there for crisis accommodation. One owner-renter suggested:

We'll never get closed down 'cause this is a stopping-off rock for a lot of them. They come here and [the] police know exactly where they are. And, if something fits, they're right here. (QC6)

[A]ll the riff-raff live up the top. All the druggies and all the boozers ... (QC2)

Our research has confirmed other studies that have shown that the people who are most active in resident and park liaison committees are more likely to be skilled and confident owner-renters in manufactured homes. However, in this role they might not only neglect the interests of renter-renters, those in different kinds of accommodation and in other sections of the park or village, but also use their 'representative' power to act against them (Stuart 2004; NC12). Stuart (2004) offers the example of such dynamics at play in an owner-renter supporting management to evict a family in need. Even so, several owner-renter interviewees in both Victoria and NSW were at pains to show solidarity with renter-renters and with holiday stayers (VC3; VC4).

5.5.4 *Emergency and crisis accommodation*

Specific issues were raised about people who were homeless or at risk of being homeless, who were often referred to parks for emergency and crisis accommodation. As indicated in Section 5.5.3, other residents and operators often viewed people from disadvantaged backgrounds with suspicion and hostility, and service providers felt that this kind of accommodation was at odds with their preferred residential profile.

In NSW advocacy service providers identified the '30/30' rule (a form of probationary occupation) as the most difficult issue for renter-renters—and indeed, for owner-renters of caravans without rigid annexes. It has particular implications for those on welfare benefits (NC5; NC12). Unless specially allowed by park owners, residents are not covered by the Act for their first 30 days of occupation and operators regularly (and legally) extend this to a 60-day trial. This can lead to a rotting of the system and was an issue raised by many service providers:

NC12: [T]hey use it to their advantage by taking people in for crisis accommodation that have been referred there by Housing NSW. They take the two weeks rent in advance, the four weeks bond, set them up and, before that 30 days or 60 days has expired, they terminate that agreement, get rid of them, keeping the bond and whatever's left of advanced rent and get somebody else in. And, of course, those people don't have access then to that money again.

NC5: No, because they can only get it every 12 months. So they are in effect, then, homeless. And, most often they've done nothing wrong or they might be young people who have had a bit of a loud party or something like that. And the problem we face at the moment is they're not covered by the legislation ... So, how do they go off to the tribunal to dispute it? So, yeah, it's a vicious circle. And not all park owners are like that. Majority are.

NC12: Well, yes ... they go into that business because there's money to be made in it with this basically revolving door policy and them keeping the bond. The Department of Housing is not going to go and claim the bond. And you take disputes, there doesn't need to be anything to dispute, they can just say it's over for no reason, no grounds at all. And that's an appalling situation to have, a whole group of people that has no legislative protection whatsoever.

Advocacy service providers were particularly concerned about the inappropriateness of residential parks for families, women and children seeking emergency and crisis accommodation:

[T]he park lifestyle is not set up to provide crises accommodation ... take for example ... one of the lower-down-the-ladder parks with mainly accommodation of caravans, possibly with a rigid annex, but you've got to walk to the amenity block. And, say, ... you're escaping domestic violence, you're a young woman, you've got two little kids a baby and say a toddler, you need to go to the toilet in the middle of the night—do you wake the kids and take them with you? Do you leave them in the

van on their own? You leave them in the van on their own, somebody reports [to social welfare authorities] that you're leaving your kids on your own. You take them to the toilet ... [or] the door in the shower is like that [signally 50 cm off the ground with her hand], your kids crawl out under the door whilst you're having a shower. People say the kids are running around, no-one's looking after them. I mean there are all of those issues. I mean, you've got a little baby, trying to raise it in a caravan ... they can't learn to crawl properly or walk properly because they don't have the space to do those things ... (NC5)

[A]nd, of course, some of those people have got drug and alcohol problems, or maybe sort of mental illness, and other things. It's going to cause friction. (NC12)

[Y]ou've just got to look at the shape of the caravan. If you're in a caravan there's one exit. If there's a domestic violence problem, how do you get out? (NC12)

Nor was the accommodation in parks particularly cheap. Housing service providers in the OWS case study suggested that their clients might pay \$200 for a cabin with a kitchenette and bathroom and \$150 for a caravan without bathroom facilities. This compared with, say, \$230–240 for a two-bedroom flat in the mainstream rental market. Furthermore, they reported that Housing NSW used 'a lot of hotels, motels' for emergency accommodation at seemingly unreasonable expense. A motel room with an en-suite but no kitchen facilities was reported as costing \$275 per week, which was viewed as comparable to a two-bedroom flat in the same region (OWS6; OWS7).

One policy option to address the issue with the 30/30 rule in NSW is to ensure that residents are covered by the Act, for example, after one week of residence. The broader housing context is critical here. All pointed to the lack of affordable housing and social housing, which could only be addressed by putting more funding into public housing or supporting community housing. Outreach workers criticised public housing being offered on long-term, even life-long, leases when a household's circumstances could change and they were no longer justified to receive subsidised accommodation ahead of people who were in greater need and relegated to marginal housing and/or homelessness.

5.6 Lived experience

This section offers an experiential account of life in a residential park for marginal renters, which highlights the significance of management, rules and rent (fees) and other common disadvantages and benefits of living in a park, with the specific purpose of showing how regulation and legislation might be improved for park residents.

I said to somebody walking around, why has everybody got dogs? And they said, 'because everybody's key fits everybody else's van' ... imagine being a young woman there. (NC5)

5.6.1 *Entering a park*

Interviewees reported that the process of signing a site agreement to occupy a pre-loved dwelling, or ordering one through a house manufacturer, was often a very swift transaction—more like buying a car than a house. Indeed one advocate reported:

[T]he biggest difficulty that I see with a lot of residents is they'll often just get their site agreement and they'll be so caught with moving and everything else and getting their stuff in and they'll often have a quick look at the agreement and go, 'Okay that's a site fee and that's that, yeah,' have a quick read through it initially, sign it there on the spot with the park owner and not read what might be in the additional terms, what might be in the park rules, that might impact greatly on their living. (NC4)

Others, however, had had their agreement checked by a solicitor who cautioned their clients or had clauses inserted to protect their interests, typically limiting rent increases. One, for

example, restricted any 'CPI' increase to 8 per cent (SC6). Some ensured their leases were registered with the NSW Lands Department. On the other hand, one interviewee who had lived as an owner-renter on a caravan site in a Queensland park seemed nonchalant, saying he'd had an agreement but did not have one at the moment. His reason was that they were given new ones every time the rent changed and currently there was no manager (QC6). In one NSW park residents did not have copies of their agreements, which were generally kept in the manager's office (NC7; NC8; NC9; NC10). Others in a Victorian park gained a great deal of security from having 99-year leases, though one had paid \$100 000 for their lease over and above the cost of installing a manufactured home and ongoing site fees, and reported that others had paid \$70 000–140 000 for leases, subject to the size of their site (VC3; VC4).

In general, many commented that few solicitors adequately understood the plethora of fragmented regulations associated with parks and villages. Similarly, purchasing a property through a real estate agent had offered no extra protection or information (NC1; NC2). One interviewee reported that he had been charged a \$650 entrance fee at his park which was illegal (SC9). A former resident at the same park similarly had been forced to pay the amount as an exit fee. SC9 noted: 'I didn't know any different'.

Many of the Victorian interviewees referred to the new (2011) Act as key to their receiving a five-year lease or tenancy agreement, although some were yet to receive one: 'It took me six months, backwards and forwards, backwards and forwards, but eventually got one' (VC5). Interviewees with long-term experience of parks in Queensland and Victoria reported that they and others in their park had no signed lease since the new management had taken over: 'I've told them I wanted one, but I've never received it ... They treat each person separately' (QC2; QC11). These reports indicate an unacceptable level of informality throughout various jurisdictions over agreements which frame the rights and responsibilities of park residents and managers.

Key issues involved the need for a cooling-off period to give purchasers time to comprehend the terms and conditions in their agreements and to think about their decision which, as one interviewee noted, was often similar to 'living with your landlord' (NC4). Many had informal or verbal discussions about access to bore water, for example, which was later withdrawn leaving residents without recourse (NC9). Such cases proved especially tricky once a park or village business was sold to a new owner. One advocate talked of a case on his books:

They purchased a dwelling in the park in 1996, intending to use it as their future principal place of residence on retirement. The park owner said, 'No problem. At any point in the future when you want to do that, come and see us and we'll sort it out.' They spent \$80 000—nice site, style-wise home—put it on the site, added a veranda to it at the same time ... did a lot of other works to the site as well. And the park owner also did some works to it. And, in about 2004, the park management told them, 'Oh, there is new legislation we need to comply with. It's called an Occupation Agreement, but it won't affect your future intentions.' They signed the Occupation Agreement ... Later that year the park changed hands—I'm sure a group purchased the park—who then said, 'We're putting a stop [to] all long-term casual occupants. We'll not automatically give them permanent status. If they want to have a residential site agreement to be permanent residents here, they are going to have to buy their permanency from us.' ... I think that arguably, in this case, it's a strong case of promissory *estoppel* or equitable *estoppel* saying, these are the undertaking that the residents were given and there is an intent to create future, to create legal relations, and then as to what the future rights or entitlements would be (NC4)

Several of our interviewees reported constant lack of formality (namely written records) of agreements or approvals made with management to change or extend buildings or sites.

Added to vagaries around the legality of various building and planning practices in parks and villages, these reports indicate further levels of insecurity for residents.

5.6.2 *Facilities and security*

Facilities and security vary across the sector. At one end of the spectrum was a village with a 25 metre indoor swimming pool, spa pool and steam rooms, tennis courts, a mini-golf course and a children's playground (SC2). Others, from more than one park, talked simply about facilities and services such as recycling, a library, a laundry and the operation of their boom gates and rubbish collection, which might have become run down or were withdrawn without any reduction in the rent (SC9; NC7; VC3; VC4). Another caravan park resident had paid \$56 per week (inclusive of services) in the mid-2000s, but now paid \$105 per week plus utilities, reported that they only had 'very basic' facilities: no hall, pool or library (SC8). The passing-on to residents of on-costs for utilities such as electricity used in common areas and by management was an area of rising concern for residents and management alike.

There was a litany of complaints about poor infrastructure and services (NC4; NC7; NC8; NC9; NC12; VC1; VC2; VC3; VC4; QC2; QC11). These complaints included inadequate maintenance of roads and streetlights as well as lack of speed bumps, rules and signs for low speed limits, and corner mirrors to help drivers to see residents on scooters. In other parks, residents complained of leaking taps and sewerage. In some parks only some residents had access to sewerage and others reported long trenches being dug just to get a phone service to their dwelling; inadequate power systems leading to shorts; unreliable metering of utilities; and poor-quality water, for example, from a bore. In most parks recycling had only been implemented through pressure from residents' committees and recycling was one of the first services to go when facilities and services were being withdrawn. Several residents whose homes were near sites where garbage was collected complained about insects, flies, maggots, rats, cockroaches, mice and various smells. There were concerns that large bins were hard to open and get to for many, especially elderly, residents: 'they've got to walk two or three roads to get to a rubbish bin' (VC3). All of these complaints involved issues of health or safety and were not limited to convenience.

Both owner-renters and renter-renters paid fees for shared facilities. However, in some parks it was reported that all costs associated with use of the community hall fell to owner-renters (NC7; NC2). One interviewee reported no hall, just a 'big nice' gazebo used for residents' meetings, which was subject to rain and wind in poor weather. In another park, a limited number of keys were given to residents for access to the community hall (NC8). Social committees were usually the driving forces behind community workshops and outings. Ironically, residents rather than management had produced welcome kits in one park to introduce new residents to local services, facilities and activities (NC2).

There were serious concerns in some parks about the receipt of mail (VC2; VC7; VC8; VC9). One resident reported that:

We were promised letterboxes ... we have very un-private pigeonholes that anyone can access. They're in the office ... available to the public and, in several cases, people have to share a pigeonhole with someone else ... I want my mail to be private. (VC3)

When they raised this issue, management had replied that they would have to pay thousands of dollars for a different system. Therefore, many residents elected to pay for, and regularly travelled to, private post office boxes. Another couple who had both worked and lived in the park, reported that one of their managers would 'steam open' mail and '[a] lot of our mail used to go missing'. They too had resorted to a private mail box (QC2; QC11).

Other residents raised issues associated with the gardens in their parks (SC1; SC4; SC6; NC7; NC8; QC2; QC11). One interviewee was particularly concerned about leaves (from trees that park operators had failed to prune) that tended to gather in park corners, creating fire hazards. These leaves blocked house and street gutters and contributed to mould on home walls in humid weather. Other pensioners became so distressed by unkempt lawns that they had spent their own money on getting them mown. Most of the residents who we interviewed grew some vegetables, mainly in pots. Some talked about liking or wanting local community gardens, either in the park or on adjacent council land. The latter had not been permitted in one instance due to exorbitant public liability insurance premiums.

Many residents felt safe because of the presence and density of neighbours, rather than any attention paid by owners to park security. According to some interviewees, the cost of security guards, which was a measure introduced in some communities and ultimately paid by all residents, didn't seem cost-efficient or effective unless it was targeted to specific times and places (SC5; SC9). One resident claimed that they felt safe and would 'rather be in here than in a house', in spite of there being holes in the park's wire fencing where 'kids used to come through', and in wooden fencing so that people could 'take a short cut' (QC2). However, other park residents did complain about: insecure fencing; public rights of way through their properties, streets and gardens, sometimes characterised at night by anti-social behaviour; 'street people' using a communal building and toilets to sleep in and 'shoot-up' at night (which led to their being locked overnight); and intruders using the community pool. Furthermore, one advocacy provider reported visiting a park where he noticed that everyone had dogs. When he enquired why he was told: 'because everybody's key fits everybody else's van', and ventured, 'imagine being a young woman there' (NC5).

5.6.3 *Rights and rules*

Occupancy rights and rules for parks frame owner-renters' and renter-renters' everyday experiences of their environment. Informality and illegality characterised too many situations in the parks where our interviewees lived or worked. Service providers reported that 'the very common situation is [that] we turn up to a park and they say we've got no permanent residents' (NC12). This meant, in fact, that the operators had no agreements with 'permanents' (NC5). Residents and operators saw a mutual interest in colluding to deny their permanency where the council had not approved permanent dwellings. However, this left residents vulnerable to any kind of treatment by the operator. Many interviewees complained that residents in general were apathetic, complacent or fearful of joining or being active in park resident or liaison committees: '[t]hey're absolutely in fear of the owner'; '[t]hey don't want to upset the manager' (NC6; VC5; VC6; VC7; VC8; VC9; NC9).

Interviewees observed that managers might ignore a breach until such time that it suited them to point it out (NC7; NC8). Some residents therefore felt justified in flouting what they considered unfair or nonsensical rules. For instance, residential parks have rules about daily or overnight visitors, their use of facilities, and lengths of stays. Some people we interviewed had agreed to limit visitors to four consecutive days and no more than 56 days per annum. However, for a single person requiring temporary live-in care, this rule seemed unfair (NC3). Some were charged a small nightly fee for 'sleepovers', such as \$5, though the fee was waived on 'discretion' by management (VC1; VC2; VC7; VC8; VC9).

Park rules that residents feel comfortable with are key to their everyday wellbeing. Rules, however, can be made in contentious areas, such as driving in parks, children and pets. For example, in one community, many elderly residents might not want children to ride bikes while others might badly want their grandchildren to feel at home and be able to ride around freely when they visit. These rules would frequently influence where people chose to live. Where rules then changed, for example a ruling on pets, the implications could be very worrisome to residents (QC2; QC11).

It is difficult to provide an appropriate framework to account for updating or responding to new social conditions by changing park rules, which in NSW, for example, can occur provided the owner gives 60 days' notice and succeeds in defending the change against any appeal by residents in the Consumer, Trader and Tenancy Tribunal. Certainly the ideal of increased communal governance makes processes around rule creation, rule changing and rule breaking significant, not only for owners who have been responsible for unilaterally setting rules in the past. In this vein, one interviewee had been involved with reviewing rules with a manager, who had since been moved on before finalising the results (SC8). However, this collaborative approach does offer a useful preliminary stage that management could incorporate to make changing rules smoother and more successful.

5.6.4 *Rent levels*

Rents (fees) and rent increases proved contentious for a range of reasons. There were reports that some operators refused to sign Centrelink statements for rental assistance, which had been interpreted as a way to try to ensure that residency agreements were only made with wealthier people. However, most of the NSW owner-renter interviewees in our study were paying \$100–130 per week, falling neatly under the Centrelink ceiling for rental assistance, while some paid extra for some or all of their utilities (electricity, gas, water and sewerage).

Whatever their formal conditions and rental agreements, park dweller communities seem to be easily fractured by the differences between their contracts with management and their terms of residence, especially those relating to rents (SC6). Several interviewees resented the lack of a standard lease agreement and standard levels of rents for comparable sites (VC4; VC3).

Residents were particularly anxious to know the rationale behind rent increases: 'he should show where the rise is going and what he's doing with the money' (VC1); 'our leases say that our fees should be based on a formula, which includes the administrative costs of the village, but we don't ever get to see the administrative costs' (VC3). The latter interviewee referred to a recent rent increase across the park, which had varied as much as 1.5–25 per cent 'without any explanation of how it was accounted for or anything like that'.

Residents in one park were concerned that they might be cross-subsidising other parks or activities operated by the same company (VC4). Services providers and advocates in Queensland reported that:

[W]e have a countless amount of QCAT [Queensland Civil and Administrative Tribunal] cases going because ... they just want [i.e. swing] these rents up and ... in the meantime they've taken away facilities that they've had since, you know, they've been in the park. (QC10)

Operators have introduced some confusion over the concept of 'market rent' into NSW Consumer, Trader and Tenancy Tribunal hearings by referring either to the market value (current selling price) of dwellings sold on site or to the amount of rent they are currently finding new entrants prepared to pay as evidence for a rent increase (NC12; NC7). Residents and advocates felt that neither was appropriate. They owned their dwelling and saw its market value as more of a reflection of what they had once paid for it, its current condition, improvements that they had made to it, and market demand, than a reflection of the facilities in the park it was sited in. They said that the argument could work both ways and was more relevant to resale of the park or home than to levels of rental. If they installed impressive homes it made the park look good and many voluntarily kept up the grounds. They risked having to absorb price falls if park facilities or management deteriorated. One resident complained about rent increases without improved amenities whereas in Western Australia facilities must be provided before rents are raised (ARPR NSW 2011), as regularly occurs elsewhere in cases of private rental too.

Many longer-term residents in parks and villages are elderly pensioners, often female and single, on very limited incomes. The prevalence of 'baby boomer' retirees with heightened economic mobility threatens the capacity of these older residents to remain 'competitive' in the new market economy and to absorb rent increases of sometimes 50 per cent (NC5). One couple, who had lived for 20 years in a residential park in Queensland but had managed one in Victoria in the 1970s, spoke about the differences they had observed over time:

That park, the layout of the park, the upkeep of the park, the management, everything was far, far superior to this park. Very far superior ...

Their rules for the park and all were different to what they are here. Here they charge \$135 a week for one person. The same as they do for a couple. Now, the park we were in, if you were on your own, you didn't pay that fee ... if you had a shower and toilet and your own washing machine, you paid a higher fee than the others ... that had to use the amenity blocks ... They don't do that here.

You also paid according to the length of your van ... There's no variation in the fees in this park(QC2)

Our study indicated that rents were generally set at a standard level for the dwelling and/or site, rather than varying by number of occupants (singles/couples/family) or by the size of the sited dwelling. This practice reflects private rental and forces single people to take account of the (relative) extra costs. There is a business case for charging set rates for dwellings whether they offer access to ablutions blocks or private en-suite facilities. Although visiting a block can be inconvenient, even unsafe, they need to be cleaned and maintained. whereas private facilities in a dwelling do not cost management much to provide, maintain or clean.

There were complaints about sloppy accounting at some parks, such as incidents where people had been overpaying and it had not been discovered for months (NC1; NC2; NC3; NC7; NC9). Some interviewees in one park complained that direct debit arrangements for their rent were not available without unnecessary extra bank charges (NC7). Others complained about lack of transparency with metering and overcharging for some services, providing examples such as a resident being billed \$75 for gas use during a period when he had been away and had the pilot light turned off; numbers of instances where water and gas bills were exactly the same as previous bills; and a case where a single pensioner was overcharged for electricity to such an extent that it had accumulated to around \$800 over a long period of time (NC2; VC7; VC8; VC9).

5.6.5 Sales of dwellings

The sale of a park dwelling on site can be fraught. The NSW Affiliated Residential Park Residents Association (ARPRA) offers a service to members to advertise their dwelling on the Internet for just \$120, and many independent real estate agents are prepared to arrange sales (SC6; SC7). However, we heard many reports where park managers offered, even insisted, that they on-sell the dwelling of any owner-renter in their park.

Many reported that managers would charge commissions of perhaps around 2–5 per cent to sell a resident's dwelling in situ, and one Victorian interviewee suggested that a park manager regularly charged around 10–15 per cent (VC1; VC3; VC4; VC5; VC6). There are clear conflicts of interest when managers sell a pre-loved dwelling and many tactics can be employed to frustrate its sale. Often managers are only on duty part time, and might not be available or prepared to show a prospective buyer around at a time convenient to them (NC1; NC2). They might cast aspersions on the advertised property and, or instead, show prospective purchasers other pre-loved or new dwellings that they have for sale themselves.

They can interfere in a sale by suggesting idiosyncratically that they will not agree to, for example, two people living in a dwelling that one person used to live in.

The NSW Port Stephens Park Residents Association has distributed a brochure stressing that, under Residential Park Regulations 2006 (Clause 29, Schedule 6), purchasers of pre-loved dwellings could be reassigned a rental agreement already in place for a property rather than sign a new agreement. A manager can refuse the assignment of the current owner-renter's agreement to the potential purchaser-resident, because it would ensure that the current level of rent and any other conditions remain in place (NC5). Many operators see a new resident as an opportunity for a new agreement with higher levels of rent or other new conditions.

It would seem that reassignment as a regular practice would support park community solidarity because separate agreements made by owners with each resident have been divisive to the extent that rents and terms for rate increases and other conditions vary—sometimes markedly—when negotiated on a case-by-case basis. New residents can be disappointed when, due to ignorance, they have agreed to pay the highest rates of anyone living in a park. Older residents felt threatened that as rent differentials climbed the owner would be more likely to either raise their rents excessively or encourage them to move on. Service providers and advocacy groups confirmed residents' complaints about management practices (NC4).

Some interviewees reported that management actively kept prospective residents apart from existing ones, purportedly to stop discussion about rent levels. In response some residents had developed a tactic of mounting notices in their home windows of how much they paid per week so that newcomers would see them as managers drove them around the park.

Despite concerns over potential difficulties selling, many reported great increases in the value of their dwellings:

I bought my home, what, seven years ago and it cost me \$165 000. I've had a couple of people knock on my door ... they'd say, 'What price would you ask?' And I'd say, '215 000–220 000' and they're jumping at it. (SC9)

Looking at this place, when I built it [in 1993] it cost me \$87 000 and I think I could get \$300 000 for it now. (SC7)

I paid like \$87 000 for mine. It's two bedrooms. And now it's, I believe, it's worth about \$190 000. So that's a big increase in 10 years. (NC2)

However, others suggested that the deterioration in management and conditions in their park meant that they could not expect much or indeed any improvement in their asset's valuation. One interviewee had a caravan that he was trying to sell on a site while there was a threat of redevelopment of the park for retirement homes (QC7).

5.6.6 Closures

Wholesale closures of parks have eased somewhat since the global financial crisis but remain a big risk and threat for both renter-renters and owner-renters, especially while regulations remain unclear or balanced against their interests. Those who move might go on to public housing lists and become homeless, so threats of closures have significant policy implications. Over the years several jurisdictions, including the states in which we did our case studies, have developed closure protocols for the orderly and supported movement of residents to new accommodation. However, these processes do not, and cannot, address the insecurity of living in a park that might be closed, insecurities experienced by the many residents who do not have long-term leases.

The threat of a closure associated with, for example, a development application to the council can so unsettle residents that they move on before it becomes a reality, even though an owner cannot issue a termination notice—which gives the resident 365 days to leave—until they succeed in gaining a development approval. As an owner-renter there can be a financial cost or a benefit to selling under the threat of closure. Selling early to an innocent purchaser might mean realising a higher return than a delayed response or acceptance of a yet to be negotiated compensation package for relocation from the owner. However, selling early gambles on the development being approved, and risks realising a lower price than what might be offered by way of future settlement. Currently in NSW, compensation from a park owner only occurs after the resident has relocated, which necessarily affects a resident's options and decision-making. Relocation is likely to cost tens of thousands of dollars for removal, transportation and re-establishment of the building and associated services (NC4; NC1). Park owners can offer to buy the dwelling but often do so at a much lower price than the resident might reasonably expect in an open market. One interviewee said:

Your dwelling stuck on the back of a truck is worth absolutely nothing really. It's a piece of junk. It's a liability. It's not an asset. (NC12)

Furthermore, one manager of a state-owned park pointed out that, just because the government had signalled they might sell the park sometime in the future, 'people automatically assume that it's going to be closed down' rather than be sold as a going concern (QC4). The disturbance caused by rumours is heightened by, contributes to and explains some secrecy around the length of owners' leases in cases where they don't own the property on which their park is situated. One interviewee was aware that the council had renewed the lease for the park in the mid-2000s, but neither management nor the council would reveal its duration (SC2). However, transparency is never going to address the problems raised by closures. Councils increasingly have introduced zoning measures to prohibit other land uses to provide a level of certainty if not transparency for a range of interests.

5.6.7 Resorting to the tribunal

Where residents' legal rights are ignored or violated, they have recourse to forums such as the Consumer, Trader and Tenancy Tribunal in NSW and the Victorian or Queensland Civil and Administrative Tribunal. All such tribunals have processes for hearings and mediation. Each NSW and Victorian appellant, even for a joint appeal, pays a relatively small rate of \$38 (2012) or the relevant concession rate for people with pensions (\$5 in NSW in 2012). The roles and practices of the tribunals are significant for determining and supporting residents' and owners' and managers' respective rights and responsibilities.

Interviewees tended to regard informal discussions and formal mediation easier and more useful than formal tribunal hearings, except when managers were not prepared to negotiate in flexible ways or follow through with fulfilling their agreements (SC8). One interviewee gave the example of a manager who had given a couple a 30-day notice to leave due to a relatively trivial broken rule: their grandchildren were noticed riding their bikes without their helmets. The manager subsequently withdrew the notice once the matter was discussed in detail with third parties (SC6).

Another interviewee described their residents' committee in terms of mediation:

VC5: What we're trying to do is get things done via committee and management without the necessity to take it further to VCAT [the Victorian Civil and Administrative Tribunal].

VC6: In a nice amiable way.

Yet another resident had taken their owner to the tribunal and entered a mediation process over fire hazards in their park and lack of fire preparedness, issues that had been raised previously with management. Allegedly the manager feigned innocence of issues in the mediation session but subsequently never carried through on any of the agreements (SC4).

Residents have been disappointed at the low level of expertise regarding their specific sector in the tribunal. Appealing the tribunal's decision through a District Court, for example, was expensive and past experience suggested was unlikely to succeed (NC4; NC6). Lack of expertise has been attributable to fragmented and incomplete legislation and regulation and controversy over technicalities. A well-publicised case, *Christine Vivian v. Macquarie Shores Home Village Pty Limited*, heard in the District Court of NSW as case number 2011/264219 (PAVS 2012), had involved the NSW Consumer, Trader and Tenancy Tribunal upholding a park owner's issue of a termination notice to the executor of a deceased estate because the park dwelling was not the principal place of residence of the inheritor (NC4). This ruling alarmed many other residents who expected to will the dwelling they owned and inhabited to a loved one.

Many complained that the tribunal in NSW had no 'teeth', adequate penalties or efficient follow-up to ensure compliance with orders, leading some to suggest that a specially appointed ombudsman or other independent avenue of appeal was warranted. Such a body might neutrally assess cases, outcomes and processes considered unfair or inappropriate (NC3; NC4; SC6; NC6). One interviewee felt it would be useful for the NSW Consumer, Trader and Tenancy Tribunal to be required to record in writing brief justifications for all its decisions, which would build up an archive of decisions and a culture around shared understandings and values (NC6). Similar frustrations were voiced about VCAT (VC7; VC8; VC9).

In short, many residents felt that they had inadequate protections under law (and fewer rights than private renters or homeowners), and that even the rights they seemed to hold were not always respected in reasonable processes of appeal in the relevant tribunals.

5.6.8 Fires and floods: risks, prevention and preparedness

Across the park sector there seems to be a lack of awareness of, and more particularly preparedness for, natural disasters such as storms, fires and floods. Only as recently as 25 February 2011 were NSW Environmental Planning and Assessment Regulations updated to make smoke alarms in all mobile dwelling structures mandatory, setting penalties of \$200–550 for non-compliance. Indeed, during 1999–2010, NSW fire fighters had been called to over 692 fires 'involving moveable accommodation vehicles', which had led to more than 12 deaths and 72 injured (BMCC 2011, p.4). Emergency procedures, equipment and drills for fires and floods often seemed very basic or non-existent.

In NSW, fire drills are not required legally and only occurred in very few of the parks where our interviewees lived. Where drills did occur it was often due to pressure and organising from the residents. Many of the residents we interviewed had experienced, or were fearful of, a natural disaster and raised extra concerns associated with warnings, communication, preparedness and equipment.

[W]e had no fire protection, no hoses, none at all ... I approached the management ... and we had Melaleuca trees behind, which are very, you know, [flammable]. It's only in the last, what, 12 months that we got [some hoses]. We've got no hoses in this street whatsoever, right. And it's only, I think, that the Country Fire Authority has organised that. But they've not been put in places where they should be put. So it's a continual fight. (VC5)

One interviewee reported sleeping through a fire in a van a few streets away (SC1); another of our interviewees was hearing-impaired; and a further interviewee told an anecdote about

a migrant with a new baby who was caught in a flash flood. Each of these stories demonstrated the need for warning systems and preparedness for residential park sites and their residents.

Other hazards reported included: the build-up of leaves around their homes, and next to gas cylinders; hoses that did not seem to be checked regularly or were too short to cover the range of the village; fire hydrants covered in vegetation; no fire drills; just one entrance/exit into the park; houses too close together; lack of process for emergency vehicles to get swift access through boom gates in any emergency; refusing to leave in the case of a flood for example, even if ordered to minimise risks of theft; hazardous vegetation on surrounding council land (SC1; SC3; SC4; SC9; NC8). One interviewee outlined the situation in their park like this:

[W]e haven't had a fire drill for about 12 to 18 months, and there are a lot of new people come into the village who have no idea what to do in case of a fire. One of the wardens that we did have is dead. A couple of them are no longer able to do their job. So we badly need our fire management brought up to date, and a better alarm system. They've actually got, you know, those hand-toot things that they go around ... blowing. Fifty per cent or more of people in here have got hearing aids, and if they haven't got them in, in their home, they don't even hear them. (NC7)

Two interviewees from one NSW coastal park reported disastrous flash flooding possibly associated with landscaping of a higher swamp area, which had been filled in as part of a new development (SC1; SC8). Exaggerating the damage and health risks, sewerage from a nearby depot poured in with the water, which reached heights of up to a metre or so in some cabins and vans. The contents and interiors of many were wrecked along with cars. Although their lease obliged residents to have insurance, some didn't or weren't inadequately insured. Many residents sold their dwellings to the owners cheaply afterwards and walked away, leaving a higher proportion of renter-renters paying \$250–300 a week in their park. The park residents had no immediate support from the State Emergency Service, Sydney Water Board or the council: 'it was a week before they came down' (SC1). Since that time, however, they have assisted a number of more proactive residents to develop preparedness procedures for future floods including evacuation plans, identifying wardens and developing a register of residents and their circumstances (i.e. on the basis of needing assistance). Nonetheless, almost two years later, there has been no fire drill: 'promises, promises, and nothing has happened' (SC1).

5.6.9 Residents and councils

Many resident interviewees said that local and state governments viewed them as 'trailer trash' or 'fringe-dwellers' (NC1). Most reported that they had adequate access to council and other support services, such as meals-on-wheels and nursing care, although the NC case study revealed that one council was of the view that people who lived in parks and villages had no right to council support services. The councillors argued that park and village residents were not ratepayers although, under this definition, no private renter would have a right to services either. The argument also disregarded the payment of site fees and the collection of rates by councils from parks and villages.

An associated issue involved the collection of rubbish from properties in NSW and Victoria, where parks and villages were deemed businesses and therefore not serviced by council residential waste service collectors. Many reported a council bus service for special outings, but cuts in services such as mobile library deliveries. Some indicated that the council had no right to enter parks or villages: 'So they're limited as to what they can do.' (SC4) Others had experienced services being cut back. Some interviewees suggested that parks probably did not contribute as much by way of rates as a residential development over the same area

might, but argued that if they received fewer services, such rates might be appropriate (NC9; NC3).

In both Victoria and NSW interviewees reported being proactive, not only in developing residents' committees to protect and further their interests with management and as a community, but also in establishing and maintaining networks between different park communities, which they found particularly useful in terms of lobbying local councils (VC7; VC8; VC9).

In summary, it seemed that if councils were to maintain their key responsibilities for regulating, monitoring and ensuring compliance of non-tenancy matters both in parks in their local government area—a role we recommend being expanded and better resourced—then relationships with park residents and their housing, health, legal and advocacy service providers need to be functional and networks formalised, perhaps through residents committees' liaising with the council through formal representatives.

5.6.10 Community

Owner-renter interviewees in particular gave great significance to the support and sense of community in residential parks and villages, which often enriched and enabled their retirement. Many wished to live out their lives at their park because of the sense of camaraderie, trust and support they derived from their environment and the community-based lifestyle. Overall many residents found living in a residential park a positive experience:

[I]t's the best thing that we've ever done ... The security here is absolutely fantastic. You can go away, as a lot of them do, for three, four, five or six months and the place is just as you left it. People, neighbours look after you, look after it ... lawns ... trees ... anything you want ... [We] look after his second car while they're away ... Everyone sort of helps each other ... the lifestyle is absolutely fantastic. (VC1)

Very quiet around here. We like it ... Everybody more or less helps, we all do ... We like being by the water. (VC6)

We'll be here until one of us, either of us, kicks the bucket, yeah. (VC5)

Dreadful management. But it's a lovely little park. I'm very happy I moved there. It was the best move I could have possibly made ... all new friends and a new life ... It's a nice style of living. (SC4)

[Now] cross the road, over the hill and you're on the beach ... I'm happy where I am and I am not leaving [except] ... in a box. (SC1)

I wouldn't want to live anywhere but in a park despite the problems we've got. The lifestyle in a park that's ... reasonably well maintained, it's a community feeling, you know what I mean? It's a sense of physical security, and neighbours looking out for each other and I don't want to go anywhere, I want to live here the rest of my life. And, apart from which, apart from the preferred lifestyle of myself and like-minded people preferring a park rather than something like a home unit, is the economics of it. I mean, you know, 16 homes to the acre, it's pretty, it's pretty fine and dandy land use. It's maximum land use at minimal cost ... you get large numbers in one hit. (NC11)

We're a family ... a tight-knit group ... I love the coast ... I've got any doctors that I need ... I've got a shopping centre not far away ... I'm like a pig in mud, love it, love every bit of it. As I say, the only time they'll get rid of me over there is when they carry me out in a box. (SC8)

One of the things I think is very good, though, in these villages, in the residential parks, is the sense of community ... so many of my neighbours have stepped in to help give me a hand, so I think that's something that you do have, that you perhaps wouldn't get anywhere else. (NC2)

Regulators and policy-makers can benefit from buttressing this kind of constructive community neighbourliness in residential parks. Mutual support fulfils certain responsibilities that would otherwise need to be performed by social welfare services.

5.7 Summary of findings

This chapter analysed evidence from interviewees residing in, operating, and providing services to, residential parks and villages in case studies in NSW, Victoria and Queensland. The interviews revealed a diversity of conditions and issues with respect to the quality of accommodation, management services and, additionally, recourse when service provision falls short.

Marginal renters in residential parks are mainly owner-renters. Ownership of a dwelling on a rented site and sharing facilities with other residents and management is a complex living environment with more economic and social insecurity than either mainstream private rental or home ownership. However, our study found that, once threats of closure and eviction are minimised, governance issues addressed, and a reasonable standard of facilities offered, many residents find living in residential parks comfortable and supportive. As such, park and village lifestyles, especially for the over-50 retiree age groups, are likely to continue to attract more residents, presenting challenges for policy-makers to ensure that there exist appropriate services and other supports for park residents to 'age in place'.

The discussions in this chapter identified a series of topics and options important to policy-makers. The conditions and rights of owner-renters and renter-renters, the skills and responsibilities of management, the place of this type of housing within a suite of emergency, crisis and low income housing options, and the social welfare implications of this kind of housing for Australia's seniors, are all of growing importance.

6 CONCLUSION

This report has discussed findings from primary research conducted on contemporary experiences of marginal rental housing in Australia. This research on major types of shared-facility accommodation and associated services for long-term residents has informed the development of a marginal rental housing typology for policy-making purposes and a set of recommendations for improving the conditions of marginal renters.

This study found that marginal rental housing is most usefully conceptualised as 'highly managed' housing, a characteristic associated with its other key characteristic as 'shared-facility housing'. As such the key distinction between marginal and other types of rental housing is the level of control that management has over the conditions and daily activities of marginal renters compared with private rental or public/social housing tenancies.

Alongside the diminishing number of assisted private for-profit boarding houses for people with very high support needs, the major forms of marginal rental housing covered by current legislation and regulation involve:

- Renting a room in a rooming or boarding house (with or without meals, as a boarder, lodger or occupant).
- Renting a room in a hotel or motel (as a permanent resident).
- Renting a caravan or manufactured home in a residential park (as a renter-renter).
- Renting a site on which an owned dwelling is located (as an owner-renter).

Given that most state and territory government legislation and regulation only applies to establishments that house perhaps three or more marginal renters (see Appendix 1 for tables summarising distinctive state and territory laws), the interview schedule and literature review were limited to these types and ignored arrangements such as those between landlords and one or two boarders, joint or share/d housing and houseboat occupants. At the same time the latter have been considered and referred to when forming policy recommendations.

This concluding chapter presents and summarises: the typology developed through this research and recent developments and trends across marginal rental housing sectors; proposals for reforming legislation and regulation, and strategies for their enforcement; the case for the generalisation of specific outreach workers operating in this sector; directions already evolving that offer policy-makers opportunities to intervene, to support or guide; and, research gaps.

6.1 A marginal rental typology

While this research found evidence of poor quality, insecure, unsafe and barely affordable marginal rental housing with inadequate services and facilities, we also observed and heard about accommodation of a reasonable standard that was well-managed and comfortable for residents. This diversity occurred across distinct types of marginal rental housing, summarised in Table 3.

Table 3: Major types of marginal rental housing, incl. unregulated and types moving towards other forms of housing

Boarding/rooming houses					
Type of marginal rental housing	Built form	Management	Ownership and business model	Residents	Lived experience
Traditional	Old, large buildings or divided terraces in cities, often in poor condition and/or poorly maintained facilities	Well-established, on-site management employed by landlord, with set and clear house rules, conditional visitation	Advertise directly and/or through real estate agents; CRA and demand driven rent levels; struggle with insurance costs; often eligible for government incentives and (land) tax exemption	Single, low income workers, students, unemployed, poor credit/tenancy history, unsettled and highly mobile, elderly, high incidence of disability; waiting for social housing	Have become increasingly less affordable, moderately insecure occupancy, semi-formal occupancy arrangements, lack of privacy, unsafe, medium ontological security
Mini	Suburban houses or urban apartments divided into independently let rooms and shared facilities	Off-site, inaccessible management directly by landlord; informal and idiosyncratic rules and arrangements with occupants	Medium-term use of asset, perhaps while waiting for improvement in property market to sell; black economy business	Students, young low-income workers, singles, unemployed	Highly insecure and informal occupancy arrangements, unsafe, low ontological security
Hotels and motels	Hotel or motel in rural or urban area either shared or en-suite facilities	Similar to management of casual tourists, hands-off; mainly onsite but limited accessibility	Permanents offer extra income if normal casual business is slow	Peripatetic; unemployed and on pensions; high support needs; waiting for social housing	Cramped conditions; lack of privacy and legitimacy; no ontological security
Traditional for high support needs	Older 19th–20th century private boarding house style	Highly managed, all meals and cleaning provided, registered and regulated but monitoring and enforcement low	For profit but struggle given rents limited by pension levels that residents rely on; high management costs for providing extra services	For people with high support needs, many over 50 years and never integrated after de-institutionalisation	Regimented life style, overcrowded, lack of privacy, poor diet, competition for facilities
Traditional private student house	Variable styles from large to mini	Low level of on-site management; house rules	Commercial business charging as much as market (student allowances/low-income) can bear, offering minimal services	Can target international students	Tendencies to overcrowding, highly shared facilities, expensive with few occupancy rights.

Boarding/rooming houses

Type of marginal rental housing	Built form	Management	Ownership and business model	Residents	Lived experience
Community housing for special needs—only ‘marginal rental housing’ due to high level of management compared with rental in private market or social housing. Better defined as ‘social housing’?	Modern and smaller boarding house or town house style	Responsive management will be onsite on demand; protective but supportive; select and skill residents for co-management	Government and/or philanthropic sources of funding; full service provision on a minimal intrusion and maximum support case management model	Younger and middle-aged people with high support needs due to psychological, psychiatric and/or physical disabilities and diseases	Assisted independent living, support to extend abilities; shared living but with mutually agreed to co-habitants; high level of ontological security
Various emerging models, such as ‘New generation’ (NSW)—which descriptions across this row specifically pertain to—‘mega’ boarding/rooming houses, and transparently managed shared housing for students	Urban, new and medium-sized to large buildings, more self-containment and fewer shared facilities	Formal management, clearer and fewer rules associated with less sharing and separation from landlord	NSW government incentives for ‘new generation’ boarding houses with single and couple occupancy, minimum room sizes, en-suite facilities. Use real estate agents and are fully insured. Such buildings are easily adapted to alternative private rental/tourist use.	Cater for middle-income residents who chose this accommodation as also eligible for private tenancy	New generation boarding houses seem relatively costly, safe and secure, gentrified accommodation with culture of privacy and limited shared facilities and spaces; high ontological security

Residential/caravan parks and manufactured home villages

Type of marginal rental housing	Built form	Management	Ownership and business model	Residents	Lived experience
<p>Owner-renters, own their 'mobile' (registered or unregistered) dwelling in a caravan park or manufactured home village—excluding the gentrified sub-sector (as below)</p>	<p>Parks and villages cover old low-cost tourist-style caravan parks with cabins and a proportion of 'permanents' through to solely permanent residents in exclusively manufactured homes in purposively built over 55s' villages with various facilities</p> <p>Sites include isolated ones with low amenity through to attractive and convenient locations</p>	<p>Generally on-site management but can be limited to certain hours with emergency contact by phone</p> <p>Set rules, but might be idiosyncratically applied</p>	<p>Land might be privately owned or Crown land and leased by operator or owned by operator, or managed for government</p> <p>Operators can insist on arranging sales of dwellings and occupancy agreements but real estate agents are used to promote property sales</p> <p>Drivers of business models are directly related to supply and demand factors, including the level of pensions, as well as alternative for-profit uses of the land</p>	<p>Retirees who find purchasing a mobile dwelling allows some saving to supplement pension incomes</p>	<p>Despite living in the same park, enter with different occupancy conditions and rental arrangements; share a range of facilities; often safety issues, especially re. fires and floods; at risk of personal eviction or wholesale eviction due to closure of park business; often find management over-bearing and/or intrusive; medium–high level of ontological security—residents have a home owner's sense of rights and advocacy associations</p>
<p>Renter-renters, rent their dwelling and site as a package directly from management or it has been sub-let by absent owner-renter by arrangement with park management</p>	<p>Many renter-renters occupy accommodation in the lower end of the park and village market typified by isolated, low-amenity locations, cramped and high level of shared facilities</p>	<p>Highly managed</p> <p>Often arrangements for permanent occupancy are informal and/or inadequate in terms of occupancy rights</p>	<p>Land might be privately owned or Crown land and leased by operator or owned by operator. A significant minority of operations is owned/managed by government</p> <p>Permanent renter-renters are a target market when tourist and/or owner-renter demand is low or facilities and location are poor so park fails to attract other clients</p>	<p>Students; low-income or remote workers; housing of last resort for families and some singles waiting for social or private rental housing</p>	<p>Tourist, casual occupancy style accommodation; relatively high levels of violence and abuse; and insecure futures (i.e. subject to closure); low ontological security.</p>

Residential/caravan parks and manufactured home villages

Type of marginal rental housing	Built form	Management	Ownership and business model	Residents	Lived experience
The gentrified sub-sector : more up-market residential park communities aimed at retirees, in very expensive manufactured home villages	An expensive housing estate though buildings are closer together and households are singles and couples only (no families/children)	Long leases for owner-renters offer greater security of tenure; agreements are more formal and relatively protective of residents	Large, sometimes transnational, companies buying land with strong business management plan and supported by shareholders expecting profits	Wealthy retirees on relatively high incomes who prefer this lifestyle to private home ownership or living in a retirement village	High level of amenity and facilities (golf courses, swimming pools, gyms) and high ontological security

Note: Informal, unregulated or poorly regulated arrangements, such as share/d (joint) houses (private tenancies with sub-letting); living in someone else's houseboat, garage, on their land in an unconventional building

Note on presentation: Major types are in small caps—followed by types within each of the major types
Types moving towards other forms of housing are in shaded rows

6.1.1 Trends

Significant and widespread developments and trends across the marginal rental housing sector include:

- Against a backdrop of the traditional large old boarding/rooming house, the upsurge of suburban family homes broken into mini-boarding houses, which often escape the detection of council and other authorities, leading to mandatory boarding/rooming house registration and reforms in 2011 and 2012 in Victoria and NSW, with as yet unclear results.
- The growth of manufactured home villages to cater for retirees with enough funds to purchase a dwelling on a site, who are charged significant rents or fees for the site and associated services in their village and risk having to move or sell due to eviction or park closure.
- The 'gentrification' of both boarding house and residential park sub-sectors, with middle-income retirees, fly-in fly-out workers and students competing with low-income residents unable to keep up with rent hikes.
- Similar competition between short-term or casual tourist and permanent residents as well as boarding house and residential park operators who alter their target market or close their establishments calculating a changed land use will deliver more profit, more immediate profit or more secure profit in the long term.

6.2 Legislation and regulations

The high demand for and shortage of affordable private rental properties and social/public housing has contributed to the overall continuation of various forms of marginal rental housing and its growth in certain geographic areas. This context suggests displacement and limits discussions of 'choice' when considering why people live in such accommodation. Housing policies at all levels of government need to integrate plans for improving data on marginal rental housing and also increasing its quality. For decades the sector has not been comprehensively or effectively regulated. This has contributed to deaths, violence, abuse and comparatively high levels of social, emotional and health risks. Better regulation of the sector seems the only way for policy-makers to ensure residents' rights to secure and reasonable standards of accommodation. Proposed strategies for doing so follow.

6.2.1 More comprehensive legislation and regulations

As mentioned, Appendix 1 summarises legislation and regulation of the main types of marginal rental housing by state and territory in April 2013. Further distinctions occur on the basis of differing regulations and policies adopted at the level of local government. A key challenge for policy-makers in different parts of Australia is to ensure that legislation and regulation in their jurisdiction are comprehensive and cover all components of marginal rental housing such as:

- Rights and responsibilities of occupants and operators.
- Minimum standards for buildings and open space (recreation, parking etc.).
- Reasonable levels of privacy and amenity.
- Adequate services and shared facilities.

States and territories, possibly through COAG, might well consider working towards uniform minimum standards for any type of marginal rental housing in Australia in the context of setting a broader policy of secure occupancy in all types of rental housing (Tenants' Union of NSW 2012; Hulse et al. 2011). This would minimise opportunities for scurrilous operators to locate in regions where legislation and regulation are weak or weakly enforced. Similarly, generalising the ACT's lead in making occupancy right laws cover all establishments with

even just one boarder, rather than limit laws to businesses with more than a few occupants, would ensure that all boarders had rights and conditions subject to regulation.

6.2.2 Clarity over the nature of occupancy

As shown throughout this report, marginal rental housing is more highly managed than other forms of housing, in part related to sharing facilities and co-location of operators. Residents' rights are limited compared with private rental and social/public housing tenants, whose rights include privacy from landlords, rental managers and other residents, and strong justification for eviction, with clear and reliable processes of appeal. Standards of services and facilities, as well as building and landscapes, are key issues for occupants in terms of quality, continued provision and maintenance. The legal rights of occupants of marginal rental housing need to be improved in terms of security of tenure, standard of housing and affordability, such as the right to appeal unreasonable rents.

It is reasonable to expect that the initial agreements between operators and marginal renters define and describe basic services and facilities, house rules, and inform renters of their rights and processes of appeal to ensure legislative compliance. Improved formalisation of the processes of reviewing and signing occupancy agreements is highly recommended. For instance, many owner-renters in parks interviewed for our study complained that they had not been sufficiently informed of the arrangement they were entering, the park rules and conditions of their residency, and especially that they were obliged to use the operators' services to sell their dwelling on site. The 2013 draft Bill for parks in NSW gives residents more scope to sell their dwelling on site without impediment from park operators. Another option is to regulate for an expanded role for real estate agents to arrange the viewing of marginal rental housing and act as brokers between both parties signing occupancy agreements, following their role in the private rental market. However, they would need to be informed about requisite standards and agreements. Another option is for governments or sectors to introduce or more strictly enforce standard procedures around entering and terminating agreements.

Security of tenure involves a range of components, such as legislation and appeal processes surrounding entry and eviction, levels of rent and rental increases, and 'house' rules. The circumstances and justification for eviction stretch beyond the landlord-tenant relationship, and common behaviour in the mainstream private rental market, to include balancing the interests of one occupant against others. Legislation and appeal processes involving eviction due to personal behaviour are more complex and require appeal tribunals to make sure that they appoint experienced judges for such cases. Furthermore, due to the shared living challenges, management skills need to be commensurately higher (see Section 6.2.5 below).

All such issues around the 'nature of occupancy' require clarity.

6.2.3 Residential park leases

Currently many agreements between residents of parks and their operators are open-ended indefinite renewals but subject to notices of eviction on the basis of unexpected park closures. Evictions due to park closures are a great risk to residents and even rumours of impending closures cause distress and disruption amongst park communities. Policy responses to threats of homelessness due to closure include regulation of land use and introducing minimum durations for park residents' leases, which have the potential to stabilise parks' business plans, and placing more responsibilities on operators in the case of closure.

Security of tenure for owner-renters in residential parks often depends on arrangements beyond the operator where, for example, management does not directly own the land on which the park operates but rather has a long-term lease on land owned by a private

investor, property owner or government. However, where council planning schemes restrict land use change the risk of closure is limited. Victoria has adopted minimum five-year leases for new and renewing park residents. Local, state and territory governments can also consider regulations that demand operators to make greater contributions to removal and re-housing costs due to closure programs.

6.2.4 Safety

Service providers and interviewees reported health and safety issues across the sector, especially related to poor facilities and maintenance of plumbing, electrical, sewerage and drainage. The general performance of the sector with respect to other health and safety matters was poor, from simple procedures for ambulance access in the case of residential parks, through to strategies for managing collective emergencies in cases such as fire and flood in all types of establishments.

Ensuring regulatory enforcement, and expanded coverage for prevention and readiness for fire and flood, is necessary. It is likely that emergency services and state and territory governments can develop templates for standard emergency response plans that can be tailored to each establishment by their operators, following the example of Flood Victoria's *Victoria Caravan Parks Flood Emergency Management Plan Guidelines and Template (Australian Government A-GD 2008)*.

Especially given the increase in natural disasters related to climate change, legislation and guidance from local government and emergency services with respect to fire and flood drills is necessary.

6.2.5 Management of marginal rental housing

Operators of marginal rental housing have substantial roles and responsibilities. The sector would benefit substantially from professionalisation and development of a national accreditation scheme. Currently no state or territory has provisions for licensing residential park or boarding house operators, although the new draft Bill for parks in NSW introduces negative licensing along with mandatory training. Licensing and minimum qualifications in terms of a specific marginal rental housing operators' qualification are significant policy options. Licensing might follow models set in the retirement villages sector, for example, those which bar people convicted of criminal or financial offences, or who have become bankrupt, insolvent or who have directed an involuntarily wound-up company, from taking up a management role in the sector.

A mandatory certificated qualification might be developed within the TAFE sector for generic training across marginal rental housing, boarding houses and parks. Training might comprise units dedicated to specific sectors and accommodation so initially, for example, small operators might fulfil minimal requirements through a distance-learning module and face-to-face workshop. However, units on relevant management, legal, accounting and business skills would accumulate to perhaps a one-year full-time diploma, which would be a mandatory qualification for senior or sole management of a boarding house or residential park.

Such a course would need to have a strong focus on developing personal skills in relating to and negotiating and resolving conflicts with residents, employees and relevant third parties. Awareness of residents' needs for privacy and respect, ways of encouraging a democratic culture of mutual respect and support, and ways to implement enhanced governance with respect to rule formation and enforcement all need to be part of training for effective marginal rental housing management. Internships with fully licensed and qualified employers could be accredited units of an industry-wide course. Such training would need to incorporate a familiarity with, respect for and contact with, social outreach workers offering housing, legal, health and advocacy services.

6.2.6 Detailed and comprehensive registration and statistics

Compulsory registration of all types of marginal rental housing is necessary for the collection of reliable statistics, which can then inform policy-makers' decisions regarding priorities and reforms, and enforcement of pertinent legislation and regulations.

Many small boarding houses and residential parks accommodating permanent residents operate 'under the radar'. Examples include 'permanents' in operations formally registered only for temporary or casual occupation, such as tourist caravan parks, hotels and motels. Under such circumstances residents have no or inadequate agreements with managers of their accommodation so even current legislation and regulation remains unenforced. In the last couple of years Victoria and NSW have introduced registration for certain types of marginal rental housing. Registration of all types of marginal rental housing across Australia is crucial to improving enforcement of legislative and regulatory protections and the collection of data on the number of occupants and operators of such housing.

This study found that ABS statistics are incomplete and unreliable due to problems associated with: the limitations of the ABS definitions for different types of marginal rental accommodation; collection that, for instance, can lead to classification of manufactured houses as ordinary homes; reliance on reporting about occupants by operators who perhaps might not disclose that they house 'permanents' because it would reveal that they contravene regulations.

While state registration of boarding houses and residential parks is in the process of being made mandatory by some governments, achievements to date are not significant. Some states and councils have started registers but acknowledge that their data are not comprehensive, mainly due to reliance on operators to register. Numbers of establishments exist without authorities' knowledge and there is a very low incidence of residents who report non-compliant operators. Currently almost all complaints or reporting to government authorities arise from housing, health, legal and advocacy service providers.

Housing agencies and housing workers need well-publicised mechanisms for reporting establishments and operators that are non-compliant in any way. It is clear from our and other studies that the level of Commonwealth Rent Assistance is a key factor in determining, if not driving, the business models that marginal rental housing operators adopt. One proposal is to make it an eligibility condition of Commonwealth Rent Assistance that assistance can only be sought for accommodation that is registered in some way. Many, if not most, marginal renters in sub-standard accommodation are on Commonwealth Rent Assistance. The registration condition would be tailored to the circumstances prevailing in the relevant state or territory. For instance, in NSW all residential parks and boarding houses are now subject to mandatory registration. Notwithstanding that current legislation is limited in its coverage to accommodation offered to three or more boarders, there are good reasons for generalising this condition, and making all operators offering anyone to be a boarder to be listed, at least in some council register. The wider use of Centrelink to collect data is another possible intervention, by adding a question such as, 'Do you live in a boarding house, hotel, motel, residential park (in a caravan or manufactured home village) or houseboat?' to social security applications.

6.2.7 Councils: monitoring, data collecting and planning roles

Once adequate legislation, regulation and processes of appeal for residents are established, then broader matters regarding enforcement are the next challenge. Government authorities need to be able to identify poor operations and then either close them down and support the re-housing of residents, or guide the design of, and support for, feasible plans for improvements that bring non-complying operations up to standard. Processes for reporting and acting on non-compliance are crucial. Given that local government seems the most

appropriate to execute such reforms, state, territory and federal governments need to consider how to guide and resource councils to fulfil such responsibilities.

As marginal rental housing has developed in ad hoc and fragmented ways across Australia, councils have had significant roles in determining the terms and zoning for applications of park and boarding/rooming house developments. Often such applications have been successful on land that is marginal to residential, commercial or industrial use, for instance located over or next to rubbish disposal facilities, within industrial zones, under high strength electricity lines, next to rivers and in bays. Such locations can limit residents' amenity and come with certain dangers and disadvantages, such as rising risks of inundation and flooding events associated with climate change in locations adjacent to rivers and bays. Local governments have a special responsibility to review and revise, where necessary, the limitations and conditions over such developments in the future. Without this kind of foresight, localised growth in marginal rental housing risks the expansion of slum-like conditions in parks and urban boarding establishments as has already happened in the USA.

While state governments and housing authorities already have measures in place to regulate the sector, these remain ineffective while unenforced. Enforcement requires a resource commitment to disseminate requirements on state and council websites, monitor developments, negotiate with operators to commit to plans to make non-complying properties and services compliant within a feasible time-frame, check improvements and take legal action against unscrupulous landlords when necessary. Sourcing funding for employing council staff to fulfil these roles needs to be taken up by federal and/or state and territory housing policy-makers.

Furthermore councils seem to be the most useful conduit for collecting reliable statistics on establishments and residents in the sector, or at least act as a method for confirming or correcting ABS data. Formalising and resourcing councils in these areas offers an immediate strategy for exposing and raising standards to conform to current legislation and regulation.

6.3 Outreach services and case managed service provision

Advocacy groups such as the Tenants' Union of NSW argue that marginal rental housing is best understood in terms of the types of accommodation and associated services that they offer, rather than the characteristics of marginal renters. However, demographic profiles are significant for appropriate service delivery to marginal renters.

6.3.1 Meeting high support needs of residents at risk

Many occupants of boarding/rooming houses have high support needs due to psychiatric and/or physical illness, disability and unemployment. Such needs seem to be met best by outreach programs, which typically run out of neighbourhood houses or the community housing sector. However, these schemes are few and far between. Outreach workers try to relocate 'at risk' occupants, especially those in poor-quality marginal housing, as tenants in social housing and private rental, which they consider more appropriate accommodation. Even fewer outreach workers provide services to residential parks for residents such as renter-renters in caravans or owner-renters in manufactured home villages. The latter include many elderly residents on pensions who seem to access only a minimum of services and can be socially and physically isolated, at risk of park closures or other reasons for eviction, as well as subject to insensitive or abusive managers.

During our study it became clear that specific outreach services, such as outreach workers, need to be made available in a general way across Australia for residents at risk when and where marginal rental housing exists. Outreach service provision for boarding house and residential park occupants meets the practical everyday requirements of people with high

support needs, and formal reporting mechanisms act as a watch-dog and monitor of non-complying practices in the sector. These could be used to check and improve statistical collection and—along with active local government—are best placed to identify evolving trends.

6.3.2 Groups at risk: families and students

As mentioned in our Positioning Paper (Goodman et al. 2012) 2004 legislation in the UK stops families from living in 'B&B' boarding house accommodation. Many service providers in this Australian study suggested that families and children in particular, would find life in boarding houses and caravan parks challenging. Other cohorts at risk included single women and those with high support needs. Outreach service providers are crucial for guiding those with an 'at-risk' profile to more appropriate housing on a case-by-case basis.

International students have been at particular risk of experiencing substandard and overcrowded dwellings and paying exorbitant rates. Institutional and outreach service providers for university and other student populations can provide information to students and advocate on their behalf with respect to reasonable rates and appropriate conditions, such as minimum acceptable room sizes and sharing of rooms, and standards for other facilities and shared spaces. Students often enter informal agreements with small operators, such as home-stays. University and other training institutions offer hubs of student communication and networks and, as such, are ideal centres to promote and monitor student accommodation and issues.

6.4 Directions for marginal rental housing

Marginal rental housing has not developed in a vacuum. Key drivers of supply and demand include levels of unemployment and retirement, declining home ownership, unaffordable or unattainable private rental, and state governments and councils that designate and approve land use for marginal rental housing. As such, the numbers of single and family households residing in marginal housing has increased significantly in certain areas in recent years as the demand for low-cost accommodation exceeds supply in many areas of Australia.

Shortage of available social (community/public) housing and a tight private rental market has meant that many low-income households have no choice but to rely on marginal forms of accommodation such as boarding houses, motels and caravan parks as a temporary stop-gap until they, or some service provider, finds them a more suitable home. To a great extent, improvements to marginal rental housing rely on marginal renters having the choice to occupy other forms of housing. Without real choices within and external to the sector, closure of any marginal rental establishment risks homelessness for their clients. This circumstance has constrained the enforcement of existing legislation and regulation.

Housing policy-makers are well advised to consider marginal rental housing more in its broader context, recognising that the provision of social housing and more affordable rental housing are policies that directly affect choices for marginal renters. Furthermore, practical solutions are not simply 'either' 'or' ones, but are emerging within the sector as integrated or transformative types, with the potential to change and improve practices across the sector in terms of physical standards and more democratic collective governance.

Many problems associated with the highly managed nature of marginal rental housing can be addressed through improving governance and introducing frameworks, processes and opportunities for more cooperative occupation. This study has noted that certain models show that improvements in marginal renters' rights and standards of accommodation are feasible. By way of one example, the City of Port Phillip (Melbourne) responded to the closure of many rooming houses due to gentrification by supporting not-for-profit community housing organisations to run local rooming houses for permanent tenants. Such establishments do without on-site managers by carefully choosing tenants and training them

to live in shared spaces and in self-governance. It is useful to promote successful models that operate in cost-effective ways, sensitive to residents' needs, with agreements that protect residents' rights to secure and reasonable accommodation. Positive changes are emerging and these developments are framed in terms of 'metamorphoses'.

6.4.1 Metamorphoses

Existing at the margins of other types of housing—home ownership, private rental and social (community/public) housing—marginal rental housing is often described in terms of its deficiencies, such as the limited rights of occupants and substandard physical conditions. Therefore, practical measures and policy reforms have often tended towards either drawing marginal renters, especially ones at risk, out of the sector into private rental or social (community/public) housing, or sought to improve the occupancy rights and physical standards of marginal rental housing in legislation and regulations.

However, in reality some types of home ownership, private renting and social housing incorporate elements of marginal rental housing which are relevant to a discussion focussed on ways to develop new models for marginal rental housing.

The ultimate effect of successful reforms would be to abolish 'marginal rental housing' as such, without eliminating appropriately and well-managed multi-occupancy and shared facility housing altogether. Attractive and socially useful aspects of marginal rental housing focus on living together in a supportive community, sharing living spaces and facilities with effective governance of sharing practices. The number of retirees who are buying into manufactured home villages and students finding such accommodation appropriate for a range of financial, social and functional reasons are examples of a continued demand for such accommodation, which has a long history in all cultures.

Transformative developments have been either encouraged by government intervention or offer policy-makers more scope for practical encouragement and support.

6.4.2 Transforming marginal rental housing towards home ownership

The growing absolute numbers of owner-renters and the proportion of affluent owner-renters in residential parks occupy the only type of marginal rental housing that shares characteristics with home ownership. Indeed manufactured home village operators and their residents often refer to the dwelling as an asset and their habitation as a form of home ownership. The upsurge of housing estate developers promoting neighbourhood landscaping and community facilities to sell house and land packages in the suburbs of Australia's capital cities reduces aesthetic distinctions between manufactured home villages and suburban home ownership.

Owner-renters are the most highly organised group in terms of associations of self-interest, with members and a leadership who expect enhanced rights and roles in governing their parks. Indeed some of these active citizens campaign for residential park cooperatives, as established in North America and Europe, which would provide them with collective ownership and collective governance. Many owner-renters have invested hundreds of thousands of dollars into dwellings currently sited in residential parks where management have the ability to evict them. Interest in cooperatively owned and governed parks has resulted in Australian studies that show that they are feasible but financial barriers have delayed any advance in this area. Policy-makers can scope ways such as public-private partnerships, direct investment and guarantor mechanisms that would support such developments. This model provides a direct route for transforming marginal rental housing towards home ownership while retaining the collective community-based characteristic attractive to residents.

Other developments include reported experimentation with collective residential input into the formation and changes to rules in parks, enhanced roles for residential committees to

work with management on park concerns, issues and developments, and the extension of site leases to multi-year occupancies that offer greater security for owner-renters and, by implication, renter-renters. The recent proposal in the 2013 NSW draft Bill to allow a park operator to share in the benefit from capital gains on dwellings sited in their park also recognises the shared rights and responsibilities that arise from these types of arrangements (Appendix 5). Policy-makers have scope for further innovation in creating and supporting reforms to owner-renter rights and responsibilities towards both enhanced security of tenure and collective self-governance.

6.4.3 Transforming marginal rental housing towards mainstream private rental

At the high end of boarding/rooming houses, expensive accommodation with comfortable en-suite facilities alongside shared spaces and luxurious facilities offers housing more akin to the mainstream private rental market. These establishments show characteristics in common with blocks of owned and rented apartments sharing security services and facilities such as heated pools and gyms. High-end boarding/rooming houses point to a model of raised physical/building standards for the sector, a direction explicit in the NSW 'new generation' boarding house incentives, which encourage larger room sizes and self-contained facilities. Tenancy rights and conditions akin to mainstream private rental characterise this model and management is often conducted in a similarly hands-off manner by real estate agents.

The slow take-up in transforming conventional marginal rental housing in this direction is directly related to the costs involved, which require high investments and a niche market because it is not affordable to the typical marginal renter who is on a low and/or insecure income. The biggest challenge for marginal rental housing operators is to design and implement business models that improve residents' conditions without costing more than low-income earners and welfare recipients can afford. Policy-makers need to be cautious about interventions that might end up subsidising establishments only available to higher-income residents and to focus instead on raising the bar at the lower end of the sector towards occupancy rights, privacy and amenity of a mainstream private rental standard.

6.4.4 Transforming marginal rental housing towards social housing

Community housing organisations are developing practical and attractive social housing on boarding/rooming house models with governance arrangements that support the autonomy of residents and offer reasonable tenancy rights. Some models have been developed for low-income independent residents and others provide well-supported assisted living quarters for people with high support needs. This housing comes with tenancy rights similar to other forms of social housing and accommodation of a certain standard that is well maintained. Where the business model is effective and the rents charged are affordable for low-income residents, this type of housing offers the private sector a model to follow. However, much of this kind of community housing has been developed with philanthropic and/or government funding. This trend is of particular interest because governments can conditionally grant or invest funds into such developments and policy-makers can scope partnership models for the future.

6.4.5 Transforming marginal rental housing within producer–user frameworks

There is potential for digital technology and the increasing use of the Internet for advertising, booking and evaluating accommodation to enhance operations in the marginal housing sector. In tourism and student accommodation markets both in Australia and overseas Internet-based accreditation and finder schemes already operate. These schemes facilitate what is called a 'matching market' because the accommodation on offer is described and the price is set and presented to a population of potential purchasers. This would take considerable change in the sector but supports transparency and regulation (for a detailed discussion, see Appendix 3).

6.5 Research gaps

Marginal rental housing is under-researched. Improving the depth and breadth of knowledge of the sector would be of great benefit to policy-makers.

Each of the three avenues for transforming marginal rental housing in Australia today deserve researchers' attention, especially in terms of empirical studies and adaptation of models that have succeeded overseas. Specific topics include: the cooperative residential park model; processes for enhancing residential governance; appropriate content and models for establishing an independent marginal rental housing management course; and appropriate and effective business models.

Whether families that include children should be protected from living in boarding houses, hotels and motels in Australia today, and how best to apply such a measure, is another significant research topic, as is the area of student housing.

We found no relevant research on the Australian manufactured home industry, which has been growing strongly over the last decade. Key questions of interest to policy-makers include manufactured housing quality, especially in terms of environmental sustainability and affordability, especially given exclusive partnership arrangements with village operators and the gentrification attending the expansion of the over-55 retiree demand.

6.6 Summary

In terms of legislation and regulations, and their enforcement, the key challenge of policy-makers in a range of government positions and agencies across Australia is to:

- Make comprehensive, even uniform, legislation and regulations for all types of marginal rental housing.
- Make registration of all types of marginal rental housing mandatory.
- Create resourced processes for enforcing all relevant legislation and regulations, especially at the level of all relevant local councils.
- Resource outreach service providers that are case managing renters at-risk across Australia.
- Support models in the sector that offer: greater security of tenure; minimal standards for buildings, facilities and other services; and enhanced autonomy of occupants, especially through processes that improve collective governance.
- Recognise that conditions within marginal rental housing and the practical choices for marginal renters are contingent on the affordability and accessibility of other forms of housing, especially private rental and social housing.

If the recommendations proposed were followed the concept of 'marginal rental housing' developed in this study for current policy-making purposes would either become obsolete or require radical revision. The recommendations outlined aim to mainstream 'marginal' rental housing establishments into legislative and regulatory frameworks that ensure that 'marginal' renters have a comparable level of rights, security of tenure and standards of accommodation to the private rental and social housing sectors. In this way they would no longer be 'marginal'.

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APPENDICES

Appendix 1: Legislation and regulations by state and territory

Table A1: NSW legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
Boarding houses			
1) registrable boarding houses, having five or more occupant-boarders, are defined as 'general boarding houses'	Boarding Houses Bill 2012 passed by Legislative Assembly 23 October, to operate from 1 January 2013, up for review in five years.	Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m ² floor space and fewer than 12 occupants are 'small' and Class 1b. Larger ones are Class 3. This legislation covers health and amenity, facilities, safety etc.	Boarding Houses Bill 2012: proprietors must give boarders a written occupancy agreement and a list of house rules; breaking of house rules cannot incur financial penalties; boarders are entitled to a clean, well-maintained, secure and safe environment with low noise pollution; boarders must get receipts for all payments and four weeks' notice of occupancy fee rises; boarders can expect reasonable charges for use of utilities; boarders need to provide the proprietor with a bond (not more than the fees paid for a fortnight) and can expect the return of the bond within a fortnight of leaving the premises; proprietors must give boarders a reasonable time and written notice of eviction, identifying reasons; dispute resolution processes are to occur in situ or can be accessed through the Consumer, Trader and Tenancy Tribunal.
2) regulated assisted (authorised) boarding houses are licensed premises which accommodate at least two boarders with 'additional needs'	The register introduced with the bill means that proprietors have to inform the Commissioner for Fair Trading of details about their premises, some of which can be made public.	Environmental Planning and Assessment Act 1979	Assisted boarding houses (2) must report various incidents, including deaths and sexual assaults in their premises, to the Director-General of the Department of Family and Community Services.
3) 'new generation boarding houses' are not separately identified in bill but encouraged through government programs and policies	Boarding Houses Regulation 2013 (pending, as this report was being completed).	Food Act 2003 Local Government Act 1993 Public Health Act 2010	State Environmental Planning Policy (Affordable Rental Housing) 2009 offers incentives for boarding house developments and upgrades (Boarding House Financial Assistance Program); allows more options re. zoning; design guidelines with floor-space ratio bonus, and minimum-maximum room sizes; has developed a calculator for financial costing; insists on resident boarding house managers for larger premises.
4) 'mini' divided suburban house with less than five boarders in boarding houses are unregulated and not registrable		Anti-Discrimination Act 1977 State Environmental Planning Policy (Affordable Rental Housing) 2009	Land Tax exemption with eligibility criteria.
5) hotel and motel rooms used by 'permanents' not covered by the bill			

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Residential parks</p> <p>1) owner-renters: own mobile dwelling, pay fees for site.</p> <p>2) renter-renters: pay rent for living in dwelling on site both belonging to proprietor.</p> <p>Provide sites for various mobile dwellings: caravans and annexes, cabins and annexes; and mobile, moveable, relocatable or manufactured homes.</p>	<p>Residential Parks Act 1998</p> <p>Residential Parks Regulation 2006</p> <p>Residential Parks Amendment (Register) Bill 2011 enforces registration of residential parks</p> <p>On 6 April the draft exposure Residential (Land Lease) Communities Bill 2013 was released for comment and submissions by 17 May (see Appendix 5). This bill resulted from consultation during late 2011 and early 2012, leading to around 900 submissions and extensive discussion and negotiations between NSW Fair Trading and occupant and proprietor interest groups.</p>	<p>State Environmental Planning Policy No 21—Caravan Parks</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Local Government Act 1993</p> <p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</p> <p>Holiday Parks (Long-term Casual Occupation) Act 2002</p> <p>Holiday Parks (Long-term Casual Occupation) Regulation 2009</p> <p>Anti-Discrimination Act 1977</p>	<p>The Residential (Land Lease) Communities Bill 2013 (see column 2) establishes: rules of conduct for operators with penalties for non-compliance; that managers are trained and negative licensing of operators; a ‘community-based’ approach to raising rents and enforcing rules; new protocol for entering a park as a resident (disclosure) and for selling dwellings (non-interference by operators).</p> <p>Land tax exemption applies to parks with retiree permanents.</p>
<p>Hotels and motels</p>	<p>Classified as service provision under Australian Consumer Law 2011</p>	<p>The Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Class 3) cover residential parts of hotels and motels re. health and amenity, facilities, safety, etc.</p>	<p>Often informal arrangements with no security of tenure and variable social and physical conditions and facilities</p>

Table A2: Victoria legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
Rooming and boarding houses			
<p>1) In a private rooming house operators rent out rooms to at least four residents who share kitchen, bathroom, laundry and other facilities.</p> <p>The Minister for Housing can declare a rooming house.</p> <p>2) An owner lives in a boarding house, in contrast to a rooming house.</p> <p>3) Government-run not-for-profit community rooming houses remain outside the formal rooming house sector.</p>	<p>Residential Tenancies Act 1997</p> <p>On 31 March 2013 minimum standards associated with the privacy, security, safety and amenity of rooming houses came into effect formulated using 11 principles, as laid out in the Residential Tenancies (Rooming House Standards) Regulations 2012.</p> <p>If a tenancy agreement is signed, the occupant is a 'tenant', i.e. covered by different regulations from 'residents', the focus here. A tenancy agreement between tenant and landlord is covered by the Residential Tenancies Act 1997.</p> <p>A private agreement is not covered by the Residential Tenancies Act 1997 but by the Australian Consumer Law.</p>	<p>Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m² floor space and fewer than 12 occupants are 'small' and Class 1b. Larger premises are Class 3. Legislation covers health, amenity, facilities, safety etc.</p> <p>Public Health and Wellbeing Act 1958 and</p> <p>Public Health and Wellbeing Regulations 2009 (Part 5) require the registration of rooming houses with a local council</p> <p>Fair Trading Act 1985 covers rights and duties of consumer/resident and landlord/service provider and defines the residency agreement as a consumer contract.</p> <p>Equal Opportunity Act 1995, especially s 49, 50, 100, and 195 related to accommodation, information and advertising</p> <p>VCAT hears appeals, the Dispute Settlement Centre of Victoria helps resolve disagreements</p> <p>Exemption listed in Land Tax Act 2005</p>	<p>Occupants are entitled to an Exclusive Occupancy agreement in writing from operator, who must also give them: a copy of the VCA Rooming Houses: A Guide for Residents and Operators (or a Renting a Home; A Guide for Tenants, in the case of a tenancy agreement); the operator's contact details; a statement of the resident's rights and duties; the house rules; a list of extra charges; a bond lodgement form and condition report if they are required to provide a bond; legal obligations regarding rent (e.g. issuing receipts), entering a room, repairs, issuing notices (immediate to 120 days), leaving the arrangement etc.</p> <p>Consumer Affairs can assess rents and appeal can be made to VCAT. There is a formal process for giving breach of duty notices before a notice to vacate will be considered legitimate.</p> <p>The Dispute Settlement Centre of Victoria can assist in resolving disputes.</p> <p>Operators must keep a list of occupants for the last 12 months.</p>

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Caravan parks</p> <p>1) renter-renters: caravans, movable and other dwellings in situ to rent as their main residence</p>	<p>Victorian Residential Tenancies Act 1997 and Residential Tenancies (Caravan Parks and Mobile Dwellings Registration and Standards) Regulations 2010</p>	<p>Local Government Act 1989 Heritage Act 1995 Docklands Act 1991 Lands (Miscellaneous Matters) Act 1984 Exemption listed in Land Tax Act 2005</p>	<p>Renter-renters must be given a CAV Caravan Parks: A Guide for Residents, Owners and Managers to inform them of rights and duties as a resident of a park and the rules for their specific park.</p> <p>Bonds are processed through the Residential Tenancies Bond Authority and tenants are entitled to at least seven days written notice of changes in rules.</p> <p>Renter-renters are considered an occupant after 60 days' continuous residence with or without a written agreement with the park owner. CAV recommends written agreements, obligatory if a bond is required. Agreement must include details of rent and rent changes, fees, charges for services and any commission charged for selling a van.</p> <p>Consumer Affairs Victoria is the regulatory body and can fine proprietors for illegal acts or inaction.</p> <p>Applications to hear and resolve disagreements can be filed with VCAT.</p>
<p>2) Owner-renters</p> <p>Parks providing sites to rent to owners of movable dwellings</p> <p>—other than vehicles that can be registered with VicRoads, e.g. caravans—and for use as a main residence are known as 'site tenants' in law).</p>	<p>Residential Tenancies Act 1997, Part 4A</p>	<p>Purchase of a movable home mainly covered under Australian Consumer Law 2011 and the Fair Trading Act 2012</p> <p>A 'new park' is one that has been registered on or after 1 September 2011 and entitles residents to site agreements of five years</p>	<p>Owners must give tenants: a detailed site agreement and five days' cooling off period once signed; a plan of the park; a copy of the park's rules; the CAV 2012 Moveable Dwellings: A Guide for Residents, Owners and Managers; a 20-day cooling off period (for residents to seek legal advice); one week's notice for changing park rules and a fortnight within which to respond; receipts; privacy, safety and security; the right to organise a residents' committee and to a venue if they chose to meet; 60 days' notice of rent increases, rent hikes no closer than every six months.</p> <p>CAV can be asked to assess rent levels and cases can be heard in VCAT. CAV, VCAT and DSCV can assist in resolving disputes.</p>

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
Hotels and motels	Classified as service provision under Australian Consumer Law 2011	The Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Class 3) cover residential parts of hotels and motels re. health and amenity, facilities, safety, etc.	Often informal arrangements with no security of tenure and variable social and physical conditions and facilities

Table A3: Queensland legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Rooming accommodation</p> <p>As defined in S15, resident rents a room and shares other rooms, whether or not meals are provided.</p> <p>The act does not cover: self-contained units; premises where the provider lives and there are three or less rooms provided; holiday makers and travellers (motels, B&Bs and backpackers' hostels); and student accommodation located within a university's boundaries.</p> <p>Rooming accommodation residents are distinguished from tenants.</p> <p>Rooming accommodation providers are distinguished from other landlords.</p>	<p>Residential Tenancies and Rooming Accommodation Act 2008</p> <p>Residential Tenancies and Rooming Accommodation Regulations 2009 establishes the standard terms and contents of rooming accommodation agreements</p>	<p>Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m² floor space and fewer than 12 occupants are 'small' and Class 1b. Larger ones are Class 3. This legislation covers health and amenity, facilities, safety etc.</p> <p>Building Act 1975: rooming houses are classified as 'budget accommodation buildings'. According to Chapter 7, 'Fire safety for budget accommodation buildings', a fire safety management plan needs to be prepared for such buildings (S226)</p> <p>The Residential Services (Accreditation) Act 2002 establishes a registration system and an accreditation system, which establishes minimum standards for services.</p>	<p>According to the Residential Tenancies and Rooming Accommodation Act 2008, providers must give residents documentation including: a written rooming accommodation agreement signed by both (S72), which must include standard terms, names of parties, description of premises, and state the amount of rent and bond payable (and how and when payments are to be made), the house rules and the duration of the agreement (if fixed term); a condition report, in approved form, signed by both for facilities and room; and a copy of the house rules. The proprietor must keep agreements for one year after they end.</p> <p>Rent can only be paid two weeks in advance and the provider must keep records of rent payments (S103). The maximum rental bond is equal to four weeks rent (S112), and must be paid to the authority within 10 days of receipt. Rent can be increased with two months' notice.</p> <p>Residents can only be charged for utilities where a separate, approved meter for their room is installed (S170).</p> <p>Providers must ensure that: every room and common areas comply with health and safety laws; residents always have access to their room and reasonable access to common areas; security of resident's room and personal property (lock and key supplied); maintain room and common areas to be fit to live in; providers have reasonable contact hours (S247).</p> <p>Applications regarding disputes made to QCAT.</p>
<p>Moveable dwellings</p> <p>whether caravans or manufactured homes</p> <p>The Residential Tenancies and Rooming Accommodation Act 2008</p>	<p>Residential Tenancies and Rooming Accommodation Act 2008 specifically Chapter 3, part 6 ('Additional provisions for moveable</p>	<p>Building Act 1975, (Chapter 8) relates to swimming pool regulations in residential parks and moveable dwelling parks.</p> <p>Fire and Rescue Service Act 1990</p>	<p>The Residential Tenancies and Rooming Accommodation Act 2008 classifies tenancies of moveable dwellings as either 'short' or 'long'. A short tenancy statement is made before/when the tenancy starts. A long tenancy is established by a residential tenancy agreement signed by both and provided before tenancy starts. Park rules must be provided</p>

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>applies to tenancy agreements for caravans, caravan sites, houseboats and rented manufactured homes.</p> <p>Manufactured homes occupied by their owners are covered by the Manufactured Homes (Residential Parks) Act 2003 administered by the Office of Fair Trading” (RTA 2012:1).</p> <p>1) short ‘base period’, 42 or fewer days tenancy in a moveable dwelling</p> <p>2) long (more than 42 days) tenancy in a moveable dwelling.</p> <p>A ‘manufactured home’ is similar to a house but designed for moving, i.e. without permanent attachment to land (S10).</p> <p>A converted caravan does not become a manufactured home unless accompanied by a site agreement between the ‘home owner’ and park owner.</p>	<p>dwelling premises’) Moveable dwellings are covered by residential tenancy agreements.</p> <p>Manufactured Homes (Residential Parks) Act 2003 regulates site agreements, sales of abandoned manufactured homes, variations of site rent, facilitating participation by home owners in park affairs and dispute resolution.</p>	<p>states that the owner of a domestic dwelling must install a smoke alarm. Manufactured homes are ‘detached dwellings’ (Class 1a of Building Code of Australia). Sellers of manufactured homes must provide written notice of installed compliant smoke alarms (S104RM).</p>	<p>to tenants (S68).</p> <p>The lessor must ensure facilities and site are clean and fit for use throughout the tenancy (S186). The lessor must supply locks and keys to ensure secure premises (S210). Tenants must not damage sites or facilities (S190). Lessors may require tenants to relocate dwellings to carry out repairs etc. (S223).</p> <p>Standard park rules outlined in S228.</p> <p>Application to tribunal to exclude persons from a moveable dwelling park if they cause a nuisance (S454).</p> <p>The Manufactured Homes (Residential Parks) Act 2003 outlines responsibilities for home and park owners. Home owners must use site only for living, maintain manufactured home in fit state, and comply with park rules. Park owners must ensure home owners can access site, maintain common facilities, have reasonable contact hours and comply with park rules.</p> <p>A site agreement (with standard terms) must be made and a home owners’ information document and park rules provided (S29). There is a 28-day cooling off period for site agreements (S33).</p> <p>The tribunal can determine abandonment of a home (S52) and allow park owner to sell it. Home owner has a right to sell their manufactured home on site (S56). If site agreement allows, park owner may increase rent with 28 days’ notice (S68). Home owner may dispute increase by appeal to the tribunal.</p> <p>S77 outlines standard park rules.</p> <p>Home owners can let home only if allowed in site agreement and give park owner notice (S97).</p> <p>Home owners can establish a committee (S100) to deal with park owner on behalf of home owners about day-to-day running and complaints.</p>

Table A4: South Australia legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
Rooming houses			
Residential premises where the proprietor—who may or may not live on the premises—rents rooms commercially to at least three residents.	Residential Tenancies (Rooming Houses) Regulations 2010 Residential Tenancies (Rooming Houses) Regulations 1999	Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m ² floor space and fewer than 12 occupants are ‘small’ and Class 1b. Larger ones are Class 3. This legislation covers health and amenity, facilities, safety etc. Housing Improvement Act 1940 (covers rental increases and substandard conditions) Housing Improvement (Standards) Regulations 2007	Proprietors must give residents: copies of any written agreement, a copy of house rules (if requested), access to read a copy of the Residential Tenancies (Rooming Houses) Regulations 1999, a list of charges for services and receipts. House rules must conform to the code of conduct in the 1999 regulations and any residents must be informed of any change to them at least one week before they come into effect. There are restrictions on the amount of rent in advance and bonds. Security, reasonable access to facilities, maintenance, privacy and quiet enjoyment must be preserved. Personal belongings must be kept for at least a fortnight after a resident moves; a resident only needs to give one day’s notice of intention to leave.
Residential parks			
	Residential Parks Act 2007 Applies to those living in parks 60 days or more		The Residential Parks Act 2007 requires written tenancy agreements and access to the Residential Tenancies Tribunal for disputes; bonds are processed by the Commissioner for Consumer Affairs; clauses include issues of anti-victimisation and dealing with violence.
Accommodation for those with special needs			
	Supported Residential Facilities Act 1992	Accommodation for those with special needs	Supported Residential Facilities Act 1992

Table A5: Western Australia legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Boarding and lodging houses</p> <p>Under the Health Act 1911, a lodging-house is defined as: 'any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward'.</p>	<p>Boarders and lodgers are not covered by the Residential Tenancies Act 1987 (S5). The terms 'boarder' and 'lodger' are not defined within the Act.</p> <p>'Boarders' are provided with accommodation and meals.</p> <p>'Lodgers' are not supplied meals.</p>	<p>Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m² floor space and fewer than 12 occupants are 'small' and Class 1b. Larger ones are Class 3. This legislation covers health and amenity, facilities, safety etc.</p> <p>Under Health Act 1911, lodging-houses must be registered with local government on a register of lodging-houses within the district (S146). Operators ensure supply of water (S150), cleanse the walls and ceilings of the house (S151), and notify the local government of diseases (S152) and death (S156) within the house.</p> <p>Fair Trading Act 1987</p> <p>Consumer Affairs Act 1971</p>	<p>Boarders and lodgers don't have exclusive occupation, landlords can enter without notice and occupants can be evicted at short notice.</p> <p>Disputes may be heard in the Magistrate's Court. Rights of boarders and lodgers include: clean, tidy and well-maintained premises and facilities; privacy, peace and quiet; access to room and facilities; security of room and belongings; knowledge of house rules, which can be changed if the landlord agrees.</p> <p>Responsibilities of boarders and lodgers include: clean and tidy room; paying rent duly and on time; observing house rules; reporting damage; emergency access to room for landlord; car parking by agreement.</p>
<p>Relocatable homes</p> <p>According to the 1987 Act a 'relocatable home' is 'a vehicle, building, tent or other structure ... fitted or designed for use as a residence (whether or not it includes bathroom or toilet</p>	<p>Residential Parks (Long-stay tenants) Act 2006</p> <p>Residential Parks (Long-stay tenants) Regulations 2007</p> <p>Residential Tenancies Act 1987</p>	<p>The Caravan Parks and Camping Grounds Act 1995 establishes that caravan parks and camping grounds cannot be operated without a licence (S6).</p> <p>The Act is reviewed every 5 years (S96).</p>	<p>The operator must offer a long-stay agreement after three months (S7).</p> <p>The agreement must be written and signed by both parties, include clauses and provisions as specified, and an executed copy given to the tenant within 21 days (S17).</p> <p>Park rules, a condition report, fees and charges, an information booklet, including conditions and restrictions of</p>

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>facilities) and that ... can be parked,</p> <p>assembled or erected on a site in a residential park'.</p> <p>A 'site-only' agreement refers to owner-renters, i.e. a 'long-stay' (of 3 months or longer, S5) with a right to place a relocatable home on a site in the park.</p> <p>An 'on-site home agreement' refers to renter-renters, i.e. with a right to occupy a relocatable home offered by the operator</p>			<p>residency must also be provided (S11).</p> <p>Tenant is entitled to 5 days' cooling off (S18).</p> <p>The operator/real estate agent can only ask for rental and bond payment (S12).</p> <p>Bond must not be more than four weeks' rent, plus \$100 for keys and/or remote controls (S21) and \$100 for fumigation if pets are allowed. A receipt must be provided and the bond lodged with the authority within a fortnight (S22).</p> <p>Breaching the agreement or rental arrears are causes for ending the agreement — with 14 days' notice — or issue of a default notice (after 14 days a seven-day termination notice can be issued). (S39, 40).</p> <p>If park is sold or a termination is sought 'without grounds', a 60-day notice is required for renter-renters, 180 days for owner-renters (S41,S42).</p> <p>Residents can terminate an agreement without grounds with 21 days' notice (S44) but operators have a right to compensation if resident simply abandons the premises (S47).</p> <p>If uninhabitable, resident can terminate with just 2 days' notice, the operator with 7 days (S45) and, in the latter case, the resident has a right to compensation unless they are in arrears of have breached the agreement in any other way (S46).</p> <p>Owner-renters have the right to sell their relocatable home unless the agreement states otherwise (S55).</p> <p>If there are 20+ long-stay sites, an operator must convene and maintain a park liaison committee (S59), to advise and assist in the park operation.</p> <p>Disputes can be taken to the WA State Administrative Tribunal (S62) and an appointed Commissioner advises, investigates and reports on long-stay tenancy agreement issues (S85).</p>

Table A6: Tasmania legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Boarding premises Defined in Section 3 of the Residential Tenancy Act 1997, covering all rooms rented out with shared facilities, excluding student accommodation (for which, see TAFE Tasmania Act 1997).</p>	<p>Residential Tenancy Act 1997</p>	<p>The Public Health Act 1997 protects tenants from being forced to live in an unhealthy property.</p> <p>Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m² floor space and fewer than 12 occupants are 'small' and Class 1b. Larger ones are Class 3. This legislation covers health and amenity, facilities, safety etc.</p> <p>Residential Tenancy (Smoke Alarms) Bill 2012</p>	<p>Residential Tenancy Act 1997 (Pt 4A) provides for: separate accounting, charging and receipts for meals, which must be offered within specific times; access to bathroom and toilet; separate accommodation in bedrooms unless they are joint tenants or one is a carer; regular maintenance of facilities (including response to repairs within one week); security (locks); 24-hour contact details for owner.</p> <p>According to Section 48G, owners must give tenants a written leasing agreement signed by both and outlining rights and duties, including all costs. Owners must also display and give tenants a copy of house rules and processes for changing rules and integrating tenants' views.</p> <p>Residential Tenancy Commissioner hear and investigates complaints to make appropriate orders.</p>
<p>Caravan parks</p>	<p>Residential Tenancy Act 1997</p> <p>Application of the Residential Tenancy Act 1997 to Caravan Parks</p>		<p>The Caravan Industry Association of Tasmania (CIAT) represents the state's caravan and cabin park operators. In consultation with the Tasmanian Consumer Affairs and Fair Trading, CIAT developed for members a voluntary Code of Practice for Caravan Parks in Tasmania, including 'good practice' park rules, recommending a written agreement form incorporating the park rules for permanenters.</p>

Table A7: Northern Territory legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Boarding Houses</p> <p>The 2012 act applies to agreements for board and lodging for longer than one week where three or more non-kin boarders or lodgers are accommodated for payment or other 'reward'.</p> <p>The Public Health (Shops, boarding-houses, hostels and hotels) Regulations 2011 S34 covers all boarding and lodging houses, hostels, flats, tents, and caravans.</p>	<p>Residential Tenancies Act 2012</p> <p>Residential Tenancies Regulations 2009</p>	<p>Building Code of Australia, Building Act 1993 and Building Regulations 2006 (Part 12) cover both small and large rooming houses. Premises with less than 300m2 floor space and fewer than 12 occupants are 'small' and Class 1b. Larger ones are Class 3. This legislation covers health and amenity, facilities, safety etc.</p> <p>Public Health (Shops, boarding-houses, hostels and hotels) Regulations 2011 require boarding house proprietors to register and comply with provisions related to construction quality and room size, and other duties to occupants.</p> <p>The Accommodation Providers Act 2002 outlines liabilities and rights of accommodation providers, particularly with respect to guests' property.</p> <p>The Fire and Emergency Regulations 2011 oblige owners of residential premises, including classes 1 and 3 buildings under the Building Code of Australia, to install smoke alarms (S13A).</p>	<p>Residential Tenancies Act 2012 provides for a Commissioner of Tenancies to investigate and report on tenancy agreement matters (S13).</p> <p>Agreements for board and lodging must include specific terms, nominate rent payable, signatures of both parties and a copy must be given to the resident.</p> <p>A condition report must be given within three days of taking possession (S25) and can be accepted or modified within five days (S26).</p> <p>A bond cannot exceed the equivalent of four week's rent and is held in trust by the landlord (S29) for return within seven days of termination of agreement (S112).</p> <p>Rent payment period must be specified in the agreement (S39). The right to increase the rent and method of calculating increases must be specified (S41). Rent can be increased every six months with 30 days' notice, giving the resident opportunity to apply to the Commissioner if thought excessive (S42).</p> <p>Landlords must: ensure that premises are safe, clean and fit for habitation (S47) and provide and maintain locks (S49). Residents must maintain the premises, including common property, and notify the landlord of damage (S51). The resident has the right to vacant possession and quiet enjoyment of their property (S65). Either party may terminate the agreement with two days' notice if premises are uninhabitable (S92). Landlord can end agreement giving 42 days' notice, the resident by giving 14 days' notice.</p> <p>Breaches allow the injured party to serve a written notice and apply to the Commissioner if no remedy occurs within 14 days.</p> <p>The Commissioner hears applications on disputes (Pt 14) and the Local Court hears appeals over the Commissioner's decisions.</p>

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>Caravan</p> <p>The parks act of 2012 covers trailers, habitable self-propelled vehicles, immovable dwellings and mobile homes within caravan parks.</p> <p>'Site agreements' refer only to occupancy of a site.</p> <p>A 'caravan and park site agreement' refers to occupancy of site and caravan of the operator.</p> <p>The 2012 act only covers 'long-term occupants', i.e. to caravan park residents of 5 years or more (S178).</p>	<p>Caravan Parks Act 2012</p> <p>Caravan Parks Regulations 2012</p>	<p>The Fire and Emergency Regulations 2011 requires park owners to have a 3 metre gap around all caravans and structures for fire-fighting vehicles to be able to access the park and to prepare an emergency management plan (S12).</p> <p>The Public Health (Shops, boarding-houses, hostels and hotels) Regulations 2011 S34 covers caravans.</p> <p>Owners of moveable dwellings must ensure smoke alarms are installed (S13A).</p>	<p>The Caravan Parks Act 2012, effective from 1 May, only applies to existing 'long-term' occupants and new residents if an operator and a resident agree to an occupancy agreement for 12 months or more. Shorter occupancies are not covered by the act, so the resident and operator must agree on the terms and conditions, level of rent, etc.</p> <p>Similar provisions to Residential Tenancies Act 2012, which does not cover parks and villages, e.g. re. agreements in relation to: its written form, bond, condition reports, rent payable, maintenance of property, right to vacant possession and quiet enjoyment, extended period of notice of termination of agreements and dispute resolution.</p> <p>The Act calls for a Commissioner to investigate and report on matters relating to park agreements (S18), which include park rules (that also need to be displayed: S138, 139). Operator responsible for enforcement of park rules (S142). Residents must have vehicular access to site and bathroom all the time, and reasonable access to other facilities (S143).</p> <p>Operators may require relocation of a caravan for health, safety, maintenance or emergency reasons. Operators must give notice and are responsible for associated costs unless the agreement states otherwise (S144). The resident can terminate the agreement on or before the relocation date (S145). The operator cannot stop sale of a caravan and must allow prospective buyers reasonable access (S146).</p> <p>For long-term occupants, a 3-month notice of termination of a periodic agreement must be given or 42 days' notice if agreement is fixed (S180).</p>

Table A8: Australian Capital Territory legislation and regulation

Type of Marginal Housing	Tenancy Regulation	Other Significant Regulations	Entitlements and Conditions
<p>All types of occupants</p> <p>An occupant has a right of occupation under an occupancy agreement with an owner/‘grantor’.</p> <p>Residents for more than six weeks of parks or villages in a ‘mobile’ home, hotel or motel, student and workers’ accommodation are considered occupants, unless they have a written tenancy agreement with their landlord (the ‘lessor’) in which case they are considered ‘tenants’.</p>	<p>Section 71E, Residential Tenancies Act 1997</p>	<p>Public Health Risk (Boarding Houses) (No. 2) Declaration 2000 states that boarding houses with more than 2 occupants pay for board or lodging are licensable public health risks under the Public Health Act 1997. Boarding house owners must obtain an ‘activity licence’ and premises and facilities cannot be changed in ways that increase the public health risk (S24).</p> <p>The Planning and Development Act 2007 controls the use of land and requires development approval for specific land uses (Chief Minister’s Department 2010).</p> <p>The Building Act 2004 gives effect to the Building Code of Australia. As for all states, the BCA distinguishes between boarding houses with less than 12 residents (Class 1b) or more than 12 residents (Class 3).</p> <p>The Emergencies Act 2004 establishes provisions for fire prevention at premises (Part 5.4).</p>	<p>An occupancy agreement may be written or oral initially but, after 6 weeks (S71C), must be written in consistent standard occupancy terms and follow occupancy principles set out in S71E, namely the grantor is expected to provide: ‘reasonably’ clean and secure premises, rules to residents before they enter the premises, a right to ‘quiet enjoyment of the premises’, eight weeks’ notice for rental increases and cause for eviction notices, only allowable with ‘reasonable’ notice.</p> <p>The occupant must allow the grantor to enter the premises if it is a reasonable time and they have reasonable grounds (e.g. for inspections/repairs).</p> <p>Grantor and occupant must try to resolve disputes using reasonable processes and can appeal to the ACT Civil and Administrative Tribunal.</p> <p>An occupant may deposit a bond, under an occupancy agreement, with the Territory (S71GA).</p> <p>The grantor may only enter an owner-renters’ premises at a reasonable time and with reasonable notice, grounds and purposes (S71E).</p>

Appendix 2: Interview questions for marginal renters

The following questions directed the open-ended in-depth interviews with residents.

1. How did you find out about this/your accommodation and come to live here?
2. Do you share your room/van/manufactured house or live alone? Has it always been like that while you have lived there?
3. How long have you lived here? How long do you plan to stay here?
4. Where were you living before? And, where did you live before that?
5. Have you lived in many rooming houses and or residential parks? If yes, around here or in which other places?
6. Do you have much to do with the other residents? How much do you need to share facilities with them? Are there any difficulties with that?
7. Do you feel safe and secure here? If so/not, why? Have you had anything stolen?
8. Are there any problems with living here, such as too much noise or conflict?
9. Do you get all your mail easily?
10. Is it easy to have friends, including family, visit you at home? Can they stay with you?
11. What are the best things about living here/there?
12. Does it cost a lot? What do you pay weekly/fortnightly/monthly? Has the rate changed while you've lived there/ here? (If so, how much was it and when did it change?)
13. We are interested in finding out how much of your income goes on your rent. Can you tell us your current average income and rental payments?
14. Do you have a written rental agreement with the manager/? Was that provided when you first started living here?
15. Has the management changed while you've been living here? If so, in what ways?
16. Is this accommodation conveniently located for you? Is it easy to reach public transport from home? Do you need to go to work or study? (If works, or studies, where located and is it full or part-time, casual or permanent?)
17. Can you describe the best and worst marginal rental housing that you've lived in?
18. Do you mind telling me your age, just roughly, like 'I'm in my twenties/thirties'?
19. Where do you think/hope you might be living two years from now?
20. Other information might include talking about having fulfilled any management roles in the type of housing occupied, involvement in advocacy groups, appeals over rent increases, special needs of the interviewee, anecdotes about other occupants' experiences.

Appendix 3: Finding and accrediting marginal rental housing

There is potential to complement the emerging re-balancing of producer and consumer rights and obligations, such as in the new Victorian and NSW legislation and regulations for their boarding/rooming house sectors, with an Internet-based accreditation and finder scheme. Such schemes already operate in tourism and student accommodation markets both in Australia and overseas. *Prima facie* there is scope for this type of facility to be extended to other forms of accommodation, such as boarding/rooming houses and residential parks. This appendix:

- Outlines the development of accreditation and finder schemes in the tourism and student accommodation markets.
- Identifies the key features of these types of markets, known as 'matching markets'.
- Suggests how an accreditation and finder scheme might be introduced into the boarding/rooming house and residential park markets.

Tourism and student accommodation accreditation and finder schemes

In the Australian tourism market the largest accreditation system is the Australian STAR Rating Scheme established in the 1950s when automobile clubs in the eastern states began rating accommodation. STAR Rated properties are continually assessed by STAR Rating Assessors against more than 200 criteria in three key areas: facilities and services; cleanliness; and quality and condition. The number of STARS awarded represents the level of standards in these areas. From the perspective of customers, the STAR system provides guidance on levels of quality and price. Proprietors can respond to customers with respect to quality and price and their accommodation is listed and searchable by more than eight million auto club members.

Student accommodation accreditation schemes have been established for some years in other countries and are just beginning in Australia. For example, there is a Student Tenancy Accommodation Rating Scheme run by the Dunedin City Council and the University of Otago; the University of Hull established a web based system as early as 1999 known as 'The Scheme'; and the University of York Accommodation runs a scheme called the Code of Best Practice (University of York 2012). The aims of the York code of practice are to:

- Apply to all lettings advertised through institutions that join the scheme.
- Establish mandatory and recommended standards for private rented student shared housing.
- Promote awareness of those standards to both landlords and students.
- Encourage and help landlords to meet the standards.
- Give recognition to properties and landlords meeting these standards.
- Help and encourage students to choose accommodation meeting the standards.
- Keep disagreements and misunderstanding to a minimum.

In Australia, in the context of ongoing concern with the experience of students, especially overseas students (Senate Standing Committee on Education, Employment and Work Place Relations 2009; NSW Parliament Social Policy Committee 2011), it is acknowledged that students have poor access to information about their accommodation options. This led to a recent recommendation by the International Education Advisory Council (2013) for a rating scheme in Australia that is similar to the UK systems:

Consideration could be given to establishing a transparent and consistent rating system for accommodation, taking into account value for money, affordability, and proximity to major services (including education institutions and transport links) and community demographics.

Further, the university sector recognises that there is scope for developing improved accommodation services especially for international students. Universities Australia (2013, p.27), the peak association for Australian universities, has made a commitment to provide improved student accommodation support services:

[U]niversities will expand their student housing services for international students by publishing information on localities and providers that are suitable for student rental accommodation, taking account of quality, safety, location and public transport availability; by maintaining registers of landlords, agents and premises suitable for international students; and by offering mediation between student tenants and landlords when misunderstandings arise.

In this context a Student Accommodation Rating Scheme has been developed by a Brisbane based company, The Pad Student Living. Commencing in Brisbane in May 2013, the proposal is to spread to other cities in collaboration with universities in those cities. The scheme will work through a partnership between The Pad Student Living (2013) and universities in each city. The steps in the process are:

- Education sector endorses the scheme as 'best practice'.
- Accommodation provider self-assesses its accommodation against pre-determined assessment criteria in the following categories:
 1. regulatory compliance
 2. location
 3. building amenity.
- The web-based Scheme collates the data and calculates a score out of 10.
- The accommodation provider receives a disclosure statement (compliance certificate) and a registration stamp (kite mark) evidencing an overall score out of 10 and a score break down for each of the main categories.
- The accommodation provider lists its property onto the Accommodation Finder map. Each university will have its own map that it controls with respect to who to include and exclude. This map is on the university website and identifies the campus and locations of accredited accommodation.
- Students can search for accommodation using the map Finder and Rating Score.

An important factor that has supported the development of the student finder and accrediting schemes has been the development of renter insurance schemes, which now assess risk for individual renters living in dwellings shared with other non-related residents.

The matching market idea

In essence each of these schemes use a mechanism that facilitates what is called a 'matching market' because the accommodation on offer is described and the price is set and presented to a population of potential purchasers. There is no associated bidding process resulting in the price increasing during the time that the accommodation is listed and available for inquiry and inspection. These schemes meet the three criteria necessary for any market to form and operate (Roth 2007):

- They bring together buyers and sellers in sufficient numbers, described as market thickness, to ensure that there is a satisfactory outcome for both buyers and sellers—in this case both the tourism and student accommodation markets are established through a website that connects accommodation providers and those seeking to purchase an accommodation service.

- The market exchanges are made safe for sellers and buyers who reveal confidential information while participating in this market—accommodation providers reveal their identity and provide their address and property description while purchasers reveal their identity and perhaps evidence of good character and proof of capacity to pay.
- Matching markets must give participants sufficient time to make choices when faced with alternatives and the means to make transactions—here buyers have time to review what is available and follow up with inquiries and inspections but any delay risks that their preferred accommodation is taken by another purchaser.

Finding and accrediting rooming house and residential park accommodation

As noted, in some states there has been legislative and regulatory change with the objective of making the market for boarding/rooming and residential park accommodation more transparent and efficient and the relationship between operators and residents fairer. This process has been supported by developing collaborative working relationships between government agencies, non-government organisations (NGOs) representing resident interests and industry associations representing landlord and residential park managers.

The creation of a matching market arrangement in the boarding/rooming house and residential park accommodation sectors, on a state or territory wide basis, could take this change process a step further. It would be similar to those established for students and travelers. This would further increase the transparency, fairness and efficiency of the rooming house and residential park accommodation services markets. This could be achieved by a project bringing together representatives of landlords, NGOs representing residents and government agencies that already regulate this type of accommodation. This project would proceed through the development of a brief and the publication of a consultation paper. The principal objective for such a project would be the development of a consensus to support the development of a boarding/rooming house and residential park accommodation market finding and accrediting scheme.

Appendix 4: Statistics regarding caravan parks

The data in Table A9 and Figure A1 were compiled from tabulations of the 2006 and 2011 ABS Census of Population and Housing data, using the Census Table Builder Pro facility. These residential caravan parks were enumerated within the dwelling structure category 'caravan, cabin, houseboat' and enumerations of dwellings and residents included the latter two categories. Further, the 'marginal renters' referred to below have been drawn from the ABS tenure type category 'rented'.

Table A9 compares estimates of all caravan park residents and 'marginal' renters in both the 2006 and 2011 censuses. Table A9 shows that, in 2011, there were 163 643 people living in caravan parks across Australia, with 33 679 renters, suggesting that both the total number of people living in caravan parks and the number of those who are renting have declined between 2006 and 2011.

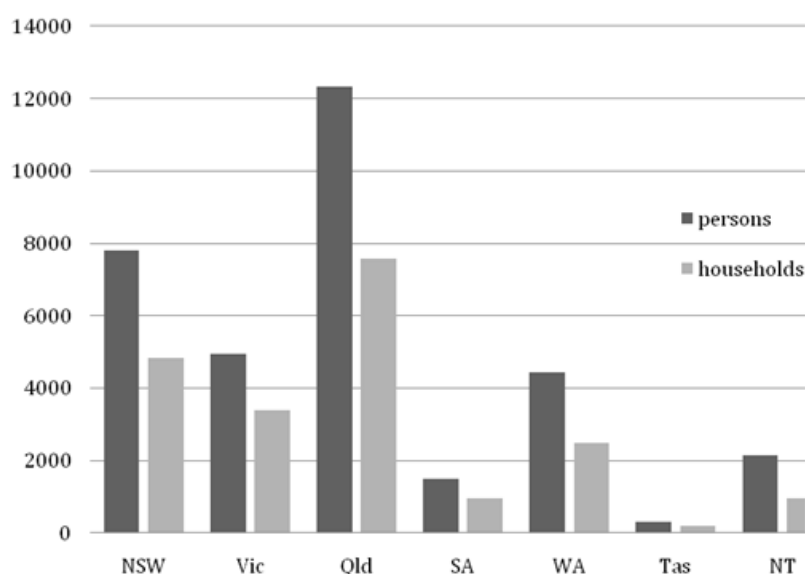
Table A9: All 'caravan' residents and 'marginal renter' component

State	All caravan cabin and houseboat residents		Component of 'marginal renters'	
	2006	2011	2006	2011
NSW	40,146	34,802	8,777	7,816
Victoria	15,235	14,677	4,706	4,953
Queensland	65,575	63,620	13,523	12,341
South Australia	8,402	7,038	1,863	1,490
Western Australia	27,993	29,305	4,922	4,435
Tasmania	1,837	1,284	413	304
Northern Territory	10,756	12,287	1,659	2,158
ACT	291	597	50	177
Other Territories	30	33	0	5
Total	170,265	163,643	35,913	33,679

Data Source. ABS Census of Population and Housing, 2006 and 2011

The above table shows that the 33 679 caravan park residents in 2011 lived in 20 492 households. Queensland had the largest number of residents (12 341) and households (7567), followed by NSW with 7816 and 4839, respectively.

Figure A1: ‘Caravan’ residents/households by state and territory, 2011



Source. ABS Census of Population and Housing, 2006 and 2011

Recent ‘marginally housed in caravan parks’ estimates

The most recent definitions and estimates of ‘marginally housed in caravan parks’ by ABS (2011, pp.97–98) appear below.

PERSONS MARGINALLY HOUSED IN CARAVAN PARKS

Persons marginally housed in caravan parks are those considered to be in marginal housing and at risk of homelessness. However, not all persons living in caravan parks are considered to be marginally housed. For example, those living in cabins will have access to their own kitchen facilities and bathroom. However, the Census data do not allow caravans and cabins to be separately identified. Others living in caravan parks on a long-term basis have an element of security of tenure, and for some people they have chosen to reside in a caravan park due to convenience, cost or location and could select other accommodation alternatives.

Persons marginally housed in caravan parks are operationalised as those people who were enumerated on Census night:

- in caravan, cabin or houseboat in a caravan / residential park or camping ground,
- reported being at home on Census night,
- where no usual resident reported working full-time,
- the dwelling was being rented for less than \$400 per week,
- the landlord was not an employer,
- the dwelling was reported as having less than 3 bedrooms, and
- the combined income of the usual residents in the dwelling was less than \$2,000 per week.

Rules for estimating Persons marginally housed in caravan parks

The following table outlines the rules used to estimate the number of persons marginally housed in caravan parks and ensures that no person has already been counted as homeless or in other crowded dwellings is also counted in this marginal housing category.

PERSONS WHO ARE MARGINALLY HOUSED IN CARAVAN PARKS

Step	Minus / Plus	Steps taken to create estimates of the marginally housed	Reason	2011
1		All persons enumerated in a caravan, cabin or houseboat in a caravan/residential park or camping ground who reported being 'at home' on Census night.		54,685
2	Minus	All persons in dwellings with a tenure type of owned outright, owned with a mortgage, being purchased under a rent/buy scheme or occupied under a life tenurescheme		30,192
3	Minus	All persons in a dwelling where at least one usual resident reported working full time ^a	People who it could be reasonably assumed have accommodation alternatives	6,751
4	Minus	All imputed records ^b	There is little evidence that these people even exist or that they were not in the dwellings to which they were imputed (which are occupied on a semi-permanent basis) and the occupants were instead either enumerated in their principal residence or imputed at that residence	3,238
5	Minus	All persons in a dwelling with a tenure type of being rented with reported rental payments of at least \$400/week ^c	Those people for whom the rental payments indicate they could, on balance, rent elsewhere (i.e. they have accommodation alternatives)	380
6	Minus	All persons in a dwelling with a landlord type of employer, includes government employer (includes Defence Housing Authority)	Persons for whom their accommodation is, on balance most likely to be related to their employment	172
7	Minus	All persons in dwellings with 3 or more bedrooms	People who are, on balance, most likely to be living in cabins	626
8	Minus	All persons in dwellings where the combined income was at least \$2000 a week ^{a,c}	People for whom their combined income indicates they could, on balance reside elsewhere (i.e. they have accommodation alternatives)	184
9	Minus	Any person who was already considered homeless in homeless operational groups 'Persons in supported accommodation for the homeless', 'Persons staying temporarily with other households' and 'Persons living in 'severely' crowded dwellings'; and the marginally housed group 'Persons living in other crowded dwellings' ^d	These people are reclassified as homeless	179
	Equals	Those who are likely to be marginally housed in caravan parks		12,963

^aThe variables 'number of people employed' and 'combined income' do not include visitors who reported a usual address elsewhere. Therefore a person who is visiting the dwelling and who is employed full-time or has an income doesn't impact on the identification of other people in the dwelling as being marginally housed.

^bImputed records where no form and no count was obtained by the collector and where no form but a count was obtained by the collector.

^cIn 2006 the combined income cut off was \$2,000/week and the rental payment cut off was \$300/week.

In 2001 the combined income cut off was \$1,594/week and the rental payment cut off was \$265/week.

^dIn 2001 no overlap can be determined between this and the homeless operational group 'persons in supported accommodation for the homeless' because Census data was not used for supported accommodation in 2001.

Source. ABS 2011 2049.0—*Census of Population and Housing: Estimating homelessness, 2011 Appendix 2*. (Issued 12 November), accessed 27 March 2013 at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/2049.0Appendix22011?opendocument&tabname=Notes&prodno=2049.0&issue=2011&num=&view=>

Appendix 5: Summary of proposed changes in the NSW

Residential (Land Lease) Communities Bill 2013

Issued by the NSW Government Fair Trading (<<http://www.fairtrading.nsw.gov.au>>) 6 April 2013.

The NSW Government has carried out a thorough review of the *Residential Parks Act 1998*.

The review involved consultation with residents, operators and owners about how best to improve the governance of residential parks and strengthen the industry.

A draft Bill, including a more suitable name change, has been released for consultation. A copy of the draft Bill is available on the NSW Fair Trading website.

The key reform proposals are as follows:

1. Rules of conduct for operators and sanctions for operators who do not comply

The draft Bill sets out, for the first time, rules of conduct that must be observed by all operators. For instance, operators will be required to have knowledge and understanding of their legal obligations, act honestly, fairly and professionally and not engage in high-pressure tactics, harassment or unconscionable conduct.

If an operator fails to comply with his or her obligations, a range of sanctions will be available. For example, it is proposed that the Commissioner for Fair Trading will be given the power to issue warning notices, require the operator to undertake further education, and even prohibit a person from being an operator. This last sanction will operate as a 'negative licensing' regime where operators will be able to be banned from the industry in the same way as a licence holder whose licence is cancelled.

2. Mandatory education requirements for all new operators

A clear understanding of the rules helps to prevent conflict by resolving many disputes before they escalate. It is proposed, therefore, that if a person has never operated a residential community in NSW before, he or she will be required to undertake a course of education.

The Commissioner for Fair Trading will have the power to specify the type of education that should be undertaken. This will be designed to ensure that the new operator understands the law, knows his or her responsibilities and has the skills to deal with the complex role of being an operator.

3. Establishing a community-based approach to dealing with increases in site fees

The proposed community-based approach is designed to minimise the cost and administrative burden to all parties associated with disputes over increases in site fees (rent).

Under the proposed arrangements, site fee increases will be limited to no more than once in any 12-month period. Operators will be required to give notice of the increase to all residents at the same time and include a brief explanation for the increase.

Residents will be able to challenge excessive increases in site fees on a collective basis with a single application on behalf of all residents. Mediation will be a compulsory step before an application can be made to the Consumer, Trader and Tenancy Tribunal. This community-based approach will need at least 25 per cent of permanent sites to support the challenge before an application is made. Individual residents will be able to 'opt out' of the community process if they wish.

The factors for the Tribunal to consider will be streamlined so that the evidence burden on residents will be reduced. An operator will need to provide evidence of cost increases if they want this to be considered by the Tribunal.

Site agreements that provide for increases in site fees at specified intervals (or on specified dates) by a fixed method have been given greater recognition under the draft Bill.

4. Making, amending and enforcing community rules

The current Act restricts matters that rules may relate to. The draft Bill allows rules to be made on any matter providing that the rules are reasonable, clear and do not cover matters already covered by the site agreement. Rules may be deemed to be unfair if they are not applied consistently to all residents.

5. New arrangements for the disclosure of information to prospective residents

The draft Bill seeks to streamline the information required to be given to prospective home owners into a short, prescribed disclosure statement. Operators will be required to give a copy of the disclosure statement and the proposed site agreement to each prospective home owner at least 14 days before entering into an agreement.

6. New rules to clarify and streamline the process for home owners who wish to sell their homes on site

The draft Bill proposes to amend the current arrangements that relate to the sale of homes. There will be a clear right for a home owner to sell their home while it is located on the site and the operator will not be allowed to hinder the sale. Appropriate consumer protections will be in place where an operator acts as a selling agent. The Bill includes a simpler and more effective process than the current method of assigning existing agreements upon sale.

The draft Bill also gives operators the flexibility to add terms in future site agreements to allow them to share in any capital gain from the sale of an on-site home (up to 50%) or to charge the outgoing home owner a percentage of the on-site sale price (up to 10%). This will not apply to existing residents.

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