

Information Guide for Rooming Houses

The following information is designed to assist building owners and prospective operators of the regulatory requirements of Rooming Houses which must be met prior to converting or commencing operation of such a facility.

Rooming Houses or Shared Accommodation are premises which operate as, but not limited to;

- Rooming House
- Boarding House
- Motel/Hotel
- Hostel
- Holiday Camp

The information contained in this guide is not exhaustive. Further information should be sought prior to proceeding with the development of a shared accommodation building.

What is a Rooming House?

The *Residential Tenancies Act 1997* describes a Rooming House as a building where:

- One or more rooms are available for rent; and
- The total number of people who may occupy those rooms is four or more; and
- Each resident pays rent

What do I have to do before operating a Rooming House?

Before operating a Rooming House/Shared Accommodation you may be required to meet a number of legal requirements associated with Council. This process generally consists of obtaining approval from a number of areas of Council as detailed in the table below.

WHO DO I NEED TO CONTACT AT COUNCIL			
Number of Proposed Occupants	Planning	Building	Health
Building will accommodate less than 4 persons	N/A	✓	N/A
Building will accommodate 4 or more persons with 10 or less habitable rooms	N/A*	✓	✓
Building will accommodate 4 or more persons with 11 or more habitable rooms	✓	✓	✓

N/A No Approval Required

✓ Approval may be required, contact relevant service area

* Planning may need to be consulted depending on the planning zone

Building Regulatory Requirements

The following building requirements only cover Class 1b shared accommodation buildings (not including short-term holiday accommodation).

Shared accommodation buildings that do not comply with the Class 1b requirements would most likely be classified as a Class 3 building.

Class 3 buildings have their own specific regulatory requirements; for example, fire separation, exits and fire fighting equipment.

It is recommended that you liaise with a Building Surveyor in the early design stages of your project.

Building Classifications

The National Construction Code (NCC) defines Class 1 buildings as:

- (a) *Class 1a - a single building being*
 - (i) *a detached house; or*
 - (ii) *one of a group of two or more attached dwellings, each being a building, separated by a fire resisting wall, including a row house, terrace house, town house or villa unit; or*
- (b) *Class 1b*
 - (i) *a boarding house, guest house, hostel or the like;*
 - (A) *with a total floor area of all floors not exceeding 300m² measured over the enclosing walls of the Class 1b building; and*
 - (B) *in which not more than 12 persons would ordinarily be resident; or*
 - (ii) *4 or more single dwellings located on one allotment and used for short-term holiday accommodation, which are not located above or below another dwelling or another Class of building other than a private garage.*

Council considers that a Class 1a building is occupied by one family, without regard to the number of occupiers.

In addition to the NCC definition above, Council considers a Class 1b building to be:

- A building that accommodates or is intended to accommodate, on payment of rent, between 2 and 12 people and any of the people being or intended to be accommodated are non-family related and they do not share other verifiable close relationship among them; or

- Where individual or joint residents occupy a room or rooms on payment of rent to the exclusion of any other occupier(s); or
- Council determines that between 2 and 12 unrelated people are being accommodated or are intended to be accommodated, on payment of rent, based on inspection of the building and any other reliable evidence.

Building Permits

A building permit is required for the construction of a new Class 1b building/s.

A building permit is also required to change the use from one building classification to any other building classification.

Building permits are issued by Registered Building Surveyors. An Occupancy Permit or Certificate of Final Inspection is issued by the Building Surveyor after the building work required by the building permit has been inspected and approved.

The Occupancy Permit must always be displayed in the building. The position in which it is displayed is nominated by the Building Surveyor.

Change of Use

Typically Class 1a dwellings are converted (change of use) into Class 1b buildings to provide shared accommodation. The building regulations require that any building changing its use must comply with current building regulations and the current National Construction Code (NCC).

The building regulations allow a Building Surveyor to vary the level of compliance with current building legislation. In determining to vary any level of compliance the Building Surveyor must have regard to the health, safety and amenity of the occupants of the building.

In issuing a building permit for a change of use the Building Surveyor will have regard to the following elements

- Glazing (glazing for human impact);
- Fire Safety (smoke alarms and evacuation lighting, fire separation of the building from the boundaries and other buildings);
- Natural Lighting and Ventilation (natural lighting and ventilation to comply with NCC requirements);
- Construction of Sanitary Compartments (removable hinges, etc., also refer paragraph regarding Premises Standards);
- Access (stair construction and balustrades, also refer paragraph regarding Premises Standards);
- Energy Efficiency (generally the provision of wall and ceiling insulation and draught sealing)

Premises Standards

The Premises Standards require access and associated facilities are provided to share accommodation buildings for people with a disability in accordance with the following:

Class of Building	Access requirements
<p>New Class 1b shared accommodation building Or * An existing shared accommodation building with 4 or more bedrooms.</p>	<p>To & within –</p> <ul style="list-style-type: none"> • 1 bedroom & associated sanitary facilities; and • not less than 1 of each type of room or space for use in common by the residents or guests, including a cooking facility, sauna, gymnasium, swimming pool, laundry, games room, eating area, or the like; and • rooms or spaces for use in common by all residents on a floor to which access by way of a ramp complying with AS 1428.1 or a passenger lift is provided.

* This is not a retrospective requirement; the need to provide access and facilities into an existing building is triggered by the issue of a building permit. For example, the Premises Standards will apply when a building permit is issued to convert an existing house into a shared accommodation building with 4 or more bedrooms.

It is recommended that you liaise with your Building Surveyor in the early design stages of your project.

NOTE: A Building Surveyor does not have any discretion over the Premises Standards.

Occupation of Outbuildings

Outbuildings are Class 10 buildings. A building permit for a change of use is required if it is proposed to convert a Class 10 building (private garage, carport, shed or the like) into habitable accommodation. Refer to paragraph regarding Change of Use.

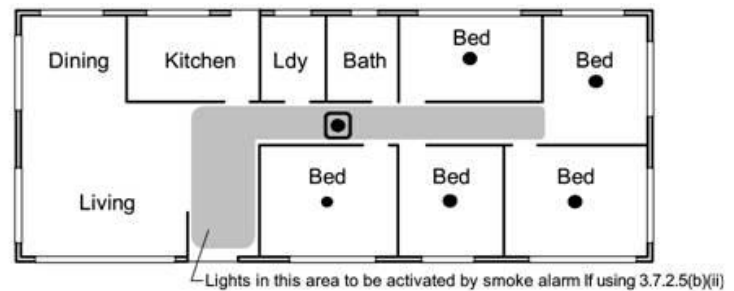
Requirements – Smoke Alarms & Evacuation Lighting

Smoke alarms must be installed in Class 1b buildings and be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in every bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and on each other storey.

A system of lighting must be installed to assist evacuation of occupants in the event of a fire, and be activated by the smoke alarm; and consist of a light incorporated within the

smoke alarm or the lighting located in the corridor, hallway or area served by the smoke alarm. The lighting may consist of artificial lighting which may already be installed in a corridor, hallway or area, provided that lighting is activated by the smoke alarm.



Legend		
	●	Smoke Alarm
	◻	Smoke alarm with evacuation lighting

Maintenance of exits by occupiers of building

The occupier of a Class 1b must ensure that

- All exits; and
- Any paths of travel to exits; and
- Any paths of travel on the allotment from exits to a road – required to be provided in relation to that building or place are maintained in an efficient condition and kept readily accessible, functional and clear of obstruction so that egress from the building or place is maintained.

NOTE: Deadlocks are prohibited on exit doors.

Public Health Regulatory Requirements

Room Sizes and Duration of Stay

For stays of 31 days or less	For stays of 32 days or more
1 person per room min 7.5m ²	One person per room min 7.5m ²
2 people per room min 7.5m ²	Two people per room min 12m ²
3 people per room min 10m ²	For more than 2 people: 12m ² & an additional 4m ² of floor space for each additional person
More than 3 people: 10m ² & an additional 2m ² for each additional person	

Health and Hygiene

Residents have the right to a clean living environment. The following list includes responsibilities the proprietor must undertake but is not limited to:

- Maintain all bedrooms, toilets, bathrooms, laundries, kitchens, living rooms and any common areas in good working order, and in a clean, sanitary and hygienic condition
- Provide a continuous and adequate supply of hot water to all bathing, laundry and kitchen facilities
- Ensure water intended for drinking is fit for human consumption
- Provide regular rubbish collection
- Ensure that all sewage and water is discharged to a sewerage system or an approved domestic waste water disposal system
- Provide sufficient vermin-proof bins and ensure they are emptied regularly

Toilet and Bathing Facilities

A proprietor must provide:

- At least one toilet, one bath/shower and one wash basin for every 10 people
- A continuous and adequate supply of hot and cold water
- Communal rooms are kept in a clean and hygienic condition with adequate ventilation

Register of Residents

Under Section 26(1), Public Health and Wellbeing Regulations 2009, a proprietor is required to keep a register of all residents, including:

- The names and addresses of any persons occupying the premises
- The dates of their arrival and departure

This information must be kept for a minimum of 12 months after the date of the last entry in the register.

Planning Regulatory Requirements

The use of land for “**Accommodation**” (other than a single dwelling or a dependent persons unit) will require a planning permit in the City of Maroondah.

The land use term “**Accommodation**” includes a range of accommodation uses that all require a planning permit including a “residential building”. The land use term “residential building” includes buildings used for a backpackers lodge, boarding house, hostel, nurses home, nursing home, residential college and a residential hotel which includes motel.

There is however an exception to this rule which is that the use of land for “**Shared Housing**” does not require planning approval. Clause 52.23 of the Maroondah

Planning Scheme relates to “**Shared Housing**” and provides as follows:

52.23 SHARED HOUSING

A permit is NOT required to use a building, including outbuildings normal to a dwelling, to house a person, people and any dependants or 2 or more people (including people with intellectual disabilities) if the building meets all of the following requirements:

- It is in an area or zone which is used mainly for housing (i.e. not in a commercial or rural area).
- Provides self contained accommodation (i.e. Along with private rooms for residents the building must also have facilities able to be shared by residents including a bathroom (with a shower and/or bath) a toilet, and a kitchen/ meals area
- Does not have more than 10 habitable rooms (Habitable rooms do not include a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby etc).

We recommend that you contact the Statutory Planning Department at Maroondah City Council prior to discuss these requirements prior to using a building for Shared Housing.

Additional Legislative Requirements

This information guide has detailed the legislative requirements of Council; however this is not an exhaustive description. The following is a list of governing legislation that all operational Rooming Houses must adhere to:

- *Residential Tenancies Act 1997*
- Building Code of Australia
- *Building Act 1993*
- Building Regulations 2006
- *Metropolitan Fire Brigades Act 1958*
- *Country Fire Authority Act 1958*
- *Public Health and Wellbeing Act 2008*
- Public Health and Wellbeing Regulations 2009

Maroondah City Council Contacts

Building Services	9298 4327
Community Health	9294 5603
Planning	9298 4441

Useful Contacts for Rooming House Operators

Consumer Affairs Victoria	1300 55 81 81
Office of Housing	1300 650 172
Tenant’s Union of Victoria	9419 5577
Residential Tenancies bond Authority	1300 13 71 64
Victorian Civil & Administrative Tribunal	9628 9800
Victorian Equal Opportunity & Human Rights Commission	9281 7100