The Boarders & Lodgers Action Group (BLAG) supports the rights of boarders and lodgers and the human right to housing. The following organisations in principle support the campaign for law reform and the implementation of the **Boarders Bill** into legislation.

**Organisations**

1. Albury Supported Accommodation Service Inc
2. Anglican Retirement Villages
3. Armidale Neighbourhood Centre
4. Assistance with Care & Housing for the Aged
5. B. Miles Women’s Housing
6. Bethany Community Support
7. Blackheath Area Neighbourhood Centre
8. Bondi Beach Cottage Inc
9. Botany Bay City Council - Community Services Division
10. Botany Family & Children’s Centre Inc
11. Brotherhood of St. Lawrence
12. Byamee Homeless Persons Support
13. Canterbury - Bankstown Migrant Resource Centre
14. Central Coast Tenants’ Advice and Advocacy Service
15. Clover Moore MP, Member for Bligh
16. COHRE Asia & Pacific Programme
17. Combined Community Legal Centres
18. Combined Pensioners and Superannuants Assoc. NSW
19. Community Housing Lower North Shore Ltd
20. Construction Forestry Mining Energy Union (CFMEU), Construction Division, NSW Branch
21. Consumer Affairs Inner East
22. Dungog Information and neighbourhood Service Inc
23. Eastern Area Tenants Service
24. Eastern Suburbs Option Program
25. ECHO Neighbourhood Centre
26. Edgeworth Memorial Neighbourhood Centre Inc
27. Faculty of Law, Queensland University of Technology
28. Flat Out Inc
29. Griffith Neighbourhood House Community Centre Inc
30. Homeless People’s Assoc.
31. Homeless Persons Legal Project
32. Gilbert & Tobin Centre of Public Law
33. Hunter Tenants Advice and Advocacy Service
34. Illawarra Legal Centre Inc
35. Illawarra Tenants Service
36. Inner Sydney Home Maintenance and Modification Service
37. Inner Sydney Regional Council for Social Development
38. Inner Sydney Tenants’ Advice Service
39. International Student Services, University of NSW
40. Kingsford Legal Centre
41. Marcarthur Legal Centre
42. Marrickville Legal Centre
43. Mid-Coast Tenants Advice Service
44. Mountains Community Resource Network
45. New England and Western Tenants Advice and Advocacy Service
46. Norren Hay MP
47. North & North West Community Legal Inc
48. Northern Area Tenants Service
49. NSW Greens Parliamentary Office
50. Older Persons Tenancy Service
51. Parks and Village Service
52. Port Macquarie Neighbourhood Centre Inc
53. Public Interest Advocacy Centre & Public Interest Law Clearing House
54. Rage Project
55. Phoenix House Youth Service
56. Randwick Family Support Service
57. Randwick Information & Community Centre
58. Redfern Legal Centre
59. Religious of the Sacred Heart
60. Shelter NSW
61. South Sydney City Council, Community Living Dept.
62. South West Tenancy Advice & Advocacy Services
63. SouthEast Neighbourhood Centre
64. St George Accommodation For Youth
65. St Vincent De Paul
66. SW Regional Tenants Assoc
67. Tenants Union of NSW
68. The Marion Centre
69. The Mercy Arms
70. The Salvation Army EastCare
71. The Shopfront Youth Legal Centre
72. Unitingcare NSW & ACT
73. UTS Community Law and Legal Research Centre
74. Water Activities for Vitality in the Eastern Suburbs Inc
75. Western Sydney Tenants Service
76. Women’s & Children Emergency Centre

We support fairness and security in housing for the people of NSW.
I was assaulted by the caretaker. He took my bond. My stuff got trashed. Things I had bad for years were dumped on the street. I couldn’t afford a cab, but I also had nowhere to go…

When people in boarding houses are evicted we often can only tell them to find alternative accommodation, the law offers no redress.

I moved into a boarding house when I became sick and I couldn’t work regularly. My biggest worry is the effect of housing on my health. I can’t refrigerate my insulin. The bathroom and kitchen are unsanitary. But everyone is too scared to say anything,…

I was told to pack my things and leave with two hours notice… I had nowhere to go…

I’m not from Sydney and I don’t know anyone here. I needed somewhere to live. What I realised was that asking for basic things like rent receipts might result in a threat to my housing. I’ve just started a new job so I can’t risk being evicted. But I also worry about one day coming home and being told to go… where?
Boarders & Lodgers Action Group

BLAG - Supports the rights of boarders and lodgers and the human right to housing.

Boarders / Lodgers:

- You live in a room, have access to a shared bathroom and the owner or caretaker lives there. Meals are provided if you pay board.
- You could be in a boarding house or living with someone paying off their mortgage.
- There may be some furniture in your room, and the owner might have rules about guests.
- They might come into your room to get the rent or for cleaning.

Many people don’t know they’re a boarder/lodger until they seek legal advice.

Don’t rock the boat –

there’s no legislation you can appeal to if your landlord acts in an unfair manner.

It’s time for NSW to get serious and legislate NOW!

BLAG is a coalition of NGOs, legal services and community organisations
Convened by the Tenants’ Union of NSW
68 Bettington Street, Millers Point 2000
Ph 02 9247 3813  Fx 02 9252 1648
Boarders and Lodgers: Forgotten People In NSW

Subdivided grand terraces, families offering a room to rent in their house – boarding or lodging has always been a fundamental part of the NSW housing market.

Boarding/lodging situations potentially offer a diverse range of people access to safe, secure and affordable housing.

*People live in boarding/lodging situations for lots of different reasons:*

- **CHEAPER**  Don’t need as much money upfront as you do as a tenant.
- **FLEXIBLE**  Might not be in the area long term – just passing though.
- **EASIER**  I’m on a database people think I’m a bad tenant.
- **CONVENIENT**  My work changes I might not be here for long.
- **SIMPLE**  I don’t need to live in a whole house – a room will do me!

Most of the time people don’t consider all the legalities before they live somewhere. People live in these situations because housing is one of the things we need so we can get the other parts of our life working. It’s a basic human right. Sorting out your housing is the first step to establishing yourself in a new city or a new area. Even if you knew that there was no law to protect you before you began living as a boarder/lodger chances are that you might not have many other places to stay so you’re forced to take a risk that everything will be ok.

BLAG believes that boarder/lodgers deserve legal protection. It’s not fair that today in NSW boarder/lodgers don’t have the benefit of consumer protection laws. This means that people who board/lodge can be subject to arbitrary eviction, unfair practices and may have to place there housing at risk to ask for basic conditions – a home that is safe and sanitary.

Today many modern living arrangements are classified as boarding/lodging under the law. Sharing a house with the owner, living in a university college, staying above a pub or paying for an apartment that is serviced all may mean that you fall into a legal vacuum.

The current distinction in the law between being a boarder/lodger and being a tenant can be ambiguous, legally technical and difficult to prove. Most of the time people just ask:

“Can they just kick me out?”

The reality for people who are boarder/lodgers is that the answer is almost always:

“*Yes*”
We can change this! The Answer is Legal Protection!

New South Wales has no legislative protection for people who enter living arrangements that are not tenancies.

While tenants in NSW have access to quick, low cost dispute resolution and the enactment of minimum legal standards through legislation, those who are not tenants can be at mercy of the market.

It can be very difficult without legal regulation for boarders to obtain fairness. Lack of legal regulation creates difficult living conditions. Getting on with everyday life is impossible if you don’t have hot water, a working stove or if you’ve been told to leave by 5pm. At the moment the law doesn’t offer a fair deal.

It’s fair to get the basics – safety and security when you pay your rent.

It’s what consumer protection law should provide.

In NSW at the moment it doesn’t – but it could:

NSW should enact the Boarders Bill

BLAG believes that the NSW Parliament should change this by enacting into law the Boarders Bill. This Bill would regulate landlord and boarder/lodger relationships.

The Boarders Bill protects both landlords and boarder/lodgers by clarifying the law. Landlords that already operate in a fair manner won’t be affected as this bill merely codifies minimum contract standards. People in situations were the arrangements might not be fair can use the law to protect themselves.

The Bill retains the flexibility of boarding and lodging agreements. It regulates the relationship between landlords and boarder/lodgers – for landlords that already operate in a fair manner, the law will have little or no impact. But in cases where someone has been subject to exclusion from their home without notice or subject to unsafe living conditions the Boarders Bill offers access to a quick accessible legal process. Not every dispute will end in legal proceedings - the role of the Boarders Bill is also to clarify the law so each party is better aware of their contractual rights and responsibilities – and better able to fulfil them!

When both sides know what the law is – disputes are far less likely. It means that landlords and boarder/lodgers have equal access to a system for breaches of an agreement. In extreme cases this might mean the difference between having somewhere to stay and being homeless. In this light it’s a small legislative leap that could make an enormous difference to landlords and boarder/lodgers.
The Boarders Bill:

➢ Standard terms of agreement between owners and boarders
➢ What should be done when there is disagreement
➢ How bonds could be recovered
➢ A process for asking for repairs and maintenance
➢ A legal process for eviction
➢ A process for getting back possession of goods
➢ Clarify the uses for which the premises can be utilised
➢ Clarify issues such as responsibility for damage at the premises
➢ Clarify the role and scope of house rules

The right to adequate, secure housing is a basic human right.

It’s a fair and balanced approach for boarder/lodgers and landlords!
Boarders & Lodgers Action Group

BLAG - Supports the rights of boarders and lodgers and the human right to housing.

What happens now?

In NSW you can be made homeless without legal justification!

In NSW no legislative rights for boarder/lodgers can mean that the economic power of landlords results in unfair practices - sometimes people are just too scared to ask for the basics! A lack of clear legal rights and responsibilities means that many people feel that they cannot object to unsafe conditions, large rent increases or breaches of their privacy. Even raising basic health concerns such as fire safety or sanitary conditions in a boarding house can place people at risk of eviction.

Many people excluded by the tenancy market live in housing legally classified as boarder/odger. It offers housing with less start up costs then tenancies. But currently in NSW living in this type of housing can be a risk. It relies on your landlord doing the right thing and protecting your interests-sometimes this works, but when it doesn't it can be disastrous.

When money is tight, getting evicted with little or no notice can turn your life upside down. The law is about providing people with safeguards, for the boarder/odgers who have landlords that act unfairly there should be some opportunity to obtain legal redress.

It’s just not fair that in NSW you aren’t protected if you happen to live as a boarder/odger!

Providing legislation in NSW would:

➢ make the accommodation people currently live in more secure
➢ it can assist people to access security deposits – to use toward new accommodation
➢ provide both landlords and boarder/odgers with a process to enforce the terms of the contract

What happens now?
Boarders & Lodgers Action Group

security safety fairness security safety fairness security safety fairness security safety fairness

BLAG - Supports the rights of boarders and lodgers and the human right to housing.

Why the NSW Parliament needs to take action NOW:

Housing insecurity affects everyone. In an affluent state this basic legal reform would provide some legal redress before a person is made homeless. It could minimise the rates of eviction based on trivial grounds. It would provide greater stability for people in boarding/lodging accommodation and would allow people to participate in the community with some stability.

Finding a job, enrolling your children in the local school or accessing medical services all requires some certainty and stability in housing, even having a mailing address can be difficult for boarder/lodgers! Presently many people who board/loge live week to week, often in anticipation of something happening to their home.

In NSW we need this legislative action urgently. Rising rents, a public housing waiting list near of 90,000 people and unaccountable listing of tenants on bad tenant databases make boarding/lodging sometimes the only option. For some people it’s the preferred option. What we want is that it's a legally regulated option.

What will the effect of the legislation be?

We want to keep the flexible nature of this housing option with minimum legal protections for all. Basic principles guide the need for legislation.

➢ Boarder/Lodgers want to receive adequate notice before eviction.
➢ Boarder/Lodgers want to be able to protect their possessions from sale or destruction.
➢ Boarder/Lodgers want clean and safe conditions in their home.
➢ Boarder/Lodgers want to have access to a legal process when there is a dispute.

FOR LANDLORDS THAT OPERATE FAIRLY
THE LAW SIMPLY OFFERS CLARIFICATION.

BUT FOR BOARDER/LODGERS
IT OFFERS MINIMUM STANDARDS AND FAIR PRACTICES
FOR ALL.
Get on board NSW enact the *Boarders Bill*!

The Premier State is lagging behind on this issue.

Presently a Bill before the Tasmanian parliament proposes to legislate in this area.

Victoria, Queensland and South Australia already protect the rights of boarder/lodgers.

It’s time for NSW to do the same!

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Checklist to Fairness in NSW:

What can you do to help?

➢ Convince a politician  ❑
➢ Go see your local MP to seek their support  ❑
➢ Enlist the help of your local MP when you are being evicted  ❑
➢ Send a letter to the Minister for the Office Of Fair Trading asking for law reform  ❑
➢ Raise it at your local council meeting  ❑
➢ If you are a member of a political party – speak to your local branch  ❑
➢ Talk to your friends - most people don’t know about this legal trap!  ❑
➢ Write to your local newspapers about your experiences or the experiences of the service you work in  ❑
➢ Contact the BLAG and join our campaign  ❑
➢ Ask for a copy of our Boarders Bill  ❑

WE CAN INFLUENCE THE LAWS OF NSW!
YOU CAN DO SOMETHING ABOUT IT –

JOIN THE CAMPAIGN FOR

FAIRNESS FOR ALL IN NSW!

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Ph 02 9247 3813  Fx 02 9252 1648
Dear Minister,

Support for Legislative Protection for the Rights of Boarder/Lodgers

I write to you in your capacity as Minister for the Office of Fair Trading to request your support for the legislative protection of the rights of people who live in boarding/lodging accommodation.

In NSW unfair practices in boarding/lodging arrangements can flourish due to the present lack of legal protection. I believe this is a serious consumer protection matter which affects the right to housing.

Currently in NSW people living in this type of accommodation may be subject to arbitrary eviction, withholding of money and goods and unsafe living conditions. This impacts on homelessness rates increases demand on crisis accommodation, on Department of Housing emergency assistance, on charity and community organisations. A lack of legal regulation results in confusion over rights and responsibilities for both landlords and boarder/lodgers.

I support the enactment of the Boarders Bill into NSW legislation. NSW lags behind states such as Queensland Victoria and South Australia in this area of legislative reform.

The Boarders Bill would provide useful clarification of the law and ensure boarder/lodgers and landlords fulfil their legal obligations. The Bill aims to balance the rights of both sides. Landlords that already operate in a fair and even handed manner won’t be disadvantaged by the enactment of minimum standards.

We strongly urge you as a Minister for the Office of Fair Trading to lend your support to the introduction of the Bill into the NSW legislature.

Yours Sincerely,