



# HUME CITY COUNCIL BOARDING HOUSES AND ROOMING HOUSES

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## **BOARDING HOUSES AND ROOMING HOUSES**

The establishment and ongoing management of Boarding and Rooming houses is covered by the following legislation:

- *Public Health and Wellbeing Act 2008*
- *Public Health and Wellbeing Regulations 2009*
- *Building Regulations 2018*
- *Building Act 1993*
- *National Construction Code (Building Code of Australia)*
- *Planning and Environment Act, and*
- *Residential Tenancies Act 1997.*

Boarding Houses, also known as Rooming Houses, are defined as prescribed accommodation in the *Public Health and Wellbeing Act 2008*.

The *Building Code of Australia (BCA)*, which forms part of the Building Regulations 2018 in Victoria, classifies a Boarding House as being one, or other, of two classifications under the BCA:

### **CLASS 1B – A BOARDING HOUSE**

- Total floor area not exceeding 300sqm when measured over the enclosing walls of the building
- No more than 12 persons would ordinarily be resident
- Cannot be located above or below another dwelling or another class of building other than a private garage.

*NOTE: If the use is not within the above parameters, then the building may be classified as Class 3 and must meet all the requirements for that classification.*

## CLASS 3 – A RESIDENTIAL BUILDING

- Any other building other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including a boarding house, guest house, hostel, lodging house or backpackers accommodation

The Building Regulations have a number of different regulatory requirements for Boarding and Rooming Houses that are separate and additional to those that apply to a normal domestic Class 1a Dwelling. You will need to obtain a Building Permit for any building work required to convert an existing building to either a Class 1b or Class 3 building.

To allow for the lawful occupation and use of the building as a Boarding or Rooming House, the building must have an Occupancy Permit applicable to the use of the building.

Under the *Residential Tenancies Act 1997*, a Rooming House is a building where:

- one or more rooms is available for rent, and
- the total number of people who may occupy those rooms is four or more.

## RESIDENTIAL TENANCIES ACT REQUIREMENTS

Also, in most rooming houses:

- residents share bathrooms, kitchens, laundries and other common areas
- the owner and their family generally do not live on the premises
- separate rental agreements may exist for residents.

## REQUIREMENTS FOR ROOMING HOUSES

Starting a Boarding or Rooming house, or converting an existing building to a Boarding or Rooming house, will involve engagement with multiple services within Council.

Before you can start a Boarding or Rooming house, you need to meet legal requirements associated with Council's Planning, Building Control and Environmental Health areas. This may include obtaining a Planning Permit, Building Permit, Occupancy Permit and registering the building as prescribed accommodation.

The process generally starts with Planning, followed by Building Control and concluding with Environmental Health.

For more information about the requirements for Rooming Houses and proprietors:

### Consumer Affairs Victoria

[Rooming house - minimum standards - Consumer Affairs Victoria](#)

### Registered Accommodation Association

[The Registered Accommodation Association of Victoria Ltd \(raav.org.au\)](#)

### Tenants Victoria

[Home - Tenants Victoria](#)



## PLANNING REQUIREMENTS

Land use and development is controlled and regulated under the various provisions of the Hume Planning Scheme

A rooming house is a land use that is defined as 'accommodation' under the definitions contained in the Hume Planning Scheme. A rooming house is a land use that does not meet the requirements specified for 'shared housing'.

## BUILDING CONTROL REQUIREMENTS

The Building Regulations 2018 has a number of regulatory requirements for Boarding and Rooming Houses additional to those that apply to normal domestic Class 1a Dwellings.

For new buildings, the building must be designed and constructed to the prescribed requirements of the Building Regulations 2018 for the proposed use (Class 1B or Class 3).

For existing buildings, you will need to obtain a Building Permit for any building work required to change the use of the building (including domestic sheds, garages and commercial or industrial buildings) to either a Class 1B or Class 3 building. See Council's ***"Changing the use of a building"*** fact sheet for further specific information and permit requirements when changing the use of a building.

Features normally required in a Boarding or Rooming House, whether a new construction or a change of use, depending upon the size and classification of the building, include (among other things):

- lighting to assist evacuation
- smoke detection and alarm system
- access and parking for people with disabilities

To allow for the lawful occupation and use of the building as a Boarding or Rooming House, the building must have an occupancy permit applicable to the use of the building.

## BCA requirements for smoke alarms in Class 1B buildings

Smoke alarms must be installed in Class 1B buildings and

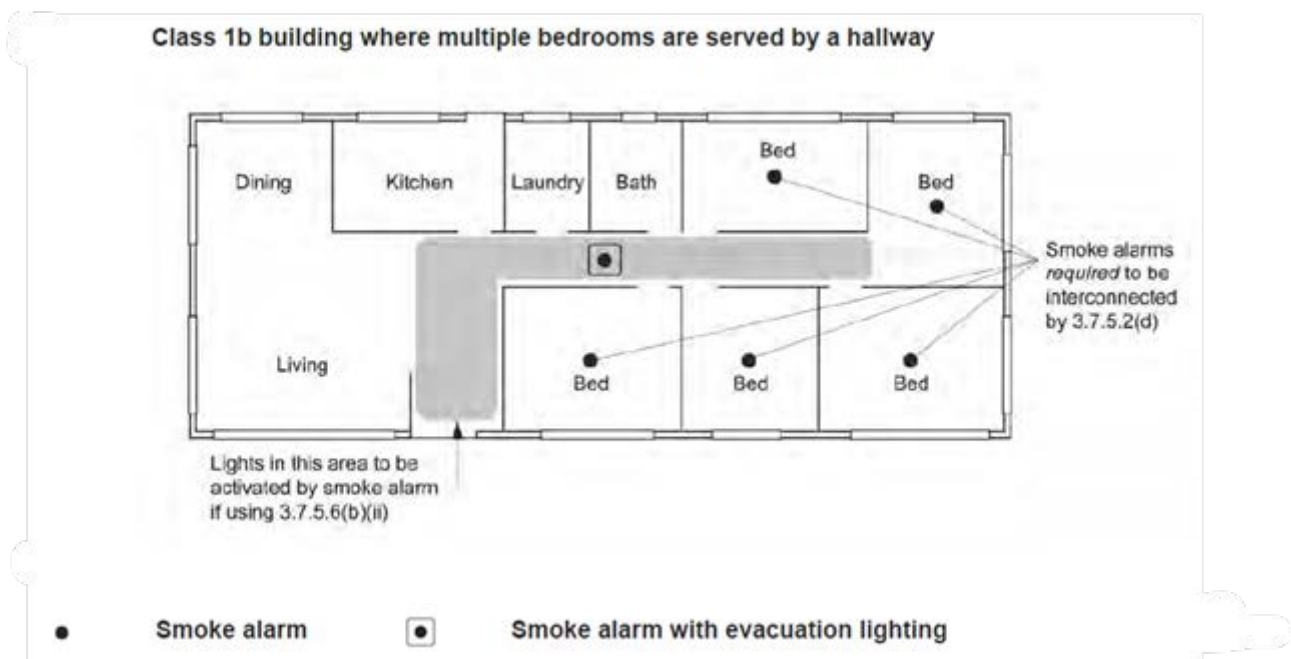
- must comply with Australian Standard (AS) 3786
- must be connected to the consumer mains power where consumer power is supplied to the building
- be interconnected where there is more than one alarm

## BCA requirements for smoke alarm locations in Class 1B buildings

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

## BCA requirements for lighting to assist evacuation in Class 1B buildings

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.



## Accessibility Considerations for a Class 1b Building

Requirements for access for people with a disability are to comply with AS 1428.1. The following are the typical access provisions required for a Class 1b building:

- continuous accessible paths from the main pedestrian entries into the site
- an accessible car parking space (where on-site parking is provided)
- a continuous accessible path from the car park to the entrance
- an accessible entrance into the building via the principal entrance doorway
- access to and within at least one bedroom and associated accessible bathroom facilities
- access to at least one of each type of common room/facility (e.g. kitchen, laundry, lounge, dining room, gym, swimming pool, patio area, games room, etc.)

## Additional requirements for Class 3 buildings

The requirements for Class 3 buildings come from the Building Code of Australia Volume One, which contains multiple additional requirements, including:

- enhanced fire-resistance of the structure
- prescribed distances of travel to exits
- access for persons with disabilities
- smoke alarm or smoke detection systems
- acoustic separation requirements for bedrooms.

It is recommended that advice is sought from Council's Building Control department or from a private building surveyor in respect of Class 3 buildings.

## ENVIRONMENTAL HEALTH REQUIREMENTS

Under the *Public Health and Wellbeing Act 2008*, an operator must register a rooming house with the Council if they want to rent out rooms to four or more people.

Rooming houses must also comply with the *Public Health and Wellbeing Regulations 2009*, including having:

- at least one toilet for every 10 people in the building
- at least one fixed bath or shower and washbasin for every 10 people in the building
- continuous and adequate supply of hot and cold water to all bathing, laundry and kitchen facilities
- rooms and communal areas in clean condition and well maintained, and
- minimum room sizes.

Rooms must be well maintained, structurally sound, contain lighting, be ventilated and have floor coverings that are free of major rips and raised edges and are appropriately fixed.

Consumer Affairs also have set minimum standards for rooming houses which must be met. These can be found at:

[Running your business - rooming house operators - Consumer Affairs Victoria](#)

To be registered, the building must comply with the health regulations, as well as building and planning requirements, including obtaining the appropriate Occupancy Permit.

Once registered, Councils will inspect the property annually to ensure standards are maintained.

**For further information, contact a private building surveyor or Council's Building Control Services department on 03 9205 2200 or [contactus@hume.vic.gov.au](mailto:contactus@hume.vic.gov.au)**

**[www.hume.vic.gov.au](http://www.hume.vic.gov.au)**

