Fact sheet

Rooming accommodation coverage

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) lists the rules for renting a place to live in Queensland. It gives specific rules for residents and providers/agents involved in renting rooming accommodation, such as boarding houses, supported accommodation and off-campus student accommodation.

Under the Act, a Rooming accommodation agreement (Form R18) must be signed and completed to allow a resident to use the room/s as their home. The law says agreements must be in writing. For more information, refer to the RTA's Rooming accommodation agreements fact sheet.

Types of rooming accommodation covered by the Act

Under the Act, a Rooming accommodation agreement (Form R18) must be signed and completed by the provider and resident in all rooming accommodation facilities, including the following five types of rooming accommodation**:**

1. **Student accommodation**
   Only off-campus student accommodation is covered by the Act. On-campus rooming accommodation is exempt from the Act and providers do not have to prepare and complete a rooming accommodation agreement.

   However, if a rental bond is paid for on-campus rooming accommodation, the Act's provisions about rental bonds still apply and all bond monies must be lodged with the RTA within 10 days of receiving it.

2. **Boarding houses and supported accommodation**
   These types of rooming accommodation may also be considered residential services and may be covered by the *Residential Services (Accreditation) Act 2002* administered by Regulatory Services – Department of Housing, Local Government, Planning and Public Works. All residential services must be registered and accredited with the Department to lawfully operate in Queensland. The three levels of accreditation are:

   - Level 1 – provide accommodation only
   - Level 2 – provide accommodation and a food service
   - Level 3 – provide accommodation, a food service and personal care

   For further advice on registering and operating a residential service in Queensland, refer to Business Queensland.

   Boarding houses and supported accommodation facilities are covered by the *Residential Tenancies and Rooming Accommodation Act 2008* regardless of whether they are registered or accredited under the *Residential Services (Accreditation) Act 2002.* This means all boarding house and supported accommodation service providers (excluding those provided under the Supported Accommodation Assistance Program) must enter into a rooming accommodation agreement with a resident renting a room on their premises.

3. **Room only accommodation provided by an employer**

4. **Room only accommodation provided by licenced premises**
   This includes hotel accommodation that is provided to long term residents

5. **Room only accommodation in a premises where there are four or more rooms rented out and the provider lives on the premises**

What types of rooming accommodation are not covered under the Act?

If the provider/agent lives on the premises and there are not more than three rooms available for occupation (or occupied) by residents, then the Act does not apply.

The following types of rooming accommodation are also not covered by the Act:

- aged care accommodation supplied by an approved provider under the *Aged Care Act 1997* (Commonwealth)
- accommodation provided at an authorised mental health service under the *Mental Health Act 2000*
- accommodation provided in a private hospital under a licence in force under the *Private Health Facilities Act 1999*
- accommodation provided to holiday makers or travellers e.g. backpacker hostel
- accommodation provided under the Supported Accommodation Assistance Program (SAAP)
- accommodation provided under funding given by, or in premises owned by, Aboriginal Hostels Limited ACN 008 504 587
- accommodation for a person at a retirement village under a residence contract under the *Retirement Villages Act 1999*, or section 70B of the *Retirement Villages Act 1999*
- accommodation for school students provided as part of (or under agreement with) a school, or arranged by a school for students of another school, or provided with financial assistance from the education department e.g. boarding school or home stay, or
- accommodation for students within the external boundaries of a university's campus provided by the university, or by a not-for-profit organisation e.g. college*

* Although exempt from the Act, if a rental bond is paid for on-campus rooming accommodation, the provisions about rental bonds apply and all bond monies must be lodged with the RTA. See the Rental bonds for rooming accommodation fact sheet for more information.

What rules apply to rooming accommodation?

The rules applying to rooming accommodation such as boarding houses, hostels and off-campus student accommodation are specified in the Act. The Act states what terms apply to a resident's stay and these must be included in the *Rooming accommodation agreement*.

Under the Act, a provider/agent can decide whether they want the rooming accommodation rules to apply or whether they would prefer to opt in to the rules that apply to tenants and lessors/agents in general tenancies such as houses, units and flats.

Providers/agents should consider whether the different rules would positively or negatively affect the running of their business. If the provider/agent and resident agree to be covered under the general tenancy rules, they should use a General tenancy agreement (Form 18a) and follow the notice periods and other rules that apply to general tenancies. Refer to the RTA's booklet Pocket guide for tenants – houses and units (Form 17a) for more information.

What if there is doubt about whether the Act applies?

In some cases it may be unclear whether or not the Act covers an agreement between a resident and a provider/agent. It may be necessary for the Queensland Civil and Administrative Tribunal to make a decision. An application to decide if an agreement is covered by the Act is considered an urgent application and can be made directly to the QCAT.

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

The RTA's forms can be obtained electronically or in person at:

- rta.qld.gov.au
- 1300 366 311
- Level 11, Midtown Centre, 150 Mary Street, Brisbane.

Interpreter

If you require an interpreter, please contact Translationz on (07) 2000 4600 during RTA business hours. Translationz will telephone the RTA for you at no cost.

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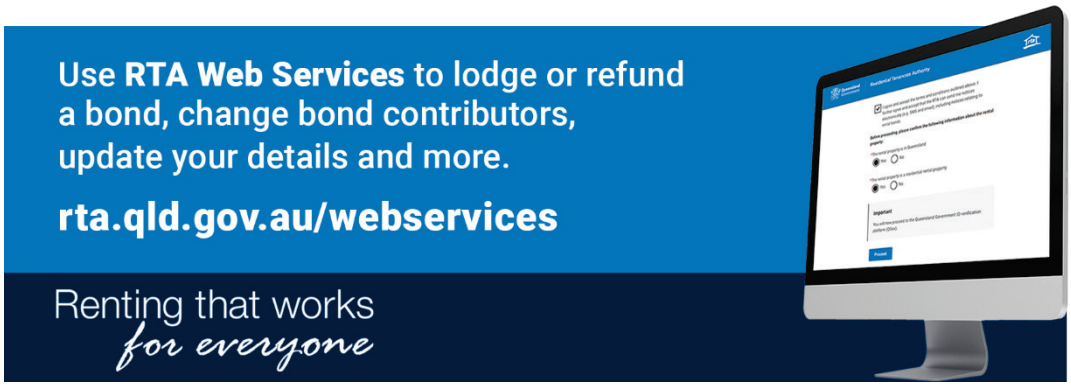

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Disclaimer
This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.