

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 provider/agents involved in renting rooming accommodation, such as boarding houses, hostels 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 in 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.

What is rooming accommodation?

Generally, rooming accommodation is where a resident rents a room as the main place they live and:

- the room is not self-contained, and
- they do not have right to occupy the entire premises in which the room is located, and
- they share facilities outside their room with other residents (e.g. bathroom, kitchen, common room).

Rooming accommodation includes where the employer provides room-only accommodation to employees, licensed premises (such as long term residents in hotels) and government-funded or run services.

In some types of rooming accommodation, residents may also be provided with a service, such as food or personal care. For the Act to apply, it is not necessary for a rooming accommodation facility to be registered or accredited as a residential service under the *Residential Services (Accreditation) Act 2002*. For more information about the Accreditation Act, contact the Accreditation Branch of the Office of Fair Trading.

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 bond* 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 has the opportunity to 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 Tribunal to make a decision. An application to decide if an agreement is covered by the Act can be made directly to the Tribunal.

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 by:

- rta.qld.gov.au
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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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.