



New South Wales

Housing Legislation Amendment Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Housing Act 2001* to provide for the New South Wales Land and Housing Corporation (the **Housing Corporation**) to enter into concurrent leases with registered community housing providers in respect of housing owned by the Housing Corporation (the housing subject to the concurrent lease will no longer be public housing and accordingly the tenants will no longer be eligible for a rental rebate under that Act but may instead be eligible for rental assistance from the Commonwealth), and
- (b) to amend the *Community Housing Providers (Adoption of National Law) Act 2012* to provide for the establishment of a local registration scheme for community housing providers that are unable to be registered under the Community Housing Providers National Law (NSW) and to permit the Housing Corporation and the FACS Secretary to give assistance to locally registered community housing providers.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Housing Act 2001 No 52

Schedule 1 [4] permits the New South Wales Land and Housing Corporation (the *Housing Corporation*) to enter into concurrent leases with registered community housing providers in respect of housing owned by the Housing Corporation. A concurrent lease is a lease of the rights and obligations of the landlord (the Housing Corporation) under a lease to another person (in this case the community housing provider). The Housing Corporation is permitted to enter a concurrent lease even if the housing is not currently leased. On entering the concurrent lease, the tenant in the housing is required to pay rent to the community housing provider rather than the Housing Corporation. The Housing Corporation is also to be permitted to transfer a tenant's housing file to the community housing provider. No consent is required from the tenant in respect of the entering into of the concurrent lease or the transfer of information. However, the Housing Corporation can only transfer personal or health information if it is satisfied that the community housing provider has procedures in place that will ensure the privacy of the information. **Schedule 1 [1]** provides that housing that is subject to a concurrent lease to a registered community housing provider is no longer public housing. **Schedule 1 [2]** defines *registered community housing provider* for the purposes of the *Housing Act 2001*. **Schedule 1 [3]** makes a consequential amendment.

Schedule 1 [5] permits regulations to be made under the *Housing Act 2001* containing savings and transitional provisions consequent on the enactment of any Act that amends that Act, including the proposed Act.

Schedule 2 Amendment of Community Housing Providers (Adoption of National Law) Act 2012 No 59

Schedule 2 [2] requires the Minister for Family and Community Services or the Minister for Social Housing to establish a *local registration scheme* (being a local system of registration, monitoring and regulation of entities that provide community housing but are unable to be registered under the Community Housing Providers National Law (NSW)). The local registration scheme is to be consistent with the national system of registration, monitoring and regulation of community housing providers under the National Law. **Schedule 2 [1]** inserts a definition of *registered community housing provider* in Part 3 of the *Community Housing Providers (Adoption of National Law) Act 2012* to include community housing providers registered under the local registration scheme. This means that those locally registered community housing providers will now be able to seek assistance from the Housing Agencies (being the New South Wales Land and Housing Corporation and the Secretary of the Department of Family and Community Services).