



New South Wales

Residential Tenancies (Residential Premises) Amendment (Exemption) Regulation 1999

under the

Residential Tenancies Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Tenancies Act 1987*.

J. W. SHAW, QC, MLC,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to exempt a residential tenancy agreement if, under the agreement, the landlord lets the premises to a tenant who is a social housing provider (defined in clause 23C (4)) and the agreement concerned is in writing and states that the exemption is to apply to the agreement.

This Regulation is made under section 133 of the *Residential Tenancies Act 1987* (the general regulation-making power), in particular, section 133 (3) (d).

1999 No 152

Clause 1 Residential Tenancies (Residential Premises) Amendment (Exemption) Regulation 1999

Residential Tenancies (Residential Premises) Amendment (Exemption) Regulation 1999

1 Name of Regulation

This Regulation is the *Residential Tenancies (Residential Premises) Amendment (Exemption) Regulation 1999*.

2 Amendment of Residential Tenancies (Residential Premises) Regulation 1995

The *Residential Tenancies (Residential Premises) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clause 23C

Insert as clause 23C:

23C Exemptions relating to head leases involving social housing providers

- (1) A residential tenancy agreement is exempted from the operation of the Act if:
 - (a) under the agreement, the landlord (the ***head landlord***) lets the premises to a tenant who is a social housing provider, and
 - (b) the agreement is in writing and the agreement states that this clause applies to the agreement.
- (2) if the tenant ceases to be a social housing provider during the currency of the term of the residential tenancy agreement, the exemption under this section does not cease to have effect until 6 months after the date the tenant ceases to be a social housing provider.
- (3) The Minister administering the *Housing Act 1985* may approve, either conditionally or unconditionally, an organisation for the purposes of paragraph (g) of the definition of ***social housing provider*** in subclause (4) but only if that Minister is satisfied that the organisation has:
 - (a) a charter to provide or manage housing for low to moderate income households or households with special housing needs, and
 - (b) the capacity to appropriately manage such housing.
- (4) In this clause:

class 1 registered organisation means an organisation for the time being registered with the Director-General of the Department of Urban Affairs and Planning as a class 1 community housing registered organisation.

class 2 registered organisation means an organisation for the time being registered with the Director-General of the Department of Urban Affairs and Planning as a class 2 community housing registered organisation.

social housing provider means any of the following:

- (a) the New South Wales Land and Housing Corporation,
 - (b) the Director-General of the Department of Urban Affairs and Planning,
 - (c) the Aboriginal Housing Office,
 - (d) a class 1 registered organisation,
 - (e) a class 2 registered organisation, but only if the head landlord is the New South Wales Land and Housing Corporation,
 - (f) a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*,
 - (g) any other organisation for the time being approved under subclause (3) by the Minister administering the *Housing Act 1985*.
- (5) In this clause, a reference to the Minister, the Director-General of the Department of Urban Affairs and Planning or the New South Wales Land and Housing Corporation includes a reference to a person acting with the approval of or in the name of the Minister, the Director-General or the Corporation respectively.