



New South Wales

# **Residential Tenancies (Residential Premises) Amendment (HomeFund) 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**

At present, the Home Purchase Assistance Authority is exempted from complying with sections 35 (Recognition of certain persons as tenants) and 43 (premium rent terms) of the *Residential Tenancies Act 1987* in respect of certain residential tenancy agreements relating to the restructuring of a HomeFund scheme under the *HomeFund Restructuring Act 1993*. The Regulation broadens that exemption so that it applies to all residential tenancy agreements between the Authority and HomeFund borrowers that were made for the purposes of, or as a consequence of, restructuring a HomeFund scheme and to certain other residential tenancy agreements between the Authority and persons who resided with and had a close association with a HomeFund borrower.

This Regulation is made under the *Residential Tenancies Act 1987*, including section 133 (the general regulation-making power).

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## **Residential Tenancies (Residential Premises) Amendment (HomeFund) Regulation 1999**

### **1 Name of Regulation**

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

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 23A Exemptions relating to the Home Purchase Assistance Authority**

Omit clause 23A (1). Insert instead:

- (1) The Home Purchase Assistance Authority is exempted from the operation of sections 35 and 43 of the Act in respect of a residential tenancy agreement for premises that had been subject to a HomeFund mortgage if:
  - (a) the tenant under the agreement was the mortgagor under the mortgage and the agreement was entered into for the purposes of or as a consequence of the restructuring of a HomeFund scheme (whether or not the restructuring was pursuant to the *HomeFund Restructuring Act 1993*), or
  - (b) the tenant under the agreement is a person who was accepted as a tenant by the Authority because it was satisfied that the person:
    - (i) resided on the premises with the person who was the mortgagor under the mortgage, and
    - (ii) was related to the mortgagor, or was a spouse, de facto spouse or dependant of the mortgagor, at the time the agreement was entered into.

**[2] Clause 23A (3)**

Insert after clause 23A (2):

- (3) In this clause, *HomeFund mortgage* has the same meaning as in the *HomeFund Restructuring Act 1993*.