



New South Wales

Housing Regulation 2009

under the

Housing Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Housing Act 2001*.

DAVID BORGER, MP
Minister for Housing

Explanatory note

The object of this Regulation is to prescribe a regulatory code that registered community housing providers must comply with in relation to their operations and the provision of community housing. The Regulation also prescribes what is meant by certain terms relating to income levels for the purposes of the *Housing Act 2001*.

This Regulation is made under the *Housing Act 2001*, including section 75 (the general regulation-making power) and Part 9A (as inserted by the *Housing Amendment (Community Housing Providers) Act 2007*).

2009 No 148

Housing Regulation 2009

Contents

| | Page |
|--|------|
| 1 Name of Regulation | 3 |
| 2 Commencement | 3 |
| 3 Definition | 3 |
| 4 Income levels | 3 |
| 5 Regulatory code | 4 |
| Schedule 1 Regulatory code for community housing providers | 5 |

Housing Regulation 2009

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Housing Act 2001

1 Name of Regulation

This Regulation is the *Housing Regulation 2009*.

2 Commencement

This Regulation commences on 1 May 2009 and is required to be published on the NSW legislation website.

3 Definition

In this Regulation:

the Act means the *Housing Act 2001*.

4 Income levels

- (1) For the purposes of the Act, a person is on a **very low income** if the person is a member of a household that has a household income of less than 50% of the relevant median household income.
- (2) For the purposes of the Act, a person is on a **low income** if the person is a member of a household that has a household income of 50% or more, but less than 80%, of the relevant median household income.
- (3) For the purposes of the Act, a person is on a **moderate income** if the person is a member of a household that has a household income of 80% or more, but less than 120%, of the relevant median household income.
- (4) In this clause, **relevant median household income** means:
 - (a) in relation to a person who is a member of a household located in the area determined by the Australian Bureau of Statistics to be the Sydney Statistical Division—the median household income for that Division as reported by the Australian Bureau of Statistics, and
 - (b) in relation to a person who is a member of a household located in the area determined by the Australian Bureau of Statistics to be the Balance of New South Wales Major Statistical Region—the

2009 No 148

Clause 5 Housing Regulation 2009

median household income for the whole of New South Wales as reported by the Australian Bureau of Statistics.

5 Regulatory code

The code set out in Schedule 1 is prescribed as the regulatory code that registered community housing providers must comply with in relation to their operations and the provision of community housing.

Schedule 1 Regulatory code for community housing providers

(Clause 5)

Part 1 Preliminary

1 Classes of registration as a community housing provider

In this Schedule:

class 1 registered community housing provider means a community housing provider that is registered under Part 9A of the Act as a growth provider.

class 2 registered community housing provider means a community housing provider that is registered under Part 9A of the Act as a housing provider.

class 3 registered community housing provider means a community housing provider that is registered under Part 9A of the Act as a housing manager.

class 4 registered community housing provider means a community housing provider that is registered under Part 9A of the Act as a small housing manager.

Part 2 Fairness and resident satisfaction

2 Object

The object of this Part is to ensure that residents and applicants are treated fairly by community housing providers.

3 Fair and transparent processes

A registered community housing provider must ensure that it uses fair and transparent processes to determine eligibility for community housing, the allocation of community housing properties, rent and tenure and in terminating leases.

4 Resident satisfaction with overall quality

A registered community housing provider must ensure that it maintains a level of resident satisfaction with the overall quality of its services that is, in the opinion of the Registrar, satisfactory.

2009 No 148

Housing Regulation 2009

Schedule 1 Regulatory code for community housing providers

Part 3 Sustainable tenancies and communities

5 Object

The object of this Part is to ensure that community housing services contribute to sustainable tenancies and communities.

6 Support arrangements for residents

A registered community housing provider must develop and maintain arrangements that are adequate, in the opinion of the Registrar, to ensure residents with support needs receive appropriate support and, if relevant, are able to maintain their tenancies.

7 Community involvement

A registered community housing provider must contribute to initiatives that promote the benefits of community housing and support the local community in areas where the community housing provider has a significant presence.

Part 4 Asset management

8 Object

The object of this Part is to ensure that community housing providers engage in strategic asset management to meet residents' housing needs and preferences at present and in the future.

9 Planning: class 1, 2 or 3

A class 1, 2 or 3 registered community housing provider must undertake asset management planning, that is satisfactory in the opinion of the Registrar, to ensure suitable properties are available at the present time and in the future.

10 Maintenance

A registered community housing provider must ensure that its community housing properties are well maintained.

11 Resident satisfaction with condition and maintenance of property: class 1 or 2

A class 1 or 2 registered community housing provider must ensure that it maintains a level of resident satisfaction with the condition and maintenance of the property that is, in the opinion of the Registrar, satisfactory.

Part 5 Sound governance

12 Object

The object of this Part is to ensure that community housing providers have sound governance that supports confidence in the community housing industry.

13 Expertise of governing body

A registered community housing provider must have a governing body that, in the opinion of the Registrar, is effective and has a range of expertise that is sufficient for the scale and scope of the community housing provided.

14 Decision-making: class 1, 2 or 3

A class 1, 2 or 3 registered community housing provider must ensure that its operations are subject to such arrangements, controls and decision-making processes as are satisfactory in the opinion of the Registrar.

15 Compliance with legal and other requirements

A registered community housing provider must comply with such legal and regulatory requirements, professional standards and guidelines as are, in the opinion of the Registrar, relevant to its operations.

16 Planning: class 1, 2 or 3

A class 1, 2 or 3 registered community housing provider must undertake planning that, in the opinion of the Registrar, adequately identifies the priorities and resources necessary to sustain the long-term delivery of community housing.

Part 6 Standards of probity

17 Object

The object of this Part is to ensure that community housing providers maintain high standards of probity.

18 Fraud and corruption

A registered community housing provider must:

- (a) have systems in place that are designed to prevent, monitor, report on, and respond to, instances of fraud, corruption and criminal conduct of a similar kind, and

2009 No 148

Housing Regulation 2009

Schedule 1 Regulatory code for community housing providers

- (b) ensure that there are no serious or repeated instances of fraud, corruption or criminal conduct of a similar kind in connection with its operations.

19 Code of conduct

A registered community housing provider must have a code of conduct designed to ensure it maintains high standards of probity. The provider must ensure that there are no serious or repeated breaches of the code.

20 Reputation of community housing sector

A registered community housing provider must notify the Registrar, in a timely manner, of any incident relating to its operations that damages, or may damage, the reputation of the community housing sector.

Part 7 Protection of government investment

21 Object

The object of this Part is to ensure the protection of government investment in community housing.

22 Financial performance

A registered community housing provider must be solvent and:

- (a) in the case of a class 1 or 2 registered community housing provider—must have an appropriate capital structure and be financially viable for the foreseeable future, and
- (b) in the case of a class 3 or 4 registered community housing provider—must be financially viable for the immediate future.

23 Business planning: class 1 or 2

A class 1 or 2 registered community housing provider must undertake coherent and robust business planning that takes into consideration asset management information, loan agreements and any other relevant financial information.

24 Risk management planning: class 1 or 2

A class 1 or 2 registered community housing provider must undertake risk management planning that includes implementing controls for minimising the risk of government investment losses.

Part 8 Efficient and competitive delivery of community housing

25 Object

The object of this Part is to ensure that community housing providers deliver community housing services with government assistance in an efficient and competitive manner.

26 Efficiency

A registered community housing provider must efficiently utilise its community housing properties and any funding it receives.

27 Competitive management costs: class 1, 2 or 3

A class 1, 2 or 3 registered community housing provider must demonstrate that the costs of the management of its community housing properties are, in the opinion of the Registrar, competitive.

Part 9 Development projects

28 Objects

The objects of this Part are:

- (a) to ensure timely and on budget completion of community housing developments, and
- (b) to ensure community housing projects deliver appropriate and affordable housing.

29 Planning and costs: class 1 or 2

A class 1 or 2 registered community housing provider must undertake community housing development project planning that is appropriate to the scale of projects undertaken and that demonstrates that projects will meet relevant statutory requirements and policy guidelines.

30 Financial leverage: class 1

A class 1 registered community housing provider must leverage its assets at a rate that, in the opinion of the Registrar, delivers sustainable and optimal growth.