



New South Wales

Residential Tenancies Amendment (Exemption) Regulation 2019

under the

Residential Tenancies Act 2010

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Tenancies Act 2010*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to exempt from the operation of the *Residential Tenancies Act 2010* residential tenancy agreements over certain premises that are used for disability accommodation.

This Regulation is made under the *Residential Tenancies Act 2010*, including sections 12 (Exemptions from operation of Act) and 224 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Residential Tenancies Amendment (Exemption) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Residential Tenancies Regulation 2010**

Clause 14A

Insert after clause 14:

14A **Disability accommodation**

- (1) A residential tenancy agreement is exempted from the operation of the Act if:
 - (a) the premises to which the agreement relates are not used or intended to be used as a residence by the tenant under the agreement, and
 - (b) the tenant under the agreement allows or is intending to allow a person with a disability (other than a family member of the tenant) to use the premises as disability accommodation under an agreement or other arrangement with the person (the ***disability accommodation arrangement***), and
 - (c) for residential tenancy agreements entered into on or after the day this clause commences—the agreement is in writing and states that this clause is intended to apply in respect of the premises.

(2) To avoid doubt, this clause does not operate to exempt the disability accommodation arrangement from the operation of the Act or any other Act or law otherwise applicable to it.

(3) This clause extends to residential tenancy agreements entered into before the commencement of this clause.

(4) In this clause:

disability has the same meaning as in the *Disability Inclusion Act 2014*.

disability accommodation means accommodation that is designed for a person with a disability who is receiving disability assistance, and includes (but is not limited to) specialist disability accommodation within the meaning of the *National Disability Insurance Scheme (Specialist Disability Accommodation Conditions) Rule 2018* of the Commonwealth.

disability assistance means any one or more of the following forms of assistance provided to a person with a disability by another person or body (whether permanently or not):

- (a) assistance to help the person undertake his or her day-to-day activities,
- (b) assistance to increase the person's independence,
- (c) assistance to facilitate the person's social and economic inclusion in the community.