



New South Wales

Community Housing Providers (Adoption of National Law) Amendment Bill 2025

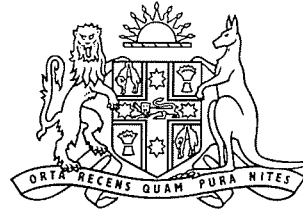
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2025

Clerk of the Parliaments



New South Wales

Community Housing Providers (Adoption of National Law) Amendment Bill 2025

Act No , 2025

An Act to amend the *Community Housing Providers (Adoption of National Law) Act 2012* to provide for the registration and management of affordable housing; and for related purposes.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Community Housing Providers (Adoption of National Law) Amendment Act 2025*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 **Amendment of Community Housing Providers (Adoption of National Law) Act 2012 No 59**

[1] **Section 4 Definitions**

Omit section 4(2). Insert instead—

- (2) In the local application provisions of this Act—

Aboriginal Housing Office means the Aboriginal Housing Office constituted by the *Aboriginal Housing Act 1998*.

affordable housing, for Part 3A—see section 27A.

affordable housing guidelines, for Part 3A—see section 27B.

affordable housing manager, for Part 3A—see section 27A.

affordable housing restriction, for Part 3A—see section 27F(c).

assets, for Part 3—see section 13(1).

certifier, for Part 3A—see section 27A.

community housing agreement, for Part 3—see section 13(1).

community housing provider means an entity that provides community housing.

Community Housing Providers National Law (NSW) means the provisions that apply in this jurisdiction under section 5.

consent authority, for Part 3A—see section 27A.

development approval, for Part 3A—see section 27A.

development approver, for Part 3A—see section 27A.

development consent, for Part 3A—see section 27A.

dwelling, for Part 3A—see section 27A.

Housing Agency means the following—

- (a) the Aboriginal Housing Office,
- (b) the Housing Corporation,
- (c) the Housing Secretary,
- (d) the head of a government sector agency, within the meaning of the *Government Sector Employment Act 2013*, prescribed by the regulations for the relevant provision in which the reference to a Housing Agency occurs.

Housing Corporation means the New South Wales Land and Housing Corporation constituted by the *Housing Act 2001*.

Housing Secretary means the Secretary of the department in which this Act is administered.

instrument, for Part 3—see section 13(1).

land, for Part 3—see section 13(1).

land title identification information, for Part 3A—see section 27A.

liabilities, for Part 3—see section 13(1).

local Registrar means the Registrar for this jurisdiction.

new owner, for Part 3—see section 13(1).

notifiable development, for Part 3A—see section 27A.

occupation certificate, for Part 3A—see section 27A.

officer, for Part 3—see section 13(1).

register of affordable housing, for Part 3A—see section 27C(1).

registered community housing provider means a registered community housing provider within the meaning of the *Community Housing Providers National Law (NSW)* and includes an entity registered under the local registration scheme established under this Act, section 25A.

registered owner, for Part 3A—see section 27A.

registrable dwelling, for Part 3A—see section 27A.

responsible housing manager, for Part 3A—see section 27A.

rights, for Part 3—see section 13(1).

vesting date, for Part 3—see section 13(1).

[2] Section 6A

Insert after section 6—

6A Community housing assets

For the *Community Housing Providers National Law (NSW)*, section 4(1), definition of **community housing asset**, paragraph (e), assistance given to a community housing provider by the Commonwealth through one or more Housing Australia programs is declared to be a community housing asset of the provider.

[3] Section 8

Omit the section. Insert instead—

8 Housing Agencies

- (1) Each of the following is declared to be a Housing Agency for the relevant provisions of the *Community Housing Providers National Law (NSW)*—
 - (a) the Aboriginal Housing Office,
 - (b) the Housing Corporation,
 - (c) the Housing Secretary.
- (2) In this section—

relevant provisions means the following—

 - (a) section 4, definition of **community housing asset**,
 - (b) section 10(1)(h),
 - (c) section 15(2)(c),
 - (d) section 20(4).

[4] Section 13 Definitions

Omit section 13(1), definition of **registered community housing provider**.

[5] Section 16 Community housing agreements

Omit section 16(4). Insert instead—

- (4) A Housing Agency must give the Registrar written notice of the following—
 - (a) a material contravention by a registered community housing provider of a community housing agreement entered into with the Housing Agency,
 - (b) the Housing Agency ceasing to fund a registered community housing provider,

- (c) a proposed community housing agreement that would be likely to impose a significant burden on a registered community housing provider,
 - (d) another matter relevant to the performance of the registered community housing provider under the National Regulatory Code set out in the *Community Housing Providers National Law (NSW)*, Schedule 1.
- (5) The regulations may make provision for—
- (a) community housing agreements, including prescribing terms and conditions taken to be part of an agreement, including an existing agreement, and
 - (b) the determination of what constitutes a significant burden for subsection (4)(c).

[6] **Section 25A Local registration scheme**

Omit “Registrar for this jurisdiction” from section 25A(3). Insert instead “local Registrar”.

[7] **Part 3A**

Insert after Part 3—

Part 3A Additional New South Wales provisions relating to affordable housing

Division 1 Interpretation

27A Definitions

In this part—

affordable housing has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

affordable housing guidelines—see section 27B(1).

affordable housing manager means an individual or entity registered under section 27I.

affordable housing restriction—see section 27F(c).

certifier has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

consent authority has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

development approval means—

- (a) development consent, or
- (b) the issue of a complying development certificate.

development approver, for notifiable development, means—

- (a) the consent authority for the development, or
- (b) the certifier or council that issued a complying development certificate for the development.

development consent has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

dwelling has the same meaning as in the *Environmental Planning and Assessment Act 1979*, Division 3.1.

land title identification information means—

- (a) lot number, and
- (b) the number of the relevant—
 - (i) deposited plan, or
 - (ii) strata plan.

notifiable development means development that includes one or more registrable dwellings.

occupation certificate has the same meaning as in the *Environmental Planning and Assessment Act 1979*, Division 6.2.

register of affordable housing—see section 27C(1).

registered owner, of a registrable dwelling, means the person recorded in the Register under the *Real Property Act 1900*.

registrable dwelling means a dwelling required, as a condition of development approval, to be managed as affordable housing.

responsible housing manager means the following—

- (a) an affordable housing manager,
- (b) a registered community housing provider.

27B Affordable housing guidelines

- (1) The Minister may make guidelines for this part (the **affordable housing guidelines**).
- (2) The affordable housing guidelines must be published on the website of the local Registrar.

Division 2 Register of affordable housing

27C Register of affordable housing

- (1) The local Registrar must keep a register of registrable dwellings (the **register of affordable housing**).
- (2) The register of affordable housing must include the following for each registrable dwelling—
 - (a) street address,
 - (b) land title identification information,
 - (c) the name and contact details of the registered owner of the dwelling,
 - (d) the name and contact details of the responsible housing manager for the dwelling,
 - (e) the number of bedrooms in the dwelling,
 - (f) other information prescribed by the regulations.
- (3) The register of affordable housing must be kept in the way determined by the local Registrar.

27D Disclosure of information on register of affordable housing

- (1) The local Registrar may make information on the register of affordable housing available to the following—
 - (a) a Housing Agency,
 - (b) the person employed under the *Government Sector Employment Act 2013* as the NSW Rental Commissioner,
 - (c) persons or other entities prescribed by the regulations.

- (2) The local Registrar may make information from the register of affordable housing publicly available in the way the local Registrar considers appropriate.
- (3) Despite subsection (2), the local Registrar must not make the following information publicly available—
 - (a) the street address of a registrable dwelling,
 - (b) the land title information of a registrable dwelling,
 - (c) personal information about—
 - (i) a tenant or occupant of a registrable dwelling, or
 - (ii) the registered owner of a registrable dwelling.
- (4) In this section—
personal information has the same meaning as in the *Privacy and Personal Information Protection Act 1998*.

27E Obligations of development approvers

- (1) A development approver must give the local Registrar the following for each notifiable development for which the approver gives development approval—
 - (a) notice of the approval,
 - (b) the following information about the registrable dwellings—
 - (i) street address,
 - (ii) land title identification information for each registrable dwelling,
 - (iii) the total number of registrable dwellings,
 - (iv) the number of bedrooms in each registrable dwelling,
 - (v) the name and contact details of the person granted development consent,
 - (vi) the conditions of the approval,
 - (vii) other information prescribed by the regulations.
- (2) Information under this section must be—
 - (a) given to the local Registrar—
 - (i) in the way determined by the local Registrar, and
 - (ii) as soon as practicable after development approval is given, and
 - (b) confirmed or updated by the development approver before an occupation certificate is issued for the development, whether the occupation certificate is issued by the development approver or a certifier.

27F Preconditions for issue of occupation certificate

A development approver or a certifier must not issue an occupation certificate for a notifiable development unless satisfied of the following—

- (a) the registrable dwellings in the notifiable development have been entered on the register of affordable housing,
- (b) a responsible housing manager has been appointed to manage the dwellings,
- (c) a restriction (an ***affordable housing restriction***) is recorded against the title of the property relating to the development in the Register kept under the *Real Property Act 1900* that will ensure the registrable

dwelling will, in accordance with the conditions of development approval, be—

- (i) used for affordable housing, and
- (ii) managed by a responsible housing manager.

27G Accuracy of register

- (1) The local Registrar must review the affordable housing register annually to ensure the information in the register is accurate.
- (2) The local Registrar may, if satisfied that information in the register may not be accurate, by written notice require one or more of the following to update or verify the information—
 - (a) the development approver that gave the information,
 - (b) the development approver or certifier that issued the occupation certificate for the development,
 - (c) the responsible housing manager appointed to manage the dwellings,
 - (d) a Housing Agency,
 - (e) an entity or class of entity prescribed by the regulations.
- (3) A person or entity given notice under this section must not, without reasonable excuse, fail to comply with the notice.
- (4) For subsection (2), a person or entity must not be required to update or verify the same information more than once per year.

Division 3 Register of affordable housing managers

27H Register of affordable housing managers

- (1) The local Registrar must keep a register of affordable housing managers.
- (2) The register must be—
 - (a) kept in the way determined by the local Registrar, and
 - (b) made publicly available on the local Registrar's website.

27I Registration as affordable housing manager

- (1) The local Registrar may, on application by an individual or other entity, register the individual or entity as an affordable housing manager.
- (2) An application for registration as an affordable housing manager must—
 - (a) be in the form approved by the local Registrar, and
 - (b) include the information prescribed by the regulations, and
 - (c) be accompanied by the fee prescribed by the regulations.
- (3) The local Registrar may register an affordable housing manager subject to the conditions the local Registrar considers reasonable.

Division 4 Management of affordable housing

27J Obligations of persons given development approval

- (1) A person given development approval for a notifiable development must, before applying for an occupation certificate for the development—

- (a) ensure that, for each dwelling built as affordable housing, an affordable housing restriction is recorded in the Register under the *Real Property Act 1900*, and
- (b) give the local Registrar the following—
 - (i) proof a responsible housing manager has been appointed to manage the affordable housing,
 - (ii) contact details for the responsible housing manager.

Maximum penalty—

- (a) for an individual—25 penalty units, or
 - (b) otherwise—100 penalty units.
- (2) Each day a person does not comply with subsection (1) after the day on which an occupation certificate is issued for the development is a separate offence under the subsection.
- (3) This section does not apply to a dwelling for which an occupation certificate was issued before commencement of this section.

27K Obligations of registered owner of affordable housing

The registered owner of a registrable dwelling must—

- (a) ensure the registrable dwelling is managed in accordance with the affordable housing guidelines by a responsible housing manager, and
- (b) if the responsible housing manager for the dwelling ceases to manage the dwelling—appoint a new responsible housing manager for the dwelling within 90 days, and
- (c) give the local Registrar written notice of the appointment of a new responsible housing manager for the dwelling within 14 days after the appointment.

Maximum penalty—

- (a) for an individual—25 penalty units, or
- (b) otherwise—100 penalty units.

27L Obligations of responsible housing managers

- (1) A responsible housing manager appointed to manage a registrable dwelling must—
- (a) manage the registrable dwelling in accordance with the affordable housing guidelines, and
 - (b) give the local Registrar written notice of the following—
 - (i) a change in the registered owner of the registrable dwelling,
 - (ii) the responsible housing manager ceasing to manage the registrable dwelling, and
 - (c) give the local Registrar the following—
 - (i) information the local Registrar reasonably requires to audit the responsible housing manager's compliance with this Act and the affordable housing guidelines,
 - (ii) information prescribed by the regulations.
- (2) Written notice under subsection (1)(b) must be given within 14 days after the responsible housing manager—
- (a) becomes aware of the change in registered owner, or

- (b) ceases to manage the registrable dwelling.
- (3) A responsible housing manager must give the local Registrar information required under subsection (1)(c) in the way and within the reasonable time period notified by the local Registrar to the responsible housing manager in writing.

27M Enforcement—affordable housing managers

- (1) If the local Registrar reasonably believes an affordable housing manager is in contravention of one or more of the manager's obligations under section 27L, the local Registrar may issue a notice (a **contravention notice**) that—
 - (a) identifies each contravention, and
 - (b) specifies a reasonable period in which the contraventions must be rectified.
 - (2) A contravention notice may also specify the action an affordable housing manager must take to rectify a contravention.
 - (3) An affordable housing manager must rectify a contravention identified in a contravention notice—
 - (a) within the period specified in the notice, and
 - (b) in the way specified in the notice.
- Maximum penalty for subsection (3)—
- (a) for an individual—25 penalty units, or
 - (b) otherwise—100 penalty units.

Note— A community housing provider in contravention of the provider's obligations under section 27L is subject to enforcement action under Part 4.

Division 5 Miscellaneous

27N Regulations

The regulations may provide for the following—

- (a) the regulation of affordable housing managers, including imposing conditions on the registration of affordable housing managers,
- (b) auditing the compliance of responsible housing managers with the affordable housing guidelines,
- (c) the exchange of information between the local Registrar and other entities.

[8] Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Community Housing Providers (Adoption of National Law) Amendment Act 2025

Definitions

In this part—

affordable housing has the same meaning as in Part 3A.

commencement day means the day on which the *Community Housing Providers (Adoption of National Law) Amendment Act 2025* commences.

development approver has the same meaning as in Part 3A.

existing affordable housing means affordable housing for which an occupation certificate has been issued before the commencement day.

occupation certificate has the same meaning as in Part 3A.

register of affordable housing has the same meaning as in Part 3A.

register of affordable housing managers means the register kept under section 27H.

Transfer of certain registered community housing providers

- (1) This clause applies in relation to a registered community housing provider who, immediately before the commencement day, is, in the local Registrar's opinion, engaged in managing affordable housing and no other community housing assets (a *transferring housing manager*).
- (2) On and from the commencement day, a transferring housing manager—
 - (a) is taken to be registered under section 27I as an affordable housing manager, and
 - (b) ceases to be a registered community housing provider.
- (3) The local Registrar—
 - (a) may require a transferring housing manager to give the local Registrar the information required for the register of affordable housing and the register of affordable housing managers, and
 - (b) may enter the information in the register of affordable housing or the register of affordable housing managers, and
 - (c) must not require a transferring housing manager to pay a fee for—
 - (i) the transfer of the transferring housing manager's registration, or
 - (ii) including information in the register of affordable housing or the register of affordable housing managers.

Registration of existing affordable housing

- (1) The local Registrar may enter the details of existing affordable housing in the register of affordable housing.
- (2) A development approver may give the local Registrar details of existing affordable housing for this clause.

[9] Schedule 1A Provisions relating to Registrar

Insert after clause 4—

4A Acting Registrar

- (1) If the office of Registrar becomes vacant, the Minister may appoint a person to act in the office on a temporary basis.
- (2) A person appointed under this clause is—
 - (a) the Acting Registrar, and
 - (b) taken to be the Registrar during the period of the person's appointment.
- (3) A person appointed as Acting Registrar may, if eligible, be appointed as Registrar and the period served as Acting Registrar must not be counted for clause 1.

Schedule 2 Amendment of other legislation

2.1 Environmental Planning and Assessment Regulation 2021

[1] Sections 26(1), 82(2) and (3), 84(2) and (3), 86A(2) and (3)

Omit “registered community housing provider” wherever occurring.

Insert instead “responsible housing manager”.

[2] Sections 82(3)(c) and 86A(3)(c)

Omit “3 months” wherever occurring. Insert instead “60 days”.

[3] Schedule 7 Dictionary

Insert in alphabetical order—

responsible housing manager has the same meaning as in the *Community Housing Providers (Adoption of National Law) Act 2012*, section 27A.

2.2 State Environmental Planning Policy (Housing) 2021

[1] Sections 21(1)(b), 40(1)(b), 43B(a)(ii), 108CA(a)(ii) and 156(2)(b),

Omit “registered community housing provider” wherever occurring.

Insert instead “responsible housing manager”.

[2] Schedule 7 Dictionary

Insert in alphabetical order—

responsible housing manager has the same meaning as in the *Community Housing Providers (Adoption of National Law) Act 2012*, section 27A.

2.3 State Environmental Planning Policy (Precincts—Central River City) 2021

[1] Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010

Omit “registered community housing provider” wherever occurring in Appendix 7, section 6.11(6).

Insert instead “responsible housing manager”.

[2] Appendix 7, section 6.11(9)

Insert in alphabetical order—

responsible housing manager has the same meaning as in the *Community Housing Providers (Adoption of National Law) Act 2012*, section 27A.