

Serial 117

Housing and Related Legislation Amendment Bill 2024

Ms Ah Kit

A Bill for an Act to amend the *Community Housing Providers (National Uniform Legislation) Act 2013*, the *Housing Act 1982*, the *Housing Regulations 1983* and the *Residential Tenancies Act 1999*

NORTHERN TERRITORY OF AUSTRALIA

HOUSING AND RELATED LEGISLATION AMENDMENT ACT 2024

Act No. [] of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2024

An Act to amend the *Community Housing Providers (National Uniform Legislation) Act 2013*, the *Housing Act 1982*, the *Housing Regulations 1983* and the *Residential Tenancies Act 1999*

[Assented to [] 2024]
[Introduced [] 2024]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Housing and Related Legislation Amendment Act 2024*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 12 February 2026, it commences on that day.

Part 2 Amendment of Community Housing Providers (National Uniform Legislation) Act 2013

3 Act amended

This Part amends the *Community Housing Providers (National Uniform Legislation) Act 2013*.

4 Section 12 amended (Meaning of other terms)

Section 12(2)

omit

all words after "(NT),"

insert

each of the following is a Housing Agency of the Territory:

- (a) the Agency;
- (b) the Chief Executive Officer (Housing).

5 Section 14 amended (Chief Executive Officer (Housing) has interest in certain land)

Section 14(a) to (d)

omit, insert

- (a) the land was transferred by the Territory or a Housing Agency to the registered community housing provider subject to an agreement; or
- (b) the land was acquired by the registered community housing provider wholly or partly with funding provided by the Territory or a Housing Agency; or
- (c) the Territory or a Housing Agency constructs housing or makes other improvements on the land; or
- (d) an agreement between the registered community housing provider and the Territory or a Housing Agency identifies the land as being land in which the Chief Executive Officer (Housing) has an interest.

6 Section 15 amended (No dealings with certain land without consent of Chief Executive Officer (Housing))

Section 15(1)(b) and (c), after "between the"

insert

Territory or a

Part 3 Amendment of housing legislation

Division 1 Amendment of Housing Act 1982

7 Act amended

This Division amends the *Housing Act 1982*.

8 Section 5 amended (Definitions)

(1) Section 5

insert

community housing provider means a registered community housing provider as defined in section 4(1) of the *Community Housing Providers National Law (NT)*.

eligible person means a person who meets the social housing eligibility criteria as determined from time to time.

prescribed housing scheme means a housing scheme prescribed by regulation for section 22.

social housing eligibility criteria, see section 20A(1).

social housing lease, see section 5AA.

(2) Section 5, definition **public housing premises**, paragraph (a)

omit, insert

- (a) premises that are owned or leased by the Chief Executive Officer (Housing) or the Territory for the purpose of being let to eligible persons by the Chief Executive Officer (Housing) or the Territory under a prescribed housing scheme, whether or not the premises have been let; and

9 Section 5AA inserted

After section 5

insert

5AA Meaning of *social housing lease*

A ***social housing lease*** is:

- (a) a lease of public housing premises granted to an eligible person by the Chief Executive Officer (Housing) or the Territory under a prescribed housing scheme; or
- (b) a lease of premises granted to an eligible person by a community housing provider in accordance with a prescribed housing scheme.

Note for section 5AA

A social housing lease is a tenancy agreement under the Residential Tenancies Act 1999.

10 Section 20A inserted

After section 20, in Part 2, Division 2

insert

20A Social housing eligibility criteria

- (1) The Chief Executive Officer (Housing) must, in writing, determine the criteria (the ***social housing eligibility criteria***) that a person must meet in order to be eligible for a social housing lease.
- (2) The social housing eligibility criteria must include criteria relating to a person's means and access to housing.
- (3) The Chief Executive Officer (Housing) must publish the social housing eligibility criteria on the Agency's website.

11 Section 23 amended (*Rent payable for dwellings*)

- (1) Section 23, heading, after "**dwellings**"

insert

and other premises

(2) Section 23(1)

omit

for a dwelling or a class of dwelling.

insert

for:

- (a) a dwelling or a class of dwelling; or
- (b) premises, or a class of premises, let under a prescribed housing scheme.

(3) Section 23(3)

omit

dwelling.

insert

dwelling or the premises or the class of premises.

(4) Section 23(4), after "dwelling" (*all references*)

insert

or premises

12 Part 7, Division 3 inserted

After section 28X, in Part 7

insert

Division 3 Exercise of powers in relation to other premises

28Y Agreement with community housing provider

- (1) The CEO may enter into an agreement with a community housing provider stating that public housing safety officers may exercise powers under this Act in relation to premises that are let by the provider to an eligible person.
- (2) Each premises in relation to which the agreement applies must be specified in the agreement.

28YA Community housing provider to advise tenants

- (1) As soon as reasonably practicable after entering into the agreement, the community housing provider must give the tenant of each premises specified in the agreement written notice of the making of the agreement.
- (2) The notice must include the following information:
 - (a) a statement that public housing safety officers can exercise powers under this Act in relation to the premises;
 - (b) a summary of the powers of public housing safety officers;
 - (c) a statement that public housing safety officers must comply with the code of conduct made under section 28V;
 - (d) details about where a copy of the code can be viewed or obtained.

28YB Effect of agreement

- (1) If an agreement is entered into under section 28Y, this section applies in relation to the premises specified in the agreement (the **CHP premises**).
- (2) A public housing safety officer may exercise any of the powers conferred by the applied provisions in relation to the CHP premises as if:
 - (a) a reference in the applied provisions to public housing premises includes a reference to:
 - (i) the CHP premises; and
 - (ii) if the CHP premises are a unit, apartment, flat or townhouse in a social housing development – any common property or common areas in the development; and
 - (b) a reference in the applied provisions to the tenant of the public housing premises includes a reference to the person specified in the lease for the CHP premises as the tenant of the CHP premises; and
 - (c) a reference in the applied provisions to a recognised occupier of premises includes a reference to someone whom the tenant of the CHP premises has notified the landlord, in writing, is or will be occupying the CHP premises if the landlord has made a notation in relation to the lease about the occupancy.

- (3) In exercising a power in relation to the CHP premises under subsection (2), the public housing safety officer is subject to the same limitations and requirements that would be applicable in relation to the exercise of the power by the officer in relation to public housing premises.
- (4) Part 6 applies in relation to any decision made by the public housing safety officer in relation to the CHP premises as if a reference in Part 6 to public housing premises includes a reference to:
 - (a) the CHP premises; and
 - (b) if the CHP premises are a unit, apartment, flat or townhouse in a social housing development – any common property or common areas in the development.
- (5) In this section:

applied provisions means the following:

- (a) Part 5, Division 3;
- (b) Part 7, Division 2.

social housing development means a building development consisting of:

- (a) units for which a community housing provider is the registered proprietor, or lessee, of all units in the development; or
- (b) apartments, flats or townhouses (but not units) for which a community housing provider is the registered proprietor or lessee of the lot on which the building development is situated.

13 Section 34 replaced

Section 34

repeal, insert

34 Application of *Residential Tenancies Act 1999*

- (1) Subject to sections 6 and 7 of the *Residential Tenancies Act 1999*, that Act applies in relation to a residential lease under this Act.
- (2) Sections 18, 19 and 20 of this Act do not apply in relation to a residential lease under this Act.

(3) In this section:

residential lease under this Act means:

- (a) a social housing lease; or
- (b) any other lease granted under this Act by the Chief Executive Officer (Housing) or the Territory for the purpose of residency.

Division 2 Amendment of Housing Regulations 1983

14 Regulations amended

This Division amends the *Housing Regulations 1983*.

15 Regulation 3 amended (Definitions)

Regulation 3, definition ***eligible person***
omit

Part 4 Amendment of Residential Tenancies Act 1999

16 Act amended

This Part amends the *Residential Tenancies Act 1999*.

17 Section 4 amended (Definitions)

- (1) Section 4, definition ***tenancy under the Housing Act 1982*** or ***tenancy or proposed tenancy under the Housing Act 1982***

omit

- (2) Section 4

insert

social housing lease means a tenancy agreement that is a social housing lease as defined in section 5AA of the *Housing Act 1982*.

social housing provider means a landlord under a social housing lease.

social housing tenancy means the right to occupy premises under a social housing lease.

***tenancy under the Housing Act 1982* or *tenancy or proposed tenancy under the Housing Act 1982* means:**

- (a) a social housing tenancy; or
- (b) any other tenancy granted under the *Housing Act 1982*:
 - (i) in relation to premises that are owned or leased by the CEO (Housing) or the Territory; or
 - (ii) under which the CEO (Housing) or the Territory is the landlord.

- (3) Section 4, definition ***CEO (Housing)***

omit

, see

insert

means the Chief Executive Officer (Housing) established by

18 Section 96 amended (If public housing found)

- (1) Section 96, heading

omit

public housing found

insert

social housing tenancy becomes available

- (2) Section 96(a)

omit

residential accommodation under the *Housing Act 1982*

insert

a social housing tenancy

- (3) Section 96(b)

omit

his or her

insert

the tenant's

(4) Section 96(c)

omit

residential accommodation has been made to the tenant under the *Housing Act 1982* and has been

insert

a social housing tenancy has been made to the tenant and

19 Section 99A amended (Failure by tenant relating to acceptable behaviour agreement)

Section 99A(1) and (2)

omit

Chief Executive Officer

insert

CEO

20 Section 99B inserted

After section 99A

insert

99B Tenant no longer eligible person

- (1) The Tribunal may, on the application of a social housing provider, terminate a social housing tenancy and make an order for possession of the premises if satisfied:
- (a) the tenant is no longer an eligible person; and
 - (b) the tenant has been given written notice of that fact by the provider at least 28 days before the application was made; and
 - (c) termination of the tenancy is appropriate in the circumstances.

- (2) In determining whether termination of a social housing tenancy is appropriate in the circumstances, the Tribunal must consider the following:
 - (a) the financial circumstances of the tenant;
 - (b) the likelihood of the tenant becoming an eligible person in the future;
 - (c) the availability of alternative accommodation for the tenant;
 - (d) any measures taken by the social housing provider to support the tenant to transition to alternative accommodation;
 - (e) any other matters that the Tribunal considers relevant.
- (3) An order for possession must specify the date it takes effect.
- (4) In this section:

eligible person, see section 5 of the *Housing Act 1982*.

Part 5 Repeal of Act

21 Repeal of Act

This Act is repealed on the day after it commences.