



What are “Community Housing Assets”?

December 2017

Purpose:

This fact sheet provides guidance to community housing providers and Office of Housing Regulation in relation to which properties funded by Renewal SA, acting on behalf of the South Australian Housing Trust, (including relevant Housing Ministers) are considered to be “community housing assets” for the purposes of National Regulation under the *Community Housing Providers (National Law) (SA) Act 2013*. This fact sheet is intended as a guide only as the Office for Housing Regulation is responsible for interpreting the legislation. Under the Act, community housing providers are required to maintain a list of all community housing assets (Schedule 1, section 15(2)(i)).

What is a Community Housing Asset?

A “Community Housing Asset” is defined in the *Community Housing Providers (National Law) (SA) Act 2013* as follows:

Schedule 1, Clause 4 (1)

community housing asset of a community housing provider means –

- (a) land vested in the provider by or under the community housing legislation of a participating jurisdiction; or
- (b) land acquired by the provider wholly or partly with funding provided by a Housing Agency of a participating jurisdiction; or
- (c) land vested in the provider on which a Housing Agency of a participating jurisdiction has constructed housing or made other improvements; or
- (d) funds provided to the provider by a Housing Agency of a participating jurisdiction for the purposes of community housing; or
- (e) any other asset of the provider that is of a class of assets declared by the community housing legislation of a participating jurisdiction as community housing assets for the purposes of this Law.

For the purposes of paragraph (e) above, **Section 8 – Community Housing Assets** further declares that the following are community housing assets:

- (a) any asset identified as a community housing asset under an agreement between a community housing provider and a Housing Agency;
- (b) any other asset of a class of assets declared by the regulations as being within the ambit of this subsection.

Furthermore, at Clause 2.2 of the Master Agreement, the Parties agree that for the purposes of section 8(1)(a) of the Act, “community housing assets” include:

- all real property which is or has been Funded (in whole or in part) or provided by SAHT and is subject to a Current Project Agreement or is otherwise subject to a Current Project Agreement between SAHT and the Community Housing Provider (including where a Project Agreement has been executed as a result of SAHT’s consent to Financial Accommodation in relation to a Project Property); and
- all Funding and real property of the Community Housing Provider which have been provided or have been Funded (in whole or in part) by SAHT (or a predecessor of SAHT) under a Current Pre-Existing Agreement.

Which assets are included?

Any properties transferred from the SAHT or leased to a community housing provider, or the subject of a legal agreement with SAHT or Renewal SA, including properties bound by the Master Agreement (including Pre-Existing Agreements), and the Housing Transfer Management deed (for ROSAS and BPSC).

The table below provides a snapshot of the current agreements and programs which pertain to “community housing assets” under the *Community Housing Providers (National Law) (SA) Act 2013*. Properties transferred or funded under comparable future programs will also be deemed to be “community housing assets”.

| Community Housing Program / Agreement | Is this asset “Owned” or “Managed” by the CHP? | <i>Community Housing Provider (National Law) (South Australia) Act 2013 – supporting authority</i> |
|--|---|---|
| MASTER AGREEMENT All properties under the Master Agreement, including Pre-existing Agreements, formerly debentured properties, NBESP/Stimulus, AHIF, SAPDAC, LGCHP etc | Owned | Clause 4(1)(c) of Schedule 1 - land vested in the provider on which a Housing Agency of a participating jurisdiction has constructed housing or made other improvements; Section 8(1)(a) - any asset identified as a community housing asset under an agreement between a community housing provider and a Housing Agency, |
| HOUSING TRANSFER MANAGEMENT DEED (SAHT TRANSFERS) Public housing management transfer Better Places, Stronger Communities (BPSC) and Renewing our Streets and Suburbs (ROSAS) | Managed | Clause 4(1)(e) of Schedule 1 - any other asset of the provider that is of a class of assets declared by the community housing legislation of a participating jurisdiction as community housing assets for the purposes of this Law. Section 8(1)(a) - any asset identified as a community housing asset under an agreement between a community housing provider and a Housing Agency |
| SPECIALISED LEASE PROGRAM <ul style="list-style-type: none">• Transitional housing program• Crisis housing program• Community lease• Disability Housing program lease• Boarding houses• Specialised lease | Managed | Clause 4(1)(e) of Schedule 1 - any other asset of the provider that is of a class of assets declared by the community housing legislation of a participating jurisdiction as community housing assets for the purposes of this Law. Section 8(1)(a) - any asset identified as a community housing asset under an agreement between a community housing provider and a Housing Agency |
| 2006 Funding Agreement (Debentured properties) | Owned | Clause 4(1)(c) of Schedule 1 - land vested in the provider on which a Housing Agency of a participating jurisdiction has constructed housing or made other improvements |

NRAS: NRAS subsidised properties are not considered community housing assets for the purpose of the Act *unless* there is additional funding provided under contract by the State Government for the purposes of community housing as part of the development.

More information:

The above information is provided as a guide and is not exhaustive. For more information, contact Renewal SA, Industry Partnerships on:

Phone: 1300 700 561; or Email: IndustryPartnershipsCHP@sa.gov.au

For more information about registering under the National Regulatory System or any compliance related matters, contact your allocated Office for Housing Regulation staff member, or visit www.nrsch.gov.au.