



Explanatory Paper

Housing Improvement Bill 2015

This paper has been prepared to assist in the public consultation process. It explains the key guiding principles used in preparing the Bill.

Housing SA
July 2015

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Foreword

Housing SA conducted a review of the *Housing Improvement Act 1940* (the Act). The Act was introduced in 1940 to address major concerns in relation to the standard and supply of housing in South Australia. In addition, excessive rents were being charged for poor quality accommodation at a time of a severe shortage of housing arising from the depression of the 1930s.

The principal focus of the Act was to enable the provision of new affordable housing through the South Australian Housing Trust (SAHT), the establishment and enforcement of minimum housing standards, and for regulating the rent of sub-standard housing.

The Act and the *Housing Improvement (Standards) Regulations 2007* (the Regulations) are the only legislation which provides comprehensive coverage of the required standards for existing residential premises regardless of occupancy or tenancy arrangements. (Refer to Attachment 1 - Summary of the *Housing Improvement (Standards) Regulations 2007*).

The Housing SA review found that the provisions relating to the improvement of sub-standard housing and the control of rent of substandard housing are still relevant today. For example, houses now presenting as unsafe or unsuitable are characterised by structural failure; defective building work related to extensions or internal changes; lack of essential maintenance; sub-standard electrical wiring; or other service defects.

In 2010, Housing SA conducted preliminary consultation with selected peak industry bodies seeking input into possible amendments to the Act. Following this, a draft Housing Improvement Bill (the Bill) was prepared and circulated for wider public consultation in 2012, during which sixteen written submissions were received.

The Bill proposes a modern legislative structure for continuing minimum standards for existing houses in South Australia. An affordable place to live should meet minimum standards to ensure that the property remains safe and suitable for occupants.

The Bill also provides for balanced obligations on both owners and occupants with the inclusion of the principle that property owners and their occupants have a general duty to ensure that residential premises are safe and suitable.

I look forward to meeting you on 18 August to hear directly your views on the Housing Improvement Bill 2015.

Hon Zoe Bettison MP
Minister for Social Housing

Disclaimer

This Explanatory Paper has been prepared to assist in the consultation process associated with the draft Housing Improvement Bill.

Whilst every effort has been made to ensure the accuracy of the information contained in this paper, no responsibility is taken for reliance on any aspect of it and it should not be used as a substitute for legal or any other professional advice. Any action taken in anticipation of the outcomes of this consultation is solely at the risk of persons taking such action.

1. Background

The Act expanded the responsibilities of the SAHT from being a provider of public housing for low income workers. The principal focus of the Act was to enable the provision of new, affordable housing through the SAHT, the establishment and enforcement of minimum housing standards, and for regulating the rent of sub-standard housing. Over time, many of the powers required by the SAHT to deliver affordable and public housing have been incorporated into the *South Australian Housing Trust Act 1995*.

1.1 Minimum standards for existing houses

The review of the Act found there is a need for the continuation of minimum standards for existing houses in South Australia.

While other legislative or contractual agreements may stipulate that the premises are required to be kept in reasonable repair, the Regulations define the minimum standards. Please refer to Attachment 1 for a summary of the Regulations. These standards ensure the minimum essential human need for safe and suitable accommodation. For example, the Regulations require premises and facilities to be maintained in a safe and sound condition. Facilities that must be provided include:

- Toilet, bathroom, kitchen and laundry
- Water supply and sewerage system
- Electricity
- Locks on external doors and latches on windows

1.2 Preliminary consultation

During preliminary consultation, a discussion paper was circulated to selected organisations representing home owners, landlords and tenants for comment. Strong support was received from this broad range of stakeholders for the following principles and incorporated in the development of the Bill:

- Continuation of minimum standards for existing houses.
- Property owners and their occupants have a general duty to ensure that residential premises are safe and suitable for people to live in.
- Continuation of rent control to ensure people are not charged excessive rent for poor quality housing.
- Administration should be undertaken by one central agency and not split between state and local government agencies.
- More flexible and effective enforcement measures.

2. The Housing Improvement Bill 2015

The Bill continues the regulation of minimum standards for existing houses in South Australia, and the regulation of the rent of non-complying dwellings. Many of the provisions relating to these functions within the Bill are already contained within the Act.

2.1 Objectives of the Bill

The objectives within the Bill are to:

- Ensure that housing meets the prescribed minimum housing standards.
- Regulate unsafe or unsuitable housing and the rent payable in respect of such housing.
- Raise community awareness of the prescribed minimum housing standards.

The Bill continues the relevant objectives of the current Act, namely the improvement of sub-standard houses in South Australia, and regulation of their rents.

Regulation of rent

The ability to fix the rent of poor quality housing is considered an appropriate response to ensure that people are not required to pay a rent that is unfair for the condition of the property. An occupant may not be able to move into an alternative rental accommodation for a range of reasons including availability and accessibility of other affordable housing, financial, personal, or family reasons.

As in the current Act, the regulation of rent continues to apply despite change of ownership or occupancy, until the premises reasonably complies with minimum housing standards.

Community awareness

Many home owners are not aware of the considerable number of legal requirements relating to a house. Some requirements, such as the need for the installation of smoke alarms within houses, are generally well known. However, other requirements such as the need for effective ventilation to prevent the growth of mould and reduce the health risk to occupants are less understood.

The objective to raise community awareness acknowledges that a significant proportion of house owners are willing to comply with housing standards. In the administration of the current Act, it is often found that property owners readily undertake improvements when informed of the particular requirements.

3. Key Guiding Principles

The following key guiding principles form the basis on which the Bill has been prepared.

- A General Duty is included, which provides for balanced obligations for both owner and occupant.
- The owner of residential premises must take reasonable steps to ensure that the premises are, and remain, safe and suitable for human habitation.
- The tenant must take reasonable steps to comply with any action taken by the landlord to ensure that the premises are safe and suitable for human habitation and to ensure that the premises are maintained in a reasonable state for the purposes of human habitation.
- In determining what is reasonable, regard must be had, among other things, to the prescribed minimum housing standards, any relevant codes or guidelines, the potential impact on the occupant of a failure to comply, and any matter prescribed by regulation.
- Minimum housing standards are applicable to all residential premises within South Australia.
- Regional or local variations of climate and the related health, safety, security or environmental impacts may be taken into account during assessment.
- A range of compliance and enforcement processes are proposed which engage with and complement existing legislative requirements for differing housing issues.

General duty

A duty of care applies to many aspects of human activity and is generally well understood within the community.

Residential premises

Residential premises means premises used, intended to be used, or reasonably capable of being used as a place of residence, and includes any yard or outbuildings generally used in connection with the premises.

Residential premises include housing located in a residential park, or other living arrangements such as semi-independent housing and rooming or boarding houses. Many properties change from owner occupied to rented, and vice versa. As in the current Act, once an order is placed on a residential property, the order remains in force until the defects are fixed, despite any change to ownership or occupancy.

Coverage of Bill

The areas of the State that are currently subject to minimum standards for existing houses are within local government areas. This Bill proposes the inclusion of houses throughout all of South Australia. If required, the Bill allows for the exclusion of a certain area, person, entity or circumstance by regulation.

Environment

The impacts arising from different environments may require particular facilities, depending on location, to ensure healthy living conditions for occupants. For example, Minister Specification SA 78A Housing on designated Aboriginal lands

incorporates requirements for areas subject to harsh environmental conditions with limited access to maintenance facilities.

Relationship with other legislation

The Regulations make reference to other legislation that define and regulate various aspects of housing standards e.g. *Development Act 1993*, *Electricity Act 1997*, *Gas Act 1997*, *Public and Environmental Health Act 1987*. In some circumstances it may be more appropriate to take regulatory action under other legislation.

The Bill is not intended to introduce any retrospective requirements on housing standards. If there is a need for the introduction of any new standard relating to existing houses, it should be done under separate legislation. (For example, the installation of smoke alarms as required under *Development Regulations 2008* section 76B.)

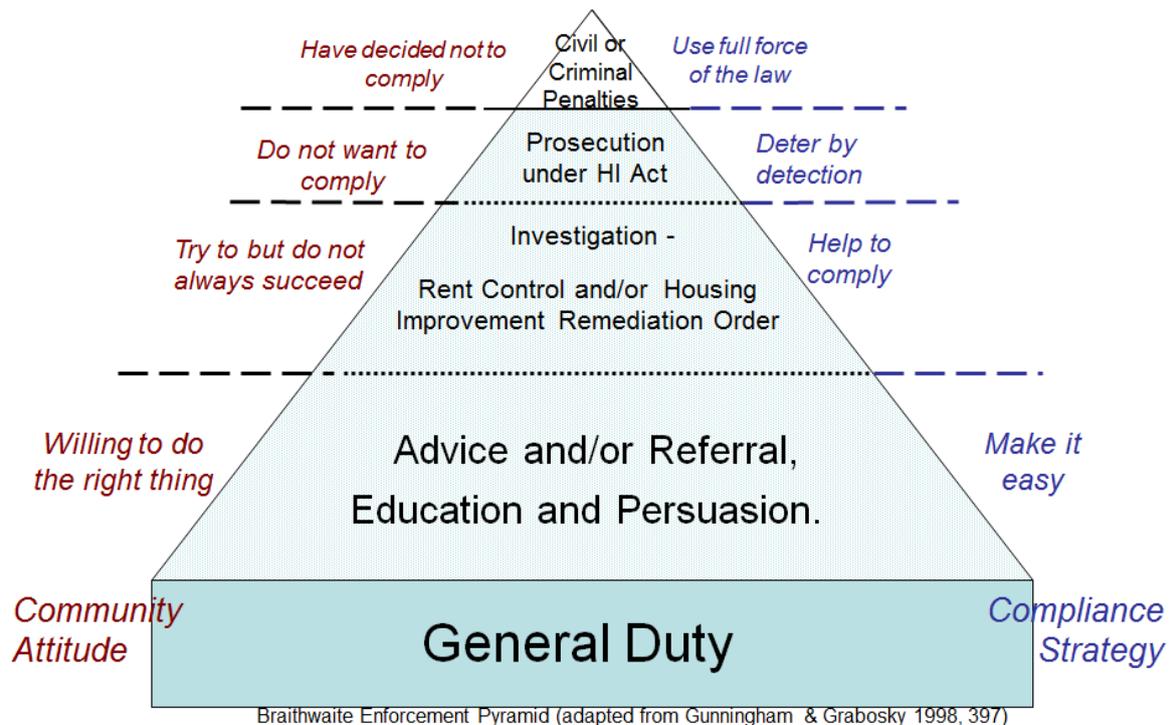
4. Administration

It is proposed that the Minister for Social Housing would be responsible for the administration of the Act. This would provide a uniform approach across all areas of South Australia. The functions of the Minister will include promoting safe and suitable standards of housing, by ensuring that adequate measures are taken to achieve compliance with the Act, developing or adopting codes of practice or guidelines and being a primary source of advice to the Government in connection with safe and suitable standards of housing.

The role of local government under the Act is proposed to be discontinued with the introduction of this Bill. However, it is recognised there is a need to retain close relationships with local government and other government agencies in addressing issues.

5. Compliance Strategy

The proposed regulatory regime to achieve compliance is based on the “Braithwaite Enforcement Pyramid”.



This illustrates a compliance framework that is responsive to people’s conduct. Significant effort is proposed to raise community awareness of the prescribed minimum housing standards. This will be through disseminating information setting out standards and responsibilities expected of both property owners and tenants.

In the majority of cases, it is expected that parties, by their own actions, will achieve compliance when the requirements are well known and understood. Failure to do so may lead to further action, such as a Housing Improvement order to the owner requiring certain works to be completed.

6. Explanation of Key Sections

Part 1 – Preliminary

Prescribed minimum housing standards

The Governor may make regulations establishing the standards that must be met for residential premises to be considered safe and suitable for human habitation (prescribed minimum housing standards).

The Regulations are the prescribed minimum housing standards under the current Act. (Refer to Attachment 1 - Summary of the *Housing Improvement (Standards) Regulations 2007*).

Part 2 – Administration

Division 1 – Minister

Clause 7 sets out the functions of the Minister. The functions include promoting safe and suitable standards of housing, by ensuring that adequate measures are taken to achieve compliance with the Act, developing or adopting codes of practice or guidelines and being a primary source of advice to the Government in connection with safe and suitable standards of housing.

The Minister may develop guidelines to clarify assessment requirements. The Minister will be able to delegate functions and powers conferred on the Minister under the Act.

Division 2 – Authorised officers

Provisions for authorised officers are similar to the *Public Health Act 2011* and the *Safe Drinking Water Act 2011*. Authorised officers have certain powers connected with the administration and operation of the Act. These include inspecting any article or substance found in the premises, taking and removing samples, removing any articles that may constitute evidence and examining and copying plans, papers and documents.

Authorised officers may also ask questions of any person found in the premises and require answers to questions that may be relevant to the administration and enforcement of the Act. However, answers given in relation to these questions cannot be used in evidence against the person for an offence.

An authorised officer may use reasonable force to enter any residential premises on the authority of a warrant issued by a magistrate, or if the officer believes that immediate action is required to be taken. It is an offence to hinder or obstruct an authorised officer, not answer questions appropriately or fail to provide assistance in facilitating an inspection by an authorised officer.

Authorised Officers will be issued with identify cards to identify the fact they are operating pursuant to the new Act.

Part 3 – Orders and other action to deal with unsafe or unsuitable housing conditions

Having conducted an inspection of the premises in response to a referral or complaint by an occupant, the authorised officer would make recommendations for certain action if they deem it is required. Action to address issues identified may be taken under Division 1 as outlined below. The officer would produce a report on the premises with a recommendation for approval to the Minister's delegate.

Following inspection, if the officer believes that the property reasonably complies with minimum standards as defined in the Regulations, then no further action would be recommended. The numbers fluctuate from year to year, however over the previous five years an average of 300 complaints were received by Housing SA each year. No further action was taken on approximately 50% of these complaints.

Division 1 – Housing Assessment orders, Housing Improvement orders and Housing Demolition orders

These sections have been modernised and reflect more recent Acts such as the *Natural Resource Management Act 2004*.

Housing Assessment orders

The Minister may issue a housing assessment order to the owner of residential premises if the Minister has reason to believe that the premises are, or may be, unsafe or unsuitable for human habitation. Failure to comply with a housing assessment order attracts a maximum penalty of \$20 000.

A housing assessment order must include a requirement for assessments to be carried out of the nature and extent of defects at the premises, and for a written report of those assessments to be submitted to the Minister. In addition, such an order may require a person with specific qualifications to carry out or prepare a report of the assessments and may require assessments to be carried out on behalf of the Minister by an authorised officer or other person authorised by the Minister. The order must state that the person may, within 28 days, apply to the relevant tribunal for a review of the order. An example of this might be a request to provide a report relating to the suspected presence of asbestos in deteriorating building fabric.

Housing Improvement orders

The Minister may issue a housing improvement order to the owner of residential premises if the Minister has reason to believe that the premises are unsafe or unsuitable for human habitation and that works are required to remediate defects in respect of the premises. Failure to comply with a housing improvement order attracts a maximum penalty of \$20 000.

A housing improvement order must include particulars of the defects identified in respect of the premises and may require the person to whom it is issued to prepare a plan of works for the premises or to carry out specified works within a specified period. The order may authorise the work to be carried out on behalf of the Minister by an authorised officer or other person authorised by the Minister and may require the premises to be vacated and remain unoccupied for a time. The order must state that the person may, within 28 days, apply to the relevant tribunal for a review of the order.

The clause also provides a system for dealing with cases where urgent action is required to address unsafe or unsuitable conditions of residential premises. This is a fast track method of issuing a housing improvement order in circumstances of urgency. Such an order may be issued orally, but in such a case the person must be informed of his or her right to apply to the Tribunal for a review of the order. In addition, such an order will expire within three business days unless it is confirmed by a written order issued by the Minister and served on the person.

The Bill provides the flexibility to consider giving landlords time for quotes and arranging work. Any delays through being unable to gain access to the property can be considered.

Housing Demolition orders

The Minister may issue a housing demolition order to the owner of residential premises if the Minister has reason to believe that the premises are so unsafe or unsuitable that it would be impracticable or unreasonable to undertake remediation works. Failure to comply with a housing demolition order attracts a maximum penalty of \$20 000.

Such an order must include particulars of the defects identified in respect of the premises and must require the premises to be demolished not less than 28 days after issue of the order. The order must require the premises to be vacated and remain unoccupied until the completion of demolition or of specified works. The order may also authorise the demolition to be undertaken on behalf of the Minister by an officer authorised or other person authorised by the Minister. The order must state that the person may, within 28 days, apply to the Tribunal for a review of the order.

- A Demolition order could also relate to part of a property, so where a pergola or other structure has become unsafe, removal of the structure might be considered the most effective means of making the property safe for the occupants.
- It is anticipated that these powers would be used infrequently. A Housing Demolition order would only be applied where there is a likelihood of significant health or safety risk to an occupant or the surrounding residents. Demolition orders would be subject to the usual approval processes.

Obligation on future owners

Each order or notice registered on the title of the land, is binding on the owner and subsequent owners until the order is complied with.

Action on noncompliance with orders

If the requirements of a Housing Assessment order, Housing Improvement order or Housing Demolition order are not complied with, the Minister may take any action required by the order. It is also anticipated that this power would be used infrequently where there is a likelihood of significant health or safety risk to an occupant or the surrounding residents. (For example, the demolition of a derelict house which is structurally unstable and/or incorporates an extensive amount of broken or degraded asbestos material.)

Recovery of costs by the Minister

Where a person has not complied with an order and the Minister has taken action in relation to the premises, the Minister may recover reasonable costs and expenses as a debt from the owner of the premises. If the amount is not paid by the owner, the unpaid amount is a charge on the land in favour of the Minister.

If the premises are rented, the Minister may recover the unpaid amount by receiving the rent payable until the debt has been paid.

Action and recovery of costs by others

If an order is not complied with, the occupier or registered mortgagee or encumbrancee may take such action as required by the order as authorised by the Minister. If action is taken by a mortgagee or encumbrancee, the reasonable costs

and expenses are recoverable as a debt from the owner or taken to be added to the principal sum owing, subject to interest at the same rate and payable at the same times as the balance of the amount owing under the mortgage.

If action is taken by an occupier, the reasonable costs and expenses are recoverable as a debt from the owner, or may be deducted by the occupier from any rent payable to the owner.

This reflects section 70 of the current Act, however the Bill now includes the Minister's consent as a precondition.

Division 2 – Notice to vacate

If a Housing Improvement or Housing Demolition order imposes a requirement for the premises to be vacated, the Minister must issue a notice to the occupier to vacate the premises, allowing as much time as circumstances will safely permit. (It should be noted that a Housing Demolition order in some cases may apply to only part of the premises.)

The tenant may apply to the relevant tribunal for compensation for the loss and inconvenience likely to result from early termination of the tenancy.

If the occupier fails to vacate, the owner may apply to the relevant tribunal for their ejection, which may be enforced by a bailiff of that tribunal.

The Minister may issue a notice to an owner that a property is to remain vacant until an order is complied with.

Division 3 – Rent control notices

Rent control for sub-standard houses, which do not comply with the prescribed minimum standards, continues under the new Bill.

If a Housing Improvement order has been issued for residential premises, the Minister may declare the premises to be subject to rent control. This is done by publishing a notice in the Government Gazette as under the current Act.

Before declaring rent control, the owner must be given a Preliminary Rent Control notice stating the intention to make the Rent Control notice and the maximum rent proposed. This is an additional provision to the current Act.

In fixing the maximum proposed rent, the Minister must have regard to the condition of the premises, the capital value of the premises as assessed under the *Valuation of Land Act 1971*, the market rent for similar premises, and any other factors prescribed by the regulations or considered relevant by the Minister.

The owner would be invited to show within 14 days why a rent control notice should not be made.

A rent control notice comes into operation on the date of gazettal or a later date specified in the notice and remains in place for the period specified or until revoked by the Minister. The notice continues to apply despite any change in ownership or occupancy.

Division 4 – Special provisions relating to prescribed residential tenancy agreements

A prescribed residential tenancy agreement means an agreement which is excluded from the *Residential Tenancies Act 1995* (RTA) or the *Residential Parks Act 2007* (RPA). Such agreements are governed by similar provisions in those respective Acts.

This includes agreements such as residential premises attached to a college, or residential premises which are part of a building or on land let to the tenant for the purposes of a business.

The purpose of this division is to provide alignment between prescribed residential tenancy agreements with a Housing Improvement order, and those agreements under the *Residential Tenancies Act 1995*, with regard to recording of rent, providing receipts for rent and termination of an agreement.

Termination of prescribed residential tenancy agreement by tenant

A tenant residing in premises that are the subject of an order or notice under Part 3 is entitled to vacate without reason on giving at least 7 days' notice. (This reflects RTA section 85 Termination on breach of the agreement and RPA section 63 Termination for breach of agreement.)

Termination or variation of prescribed residential tenancy agreement by landlord

Clause 29 provides certain protections for tenants who occupy premises that have been the subject of an inspection by an authorised officer within the past six months or to which an order or notice under this Part applies (other than a notice to vacate).

It enables tenants to speak freely about the condition of premises without fear of reprisal. The Bill also provides the flexibility for an authorised officer to discuss issues with the owner or agent following the first inspection without placing the tenancy at risk, in order to negotiate solutions.

A notice given to a tenant by a landlord terminating or varying such a tenancy must be in the prescribed manner and form, rely on at least one ground prescribed by regulation, and be confirmed by the relevant tribunal. The clause enables the genuineness of factors motivating the giving of a notice of termination or variation by a landlord to be tested by the relevant tribunal, thus reducing the likelihood of retaliatory action on the part of a landlord. If satisfied that the factors are genuine, the relevant tribunal may confirm the notice, however if it is not so satisfied, it may set aside the notice, and/or make an order reinstating the tenancy on such condition as it considers appropriate.

The Tribunal may, when considering the application, make an order compensating the tenant for loss or inconvenience resulting from the termination or variation of the tenancy.

It is an offence attracting a maximum penalty of \$2 500 for a landlord to grant a fresh tenancy over the same premises within six months without the consent of the relevant tribunal.

Again, this clause does not apply to premises that are rented under a residential park agreement within the meaning of the RPA, under a residential tenancy agreement within the meaning of the RTA to which that Act applies, or under a rooming house agreement within the meaning of the RTA. That is because such agreements are protected by similar provisions in those respective Acts.

Division 5 – Obligation to publicise orders and notices

An owner of premises to which an order or notice applies must ensure that a copy of the order or notice is clearly displayed as directed by the Minister. Failure to comply with this provision is an offence attracting a maximum penalty of \$5 000 or an expiation fee of \$315.

The vendor or agent must ensure that any advertisement for sale of the premises includes a clear statement that such order or notice applies to the premises.

Similar clear disclosure must be made in respect of the advertising for the lease of such premises and in the lease agreement. In addition, if a rent control notice applies to the premises, any oral or written representation to the lessee concerning the rent must make disclose that the rent is fixed by a rental control order. Failure to comply with this provision is an offence attracting a maximum penalty of \$5 000 or an expiation fee of \$315.

If a landlord fails to make clear to a lessee that the rent is fixed under a rent control notice the lessee may give notice not to be bound by the lease.

Division 6 – Review by Tribunal

The right of review to the relevant tribunal still remains in the Bill.

A person who has been issued with a housing assessment order, housing improvement order, housing demolition order or notice to vacate may apply for a review by the relevant tribunal of the order or notice or a variation of the order or notice. The owner of premises in respect of which a rent control notice has been made may apply for a review of the notice or any variation of the notice. An application for review must be made within 28 days after the order or notice is issued or made or any variation of the order or notice is made (unless the relevant tribunal allows an extension of time).

Part 4 – General duty

This Part creates a statutory duty on an owner of property to ensure that the premises are safe and suitable for human occupation. If the premises are occupied under a residential tenancy agreement, the landlord and tenant have the following obligations:

- the landlord must take reasonable steps to ensure that the premises are and remain safe and suitable for human habitation; and
- the tenant must take reasonable steps to comply with the landlord's actions to discharge his or her obligations and ensure that the premises are maintained in a reasonable state for the purposes of human habitation.

In determining what is to be regarded as being reasonable for the purposes of this clause, regard must be had to matters including— prescribed minimum housing standards, relevant codes of practice under the regulations, and the impact on occupants of the premises of a failure to comply with the general duty.

A failure to comply with the general duty does not of itself render an owner liable to civil liability or criminal action, but compliance may be enforced by the issuing of a housing assessment order, housing improvement order or housing demolition order. The general duty does not derogate from any other provision of the Act.

Part 5—South Australian Civil and Administrative Tribunal

This clause vests the South Australian Civil and Administrative Tribunal with jurisdiction to deal with a housing improvement tenancy dispute. It will have the powers given to it under this Act as well as under the *South Australian Civil and Administrative Tribunal Act 2013*.

Any decision and penalties are to be decided by the relevant tribunal or court.

Part 6 – Register

A register recording the address of each residential premise to which an order applies, and the maximum rent for the premises if relevant, must be available for inspection without fee to members of the public at a public office and on a website.

This, along with the requirement for the landlord to include this information in advertisements for lease, provides prospective tenants with the means to make an informed decision before committing to a lease and moving into the property.

Part 7 – Miscellaneous

Provisions regarding service of orders or notices, and proceedings and offences in relation to contravention of the Act are in this part of the Bill.

Parties cannot contract to avoid the obligations and liabilities of the new Act, as is generally the case with legislation.

Clause 48 sets out the circumstances for offences by a body corporate and each director and manager.

Clause 51 makes it an offence to provide false or misleading information.

Clause 53 sets out the requirement for proceedings for a summary offence pursuant to the new Act to be commenced within three years after the date the alleged offence was committed.

Regulations may be made by the Governor as required for the purposes of the Act.

Schedule 1

Amendments to other Acts

Schedule 1 of the Bill proposes related amendments to the *Residential Tenancies Act 1995* and the *Residential Parks Act 2007* to align with or make reference to the Housing Improvement Bill where relevant.

Transitional provisions

Transitional provisions which would apply to properties with existing notices under the *Housing Improvement Act 1940* following proclamation of the Bill as a new Act are detailed below.

Notice of Intention

A Notice of Intention under the *Housing Improvement Act 1940* to declare a house sub-standard would continue as if a Housing Improvement order had been issued under the new Act.

The period fixed in the notice to submit to the housing authority any matters which the person wants considered before making declaration, becomes the date by which an appeal may be made.

Declaration

Properties currently declared sub-standard would continue as if a Housing Improvement order had been issued under the new Act.

Rent control

Properties currently with fixed maximum rent would continue as if a rent control notice had been made under the new Act.

Summary of *Housing Improvement (Standards) Regulations 2007*

Disclaimer: This summary has been prepared for discussion purposes only. No responsibility is taken for any reliance on this summary. A full copy of the Regulations is available at www.legislation.sa.gov.au .

Purpose of regulations

A house that does not comply with the standards prescribed by these regulations may be declared to be undesirable for human habitation or unfit for human habitation under the *Housing Improvement Act 1940*.

General standards

- The house, its grounds, fixtures and fittings and any other facilities provided with the house must be in a sound condition and in good repair; and must not present a health hazard.
- The fixtures, fittings and facilities must be properly installed, fit for the purpose for which they are intended, and in good working order.

Toilet, bathroom, kitchen and laundry areas

- The house must be provided with the following items for domestic purposes:
 - a toilet, bath or shower, hand basin, kitchen sink, and laundry wash trough or basin.
 - space, and water supply outlets close to the space, for a washing machine.
 - a waste water discharge pipe for a washing machine.
 - an oven and cooktop.
 - adequate kitchen bench space for food preparation.
 - a food storage cupboard in or within reasonable proximity of the kitchen.
- Each room in the house containing toilet, bathroom, kitchen or laundry facilities must allow ease of movement and access to the facilities.
- Each room with toilet or bathroom facilities must provide adequate privacy to the user.
- Each room containing a toilet must not open directly into a room used for the storage, preparation, cooking or eating of food unless ventilated by means of an exhaust fan or similar device.
- The construction of each room containing toilet, bathroom, kitchen or laundry facilities must comply with relevant waterproofing of walls and floors, depending on when the room was constructed.

Water supply and sewerage

- The house must have a sufficient and continuously available supply of:
 - hot and cold water plumbed to each bath, shower, handbasin, kitchen sink, laundry wash trough or basin and washing machine water supply outlets.
 - cold water plumbed to each toilet.
- The water must be of a suitable quality for its intended use and, if supplied to a kitchen sink, must be suitable for drinking.
- Waste water discharge must be according to requirements under either the *Sewerage Act 1929*; or the *Public and Environmental Health Act 1987*.

Electricity and gas

- The house must have a sufficient and continuously available supply of electricity.
- Each habitable room or room containing toilet, bathroom or laundry facilities must have at least 1 electric light fixture and a sufficient number of electrical power points as reasonably required for domestic purposes.
- Each electrical installation in the house must comply with the law in force at the time (*Electricity Act 1996* or a previous enactment).
- Each alteration, relocation, repair or maintenance of an electrical installation must comply with the law in force at the time (*Electricity Act 1996* or a previous enactment).
- Each gas installation in the house must comply with the law in force at the time of such installation (whether the *Gas Act 1997* or a corresponding previous enactment).
- Each alteration, relocation, repair or maintenance of a gas installation must comply with the law in force at the time (*Gas Act 1997* or a previous enactment).

(Note: a habitable room is a bedroom, kitchen, dining or living area.)

Additional requirements

Internal

- Each internal wall and ceiling must be constructed of rigid material and form a regular and durable surface.
- Floor to ceiling height in each room must not be less than the minimum requirements that applied under the *Building Act 1971* immediately before its repeal.
- Any stairs must comply with the building requirements at the time of construction (*Development Act 1993*, the *Building Act 1971* or a previous enactment).
- Each room must be adequately ventilated and lit and each habitable room must be able to be adequately lit by natural light during daylight hours.

Safety and Security

- Each external door in the house must be fitted with a lock.
- A lock must be fitted to the door to any bedroom in the house occupied under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995*.
- To enable occupants to safely screen visitors, the house must be provided with an external light fitting at the main point of entry to the house, and either a suitably placed window, lockable screen door, peep-hole, security chain, or intercom system.
- The house must be fitted with smoke alarms in accordance with regulation 76B of the *Development Regulations 1993*.
- Any swimming pool on the grounds of the house must comply with the requirements relating to swimming pool safety features under section 71AA of the *Development Act 1993*.

Windows

- A flyscreen must be fitted to each external window in the house that is able to be opened or is fixed open.
- A latch must be fitted to each external window in the house that is able to be opened.

General

- The house must have a clothesline, clothes dryer or some other clothes drying facility.
- The footings must provide effective structural support to the house.
- The house must be reasonably draught proof and weatherproof.
- The house must be reasonably free from moisture and damp (whether caused by ground moisture, rain or other precipitation or defective plumbing or drainage).
- The grounds of the house must be effectively drained.
- The house and its grounds must be maintained to prevent accumulation of rubbish, fire hazard, and infestation by vermin.