

Housing (Amendment) Bill

EXPLANATORY MEMORANDUM

- Clause 1 states the purposes of the Bill: to discontinue the operation of Part VII—Standards of Habitation of the Housing Act and to provide for transitional arrangements.
- Clause 2 provides for commencement.
- Clause 3 identifies the Principal Act as the **Housing Act 1983**.
- Clause 4 amends objects of the Principal Act by removing paragraph (k), which refers to standards of habitation.
- Clause 5 amends section 62 of the Principal Act to provide definitions of "Council" and "declaration"; to amend the definition of "regulations"; and to omit the definition of "step".
- Clause 6 repeals the following sections of the Principal Act: sections 63 (power to make regulations), 64 (power to make declarations), 65 (appeals against declarations) and 66 (power to issue directions).
- Clause 7 amends section 67 of the Principal Act to allow Councils to act in respect of directions issued by the Director of Housing before the commencement of the **Housing (Amendment) Act 1996**, where an owner fails to comply with such directions.
- Clause 8 amends section 68 of the Principal Act so that a notice served under that section ceases to operate if a Council has revoked a declaration under section 68A.
- Clause 9 inserts a new section 68A into the Principal Act enabling a Council to revoke a declaration in respect of a house which does not comply with the regulations if the Council is satisfied that the owner has made every endeavour to comply with the regulations and if it would cause the owner undue hardship to comply with the regulations.

- Clause 10 repeals section 69 of the Principal Act, which requires owners to disclose to purchasers whether a house is subject to a declaration by the Director of Housing as such information would be required to be disclosed under the **Sale of Land Act 1962**; and repeals section 70 of the Principal Act to discontinue the issue of certificates as any notices required in relation to standards of habitations declarations or charges in force immediately before the commencement of the **Housing (Amendment) Act 1996** will be revealed through a title search.
- Clause 11 amends section 71 of the Principal Act to give a Council powers of entry to carry out inspections.
- Clause 12 repeals section 71A of the Principal Act (Director's indemnity in relation to declarations).
- Clause 13 amends Schedule 6 so as to make the provisions of Schedule 6 consistent with the amendments to Part VII of the Principal Act.
- Clause 14 contains a saving provision for the Housing (Standards of Habitation) Regulations in force before the commencement of this Act.
- Clause 15 contains a saving provision for declarations in force before the commencement of this Act.
- Clause 16 contains a saving provision for a person to appeal against a declaration that was made before the commencement of this Act.
- Clause 17 contains a saving provision for directions issued before the commencement of this Act.
- Clause 18 enables the Director of Housing to enforce a charge under section 67(2) as in force before the commencement of this Act and to recover any expenses incurred under section 67(1) before the commencement of this Act.
- Clause 19 preserves the operation of a notice issued by the Director of Housing under section 68(1) before the commencement of this Act.
- Clause 20 enables a purchaser to rescind, or recover damages in respect, of a contract entered into before the commencement of this Act.
- Clause 21 contains a saving provision for certificates issued by the Director of Housing under section 70 before the commencement of this Act.
- Clause 22 contains a saving provision for any immunity acquired in respect of a declaration made before the commencement of this Act.

Clause 23 makes a consequential amendment to the **Local Government Act 1989** to enable Councils to recover the cost of inspecting houses and any fees or expenses associated with the registration or cancellation of a charge or declaration placed on a property title.

