



Queensland

# Housing Amendment Regulation 2023

## Subordinate Legislation 2023 No. 179

made under the

*Housing Act 2003*

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**1 Short title**

This regulation may be cited as the *Housing Amendment Regulation 2023*.

**2 Regulation amended**

This regulation amends the *Housing Regulation 2015*.

**3 Amendment of pt 2, hdg (Housing services requirements)**

Part 2, heading, after ‘requirements’—

*insert*

**—funded providers other than BTR providers  
and HIF providers**

**4 Amendment of s 5 (Housing services requirements—Act, s 33)**

Section 5, after ‘funded provider’—

*insert—*

, other than a BTR provider or HIF provider,

**5 Amendment of s 11 (Financial statements for ancillary housing service)**

Section 11(3)—

*omit, insert—*

- (3) If the funded provider is established under an Act, the annual financial statements must be in the form, and contain the information, required under the Act.

**6 Amendment of s 19 (Information about housing services)**

Section 19(4), definition *client*, paragraph (a), ‘relevant goods or services’—

*omit, insert—*

a housing service

## 7 Insertion of new pt 2A

After section 19—

*insert—*

### **Part 2A Housing services requirements—BTR providers and HIF providers**

#### **Division 1 Preliminary**

##### **19A Definitions for part**

In this part—

***BTR provider*** means an entity that is approved by the State as having the appropriate financial standing, technical capacity and capability to participate in the Build to Rent pilot project.

***Build to Rent pilot project*** see section 19B.

***HIF provider*** means an entity that is approved by the State as having the appropriate financial standing, technical capacity and capability to participate in the Housing Investment Fund program.

***Housing Investment Fund program*** see section 19C.

##### **19B What is the *Build to Rent pilot project***

The ***Build to Rent pilot project*** is the pilot project administered by the State that seeks to deliver

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affordable housing to low to moderate income earners by providing rent subsidies to developers to encourage the development of affordable housing in Queensland.

### **19C What is the *Housing Investment Fund* program**

- (1) The *Housing Investment Fund* program is the program administered by the State that—
  - (a) seeks to deliver community housing and affordable housing to low to moderate income earners; and
  - (b) provides subsidies, one-off capital grants and other support to encourage developers, builders, tenancy managers, institutional investors and superannuation funds to develop, finance and operate community housing and affordable housing in Queensland.
- (2) In this section—

*community housing* means a community housing service provided by a registered provider.

### **19D Housing services requirements—Act, s 33**

This part prescribes the requirements relating to the provision of housing services for which a funded provider who is a BTR provider or HIF provider receives funding.

*Note—*

A BTR provider or HIF provider is an exempt provider under schedule 4 of the Act. See section 38A.

### **19E Inconsistency with funding agreements**

- (1) If a provision of this part is inconsistent with a term of a funding agreement—
  - (a) the provision prevails; and

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- (b) the term is void to the extent of the inconsistency.
- (2) Subsection (1) does not limit another provision of this regulation.

## **Division 2      Financial management and accountability requirements**

### **19F Using funding and receipts**

- (1) This section applies to a BTR provider or HIF provider.
- (2) The BTR provider or HIF provider must use the funding or receipts that the provider receives for a housing service in a way that complies with the funding agreement for the service.

### **19G Financial statements for ancillary housing service**

- (1) This section applies to a HIF provider that receives funding for an ancillary housing service.
- (2) The HIF provider must prepare annual financial statements for each financial year in which the provider receives the funding.
- (3) If the HIF provider is established under an Act, the annual financial statements must be in the form, and contain the information, required under the Act.
- (4) If the chief executive requests a copy of the annual financial statements, the HIF provider must comply with the request.
- (5) The HIF provider must comply with this section even if the provider—

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- (a) does not provide, or is not required to provide, the ancillary housing service for the whole of the financial year; or
  - (b) stops providing the ancillary housing service before fully complying with this section.

### **19H Using funded property as security**

- (1) This section applies to a HIF provider.
- (2) The HIF provider must not use funded property as security for a loan unless the chief executive gives the HIF provider written approval to use the funded property as security for the loan.

### **19I Asset management plans**

- (1) This section applies to a HIF provider.
- (2) The HIF provider must keep, and implement, a management plan (an *asset management plan*) for each of the HIF provider's funded properties.
- (3) The purpose of an asset management plan is to—
  - (a) maintain the long-term viability, and value, of the funded property; and
  - (b) ensure the funded property is appropriate for—
    - (i) the type of housing service the HIF provider provides; and
    - (ii) the needs of people using the housing service; and
    - (iii) the circumstances in which the HIF provider provides the housing service.
- (4) An asset management plan must include financial strategies for the plan's implementation.
- (5) If the chief executive requests a copy of an asset

management plan, the HIF provider must comply with the request.

## **Division 3      Governance and service delivery**

### **19J Compliance with information privacy principles**

A BTR provider or HIF provider must comply with the *Information Privacy Act 2009*, chapter 2, parts 1 and 3 as if the provider were the department.

### **19K Eligibility policy for social housing services**

- (1) This section applies to a BTR provider or HIF provider that receives funding to provide a social housing service.
- (2) The BTR provider or HIF provider must—
  - (a) have an eligibility policy for the social housing service; and
  - (b) implement the eligibility policy for the social housing service consistently and fairly.
- (3) In this section—

*eligibility policy*, for a social housing service, means a policy that—

  - (a) states the criteria and procedures for deciding whether a person is eligible to receive the service; and
  - (b) complies with the funding agreement for the service.



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### **19L Allocations policy for social housing services**

- (1) This section applies to a BTR provider or HIF provider that receives funding to provide a social housing service.
- (2) The BTR provider or HIF provider must—
  - (a) have an allocations policy for the social housing service; and
  - (b) implement the allocations policy for the social housing service consistently and fairly.
- (3) In this section—

*allocations policy*, for a social housing service, means a policy that—

  - (a) states the criteria and procedures for deciding whether the service is to be allocated to a person eligible to receive the service; and
  - (b) complies with the funding agreement for the service.

### **19M Eligibility policy for ancillary housing services**

- (1) This section applies to a HIF provider that receives funding to provide an ancillary housing service.
- (2) The HIF provider must—
  - (a) have an eligibility policy for the ancillary housing service; and
  - (b) implement the eligibility policy for the ancillary housing service consistently and fairly.
- (3) In this section—

*eligibility policy*, for an ancillary housing service, means a policy that—

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- (a) states the criteria and procedures for deciding whether a person is eligible to receive the service; and
- (b) complies with the funding agreement for the service.

### **19N Rent policy for residential housing**

- (1) This section applies to a BTR provider or HIF provider that receives funding to provide a housing service for residential use.
- (2) The BTR provider or HIF provider must—
  - (a) keep a rent policy for the housing service; and
  - (b) implement the rent policy for the housing service consistently and fairly.
- (3) The BTR provider or HIF provider must comply with subsection (2) even if rent is not paid for the housing service.
- (4) However, if a tenant pays rent for the housing service, the BTR provider or HIF provider must keep a record of rent calculations for the tenant for the period required under the funding agreement.
- (5) In this section—

***rent policy***, for a housing service for residential use, means a policy that—

  - (a) states the criteria and procedures relating to rent paid by a tenant for the service, including, for example, about—
    - (i) setting the amount of rent; and
    - (ii) calculating rent payments; and
    - (iii) collecting rent; and
    - (iv) managing rent arrears; and
  - (b) provides for—

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- (i) explaining rent calculations to the tenant and dealing with their queries about rent; and
  - (ii) giving the tenant a choice of ways to pay rent; and
  - (iii) preventing the tenant from getting into serious arrears of rent; and
- (c) complies with the funding agreement for the service.

***tenant*** means an individual to whom a housing service is provided for residential use.

### **19O Information about funded properties**

- (1) This section applies to a HIF provider that receives funding to provide a social housing service.
- (2) The chief executive may, by notice, require the HIF provider to give the chief executive stated information about each funded property for the service.
- (3) The HIF provider must comply with the request within the period stated in the notice.
- (4) If the information given to the chief executive changes, the HIF provider must give details of the change to the chief executive as soon as practicable.

### **19P Information about housing services**

- (1) This section applies to a HIF provider that receives funding to provide a housing service.
- (2) The chief executive may, by notice, require the HIF provider to give the following information to the chief executive—

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- (a) information, including financial information, about the housing service;
  - (b) information about the use of a funded property for the service;
  - (c) non-identifying information about a client of the funded provider;
  - (d) any other information about the funding the HIF provider receives that the chief executive considers appropriate.
- (3) The HIF provider must comply with the request within the period stated in the notice.
- (4) In this section—
- client*—
- (a) means a person who—
    - (i) is receiving a housing service from the funded provider; or
    - (ii) has applied to the funded provider for a housing service; and
  - (b) includes a tenant.

## 8 Insertion of new s 38A

After section 38—

*insert*—

### **38A Additional exempt providers—Act, sch 4, definition *exempt provider***

- (1) This section applies in addition to section 38.
- (2) A BTR provider and an HIF provider are each prescribed as being eligible to receive funding to provide—
  - (a) a particular social housing service in this jurisdiction; or

(b) any social housing service in this jurisdiction.

## 9 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

***BTR provider*** see section 19A.

***Build to Rent pilot project*** see section 19B.

***HIF provider*** see section 19A.

***Housing Investment Fund program*** see section 19C.

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2023.
- 2 Notified on the Queensland legislation website on 8 December 2023.
- 3 The administering agency is the Department of Housing.

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