



Queensland

Housing Affordability and Accessibility Youth Act 2022

Youth Act No. 62 of 2022

A Youth Act to lower the costs of the rental housing market.

[Assented to 19 October 2022]



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Housing Affordability and Accessibility Youth Act 2022

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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Housing Affordability and Accessibility Youth Act 2022*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Main purpose of Youth Act

- (1) The main purpose of this Youth Act is to improve affordability and quality of housing available to renters in Queensland.
- (2) The object of this Youth Act is to be achieved by—
 - (a) protecting tenants of rental dwellings covered by allocations;
 - (b) protecting investors; and
 - (c) providing rights to investors.

4 Definitions

In this Youth Act—

affordable housing means housing with a cost of less than 30% of a household's gross income.

CPI, for a quarter, means the all groups consumer price index for the relevant area published by the Australian Statistician for that quarter.

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first-time home renters means any person above the age of 18 who does not receive income support payments, and who is moving out from their family home.

inclusionary zoning has the meaning given by section 16A.

Investor, in relation to a rental dwelling, means—

- (a) who is the legal or beneficial owner of the rental dwelling; and
- (b) who is not an approved renter in relation to the rental dwelling.

quarter means any of the following periods in a year—

- (a) 1 January to 31 March; or
- (b) 1 April to 30 June; or
- (c) 1 July to 30 September; or
- (d) 1 October to 31 December.

Part 2 Rental Increase Caps

Division 1 Amendment of Residential Tenancies and Rooming Accommodation Act 2008 (Qld)

5 Act Amended

This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

6 Amendment of section 93 (Minimum period before rent can be increased)

(1) Section 93(2)—

omit, insert—

(2) The lessor or lessor's agent must not increase the

existing rent less than 6 months since the date the existing rent became payable by the tenant.

Maximum penalty—20 penalty units.

(2) Section 93(6)—

omit—

(a) the chief executive of the department in which the Housing Act 2003 is administered, acting on behalf of the State; or

(b) the lessor is the State and the tenant is an officer or employee of the State.

(3) After Section 93(6)(c)—

insert—

Maximum penalty—20 penalty units.

Part 3 **Queensland Housing Affordability Regulatory Body and Scheme**

7 **Objects**

The objects of this part are to—

(a) create a housing affordability scheme where market rent is subsidised for tenants who meet specific criteria;

(b) establish a regulatory body to establish, manage and maintain this scheme; and

(c) set out the characteristics of the housing affordability scheme.

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8 Scope of the Committee

The Queensland Housing Affordability Committee has, for the purposes of implementing and operating the Scheme (the *Queensland Housing Affordability Scheme*), complete discretion as to the following matters—

- (a) the approval of participants (*approved participants*);
- (b) the approval of rental dwellings;
- (c) the provision of incentives to approved participants;
- (d) any matter required or permitted by this Act to be included in the Scheme;
- (e) ancillary or incidental matters.

9 Other matters that may be included in the Queensland Housing Affordability Scheme

- (1) The Queensland Housing Affordability Scheme may provide for any or all of the following matters—
 - (a) the application process for a subsidy; or
 - (b) the assessment criteria for a subsidy; or
 - (c) the amount of a subsidy; or
 - (d) the adjustment, in certain circumstances, of the amount of a subsidy that—
 - (i) is to be provided to an approved participant; or
 - (ii) has previously been provided to an approved participant.
- (2) In delivering the scheme, the Queensland Housing Affordability Committee must have regard to—
 - (a) how the market value of rent of a rental dwelling is to be determined; and
 - (b) the protection of tenants of rental dwellings covered by subsidies; and
 - (c) the protection of investors; and

- (d) the rights of investors; and
- (e) the creation and management, or delegation of such, of seven hundred and fifty thousand (750,000) public affordable houses over twenty (20) years.

10 Queensland Housing Corporation

- (1) The Queensland Housing Corporation (QHC) is established.
- (2) The QHC will preside over all operations of the Queensland housing affordability scheme.
- (3) The QHC, as a body within the Queensland Department of Communities, Housing and Digital Economies, shall report to the Department and Minister for matters relating to these purposes.
- (4) The Corporation is subject to the direction and control of the Minister.
- (5) The Corporation is, for the purposes of any Act, a statutory body representing the Crown.

11 Functions of the Corporation

The corporation has the following functions—

- (a) to acquire land for present or future residential development and public purposes; and
- (b) from time to time, as prevailing circumstances require, to develop and make available, or to make available for development by others, much of the land so acquired as the corporation considers necessary or expedient for residential development and public purpose; and
- (c) provide private social housing corporations with additional housing stock from the state's social housing catalogue.

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12 QHAC Membership

- (1) An executive board is formed to preside over the QHAC body and will report directly to the Department of Communities, Housing and Digital Economies Minister.
- (2) The QHAC executive must contain the following representatives—
 - (a) the Director-General of the Department of Communities, Housing and Digital Economies, or an appointed delegate; and
 - (b) delegates of affordable housing providers; and
 - (c) delegates of stakeholder groups, with particular focus on those with limited accessibility or those at high risk; and
 - (d) media and communications officials.
- (3) The representatives are to be selected by application.

13 Infringements

- (1) Any tenant or prospective tenant found to be infringing the terms of the Scheme will be subject to fines and/or eviction, at the discretion of the QHAC.
- (2) Infringements include—
 - (a) falsifying evidence to prove a lower income than is actually had by the tenant;
 - (b) falsifying evidence to prove destruction to property when applying for natural disaster crisis housing;
 - (c) falsifying evidence to prove a higher household expenditure than is incurred by the tenant;
 - (d) falsifying evidence to prove fewer life-sustaining incomes than earned by those living in the residence; and
 - (e) having a rental cost in excess of the average rental cost for the same area.

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- (3) Any landlord found to have had their property appraised for more than it is worth will be banned from renting out any of their properties.
 - (4) Where the true value of the property is discovered after the first rental payment is made—
 - (a) the lease agreement is to be cancelled; and
 - (b) all monies must be repaid to the lessee.
 - (5) Where subsection 4 applies, the landlord may then enter into a subsequent compliant lease agreement with the same lessee.
Maximum penalty—20 penalty units.

14 Determining the rental subsidy amount for tenant

- (1) The percentage subsidy of housing cost will be determined by the current percentage of gross income spent on housing, in addition to circumstantial needs.
- (2) The Scheme will—
 - (a) subsidise all housing costs for tenants beyond 20% of income; and
 - (b) subsidise an additional 10% of housing costs for households with increased situational needs, including but not limited to—
 - (i) domestic and family violence;
 - (ii) recent natural disasters, including—
 - (A) flooding; and
 - (B) bushfires; and
 - (C) cyclones; and
 - (D) any other natural disaster which the QHAC determines to be relevant; and
 - (iii) renters who are facing disproportionate financial stress, including—

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- (A) first-time renters, who will be subsidized based on the following criteria;
 - (a.) where the lessee's annual income is below \$45,000, the lessee will receive a 15% subsidy from all associated rental payment instalments for the corresponding period of 6 month; or
 - (b.) where the lessee's annual income is between \$45,000 and \$55,000 per annum, the lessee will receive a 10% subsidy from all associated rental payment instalments for the corresponding period of 6 months
- (B) renters who meet the criteria for the Centrelink *Crisis Payment for Extreme Circumstances—Family and Domestic Violence* will be eligible for a 20% subsidy on the value of their weekly rent for the first three months of their tenancy agreement.

15 Protecting affordable housing at the conclusion of the federal NRAS scheme

- (1) All properties in Queensland currently under the NRAS scheme must remain at the current rental price for a period of 1 year from the NRAS expiry date to ensure a reasonable and fair transition period for tenants in NRAS properties.
- (2) The Scheme must provide similar or the same incentives to landlords and property developers to maintain affordability.

16 Inclusionary Zoning

- (1) Local governments must engage in inclusionary zoning in newly built residential properties.
- (2) This section binds all Local Governments in Queensland.

- (3) This section prevails against any local law, zoning regulation or otherwise of a local government to the extent of the inconsistency.
- (4) In this section, ***inclusionary zoning*** means zoning which requires that 15% of properties built must be dedicated to social or affordable housing.