



Fact Sheet

Community Housing Regulatory Framework

This fact sheet provides information for Community housing providers (providers), tenants, investors and other interested parties on the Community Housing Regulatory Framework (Framework).

Policy Intent

The vision of the Framework is for a well governed, well managed and viable community housing sector that meets the needs of tenants and provides assurance for government and investors.

The Framework aims to achieve this vision by:

- ensuring regulatory oversight is targeted to key areas of risk and to the aims and intended outcomes of social housing
- providing a consistent regulatory environment to support the growth and development of the community housing sector
- ensuring public investment in community housing is adequately protected against inappropriate use and retained for legitimate sector purposes.

The regulatory activities under the Framework operate independently of funding activities by governments for community housing.

Eligibility

The Framework is designed to regulate providers of community housing, which includes social and affordable housing. Indigenous community housing providers (ICHOs) and other specialist housing providers are also welcome to apply for registration.

Local government and State government agencies are excluded from this Framework. This is because these entities are already governed by a range of existing statutory requirements and subject to transparent reporting requirements to account for decisions on the use and development of publicly funded services and activities.

There will be no obligation on housing providers to be registered under the Framework. However, the Department of Communities prefers to see assets in the hands of registered providers and may make registration a precondition for receiving funding or delivering funded housing services.



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Registration is open to any provider that meets the eligibility requirements of the Framework including:

- an appropriate corporate structure for the proposed tier of registration. (e.g. Tier 1 housing providers must be incorporated as either a company limited by shares or by guarantee under the Corporations Act 2001; or a corporation incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006)
- having in place mandatory arrangements that ensure in the event of wind-up, community housing assets are transferred to another registered provider in Western Australia or to the Housing Authority
- a demonstrated capacity to meet and achieve ongoing compliance with the National Regulatory Code.

1. What it means for multi-jurisdiction providers registered under the National Regulatory System for Community Housing (NRSCH) National Law

Providers registered in NRSCH jurisdictions under the Community Housing Providers National Law will have their registration recognised in WA. Recognition is subject to conditions outlined in the Framework, including the provider consenting for the NRSCH Registrars and the Community Housing Registration Office (CHRO) to share the provider's information.

The Framework will make it easier for providers who operate in more than one jurisdiction by reducing red tape and regulatory burden.

The Framework does not place any restrictions on a provider's trading activities or how they choose to secure their obligations to lenders.

2. What it means for small single-jurisdiction providers

Currently, the vast majority of providers are small organisations that manage fewer than 50 properties. Under the Framework, these providers are likely to be registered as Tier 3 providers.

This will ensure they are subject to a regulatory burden proportionate to the scale, scope and risk profile of their activities.

In assessing an application for registration or a change to registration, the Registrar will make an assessment of the overall level of risk in the entity's delivery of community housing activities and make a determination of the required level of regulatory oversight.

The Framework is designed to provide a level playing field for providers. While registration does not offer any entitlement to funding, it provides a status that is immediately recognised by government and increasingly recognised by private investors and partners.

[Last updated: December 2021]



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Core elements

The vision, objectives, regulatory principles and philosophy behind the Framework are aligned with those set out in the NRSCH Charter.

1. Registration Tiers

Registered providers are placed on the WA Register in one of three tiers according to the scope, scale and complexity of their business activities:

- Tier 1: housing providers with asset procurement and development functions (and the ability to grow social and affordable housing supply through construction, purchase or acquisition) and/or complex tenancy and property management functions that operate at scale
- Tier 2: housing providers typically involved in moderately complex asset and tenancy management activities
- Tier 3: housing providers typically involved in small-scale tenancy management activities,

2. National Regulatory Code

The National Regulatory Code sets out the performance requirements that registered providers must comply with in providing community housing under the Framework. It does not prescribe how providers should run their businesses but rather focuses on the achievement of outcomes in the following areas:

- Tenant and housing services
- Housing assets
- Community engagement
- Governance
- Probity
- Management
- Financial viability

Community Housing Registration Office

The Community Housing Registration Office is responsible for administering the Framework which includes registering providers, maintaining a register of registered providers, monitoring provider performance, intervening when non-compliance occurs and cancelling the registration of non-compliant providers.



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The Framework sets out the specific obligations on registered providers including:

- complying with the National Regulatory Code
- providing information, records or documents requested by the Community Housing Registration Office
- allowing the Community Housing Registration Office to carry out compliance reviews or inspections
- notifying the Community Housing Registration Office of anything that could affect their registration status
- maintaining a register of community housing assets.

The Framework also allows the Community Housing Registration Office to intervene where a provider is not meeting its obligations. The focus will be on early engagement when warning signs are identified to avoid the possibility of serious non-compliance and seek to return the housing provider to full compliance where non-compliance occurs.

Enforcement action is intended to provide staged, proportionate intervention provisions that reflect the seriousness and potential consequences of a provider's failure to meet their obligations. Providers may be de-registered as a last resort. All enforcement action will be subject to procedural fairness and appeal provisions.

Applying for registration

Unregistered providers can express their interest in registering at any time by writing to the Community Housing Registration Office.

A suite of related information and documents have been developed to help providers prepare for their registration applications including the:

- Framework and Appendices
- Guidance Notes
- Facts Sheets
- Frequently Asked Questions

These are available on the Community Housing Regulation website at [Housing investors and partners - Community Housing Organisations \(www.wa.gov.au\)](https://www.wa.gov.au/government/organisations/community-housing-organisations)

For more information

For more information on the requirements of the Framework including ongoing compliance assessments and to view the Register of Registered Providers, please visit Community Housing Regulation website at [Housing investors and partners - Community Housing Organisations \(www.wa.gov.au\)](https://www.wa.gov.au/government/organisations/community-housing-organisations) or contact the Community Housing Registration Office via e-mail registrar@communities.wa.gov.au

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