



Government
of South Australia

Housing Safety Authority

Fact Sheet



Selling or leasing a substandard property

Section 32 of the *Housing Improvement Act 2016*

- 1) *If residential premises to which an order or notice under this Part (other than a preliminary rent control notice) applies are offered for sale, the vendor must ensure that each advertisement published or caused to be published by the vendor in relation to the sale includes a statement that such order or notice applies to the premises.*
- 2) *If residential premises to which an order or notice under this Part (other than a preliminary rent control notice) applies are offered for lease, the lessor must ensure that*
 - a. *each advertisement published or caused to be published by the lessor for the lease, and the lease agreement, includes a statement that such order or notice applies to the premises; and*
 - b. *if a rent control notice applies to the premises—any oral or written representation made to a lessee about the amount of rent payable for the premises includes a statement that the rent payable is the amount fixed under the rent control notice*
- 3) *A statement required to be made under subsection (1) or (2) in an advertisement or document must be in legible form and appear in a reasonably prominent position in the advertisement or document.*

Selling a substandard property

When selling a property that is subject to an Order issued under the *Housing Improvement Act 2016* (the Act), the following wording must appear on every advertisement in relation to selling the substandard property:

- **Subject to Housing Improvement Act Order**

Abbreviations, such as “HIA”, are not considered as complying with section 32 of the Act.

The vendor, including a prospective vendor, or person authorised to act on their behalf, must comply with this section and that the maximum penalty for non-compliance is \$2,500 or expiation fee of \$210.

Leasing a substandard property

When leasing a property that is subject to an Order issued under the *Housing Improvement Act 2016* (the Act), the following wording must appear on every advertisement and lease agreement in relation to leasing the substandard property:

- **Subject to Housing Improvement Act Order**

Abbreviations, such as “HIA”, are not considered as complying with section 32 of the Act.

The lessor, including a prospective lessor, or person authorised to act on their behalf, must comply with this section and that the maximum penalty for non-compliance is \$2,500 or expiation fee of \$210.

Disclaimer - Information contained in this factsheet has been prepared for general information only and does not constitute legal advice.



Rent amount fixed

When leasing a property where the rent amount is fixed under a rent control notice under the *Housing Improvement Act 2016* (the Act), the following wording must appear on every advertisement in relation to leasing the substandard property in addition to the above wording relating to leasing a property:

- **Rent payable is fixed under a rent control notice**

Abbreviations, such as “HIA” or “RCN”, are not considered as complying with section 32 of the Act.

The lessor, including a prospective lessor, or person authorised to act on their behalf, must comply with this section and that the maximum penalty for non-compliance is \$2,500 or expiation fee of \$210.

Substandard Property Register

The Substandard Property Register is a public register of residential premises that are subject to an order or notice under the *Housing Improvement Act 2016* (the Act). The register also details the maximum rent-controlled amount that is chargeable and receivable at the premises.

It is recommended that the register is searched when advertising a property for sale or lease. A property may become subject to an order or notice while it is advertised for sale or lease.

The register is updated weekly and it is accessible by scanning the QR code or via www.housingsafetyauthority.sa.gov.au/substandard-property-register.

