



Government  
of South Australia

Housing Safety Authority

# Fact Sheet



## Rights and Responsibilities

### Property owners and landlords

Property owners and landlords must take reasonable steps to ensure that their premises are safe and suitable for human habitation.

#### Orders and notices issued under the Housing Improvement Act

Property owners must comply with the requirements specified in the order and notice issued to them under the Housing Improvement Act. Properties subject to an order or notice issued under the housing improvement act will be listed on the Substandard Property Register.

#### Rent control

A rent control notice will specify the maximum weekly rent amount that can be charged for a substandard property. Rent must not be charged, demanded or received over the specified fixed amount in the rent control notice. The fixed rent amount will be listed alongside the property address on the Substandard Property Register.

#### Reasonable access to assess and repair

If you are issued with an order under the Housing Improvement Act and the premises is rented under a residential tenancy agreement, you must give at least forty-eight (48) hours' notice, at a reasonable time to the tenant, to carry out the requirements of a housing assessment order or housing improvement order.

#### Privacy

The Housing Safety Authority does not disclose to property owners or agents how it was notified about the substandard property. Investigations into substandard properties are treated as confidential.

Property owners and their agents may not be notified prior to inspecting a property. Inspections may occur without the property being reported as substandard.

#### Terminating a residential tenancy agreement

A landlord cannot terminate a residential tenancy agreement within six months of the premises being inspected by the Housing Safety Authority, or if an order has been issued under the Housing Improvement Act. A landlord or their agent must apply to the South Australian Civil and Administrative Tribunal (**SACAT**) if they seek to terminate the residential tenancy agreement.

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



## Matters with SACAT

If there is an application made to SACAT or a hearing arranged, property owners and landlords are recommended to inform SACAT that the Housing Safety Authority is investigating the premises' condition.

## Removing an order or notice

An order or notice will remain in place until:

- all requirements are complied with, *or*
- the property is demolished, *or*
- the property's classification of use has been formally changed and it is no longer used as a residential premises.

An inspection may be needed to support evidence of compliance. The property owner and landlord may also request an inspection to support compliance of the order or notice.

## Advertising a substandard property for sale or lease

Refer to the *Selling or leasing a substandard property* fact sheet for more information.

## Offences

Penalties apply for non-compliance of orders and notices.

A person, including property owners and landlords, must not provide false or misleading information to the Housing Safety Authority. A person, including property owners and landlords, must not hinder or obstruct an authorised officer, or a person assisting an authorised officer, while conducting an inspection.

## Further information about rights and responsibilities

For further information about rights and responsibilities and the minimum housing standards, refer to the following fact sheets or visit [www.housingsafetyauthority.sa.gov.au](http://www.housingsafetyauthority.sa.gov.au).

- Rights and Responsibilities: Property agents
- Rights and Responsibilities: Tenants
- Rent reforms and the minimum housing standards
- Selling or leasing a substandard property

