The Housing Improvement Act 1940 (as amended) is an Act of Parliament to improve housing standards and to control rents for substandard houses subject to the Act.

The Housing Improvement Branch in the Office of Housing Regulation is responsible for administering Part 7 of the Housing Improvement Act 1940 (as amended) and the Housing Improvement (Standards) Regulations 2007.

Some defects that cause a dwelling to be classified as non-compliant:
- Cracked or damp affected walls
- Sagging or damaged ceilings
- Uneven or inadequately supported floors
- Leaking roof cladding
- Termite damage
- Defective plumbing, gas or electrical services
- Inadequate kitchen, bathroom, toilet or laundry facilities
- Contaminated or lack of clean water supply for human consumption

The role of the Housing Improvement Branch
The Housing Improvement Branch receives enquiries from private rental tenants about the condition of their accommodation and complaints about owners or agents not maintaining the property to a reasonable standard.

The Housing Improvement Branch also receives information from Councils and other sources about properties in poor condition. In discussions with the tenant or occupant an Investigations Officer may arrange an inspection to assess the condition of the property and if it complies with the Regulations of the Housing Improvement Act.

If a house does not comply with the Regulations and the tenant requests to proceed with the complaint, a written report will be prepared for the attention of the owner and/or agent on the condition of the property.

Housing Improvement Branch Investigations Officers are authorised under Section 67 of the Act to enter privately owned properties at any reasonable hour to determine if the property provides a desirable standard of housing.

Tenants may initially be advised to contact the owner, agent or Consumer and Business Services, Tenancies Branch in respect to minor building maintenance issues that are not considered as sub-standard defects within the Regulations.

The written report is not a demand to undertake the repairs as an owner/agent cannot be forced to repair, improve or demolish a dwelling. However if the property is declared substandard a maximum rent payable may be fixed.

Declaration of non-compliant dwellings
If repairs are not undertaken within a reasonable time and the property does still not comply with the Act and Regulations, the property may be declared sub-standard.

The declaration is published in the Government Gazette. The owner can dispute the declaration by lodging an Appeal to the Administrative and Disciplinary Division of the local District Court, within one month from the date the declaration is published in the Government Gazette.

If the owner/agent has carried out significant repairs to the property a re-inspection can be requested to determine if the Declaration on the property can be revoked.
Rent control of non-compliant dwellings
At least one month after declaring a property sub-standard, the maximum rent payable for the property may be fixed.

This is determined by comparing average rents for the area or suburb and the overall general condition of the property.

A periodic review of the rent paid by tenants is undertaken to ensure property owners comply with the Act.

The property owner or agent can request a review of the fixed rent, particularly if improvements have been undertaken at the property.

Notification of the notice of intention & declaration
Owners, agents, occupants, registered Mortgagees and Councils may be notified in writing of actions taken under the Housing Improvement Act.

Housing Improvement Act classifications are recorded on the file of administrative interests in the Land Ownership and Tenure System (LOTS) for advice to prospective owners.

It is a breach of the Act to:
• Demand rent in excess of the amount fixed under Part 7 of the Act.
• Fail to keep a true and accurate record of all rents received from the tenant.
• Fail to provide a rent receipt to the Tenant within 48 hours of receiving each payment. A receipt of rent paid directly into a bank/credit union is acceptable.

Anyone found guilty of overcharging rent may be fined under the provisions of the Act. A fine may be imposed for each individual offence of overcharging.

further information
Contact the Housing Improvement Branch on:
Phone: 1300 700 329
Fax: (08) 8124 4577
Email: housingimprovement@dcsi.sa.gov.au

Or visit the Housing website at:
www.sa.gov.au/housing

address all correspondence to:
The Manager
Housing Improvement Branch
GPO Box 292
ADELAIDE SA 5001

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