AHO Registration of Interest (s.21) Policy

Frequently Asked Questions
for Aboriginal Community Housing Providers (ACHP)

1. Why does the AHO have a Registration of Interest (s.21) Policy?
The AHO Registration of Interest (s.21) Policy outlines the legislative obligations of the AHO and Aboriginal housing providers under the *Aboriginal Housing Act 1998* (the Act), specifically Section 21 (s.21), and the circumstances under which the AHO is required to register an interest in land and dwellings.

2. What is s.21 interest on a property?
Section 21 interest is a legal instrument available to the AHO to help protect the investment in housing assets. It ensures that the land, or the investment made in land, is used for the intended purpose of providing social housing for Aboriginal people.

3. What does s.21 interest mean for my organisation?
An s.21 interest on property means that if you wish to sell, transfer or otherwise deal with the land, you must first receive consent from the AHO. (*Please refer to the AHO Registration of Interest Policy for further information*)

4. When does an s.21 interest apply?
It will apply on land:
- where properties have received some form of backlog maintenance or refurbishment works from the AHO
- which the AHO has purchased, and then transferred or sold to an Owning Organisation
- that the AHO has constructed on, and then transferred or sold to an Owning Organisation.

5. Will all properties under the HACP Title Transfer be subject to s.21 interest?
Yes, all properties which are eligible for the HACP title transfer are subject to s.21 interest. *Please refer to the HACP FAQ for further information.*

6. How will the AHO register an s.21 interest on the property?
Your organisation will be required to complete a Land and Property Information (LPI) form which will enable the AHO to lodge s.21 interest on the properties. Once the LPI form has been lodged, your organisation will receive notification that the s.21 interest is now registered on the title.
7. **What is the process if I would like an s.21 interest removed?**
   Please refer to the AHO Registration of Interest (s.21) Policy for information on this process and the circumstances in which removal of an s.21 interest may be considered.

8. **If I have signed a Head Lease, Housing or Funding Agreement, how long will the s.21 interest be lodged for?**
   If you have signed a Head Lease, Housing or Funding Agreement under the AHO’s *Build and Grow* Program, the s.21 interest will usually be lodged for a period of 10 years, unless otherwise stated in the terms and conditions of your agreement. To confirm, please check your Head Lease, Housing or Funding Agreement.

9. **How long will the s.21 interest be registered on an HACP property?**
   In accordance with the AHO Registration of Interest (s.21) Policy, the AHO will lodge s.21 interest on a property for an indefinite period of time, unless otherwise stated in the Housing Agreement or Head Lease Agreement.

10. **Where can I find more information about the Registration of Interest (s.21) Policy?**
    Refer to the AHO Registration of Interest (s.21) Policy or visit our website at [www.aho.nsw.gov.au](http://www.aho.nsw.gov.au)