

## Housing Aboriginal Communities Program (HACP) Title Transfer Expression Of Interest

### Frequently Asked Questions (FAQ)

#### HACP Expression Of Interest

**1. What is the Expression Of Interest (EOI) about?**

The Aboriginal Housing Office (AHO) invites Expressions Of Interest (EOI) from Aboriginal Community Housing Providers (ACHPs) that are eligible to receive a title transfer of properties under the Housing Aboriginal Communities Program (HACP).

**2. What is a Title Transfer?**

In this case, a Title Transfer is where ownership of an HACP property is transferred from the AHO to an ACHP.

#### What are the eligibility requirements of the EOI?

**3. What is the basis for the HACP title transfer?**

The HACP criteria for Title Transfer are based on the terms of the Housing Agreements signed by Aboriginal Community Housing Providers (ACHPs), and by the Aboriginal Housing Act 1998 (the Act).

**4. Is the AHO bound by the Aboriginal Housing Act 1998?**

Yes. The AHO cannot act outside the power provided by the Act.

**5. Does my organisation need to be registered with the AHO in order to submit an EOI for HACP Title Transfer?**

Yes the HACP Title Transfer EOI process recognises registration under PARS, SHAPE/CBS, and head lease registration. The National Regulatory System will also be accepted. However, if you are, or have been transitionally registered with the AHO you should still submit an EOI.

**6. Do I need a Housing Agreement for Title Transfer?**

Yes, consistent with section 10 (2) of the Act, the AHO cannot transfer title unless your organisation provides evidence of a Housing Agreement.

**7. Who will do the assessment of the current state of the property?**

The Land and Housing Corporation, in conjunction with the AHO's Strategic Finance & Assets Management team will assess the state of the properties through a standard scoping program.

### 8. Will my property receive an upgrade before the title is transferred?

Any property transferred under the program will undergo works to bring it up to a standard of clean, safe and habitable.

## What if I don't meet all the eligibility requirements?

### 9. If I'm not a registered provider can I still submit an EOI for HACP Title Transfer?

We encourage all ACHPs who are interested in title transfer to submit an application through the EOI process. All applications will be reviewed and considered by the HACP Panel (the Panel).

### 10. I'm unsure if my organisation has a Housing Agreement or Head Lease Agreement – can we still submit an EOI?

If you are unsure if your organisation has the right agreements we encourage you to submit an EOI for Title Transfer of HACP properties.

### 11. What if I don't have a Housing Agreement?

If your organisation does not have a Housing Agreement in place, the AHO encourages you to submit an EOI so that your particular circumstances can be considered by the Panel.

### 12. Do I need a HACP Head Lease Agreement?

In some cases, Housing Agreements require a Head Lease Agreement to be entered into at the time of signing, in order for title transfer to happen.

### 13. What if I don't have a Head Lease Agreement?

The AHO and your organisation can mutually agree to enter into a formal Variation Agreement which can remove the requirement to enter into a head lease.

## HACP EOI Evaluation

### 14. How will the EOI work?

1. You will be asked to provide information and submit an EOI
2. The EOI will be reviewed by the AHO
3. You will be invited to meet the Panel to discuss your application
4. The property will be fully surveyed to assess its condition
5. The Panel will make a decision
6. You will be advised whether or not your application was successful.

### 15. How will my organisation be assessed for Title Transfer?

The AHO will complete a comprehensive review of all evidence provided to ensure that your organisation meets the requirements. As a registered provider, your assessment will be based on:

- Due diligence evidence
- Properties in your portfolio
- Corporate Governance (*continued overleaf*)

- Asset Management
- Financial Management

**16. Where will the Panel meeting take place?**

Meetings will take place in a central location near the provider's area where possible.

**17. What if I can't make the Panel meeting?**

Providers are not required to attend the Panel meeting. Teleconference calls can be arranged and written submission will be reviewed as part of the EOI process

**18. Who will sit on the Panel?**

The AHO's Chief Executive and members of the AHO Executive team will sit on the Panel.

**19. When does the EOI process close?**

The EOI will close 22 April 2016. An extension for EOI lodgement will be offered by request only.

**20. How long will the EOI process take?**

You will be provided with a final decision within eight (8) weeks of your meeting with the Panel. Providers will be advised of any delays in the decision making process via letter.

### Does this impact my current AHO Contract or Housing Agreement?

**21. What happens if the property we manage is not transferred?**

The AHO will retain ownership of properties that are not transferred under the HACP EOI process and a Management Agreement will be put in place.

### Registration Of Interest, via Section 21 (s.21)

**22. 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 investment made in land is used for the intended purpose of providing social housing for Aboriginal persons.

**23. 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 in writing.

*Please refer to the AHO Registration of Interest (s.21) Policy and supporting Frequently Asked Questions for further information, which can be found on our website.*

**24. 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.

**25. How long will the s.21 interest be registered on the 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.

**26. How will the AHO register s.21 interest on the property?**

Your organisation will be required to complete a Land and Property Information (LPI) form prior to the title transfer taking place. This will enable the AHO to lodge s.21 interest on the properties to be transferred. Once the LPI form has been lodged, your organisation will receive notification that s.21 interest has been registered on the title.

**27. What is the process if I would like s.21 interest to be removed?**

Please refer to the AHO Registration of Interest (s.21) Policy for information on this process.

### Appeals process

**28. Is there an appeals process if we are advised that our EOI was unsuccessful?**

You will be consulted by the Panel before any decision is made. If an ACHP is not satisfied with an HACP title transfer decision, they may appeal the decision to the AHO Board.

### What are my responsibilities post transfer?

**29. Who is responsible for payment of council rates once the title transfer of a property has been made?**

As the new property owner, your organisation will be responsible for all council rates once the property title has been transferred.

**30. Who is responsible for insuring the dwelling once the title transfer of a property has been made?**

As the new property owner, your organisation will be responsible for organising and paying for insurance once the property title has been transferred.

### Who can I talk to about HACP?

**31. Who should I call for assistance with my EOI application?**

For any enquiries regarding the program and the HACP EOI process, please contact The HACP team on **1800 730 869**. You can also contact your local AHO Project Officer.

**32. Where can I find more information about the HACP Title Transfer EOI?**

Visit our website at [www.aho.nsw.gov.au/hACP](http://www.aho.nsw.gov.au/hACP), call the HACP Team on **1800 730 869** or email: [AskaboutHACP@facS.nsw.gov.au](mailto:AskaboutHACP@facS.nsw.gov.au)