

SUMMARY OF CONSULTATION

Legal services related to land and property in the ACT

Date of consultation:	7 September 2017
Group consulted with:	Legal services
Number of attendees:	8
Name of organisations:	ACT Government Solicitor, Clayton Utz, Minter Ellison, KJB Law

Key themes arising from the consultation

- Exploration and investigation of different tenure arrangements such as community title and cooperative housing.
- Covenants can be applied to Leases to restrict sales and transfers out of affordable housing pool.
- Buyer education about contract law and requirements and their obligations when purchasing an affordable product would be beneficial.

What is working well?

- Ownplace while it was operating
- Homes for Homes
- Public Housing Shared Equity program
- Land Rent
- The Big Issue
- New Public Housing quality is good due to stringent quality controls by Government

What could be improved?

- Dual contracts for people entering into home ownership increases the prices for purchasers while the developer can still be seen to deliver affordable products – need more accountability and buyer education.
- Little accountability for developers who don't deliver affordable housing in line with Government policy.
- Current lack of eligibility means that affordable purchasers are still crowded out of the market.

- Limited models for home ownership and tenure in the ACT –innovative models in other jurisdictions/internationally need to be explored.
- New programs need government backing to build trust in the market.
- Ensure developers are aware of their affordable housing obligations.
- Quality of affordable housing may be lacking due to current private certification practices.

New ideas

- Cooperative housing models (not a corporate model) could be explored as a means to reduce development costs or upfront costs such as deposits.
- They could be an alternative to restrictions on titles as there is improved visibility to incoming purchasers.
- Mixed tenure developments would assist to break down the current fixation of either home purchase or rent as the only options for housing in the ACT.
- Deliberative design models of development can help purchasers get what they want from a dwelling (built form outcomes) rather than being forced into a market that has limited offerings (small units or large houses).
- Ensure developers and the Government advertise the Affordable Housing requirements in new developments.
- Ensure developers are aware of any reporting, monitoring and compliance that will be attached to affordable housing targets including accountability.
- Use positive warranty checking (or a defect bond) and mirror the Public Housing Renewal Taskforce methods for quality assurance.
- Review community title legislation to allow more innovative title options.
- Offer Rent-to-Buy options or staged payments for land within the Land Rent Scheme.