



National Rental Affordability Scheme Regulations quick guide

The below tables provide a quick comparison between the sections in National Rental Affordability Scheme Regulations 2008 (2008 Regulations) and the National Rental Affordability Scheme Regulation 2020 (2020 Regulations).

There are two tables:

- 1) links the 2008 Regulations with relevant sections in the 2020 Regulations and
- 2) links the 2020 Regulations with relevant sections in the 2008 Regulations.

2008 Regulations to 2020 Regulations

2008 Regulations	2020 Regulations	Notes
1	1	Name
-	2	Commencement
3	3	Authority
4	5	Definitions
5	-	Meaning of rental dwelling
6	-	Purpose of 'Part 2 – Application'
7	-	Call for applications
8	-	Form of application
9	-	Time for dealing with applications
10	-	Purpose of 'Part 3 – Allocations'
11	-	Assessment criteria for allocations
12	-	Assessment of applications
13	-	Offers of allocation
14	-	Allocations
15	-	Notification to approved participants (APs)
16(1B)	8	Conditions of allocation
16(1C)	12	Initial status of dwelling
16(1D)	10	Maximum rent
16(1)	27(2)(c) and 42(1)	Vacancies
16(2)	14	Lodgement of statements of compliance
16(2A)	13(5)	Compliance with relevant laws
16(3)	15(1)	False and misleading documents
16(4) and 16(5)	36(1)(a)	Compliance with special conditions

2008 Regulations	2020 Regulations	Notes
16(5A) and 16(6) 16(6A) and 16(6B) 16(6C) and 16(12) 16(11A)	37(1) 39(1) 39(3)	Meaning of market rent valuation Market rent valuations Extension of time for giving valuations Notice and effect of extensions
17(1) 17(2) 17(2A) and 17(2B) 17(2C) 17(2D) 17(2E) and 17(2F) 17(3)	42(1) 42(3) 42(4) 42(3)(b) 42(4) 42(5) 43	Statement of compliance Statement of compliance (continued)
18(1A) 18(1) and 18(2)	36 and 38 37	Determining market value rent
19	11 and 41	Eligible tenants
20	20	Transfer of allocation to another rental dwelling
21	21	Transfer of allocation to another person or entity
22	16, 23	Revocation of allocation other than provisional allocation
22A	23	Revocation of provisional allocation
22B	23	Matters that may be taken into account by Secretary in deciding to revoke an allocation
22BA	24 and 30	Individual breach
22BB	25, 30 and 31	Serious breach
22BC	26, 30 and 31	Disqualifying breach
22BD(2)	27(2)	APs code of conduct
22BE	28	Secretary may determine breach on own initiative or on request by an investor
22BF	30	Secretary must notify proposed determination
22BG	32	Transfer or revocation because of breach
22BH(1) 22BH(2) 22BH(3) 22BH(4) 22BH(5) 22BH(6) 22BH(7)22BH(8)	57 58 59 58(1) and 59(1) 60 61 61(2) 58(2) and 59(2)	Secretary may redirect incentive
22BJ	35	Statement of compliance if allocation is transferred
22C	33	Contracts do not prevent transfers

2008 Regulations	2020 Regulations	Notes
22D	34	Obligations of approved participants when allocations are transferred
23	19	Variation of certain conditions
23A	18 and 19	Applications to vary conditions of reservation—general
23B	18 and 19	Application to vary dwelling's location or style
23C	-	Application to vary dwelling's agreed rental availability date
23D	19	Decisions on applications
24	-	Purpose of incentives
25	50	Entitlement to receive incentives
25A	-	Additional eligibility in 2012–13 and 2013–14 NRAS years
26	52	Full incentive amount for standard dwelling
27	-	Full incentive amount for subsidiary dwelling
28	51	Amount of incentive and reductions from full incentive amount
28A	55	Elections to receive incentive as tax offset certificate
28AA	55	Effect of election agreed to by Secretary
29	54	Receipt and form of incentives
30	56	Variation of incentive amount
30A	63	Approved participant's obligations to investors
30B	64	Obligation to pass on incentives or State or Territory contributions in timely manner
30C	65	Incentives or State or Territory contributions not to be withheld or refused if investor fails or refuses to accept other services provided by approved participant
30D	66	Incentives or State or Territory contributions not to be withheld or refused if bond not paid
30E	67	Approved participant must give summary of code of conduct to investors
31	49	Record keeping
32	69	Sharing and use of information
32A	46	Secretary may request other documents and information
32B	70	Notice of end of allocation

2008 Regulations	2020 Regulations	Notes
33	71	Review by Administrative Appeals Tribunal (AAT) of decisions by Secretary
34	73	Application and transitional provisions — vacancy periods
35	73	Application and transitional provisions — variation of conditions of the reservation of an allocation
36	73	Amendments made by previous regulations
37	73	Amendments made by previous regulations
38	73	Amendments made by previous regulations
40	73	Amendments made by previous regulations
41	73 and 78	Operation of Subdivision C of Division 1A of Part 3 – Redirecting for certain earlier year transfers
42	51 and 73	Internal review of incentive amounts under regulation 28

2020 Regulations to 2008 Regulations

Regulations 2020	Regulations 2008	Notes
1	1	Name
2	-	Commencement
3	3	Authority
4	-	Schedules
5	4	Definitions
6	-	No new allocations
7	-	General conditions
8	16(1B)	Initial status of dwelling
9	-	Initial vacancy
10	16(1D)	Other vacancies
11 (and 41)	19	Eligible tenants
12	16(1C)	Maximum rent
13 13(1) 13(5)	32A 17 16(2A)	Documents and information
14	16(2)	Compliance with relevant laws
15	16(3)	Compliance with special conditions
16	22(2)	If allocation is revoked
17	-	Conditions of the reservation of existing provisional allocations
18	23	Varying or removing special conditions by agreement
19	23	Secretary may vary, remove or impose special conditions
20	20	Transfer to another dwelling
21	21	Transfer to another person on application by approved participant
22	New	Transfer of provisional allocation on Secretary's own initiative
23	22, 22A and 22B	Revocation on application by approved participant etc.
24	22BA	Individual breach
25	22BB	Serious breach
26	22BC	Disqualifying breach
27	22BD	Approved participants code of conduct
28	22BE(1)	Secretary may determine breach on own initiative or on request by an investor
29	22BE(2), 22BE(3) and 22BE(4)	Transfer requests
30	22BF	Requirements for determinations of breach
31	22BB(2)(a)	Publishing notice of certain breaches
32	22BG	Transfer or revocation because of breach

Regulations 2020	Regulations 2008	Notes
33	22C	Legal arrangements or contracts do not prevent transfers
34	22D	Obligations of approved participants when allocations are transferred
35	22BJ	Statement of compliance if allocation is transferred
36	16 and 18	Meaning of market value rent
37	16 and 18	Valuations
38	16 and 18	Giving valuations
39	16(6A), 16(6B) and 16(6C)	Secretary may extend time for giving valuations
40	-	Valuations – other matters
41 (and 11)	19	Eligible tenants
42	17	Statement of compliance required for each NRAS year
43	17(3)	Contents of statement of compliance
44	New	Tenant consent form
45	New	Lease agreement
46	32A	Secretary may request other documents and information
47	New	Changes to approved participant's details
48	New	Changes relating to investors
49	31	Record keeping
50	25	Entitlement to incentives
51	28	Amount of incentive and reductions by Secretary
52	26	Full amount of incentive
53	New	Incentive amounts when approved participant changes
54	29	Form of incentive
55	28A	Elections by endorsed charitable institutions
56	30	Variation of incentive amount
57	22BH	Application of Division 3 – 'Redirecting incentives'
58	22BH(2)	Incentive for year of transfer
59	22BH(3)	Incentive for an earlier year
60	22BH(5)	Meaning of redirects
61	22BH(6) and 22BH(7)	Secretary must notify proposed redirection
62	New	Secretary must take interests of investors into account
63	30A	Approved participant's obligations to investors
64	30B	Obligation to pass on incentives or state and territory contributions in a timely manner

Regulations 2020	Regulations 2008	Notes
65	30C	Incentives or State or Territory contributions not withheld if investor fails to accept other services
66	30D	Incentives or State or Territory contributions not to be withheld if bond not paid
67	30E	Approved participant must give summary of code of conduct to investors
68	New	Secretary may approve forms
69	32	Sharing and use of information
70	32B	Notice of end of allocation
71	33	Review of decisions by AAT
72	New	When incentive cannot be redirected
73	New	Things done under the previous regulations
74	New	General conditions of allocations existing immediately before 1 April 2020
75	New	Determination relating to maximum rent
76	New	Eligible tenants moving rental dwellings
77	New	References to breaches etc.
78	New	Redirecting incentives for certain earlier transfers
79	New	Details of approved participants and investors