

## Housing Support Assistance Amendment (No 2) 2020

This instrument is made under section 101(1) of the Social Security Act 2018 by the Minister for Social Development and Employment.

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### Instrument

#### 1 Title

This instrument is the Housing Support Assistance Amendment (No 2) 2020.

#### 2 Commencement

- (1) This instrument comes into force on 30 December 2020.
- (2) Clauses 4 and 5(1) come into force on 11 February 2021.

#### 3 Programme amended

This instrument amends the Housing Support Assistance Programme<sup>1</sup> (as established and approved on 26 June 2014) (“principal programme”).

#### 4 Clause 4 amended (Interpretation)

In clause 4, definition of tenancy agreement, replace “section 13” with “section 13(1)-(3)”.

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<sup>1</sup> New Zealand Gazette, 3 July 2014, page 1975.

**5 Clause 44D amended (Rent arrears assistance: ineligibility)**

(1) In clause 44D, at subclause (1), replace paragraphs (c) and (d) with:

(c) are subject to an order as defined under section 2(1) of the Residential Tenancies Act 1986 which—

(i) terminates the tenancy; and

(ii) is not a conditional order or an interim order; or

(d) have received or given a notice under the Residential Tenancies Act 1986 which—

(i) terminates the tenancy; and

(ii) has not been revoked; or

(2) In clause 44D, at subclause (2), delete “31 December 2020” and insert “30 June 2021”.

**6 Clause 44I amended (Rent arrears assistance amounts and limits)**

In clause 44I, at subclause (2), delete “31 December 2020” and insert “30 June 2021”.

**7 Revocation**

(1) Revoke clauses 8 and 9 of the Housing Support Assistance Amendment 2020<sup>2</sup> on 30 December 2020.

(2) Revoke clause 44D(2) on 1 July 2021.

(3) Revoke clause 44I(2) on 1 July 2021.

**8 New clause 66 inserted (Transitional provision for revocation of clauses 44D(2) and 44I(2))**

After clause 65, insert:

**Clause 66. Transitional provision for revocation of clauses 44D(2) and 44I(2)**

Despite the revocation of clauses 44D(2) and 44I(2) on 1 July 2021, MSD may grant and pay rent arrears assistance under clause 6 as if those clauses had not been revoked to an applicant whose application for that assistance had been received by MSD between 6 July

<sup>2</sup> New Zealand Gazette, 19 June 2020, page 2704.

2020 and the close of 30 June 2021, whether or not payment of that assistance would be made on or after 1 July 2021.



Minister for Social Development and Employment

At Auckland this 21st day of December 2020

#### **Explanatory Note**

*This note is not part of the instrument, but is intended to indicate its general effect.*

This instrument, which comes into force on 30 December 2020, amends Subpart 7 (Rent arrears assistance) of the principal programme to extend the temporary changes made to rent arrears assistance to 30 June 2021. The temporary changes were made pursuant to the Housing Support Assistance Amendment 2020 and increased the maximum grant of rent arrears assistance from \$2000 to \$4000. The requirement that applicants are only eligible for rent arrears assistance if they are not eligible for other financial assistance for rent arrears was also removed.

This instrument also replaces references to the Residential Tenancies Act 1986 (RTA) to reflect amendments made under the Residential Tenancies Amendment Act 2020. It also clarifies that applicants who are subject to a final termination order or termination notice under the RTA are not eligible for rent arrears assistance.