

Ministerial Direction – Social Housing Amendments 2020

This instrument is made under section 102(2) of the Public and Community Housing Management Act 1992 (the **Act**) by the Minister of Finance, the Minister of Housing, and the Minister for Social Development (the **joint Ministers**), after consultation with the Agency appointed under section 100 of the Act and the Regulatory Authority appointed under section 159 of the Act.

Contents		Page
1	Title	1
2	Commencement	1
3	Principal directions	1
4	Amendments to Ministerial Direction on Continued Eligibility for Social Housing	1
5	Amendments to Ministerial Direction on Eligibility for Social Housing	3

Instrument

1 Title

This instrument is the Ministerial Direction – Social Housing Amendments 2020.

2 Commencement

This instrument comes into force on 2 November 2020.

3 Principal directions

This instrument amends the Ministerial Direction on Continued Eligibility for Social Housing¹ (as established and approved on 11 June 2014) and the Ministerial Direction on Eligibility for Social Housing² (as established and approved on 14 April 2014) (the **principal directions**).

4 Amendments to Ministerial Direction on Continued Eligibility for Social Housing

(1) In the preamble, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

(2) In clause 3.1, definition of **Act**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

¹ New Zealand Gazette, 19 June 2014, No. 2014-go3707, page 1864.

² New Zealand Gazette, 17 April 2014, No. 2014-go2461, page 1203.

- (3) In clause 3.1, definition of **agency**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.
- (4) In clause 3.1, definition of **main benefit**, replace “3(1) of the Social Security Act 1964” with “Schedule 2 of the Social Security Act 2018”.
- (5) Add the following definitions in the correct alphabetical order in clause 3.1:

Christchurch response visa means a permanent resident visa of a kind described in the following immigration instructions:

- (a) RV2.16 (Permanent resident visas for residents affected by terrorist attacks on 15 March 2019); and
- (b) S4.30 (Christchurch Response (2019) Category).

immigration instructions has the same meaning as in section 4 of the Immigration Act 2009, and a reference in subclause (4) to a specified immigration instruction—

- (a) is one to it as at 3 June 2019 and as published by the chief executive of the department responsible for the administration of that Act; and
- (b) includes a reference to any later immigration instruction that, with or without modification, replaces, or that corresponds to, it.

- (6) Replace clause 5 with:

5 Residential Qualifications

5.1 The basic residential qualifications are that the person is ordinarily resident in New Zealand and:

- (a) is a New Zealand citizen; or
- (b) holds a residence class visa under the Immigration Act 2009 and has resided continuously in New Zealand for a period of at least 2 years at any one time after becoming a resident; or
- (c) is recognised as a refugee or a protected person in New Zealand under the Immigration Act 2009; or
- (d) holds a residence class visa under the Immigration Act 2009 that is a Christchurch response visa; or
- (e) is eligible for and receiving a payment under:
 - i. the Christchurch Mosques Attack Welfare Programme; or
 - ii. clause 15B of the Special Needs Grants Programme.

5.2 A person is deemed to have met the basic residential qualifications in subclause 5.1 if they are eligible for, and receiving, a main benefit.

- (7) In clause 6.4, replace “61E of the Social Security Act 1964” with “68(2) of the Social Security Act 2018”.
- (8) In clause 7.8(b), replace “(within the meaning of section 3(1) of the Social Security Act 1964 read in the light of section 63A of that Act)” with “(within the meaning of Schedule 2 of the Social Security Act 2018 read in the light of section 103 of that Act)”.
- (9) In Schedule 1, Step 2, replace “Social Security Act 1964” with “Social Security Act 2018”.
- (10) In Schedule 2, Part 2, replace “61E of the Social Security Act 1964” with “68(2) of the Social Security Act 2018”.

5 Amendments to Ministerial Direction on Eligibility for Social Housing

- (1) In the preamble, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.
- (2) In clause 3, definition of **Act**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.
- (3) In clause 3, definition of **agency**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.
- (4) In clause 3, definition of **household**, replace “any dependent children (within the meaning of section 3(1) of the Social Security Act 1964))” with “any dependent child”.
- (5) In clause 3, definition of **main benefit**, replace “section 3(1) of the Social Security Act” with “Schedule 2 of the Social Security Act 2018”.
- (6) Add the following definitions in the correct alphabetical order of clause 3:

Christchurch response visa means a permanent resident visa of a kind described in the following immigration instructions:

- (a) RV2.16 (Permanent resident visas for residents affected by terrorist attacks on 15 March 2019); and
- (b) S4.30 (Christchurch Response (2019) Category).

dependent child has the meaning given to it in Schedule 2 of the Social Security Act 2018.

immigration instructions has the same meaning as in section 4 of the Immigration Act 2009, and a reference in subclause (4) to a specified immigration instruction—

- (a) is one to it as at 3 June 2019 and as published by the chief executive of the department responsible for the administration of that Act; and
- (b) includes a reference to any later immigration instruction that, with or without modification, replaces, or that corresponds to, it.

(7) Replace clause 5.1(c) with:

(c) is 16 or 17 years of age, single or in a de facto relationship (in the case of a de facto relationship entered into after 13 August 2018, with the consent of a Family Court judge under section 46A of the Care of Children Act 2004), subject to that person obtaining, under the Contract and Commercial Law Act 2017 from the Tenancy Tribunal or a District Court, approval to enter into a tenancy agreement in respect of particular social housing.

(8) Replace clause 5.2 and 5.3 with:

5.2 The basic residential qualifications are that the person is ordinarily resident in New Zealand and:

- (a) is a New Zealand citizen; or
- (b) holds a residence class visa under the Immigration Act 2009 and has resided continuously in New Zealand for a period of at least 2 years at any one time after becoming a resident; or
- (c) is recognised as a refugee or a protected person in New Zealand under the Immigration Act 2009; or
- (d) holds a residence class visa under the Immigration Act 2009 that is a Christchurch response visa; or
- (e) is eligible for and receiving a payment under:
 - i. the Christchurch Mosques Attack Welfare Programme; or
 - ii. clause 15B of the Special Needs Grants Programme.

5.3 A person is deemed to have met the basic residential qualifications in subclause 5.2 if they are eligible for, and receiving, a main benefit.

(11) In clause 6.4, replace “61E of the Social Security Act 1964” with “68(2) of the Social Security Act 2018”.

(12) In Schedule 1, Step 2, replace “Social Security Act 1964” with “Social Security Act 2018”.

(13) In Schedule 3, Part 2, replace “61E of the Social Security Act 1964”
with “68(2) of the Social Security Act 2018”.

Dated at Wellington this day of 2020

Minister of Finance

Minister for Social Development

Minister of Housing

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 2 November 2020, amends the principal directions to expand the categories of people who meet the residential qualification tests that apply under each direction. It also updates references to statutes that have been amended or replaced.