**Temporary Accommodation Assistance Programme Amendment 2024**

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

**Contents** Page

|  |
| --- |
| [1 Title 1](#_Toc161667421)[2 Commencement 1](#_Toc161667422)[3 Principal programme 1](#_Toc161667423)[4 Clause 3 amended (Purpose) 1](#_Toc161667424)[5 Clause 4 amended (Interpretation) 1](#_Toc161667425)[6 Clause 6 amended (Applications for assistance) 3](#_Toc161667426)[7 Clause 7 amended (Eligibility) 3](#_Toc161667427)[8 Clause 10 amended (Grant under this programme) 4](#_Toc161667428)[9 Clause 12 amended (Rates of temporary accommodation assistance) 4](#_Toc161667429)[10 Schedule 1 (Maximum rate of weekly temporary accommodation assistance) 4](#_Toc161667430)[11 Schedule 2 (Maximum rate of temporary accommodation assistance on the grounds of hardship) 5](#_Toc161667431) |

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**Instrument**

1. Title

This instrument is the Temporary Accommodation Assistance Programme Amendment 2024.

1. Commencement

This instrument comes into force on 1 April 2024.

1. Principal programme

This instrument amends the **Temporary Accommodation Assistance Programme** (as established and approved on 29 August 2023).[[1]](#footnote-2)

1. Clause 3 amended (Purpose)
2. In clause 3(b), replace ‘have had to vacate’ with ‘are unable to live in’.
3. In clause 3(d), after ‘expired’ insert ‘, or who did not have insurance cover due to circumstances beyond their control’.
4. Clause 4 amended (Interpretation)
5. In clause 4(1), in the definition of **household**, replace ‘premises that are the subject of a qualifying tenancy’ with ‘qualifying temporary accommodation’.
6. In clause 4(1), revoke the definition of **qualifying tenancy.**
7. In clause 4(1), insert in its appropriate alphabetical order:

**qualifying temporary accommodation,** in relation to an applicant who requires temporary accommodation until such time as they no longer have an uninhabitable home, means premises—

1. that are occupied by the applicant and their household because the affected premises are uninhabitable because of a severe weather event; and
2. for which MSD is satisfied that temporary accommodation costs are payable by the applicant under an agreement for temporary accommodation, such as—

(i) a tenancy, to which the Residential Tenancies Act 1986 applies:

(ii) a flat or house-sharing agreement:

(iii) a hire agreement or rental contract for a cabin, mobile home or caravan:

(iv) a lodging or boarding arrangement:

(v) a commercial accommodation arrangement such as a hotel, motel or homestay

1. In clause 4(1), replace the definition of **temporary accommodation costs** with:

**temporary accommodation costs—**

1. means the following repeated and regular, or lump sum, costs of the applicant, payable for the provision of accommodation in a qualifying temporary accommodation:

(i) for premises rented by the applicant under a tenancy or a flat or house-sharing agreement, the amount payable by the applicant for rent of the premises:

(ii) for a cabin, mobile home or caravan, the amount payable by the applicant to hire or rent the cabin, mobile home or caravan:

(iii) for a lodging or boarding arrangement, the amount payable by the applicant for board and lodging:

(iv) for commercial accommodation arrangements, the amount payable by the applicant for that accommodation:

(v) for any other qualifying temporary accommodation, an amount payable by the applicant for that accommodation; and

1. excludes the following costs, unless MSD is satisfied that they cannot be separated from the amount that is payable for the provision of accommodation in a qualifying temporary accommodation:

(i) any arrears:

(ii) general living expenses, such as food, electricity, gas, laundry, cleaning, parking, telephone, internet and insurance:

(iii) costs related to securing the qualifying temporary accommodation, such as a deposit, booking fees, bond, delivery fees and insurance

1. In clause 4, replace the definition of **uninhabitable** with:

**uninhabitable** means MSD is satisfied that the applicant and their household are unable to live in the affected premises because—

1. a responsible person (as defined in section 133BB of the Building Act 2004) has placed a sign or notice on the premises, prohibiting entry or restricting access to the premises, under the authority of section 133BT of the Building Act 2004 or the Civil Defence Emergency Management Act 2002; or
2. that affected premises has been damaged or poses a significant immediate risk.
3. Clause 6 amended (Applications for assistance)
4. In clause 6(2), replace ‘hardship’ with ‘the’.
5. In clause 6(2), replace ‘2 October 2023’ with ‘30 April 2024’.
6. Clause 7 amended (Eligibility)
7. In clause 7(1)(d), replace ‘their’ with ‘the’.
8. In clause 7(1)(e), replace ‘their’ with ‘the’.
9. In clause 7(1)(f), replace ‘for a qualifying tenancy they entered into before 20 July 2023’ with ‘under an agreement for qualifying temporary accommodation that was made before 18 March 2024’.
10. In clause 7(2)(a), replace ‘subclause (1)’ with ‘clause 7(1), subject to clauses 7(3) and 7(4)’
11. In clause 7(2)(b), replace ‘costs.’ with ‘costs; and’.
12. After clause 7(2)(b), insert:

 (c) the applicant or their spouse or partner (if any) has not previously received weekly temporary accommodation assistance under clause 7(1).

1. In clause 7(3), replace ‘still’ with ‘be deemed to’.
2. In clause 7(3), after ‘if’ insert ‘ MSD is satisfied that’.
3. In clause 7(3)(a), replace ‘20 July 2023’ with ‘18 March 2024’.
4. In clause 7(3)(a), replace ‘a tenancy agreement’ with ‘an agreement for temporary accommodation’.
5. In clause 7(3)(a), replace ‘included as a named tenant on that tenancy agreement’ with **‘**liable to pay the temporary accommodation costs under that agreement for temporary accommodation’.
6. In clause 7(3)(b), replace ‘the tenancy’ with ‘the agreement for qualifying temporary accommodation’.
7. In clause 7(3)(b), replace ‘qualifying tenancy’ with ‘agreement for qualifying temporary accommodation’.
8. In clause 7(3)(b), replace ‘in the applicant or the applicant’s spouse or partner’s (if any) tenancies’ with ‘between the agreements for the qualifying temporary accommodation of the applicant or the applicant’s spouse or partner’s (if any)’.
9. After clause 7(3)(b), insert:

(4) Despite clause 7(1)(g), an applicant will be deemed to meet the eligibility criteria, if—

 (a) the applicant did not have a policy for insurance cover for the affected premises due to unforeseen circumstances that MSD considers were beyond the applicant’s control, having taken reasonable steps to obtain a policy for insurance cover before the date of the relevant severe weather event; or (b) the applicant did not receive insurance cover following the relevant severe weather event, due to the nature of the damage to the affected premises caused by that severe weather event, and the affected premises is considered uninhabitable for the purposes of this programme.

1. After clause 7(4)(b), insert:

(5) An applicant who was granted assistance under this programme before 1 April 2024 will continue to be eligible for weekly temporary accommodation assistance if the tenancy for which they were receiving assistance has ended, but the applicant has entered into another agreement for qualifying temporary accommodation, if MSD is satisfied that they meet all of the criteria in clause 7(1), subject to clauses 7(3) and 7(4).

1. Clause 10 amended (Grant under this programme)
2. In clause 10(2), after ‘application’ insert ‘ for assistance’.
3. In clause 10(2), replace ‘2 October 2023’ with ‘30 April 2024’.
4. Clause 12 amended (Rates of temporary accommodation assistance)
5. In clause 12(1)(a), replace ‘rent for their’ with ‘temporary accommodation costs for the qualifying’.
6. In clause 12(1)(b), replace 'Schedule 2' with 'Schedule 1'.
7. In clause 12(2)(a), replace ‘rent for their temporary accommodation’ with ‘temporary accommodation costs for the qualifying temporary accommodation, incurred during the gap in the period they were receiving financial support to contribute towards these temporary accommodation costs’.
8. In clause 12(3)(a), replace ‘1 June 2023’ with ‘1 January 2024’.
9. In clause 12(3)(b), replace ‘1 October 2023’ with ‘29 April 2024’.
10. Schedule 1 (Maximum rate of weekly temporary accommodation assistance)
11. In Schedule 1 row 5, replace ‘**resides** means the’ with ‘where an applicant **resides** means the location of the qualifying’.
12. In Schedule 1 row 5, delete ‘where the applicant and their household currently live’.
13. Schedule 2 (Maximum rate of temporary accommodation assistance on the grounds of hardship)

Replace Schedule 2 with:

 **Schedule 2**

**Maximum rate of temporary accommodation assistance on the grounds of hardship**

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| --- | --- | --- |
| 1 | To a person who is single with no dependent children | An amount to support the applicant’s need for temporary accommodation assistance, but not more than-- |
|  | a) | $5,657.14, if the applicant resides in AS Area 1 |
|  | b) | $4,628.57, if the applicant resides in AS Area 2 |
|  | c) | $4,457.14, if the applicant resides in AS Area 3 |
|  | d) | $4,285.71, if the applicant resides in AS Area 4 |
| 2 | To a person who is single with 1 dependent child, or to a person who is in a relationship with no dependent children | An amount to support the applicant’s need for temporary accommodation assistance, but not more than-- |
|  | a) | $8,228.57, if the applicant resides in AS Area 1 |
|  | b) | $7,200.00, if the applicant resides in AS Area 2 |
|  | c) | $6,514.29, if the applicant resides in AS Area 3 |
|  | d) | $5,828.57, if the applicant resides in AS Area 4 |
| 3 | To a person who is single with 2 dependent children, or to a person who is in a relationship with 1 dependent child | An amount to support the applicant’s need for temporary accommodation assistance, but not more than-- |
|  | a) | $9,600.00, if the applicant resides in AS Area 1 |
|  | b) | $8,228.57, if the applicant resides in AS Area 2 |
|  | c) | $7,371.43, if the applicant resides in AS Area 3 |
|  | d) | $6,514.29, if the applicant resides in AS Area 4 |
| 4 | To a person who is single with 3 or more dependent children, or to a person who is in a relationship with 2 or more dependent children | An amount to support the applicant’s need for temporary accommodation assistance, but not more than-- |
|  | a) | $10,457.14, if the applicant resides in AS Area 1 |
|  | b) | $8,742.86, if the applicant resides in AS Area 2 |
|  | c) | $7,885.71, if the applicant resides in AS Area 3 |
|  | d) | $6,857.14, if the applicant resides in AS Area 4 |
| 5 | For the purposes of this schedule, where an applicant **resides** is the location of the qualifying temporary accommodation. |

At this day of 2024

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Minister for Social Development and Employment

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**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 1 April 2024, amends the Temporary Accommodation Assistance Programme to:

* extend assistance under the programme to support additional displaced homeowners who, prior to 1 April 2024 do not meet one or more specified eligibility criteria but who face hardship;
* expand the types of temporary accommodation costs for which an applicant could be eligible for assistance;
* amend the definition of uninhabitable to allow MSD to consider other information which shows the affected property was damaged or poses significant immediate risk as a result of the severe weather event;
* allow MSD to grant assistance where an applicant does not meet the criteria requiring the applicant to having insurance cover;
* ensure that applicants who were granted assistance before 1 April 2024 continue to be eligible if they entered into another agreement for qualifying temporary accommodation;
* make consequential amendments give effect to the above changes;
* change the relevant dates relating to the hardship payment, so that the requirements for new applicants are consistent with the requirements under the original programme;
* change the amounts in Schedule 2, to reflect the relevant period for the hardship payment; and
* makes minor editorial changes.
1. *New Zealand Gazette,*31 August 2023, No. 4083 [↑](#footnote-ref-2)