

# Housing Support Programme

This welfare programme for special assistance is established and approved under section 101 of the Social Security Act 2018 by the Minister for Social Development and Employment.

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## Programme

### Part 1 General provisions

#### 1 Title

This programme is the Housing Support Programme.

#### 2 Commencement

This programme comes into force on 13 March 2023.

#### 3 Purpose of this programme

The purpose of this programme is to provide limited financial special assistance to eligible applicants for housing related costs to assist them to obtain and retain housing.

#### 4 Interpretation

- (1) In this programme, unless the context otherwise requires,—
- 52-week period** means the period of 52 weeks immediately preceding the date a grant is paid
- Act** means the Social Security Act 2018
- agency** has the same meaning as in section 2(1) of the PaCHMA
- alternative housing** means housing as defined in this programme, other than social housing
- applicant** means—
- (a) a person applying for assistance under this programme; or
  - (b) a person on whose behalf an application for assistance is made
- bond** has the same meaning as in section 2(1) of the Residential Tenancies Act 1986
- housing** means residential premises located in New Zealand that an applicant occupies, occupied or intends to occupy as a tenant under a tenancy agreement, and includes social housing
- landlord** has the same meaning as in section 2(1) of the Residential Tenancies Act 1986
- MSD** has the same meaning as in Schedule 2 of the Act
- PaCHMA** means the Public and Community Housing Management Act 1992
- rent** has the same meaning as in section 2(1) of the Residential Tenancies Act 1986

**rent arrears** means a debt owed for rent required by the applicant's landlord under a tenancy agreement, excluding any service costs (as that term is defined in section 65(2) of the Act) included in that rent

**shared tenancy** means a tenancy with 2 or more tenants who are not in a relationship with each other

**social housing** and **social housing provider** have the same meanings as in section 2(1) of the PaCHMA

**tenancy**, in relation to any housing (as defined in this programme)—

- (a) has the same meaning as in section 2(1) of the Residential Tenancies Act 1986; and
- (b) for the avoidance of doubt, includes a boarding house tenancy (as that term is defined in section 2(1) of the Residential Tenancies Act 1986); and
- (c) excludes tenancies that the Residential Tenancies Act 1986 does not apply to

**tenancy agreement** has the same meaning as in section 2(1) of the Residential Tenancies Act 1986, but excludes tenancy agreements that the Residential Tenancies Act 1986 does not apply to

**tenant** has the same meaning as in section 2(1) of the Residential Tenancies Act 1986, and includes a person who has been vested a tenancy by way of a tenancy order made by the court (including but not limited to under section 122 of the Family Violence Act 2018 and section 28 of the Property (Relationships) Act 1976)

**universal entrance criteria** means the criteria in clause 10 of this programme

- (2) Terms otherwise used in this programme that are defined in Schedule 2 of the Act have the same meanings in this programme.

## **5 Application of the Act**

- (1) Sections 8, 19, 111-114, 205, 292, 294-295, 298, 301, 304-306, 317-318, 340, 354-358, 360-363, 417, clauses 1-2, 4-7, 8(e)-(p), 9-17 and 21 of Schedule 3, and clauses 1-5 and 12-13 of Schedule 6 of the Act apply to and in respect of the following as if the special assistance under this programme were a benefit under the Act—
  - (a) this programme:
  - (b) any applicant:
  - (c) any spouse or partner of an applicant.
- (2) Nothing in subclause (1) limits the application of any other provision of the Act.

## **6 Grants and assistance are discretionary**

- (1) Except where otherwise specified, MSD may, in its discretion, grant any 1 or more kinds of assistance specified in this programme to an eligible applicant.
- (2) MSD may only grant assistance under subclause (1) if—
  - (a) the applicant meets the eligibility criteria for that kind of assistance; and
  - (b) granting the assistance would not be contrary to any restriction on that kind of assistance, including any restrictions specified in clause 8.

## 7 Principles to be applied in the exercise of discretion

- (1) In exercising the discretion under clause 6(1), including determining the amount of any grant—
  - (a) MSD must have regard to—
    - (i) the purpose of this programme; and
    - (ii) the purpose of the kind of assistance the applicant is applying for; and
    - (iii) any other matters MSD considers relevant; and
  - (b) MSD may have regard to—
    - (i) the extent to which the applicant has caused or contributed to the need that they seek assistance for; and
    - (ii) the likely effects on the applicant and their immediate family (if any) if the need that they seek assistance for is not met; and
    - (iii) the ability of the applicant and their spouse or partner (if any) to meet the need that they seek assistance for from their own resources, including the realisation of assets and any other suitable available resources (other than those provided by MSD); and
    - (iv) the ability of the applicant and their spouse or partner (if any) to meet their essential living expenses if assistance is granted; and
    - (v) the existing debt of the applicant and their spouse or partner (if any), from all sources.
- (2) This clause does not apply to transition to alternative housing grants under subpart 6 of Part 4.
- (3) In this clause **immediate family** means—
  - (a) in the case of an applicant who is in a relationship; their spouse or partner and each dependent child (if any); or
  - (b) in the case of an applicant who is single who has a dependent child or children; each dependent child.

## 8 Restrictions on payments

- (1) Except where otherwise stated in this programme, MSD must not pay more than 2 grants of each kind of assistance to an applicant or their spouse or partner (if any) combined, in a 52-week period, unless MSD is satisfied exceptional circumstances exist.
- (2) For the avoidance of doubt, there is no restriction on the number of times MSD may grant a conditional grant of tenancy costs cover under subpart 5 of Part 4 to an applicant or their spouse or partner (if any), in a 52-week period, but MSD must only pay grants in respect of that assistance in accordance with subclause (1).

## 9 Recoverability of grants

Unless otherwise stated, all grants paid under this programme are recoverable and are debts due to the Crown by the applicant within the meaning of regulation 206 of the Social Security Regulations 2018.

## Part 2

### Universal entrance criteria

#### 10 Eligibility criteria

Unless otherwise stated in this programme, an applicant is eligible for assistance under this programme if—

- (a) the applicant meets the residential criteria in clause 11; and
- (b) the income and cash assets of the applicant and their spouse or partner (if any) do not exceed the income and cash asset limits in clauses 12 and 13; and
- (c) the applicant meets the eligibility criteria for the specific assistance; and
- (d) in MSD's opinion, the applicant is likely to be able to obtain and retain the housing (or alternative housing in the case of grants for tenancy costs cover under subpart 5 of Part 4 and transition to alternative housing under subpart 6 of Part 4) that the grant is provided for.

#### 11 Residential criteria

The applicant must either be—

- (a) ordinarily resident in New Zealand at the time of application and meet 1 or more of the following criteria:
  - (i) be a New Zealand citizen;
  - (ii) hold, or be deemed to hold, a residence class visa under the Immigration Act 2009;
  - (iii) be recognised as a refugee or a protected person in New Zealand under the Immigration Act 2009;
  - (iv) be eligible for and receiving a payment under the Christchurch Mosques Attack Welfare Programme;
  - (v) be eligible for and receiving a payment under clause 15B of the Special Needs Grants Programme; or
- (b) eligible for, and receiving, a main benefit.

#### 12 Income limit

- (1) The income of the applicant and their spouse or partner (if any) must not exceed the amount that would enable them to receive an accommodation supplement under regulation 18 of the Social Security Regulations 2018 if they resided in Area 1 (as defined in Part 7 of Schedule 4 of the Act).
- (2) In this clause **income** has the same meaning as in Schedule 2 of the Act, and also includes any New Zealand superannuation or veteran's pension payable to the applicant or their spouse or partner.

#### 13 Cash assets limit

- (1) The cash assets of the applicant and their spouse or partner (if any) must not exceed—
  - (a) for a person who is in a relationship, or a single person who has a dependent child or children, the amount in regulation 15(1)(a) of the Social Security Regulations 2018;
  - (b) for a single person with no dependent children, the amount in regulation 15(1)(b) of the Social Security Regulations 2018.

- (2) In this clause, **cash assets** has the same meaning as in regulation 60 of the Social Security Regulations 2018 (but excludes any grants provided under this programme).

### **Part 3**

#### **Administration**

#### **14 Application for assistance required**

- (1) Assistance under this programme must not be granted until MSD has received—
- (a) an application for assistance completed by or on behalf of the applicant to MSD's satisfaction, in such form as the chief executive from time to time prescribes; and
  - (b) any supporting evidence required by MSD.
- (2) The application referred to in subclause (1) does not have to refer to assistance of any particular kind.
- (3) MSD may waive all or part of a requirement to provide information (including information specified in an application form) under subclause (1) if satisfied that MSD or the agency—
- (a) already holds the information concerned; or
  - (b) already holds enough other information to determine the matter for which the information concerned is needed.

#### **15 Payment of grant**

- (1) MSD may, having regard to the kind of assistance, pay grants under this programme—
- (a) to or on account of the applicant; or
  - (b) to the applicant's former, current, or prospective landlord or landlord's agent; or
  - (c) in any other manner MSD thinks fit.
- (2) Despite subclause (1), grants for tenancy costs cover under subpart 5 of Part 4 must not be paid directly to the applicant unless MSD considers exceptional circumstances exist.

### **Part 4**

#### **Grants**

##### Subpart 1—Moving costs grant

#### **16 Moving costs grant: Purpose**

The purpose of this subpart is to provide recoverable grants towards the costs of moving household furniture, appliances, personal effects and personal belongings, to assist eligible applicants with the cost of moving to housing.

#### **17 Moving costs grant: Definition of moving cost**

- (1) In this programme, a cost is only a **moving cost** if MSD considers it essential and reasonable for the applicant or any other person living in

- the applicant's household to move their combined household furniture, appliances, personal effects and personal belongings into housing.
- (2) For the avoidance of doubt—
    - (a) moving costs includes costs for moving household furniture, appliances and personal effects and personal belongings from any location; and
    - (b) costs relating to the transport of a person are not moving costs.

### **18 Moving costs grant: Eligibility**

- (1) An applicant who meets the universal entrance criteria in clause 10 is eligible to be considered for a moving costs grant if the applicant is moving to housing.
- (2) Subject to clause 19(3), an applicant is not eligible for a moving costs grant if they or their spouse or partner (if any) have already been granted assistance under the Employment and Work Readiness Assistance Programme for the move that they are seeking a moving costs grant for.

### **19 Moving costs grant: Amount**

- (1) The total amount of moving costs grants paid to an applicant or their spouse or partner (if any) combined, in a 52-week period, must not exceed \$1,500 unless MSD considers exceptional circumstances exist.
- (2) MSD must have regard to the actual and reasonable moving costs when determining whether to grant a moving costs grant, and the grant amount.
- (3) If MSD is satisfied assistance granted under the Employment and Work Readiness Assistance Programme (as referred to in clause 18(2)) is insufficient to meet the total moving costs, MSD may grant a moving costs grant for an amount not exceeding the difference needed to meet the total remaining moving costs.

## Subpart 2—Bond grant

### **20 Bond grant: Purpose**

The purpose of this subpart is to provide recoverable grants for the payment of bond required by landlords, to assist eligible applicants with the cost of obtaining and retaining housing.

### **21 Bond grant: Eligibility**

An applicant who meets the universal entrance criteria in clause 10 is eligible to be considered for a bond grant if the applicant is a tenant under a tenancy agreement for housing that requires them to pay a bond.

### **22 Bond grant: Amount**

- (1) The amount of a bond grant must not exceed the lesser of the following amounts:
  - (a) the amount of bond payable by the applicant and their spouse or partner (if any) combined under the tenancy agreement; or
  - (b) the amount equivalent to 4 weeks' rent for the housing; or
  - (c) if the applicant is in a shared tenancy, the applicant's and their spouse or partner's (if any) portion of 4 weeks' rent.

- (2) When determining whether to grant a bond grant, and the grant amount, MSD may have regard to whether the applicant or their spouse or partner (if any) has, or will have at the time the bond is payable, access to a refund of a bond payment for their former housing.

### Subpart 3—Rent in advance grant

#### **23 Rent in advance grant: Purpose**

The purpose of this subpart is to provide recoverable grants for the payment of rent in advance required by landlords, to assist eligible applicants with the cost of obtaining housing.

#### **24 Rent in advance grant: Eligibility**

An applicant who meets the universal entrance criteria in clause 10 is eligible to be considered for a rent in advance grant if the applicant is a tenant under a tenancy agreement for housing that requires them and their spouse or partner (if any) to pay rent in advance.

#### **25 Rent in advance grant: Amount**

The amount of a rent in advance grant must not exceed the lesser of the following amounts:

- (a) the amount of rent in advance payable by the applicant and their spouse or partner (if any) under the tenancy agreement; or
- (b) the amount equivalent to 2 weeks' rent for that housing; or
- (c) if the applicant is in a shared tenancy, the applicant's and their spouse or partner's (if any) portion of 2 weeks' rent.

### Subpart 4—Rent arrears grant

#### **26 Rent arrears grant: Purpose**

The purpose of this subpart is to provide recoverable grants towards the payment of rent arrears, to assist eligible applicants to retain their housing when their rent is in arrears.

#### **27 Rent arrears grant: Eligibility**

An applicant who meets the universal entrance criteria in clause 10 is eligible to be considered for a rent arrears grant if the applicant is—

- (a) a tenant, including a tenant of social housing who is required to pay income-related rent (as that term is defined in section 2(1) of the PaCHMA) in respect of their tenancy with a social housing provider; and required by their landlord to pay rent arrears; and
- (b) at risk of having their tenancy terminated due to those arrears; and
- (c) likely to retain their tenancy if a rent arrears grant is granted; and
- (d) not—
  - (i) subject to an order (as that term is defined in section 2(1) of the Residential Tenancies Act 1986) which terminates the tenancy and is not a conditional or interim order; or
  - (ii) in receipt of a notice under the Residential Tenancies Act 1986 which terminates the tenancy and has not been revoked.



## 28 Rent arrears grant: Amount

The amount of a rent arrears grant must not exceed the lesser of the following amounts:

- (a) the amount of rent arrears the applicant and their spouse or partner (if any) is required to pay by the landlord; or
- (b) if the applicant is in a shared tenancy, the applicant's and their spouse or partner's (if any) portion of 4 weeks' rent; or
- (c) the amount equivalent to 4 weeks' rent.

### Subpart 5—Tenancy costs cover

## 29 Tenancy costs cover: Purpose

The purpose of this subpart is to support eligible applicants to obtain housing that they may have otherwise not been able to obtain, by providing assurances to potential landlords that MSD will pay the applicant's outstanding costs at the end of the tenancy (in accordance with the limits set under this programme), if those costs exceed the amount of bond paid.

## 30 Tenancy costs cover: Definition of tenancy costs

In this programme, **tenancy costs** means costs that the applicant is liable to pay their landlord at the termination of their tenancy, in excess of the bond paid, under the terms of the tenancy agreement or by an order made under the Residential Tenancies Act 1986.

## 31 Tenancy costs cover: Eligibility

- (1) An applicant who meets the criteria in clause 10 is eligible to be considered for tenancy costs cover if MSD is satisfied that the applicant—
  - (a) has taken reasonable steps to find alternative housing; and
  - (b) is having difficulty obtaining alternative housing; and
  - (c) or their spouse or partner (if any) does not have active tenancy costs cover.
- (2) The criteria in clause 10(b) does not apply to tenancy costs cover.
- (3) In this clause, an applicant is **having difficulty obtaining alternative housing** if MSD is satisfied that they have been unable to obtain alternative housing because of their personal circumstances.
- (4) In this clause, **active tenancy costs cover** means conditional assistance that has been granted to an applicant or their spouse or partner (if any), but not paid, but could yet be paid because MSD is satisfied that all the conditions in clause 33 could still be met for that tenancy costs cover.

## 32 Tenancy costs cover: Amount of grant

The amount of a tenancy costs cover grant must not exceed—

- (a) the amount of the liability referred to in clause 33(1)(f) in excess of the bond payment referred to in 33(1)(c); and
- (b) the amount equivalent to 4 weeks' rent in respect of which the cover was granted, calculated at the rate of rent payable at the commencement of the tenancy.

### 33 Tenancy costs cover: Conditional grant

- (1) A grant of tenancy costs cover is a conditional grant and is not payable until and unless MSD is satisfied that all the following conditions are met:
  - (a) the applicant (either alone or with other applicable persons) entered into a tenancy agreement for alternative housing within 6 months of being notified in writing of the grant of tenancy costs cover assistance:
  - (b) the landlord of that housing entered into that tenancy agreement on the basis that the applicant was granted tenancy costs cover assistance:
  - (c) the applicant (either alone or with other applicable persons) paid a bond of an amount equivalent to 4 weeks' rent for the housing (calculated at the rate of rent payable at the commencement of the tenancy):
  - (d) MSD has been provided a copy of the tenancy agreement and a receipt for the bond:
  - (e) the tenancy was subsequently terminated (regardless of which party terminated the tenancy) within 24 months after commencement of the tenancy:
  - (f) the applicant (either alone or with other applicable persons) is liable to the landlord for tenancy costs in excess of the amount of the bond payment referred to in subclause (c):
  - (g) a claim for payment of tenancy costs has been made to MSD by the applicant or the landlord within 3 months of the tenancy terminating, unless MSD is satisfied there are exceptional circumstances:
  - (h) MSD has been provided all the supporting evidence required to determine the claim.
- (2) Despite subclause (1), MSD may only pay tenancy costs cover if—
  - (a) MSD is satisfied that the applicant agrees that they (either alone or with other applicable persons) are liable for the tenancy costs claimed under subclause (1)(g); or
  - (b) a sealed Tenancy Mediator's order (as provided for under section 88 of the Residential Tenancies Act 1986), Tenancy Tribunal order or order of the court requires the applicant (either alone or with other applicable persons) to pay the tenancy costs claimed under subclause (1)(g).
- (3) In this clause, **applicable persons** means every person to whom alternative housing is let or to be let, and includes the spouse or partner of any such person.

#### Subpart 6—Transition to alternative housing grant

### 34 Transition to alternative housing grant: Purpose

The purpose of this subpart is to provide non-recoverable grants to eligible applicants to incentivise them to move from social housing to alternative housing.

### **35 Transition to alternative housing grant: Eligibility**

- (1) An applicant who meets the universal criteria in clause 10 is eligible to be considered for a conditional transition to alternative housing grant if MSD is satisfied that the applicant is a tenant of social housing.
- (2) The criteria in clause 10(b) does not apply to transition to alternative housing grants.
- (3) Despite subclause (1), an applicant is not eligible for a conditional transition to alternative housing grant if on the date that MSD received the application—
  - (a) they have already given notice to terminate their social housing tenancy; or
  - (b) their housing eligibility has been reviewed under section 117(1)(b) of the PaCHMA and the agency has determined that they are no longer eligible for social housing; or
  - (c) they have previously received a transition to alternative housing grant.

### **36 Transition to alternative housing grant: Amount and payment**

- (1) A transition to alternative housing grant is a one-off non-recoverable grant of \$3,000.
- (2) A transition to alternative housing grant must be paid—
  - (a) to the applicant in full if there is only 1 eligible applicant; or
  - (b) to the applicants in equal shares if there is more than 1 eligible applicant.

### **37 Transition to alternative housing grant: Conditional grant**

A transition to alternative housing grant is a conditional grant and is not payable until and unless MSD is satisfied that—

- (a) the applicant and any other tenants of the social housing have voluntarily agreed with MSD and the social housing provider to terminate their tenancy; and
- (b) the tenancy has terminated; and
- (c) all occupants have vacated the social housing; and
- (d) the applicant and any other tenant who has a conditional transition to alternative housing grant has moved to alternative housing within 6 months after the date that MSD received the application for a transition to alternative housing grant.

## **Part 5**

### **Transitional provisions**

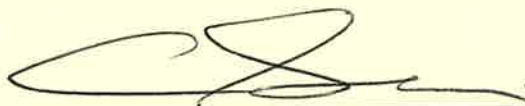
### **38 Transitional provisions for revocation of Housing Support Assistance Programme and amendment of Recoverable Assistance Programme**

- (1) Despite the revocation of the Housing Support Assistance Programme, assistance granted (whether or not conditionally) under that programme before 13 March 2023 continues subject to the terms of that programme as if that programme had not been revoked, whether or not payment of that assistance is made on or after 13 March 2023.
- (2) Despite the revocation of clause 11.9.2(a) and insertion of clause 9.4A in the Recoverable Assistance Programme, assistance granted (whether or

not conditionally) under clause 11.9.2(a) before 13 March 2023 continues subject to the terms of that clause and the Recoverable Assistance Programme as if clause 11.9.2(a) had not been revoked and clause 9.4A has not been inserted, whether or not payment of assistance under clause 11.9.2(a) is made on or after 13 March 2023.

- (3) Except for a transition to alternative housing grant, assistance granted (whether or not conditionally) under the Advance Payments of Instalments of Benefits Ministerial Direction, Housing Support Assistance Programme or Recoverable Assistance Programme prior to 13 March 2023 must not be taken into account when establishing whether an applicant or their spouse or partner (if any) combined have been granted assistance of any particular kind in a 52-week period under clause 8 of this programme.

At Auckland this 6th day of February 2023



Minister for Social Development and Employment

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### **Explanatory note**

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

This welfare programme under the Social Security Act 2018, which comes into force on 13 March 2023, provides for MSD (in its discretion) to provide special financial assistance within the limits set out in this programme, to help eligible people obtain and retain rental housing in New Zealand.

This welfare programme intends to streamline one-off housing related financial assistance provided by MSD and better reflect people's housing needs by:

- replacing the former Housing Support Assistance Programme and provisions for one-off housing related financial assistance under the Recoverable Assistance Programme;
- making this welfare programme the primary vehicle under which one-off housing assistance is provided, reducing the need for advance payment of benefits for beneficiaries;
- increasing the previous maxima of bond, rent in advance and rent arrears assistance to reflect the applicants' actual costs;
- in some cases, increasing the number of grants that can be provided to better reflect varying levels of need;
- creating universal eligibility criteria to enable households to be treated more equitably; and
- increasing the time period before tenancy costs cover expires.