

Instrument amending Ministerial Directions – Social Housing 2023

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 and Employment (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.

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Instrument

- 1 Title**

This instrument is the Instrument amending Ministerial Directions – Social Housing 2023
- 2 Commencement**

This instrument comes into force on 22 August 2023.
- 3 Principal directions amended**

This instrument amends the Ministerial Direction on Application of Reviews of Continued Eligibility for Social Housing (given on 18 October 2018)¹, the Ministerial Direction on Continued Eligibility for Social Housing (given on 11 June 2014)², and the Ministerial Direction on Eligibility for Social Housing (given on 14 April 2014)³ (the **principal directions**).
- 4 Amendments to Ministerial Direction on Application of Reviews of Continued Eligibility for Social Housing**
 - (1) In clause 4(1) in the definition of **Act**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.
 - (2) In clause 5(1)(a), replace “section 115(1) or (2)” with “sections 115A, 115(1) or 115(2)”.

¹ Notice Under the Social Security Act 2018 1 November 2018.

² New Zealand Gazette 19 June 2014, No. 65, page 1864.

³ New Zealand Gazette 17 April 2014, No. 41, page 1203.

- (3) In clause 5(1)(b), after “eligible for social housing” insert “ (unless section 115A of the Act applies to that change and the tenant does not have a change in circumstances to which section 115A(2)(b) applies)”.

5 Amendments to Ministerial Direction on Continued Eligibility for Social Housing

- (1) In clause 3.1, after the definition of **applicable person**, insert the following definition:
cash assets has the same meaning as in regulation 3(1) of the Public and Community Housing Management (Prescribed Elements of Calculation Mechanism) Regulations 2018
- (2) In clause 3.1, in the definition of **social housing**, replace “Housing New Zealand” with “Kāinga Ora”.
- (3) In clause 6.4, delete “ in section 68(2) of the Social Security Act 2018”.
- (4) In the table in Schedule 1, in the “Description” for “Step 1”, replace “family tax credit” with “Family Tax Credit”.
- (5) In Part 2 of Schedule 2, delete “(within the meaning of section 68(2) of the Social Security Act 2018)”.

6 Amendments to Ministerial Direction on Eligibility for Social Housing

- (1) In clause 3, after the definition of **applicable person**, insert the following definition:
cash assets has the same meaning as in regulation 3(1) of the Public and Community Housing Management (Prescribed Elements of Calculation Mechanism) Regulations 2018
- (2) In clause 3, in the definition of **family or other violence**, replace “domestic violence within the meaning of the Domestic Violence Act 1995” with “family violence within the meaning of the Family Violence Act 2018”
- (3) In clause 3 in the definition of **social housing**, replace “HNZ” with “Kāinga Ora”.
- (4) In clause 6.4, delete “ in section 68(2) of the Social Security Act 2018”.
- (5) In the table, in Schedule 1, in the “Description” for “Step 1”, replace “family tax credit” with “Family Tax Credit”.
- (6) In Part 2 of Schedule 3, delete “(within the meaning of section 68(2) of the Social Security Act 2018)”.

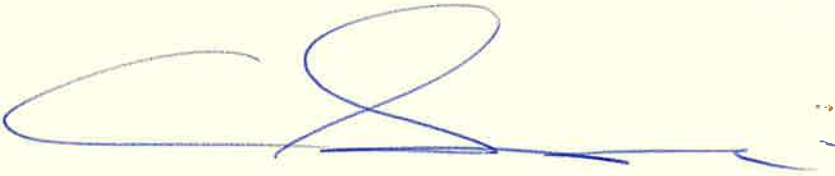
Dated at Wellington this 14th day of August 2023



Minister of Finance



Minister for Social Development and Employment

P.P. 

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 22 August 2023, amends multiple Ministerial directions made under the Public and Community Housing Management Act 1992 to give effect to the Child Support (Pass on) Acts Amendment Act 2023.

This instrument amends the Ministerial directions to confirm that the Ministry of Social Development may review a person's continued eligibility for social housing:

- based on a change in circumstances disclosed under section 115A of the Public and Community Housing Management Act 1992 (in relation to an information share child support payment); and
- if a person fails to advise the Ministry of Social Development of a change in circumstances (in relation to an information share child support payment) under section 115A(2)(b) of that Act.

The amendments also make minor editorial corrections, change the definition of cash assets, and update references to the Domestic Violence Act 1995 which has been replaced by the Family Violence Act 2018.