

Instrument amending Welfare Programmes (No 2) 2023

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
2	Commencement	1
3	Principal welfare programmes amended.....	1
4	Amendments.....	1
Schedule 1		2
Amendments to Special Needs Grants Programme		2
1	Clause 2 amended (Objectives of the Programme).....	2
2	Clause 3 amended (Definitions)	2
3	Clause 5 amended (Principles)	2
4	Clause 7 amended (Income Limits)	2
5	Clause 8 amended (Cash Asset Limits)	2
6	Clause 9 amended (Restrictions on Payments)	2
7	Clause 14 amended (Other Emergency Grants).....	3
8	Clause 14A amended (People in need of Emergency Housing)	3
9	New clause inserted.....	4
10	Clause 15.1 amended (Refugees, Protected Persons, Afghan Interpreters and Afghan Evacuees)	5
11	Clause 15.2 amended (Sole Parents)	5
12	Clause 15.3 amended (Long Term Patients Resettling in the Community)	5
13	Clause 15.6 amended (Young persons leaving care to live independently).....	5
14	Revocation of Part 6A: Special Assistance to affected residents of Waihi	5
Schedule 2		6
Amendments to Flexible Funding Programme		6
1	Clause 3 amended (Expiry)	6

Instrument

- 1 Title**

This instrument is the Instrument amending Welfare Programmes (No 2) 2023.
- 2 Commencement**
 - (1) This instrument, except for clauses 4(1) and (2), 6(1) and (3), 8 and 9 in Schedule 1, comes into force 28 days after it is notified in the New Zealand Gazette.
 - (2) Clauses 4(1) and (2), 6(1) and (3), 8 and 9 in Schedule 1 come into force on 6 November 2023.
- 3 Principal welfare programmes amended**

This instrument amends the welfare programmes specified in Schedules 1 and 2 (the **principal welfare programmes**).
- 4 Amendments**

Amend the principal welfare programmes in the manner set out in Schedules 1 and 2.

Schedule 1

Amendments to Special Needs Grants Programme

Special Needs Grants Programme (as established and approved on 18 December 1998)¹

1 Clause 2 amended (Objectives of the Programme)

In clause 2, revoke subclause (2)(a)(iv).

2 Clause 3 amended (Definitions)

In clause 3, in the definition of **applicable payment**, in subclause (b), replace “any of Parts 5, 6 and 6A” with “any of Parts 5 and 6”.

3 Clause 5 amended (Principles)

Replace clause 5 with the following clause:

- (1) In considering any application for a grant under this programme—
 - (a) MSD must consider—
 - (i) the applicant’s ability to meet the need from their own resources; and
 - (ii) the assistance that is or might be available to the applicant from other sources to meet the need; and
 - (b) MSD may consider the extent to which the applicant has caused or contributed to the immediate need or to the situation that has given rise to the immediate need.
- (2) Despite subclause (1)(a)(ii), in considering any application for a non-recoverable grant under this programme (except if the application is for a grant under clause 14A) MSD must not consider assistance that is or might be available to the applicant under the Housing Support Programme to meet the need.

4 Clause 7 amended (Income Limits)

- (1) In clause 7.1, replace “Except for the purposes of clauses 14A” with “Except for the purposes of clauses 14A, 14AA”.
- (2) In clause 7.1A, replace “For the purposes of clause 14A” with “For the purposes of clauses 14A and 14AA”.
- (3) In clause 7, revoke subclause 7.3.

5 Clause 8 amended (Cash Asset Limits)

In clause 8, revoke subclause 8.5.

6 Clause 9 amended (Restriction on Payments)

- (1) In clause 9.4A, replace “Part 6A” with “clauses 14A and 14AA”.

¹ New Zealand Gazette 28 January 1999 No 563.

- (2) In clause 9.4B, after “other than under clause 15” delete “or part 6A”.
- (3) In clause 9.6, after “under clause 14A,” insert “clause 14AA,”.
- (4) In clause 9.12, replace “(other than for a grant under any of Parts 5, 6, and 6A)” with “(other than for a grant under any of Parts 5 and 6)”.

7 Clause 14 amended (Other Emergency Grants)

- (1) In clause 14, after 14.7 insert:

14.8 MSD must not make a grant under clause 14.1 to an applicant for any of the housing needs, assistance or costs set out in the Housing Support Programme that the applicant is eligible for.

8 Clause 14A amended (People in need of Emergency Housing)

- (1) In clause 14A.1, replace “Subject to clause 14B.1” with “Subject to clauses 14A.2A and 14B.1”.
- (2) Amend clause 14A by adding the following subclauses:

14A.2A Opted-in status of supplier

(1) Once MSD has decided to make an emergency housing grant under clause 14A.1, unless one of the exceptions in clause 14A.2A(2) applies, MSD must make that grant for the applicant to stay in Emergency Housing that is provided by an opted-in supplier.

(2) MSD may only make an emergency housing grant for the applicant to stay in Emergency Housing provided by a supplier that is not an opted-in supplier if MSD determines that—

- (a) there are no opted-in suppliers available that are adequate to meet the needs of the applicant and their immediate family; or
- (b) a particular supplier that is not an opted-in supplier would be the most appropriate accommodation option; or
- (c) there are exceptional circumstances.

14A.2B In this clause, **emergency housing supplier standards** means the standards—

- (a) approved by the chief executive, which may be amended by the chief executive from time to time; and
- (b) published on a publicly available Internet site maintained by or on behalf of MSD.

14A.2C In this clause, **opted-in supplier** means a supplier of Emergency Housing that—

- (a) has applied to opt in to the emergency housing supplier standards through the process prescribed by MSD; and
- (b) MSD, in its discretion, has granted opted-in status to, and has not suspended or removed that status.

14A.2D The process prescribed by MSD referred to in clause 14A.2C(a) must be—

- (a) approved by the chief executive and may be amended by the chief executive from time to time; and

(b) published on a publicly available Internet site maintained by or on behalf of MSD.

14A.2E In this clause, **supplier** means any person, body or organisation that is registered with MSD to provide Emergency Housing, regardless of their opted-in status.

- (3) In clause 14A.3, replace “that the applicant is in exceptional circumstances” with “exceptional circumstances exist”.
- (4) In clause 14A, replace clause 14A.4 with:

14A.4 MSD may make more than one emergency housing grant to an applicant within a 52 Week Period.
- (5) In clause 14A, replace clause 14A.6 with:

14A.6 The amount of an emergency housing grant must not exceed the actual and reasonable costs of the Emergency Housing.
- (6) Revoke clause 14A.7.
- (7) In clause 14A.8(3), replace “provider” with “supplier”.
- (8) In clause 14A.8, revoke subclause (4).

9 New clause inserted

The following clause is inserted after clause 14A:

14AA Security Deposits

14AA.1 Security deposit grant

- (1) MSD may make a security deposit grant to an applicant for Emergency Housing—
 - (a) that an emergency housing grant is made for under clause 14A.1; or
 - (b) that is funded partly or wholly by assistance paid by the Ministry of Housing and Urban Development.
- (2) A security deposit grant made under subclause (1) is recoverable from the applicant. The amount recoverable is equal to the amount of the loss or the amount of the security deposit, whichever is lower.

14AA.2 Despite clauses 7.1A and 8.1, MSD may make a security deposit grant to an applicant whose income or cash assets exceed the appropriate limit set out in those clauses if MSD considers exceptional circumstances exist.

14AA.3 The amount of a security deposit grant must not exceed the actual and reasonable costs of the security deposit required by the provider of Emergency Housing.

14AA.4 MSD may make more than one security deposit grant to an applicant within a 52 Week Period.

14AA.5 In this clause, **security deposit** means any sum of money that is required by the provider of the Emergency Housing as security against any loss arising from damage or a failure by the applicant to observe and perform the applicant's obligations under the agreement for the provision of the Emergency Housing.

- 10 Clause 15.1 amended (Refugees, Protected Persons, Afghan Interpreters and Afghan Evacuees)**
In clause 15.1.1 after “assistance” insert “(not provided by MSD)”.
- 11 Clause 15.2 amended (Sole Parents)**
In clause 15.2.1(d) delete “,bond or rent in advance”.
- 12 Clause 15.3 amended (Long Term Patients Resettling in the Community)**
In clause 15.3.1(a) delete “,bond or rent in advance”.
- 13 Clause 15.6 amended (Young persons leaving care to live independently)**
In clause 15.6.2(a) delete “,bond, or rent in advance”.
- 14 Revocation of Part 6A: Special Assistance to affected residents of Waihi**
Revoke the following clauses:
- (a) Clause 18A.1;
 - (b) Clause 18A.2; and
 - (c) Clause 18A.3.
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Schedule 2

Amendments to Flexible Funding Programme

Flexible Funding Programme (as established and approved on 3 August 2020)²

1 Clause 3 amended (Expiry)

In clause 3, replace “2 November 2023” with “30 June 2024”.

Minister for Social Development and Employment

At _____ this _____ day of _____ 2023

Explanatory note

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

This instrument, the majority of which comes into force 28 days after it is notified in the New Zealand Gazette, amends Ministerial Welfare Programmes under the Social Security Act 2018.

- The Special Needs Grants Programme is amended to:
 - Provide that MSD may only grant an emergency housing grant in respect of an opted-in supplier, except in certain circumstances.
 - Remove eligibility for a recoverable grant under the Special Needs Grants Programme for applicants who are eligible for a recoverable grant under the Housing Support Programme for the same need.
 - Maintain eligibility for a non-recoverable grant under the Special Needs Grants Programme for applicants who are eligible for a recoverable grant under the Housing Support Programme for the same need.
 - Provide clarity that MSD may make recoverable security deposit grants for Emergency Housing outside of an emergency housing grant.
 - Ensure that the same settings, including income limits, apply to eligible people accessing a security deposit grant regardless of whether they access Emergency Housing outside of an emergency housing grant.
 - Revoke the Special Assistance to affected residents of Waihi as this assistance is no longer available.
- The Flexible Funding Programme is amended to extend the expiry date of the programme from 2 November 2023 to 30 June 2024.

² New Zealand Gazette 6 August 2020 No 2020-go3537.