



21 April 2023

Tēnā koe

On 2 March 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

(a) Work and income manuals, assessments, policies or materials regarding the assessment of whether and how convictions will impact an individual's eligibility for social housing and work and income financial support;

(b) How a conviction may impact an individual's eligibility for social housing and work and income support;

(c) Whether the nature of the conviction, specifically, if it is for violence, will impact on an individual's eligibility for social housing and work and income financial support;

(d) How the nature of the conviction, specifically, if it is for violence, may have an impact on an individual's eligibility for social housing and work and income financial support;

(e) Whether and how the maximum penalty for the charge will impact the assessment of whether convictions will have on an individual's eligibility for social housing and work and income financial support;

(d) Any other information that might reasonably assist in determining the impact of convictions on an individual's eligibility for social housing and work and income financial support.

On 30 March 2023 the Ministry contacted you to extend the response to 2 May 2023, as further time was needed to undertake the consultations necessary to make a decision on the request. Thank you for your patience.

When a person applies for benefit assistance from the Ministry, the following is taken into consideration:

- The age of the applicant and their partner (if they have one)
- The applicant's relationship status
- Residency Status
- The applicant's employment and income status

Other factors that are considered depending on the type of assistance a person has applied for are:

- A person's willingness and ability to be looking for, preparing for, or being available to work
- If the person has caring responsibilities
- Whether the person has a health condition, injury or disability
- If a person is studying

You have asked in question (a) about Work and Income "*manuals, assessments, policies or materials*" regarding the assessment of whether and how convictions will impact an individual's eligibility for social housing and work and income financial support.

Information that informs the Ministry's assessment of "*...whether and how convictions will impact an individual's eligibility for social housing and work and income financial support*" is publicly available on the Work and Income website www.workandincome.govt.nz through MAP (Manuals and Procedures) and I will provide relevant links in the course of this response.

To answer parts b, c, d, e, and f of your request: in general, eligibility for both social housing and Work and Income assistance is not impacted by criminal convictions.

If a person has had historical convictions and has then been released into the community, the nature and length of the sentence from those convictions are not considered when determining if someone will qualify for financial assistance from the Ministry or affect their eligibility for Social Housing.

Please see below for information on Work and Income financial support and social housing.

Work and Income financial support

If the person was receiving a benefit before going into prison, the length of a person's sentence or time in custody may affect whether they may have a stand-down period when they are re-granted a benefit after their release. Further information on when a client is released from prison can be found on the Work and Income website:

<https://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/changes-and-reviews-jobseeker-support/release-from-prison-01.html>

If a person has court-imposed conditions upon their release and is unable to meet work related obligation requirements for a main benefit, they could apply to have those obligations fully or partially exempted depending on those conditions. See the link below for further information:

<https://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/court-imposed-conditions-01.html>

If a person has been issued a warrant for their arrest whilst they are in receipt of a main benefit, the Ministry will be informed of this.

28 days after the notice has been issued to an individual, if the warrant has not been cleared or resolved, the Ministry will send a letter to inform the person that they have a period of 10 working days to dispute that they are the person that the warrant applies to or take steps to resolve/clear the warrant. If the warrant has still not been resolved or cleared after this period benefit payments will be stopped. If the person has dependent children, their benefit payments will be reduced by 50%.

If a person has an arrest warrant and the New Zealand Police considers them be a risk to public safety, benefit payments can be stopped or reduced immediately without notice. See the link below for further information:

<https://www.workandincome.govt.nz/map/income-support/core-policy/warrant-to-arrest/notice-period.html>

If a person who receives current financial assistance, such as a benefit or supplementary assistance, is later held in custody, remand or sentenced when payments are being made, their ongoing entitlement to financial assistance will be stopped.

If entitlement to financial assistance is stopped for this reason, this will be regardless of the potential or actual charges made against that person. See the link below for further information:

<https://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/changes-and-reviews-jobseeker-support/imprisonment-01.html>

Social Housing

As noted above, a criminal conviction does not impact on a client's eligibility for public housing or other housing related assistance, but it may impact how the Ministry meets that need and manages any risks.

You can read about the assessment of eligibility for social housing here: <https://www.workandincome.govt.nz/map/social-housing/assessment-of-eligibility/qualifications.html>

The Social Allocation System is the assessment and process by which people are eligible and matched to Public Housing. The assessment looks at both an applicants need to move, and their ability to afford, access and sustain a private rental. If there are many barriers to them accessing a private rental, this will be reflected in a higher need rating.

As part of assessment for social housing, factors that may prevent individuals from finding alternative housing are considered, such as a previous criminal conviction.

If a history of criminal conviction means an individual has limitations, such as bail or other location restrictions, this may impact an individual's ability to get social housing depending on the availability in the area. For some persons on the Public Housing Register, there are additional legal constraints or controls governing their place of residence or movements, which may be for community safety or other reasons, which are matters imposed and enforced by the Department of Corrections or the Police.

The assessment process is extremely rigorous. There are over 300 questions that form part of the assessment under the Social Allocation System, which is aimed at ensuring that the housing available is suitable for the needs and requirements of each client.

While conviction history, or the nature of a conviction does not impact an individual's eligibility for social housing, it may be considered during the placement of clients into social housing, for example when the Ministry receives a notification from Police that a person is listed on the Child Sex Offender Register, this will impact a client's matching to an available vacancy.

Clients with a warrant to arrest can be placed on the Public Housing Register as a warrant to arrest does not necessarily affect their eligibility for social housing. However, in some cases, clients with a warrant to arrest may have an active public risk alert notification. For clients with such notifications, their applications must be placed on hold to eliminate any risk to housing providers. Please see the following link for further information:

<https://www.workandincome.govt.nz/map/social-housing/register-management-and-referrals/warrant-to-arrest-01.html>

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,

- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

A handwritten signature in blue ink, appearing to be 'KH' with a large flourish.

Karen Hocking
**Group General Manager
Housing**