

Reprint
as at 1 October 2019



Social Housing Appeals Regulations 2014 (LI 2014/118)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 7th day of April 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 136 of the Housing Restructuring and Tenancy Matters Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Social Development and the Ministry of Housing and Urban Development.

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Regulations

1 Title

These regulations are the Social Housing Appeals Regulations 2014.

2 Commencement

These regulations come into force on 14 April 2014.

3 Application

These regulations apply only while the agency is the Ministry of Social Development.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Public and Community Housing Management Act 1992

agency means the social housing agency appointed under section 100 of the Act

benefits review committee or **review committee** means a benefits review committee established under Schedule 7 of the Social Security Act 2018

Social Security Appeal Authority or **Appeal Authority** means the authority established under Schedule 8 of the Social Security Act 2018.

Regulation 4 **Act**: amended, on 1 October 2019, by section 33 of the Kāinga Ora—Homes and Communities Act 2019 (2019 No 50).

Regulation 4 **benefits review committee** or **review committee**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 4 **Social Security Appeal Authority** or **Appeal Authority**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

5 Appeals may be made to Social Security Appeal Authority

- (1) The body to which appeals under section 133 of the Act may be made is the Social Security Appeal Authority.
- (2) A tenant may appeal to the Appeal Authority against a decision, determination, or assessment of the agency referred to in section 132(1) of the Act that—
 - (a) has been confirmed or varied by a benefits review committee; or
 - (b) was made by the chief executive of the agency other than pursuant to a delegation.

Compare: 1964 No 136 s 12J(1)

6 Function of benefits review committee

The function of a benefits review committee is to review decisions, determinations, or assessments of the agency referred to in section 132(1) of the Act and, for that purpose, Schedule 7 of the Social Security Act 2018 applies with all necessary modifications.

Regulation 6: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

7 Review by benefits review committee

- (1) A tenant may apply in writing to the appropriate benefits review committee for a review of a decision, determination, or assessment of the agency referred to in section 132(1) of the Act.
- (2) The application must be made—
 - (a) within 3 months after the tenant receives notification of the decision, determination, or assessment; or
 - (b) if the review committee considers there is good reason for the delay, within such further period as the committee may allow on application made to it before or after the end of that period of 3 months.
- (3) As soon as practicable after receiving an application for review, the review committee must review the decision, determination, or assessment.
- (4) The review committee may confirm, vary, or revoke the decision, determination, or assessment.
- (5) In reviewing a decision, determination, or assessment of the agency, the review committee—
 - (a) does not act independently of the agency; and
 - (b) must have regard to the same matters as the agency must have regard to when making the decision, determination, or assessment.
- (6) On reaching a decision on any review, the review committee must give written notification of its decision to the tenant and include in the notification—
 - (a) the reasons for the review committee's decision; and
 - (b) advice that the tenant has a right of appeal against the decision to the Social Security Appeal Authority.

Compare: 1964 No 136 s 10A(1)–(1B), (8), (9)

8 Notice of appeal

- (1) A tenant may commence an appeal to the Social Security Appeal Authority by lodging a written notice of appeal.
- (2) The notice of appeal must be lodged with the Secretary of the Appeal Authority within—

- (a) 3 months after the tenant is notified of the review committee's decision or, if regulation 5(2)(b) applies, within 3 months after the tenant is notified of the decision, determination, or assessment; and
 - (b) any additional time allowed by the Appeal Authority, on application made to it before or after the end of that period of 3 months.
- (3) The notice of appeal must state with particularity the grounds of appeal and relief sought.
- (4) The parties to the appeal are—
- (a) the tenant affected by the decision, determination, or assessment; and
 - (b) the agency.
- (5) The tenant must give a copy of the notice of appeal to the agency immediately before or after lodging the notice of appeal.

Compare: 1964 No 136 s 12K(1)–(3)

9 Hearing and disposal of appeal

- (1) Sections 400, 401(3) and (4), 403, 404, and 405 to 410, and Schedule 8, and regulations made under section 451, of the Social Security Act 2018 apply to the hearing and disposal of the appeal (including matters relating to procedure) with the following, and all other necessary, modifications:
- (a) a reference in any of those provisions to the chief executive is a reference to the agency;
 - (b) a reference in any of those provisions to a decision is a reference to a decision, determination, or assessment of the agency.
- (2) Appeals under regulation 8 that are not completed on the repeal of the Social Security Act 1964 continue under this regulation as inserted on that repeal.

Regulation 9: replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Michael Webster,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Social Housing Appeals Regulations 2014 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Kāinga Ora—Homes and Communities Act 2019 (2019 No 50): section 33

Social Security Act 2018 (2018 No 32): section 459