



Housing Restructuring and Tenancy Matters (Social Housing Reform) Amendment Act 2015

Public Act 2015 No 50
Date of assent 27 May 2015
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
4 Section 2 amended (Interpretation)	2
5 Section 70 amended (Purpose of this Part and Parts 8 to 10)	2
6 Section 85 amended (Reimbursement of HNZ)	2
7 Section 98 amended (Reimbursement of registered community housing providers)	2
8 Section 102 amended (Ministerial directions to agency)	3
9 New section 137A and cross-heading inserted	3
<i>Flexible purchasing</i>	
137A Tailored agreements with social housing providers	3
10 Section 162 amended (Ministerial directions to authority)	4
11 Section 166 amended (Approval of registration)	4
12 Section 169 amended (Suspension of registration)	4
13 Section 171 amended (Procedure for revocation)	4
14 Section 190 amended (Regulations relating to community housing providers)	4
<i>Consequential amendments</i>	
15 Consequential amendment to Housing Corporation Act 1974	4
16 Consequential amendments to Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014	5

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Housing Restructuring and Tenancy Matters (Social Housing Reform) Amendment Act 2015.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Housing Restructuring and Tenancy Matters Act 1992 (the **principal Act**).

4 Section 2 amended (Interpretation)

In section 2(1), insert in their appropriate alphabetical order:

reimbursement agreement means an agreement referred to in section 85(1) or an agreement under section 98(1)

tailored agreement means an agreement under section 137A

5 Section 70 amended (Purpose of this Part and Parts 8 to 10)

After section 70(2)(c), insert:

(ca) provide flexibility for the social housing agency and social housing providers to enter into tailored agreements for the provision of social housing and any related services, subject to ministerial direction:

6 Section 85 amended (Reimbursement of HNZ)

(1) In the heading to section 85, replace “of” with “**agreements with**”.

(2) In section 85, insert as subsection (2):

(2) However, subsection (1) does not apply to the extent (if any) that a tailored agreement covers the provision by HNZ of housing and related services to persons who pay income-related rents rather than market rents for the housing. (See section 137A.)

7 Section 98 amended (Reimbursement of registered community housing providers)

(1) In the heading to section 98, replace “of” with “**agreements with**”.

(2) In section 98, insert as subsection (2):

(2) However, subsection (1) does not apply to the extent (if any) that a tailored agreement covers the provision by the registered community housing provider of social housing and related services to any persons paying income-related rents. (See section 137A.)

8 Section 102 amended (Ministerial directions to agency)

- (1) In section 102(1),—
- (a) replace “the income-related rent subsidy” with “the funding by way of payments under reimbursement agreements and tailored agreements”; and
 - (b) delete “using the subsidy” in each place.
- (2) After section 102(1), insert:
- (1A) The Minister responsible for the agency may, in consultation with the joint Ministers and for the following purposes, give to the agency directions in accordance with which the agency may enter into a tailored agreement under section 137A.
 - (1B) The purposes of a direction under subsection (1A) are to enable flexible purchasing approaches by the agency and to promote social housing outcomes that reflect the diverse needs of tenants and the diverse range of existing social housing providers and potential providers.
 - (1C) Without limiting the generality of subsection (1A), a direction under that subsection may—
 - (a) relate to any 1 or more social housing providers or to any particular social housing provider or providers:
 - (b) relate to all social housing and related services, or state the social housing and related services to which it relates (for example, by type or number or location):
 - (c) relate to the provision of social housing now and into the future whether or not the social housing services sought relate to existing or anticipated premises or to premises currently owned by the social housing provider.
- (3) In section 102(4), replace “under this section” with “under subsection (1), (2), or (3)”.
- (4) Replace section 102(6) with:
- (6) The agency must, in carrying out functions under this Act, give effect to any directions that are given to it under this section and that are signed by the Minister or Ministers who may give the directions.

9 New section 137A and cross-heading inserted

After section 137, insert:

*Flexible purchasing***137A Tailored agreements with social housing providers**

The agency may, for the purposes of and in accordance with a direction under section 102(1A), enter into 1 or more agreements with a social housing provider for the provision, by that provider, of social housing and any related serv-

ices, for the price and on the terms and conditions agreed between the agency and the provider.

10 Section 162 amended (Ministerial directions to authority)

In section 162(1)(a),—

- (a) replace “the income-related rent subsidy” with “the funding by way of payments under reimbursement agreements and tailored agreements”; and
- (b) delete “through the subsidy” in each place.

11 Section 166 amended (Approval of registration)

Replace section 166(4)(a) with:

- (a) funding by way of payments under reimbursement agreements and tailored agreements:

12 Section 169 amended (Suspension of registration)

Replace section 169(3)(b) with:

- (b) the provider may be paid under a reimbursement agreement or a tailored agreement, subject to the terms of the agreement:

13 Section 171 amended (Procedure for revocation)

In section 171(3), replace “income-related rent subsidies” with “payments under reimbursement agreements or tailored agreements”.

14 Section 190 amended (Regulations relating to community housing providers)

- (1) Replace section 190(1)(b)(i) with:

- (i) funding by way of payments under reimbursement agreements and tailored agreements:

- (2) In section 190(1)(i), replace “the income-related subsidy” with “funding by way of payments under reimbursement agreements and tailored agreements”.

Consequential amendments

15 Consequential amendment to Housing Corporation Act 1974

- (1) This section amends the Housing Corporation Act 1974.

- (2) Replace section 20B(1)(b) with:

- (b) if the policy is for the Corporation to provide housing and related services to persons who are to be required to pay income-related rents rather than market rents for the housing, the notice or agreement concerned must state that the housing and related services are to be provided in return for the payment by the Crown to the Corporation of either—

- (i) the difference between the amounts of market rents for the housing and the income-related rents charged; or
- (ii) an alternative price, set out in that notice or agreement, that has been agreed to by the Corporation.

16 Consequential amendments to Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014

- (1) This section amends the Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014.
- (2) In regulation 4(1), replace “income-related rent subsidies” with “funding by way of payments under reimbursement agreements and tailored agreements”.
- (3) In regulation 6(2)(c), replace “the income-related rent subsidy” with “funding by way of payments under reimbursement agreements and tailored agreements”.

Legislative history

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|-------------|---|
| 21 May 2015 | Divided from Social Housing Reform (Flexible Purchasing and Remedial Matters) Bill (Bill 21–1), third reading |
| 27 May 2015 | Royal assent |

This Act is administered by the Ministry of Business, Innovation, and Employment.