

Reprint  
as at 6 February 2021



## Kāinga Ora—Homes and Communities Act 2019

Public Act 2019 No 50  
Date of assent 23 September 2019  
Commencement see section 2

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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.

**This Act is administered by the Ministry of Housing and Urban Development.**

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

**1 Title**

This Act is the Kāinga Ora—Homes and Communities Act 2019.

**2 Commencement**

This Act comes into force on 1 October 2019.

**Part 1**

**Preliminary provisions and establishment of Kāinga Ora—Homes and Communities**

**Subpart 1—Preliminary provisions**

**3 Outline of Act**

This Act establishes Kāinga Ora—Homes and Communities and provides for a government policy statement on housing and urban development.

**4 Māori interests**

In order to recognise and respect the Crown’s responsibility to consider and provide for Māori interests, this Act provides,—

- (a) in section 11(1)(b), that the board must ensure that Kāinga Ora—Homes and Communities maintains systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora—Homes and Communities has the capability and capacity to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles, to understand and apply Te Ture Whenua Māori Act 1993, and to engage with Māori and to understand Māori perspectives:
- (b) in section 13(1), that it is a function of Kāinga Ora—Homes and Communities to understand, support, and enable the aspirations of Māori in relation to urban development:
- (c) in section 14(1), that the operating principles of Kāinga Ora—Homes and Communities include—
  - (i) identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and

traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:

- (ii) partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development:
- (d) in section 20, that Kāinga Ora—Homes and Communities cannot use the exemptions for Housing New Zealand Corporation and its subsidiaries to dispose of land subject to rights of first refusal under Treaty settlement legislation:
- (e) in section 23(2)(e), that a GPS must include the Government’s expectations in relation to Māori interests, partnering with Māori, and protections for Māori interests.

## 5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

**board** means the board of Kāinga Ora—Homes and Communities

**chief executive** means the chief executive of the Ministry

**commencement date** means 1 October 2019

**development**—

- (a) includes all or any of the following:
  - (i) acquiring land for development:
  - (ii) delivering a development project:
  - (iii) selling, leasing, disposing of, managing, or otherwise dealing with land and improvements:
- (b) does not include maintaining or upgrading Kāinga Ora housing within the meaning of section 2(1) of the Public and Community Housing Management Act 1992

**GPS** means a government policy statement on housing and urban development issued by the Ministers under Part 2

**home-related financial assistance**—

- (a) means financial assistance that is designed to help people with housing:

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### Examples

- arrangements such as shared equity, shared ownership, or rent to buy or option to buy
  - financial assistance such as a grant, loan, or insurance or underwriting policy; but
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- (b) does not include income-related rent within the meaning of section 2(1) of the Public and Community Housing Management Act 1992

**Kāinga Ora—Homes and Communities—**

- (a) means Kāinga Ora—Homes and Communities established by section 8; and
- (b) for the purposes of the definition of **public housing**, includes a Crown entity subsidiary of Kāinga Ora—Homes and Communities

**Ministers** means the Minister of Finance and the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

**Ministry** means the Ministry responsible for the administration of this Act.

**public housing—**

- (a) includes any premises (whether owned by the Crown, Kāinga Ora—Homes and Communities, or any other person) that—
    - (i) are let by or on behalf of Kāinga Ora—Homes and Communities under a residential tenancy that was granted before 14 April 2014; or
    - (ii) are, or are intended to be, let by or on behalf of Kāinga Ora—Homes and Communities under a residential tenancy to a tenant who is assessed under the Public and Community Housing Management Act 1992 as eligible for social housing within the meaning of section 2(1) of that Act; or
    - (iii) are, or are intended to be, let by the Crown or Kāinga Ora—Homes and Communities to a community organisation or other provider for use as—
      - (A) transitional or emergency accommodation for people in need while they seek, or are assisted in finding, more permanent accommodation:
      - (B) supported housing (for example, housing for people who experience disability or mental illness):
  - (b) includes any premises that are located together with public housing for the purpose of providing support services to the people who live or stay in the housing.
- (2) The Ministers, acting jointly, are the **responsible Minister** for the purpose of the Crown Entities Act 2004.

Section 5(1) **development**: replaced, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 5(1) **Kāinga Ora—Homes and Communities**: replaced, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 5(1) **public housing**: inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

**6 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

**7 Act binds the Crown**

This Act binds the Crown.

**Subpart 2—Establishment and objective of Kāinga Ora—Homes and Communities****8 Kāinga Ora—Homes and Communities established**

Kāinga Ora—Homes and Communities is established.

**9 Kāinga Ora—Homes and Communities is Crown entity**

- (1) Kāinga Ora—Homes and Communities is a Crown entity for the purposes of the Crown Entities Act 2004.
- (2) The Crown Entities Act 2004 applies to Kāinga Ora—Homes and Communities except to the extent that this Act expressly provides otherwise.

**10 Membership of board of Kāinga Ora—Homes and Communities**

- (1) The board of Kāinga Ora—Homes and Communities consists of not fewer than 8, and not more than 10, members.
- (2) The Ministers must appoint members to the board who, collectively, have knowledge and experience of, and capability in,—
  - (a) New Zealand’s housing and urban development system, including public housing and community housing, urban planning and design, infrastructure, construction, and regeneration; and
  - (b) perspectives of Māori; and
  - (c) the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles and Te Ture Whenua Maori Act 1993; and
  - (d) perspectives of public housing tenants; and
  - (e) perspectives of developers; and
  - (f) perspectives of local government; and
  - (g) business generally; and
  - (h) public sector governance and government processes.

Section 10(1): amended, on 6 February 2021, by section 299(2) of the Urban Development Act 2020 (2020 No 42).

Section 10(2)(a): amended, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

## **11 Additional collective duties of board**

- (1) The board must ensure that Kāinga Ora—Homes and Communities—
  - (a) acts in a manner consistent with the operating principles in section 14; and
  - (b) maintains systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora—Homes and Communities has the capability and capacity—
    - (i) to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles; and
    - (ii) to understand and apply Te Ture Whenua Maori Act 1993; and
    - (iii) to engage with Māori and to understand perspectives of Māori.
- (2) The duties in subsection (1)—
  - (a) apply in addition to the duties of the board in sections 49 to 52 of the Crown Entities Act 2004; and
  - (b) are collective duties owed to the Ministers for the purposes of section 58 of the Crown Entities Act 2004.

Compare: 2000 No 91 s 27

## **12 Objective of Kāinga Ora—Homes and Communities**

- (1) The objective of Kāinga Ora—Homes and Communities is to contribute to sustainable, inclusive, and thriving communities that—
  - (a) provide people with good quality, affordable housing choices that meet diverse needs; and
  - (b) support good access to jobs, amenities, and services; and
  - (c) otherwise sustain or enhance the overall economic, social, environmental, and cultural well-being of current and future generations.
- (2) When performing its functions or exercising powers under any other legislation, Kāinga Ora—Homes and Communities must act in a way that furthers any relevant objectives or purposes stated in that legislation.

### **Subpart 3—Functions and operating principles of Kāinga Ora—Homes and Communities**

## **13 Functions of Kāinga Ora—Homes and Communities**

- (1) The functions of Kāinga Ora—Homes and Communities are the following:
  - Housing*
  - (a) to provide rental housing, principally for those who need it most;
  - (b) to provide appropriate accommodation, including housing, for community organisations:

- (c) subject to subsection (2),—
  - (i) to provide people with home-related financial assistance; and
  - (ii) to make loans, or provide other financial assistance, to local authorities and other entities for housing purposes:
- (d) to give people (including people on low or modest incomes who wish to own their own homes) help and advice on matters relating to housing or services related to housing:
- (e) to provide housing or services related to housing as agent for the Crown or Crown entities:
 

*Urban development*

  - (f) to initiate, facilitate, or undertake any urban development, whether on its own account, in partnership, or on behalf of other persons, including—
    - (i) development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing:
    - (ii) development and renewal of urban environments, whether or not this includes housing development:
    - (iii) development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works:
  - (g) to provide a leadership or co-ordination role in relation to urban development, including by—
    - (i) supporting innovation, capability, and scale within the wider urban development and construction sectors:
    - (ii) leading and promoting good urban design and efficient, integrated, mixed-use urban development:
  - (h) to understand, support, and enable the aspirations of communities in relation to urban development:
  - (i) to understand, support, and enable the aspirations of Māori in relation to urban development:
 

*Other*

    - (j) any regulatory functions conferred or imposed on Kāinga Ora—Homes and Communities by or under any other enactment (for example, if entered on an appropriate register to do so):
    - (k) any other functions conferred or imposed on Kāinga Ora—Homes and Communities by or under this Act or any other enactment.
- (2) The function in subsection (1)(c) applies only to the extent that—
  - (a) Kāinga Ora—Homes and Communities acts on behalf of the Crown; or
  - (b) the assistance is—



- (i) authorised by regulations made, or an approval given by the Ministers, for the purpose of the restrictions in sections 161 to 164 of the Crown Entities Act 2004; or
- (ii) not of a type to which those restrictions apply.

Section 13(1)(f)(i): amended, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

## 14 Operating principles

- (1) The operating principles of Kāinga Ora—Homes and Communities for the purpose of section 11(1)(a) are—

*Public housing solutions that contribute positively to well-being*

- (a) providing good quality, warm, dry, and healthy rental housing:
- (b) supporting tenants—
  - (i) to be well connected to their communities; and
  - (ii) to lead lives with dignity and the greatest degree of independence possible; and
  - (iii) to sustain tenancies:
- (c) working with community providers to support tenants and ensure those most in need are supported and housed:
- (d) being a fair and reasonable landlord, treating tenants and their neighbours with respect, integrity, and honesty:

*Housing supply meets needs*

- (e) managing its housing stock prudently, including upgrading and managing its housing to ensure it remains fit for purpose:
- (f) ensuring that the housing it develops is appropriately mixed (with public housing or community housing, affordable housing, and market housing) and is of good quality:

*Well-functioning urban environments*

- (g) ensuring its urban development contains quality infrastructure and amenities that support community needs:
- (h) assisting communities where it has housing stock to develop and thrive as cohesive and safe places to live:

*Stewardship and sustainability*

- (i) identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:
- (j) operating in a manner that recognises—
  - (i) environmental, cultural, and heritage values; and
  - (ii) the need to mitigate and adapt to the effects of climate change:

*Collaboration and effective partnerships*

- (k) partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development:
  - (l) partnering and engaging meaningfully with other persons and organisations, including—
    - (i) having early and meaningful engagement with communities affected, or to be affected, by urban development:
    - (ii) in order to help grow capability across the housing and urban development sector:
    - (iii) in order to help people into home ownership:
  - (m) maximising alignment and synergies through its multiple functions in order to support inclusive, integrated housing and urban development.
- (2) Kāinga Ora—Homes and Communities must ensure, to the extent that it is reasonably able to do so, that each of its Crown entity subsidiaries also acts consistently with subsection (1) to the extent it is applicable to the subsidiary.

Section 14(1)(f): amended, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 14(1)(l)(i): amended, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

#### Subpart 4—Other provisions about Kāinga Ora—Homes and Communities

### 15 Loans deemed to have been lawfully raised

So far as concerns any lender or holder,—

- (a) all money borrowed by Kāinga Ora—Homes and Communities or a Crown entity subsidiary must for all purposes be treated as having been borrowed in accordance with subpart 3 of Part 4 of the Crown Entities Act 2004; and
- (b) all securities and charges issued, granted, or varied by Kāinga Ora—Homes and Communities or a Crown entity subsidiary must for all purposes be treated as having been issued, granted, or varied in accordance with subpart 3 of Part 4 of the Crown Entities Act 2004; and
- (c) the following must for all purposes be treated as having been undertaken in accordance with subpart 3 of Part 4 of the Crown Entities Act 2004:
  - (i) all actions taken by Kāinga Ora—Homes and Communities or a Crown entity subsidiary in the course of any borrowing or proposed borrowing:
  - (ii) all actions taken by Kāinga Ora—Homes and Communities or a Crown entity subsidiary in the course of the issue, granting, or

variation or proposed issue, granting, or variation of any securities or charge; and

- (d) the lender or holder does not have to inquire whether, or to what extent, authority has been given under that Act.

Compare: 1974 No 19 s 30AA

**16 Kāinga Ora—Homes and Communities may investigate circumstances of applicant for home-related financial assistance**

Kāinga Ora—Homes and Communities may investigate the circumstances of—

- (a) an applicant for, or a recipient of, home-related financial assistance that is administered by Kāinga Ora—Homes and Communities, whether on its own behalf or on behalf of the Crown or Crown entities; or
- (b) any person who, at the time of application, is the spouse, civil union partner, or de facto partner of the applicant.

Compare: 1992 No 76 s 77

**17 Kāinga Ora—Homes and Communities may ask questions, take actions, etc**

- (1) For the purpose of any investigation conducted under section 16, Kāinga Ora—Homes and Communities—

- (a) may ask any person whose circumstances it may investigate any relevant questions it thinks fit; and
- (b) may ask any person whose circumstances it may investigate to verify by statutory declaration—
  - (i) any information they have given when answering questions asked under paragraph (a); or
  - (ii) any other information that they have at any time given to Kāinga Ora—Homes and Communities; or
  - (iii) any information within their personal knowledge that has at any time been given to Kāinga Ora—Homes and Communities by the spouse, civil union partner, or de facto partner of the person.

- (2) Kāinga Ora—Homes and Communities may take the actions stated in subsection (3) if—

- (a) any person whose circumstances it may investigate—
  - (i) fails or refuses to answer (or, in the opinion of Kāinga Ora—Homes and Communities, fails or refuses to answer fully) any question asked under subsection (1)(a); or
  - (ii) fails or refuses to verify any information by statutory declaration when asked to do so under subsection (1)(b); or
- (b) it believes on reasonable grounds that any person whose circumstances it may investigate under section 16 has deliberately given a false or misleading answer to any question asked under subsection (1)(a).

- (3) The actions are to—
- (a) assess the eligibility of an applicant for, or recipient of, the home-related financial assistance on the basis of Kāinga Ora—Homes and Communities' own understanding of the circumstances:
  - (b) treat the applicant or recipient as not or as no longer eligible for that financial assistance.

Compare: 1992 No 76 s 78

### **18 Application of Public and Community Housing Management Act 1992**

The following provisions of the Public and Community Housing Management Act 1992 apply for the purposes of an investigation under section 16 with all necessary modifications:

- (a) section 79 (Kāinga Ora—Homes and Communities may seek information):
- (b) section 80 (Kāinga Ora—Homes and Communities may require information for certain purposes):
- (c) section 82 (offence not to provide information or to provide false or misleading information):
- (d) section 83 (offence to mislead Kāinga Ora—Homes and Communities for certain purposes or results):
- (e) section 86 (code of conduct applying to obtaining information required under section 80):
- (f) section 87 (who must comply with code of conduct):
- (g) section 88 (regulations authorising information to be obtained):
- (h) section 89 (complaints):
- (i) section 90 (matters to be included in code of conduct).

### **19 Delegation of certain powers**

- (1) Kāinga Ora—Homes and Communities may delegate a power under section 17(1)(b), (2), or (3) to all or any of the following:
- (a) the social housing agency or agencies appointed under section 100 of the Public and Community Housing Management Act 1992:
  - (b) the chief executive of that agency or chief executives of those agencies:
  - (c) a person engaged by Kāinga Ora—Homes and Communities under a contract for services that provides for the person to exercise that power.
- (2) Sections 74 and 75 of the Crown Entities Act 2004 apply as if the delegation were under section 73 of that Act.
- (3) This section does not limit section 73 of the Crown Entities Act 2004.

Compare: 1992 No 76 s 84(1)(a)

## **20 Restriction on disposal of RFR land**

- (1) Kāinga Ora—Homes and Communities may not exercise the powers conferred on Housing New Zealand Corporation or its subsidiaries in any of the following provisions or in any deed of settlement to which those provisions relate:
  - (a) section 115 of the Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018:
  - (b) section 136 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:
  - (c) section 171 of the Ngāi Takoto Claims Settlement Act 2015:
  - (d) section 179 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014:
  - (e) section 199 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014:
  - (f) section 170 of the Ngāti Kuri Claims Settlement Act 2015:
  - (g) section 116 of the Ngāti Porou Claims Settlement Act 2012:
  - (h) section 166 of the Ngāti Rangī Claims Settlement Act 2019:
  - (i) section 201 of the Ngāti Toa Rangatira Claims Settlement Act 2014:
  - (j) section 115 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013:
  - (k) section 108 of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009:
  - (l) section 123 of the Raukawa Claims Settlement Act 2014:
  - (m) section 172 of the Te Aupouri Claims Settlement Act 2015:
  - (n) section 130 of the Te Kawerau ā Maki Claims Settlement Act 2015:
  - (o) section 200 of the Te Rarawa Claims Settlement Act 2015:
  - (p) any other Treaty of Waitangi settlement legislation or deed of settlement that provides for Housing New Zealand Corporation or its subsidiaries to dispose of RFR land to any person if the Corporation or subsidiary has given notice to the trustees of the 1 or more offer trusts that, in the Corporation's or subsidiary's opinion, the disposal is to give effect to, or to assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.
- (2) Kāinga Ora—Homes and Communities and Housing New Zealand Limited may not use the exception in section 11(1)(c)(i) of the Waikato Raupatu Claims Settlement Act 1995.

Section 20(2): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

**21 Use of certain words**

- (1) No person other than Kāinga Ora—Homes and Communities may, either alone or with another person, be incorporated or registered under another enactment, trade, carry on business, or perform the functions for which it was formed—
  - (a) under a name that contains the words Kāinga Ora—Homes and Communities or under any other name that combines all of the words “Kāinga”, “Ora”, “Homes”, and “Communities”; or
  - (b) under a name that so resembles the words Kāinga Ora—Homes and Communities as to be likely to mislead.
- (2) On or from the commencement date until 1 October 2039, no person may, either alone or with another person, be incorporated or registered under another enactment, trade, carry on business, or perform the functions for which it was formed—
  - (a) under a name that contains the words Housing Corporation of New Zealand or the words Housing New Zealand Corporation; or
  - (b) under a name that so resembles the words Housing Corporation of New Zealand or the words Housing New Zealand Corporation as to be likely to mislead.
- (3) Nothing in subsection (1) or (2) applies to Kāinga Ora—Homes and Communities or to any person who is appropriately authorised by Kāinga Ora—Homes and Communities.

Compare: 2003 No 118 s 99

## **Part 2 Other matters**

### Subpart 1—Government policy statement on housing and urban development

**22 Ministers must issue GPS on housing and urban development**

- (1) The Ministers must issue a GPS on housing and urban development no later than 1 October 2021.
- (2) The Ministers may review the GPS at any time and must review the GPS at intervals that are no more than 3 years apart.
- (3) The Ministers may, following a review, issue a new GPS on housing and urban development that replaces the GPS that was reviewed, in which case the GPS that was reviewed expires when it is replaced.

Compare: 2003 No 118 s 66

**23 Purpose and content of GPS**

- (1) The purpose of the GPS is to—

- (a) state the Government’s overall direction and priorities for housing and urban development; and
  - (b) inform and guide the decisions and actions of agencies involved in, and the activities necessary or desirable for, housing and urban development.
- (2) The GPS must include the following:
- (a) the Government’s overall direction for housing and urban development, which must include a multi-decade outlook:
  - (b) the Government’s priorities for housing and urban development:
  - (c) how the Government expects Kāinga Ora—Homes and Communities to manage its functions and operations to meet the Government’s direction and priorities for housing and urban development:
  - (d) how the Government expects other agencies to support that direction and those priorities:
  - (e) the Government’s expectations in relation to Māori interests, partnering with Māori, and protections for Māori interests:
  - (f) how the Government expects Kāinga Ora—Homes and Communities to recognise the need to mitigate and adapt to the effects of climate change.
- (3) The GPS may include any other matters the Ministers consider relevant.

Compare: 2003 No 118 s 68

## **24 Preparation or review of GPS**

When preparing or reviewing a GPS, the Ministers must—

- (a) be satisfied that the GPS promotes a housing and urban development system that contributes to the current and future well-being of New Zealanders; and
- (b) consult Kāinga Ora—Homes and Communities and persons, and representative groups of persons, who have an interest in housing and urban development in New Zealand.

Compare: 2003 No 118 s 67

## **25 Status of GPS**

A GPS is not—

- (a) a direction for the purposes of Part 3 of the Crown Entities Act 2004; or
- (b) a legislative instrument for the purposes of the Legislation Act 2012; or
- (c) a disallowable instrument for the purposes of the Legislation Act 2012.

Compare: 2003 No 118 s 69

**26 Kāinga Ora—Homes and Communities to give effect to GPS**

Kāinga Ora—Homes and Communities must give effect to the GPS when performing its functions.

Compare: 2003 No 118 s 70

**27 Other powers about government policy**

This subpart does not limit other provisions relating to directions in the Crown Entities Act 2004.

**28 Availability of GPS**

- (1) As soon as practicable after issuing a GPS, the Ministers must—
  - (a) present a copy of the GPS to the House of Representatives; and
  - (b) arrange for a copy of the GPS to be given to Kāinga Ora—Homes and Communities.
- (2) The chief executive must make the GPS publicly available as soon as practicable after it is issued by publishing a copy on the Ministry's Internet site in a format that is readily accessible.

Compare: 2003 No 118 s 71

**29 Amending GPS**

- (1) The Ministers may amend the GPS at any time.
- (2) The provisions of this subpart regarding the preparation and availability of a GPS—
  - (a) apply with the necessary modifications to an amendment to the GPS; but
  - (b) do not apply if the amendment to the GPS is not significant.

Compare: 2003 No 118 s 90

**Subpart 2—Other enactments****30 Housing Corporation Act 1974 repealed**

The Housing Corporation Act 1974 (1974 No 19) is repealed.

**31 Title of Housing Restructuring and Tenancy Matters Act 1992 changed**

In the Housing Restructuring and Tenancy Matters Act 1992, replace section 1(1) with:

- (1) This Act is the Public and Community Housing Management Act 1992.

**32 Amendments to Act that was previously called Housing Restructuring and Tenancy Matters Act 1992**

The Act that was previously called the Housing Restructuring and Tenancy Matters Act 1992 is amended as set out in Schedule 2.



**33 Amendments, repeals, and revocations: other enactments**

The enactments referred to in Schedule 3 are amended, repealed, or revoked as set out in that schedule.

**34 Titles of certain legislative instruments changed**

- (1) In the Housing Restructuring and Tenancy Matters (Appeals) Regulations 2000, replace regulation 1 with:

**1 Title**

These regulations are the Public and Community Housing Management (Appeals) Regulations 2000.

- (2) In the Housing Restructuring and Tenancy Matters (Appointment of Agency and Regulatory Authority) Order 2018, replace clause 1 with:

**1 Title**

This order is the Public and Community Housing Management (Appointment of Agency and Regulatory Authority) Order 2018.

- (3) In the Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014, replace regulation 1 with:

**1 Title**

These regulations are the Public and Community Housing Management (Community Housing Provider) Regulations 2014.

- (4) In the Housing Restructuring and Tenancy Matters (Prescribed Elements of Calculation Mechanism) Regulations 2018, replace regulation 1 with:

**1 Title**

These regulations are the Public and Community Housing Management (Prescribed Elements of Calculation Mechanism) Regulations 2018.

## Schedule 1

### Transitional, savings, and related provisions

s 6

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## **Part 1**

### **Provisions relating to this Act as enacted**

#### *Preliminary provisions*

#### **1 Interpretation in this Part**

In this Part, unless the context otherwise requires,—

**Corporation** means Housing New Zealand Corporation established by section 3(1) of the Housing Corporation Act 1974

**Crown** means the Sovereign in right of New Zealand

**HLC (2017) Ltd** means HLC (2017) Limited, a wholly-owned subsidiary of the Corporation

**Ministry functions that are transferring to Kāinga Ora—Homes and Communities** or **Ministry functions** means the functions carried out by the Kiwi-Build unit of the Ministry, other than the functions relating to the Land for Housing programme and the former Crown Land Programme

**property** has the same meaning as in section 30L of the State Sector Act 1988.

#### *Transition from Corporation and HLC (2017) Ltd to Kāinga Ora—Homes and Communities*

#### **2 Corporation disestablished**

- (1) The Corporation is disestablished.
- (2) The members of the Corporation cease to hold office at the close of the day before the commencement date.

#### **3 Consequences of disestablishment of Corporation**

- (1) On the commencement date,—
  - (a) all property belonging to the Corporation vests in Kāinga Ora—Homes and Communities; and
  - (b) all information and documents held by the Corporation are held by Kāinga Ora—Homes and Communities; and
  - (c) all money payable to or by the Corporation becomes payable to or by Kāinga Ora—Homes and Communities; and

- (d) all rights, liabilities, contracts, entitlements, and engagements of the Corporation become the rights, liabilities, contracts, entitlements, and engagements of Kāinga Ora–Homes and Communities; and
  - (e) subject to subclause (5), every employee of the Corporation becomes an employee of Kāinga Ora–Homes and Communities on the same terms and conditions as applied immediately before they became an employee of Kāinga Ora–Homes and Communities; and
  - (f) anything done, or omitted to be done, or that is to be done, by or in relation to the Corporation is to be treated as having been done, or having been omitted to be done, or to be done, by or in relation to Kāinga Ora–Homes and Communities; and
  - (g) proceedings that may be commenced, continued, or enforced by or against the Corporation may instead be commenced, continued, or enforced by or against Kāinga Ora–Homes and Communities without amendment to the proceedings; and
  - (h) a matter or thing that could, but for this clause, have been completed by the Corporation may be completed by Kāinga Ora–Homes and Communities.
- (2) The transfer of information from the Corporation to Kāinga Ora–Homes and Communities under subclause (1) does not constitute an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.
- (2A) For the purposes of the Inland Revenue Acts (as defined in section 3(1) of the Tax Administration Act 1994), the Corporation and Kāinga Ora–Homes and Communities are treated as the same person.
- (3) The disestablishment of the Corporation does not, by itself, affect any of the following matters:
- (a) any decision made, or anything done or omitted to be done, by the Corporation in relation to the performance or exercise of its functions, powers, or duties under any enactment:
  - (b) any proceedings commenced by or against the Corporation:
  - (c) any other matter or thing arising out of the Corporation’s performance or exercise, or purported performance or exercise, of its functions, powers, or duties under any enactment.
- (4) However, this clause is subject to section 20 (restriction on disposal of RFR land).
- (5) Despite subclause (1)(e), the chief executive of the Corporation does not become an employee of Kāinga Ora–Homes and Communities under this schedule.

Schedule 1 clause 3(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 1 clause 3(2A): inserted (with effect on 1 October 2019), on 6 August 2020, by section 299(3) of the Urban Development Act 2020 (2020 No 42).

#### **4 Transfer of existing financial approvals to Kāinga Ora—Homes and Communities**

- (1) This clause applies to any approval given by the responsible Minister and the Minister of Finance to the Corporation before the commencement date under section 160(1)(b) of the Crown Entities Act 2004.
- (2) On and after the commencement date,—
  - (a) the approval and any associated protocol must be treated, until revoked or varied, as if it were given to Kāinga Ora—Homes and Communities instead of the Corporation; and
  - (b) unless the context otherwise requires, every reference in the approval to the Corporation is to be read as a reference to Kāinga Ora—Homes and Communities.

#### **5 HLC (2017) Ltd disestablished**

- (1) HLC (2017) Ltd is disestablished.
- (2) The Registrar of Companies must remove HLC (2017) Ltd from the register of companies incorporated in New Zealand.
- (3) Kāinga Ora—Homes and Communities succeeds to all the property, rights, powers, and privileges of HLC (2017) Ltd.
- (4) Kāinga Ora—Homes and Communities succeeds to all the liabilities and obligations of HLC (2017) Ltd.
- (5) Proceedings pending by, or against, HLC (2017) Ltd may be continued by, or against, Kāinga Ora—Homes and Communities.
- (6) A conviction, ruling, order, or judgment in favour of, or against, HLC (2017) Ltd may be enforced by, or against, Kāinga Ora—Homes and Communities.
- (7) Subject to subclause (8), every employee of HLC (2017) Ltd becomes an employee of Kāinga Ora—Homes and Communities on the same terms and conditions as applied immediately before they became an employee of Kāinga Ora—Homes and Communities.
- (8) Despite subclause (7), the chief executive of HLC (2017) Ltd does not become an employee of Kāinga Ora—Homes and Communities under this schedule.
- (9) A matter or thing that could, but for this clause, have been completed by HLC (2017) Ltd may be completed by Kāinga Ora—Homes and Communities.

Compare: 1993 No 105 s 225

**6 References to Corporation and HLC (2017) Ltd**

- (1) A reference (express or implied) to the Corporation or HLC (2017) Ltd in any enactment (other than this Act), or in any instrument, register, record, notice, security, document, or communication made, given, passed, or executed before or on the commencement date, must be read as a reference to Kāinga Ora—Homes and Communities.
- (2) However, subclause (1) is subject to section 20 (restriction on disposal of RFR land).
- (3) This clause applies unless the context otherwise requires.

**7 References to employees of Corporation or HLC (2017) Ltd**

- (1) A reference (express or implied) to an officer or employee of the Corporation or HLC (2017) Ltd in any enactment, or in any instrument, register, record, notice, security, document, or communication made, given, passed, or executed before or on the commencement date must be read as a reference to—
  - (a) the corresponding employee of Kāinga Ora—Homes and Communities; or
  - (b) if there is no corresponding employee, any other employee of Kāinga Ora—Homes and Communities as it thinks fit.
- (2) This clause applies unless the context otherwise requires.

**8 Transfer of employees from Corporation or HLC (2017) Ltd to Kāinga Ora—Homes and Communities**

- (1) This clause applies to a person who becomes an employee of Kāinga Ora—Homes and Communities under clause 3(1)(e) or 5(7) (a **transferred employee**).
- (2) The terms and conditions of employment of a transferred employee immediately before the commencement date continue to apply in relation to that employee until—
  - (a) those terms and conditions are varied by agreement between the transferred employee and Kāinga Ora—Homes and Communities; or
  - (b) the transferred employee accepts a subsequent appointment with Kāinga Ora—Homes and Communities.
- (3) For the purposes of every enactment, law, determination, contract, and agreement relating to the employment of a transferred employee,—
  - (a) the employment agreement of that employee is to be treated as unbroken; and
  - (b) the employee's period of service with the Corporation or HLC (2017) Ltd, and every other period of service of that employee that is recognised by the Corporation or HLC (2017) Ltd as continuous service, is to

be treated as a period of service with Kāinga Ora—Homes and Communities.

- (4) To avoid doubt, the employment of a transferred employee by Kāinga Ora—Homes and Communities does not constitute new employment for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006.
- (5) A transferred employee is not entitled to receive any payment or benefit from the Corporation or HLC (2017) Ltd or Kāinga Ora—Homes and Communities on the grounds that the person's position in the Corporation or HLC (2017) Ltd has ceased to exist or the person has ceased to be an employee of the Corporation or HLC (2017) Ltd as a result of the transfer to Kāinga Ora—Homes and Communities.
- (6) This clause overrides Part 6A of the Employment Relations Act 2000.

#### **9 Restriction on compensation for technical redundancy**

- (1) An employee of the Corporation or HLC (2017) Ltd who is not a transferred employee is not entitled to receive any payment or other benefit on the ground that the position held by the employee in the Corporation or HLC (2017) Ltd has ceased to exist if—
  - (a) the position ceases to exist as a result of the disestablishment of the Corporation or HLC (2017) Ltd; and
  - (b) in connection with that disestablishment, the employee is offered and accepts other employment in Kāinga Ora—Homes and Communities.
- (2) This clause overrides Part 6A of the Employment Relations Act 2000.

#### **10 Continuation of insurance**

- (1) This clause applies to a member of the Corporation or a member of the board of HLC (2017) Ltd (a **member**) who has insurance cover immediately before the commencement date in respect of any liability or costs arising from any act or omission as a member.
- (2) Kāinga Ora—Homes and Communities may renew or effect insurance cover for the member in respect of acts or omissions before the commencement date.

#### *Ministry functions that are transferring to Kāinga Ora—Homes and Communities*

#### **11 Transfer of employees from Ministry to Kāinga Ora—Homes and Communities**

- (1) This clause applies to any employees of the Ministry whose positions in the Ministry cease to exist as a result of the transfer of the Ministry functions to Kāinga Ora—Homes and Communities (**affected employees**).
- (2) Section 61B of the State Sector Act 1988 applies to the affected employees.

- (3) The employment of an affected employee who is offered and accepts employment in Kāinga Ora—Homes and Communities or another part of the State Services in accordance with section 61A(1)(a) or (b) of the State Sector Act 1988 must be treated as continuous employment for the purposes of any enactment.

## 12 Transfer of contracts relating to Ministry functions

- (1) This clause applies to a contract—
- (a) that was made between the Crown, the chief executive, or the Ministry and another person before the commencement date; and
  - (b) that relates to Ministry functions that are transferring to Kāinga Ora—Homes and Communities and that, in the opinion of the chief executive, should transfer to Kāinga Ora—Homes and Communities; and
  - (c) that is identified by the chief executive by notice to Kāinga Ora—Homes and Communities as a contract to which this clause applies.
- (2) However, this clause does not apply—
- (a) to an employment agreement; or
  - (b) to a contract that resulted from negotiations relating to historical Treaty claims made by Māori in relation to breaches or alleged breaches of the Treaty of Waitangi or its principles, unless all of the parties to the contract agree.
- (3) On and after the commencement date,—
- (a) the contract must be treated as if Kāinga Ora—Homes and Communities were the party to the contract instead of the Crown, the chief executive, or the Ministry (as the case requires); and
  - (b) unless the context otherwise requires, every reference in the contract to the Crown, the chief executive, or the Ministry is to be read as a reference to Kāinga Ora—Homes and Communities.
- (4) In subclause (2)(b), **historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975.

## 13 Transfer of property relating to Ministry functions

- (1) This clause applies to any property, other than Crown land held for State housing purposes,—
- (a) that is owned by the Crown, the chief executive, or the Ministry immediately before the commencement date; and
  - (b) that relates to Ministry functions that are transferring to Kāinga Ora—Homes and Communities and that, in the opinion of the chief executive, should transfer to Kāinga Ora—Homes and Communities; and
  - (c) that is identified by the chief executive by notice to Kāinga Ora—Homes and Communities as property to which this clause applies.



- (2) On and after the commencement date, the property is vested in Kāinga Ora—Homes and Communities.

**14 Consequences of transfer of Ministry functions**

- (1) Subclause (2) applies to any contract that is identified under clause 12(1)(c) or property that is identified under clause 13(1)(c).
- (2) On and after the commencement date,—
- (a) all money payable to or by the Crown, the chief executive, or the Ministry in relation to the contract or property becomes payable to or by Kāinga Ora—Homes and Communities; and
  - (b) all rights, liabilities, entitlements, and engagements of the Crown, the chief executive, or the Ministry in relation to the contract or property become the rights, liabilities, entitlements, and engagements of Kāinga Ora—Homes and Communities; and
  - (c) anything done, or omitted to be done, or that is to be done, in relation to the contract or property by or in relation to the Crown, the chief executive, or the Ministry is to be treated as having been done, or having been omitted to be done, or to be done, by or in relation to Kāinga Ora—Homes and Communities; and
  - (d) the commencement, continuation, or enforcement of proceedings relating to the contract or property by or against the Crown, the chief executive, or the Ministry may instead be carried out by or against Kāinga Ora—Homes and Communities without amendment to the proceedings; and
  - (e) a matter or thing relating to the contract or property that could, but for this clause, have been completed by the chief executive or the Ministry may be completed by Kāinga Ora—Homes and Communities.
- (3) On and after the commencement date, all information that relates solely or principally to the Ministry functions that are transferring to Kāinga Ora—Homes and Communities and that is held by the chief executive or the Ministry is held by Kāinga Ora—Homes and Communities.
- (4) The transfer of information from the chief executive or the Ministry to Kāinga Ora—Homes and Communities under this clause does not constitute an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

Schedule 1 clause 14(4): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

**15 Consequences of transfer to Kāinga Ora—Homes and Communities of collective agreement relating to Ministry functions**

- (1) This clause applies to a collective agreement to which Kāinga Ora—Homes and Communities has become a party under section 61B of the State Sector Act 1988.
- (2) On and after the commencement date,—
  - (a) all rights, liabilities, and entitlements of the Crown, the chief executive, or the Ministry under the agreement become the rights, liabilities, and entitlements of Kāinga Ora—Homes and Communities; and
  - (b) anything done, or omitted to be done, or that is to be done by or in relation to the Crown, the chief executive, or the Ministry is to be treated as having been done, or having been omitted to be done, or to be done by or in relation to Kāinga Ora—Homes and Communities; and
  - (c) the commencement, continuation, or enforcement of proceedings by or against the Crown, the chief executive, or the Ministry may instead be carried out by or against Kāinga Ora—Homes and Communities without amendment to the proceedings.

*Provisions of general application***16 Effect of clauses**

Nothing effected or authorised by clauses 2 to 15—

- (a) places the Crown, the Corporation, HLC (2017) Ltd, the Ministry, the chief executive, Kāinga Ora—Homes and Communities, or any other person in breach of contract or confidence, or makes any of them liable for a civil wrong; or
- (b) places any of those persons or any other person in breach of an enactment, a rule of law, or a provision of a contract that prohibits, restricts, or regulates the assignment or transfer of property or the disclosure of information; or
- (c) entitles a person to terminate or cancel a contract or an arrangement, or to accelerate the performance of an obligation, or to impose a penalty or an increased charge; or
- (d) releases a surety from an obligation; or
- (e) invalidates or discharges a contract or surety.

**17 Registers**

- (1) The Registrar-General of Land or any other person charged with keeping books or registers is not required to change, in those books or registers or in a document, the name of the Corporation or HLC (2017) Ltd to Kāinga Ora—Homes and Communities solely because of the provisions of clause 3 (consequences of disestablishment of Corporation) or clause 5 (HLC (2017) Ltd disestablished).

- (2) If Kāinga Ora—Homes and Communities presents an instrument referred to in subclause (3) to a Registrar or another person, the presentation of that instrument by Kāinga Ora—Homes and Communities is, in the absence of proof to the contrary, sufficient evidence that the property is vested in Kāinga Ora—Homes and Communities.
- (3) For the purposes of this clause, the instrument need not be an instrument of transfer, but must—
  - (a) be executed or purport to be executed by Kāinga Ora—Homes and Communities; and
  - (b) relate to a property held by the Corporation or HLC (2017) Ltd immediately before the commencement date; and
  - (c) be accompanied by a certificate by Kāinga Ora—Homes and Communities that the property became vested in Kāinga Ora—Homes and Communities by virtue of the provisions of this Act.

#### **18 Government Superannuation Fund**

- (1) Any person who, immediately before becoming an employee of Kāinga Ora—Homes and Communities, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is deemed, for the purpose of that Act, to be employed in the Government service as long as the person continues to be an employee of Kāinga Ora—Homes and Communities.
- (2) The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of Kāinga Ora—Homes and Communities were Government service.
- (3) Subclause (1) does not entitle a person to become a contributor to the Government Superannuation Fund if the person has ceased to be a contributor.
- (4) For the purpose of applying the Government Superannuation Fund Act 1956, Kāinga Ora—Homes and Communities is the controlling authority.

#### **19 Saving of Crown guarantees, etc**

- (1) This clause applies to any guarantee or indemnity that was given by the Crown or the Corporation or any of its subsidiaries, or other liability of the Crown or the Corporation or its subsidiaries, that is in force immediately before the commencement date under any of the provisions listed in subclause (3).
- (2) The guarantee, indemnity, or liability continues as if the provision had not been repealed by this Act.
- (3) The provisions are—
  - (a) sections 24(2), 31, and 58 of the Housing Corporation Act 1974;
  - (b) section 25 of the Public and Community Housing Management Act 1992.

- (4) This clause does not limit the other provisions of this Part.
- (5) For the purpose of subclause (2), section 35(2)(m) of the Crown Proceedings Act 1950 continues to apply as if it were not repealed by Schedule 3 of this Act.

## **20 References to State Advances Corporation**

- (1) A reference (express or implied) to the State Advances Corporation in any enactment, or in any instrument, register, record, notice, security, document, or communication made, given, passed, or executed before or on the commencement date, must be read as a reference to Kāinga Ora—Homes and Communities.
- (2) This clause applies unless the context otherwise requires.

## **21 Continued application of Housing Act 1955 in respect of certain State housing land vested under 1992 Act**

Sections 28 and 33 of the Public and Community Housing Management Act 1992 continue to apply as if they were not repealed by Schedule 2 of this Act.

## **22 Continued application of section 30AA of Housing Corporation Act 1974**

Despite the repeal of section 30AA of the Housing Corporation Act 1974, that section continues to apply in relation to actions taken by the Corporation and its subsidiaries before the commencement date.

## **23 References to Housing Restructuring and Tenancy Matters Act 1992 and instruments made under that Act**

- (1) Every reference in any enactment and in any document to the Housing Restructuring and Tenancy Matters Act 1992 must, unless the context otherwise provides, be read as a reference to the Public and Community Housing Management Act 1992.
- (2) Every reference in any enactment and in any document to a legislative instrument the name of which is changed by section 34 must, unless the context otherwise provides, be read as a reference to the instrument under its new name.
- (3) This clause applies unless the context otherwise requires.

## **24 Charges under Home Ownership Savings Act 1974**

If a certificate of release of charge is lodged with the Registrar-General of Land to release any land from the whole or a part of a registered charge imposed under the Home Ownership Savings Act 1974, Kāinga Ora—Homes and Communities must be treated as being the person entitled to the benefit of the charge.

## Schedule 2

### Amendments to Act that was previously called Housing Restructuring and Tenancy Matters Act 1992

s 32

#### Long Title

Repeal the Long Title.

#### Section 1

In the heading to section 1, replace “**Short Title**” with “**Title**”.

#### Section 2

In section 2(1), repeal the definitions of **board**, **company**, **Corporation**, **Corporation assets**, **Corporation liabilities**, **HNZ**, **HNZ housing**, **security**, **sitting day**, **State housing assets**, **State housing liabilities**, and **statement of corporate intent**.

In section 2(1), definition of **community housing provider**, replace “HNZ or the Corporation” with “Kāinga Ora—Homes and Communities”.

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

**Kāinga Ora—Homes and Communities** means Kāinga Ora—Homes and Communities established under the Kāinga Ora—Homes and Communities Act 2019, and includes any subsidiary of Kāinga Ora—Homes and Communities

**Kāinga Ora housing** means premises (whether owned by the Crown, Kāinga Ora—Homes and Communities, or any other person) let or to be let by or on behalf of Kāinga Ora—Homes and Communities for occupation by any person as a place of residence

In section 2(1), definitions of **income-related rent**, **market rent**, and **social housing**, replace “HNZ housing” with “Kāinga Ora housing”.

In section 2(1), definitions of **income-related rent**, **market rent**, and **social housing provider**, replace “HNZ” with “Kāinga Ora—Homes and Communities”.

Repeal section 2(3).

#### Section 7

Repeal section 7.

#### Part 4

Repeal Part 4.

#### Section 66

In section 66, repeal the definitions of **Corporation** and **Corporation housing**.

In section 66, definition of **partner**, paragraph (b), replace “in the Corporation’s opinion” with “in the opinion of Kāinga Ora—Homes and Communities”.

**Section 67**

In section 67, replace “the Corporation” with “Kāinga Ora—Homes and Communities”.

**Section 68**

In section 68(1), replace “, in respect of persons who are tenants in relation to Corporation housing, or were tenants of that kind on or after the commencement of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006,” with “, in respect of persons who are tenants in relation to Kāinga Ora housing, or were tenants of Housing New Zealand Corporation or Housing New Zealand Limited on or after 1 July 2006,”.

In section 68(1), (2), (3), and (4), replace “the Corporation” with “Kāinga Ora—Homes and Communities” in each place.

**Section 69**

In section 69(c), replace “the Corporation” with “Kāinga Ora—Homes and Communities”.

In section 69(e) and (f), replace “the Corporation” with “Kāinga Ora—Homes and Communities”.

**Part 7 heading**

In the heading to Part 7, replace “**HNZ housing**” with “**Kāinga Ora housing**”.

**Section 70**

In section 70(2)(b), replace “align Housing New Zealand Corporation’s role to” with “define the role of Kāinga Ora—Homes and Communities in”.

**Section 71**

In section 71, repeal the definition of **financial product**.

In section 71, definitions of **prospective tenant for HNZ housing** and **tenant**, replace “HNZ housing” with “Kāinga Ora housing” in each place.

In section 71, definition of **prospective tenant for HNZ housing**, replace “HNZ” with “Kāinga Ora—Homes and Communities” in each place.

**Section 74**

In section 74(4), replace “in HNZ’s opinion” with “in the opinion of Kāinga Ora—Homes and Communities”.

**Section 75**

In section 75(2)(b), replace “HNZ’s rights” with “the rights of Kāinga Ora—Homes and Communities”.

In section 75(2)(c), replace “HNZ’s functions and powers” with “the functions and powers of Kāinga Ora—Homes and Communities”.

**Cross-heading above section 77**

Replace the cross-heading above section 77 with:

*Information*

**Section 77**

Repeal section 77.

**Section 78**

Repeal section 78.

**Section 79**

In section 79(1), replace “investigation under section 77” with “investigation under section 16 of the Kāinga Ora—Homes and Communities Act 2019”.

**Section 80**

In section 80(1)(a), replace “investigation under section 77” with “investigation under section 16 of the Kāinga Ora—Homes and Communities Act 2019”.

In section 80(1)(d), replace “question asked under section 78(1)(a)” with “question asked under section 17(1)(a) of the Kāinga Ora—Homes and Communities Act 2019”.

**Cross-heading above section 81**

In the cross-heading above section 81, replace “*HNZ housing*” with “*Kāinga Ora housing*”.

**Section 81**

In the heading to section 81, replace “**HNZ housing**” with “**Kāinga Ora housing**”.

**Section 83**

In section 83(2)(b), replace “a financial product” with “home-related financial assistance under the Kāinga Ora—Homes and Communities Act 2019”.

In section 83(3), delete “under this Act”.

In section 83(3)(c), replace “a financial product” with “home-related financial assistance under the Kāinga Ora—Homes and Communities Act 2019”.

**Section 84**

Replace section 84(1) and (2) with:

- (1) Kāinga Ora—Homes and Communities may not delegate any power under this Part except to—
  - (a) an employee of Kāinga Ora—Homes and Communities; or
  - (b) a person engaged by Kāinga Ora—Homes and Communities under a contract for services providing for the person to exercise that power; or

**Section 84**—*continued*

- (c) the agency or chief executive of the agency.

In section 84(3), replace “HNZ in accordance with subsection (1) may, with the consent of HNZ, subdelegate that power to another employee of the Corporation or of HNZ” with “Kāinga Ora—Homes and Communities in accordance with subsection (1) may, with the consent of Kāinga Ora—Homes and Communities, subdelegate that power to another employee of Kāinga Ora—Homes and Communities”.

In section 84(4), replace “HNZ in accordance with subsection (1), may with the consent of HNZ,” with “Kāinga Ora—Homes and Communities in accordance with subsection (1) may”.

In section 84(5), replace “If HNZ delegates a power under this Part (not being a power referred to in subsection (1)(a)) to a body corporate engaged by HNZ or the Corporation” with “If Kāinga Ora—Homes and Communities delegates a power under this Part to a body corporate engaged by Kāinga Ora—Homes and Communities”.

**Section 85**

Replace section 85 with:

**85 Reimbursement agreement with Kāinga Ora—Homes and Communities**

- (1) Kāinga Ora—Homes and Communities must, if required by the Crown, enter into 1 or more agreements for the provision by Kāinga Ora—Homes and Communities of housing and related services to persons who pay income-related rents rather than market rents for the housing, in return for the payment by the Crown of the difference between the amounts of market rents for the housing and the income-related rents charged.
- (2) However, subsection (1) does not apply to the extent (if any) that a tailored agreement covers the provision by Kāinga Ora—Homes and Communities of housing and related services to persons who pay income-related rents rather than market rents for the housing. (*See* section 137A.)

**Section 87**

Replace section 87(a) and (b) with:

- (a) Kāinga Ora—Homes and Communities and every employee of Kāinga Ora—Homes and Communities:

**Section 90**

In section 90(1)(a), replace “a financial product” with “home-related financial assistance under the Kāinga Ora—Homes and Communities Act 2019”.

In section 90(2)(a)(ii), replace “financial product” with “home-related financial assistance under the Kāinga Ora—Homes and Communities Act 2019”.



**Section 137**

In section 137(2), replace “, HNZ, or the Corporation” with “or Kāinga Ora–Homes and Communities”.

Replace section 137(3)(b) and (c) with:

(b) by Kāinga Ora–Homes and Communities, to an employee of Kāinga Ora–Homes and Communities:

**Parts 7 to 9: references to HNZ**

In the headings to the following provisions, replace “HNZ” with “Kāinga Ora–Homes and Communities”:

section 75:

section 76:

section 79:

section 80:

section 83.

In the following provisions, replace “HNZ housing” with “Kāinga Ora housing” and “HNZ” with “Kāinga Ora–Homes and Communities” in each place:

section 72(1), (2), (3), (4), and (5):

section 73(1) and (2):

section 74(1), (2), (4), and the example:

section 75(1):

section 76:

section 79(1):

section 80(1), (2), (3), (4)(b), and (8)(a):

section 81(1), (2), (2)(a), (b), (d), and (e):

section 83(1)(b) and (c), (2)(a), and (3)(a) and (b):

section 86(1), (3), (4), and (5):

section 87(d):

section 88(1):

section 90(1)(b):

section 92(1)(a)(ii)(A):

section 101(b)(vi):

section 102(1):

section 109(1)(b):

section 123(2)(b)(ii):

section 129(2)(e):

**Parts 7 to 9: references to HNZ—continued**

section 156(1).

**Section 157**

Repeal section 157(a)(i)(A).

**Schedule 3**

In the heading to Schedule 3, replace “s 54” with “s 156”.

In the heading to Schedule 3, replace “HNZ” with “Kāinga Ora—Homes and Communities”.

In Schedule 3, clause 1, definition of **55+ rent protection programme**, replace “the company” with “Kāinga Ora—Homes and Communities”.

In Schedule 3, clause 1, definitions of **55+ rent protection programme**, **accommodation assistance**, and **affected tenant**, replace “HNZ housing” with “Kāinga Ora housing”.

In Schedule 3, clauses 2(2), 3(2), and 5(1)(a) and (2), replace “HNZ housing” with “Kāinga Ora housing” in each place.

In Schedule 3, clause 4(1)(a)(ii), replace “the company” with “Kāinga Ora—Homes and Communities”.

**Schedule 4**

Replace the Schedule 4 heading with:

**Transitional, savings, and related provisions**

In Schedule 4, replace the Part 1 heading with:

**Part 1**  
**Transitional and savings provisions relating to Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013**

In Schedule 4, replace the Part 2 heading with:

**Part 2**  
**Transitional provisions relating to transfer of employees of Corporation to agency: Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013**

In Schedule 4, replace the Part 3 heading with:

**Schedule 4—continued**

**Part 3**

**Transitional and savings regulations relating to Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013**

In Schedule 4, after Part 3, insert:

**Part 4**

**Transitional, savings, and related provision relating to Kāinga Ora—Homes and Communities Act 2019**

**21 References to Housing Restructuring and Tenancy Matters Act 1992**

Every reference in any enactment and in any document to the Housing Restructuring and Tenancy Matters Act 1992 must, unless the context otherwise provides, be read as a reference to the Public and Community Housing Management Act 1992.

## Schedule 3

### Amendments, repeals, and revocations: other enactments

s 33

#### Part 1

##### Acts

#### **Administration Act 1969 (1969 No 52)**

In section 65(1), insert in its appropriate alphabetical order:

**Kāinga Ora–Homes and Communities** means Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019

In section 65(2) and (3), replace “Housing New Zealand Corporation” with “Kāinga Ora–Homes and Communities” in each place.

#### **Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (2016 No 42)**

In section 43(2)(d), replace “Housing New Zealand Corporation” with “Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019”.

#### **Corrections Act 2004 (2004 No 50)**

In section 182C(c), replace “Housing New Zealand Corporation” with “Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019”.

#### **Crown Entities Act 2004 (2004 No 115)**

In Schedule 1, Part 1, insert in its appropriate alphabetical order:

Name	Exemption from acquisition of financial products, borrowing, guarantee, and derivative rules				Exemption from section 165 (net surplus payable to Crown)
	s 161	s 162	s 163	s 164	
Kāinga Ora–Homes and Communities					

In Schedule 1, Part 1, repeal the item relating to Housing New Zealand Corporation.

#### **Crown Proceedings Act 1950 (1950 No 54)**

Repeal section 35(2)(m).

#### **Family Benefits (Home Ownership) Act 1964 (1964 No 32)**

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

**Kāinga Ora–Homes and Communities** means Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019

**Family Benefits (Home Ownership) Act 1964 (1964 No 32)**—*continued*

In section 6A(1), replace “any applicant who has been granted an advance by Housing New Zealand Corporation as a Homestart loan and designated as such by the Corporation” with “any applicant who has been granted an advance by Housing New Zealand Corporation or Kāinga Ora—Homes and Communities as a Homestart loan and designated as such by the Corporation or Kāinga Ora—Homes and Communities”.

In section 8(4), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

In section 13(2)(b), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

Repeal section 13(8).

**Family Violence Act 2018 (2018 No 46)**

In section 19, definition of **specified government agency**, paragraph (f), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019”.

In section 19, definition of **specified government agency**, paragraph (g), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Financial Markets Conduct Act 2013 (2013 No 69)**

In Schedule 1, clause 22(1)(d), replace “Housing New Zealand Corporation established by the Housing Corporation Act 1974” with “Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019”.

**Flags, Emblems, and Names Protection Act 1981 (1981 No 47)**

In Schedule 3, repeal the item relating to Housing Corporation Act 1974.

**Goods and Services Tax Act 1985 (1985 No 141)**

In section 5(6F), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Home Ownership Savings Act 1974 (1974 No 51)**

Repeal.

**Housing Act 1955 (1955 No 51)**

Repeal the Long Title.

In section 2(1), repeal the definition of **Corporation**.

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

**Kāinga Ora—Homes and Communities** means Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019

**Housing Act 1955 (1955 No 51)**—*continued*

In the headings to sections 21, 25, 33, and 39, replace “**Corporation**” with “**Kāinga Ora—Homes and Communities**”.

In section 19A(1), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In the heading to section 32, replace “**the Corporation**” with “**Kāinga Ora—Homes and Communities**”.

In the following provisions, replace “the Corporation” with “Kāinga Ora—Homes and Communities” in each place:

section 2A(1) and (2):

section 6(1) and (2):

section 9(2):

section 15(1):

section 16(1) and (2):

section 17:

section 18(2), (7), and (8):

section 19:

section 19A(1) and (2):

section 21(1)(a) and (2):

section 22(a) and (b):

section 23(1) and (2):

section 25:

section 26(1)(b), (2), and (3)(a), (b), and (d):

section 27(1)(a) and (2)(a):

section 28(2)(a):

section 29(1), (3)(a), and (8):

section 30:

section 32(1), (2)(b), (c), and (d), and (5):

section 33:

section 34(1):

section 36(1), (3), and (5):

section 37(a) and (d):

section 38(2) and (3):

section 39.

In the following provisions, replace “The Corporation” with “Kāinga Ora—Homes and Communities”:

**Housing Act 1955 (1955 No 51)**—*continued*

section 2A(4):

section 14:

section 21(1):

section 24:

section 26(1):

section 27(1):

section 28(1):

section 32(2) and (3):

section 36(2):

section 39.

**Housing Assets Transfer Act 1993 (1993 No 50)**

Repeal the Long Title.

In section 2, repeal the definition of **Corporation**.

In section 2, insert in its appropriate alphabetical order:

**Kāinga Ora—Homes and Communities** means Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019

In section 2, definition of **housing assets**, paragraph (e), replace “or the Housing Corporation Act 1974” with “, the Housing Corporation Act 1974, or the Kāinga Ora—Homes and Communities Act 2019”.

In the headings to sections 5, 6, 8, and 14, replace “**Corporation**” with “**Kāinga Ora—Homes and Communities**”.

In section 5(1), replace “The Corporation” with “Kāinga Ora—Homes and Communities”.

In the following provisions, replace “the Corporation” with “Kāinga Ora—Homes and Communities” in each place:

section 5(1), (2), and (3):

section 6(1), (4), and (5):

section 7(1)(a) and (c), (2), (3), (5), (6), and (7):

section 8(1), (2)(a), (3), (4)(a), and (5)(a):

section 9(1):

section 10(1):

section 11:

section 12(1) and (2):

section 14(1)(a) and (b) and (2).

**Immigration Act 2009 (2009 No 51)**

In section 275(a)(vii), replace “Housing New Zealand Corporation” with “Kāinga Ora–Homes and Communities”.

**Income Tax Act 2007 (2007 No 97)**

In section CW 42B(2)(aa), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Insurance (Prudential Supervision) Act 2010 (2010 No 111)**

In section 8(2)(a), replace “, the Earthquake Commission, or the Housing New Zealand Corporation” with “or the Earthquake Commission”.

**Land Act 1948 (1948 No 64)**

Repeal section 149(4).

**Legal Services Act 2011 (2011 No 4)**

In section 7(1)(i) and (ia), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Maori Affairs Restructuring Act 1989 (1989 No 68)**

In section 86A(8)(b), replace “Housing New Zealand Corporation” with “Kāinga Ora–Homes and Communities”.

**Maori Housing Act 1935 (1935 No 34)**

In section 10, replace “, but not in excess of the rate fixed under the Housing Corporation Act 1974 in respect of similar loans made by Housing New Zealand Corporation” with “, but not in excess of the rate in respect of similar loans made by Kāinga Ora–Homes and Communities”.

**Maori Housing Amendment Act 1938 (1938 No 17)**

In section 8(5), replace “the Corporation” with “Kāinga Ora–Homes and Communities”.

**Official Information Act 1982 (1982 No 156)**

In Schedule 1, repeal the item relating to Housing New Zealand Limited.

**Ombudsmen Act 1975 (1975 No 9)**

In Schedule 1, Part 2, repeal the items relating to Housing New Zealand Corporation and Housing New Zealand Limited.

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Kāinga Ora–Homes and Communities



### **Privacy Act 1993 (1993 No 28)**

In section 97, definition of **specified agency**, repeal paragraph (ba).

In section 97, definition of **specified agency**, replace paragraph (fa) with:

- (fa) Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019:

In section 97, definition of **specified agency**, paragraph (m), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In Schedule 3, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

### **Prohibition of Gang Insignia in Government Premises Act 2013 (2013 No 56)**

In section 4, definition of **Government premises**, paragraph (d), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

### **Property Law Act 2007 (2007 No 91)**

In section 277A(2)(a) and (b), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities” in each place.

After section 277A(3), insert:

- (4) In this section, **Kāinga Ora—Homes and Communities** means Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019.

### **Public Works Act 1981 (1981 No 35)**

In section 224(18), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

In section 224(18), replace “the Corporation” with “Kāinga Ora—Homes and Communities”.

### **Residential Tenancies Act 1986 (1986 No 120)**

In section 2(1), definition of **income-related rent tenancy**, paragraphs (a) and (b), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In section 25(3), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

### **Social Security Act 2018 (2018 No 32)**

In section 66(1)(a) and (c), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

In section 66(2), insert in its appropriate alphabetical order:

**Social Security Act 2018 (2018 No 32)—continued**

**Kāinga Ora—Homes and Communities** means Kāinga Ora—Homes and Communities established by the Kāinga Ora—Homes and Communities Act 2019

In section 66(2), in the definitions of **registered community housing provider** and **social housing**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In section 402(a), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In Schedule 3, clause 8(k), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**State Advances Corporation Act 1965 (1965 No 47)**

Repeal.

**Te Ture Whenua Maori Act 1993 (1993 No 4)**

In section 4, definition of **State Loan Department**, paragraph (b), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

**Vincent County Empowering (Community Centres) Act 1970 (1970 No 16 (L))**

In section 11(1), replace “the Housing New Zealand Corporation or other department of State administering the dwelling unit may, without further authority than this section, out of money received by the said Corporation under subsection (1) of section 32 of the Housing Act 1955, or, as the case may require, out of the appropriate account,” with “Kāinga Ora—Homes and Communities or any other Crown agency may”.

In section 11(2), replace “the said Corporation or department” with “Kāinga Ora—Homes and Communities or the other agency”.

**Part 2****Legislative instruments****Health Entitlement Cards Regulations 1993 (SR 1993/169)**

In regulation 2(1), definitions of **social housing** and **tenant**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Health Sector Transfers (Housing New Zealand Corporation) Order 2002 (SR 2002/207)**

Revoke.

**Housing Assets Transfer Order 1993 (SR 1993/193)**

Revoke.

**Housing Assets Transfer Order 1994 (SR 1994/69)**

Revoke.

**Housing Assets Transfer Order 1996 (SR 1996/241)**

Revoke.

**Housing New Zealand Limited Vesting Order 1993 (SR 1993/179)**

Revoke.

**Housing Restructuring Act (Vesting) Order 1996 (SR 1996/75)**

Revoke.

**Housing Restructuring and Tenancy Matters (Appeals) Regulations 2000 (SR 2000/212)**

Replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992” in each place.

**Housing Restructuring and Tenancy Matters (Appointment of Agency and Regulatory Authority) Order 2018 (LI 2018/172)**

Replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992” in each place.

**Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014 (LI 2014/116)**

Replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992” in each place.

In regulation 3, definition of **community housing provider**, replace “HNZ or the Corporation” with “Kāinga Ora—Homes and Communities”.

**Housing Restructuring and Tenancy Matters (Prescribed Elements of Calculation Mechanism) Regulations 2018 (LI 2018/173)**

Replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992” in each place.

**Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017 (LI 2017/176)**

In clause 3(1), definition of **subsidies**, paragraphs (f) and (g), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Privacy (Information Sharing Agreement between New Zealand Gang Intelligence Centre Agencies) Order 2018 (LI 2018/247)**

In clause 3, definition of **subsidies**, paragraphs (f) and (g), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In clause 14(7), replace “Housing New Zealand Corporation” with “Kāinga Ora—Homes and Communities”.

In clause 14(7)(a), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016 (LI 2016/128)**

In clause 3(1), definition of **income-related rent tenancy**, paragraphs (a) and (b), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Social Housing Appeals Regulations 2014 (LI 2014/118)**

Replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992” in each place.

**Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 Commencement Order 2013 (LI 2013/480)**

Revoke.

**Social Security Regulations 2018 (LI 2018/202)**

In regulation 71(5)(b)(iii), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

In regulation 206(g), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

**Student Allowances Regulations 1998 (SR 1998/277)**

In regulation 9(2)(aa), replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

## **Reprints notes**

### **1    *General***

This is a reprint of the Kāinga Ora—Homes and Communities Act 2019 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **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***

Urban Development Act 2020 (2020 No 42): section 299, 300

Privacy Act 2020 (2020 No 31): section 217