



# **Social Security (Accommodation Supplement) Amendment Act 2022**

Public Act    2022 No 65  
Date of assent    25 November 2022  
Commencement    see section 2

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

**1 Title**

This Act is the Social Security (Accommodation Supplement) Amendment Act 2022.

**2 Commencement**

This Act comes into force on the day after the date of Royal assent.

**Part 1**  
**Amendments to Social Security Act 2018**

**3 Principal Act**

This Part amends the Social Security Act 2018.

**4 New section 17A inserted (Guide to specified abatement exemptions)**

After section 17, insert:

**17A Guide to specified abatement exemptions**

- (1) In this section, the **specified abatement exemptions** means—
- (a) section 17(3) of the New Zealand Superannuation and Retirement Income Act 2001; and
  - (b) section 173(3) of the Veterans' Support Act 2014.
- (2) The specified abatement exemptions ensure that a benefit (for example, an accommodation supplement) payable to a community spouse or partner (**CSP**) is not subject to abatement in respect of any income of the CSP that has been included in a means assessment—
- (a) of the CSP's spouse or partner; and
  - (b) under the Residential Care and Disability Support Services Act 2018.

**5 Section 67 amended (Other funding exclusion)**

Replace section 67(e) with:

- (e) P is receiving New Zealand superannuation or a veteran's pension and—
- (i) if P is not a community spouse or partner (as defined in Schedule 2), the total income of P and P's spouse or partner (if any) is

more than the applicable amount specified in Part 2 of Schedule 5;  
or

- (ii) if P is a community spouse or partner (as so defined), the total income of P alone (disregarding any income of P's spouse or partner who is receiving long-term residential care in a hospital or rest home) is more than the applicable amount specified in Part 2 of Schedule 5.

**6 Section 69 amended (Accommodation supplement: refusal, reduction, or cancellation of grant in certain circumstances)**

Replace section 69(2) with:

- (2) For the purposes of this section and the assets requirement in regulations made under section 423 (*see* section 65(1)(b)), the assets of A include the assets of A's spouse or partner, if any.
- (2A) Subsection (2) applies, without limitation, even if—
  - (a) A is a community spouse or partner (as defined in Schedule 2); and
  - (b) A's spouse or partner is receiving long-term residential care in a hospital or rest home.
- (2B) However, subsection (2) does not limit section 67(c), under which a person (P, who may, or may not, be A's spouse or partner) is ineligible for an accommodation supplement if P is a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018.

**7 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in Part 1 of Schedule 1 of this Act as the last Part; and
- (b) make all necessary consequential amendments.

**8 Schedule 2 amended**

In Schedule 2, insert in their appropriate alphabetical order:

**community spouse or partner,—**

- (a) in section 17A (which is a guide to specified abatement exemptions), means—
  - (i) for the purposes of section 17(3) of the New Zealand Superannuation and Retirement Income Act 2001, a person to whom section 17 of that Act applies; and
  - (ii) for the purposes of section 173(3) of the Veterans' Support Act 2014, a person to whom section 173 of that Act applies; and

- (b) in sections 67(e) and 69(2A) and (2B), item 6A of Part 7 of Schedule 4, and item 9A of Part 2 of Schedule 5 (which are provisions about eligibility for, and the rate of, an accommodation supplement), means a person—
- (i) who is not receiving long-term residential care in a hospital or rest home; and
  - (ii) whose spouse or partner—
    - (A) is receiving long-term residential care in a hospital or rest home; and
    - (B) is, or is not, a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018

**specified abatement exemptions** is defined in section 17A for the purposes of that section (which is a guide to specified abatement exemptions)

## 9 Schedule 4 amended

In Schedule 4, Part 7, after item 6, insert:

- 6A The rate of accommodation supplement payable to a community spouse or partner (as defined in Schedule 2) is the rate in items 1 to 6 that would apply to them if they were single (and their other circumstances were unchanged).

## 10 Schedule 5 amended

In Schedule 5, Part 2, after item 9, insert:

- 9A For the purposes only of section 67(e), the income limit for a community spouse or partner (as defined in Schedule 2) is the income limit in item 5, 6, 8, or 9 that would apply to them if they were single (and their other circumstances were unchanged).

## 11 Consequential amendments

Amend the Acts specified in Schedule 2 of this Act as set out in that schedule.

## Part 2

### Amendments to Social Security Regulations 2018

## 12 Principal regulations

This Part amends the Social Security Regulations 2018.

## 13 Regulation 15 amended (Assets requirement)

Replace regulation 15(2) with:

- (2) This regulation is subject to section 69(2), (2A), and (2B) of the Act.
- (3) Under section 69(2) of the Act, for the purposes of the assets requirement in this regulation and of section 69 of the Act, the assets of an applicant for an

- accommodation supplement (A) include the assets of A's spouse or partner (if any).
- (4) Under section 69(2A) of the Act, section 69(2) of the Act applies, without limitation, even if—
    - (a) A is a community spouse or partner (as defined in Schedule 2 of the Act); and
    - (b) A's spouse or partner is receiving long-term residential care in a hospital or rest home.
  - (5) Under section 69(2B) of the Act, section 69(2) of the Act does not limit section 67(c) of the Act, under which a person (P, who may, or may not, be A's spouse or partner) is ineligible for an accommodation supplement if P is a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018.
  - (6) Subclauses (3) to (5) are by way of explanation only. They do not affect the provisions specified in them.

#### 14 Regulation 17 amended (Base rate)

- (1) In regulation 17(2)(d), after “paragraph (e)”, insert “or (ea)”.
- (2) After regulation 17(2)(e), insert:
  - (ea) for a beneficiary who is a community spouse or partner (as defined in Schedule 2 of the Act), the base rate that would apply to them under paragraph (a), (b), or (c) if they were single (and their other circumstances were unchanged):
- (3) In regulation 17(2)(h), after “relationship”, insert “and is not a non-beneficiary to whom paragraph (i) applies”.
- (4) After regulation 17(2)(h), insert:
  - (i) for a non-beneficiary who is a community spouse or partner (as defined in Schedule 2 of the Act), the base rate that would apply to them under paragraph (f) or (g) if they were single (and their other circumstances were unchanged).

#### 15 Regulation 18 amended (Income-based reductions to assessed base rate for non-beneficiary)

Replace regulation 18(2) with:

- (2) That amount must be reduced by 25 cents for every \$1 of the relevant weekly income (*see* subclause (2A)) in excess of the income level specified in subclause (3).
- (2A) The **relevant weekly income** mentioned in subclause (2) is,—
  - (a) if the applicant is not a community spouse or partner (as defined in Schedule 2 of the Act), the combined weekly income of—

- (i) the applicant; and
- (ii) any spouse or partner of the applicant; and
- (b) if the applicant is a community spouse or partner (as so defined), the weekly income of the applicant alone (disregarding any income of the applicant's spouse or partner who is receiving long-term residential care in a hospital or rest home).

**16 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in Part 2 of Schedule 1 of this Act as the last Part; and
- (b) make all necessary consequential amendments.

**Schedule 1**  
**Transitional, savings, and related provisions**

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**Part 1**  
**New Part of Schedule 1 of Social Security Act 2018**

**Part 8**  
**Provisions relating to Social Security (Accommodation Supplement)**  
**Amendment Act 2022**

**93 Definitions for this Part**

In this Part,—

**amendments** means the amendments made—

- (a) to this Act; and
- (b) by Part 1 of the Amendment Act

**Amendment Act** means the Social Security (Accommodation Supplement) Amendment Act 2022

**commencement** means the commencement of the Amendment Act.

**94 Amendments apply only to specified existing or new recipients or applicants**

The amendments apply, after the commencement, only to—

- (a) a person who, immediately before the commencement, was entitled to receive, had applied for, and was receiving an accommodation supplement:
- (b) an applicant for an accommodation supplement whose application was made, but was not withdrawn or determined, before the commencement:
- (c) an applicant for an accommodation supplement whose application is made after the commencement.

**Part 2**  
**New Part of Schedule 1 of Social Security Regulations 2018**

**Part 8**  
**Provisions relating to Social Security (Accommodation Supplement)**  
**Amendment Act 2022**

**13 Definitions for this Part**

In this Part,—

**amendments** means the amendments made—

- (a) to these regulations; and
- (b) by Part 2 of the Amendment Act

**Amendment Act** means the Social Security (Accommodation Supplement) Amendment Act 2022

**commencement** means the commencement of the Amendment Act.

**14 Amendments apply only to specified existing or new recipients or applicants**

The amendments apply, after the commencement, only to—

- (a) a person who, immediately before the commencement, was entitled to receive, had applied for, and was receiving an accommodation supplement:
- (b) an applicant for an accommodation supplement whose application was made, but was not withdrawn or determined, before the commencement:
- (c) an applicant for an accommodation supplement whose application is made after the commencement.

## Schedule 2

### Consequential amendments

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#### New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

After section 17(3), insert:

- (3A) In subsection (3), any **benefit**,—
- (a) has, under section 4(2) of this Act, the same meaning as it has in the Social Security Act 2018 (*see* Schedule 2 of that Act); and so
  - (b) includes, for example, an accommodation supplement (as is explained in the guide in section 17A of that Act).

#### Veterans' Support Act 2014 (2014 No 56)

After section 173(3), insert:

- (4) In subsection (3), any **benefit**,—
- (a) has, under section 158(2)(b) of this Act, the meaning given to it in Schedule 2 of the Social Security Act 2018; and so
  - (b) includes, for example, an accommodation supplement (as is explained in the guide in section 17A of that Act).

#### Legislative history

22 November 2022

Introduction (Bill 193–1), first reading, second reading,  
committee of the whole House, third reading

25 November 2022

Royal assent

This Act is administered by the Ministry of Social Development.