



## Social Security (Emergency Housing and Transitional Housing) Amendment Regulations 2020

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 24th day of February 2020

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 428, 444, and 448(1) of the Social Security Act 2018—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for suspension of debt recovery regulations made under section 448(1) of the Act (*see* regulation 8 of these regulations), on the Minister's recommendation made under section 448(3) of the Act.

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## Regulations

### 1 Title

These regulations are the Social Security (Emergency Housing and Transitional Housing) Amendment Regulations 2020.

### 2 Commencement

These regulations come into force on 30 March 2020.

### 3 Principal regulations

These regulations amend the Social Security Regulations 2018 (the **principal regulations**).

### *Definitions*

### 4 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in their appropriate alphabetical order:

**emergency housing contribution** means an amount that—

- (a) is a contribution to the cost of emergency housing assistance paid to or for the credit of a person under the Special Needs Grants Programme; and
- (b) is under the terms and conditions of that programme payable as an expense by, or recoverable as a debt of the kind referred to in regulation 206(d) from, the person to or for the credit of whom that assistance is paid

**Special Needs Grants Programme** means the Special Needs Grants Programme—

- (a) approved and established under section 124(1)(d) of the Social Security Act 1964; and
- (b) saved by clause 21 of Schedule 1 of the Social Security Act 2018 as if it were approved and established under section 101 of that Act; and

- (c) as in force (as amended under section 101 of that Act with effect) on or after 30 March 2020

**transitional housing contribution** means an amount that—

- (a) is a contribution to the cost of transitional housing funded partly or wholly by assistance paid by the Ministry of Housing and Urban Development; and
- (b) is under the terms and conditions of that assistance payable as an expense by, or recoverable as a debt from, a person provided that housing because of that assistance

*Temporary additional support*

**5 Regulation 71 amended (Allowable costs)**

After regulation 71(5)(b), insert:

- (c) include an emergency housing contribution (as that term is defined in regulation 3(1)); and
- (d) include a transitional housing contribution (as that term is defined in regulation 3(1)).

*Recovery of debt*

**6 Regulation 209 amended (MSD must determine rate and methods of debt recovery)**

After regulation 209(3), insert:

- (4) Despite subclauses (1)(a) and (3), the rate of recovery of a debt that is an emergency housing contribution must be one that is not inconsistent with the provisions of the Special Needs Grants Programme (as those terms are defined in regulation 3(1)) about recovery of a debt of that kind.

**7 Regulation 210 amended (MSD may defer temporarily recovery of debt)**

After regulation 210(2), insert:

- (3) However, nothing in this regulation enables MSD to defer temporarily recovery of a debt that is an emergency housing contribution.

*Debt recovery suspension*

**8 Regulation 227 amended (Interpretation)**

In regulation 227, definition of **benefit debt**, after “means a debt due to the Crown”, insert “(other than a debt that is an emergency housing contribution)”.

*Transitional, savings, and related provisions***9 Schedule 1 amended**

In Schedule 1, after Part 2, insert the Part 3 set out in the Schedule of these regulations.

**Schedule  
New Part 3 inserted into Schedule 1**

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**Part 3  
Provision relating to Social Security (Emergency Housing and  
Transitional Housing) Amendment Regulations 2020****3 Application of regulation 71(5)(d)**

Regulation 71(5)(d) applies to a transitional housing contribution (as that term is defined in regulation 3(1))—

- (a) whether it arose before, on, or after 30 March 2020; but
- (b) only to the extent that it is, on or after 30 March 2020, payable as an expense by, or recoverable as a debt from, a person provided that housing because of the assistance concerned.

Michael Webster,  
Clerk of the Executive Council.

**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 30 March 2020, amend the Social Security Regulations 2018. The amendments are about—

- an emergency housing contribution, which is an amount that (a) is a contribution to the cost of emergency housing assistance paid under the Special Needs Grants Programme and (b) is payable as an expense by, or recoverable as a debt from, the person to or for the credit of whom that assistance is paid; and
- a transitional housing contribution, which is an amount that (a) is a contribution to the cost of transitional housing funded partly or wholly by assistance paid by the Ministry of Housing and Urban Development and (b) is payable as an expense by, or recoverable as a debt from, a person provided that housing because of that assistance.

In particular,—

- *new regulation 71(5)(c) and (d)* makes an emergency housing contribution and a transitional housing contribution accommodation costs that are, after deducting the amount specified in regulation 71(3)(a), essential expenses (and so also allowable costs) for calculating temporary additional support:
- *new regulation 209(4)* requires MSD to recover a debt that is an emergency housing contribution at a rate that is not inconsistent with the provisions of the Special Needs Grants Programme about recovery of a debt of that kind:
- *new regulation 210(3)* prevents MSD from deferring temporarily recovery of a debt that is an emergency housing contribution:
- regulation 227 is amended to ensure that a benefit debt, the recovery of which can be suspended, excludes a debt that is an emergency housing contribution.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 February 2020.

These regulations are administered by the Ministry of Social Development.