



# **Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023**

Rt Hon Dame Helen Winkelmann, Administrator of the Government

## **Order in Council**

At Wellington this 2nd day of October 2023

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 74 of the Residential Care and Disability Support Services Act 2018 on the advice and with the consent of the Executive Council.

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## **Schedule**

**New Part 23 inserted into Schedule 3**

## **Regulations**

### **1 Title**

These regulations are the Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023.

## **2 Commencement**

These regulations come into force on 6 November 2023.

## **3 Principal regulations**

These regulations amend the Residential Care and Disability Support Services Regulations 2018.

## **4 Schedule 3 amended**

(1) In Schedule 3, clause 1, after item 23, insert:

24	A relevant severe weather event payment and interest to which clause 41 applies	Exempt assets of the person or the person's spouse or partner	Only for the specified period (as defined in clause 42)
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(2) In Schedule 3, after Part 22, insert the Part 23 set out in the Schedule of these regulations.

## Schedule

### New Part 23 inserted into Schedule 3

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#### Part 23

##### Relevant severe weather event payments

###### 40 Interpretation

In this Part,—

**local authority** has the meaning given in section 5(1) of the Local Government Act 2002

**relevant severe weather event** means any of the following weather events:

- (a) heavy rainfall commencing on 17 August 2022 and ending on 20 August 2022 in the Nelson, Tasman, and Marlborough districts;
- (b) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023;
- (c) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions;
- (d) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023

**relevant severe weather event payment** means any of the following payments:

- (a) an insurance payment made to a person—
  - (i) to cover the costs of repairing, replacing, or rebuilding any of that person's real property that was damaged by a relevant severe weather event; or
  - (ii) to cover the costs of temporary accommodation needed by the person, and any members of the person's family who usually reside with the person, because of a relevant severe weather event;
- (b) a donation made to a person because they are affected by a relevant severe weather event;
- (c) a payment made by a local authority or the Crown to a person—
  - (i) who has an estate or interest in land that has been affected by a relevant severe weather event; and
  - (ii) because the local authority or the Crown considers that the land is exposed to an unacceptable risk from future severe weather events that cannot be sufficiently mitigated.

## 41 Payments and interest

This clause applies to—

- (a) a relevant severe weather event payment made to a person on or after 6 November 2022; and
- (b) any interest derived (directly or indirectly) by the person from the payment.

## 42 Specified period

For a relevant severe weather event payment and interest to which clause 41 applies, the **specified period** (as referred to in clause 1) means the period—

- (a) starting on 6 November 2023 or the date on which the relevant severe weather event payment is made, whichever is later; and
- (b) ending on the date that is 12 months after the date on which that payment is made.

Rachel Hayward,  
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 6 November 2023, amend Schedule 3 of the Residential Care and Disability Support Services Regulations 2018.

The amendments apply in relation to relevant severe weather event payments (which include certain insurance payments, donations, and certain local authority or Crown payments made in connection with a relevant severe weather event) made to a person on or after 6 November 2022.

The amendments ensure that such payments and any interest derived from them are exempt assets for the purposes of the means assessment to determine a person's eligibility for financial support for long-term residential care under the Residential Care and Disability Support Services Act 2018.

The above treatment applies in relation to a payment (and interest derived from it) only for the period starting on 6 November 2023 or the date on which the relevant severe weather event payment is made (whichever is later) and ending 12 months after the date on which that payment is made.

**Residential Care and Disability Support Services  
(Exempt Assets—Severe Weather Events) Amendment  
Regulations 2023**

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Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 5 October 2023.

These regulations are administered by the Ministry of Social Development.