

[2018] NZSSAA 50

Reference No. SSAA 50/18

IN THE MATTER of the Social Security Act 1964

AND

IN THE MATTER of an appeal by **XXXX** of **XXXX**
against a decision of a Benefits
Review Committee

BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY

S Pezaro - Deputy Chair

K Williams - Member

C Joe - Member

Hearing at AUCKLAND on 1 October 2018

Appearances

The appellant in person

D. Veal for the Chief Executive

DECISION

Background

- [1] XXXX (the appellant) appeals the decision of the Chief Executive, upheld by a Benefits Review Committee, to decline his application for a retrospective Relocation from Auckland Assistance grant (RAA). The appellant was granted RAA of \$2,000 when he moved from social housing in Auckland to social housing in Whangarei in November 2016. Had he gone to a private landlord, he would have been eligible for RAA of \$3000.

- [2] The appellant says that, because the housing provided by Housing New Zealand in Whangarei was not suitable accommodation for him, he had to move to a private tenancy and is entitled to the additional \$1000.

Relevant law

- [3] The Housing Support Assistance Programme 2014 was established to provide special assistance to help alleviate hardship related to housing. As part of this programme, an applicant could seek moving assistance which was assessed according to income and cash asset criteria. An applicant had to be a social housing tenant or waiting for social housing and, in the Chief Executive's opinion, be likely to be able to retain alternative housing or other social housing that was more suitable to their housing needs.
- [4] The RAA was introduced in 2016 to assist people to relocate from Auckland to social housing or alternative housing in another region with the intent to reside in that other region for the foreseeable future. This assistance programme was short-lived, stopping at the end of 2017.

The case for the appellant

- [5] The appellant believes that if he had gone to a private rental in Whangarei he would have had more suitable housing. The appellant described the unit provided by Housing New Zealand as uninhabitable. He says it was not fit for him to live in because he was terrorised by the other tenants, presumably from adjacent units. He said they called him a sex offender and forced him to move from place to place since then. The appellant did not identify any structural or physical deficiencies with the property and produced photographs which show the unit empty and in tidy condition.
- [6] In support of his claim that other tenants drove him out, the appellant produced a copy of police reports recording three calls he made, one on 24 November 2016 and two calls on 2 December 2016. The appellant reported neighbours yelling at him, on one occasion that they had weapons, and that a woman was trying to get into his house and was telling him to leave. On 2 December 2016, the police sent someone out who reported that:

Informant seems to be the biggest problem, abusing his neighbours then calling the Police when they retaliate. ... neighbours have spoken to landlord who is trying to relocate him.

- [7] On 19 December 2016, the appellant told the Ministry he had moved out of the Housing New Zealand unit. He advised the Ministry of subsequent changes on 22 February 2017, on 8 March 2017 when he moved to Kaikohe, on 30 March 2017 to Kawakawa, and on 27 April 2017 to Tikapunga. On 12 July 2017, he said he had moved back to Whangarei, and on 2 August 2017 he returned to Auckland.
- [8] The appellant has battled long term mental health problems. He has received compensation from the Government for the treatment he received in Porirua Hospital during the 1980s. He describes himself as an invalid and a broken man; he says he can do little.
- [9] The appellant feels persecuted and reports being terrorised by neighbours during several of his tenancies. When Ms Veal asked him if the Housing New Zealand manager in Whangarei had helped him, the appellant responded that “she appeared to me as well” and shouted insults at him.

The case for the Chief Executive

- [10] It is the Ministry’s position that the assistance provided to Mr Moore could only be provided when he first applied for the RAA. He had to be residing in Auckland at the date of application so when he relocated to Whangarei he was no longer eligible for the RAA. Also, he was only entitled to receive assistance once under this programme. The Ministry therefore submits that it is not possible to retrospectively amend the type of RAA that he was granted.
- [11] Ms Veal said that each time the appellant has moved he has been granted an accommodation supplement.

Conclusion

- [12] We accept that once the appellant had accepted the RAA of \$2000 and moved out of Auckland there was no discretion under the Housing Support Assistance Programme to grant him the additional \$1,000 that he seeks.
- [13] We have considered whether the Housing New Zealand tenancy in Whangarei was unsuitable for the appellant. There is no evidence that the appellant had to move from this property due to its condition. While we accept that the appellant has real fear and anxiety about his neighbours, we are unable to conclude that these were caused by their behaviour. The report of the police

investigation does not indicate that the appellant was subject to the level of harassment from other tenants that he claims to have experienced.

[14] The number of times that the appellant has relocated must be very unsettling for him. However, it seems to be driven by his own vulnerabilities and not by any circumstances for which the Ministry can be held responsible.

[15] For these reasons, we must dismiss this appeal.

Order

[16] The appeal is dismissed.

Dated at Wellington this 12th day of October 2018

S Pezaro
Deputy Chair

K Williams
Member

C Joe
Member