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Housing Act 1955

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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Title: repealed, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

1 Short title

This Act may be cited as the Housing Act 1955.

2 Interpretation

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

acquisition or **acquire**, in relation to any land, includes the taking or setting apart of the land under the Public Works Act 1981, and its vesting pursuant to any Act, and its purchase, leasing, or acquisition in any other manner whatsoever

district means a district of a local authority

dwelling means any building or part of a building that is suitable for residential accommodation of any kind; and includes every garage, shed, and other building used in connection therewith; but does not include the land appurtenant to a dwelling

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

local authority means a territorial authority within the meaning of the Local Government Act 2002

Minister means the Minister of Housing

Ministry means the department of State that, with the authority of the Prime Minister, is responsible for the administration of this Act

owner, in relation to any land in respect of which there is registered an easement certificate issued under section 25, means the person (including the Crown) for the time being entitled to the rack rent thereof or who would be so entitled if the land were let at a rack rent; and does not include the Crown in

any case where any agreement for sale or licence to occupy under section 16 or section 17 is for the time being in force in respect of the land

pipeline means any system of pipes for the passage or disposal of water or storm water or sewage; and includes a septic tank system and a communal water supply system

State housing land means land that is for the time being held or set apart for State housing purposes; and includes land that at any material date was held or set apart for the purposes of Part 1 of the Housing Act 1919

State housing purposes means the erection, acquisition, or holding of dwellings and ancillary commercial buildings by the Crown under this Act for disposal by way of sale, lease, or tenancy; and includes the acquisition of land by the Crown—

(a) as sites for dwellings and ancillary commercial buildings:

(b) for schemes of development and subdivision into sites for dwellings:

(c) for motorways, roads, streets, access ways, service lanes, reserves, pumping stations, drainage and water works, river and flood protection works, and other works upon or for the benefit of the land so acquired or the occupiers thereof.

Reference to any motorway, road, street, access way, or service lane shall be deemed to include every carriage way, cycle track, bridge, culvert, kerb, drain, channel, footway, crossing, fence, barricade, entrance thereto, exit therefrom, or other thing belonging thereto, or lying upon the line or within the limits of the land having that status.

(2) While an agreement for sale under section 16 remains in force in respect of any land, the land shall be deemed not to be State housing land. If any such agreement is rescinded, the land (if then belonging to the Crown) shall thereupon be deemed to be State housing land.

Compare: 1919 No 32 s 2; 1940 No 14 s 2; 1953 No 115 s 14

Section 2(1) **acquisition** or **acquire**: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 2(1) **Board**: repealed, on 19 October 1965, by section 45(2) of the State Advances Corporation Act 1965 (1965 No 47).

Section 2(1) **Corporation**: repealed, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 2(1) **district**: inserted, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 2(1) **Kāinga Ora–Homes and Communities**: inserted, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 2(1) **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **Ministry**: inserted, on 25 February 2016, by section 4 of the Housing Amendment Act 2016 (2016 No 3).

2A Minister may exclusively administer land declared subject to this section

(1) The Minister may, after notifying Kāinga Ora–Homes and Communities and by notice in the *Gazette*, declare any State housing land or class of State housing land (including any dwellings, other buildings, and chattels on that land) to be land that is subject to this section (**section 2A land**).

(2) The effect of a declaration is that the Minister, to the exclusion of Kāinga Ora–Homes and Communities, has and may perform and exercise the functions, powers, and duties of Kāinga Ora–Homes and Communities under this Act in respect of section 2A land.

(3) However, sections 32 to 34 do not apply in respect of section 2A land.

(4) Kāinga Ora–Homes and Communities is not responsible or liable for the Minister's performance or exercise of functions, powers, or duties under subsection (2).

(5) A declaration made under subsection (1) is a disallowable instrument but not a legislative instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

(6) All amounts payable to the Crown in respect of section 2A land (including all amounts that, if this Act had not been passed, would have been payable into the Housing Account (if any)) must be paid to a Crown Bank Account.

(7) The Ministry must include in its annual report under section 43 of the Public Finance Act 1989 a report on the operations in respect of section 2A land for the relevant financial year.

Section 2A: inserted, on 25 February 2016, by section 5 of the Housing Amendment Act 2016 (2016 No 3).

Section 2A(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 2A(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 2A(4): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Part 1
State houses

3 Powers of Minister in relation to State housing

The Minister may from time to time determine either generally or in any particular case what land or classes of land may be acquired for State housing purposes and the general scheme of development thereof, the number and classes of dwellings and ancillary commercial buildings to be constructed, and any other matters of State housing policy.

3A Relationship to Resource Management Act 1991

Nothing in this Part derogates from any of the provisions of the Resource Management Act 1991.

Section 3A: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

4 Crown land may be set apart for State housing purposes

(1) The Minister of Lands may from time to time, by notice in the *Gazette*, set apart as State housing land any Crown land within the meaning of the Land Act 1948.

(2) All land which immediately before the commencement of this Act was held or set apart for the purposes of Part 1 of the Housing Act 1919 shall be deemed to be State housing land at the commencement of this Act.

Compare: 1919 No 32 s 9

5 Power to take land for State housing purposes

The Governor-General may take under the Public Works Act 1981 any land required for State housing purposes:

provided that no Maori land shall be taken for State housing purposes without the consent of the Minister of Maori Affairs.

Compare: 1936 No 58 s 32

Section 5: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

6 Power to purchase land, dwellings, etc, for State housing purposes

(1) There may from time to time be purchased or taken on lease, out of money appropriated by Parliament for the purpose or (subject to any direction of the Minister) out of money received by Kāinga Ora–Homes and Communities under subsection (1) of section 32, such land, dwellings, buildings, and chattels as may be required for State housing purposes.

(2) Any lease which is taken as aforesaid may be for such term of years, at such rent, and on such terms and conditions as to payment of rent, renewals, compensation for improvements, purchase of outstanding interests of the lessor, and other matters, as may be determined by the Minister or by Kāinga Ora–Homes and Communities subject to his direction.

Compare: 1919 No 32 s 10; 1920 No 49 s 2; 1943 No 3 s 2(4)

Section 6(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 6(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

7 Land, etc, to be acquired in name of Crown

All land, dwellings, buildings, and chattels acquired as aforesaid for State housing purposes shall be acquired in the name and on behalf of the Crown.

Compare: 1936 No 12 s 21

8 Development of State housing land

The cost of doing all or any of the following may be paid or contributed to out of money appropriated by Parliament for the purpose, namely:

(a) surveying and subdividing any State housing land:

(b) developing any State housing land as sites for all types of buildings which are desirable for the general residential development of the area:

(c) laying out and constructing works upon or for the benefit of any State housing land or the occupiers thereof, including motorways, roads, streets, access ways, service lanes, reserves, pumping stations, drainage and water works, and river and flood protection works.

9 Power to erect and repair dwellings

(1) The Minister, from time to time out of money appropriated by Parliament for the purpose, may cause dwellings and ancillary commercial buildings to be erected for State housing purposes on any State housing land, and may cause any dwelling or building on any such land to be demolished or rebuilt.

(2) The Minister or Kāinga Ora–Homes and Communities may from time to time alter, enlarge, repair, or otherwise improve any dwelling or building on any State housing land.

Compare: 1919 No 32 s 11; 1943 No 3 s 2(4)

Section 9(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

10 Access ways and service lanes

[Repealed]

Section 10: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

11 Vesting of roads, streets, etc

(1) The Governor-General may, by Order in Council published in the *Gazette*, declare that any road, street, access way, or service lane, laid out or constructed under this Part within a district shall be vested in the territorial authority of the district and be under the control and management of that authority, and thereupon the road, street, access way, or service lane and the soil thereof and all materials of which it is composed shall be deemed to be vested in the authority in fee simple.

(2) Subject to the Resource Management Act 1991, but notwithstanding anything to the contrary in the Public Works Act 1981 or the Local Government Act

1974, it shall be lawful for any local authority to consent under section 29 of the Public Works Amendment Act 1948 to the proclaiming of any land as a road or street of a width less than 12 metres if the land is State housing land or if the road or street is required to provide access to any State housing land or land subject to an agreement for sale or licence to occupy under section 16 or section 17 of this Act.

Section 11: replaced, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 11(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 11(2): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 11(2): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

12 Building line restrictions

[Repealed]

Section 12: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

13 Procedure for declaring certain drains to be public drains, and for setting apart State housing land as a reserve

(1) *[Repealed]*

(2) *Amendment(s) incorporated in the Act(s).*

Section 13(1): repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

14 Power to hold and dispose of shares in company formed to erect flats

Kāinga Ora–Homes and Communities may from time to time, upon such terms as it thinks fit, acquire, hold, and dispose of shares and other rights in any company or organization formed with the object of acquiring State housing land for the purpose of erecting thereon living accommodation comprising 2 or more separate flats or apartments or with the object of purchasing State housing land on which such living accommodation has been erected.

Section 14: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Disposal of State housing land

15 Disposal of State housing land by sale or lease

(1) Subject as hereafter provided in this Act, any State housing land and any buildings or chattels held for State housing purposes may be disposed of by way of sale, lease, or tenancy by Kāinga Ora–Homes and Communities.

(2) To avoid doubt, sections 40 to 42 of the Public Works Act 1981 do not apply (and have never applied) to the disposal of State housing land if the land is disposed of as 1 or more of the following:

(a) land with dwellings and ancillary commercial buildings erected on it:

(b) land as sites for dwellings and ancillary commercial buildings:

(c) land for schemes of development and subdivision into sites for dwellings and ancillary commercial buildings:

(d) land for motorways, roads, streets, access ways, service lanes, reserves, pumping stations, drainage and water works, river and flood protection works, and other works that are either or both of the following:

(i) for the benefit of State housing land or occupiers of that land:

(ii) on, or for the benefit of, land referred to in paragraphs (a) to (c) or occupiers of that land.

(3) Subsection (2) does not affect any right of first refusal that a person or group of persons has in relation to the land under any Treaty of Waitangi claims settlement or collective redress Act or deed.

(4) Subsections (2) and (3) and this subsection are repealed on 15 September 2026.

Compare: 1919 No 32 ss 12, 25; 1937 No 20 s 6

Section 15(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 15(2): inserted, on 15 September 2016, by section 10 of the Housing Legislation Amendment Act 2016 (2016 No 41).

Section 15(3): inserted, on 15 September 2016, by section 10 of the Housing Legislation Amendment Act 2016 (2016 No 41).

Section 15(4): inserted, on 15 September 2016, by section 10 of the Housing Legislation Amendment Act 2016 (2016 No 41).

16 Sale of State housing land

(1) Subject to any direction of the Minister, any State housing land may be sold for cash or under an agreement for sale in such manner, at such price, and on such terms and conditions as Kāinga Ora–Homes and Communities thinks fit.

(2) Without limiting the power of Kāinga Ora–Homes and Communities to fix the selling price or the terms and conditions of sale in connection with any such sale, it is hereby declared that Kāinga Ora–Homes and Communities may—

(a) allow discount at such rate as it thinks fit on any money so paid in excess of a minimum deposit, and on any principal money paid in respect of the selling price in excess of the payments of principal for the time being due in respect of the sale:

(b) allow the remission of the whole or any part of the unpaid balance of the selling price on the death of the purchaser or of any other specified person whom Kāinga Ora–Homes and Communities considers to be the wage earner of the purchaser's household before the purchaser or

specified person attains an age to be fixed by Kāinga Ora–Homes and Communities in consideration of a payment of such amount, or of an increase of the selling price by such amount, as Kāinga Ora–Homes and Communities may determine:

(c) make the sale conditional on the land not being sold within a specified period fixed by Kāinga Ora–Homes and Communities without the land being offered to the Crown at a price to be agreed upon or determined by arbitration:

(d) make the sale conditional on the purchaser remaining the sole owner of the land for a specified period fixed by Kāinga Ora–Homes and Communities, and on the purchaser residing and making his home in a dwelling erected on the land and not parting with the possession of it during that period; and may permit these conditions to be fulfilled, in the event of the purchaser's death, by a specified member of the purchaser's household approved by Kāinga Ora–Homes and Communities either at the time of sale or subsequently:

(e) allow a reduction of the rate of interest on the whole or any part of the purchase price, and a remission of interest on such part of the purchase price as Kāinga Ora–Homes and Communities thinks fit, while the terms and conditions of the sale or any specified terms and conditions are being fulfilled:

(f) allow a remission of part of the purchase price if the terms and conditions of the sale or any specified terms and conditions are complied with for such period as may be fixed by Kāinga Ora–Homes and Communities:

(g) accept as security for any part of the purchase price a mortgage in favour of the Crown.

Compare: 1950 No 93 s 23

Section 16(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2)(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2)(c): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2)(d): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2)(e): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2)(f): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 16(2)(g): inserted, on 23 December 1980, by section 2 of the Housing Amendment Act 1980 (1980 No 114).

17 Licences to occupy

Where any State housing land has been sold (whether before or after the commencement of this Act) and at the date of the sale the land had a dwelling thereon, then, if after all principal, interest, and other money payable in consequence of the sale have been paid in full Kāinga Ora–Homes and Communities is unable to confer on the purchaser a title to the land under the Land Transfer Act 2017 on account of roads not having been dedicated, surveys not having been completed, or any other reason, Kāinga Ora–Homes and Communities may issue to the purchaser a licence to occupy the land in such form as Kāinga Ora–Homes and Communities thinks fit.

Compare: 1950 No 93 s 24

Section 17: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 17: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

18 Registration of agreements and licences

(1) Despite anything to the contrary in the Land Transfer Act 2017, an agreement for sale or a licence to occupy under section 16 or 17 may be registered under the Land Transfer Act 2017 by creating a record of title for it, and the same registration fee is payable on any such agreement or licence as on a lease instrument.

(2) Any such agreement or licence may describe the land comprised in it by reference to the plan of the land held by Kāinga Ora–Homes and Communities as well as by any other mode of description; and, where a copy of that plan is deposited with the Registrar-General of Land or a plan of the land is endorsed on the agreement or licence, the Registrar-General of Land must register the agreement or licence even though a plan of the land has not been deposited under section 224 of the Land Transfer Act 2017.

(3) If a plan of the land has not been deposited that adequately defines the land under section 224 of the Land Transfer Act 2017, the Registrar-General of Land may record in the record of title for the agreement or licence that the title is qualified as described in section 17(1)(a) of the Land Transfer Act 2017.

(4) *[Repealed]*

(5) Where any such agreement or licence has been registered as aforesaid (whether before or after the commencement of this Act), every transfer, mortgage, lease, transmission, and other disposition of the land comprised therein may be registered in the same manner, subject to any modifications prescribed by any regulations made under section 40 in reliance on this section, and subject to the provisions of section 37, as a similar transfer, mortgage, lease, transmission, or disposition of a registered lease.

(6) The same fee shall be payable on the registration of any transfer, mortgage, lease, transmission, or other disposition of the land comprised in any such

agreement or licence, as on the registration of a similar transfer, mortgage, lease, transmission, or other disposition of an estate in fee simple in land.

(7) The covenants, conditions, and restrictions contained or implied in any such agreement or licence registered under this section, and the amount of or allocation of the purchase price or the rate or rates of interest payable thereon, may from time to time be varied by a memorandum of variation thereof signed by Kāinga Ora–Homes and Communities and the purchaser or licensee for the time being and registered in a form approved by the Registrar-General of Land. The same registration fee shall be payable on any such memorandum of variation as on a lease variation instrument. If the land affected by the memorandum of variation is at the time of registration thereof subject to any mortgage, then, except where that mortgage is in favour of Kāinga Ora–Homes and Communities, the memorandum shall not be binding on the mortgagee unless he has consented thereto in writing upon the memorandum.

(8) Where Kāinga Ora–Homes and Communities lawfully rescinds or the purchaser surrenders or partially surrenders any such agreement or licence which has been registered under this section, Kāinga Ora–Homes and Communities may send a notice of rescission or surrender to the Registrar-General of Land, who, without further notice or inquiry and without fee, shall enter a memorial thereof upon the register.

(9) Where the purchaser's estate or interest under any such registered agreement or under any such registered licence is subject to any registered encumbrance, lien, or other interest, the Registrar-General of Land, before issuing a record of title under the Land Transfer Act 2017 in respect of the land, shall make all entries necessary to record on the record of title every existing registered encumbrance, lien, and interest, in the order of their registered priority; and the purchaser's estate or interest in the land shall be subject to every such encumbrance, lien, and interest as if it had been created in respect of that estate.

Compare: 1950 No 93 s 25

Section 18(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 18(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 18(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 18(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 18(4): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 18(5): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 18(7): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 18(7): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 18(8): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 18(8): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 18(9): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

19 Leases and tenancies

Subject to the Residential Tenancies Act 1986 and to any general directions of the Minister, every lease or tenancy granted by Kāinga Ora–Homes and Communities of State housing land shall be on such terms, at such rent, and otherwise as Kāinga Ora–Homes and Communities may stipulate.

Section 19: replaced, on 1 February 1987, by section 144(3) of the Residential Tenancies Act 1986 (1986 No 120).

Section 19: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

19A Special provisions applying to rent payable under leases and tenancies of State housing land

(1) Notwithstanding anything in this Act, the Residential Tenancies Act 1986, any other enactment, or rule of law, for the purposes of determining the rent payable under a lease or tenancy granted by Kāinga Ora–Homes and Communities in respect of State housing land, whether before or after the commencement of the Housing Amendment Act 1992 and whether or not the land or the lease or tenancy has been vested in Housing New Zealand Limited pursuant to the Public and Community Housing Management Act 1992,—

(a) no term or condition shall be taken to be implied in the lease or tenancy, whether before or after the commencement of the Housing Amendment Act 1992, limiting the rent payable or increases in the rent payable to an amount that is less than the amount stated in or determined under the lease or tenancy agreement or otherwise determined by the Tenancy Tribunal, as the case may be, by reason or on account of any decision, direction, or policy of the Crown to require payment of an amount that is less than the amount so stated or determined:

(b) no effect shall be given to any representation made by or on behalf of Kāinga Ora–Homes and Communities, whether before or after the commencement of the Housing Amendment Act 1992, limiting the rent payable or increases in the rent payable to an amount that is less than the amount stated in or determined under the lease or tenancy agreement or otherwise determined by the Tenancy Tribunal, as the case may be, by reason or on account of any decision, direction, or policy of the Crown to require payment of an amount that is less than the amount so stated or determined.

(2) Nothing in subsection (1) shall be taken as imposing any liability on the Crown or Kāinga Ora–Homes and Communities to pay compensation to any person.

Section 19A: inserted, on 18 August 1992, by section 2(1) of the Housing Amendment Act 1992 (1992 No 77).

Section 19A(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 19A(1)(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 19A(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

20 Power to adjust rents

[Repealed]

Section 20: repealed, on 1 February 1987, by section 144(3) of the Residential Tenancies Act 1986 (1986 No 120).

21 Power of Kāinga Ora–Homes and Communities to require information, and to terminate sales and leases where false information is furnished

(1) Kāinga Ora–Homes and Communities may require any applicant for the purchase, lease, or tenancy of any State housing land on which any dwelling or other building is erected, or the wife, husband, civil union partner, or de facto partner of that applicant,—

(a) to furnish such information as Kāinga Ora–Homes and Communities may specify as to the means and circumstances of the applicant and of the wife, husband, civil union partner, or de facto partner of the applicant:

(b) to verify any such information by statutory declaration.

(2) If any such applicant is convicted under section 302 of the Justices of the Peace Act 1927, or under section 133 of the Crimes Act 1908, of an offence in respect of any statutory declaration made for the purposes of this section, Kāinga Ora–Homes and Communities may thereupon terminate any lease or tenancy or rescind any agreement for sale which it has granted to or entered into with the applicant either alone or together with any other person in respect of any State housing land, and may recover possession of the land to which the lease, tenancy, or agreement relates, notwithstanding anything to the contrary in the Residential Tenancies Act 1986.

Section 21 heading: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 21(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 21(1): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 21(1)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 21(1)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 21(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 21(2): amended, on 1 February 1987, by section 144(3) of the Residential Tenancies Act 1986 (1986 No 120).

Section 21(2): amended, on 19 October 1965, by section 45(2) of the State Advances Corporation Act 1965 (1965 No 47).

22 Acceptance of money after giving of notice rescinding agreement for sale

Where any notice rescinding an agreement for sale under this Part has been given upon default under the agreement—

(a) the acceptance by or on behalf of Kāinga Ora–Homes and Communities of any money payable under the agreement shall not of itself constitute evidence of a new agreement or operate as a waiver of the notice; and

(b) it shall not be necessary for Kāinga Ora–Homes and Communities to wait any further period or give any other notice or make any further demand, any rule of law or equity to the contrary notwithstanding.

Section 22(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 22(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

23 Recovery of possession of land

(1) Notwithstanding anything to the contrary in sections 51 and 52 of the Land Transfer Act 2017 or in any other Act, where Kāinga Ora–Homes and Communities lawfully rescinds an agreement for sale granted under this Part, the purchaser and all persons claiming through the purchaser shall forthwith vacate the land and yield up possession thereof to Kāinga Ora–Homes and Communities:

provided that this subsection shall not apply to persons who claim by virtue of an instrument approved by Kāinga Ora–Homes and Communities and who have complied with all the terms and conditions of that approval.

(2) In any action for possession of State housing land, a certificate by a person purporting to be the manager of any branch of Kāinga Ora–Homes and Communities as to the value of the land, and as to whether any lease or tenancy has been granted in writing in respect of the land, and as to whether the land is State housing land, or as to any of those matters, shall, in the absence of proof to the contrary, be sufficient evidence in respect of the matter or matters so certified.

Section 23(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 23(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 23(1) proviso: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 23(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Easements

24 Power to grant easements, etc

Kāinga Ora–Homes and Communities may from time to time grant any easement, right of way, right of occupation, or any other right or privilege or concession in, upon, over, or under any State housing land.

Compare: 1940 No 14 s 9; 1943 No 3 s 2(4)

Section 24: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

25 Kāinga Ora–Homes and Communities may issue easement certificates

Subject to the provisions of this Part, Kāinga Ora–Homes and Communities may issue the following classes of easement certificates:

(a) pipeline certificates:

(b) right of way certificates:

(c) party wall certificates.

Compare: 1953 No 115 s 15

Section 25 heading: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 25: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

26 Pipeline certificates

(1) Kāinga Ora–Homes and Communities may at any time issue a pipeline certificate in any case where,—

(a) any pipeline has been constructed by the Crown over or through land all or part of which, at the time of the construction, was State housing land; and

(b) the pipeline passes over or through more than 1 parcel of land or land which (in the opinion of Kāinga Ora–Homes and Communities) is intended for subdivision into more than 1 parcel; and

(c) 1 or more of the parcels of land has been or is intended to be disposed of by way of sale under this Part or under the provisions of any corresponding former enactment.

(2) In addition to its powers under subsection (1), Kāinga Ora–Homes and Communities may at any time issue a pipeline certificate in any case where a section of the pipeline referred to in the certificate has been or is to be constructed over or through land that at the time of the registration of the certificate was not State housing land, if—

(a) the consent of the owner of that land and of every person having a registered interest therein is endorsed on the certificate in a manner satisfactory to the Registrar-General of Land or the Registrar of Deeds; or

(b) the right to construct the pipeline was reserved at the time of the disposal of the land by the Crown; or

(c) the pipeline was constructed on the land while it belonged to the Crown.

(3) Every such pipeline certificate shall—

(a) be executed by Kāinga Ora–Homes and Communities:

(b) specify the land over or through which the pipeline passes and the several parcels of land which are served or (in the opinion of Kāinga Ora–Homes and Communities) are intended to be served by the pipeline:

(c) specify the nature of the pipeline:

(d) have endorsed thereon or refer to a diagram showing the several parcels of land served or (in the opinion of Kāinga Ora–Homes and Communities) intended to be served by the pipeline, and the land over or through which the pipeline has been constructed.

(4) While any pipeline certificate remains registered in accordance with section 29 against the titles to the land to which the certificate relates, unless the certificate otherwise provides, the following provisions shall apply:

(a) the owner for the time being of every parcel of land specified in the certificate as being served or intended to be served by the pipeline shall have a right to the free and uninterrupted use of the pipeline; and a right, for himself and his servants and agents, after giving reasonable notice, to enter upon any land shown in the certificate as land over or through which the pipeline passes and (so far as is reasonably necessary for the purpose) on other land to which the certificate relates for the purpose of relaying or effecting necessary repairs to the pipeline, subject to the restoration as nearly as is reasonably possible of the surface of the land to its former condition:

(b) the owner for the time being of any land specified in the certificate as being land over or through which the pipeline passes shall afford to the persons specified in paragraph (a) the full and free exercise of the rights specified in that paragraph in respect of that land:

(c) the owner for the time being of each parcel of land specified in the certificate as being served or intended to be served by the pipeline may require and enforce reasonable contribution from all or any other such owners in respect of the cost of executing, providing, and doing all necessary relaying of or repairs to the pipeline, and all things required in respect of the pipeline by any local authority having statutory powers in respect thereof:

provided that, where relaying or repairs are rendered necessary by the act or default of any 1 or more of the owners, he or they shall bear the whole cost thereof.

(5) Where it is not practicable to show the true course of any pipeline in any pipeline certificate, its position shall be indicated as nearly as possible in the certificate; and, until the contrary is proved, the course so indicated shall be deemed to be the true course. No action shall lie against the Crown under subpart 3 of Part 2 of the Land Transfer Act 2017 by reason of any pipeline certificate registered under this Part not indicating the true course of any pipeline referred to therein.

Compare: 1953 No 115 s 16

Section 26(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 26(1)(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 26(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 26(2)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26(3)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 26(3)(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 26(3)(d): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 26(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

27 Right of way certificates

(1) Kāinga Ora–Homes and Communities may at any time issue a right of way certificate in any case where,—

(a) in the opinion of Kāinga Ora–Homes and Communities, any right of way for the use of pedestrians or vehicles from any legally created road or street or from any land used as a road or street to any parcel or parcels of land which was State housing land when the right of way came into existence passes over other land which was State housing land when the right of way came into existence; and

(b) after the right of way came into existence, 1 or more of the parcels of land has been disposed of by way of sale under this Part or under the provisions of any corresponding former enactment.

(2) Every such right of way certificate shall—

(a) be executed by Kāinga Ora–Homes and Communities:

(b) specify the several parcels of land served by the right of way and the land over which the right of way exists:

(c) have endorsed thereon or refer to a diagram showing the several parcels of land served by the right of way and the land over which the right of way exists.

(3) While any right of way certificate remains registered in accordance with section 29 against the titles to the land to which the certificate relates, unless the certificate otherwise provides, the following provisions shall apply:

(a) the owner for the time being of any parcel of land specified in the certificate as being served by the right of way shall have the full and free right and liberty for himself, his tenants, agents, workmen, licensees, and invitees (in common with all other persons having the like right) from time to time and at all times by day or night to pass and repass over the land specified in the certificate as land over which the right of way exists with or without domestic animals of any kind and, where practicable, with vehicles and implements of any kind:

(b) the owner for the time being of any land specified in the certificate as being land over which the right of way exists shall afford to the persons specified in paragraph (a) the full and free exercise of the rights specified in paragraph (a) in respect of that land:

(c) the owner for the time being of any parcel of land specified in the certificate as being served by the right of way may require and enforce reasonable contribution from all or any other such owners in respect of the cost of executing, providing, and doing all or any of the things necessary for the proper maintenance or reconstruction of the right of way or lawfully required in respect thereof by any local authority having jurisdiction in the matter.

Compare: 1953 No 115 s 17

Section 27(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 27(1)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 27(2)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

28 Party wall certificates

(1) Kāinga Ora–Homes and Communities may at any time issue a party wall certificate in respect of a party wall in any building if—

(a) the building was erected or acquired for State housing purposes; and

(b) the party wall separates 2 or more separate dwellings within the building; and

(c) 1 or more of the separate dwellings have been disposed of by way of sale under this Part or under the provisions of any corresponding former enactment.

(2) Every such party wall certificate shall—

(a) be executed by Kāinga Ora–Homes and Communities:

(b) specify the party wall to which the certificate relates, the land which is the site of the wall, the separate dwellings of which the party wall forms part, and the land appurtenant to those dwellings:

(c) specify the dwelling or dwellings which have been disposed of by way of sale under this Part or under the provisions of any corresponding former enactment:

(d) have endorsed thereon or refer to a diagram showing the party wall, dwellings, and land specified in the certificate.

(3) While any party wall certificate remains registered in accordance with section 29 against the titles to the land to which the certificate relates, unless the certificate otherwise provides, the following provisions shall apply:

(a) the owner for the time being of any land on which any part of the party wall forming part of his dwelling is situated shall have the full, free, and uninterrupted right to the use and enjoyment for the purposes of a party wall of any other land shown in the certificate as part of the site of the party wall, and of the portion of the party wall erected on that land:

(b) the maintenance, repair, and reinstatement of the part of any party wall which separates any 2 dwellings shall be borne and done at the joint expense of the owners of the land on which those dwellings are situated, unless any such work has been rendered necessary by the act or default of either of those owners alone, in which event the owner responsible or in default shall bear the whole cost thereof:

(c) no owner of any land on which part of any party wall is situated shall, without the consent of the owner of every piece of land on which any other part of the party wall is situated, make any addition to the party wall or impose any additional weight upon it or otherwise expose it to risk of damage.

Compare: 1953 No 115 s 18

Section 28(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 28(2)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

29 Registration of easement certificates

(1) Any easement certificate issued by Kāinga Ora–Homes and Communities as aforesaid shall upon presentation for registration be registered by the Registrar-General of Land or Registrar of Deeds against the title to all land indicated in the certificate as affected thereby. An easement certificate shall not be registered as aforesaid unless there is a registered title to all land indicated in the certificate as affected thereby.

(2) Any easement certificate may be registered as aforesaid notwithstanding that the Sovereign is the sole registered owner of all land indicated in the certificate as affected thereby.

(3) Any easement certificate may be varied, or may be cancelled in respect of all or any of the land indicated in the certificate as affected thereby,—

(a) by the issue by Kāinga Ora–Homes and Communities of a further similar certificate specifying the manner in which the easement certificate is to be varied or the extent to which the certificate is to be cancelled:

provided that an easement certificate shall not be varied under this paragraph so as to make it more onerous in respect of any land which is not for the time being State housing land:

(b) by consent of the owners for the time being of all the land against the title to which the certificate is for the time being registered:

(c) by order of the High Court made, subject to section 30, on application to the High Court in that behalf.

(4) Any certificate, consent, or order to which subsection (3) relates shall, upon presentation for registration, be registered by the Registrar-General of Land as if it were an easement certificate.

(5) A registration fee prescribed under the Land Transfer Act 2017 is payable on any certificate, consent, or order which may be registered under this section.

(6) Notwithstanding any rule of law or enactment to the contrary, any easement certificate registered under this section shall be deemed to be binding on any prior or subsequent mortgagee of any of the land or of any interest in any of the land affected by the certificate, and no consent under the Local Government Act 2002 or otherwise shall be necessary to the issue or registration thereof.

(7) *[Repealed]*

(8) The Registrar-General of Land shall not be concerned to inquire as to the truth of any statement contained in any certificate presented for registration under this section, and no action shall lie against the Crown or the Registrar-General of Land or any other person (other than Kāinga Ora–Homes and Communities) on behalf of the Crown in respect of any such registration.

(9) No person shall have any claim against the Crown under subpart 3 of Part 2 of the Land Transfer Act 2017 by reason of any omission, mistake, or misfeasance of any person other than the Registrar-General of Land or his officers or clerks in relation to the registration of a certificate under this section.

Compare: 1953 No 115 s 19

Section 29(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 29(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 29(2): editorial change made by the PCO, on 8 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 29(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 29(3)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 29(3)(c): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 29(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 29(5): amended, on 27 November 2025, by section 65 of the Statutes Amendment Act 2025 (2025 No 74).

Section 29(6): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 29(7): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 29(8): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 29(8): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 29(9): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

30 Easement certificate to be evidence of compliance with Act

The issue by Kāinga Ora–Homes and Communities of any certificate which may be registered under section 29 shall,—

(a) before the expiration of 12 years from the date of the registration of the certificate under this section, be sufficient evidence in the absence of proof to the contrary that the requirements of this Part in respect of the certificate have been complied with:

(b) after the expiration of 12 years from that date, be conclusive evidence that those requirements have been complied with.

Compare: 1953 No 115 s 19(6)

Section 30: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Part 2
Accounts and miscellaneous

Accounts

31 Abolition of Housing Account

(1) The Housing Account established under section 17 of the State Advances Corporation Act 1936 is hereby abolished.

(2) The enactments specified in Schedule 1 are hereby consequentially amended in the manner indicated in that schedule.

32 Payments to be made to and by Kāinga Ora–Homes and Communities

(1) All amounts payable to the Crown in respect of land, dwellings, buildings, and chattels administered by Kāinga Ora–Homes and Communities under this Act, and all amounts which if this Act had not been passed would have been payable into the Housing Account, shall be paid to Kāinga Ora–Homes and Communities.

(2) Kāinga Ora–Homes and Communities shall pay out of the money received pursuant to subsection (1)—

(a) all necessary expenses which it has to pay for repairing, renovating, rebuilding, and improving any such land, dwellings, buildings, and chattels and keeping them in a fit and proper state:

(b) all amounts required for the acquisition of land, dwellings, buildings, and chattels by Kāinga Ora–Homes and Communities pursuant to Part 1 and for the repair, alteration, enlargement, or improvement thereof:

(c) interest and other charges on the capital liability to the Crown in respect of the land and buildings administered by Kāinga Ora–Homes and Communities:

(d) all expenses of or incidental to the administration of this Act, including such remuneration to Kāinga Ora–Homes and Communities in respect of the administration of this Act as may from time to time be approved by the Minister of Finance:

(e) the amount of any loans or payments which under the provisions of any other Act would have been payable out of the Housing Account if this Act had not been passed.

(3) Kāinga Ora–Homes and Communities shall make such provision as it thinks fit for the depreciation of assets, insurances, reserves, and for such other matters as are in its opinion necessary.

(4) Any money required to carry out works authorized under Part 1 may be paid out of money appropriated by Parliament for the purpose.

(5) Any money required by Kāinga Ora–Homes and Communities for the purposes of this Act or for the purposes of any other Act directing that money may be paid or loans made for the purposes of housing may be paid by the Minister of Finance to Kāinga Ora–Homes and Communities out of public money appropriated by Parliament for the purpose.

Section 32 heading: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(2)(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(2)(c): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(2)(c): amended, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 32(2)(d): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(3): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 32(5): replaced, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 32(5): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

33 Kāinga Ora–Homes and Communities to pay money not required for housing purposes to Crown Bank Account

Where Kāinga Ora–Homes and Communities is of the opinion that the amount of money held by it on behalf of the Crown is in excess of the amount reasonably required to meet expenditure under section 32, it shall pay the amount of the excess to a Crown Bank Account.

Section 33 heading: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 33 heading: amended, on 1 July 1989, pursuant to section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 33: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 33: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 33: amended, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 33: amended, on 19 October 1965, by section 45(2) of the State Advances Corporation Act 1965 (1965 No 47).

34 Annual report

(1) As soon as practicable after the end of each financial year ending with 30 June, a statement of financial position, a statement of financial performance, and such other statements as may be necessary to show fully the financial results and position (duly audited by the Auditor-General), together with a report on the operations for the financial year in respect of all land, dwellings, buildings, and chattels subject to this Act and under the administration of Kāinga Ora–Homes and Communities, shall be submitted to the Minister.

(2) A copy of the statement of financial position, statement of financial performance, statements, and report shall be laid before Parliament within 28 days after the date on which they are furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the date of the commencement of the next ensuing session.

Compare: 1919 No 32 s 35

Section 34(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 34(1): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 34(1): amended, on 1 October 1997, pursuant to section 6(1) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Section 34(1): amended, on 1 October 1997, pursuant to section 6(2) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Section 34(1): amended (with effect on 31 March 1989), on 18 August 1992, by section 38 of the Housing Restructuring Act 1992 (1992 No 76).

Section 34(2): amended, on 1 October 1997, pursuant to section 6(1) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Section 34(2): amended, on 1 October 1997, pursuant to section 6(2) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Miscellaneous

35 Stamp duty

[Repealed]

Section 35: repealed, on 1 January 1972, by section 101(1) of the Stamp and Cheque Duties Act 1971 (1971 No 51).

36 Execution of documents

(1) Any deed or document required to be executed on behalf of the Crown for the purposes of this Act may be executed on behalf of the Crown by Kāinga Ora–Homes and Communities, or by the Minister, or by any person authorized by the Minister in that behalf either generally or in respect of any specified deed or document or of any specified class or classes of deeds or documents.

(2) Kāinga Ora–Homes and Communities may execute on behalf of the Crown a transfer to any purchaser of the estate or interest of the Crown in any land which has been sold to that purchaser either before or after the commencement of this Act (whether that estate or interest is an estate in fee simple or a lesser estate or interest in the land) if immediately before the sale the land was State housing land.

(3) For the purposes of section 47 of the Public Works Act 1981, any request made by Kāinga Ora–Homes and Communities to the Registrar-General of Land shall have the same effect as a like request made by the Minister of Lands.

(4) Notwithstanding anything to the contrary in any Act or rule of law, it shall not be necessary for any transfer instrument to the Crown of any land acquired for State housing purposes to be executed by or on behalf of the transferee.

(5) For the purposes of the Fencing Act 1908, the occupier of any State housing land shall be deemed to include Kāinga Ora–Homes and Communities and the Minister; and no person shall be concerned to inquire into the validity of

any notice purporting to be signed by or on behalf of Kāinga Ora–Homes and Communities or the Minister.

Compare: 1919 No 32 ss 32, 33; 1940 No 14 s 10; 1947 No 60 s 23; 1950 No 93 s 26

Section 36(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 36(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 36(2): amended, on 8 December 1971, by section 2(a) of the Housing Amendment Act 1971 (1971 No 101).

Section 36(2) proviso: repealed, on 8 December 1971, by section 2(b) of the Housing Amendment Act 1971 (1971 No 101).

Section 36(3): replaced, on 1 April 1988, by section 2 of the Housing Amendment Act 1988 (1988 No 66).

Section 36(3): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 36(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 36(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 36(5): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

37 Restriction on registration of instruments

The Registrar-General of Land must not register any instrument that purports to transfer, lease, or in any other way dispose in whole or in part of the purchaser's interest in any agreement registered under section 18 or under the provisions of any corresponding former enactment, unless—

(a) the instrument is in favour of the Crown or Kāinga Ora–Homes and Communities, or the Crown or Kāinga Ora–Homes and Communities is a party to the instrument; or

(b) the instrument is an application to register the settlement of the land as a joint family home under the Joint Family Homes Act 1964; or

(c) the instrument is a disposition by way of mortgage; or

(d) the consent of Kāinga Ora–Homes and Communities is endorsed on the instrument.

Section 37: replaced, on 8 December 1971, by section 3(1) of the Housing Amendment Act 1971 (1971 No 101).

Section 37: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 37(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 37(d): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

38 Cancellation of restrictions imposed under former legislation on freehold titles in respect of dwellings

(1) This section applies when the Registrar-General of Land is presented with a record of title issued pursuant to the Housing Act 1919, the Workers' Dwellings Act 1910, or any former Workers' Dwellings Act.

(2) The Registrar-General of Land must, without requiring the payment of any fee, at the request of Kāinga Ora–Homes and Communities, cancel any endorsement, memorial, restriction, or limitation imposed by or under any of the Acts listed in subsection (1) or by or under section 22 of the State Advances Corporation Act 1936.

(3) The Registrar-General of Land must not cancel an easement issued under Part 2 of the Finance Act (No 2) 1952 unless Kāinga Ora–Homes and Communities requests him or her to do so.

Section 38: replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 38(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 38(3): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

39 Kāinga Ora–Homes and Communities agent of the Crown

In respect of the exercise of its functions under this Act Kāinga Ora–Homes and Communities shall be deemed to be and always to have been the agent of the Crown, and shall be entitled accordingly to all the privileges which the Crown enjoys. Kāinga Ora–Homes and Communities shall answer and act in its own name in respect of all such matters.

Compare: 1940 No 14 s 11

Section 39 heading: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 39: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

40 Regulations

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power hereinbefore conferred, regulations may be made under this section for all or any of the following purposes:

(a) prescribing the terms and conditions of agreements for sale of State housing land, including conditions for the rescission of any such agreement:

(b) prescribing the conditions subject to which State housing land or buildings thereon may be let or leased:

(c) prescribing fees payable on applications for land or buildings under Part 1:

(d) prescribing or regulating the mode of registration of instruments under section 18:

(e) empowering the Crown to acquire or construct dwellings for the employees of any Pest Destruction Board constituted under the Agricultural Pest Destruction Act 1967; and prescribing the terms upon which the Crown may sell or lease the dwellings to Pest Destruction Boards, and the terms upon which the provisions of section 17 of the Public Works Amendment Act 1948 may be applied in respect of any such dwelling, and in what circumstances that dwelling may not become a fixture or pass with the land but remain the property of the owner thereof:

(f) generally for giving effect to the provisions of this Act.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) *[Repealed]*

Compare: 1919 No 32 s 34

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 40(2)(e): amended, on 1 April 1968, pursuant to section 126(1) of the Agricultural Pests Destruction Act 1967 (1967 No 147).

Section 40(2)(e): amended, on 1 April 1968, pursuant to section 126(6) of the Agricultural Pests Destruction Act 1967 (1967 No 147).

Section 40(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 40(3): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

41 Consequential amendments

(1) *[Repealed]*

(2) *Amendment(s) incorporated in the Act(s)*.

(3) Every reference in any other enactment or document to land set apart or held for the purposes of Part 1 of the Housing Act 1919 shall be read as a reference to State housing land under the Housing Act 1955; and every other reference in any enactment or document to the purposes of Part 1 of the Housing Act 1919 shall be read as a reference to State housing purposes under the Housing Act 1955.

Section 41(1): repealed, on 21 November 1973, by section 3(4) of the Public Works Amendment Act 1973 (1973 No 44).

42 Repeals and savings

(1) The enactments specified in Schedule 2 are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

Schedule 1
Amendments consequential on abolition of Housing Account

s 31(2)

Finance Act 1936 (1936 No 16)

Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1946 (1946 No 41)

Amendment(s) incorporated in the Act(s).

Public Revenues Act 1953 (1953 No 73)

Amendment(s) incorporated in the Act(s).

Rural Housing Act 1939 (1939 No 32)

Amendment(s) incorporated in the Act(s).

Termites Act 1940 (1940 No 23)

Amendment(s) incorporated in the Act(s).

Schedule 2
Enactments repealed

s 42(1)

Finance Act 1937 (1937 No 17)
Amendment(s) incorporated in the Act(s).

Finance Act (No 3) 1943 (1943 No 15)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1946 (1946 No 41)
Amendment(s) incorporated in the Act(s).

Finance Act 1948 (1948 No 35)
Amendment(s) incorporated in the Act(s).

Finance Act 1950 (1950 No 93)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1953 (1953 No 115)
Amendment(s) incorporated in the Act(s).

Harbours Amendment Act 1952 (1952 No 78)
Amendment(s) incorporated in the Act(s).

Housing Act 1919 (1919 No 32)

Housing Amendment Act 1920 (1920 No 49)

Housing Amendment Act 1921–22 (1921–22 No 60)

Housing Amendment Act 1925 (1925 No 7)

Housing Amendment Act 1940 (1940 No 14)

Land Amendment Act 1954 (1954 No 37)
Amendment(s) incorporated in the Act(s).

New Zealand Loans Act 1953 (1953 No 74)
Amendment(s) incorporated in the Act(s).

Stamp Duties Amendment Act 1953 (1953 No 54)
Amendment(s) incorporated in the Act(s).

State Advances Corporation Act 1936 (1936 No 12)

Amendment(s) incorporated in the Act(s).

State Advances Corporation Amendment Act 1937 (1937 No 20)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1936 (1936 No 58)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1947 (1947 No 60)

Amendment(s) incorporated in the Act(s).

Notes

1 General

This is a consolidation of the Housing Act 1955 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Statutes Amendment Act 2025 (2025 No 74): Part 18

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Secondary Legislation Act 2021 (2021 No 7): section 3

Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 33

Land Transfer Act 2017 (2017 No 30): section 250

Housing Legislation Amendment Act 2016 (2016 No 41): Part 2

Housing Amendment Act 2016 (2016 No 3)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Local Government Act 2002 (2002 No 84): section 262

Public Audit Act 2001 (2001 No 10): section 52

Financial Reporting Amendment Act 1997 (1997 No 17): section 6

Housing Amendment Act 1992 (1992 No 77)

Housing Restructuring Act 1992 (1992 No 76): section 38

Resource Management Act 1991 (1991 No 69): section 362

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Public Finance Act 1989 (1989 No 44): sections 65R(3), 86(1)

Housing Amendment Act 1988 (1988 No 66)

Residential Tenancies Act 1986 (1986 No 120): section 144(3)

Public Works Act 1981 (1981 No 35): section 248(1)

Housing Amendment Act 1980 (1980 No 114)

Judicature Amendment Act 1979 (1979 No 124): section 12

Local Government Amendment Act 1979 (1979 No 59): sections 8(3), 9(1)

Public Works Amendment Act 1973 (1973 No 44): section 3(4)

Housing Amendment Act 1971 (1971 No 101)

Stamp and Cheque Duties Act 1971 (1971 No 51): section 101(1)

Agricultural Pests Destruction Act 1967 (1967 No 147): section 126(1), (6)

State Advances Corporation Act (1965 No 47): section 45(2)

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