

Guidance Note

Suspension and Revocation

Purpose of this guidance note

This guidance note is intended to provide further information on our process for suspension and revocation of registration. It should be read in conjunction with the information provided on our [website](#).

Introduction

The decision to suspend or revoke a community housing provider's (CHP) registration may be taken if the CHP no longer meets the prescribed eligibility criteria and/or Performance Standards. This may be identified through the annual monitoring process, through the Change and Disclosure process or through other information provided to the Community Housing Regulatory Authority (CHRA).

CHRA will not take the decision to suspend or revoke a CHP's registration lightly, and will usually only do so having exhausted all efforts to return the CHP to compliance. In the instance of a revocation, CHRA will also work closely with the Ministry of Housing and Urban Development's (HUD's) Housing Supply team to consider alternative arrangements for affected tenants.

The process CHRA follows is outlined in the Public and Community Housing Management Act 1992 (the Act) and includes the following key aspects:

- A concern/s with the CHP's eligibility or compliance is identified and discussed with the CHP. Additional information may be required under section 178 of the Act.
- CHRA assesses the information to determine if the CHP remains eligible and/or compliant with the Performance Standards. If CHRA is unable to

determine this, we may require further information.

- If there is no breach, no further action is taken, and usual monitoring activities continue.
- Where a breach can be remediated, CHRA will notify the CHP and set out in a notice, the requirements the provider must meet, to demonstrate compliance with the eligibility criteria and/or the Performance Standards, and the timeframe for doing so. If these conditions are met, and CHRA is satisfied that the CHP now meets the criteria and/or Performance Standards, normal registration and monitoring will resume.
- If CHRA is not satisfied that the breach has been or can be remedied, consideration will be given to suspension or revocation of the CHP's registration.

Suspension

In deciding to suspend a registration, we must give the affected CHP 14 days' written notice, and the opportunity to be heard and/or to provide further information. If we are not working with the CHP already, we will offer to meet with them and work to remedy the identified problem.

Suspension of registration can be for a period of up to 12 months but can be extended if necessary. During this time, CHRA will continue to work with the CHP as it works towards compliance.

Following our decision to suspend a registration, we must advise HUD's Housing Supply, Place Based and Contracts teams and record the suspension on the public register.

There are implications for a CHP with a

suspended registration, in that it cannot take on any new Income-Related Rent Subsidy (IRRS) tenants from the Public Housing Register, though it may still be paid IRRS for existing tenants.

Revocation

As with the suspension of registration process, where possible, we will work with the affected CHP to resolve the issues and achieve compliance before we revoke registration.

In some circumstances, revocation can occur even if a CHP's registration has not been suspended.

CHRA will write to the CHP advising of our intention to revoke registration, the reason for our decision, and provide the CHP with the opportunity to be heard in relation to the decision. As with the suspension process, the CHP will be given at least 14 working days to respond before revocation proceedings commence.

Where we are satisfied the CHP's registration should be revoked, we will advise the CHP of our reason(s) and the date it will take effect. If the CHP has IRRS tenancies, the notice period is likely to be at least 90 days, to give the Housing Supply team sufficient time to find another CHP to take over the tenancies.

If registration is revoked, the CHP is no longer eligible to receive IRRS or contract with Housing Supply.

In revoking a CHP's registration CHRA must:

- advise Housing Supply, Place Based and Contracts teams immediately
- update the public register
- publish a notice in the *Gazette*.

A CHP can choose to revoke its registration if it no longer wishes to operate as a CHP. It must provide evidence that appropriate

arrangements have been made for its social housing tenants (see [Regulation 16](#)).

Appeals

A CHP has the right to appeal any of our decisions related to eligibility, suspension or revocation. Appeals must be lodged with the District Court within 28 days of receiving our notice.

Further information

Further information can be found on our website <https://chra.hud.govt.nz>, or contact us at chra@hud.govt.nz.