

5 April 2023



Thank you for your request of 23 February 2023 to Kāinga Ora – Homes and Communities, for the following information under the Official Information Act 1982 (the OIA):

- 1) *Continuing tenancy policies.*
  - a. *Additionally, policies and/or procedures for discontinuing tenancy (evictions)*
- 2) *Processes and/or policies for responding to local government complaints (and if any, with particular reference to Auckland Council) regarding noise complaints or anti-social behaviour from KO tenanted properties.*
- 3) *Processes and/or policies for dealing with complaints made directly to KO about KO tenants regarding noise complaints and anti-social behaviour.*
- 4) *Management and maintenance policies and/or procedures of untenanted properties*
- 5) *Within the Manurewa/Papakura ward (or similar geographic area within your systems) how many untenanted properties are there currently (most recent data)?*

In response to your request:

1. *Continuing tenancies policies and policies and/or procedures for discontinuing tenancies (evictions)*

Kāinga Ora recognises how important having a stable home is to all aspects of a person's life and is focused on supporting customers to sustain tenancies wherever possible. We aim to avoid evictions into homelessness at all times and have adopted an approach to providing public housing to help people remain in, or get back to, a state of wellbeing.

This approach is detailed in our *Sustaining Tenancies Framework (POL-358)* along with our *Disruptive Behaviour Policy (POL-355)*, **both attached**. Please note that the reference in page 7 of POL-358 to 'the Office of the Complaints Commissioner' is no longer current – there is up to date guidance in on managing complaints in the **attached** *Guideline for managing disruptive behaviour (CT-GDL-021)*.

Eviction is a very specific process involving the Tenancy Tribunal and, if required, the District Court, and only happens if a person refuses to leave the property after a tenancy has ended. The end result is someone leaves their home, which Kāinga Ora can and does do in a small number of situations where sustaining a tenancy is not in the best interests of the customer or the community.

While Kāinga Ora does end tenancies when necessary, we do not have policies or procedures for ending tenancies by eviction. Therefore, I must refuse your request under section 18(e) of the OIA, *the document alleged to contain the information requested does not exist*.

2. *Processes and/or policies for responding to local government complaints (and if any, with particular reference to Auckland Council) regarding noise complaints or anti-social behaviour.*

*3. Processes and/or policies for dealing with complaints made directly to KO about KO tenants regarding noise complaints and anti-social behaviour.*

Kāinga Ora wants its homes, and the communities these homes are in, to be pleasant and enjoyable places to live – and the vast majority are. However, when problems arise we take complaints very seriously and work hard to achieve an outcome that works for everyone.

As Kāinga Ora does not have a specific policy for local government complaints, this part of your request is refused under section 18(e) of the OIA. Where complaints are made about noise or animal behaviour to us, we advise complainants that their local council has the authority to deal with those complaints and recommend they report their concerns directly to the council for investigation and response.

In situations where complaints involve disruptive behaviour, we respond according to our *Disruptive Behaviour Policy (POL-355)* and *section 3 of our Guideline for managing disruptive behaviour (CT-GDL-021)*.

*4. Management and maintenance policies and/or procedures of untenanted properties*

A home may be vacant for a number of reasons. For homes that are between tenancies, we inspect the property and do any necessary maintenance or work required, including bringing it up to Healthy Homes Standards before a new customer moves in. Properties may be also untenanted because they are having major repair or upgrade work done, either planned or in response to events like fire damage or storm and flood damage, which is particularly relevant at the moment. The property could also be scheduled for redevelopment that may require removing the existing houses. The **attached** procedural actions for maintaining the properties in these situations is taken from our *Manage Tenant Vacating (CT-749)*.

In some situations, although a property is tenanted, the tenant may not be present at the property. In such cases, Kāinga Ora needs to consider both the tenancy agreement and our obligations to the tenant when determining next steps and any maintenance requirements. The process for this is set out in the **attached** section 39 of our *Guideline for tenancy management (CT-GDL-004)*.

We are currently engaged in policy work relating to abandonment and non-occupancy of tenanted property. However, as this work is still in progress, I must refuse your request for policies or processes for untenanted properties under section 9(2)(g)(i) of the Act, *to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to officers and employees of any public service agency in the course of their duty.*

*5. Within the Manurewa/Papakura ward (or similar geographic area) how many untenanted properties are there currently (most recent data)?*

Kāinga Ora uses census area units (CAUs) for the purpose of recording properties. As at 28 February 2023:

- Manurewa, (defined as 'Manurewa Central' and 'Manurewa East' CAUs) had 373 occupied and 6 untenanted properties
- Papakura, defined as ('Papakura East', 'Papakura Central', 'Papakura North', 'Papakura North East' and 'Papakura South' CAUs) had 854 occupied and 21 untenanted properties.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at <https://www.ombudsman.parliament.nz> or by freephone on 0800 802 602.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/> with your personal information removed.

Nāku, iti noa, nā

*Sonja Clearkin*

Sonja Clearkin  
**Acting Regional Director – Counties Manukau**

## Guideline for managing disruptive behaviour

CT-GDL-021

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# 1. Background

Most of our customers live well in their homes and communities. However, in a small number of cases disruptive behaviour can cause highly stressful and unacceptable conditions for neighbours.

Kāinga Ora is committed to effectively responding to disruptive behaviour when it occurs, and seeks positive outcomes for both our customers and their communities.

The Kāinga Ora-Homes and Communities Act 2019 sets out our operating principles, this includes being a fair and reasonable landlord, treating customers and their neighbours with respect, integrity and honesty helping contribute to communities that are cohesive and safe places to live.

The Residential Tenancies Act 1986 sets out our responsibilities in relation to managing disruptive behaviour ensuring that we take all reasonable steps to ensure that our customers, their whānau or visitors do not interfere with the reasonable peace, comfort or privacy of our other customers.

As a responsible public housing landlord, we balance these legal obligations with supporting customers to achieve sustainable tenancies. We do this by providing customers with a suitable home and the right support to live well in their homes and communities, acknowledging that those that come to Kāinga Ora have the highest housing needs in New Zealand.

We take a proactive approach to preventing disruptive behaviour occurring. Through the [pre-housing conversation](#) and [support to settle in service](#) we set the groundwork for customers to live well in their homes and communities.

When disruptive behaviour occurs, it is important that we intervene and engage with the customer at the earliest opportunity. We engage early to support our customer to resolve issues themselves and maintain a good relationship with their neighbours.

This document will help you to respond and resolve disruptive behaviour. It is intended as a document you can refer to when you need guidance about a specific part of the process.

It will provide you with key information about our approach including tools available to resolve current issues and prevent future disruptive behaviour. These tools include informal approaches (for example, referring the customer to an external support service) and formal approaches, (for example, providing the customer with a notice about the behaviour). For more detail, see Appendix: Informal and formal tools – Disruptive behaviour.

This document supports the information contained within the following documents and should be read alongside these.

- [Disruptive Behaviour Policy \(POL-355\)](#)
- [Manage Disruptive Behaviour \(CT-PRO-206\)](#)
- [Issue required relocation notice and obtain possession of property \(CT-350\)](#)
- [Issue section 55A notice and end tenancy \(CT-PRO-351\)](#)
- [Manage Tenancy Tribunal \(CT-PRO-211\)](#)

This document is a guideline only and you should be flexible in your approach to managing and resolving disruptive behaviour. Not every situation will be the same, so the approaches you use will be different for each situation and customer.

**Note: Customer means tenant/signatory of the tenancy agreement.**

## 1.1 What is disruptive behaviour

Disruptive behaviour means any behaviour by a customer, their whānau or visitor(s) that unreasonably interferes with another person or persons' right to the use and enjoyment of their home or community. This can include (but is not limited to):

- noise including stereos, large gatherings and raised voices
- pets including excessive barking, roaming and fouling
- vehicles used to block access, exits, or to make excessive noise and do burnouts
- property damage including to our homes, neighbouring properties and vehicles
- obscene language including hateful language because of perceived differences
- harassment and intimidation, including threatening behaviour
- fighting, arguing, incidents of family harm
- invasion of privacy including use of CCTV or loitering on someone else's property
- physical assault.

Reasonable household activities, for example, children playing, occasional dog barking or noise from household appliances do not constitute disruptive behaviour.

While some noise and activities (such as using power tools or listening to music during the day) can be annoying, it may not be considered excessive or nuisance noise. We have a role to inform and manage expectations when such activities are part of a complaint or are reported to us, and look at how we can support customers and neighbours to resolve these concerns.

## 1.2 Legislation

This section outlines our legal relationship with our customers through the Residential Tenancies Act 1986 (the Act) and the residential tenancy agreement. It outlines the responsibilities for both the customer and us in respect of disruptive behaviour. For information about tools and remedies contained within the Act, see [Tools for managing disruptive behaviour](#).

The Act outlines the responsibilities of both the customer and Kāinga Ora in respect of disruptive behaviour.

### Residential Tenancies Act 1986 s40(2)(c)

The tenant (customer) shall not cause or permit any interference with the reasonable peace, comfort or privacy of any of the landlord's other tenants in the use of the premises occupied by those other tenants, or with the reasonable peace, comfort or privacy of any other person residing in the neighbourhood.

### Residential Tenancies Act 1986 s41(1)

The tenant shall be responsible for anything done or omitted to be done by any person (other than the landlord or any person acting on the landlord's behalf or with the landlord's authority) who is in the premises with the tenant's permission if the act or

omission would have constituted a breach of the tenancy agreement had it been the act or omission of the tenant.

### Residential Tenancies Act 1986 s41(2)

Where any person (other than the landlord or any person acting on the landlord's behalf or with the landlord's authority) intentionally or carelessly damages the premises while the tenant is in the premises, it shall be presumed that the tenant permitted that person to be in the premises unless the tenant proves that he or she took all reasonable steps to prevent that person from entering the premises or (as the case may require) to eject that person from the premises.

### Residential Tenancies Act 1986 s45 (1) (e)

The landlord shall take all reasonable steps to ensure that none of the landlord's other tenants' causes or permits any interference with the reasonable peace, comfort or privacy of the tenant in the use of the premises.

The Residential Tenancies agreement (T319) emphasises the responsibilities of the customer.

### Residential Tenancy Agreement (T-319)

As a Kāinga Ora tenant, you need to:

- look after your new home and grounds by keeping them tidy
- take responsibility for the behaviour of other people who live in or visit your home. You may be liable for any damage they cause
- respect your neighbours' peace, comfort and privacy.

## 1.3 Guiding principles and expectations

The [Disruptive Behaviour Policy \(POL-355\)](#) sets out our guiding principles when responding to information about disruptive behaviour, including the options for different types of engagement and potential resolution.

Guiding Principles	
1	We seek to gain an understanding of our customer's wider circumstances, supporting them to address the root cause of issues where we can.
2	We seek to prevent escalation of disruptive behaviour through early intervention and engagement. We engage in a way that works for the customer
3	We support our customers to develop, meaningful, empowering goals for which they are accountable and take steps to achieve.



4	We provide access to support services where necessary, linking customers to agencies or specialist support services.
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When we become aware of instances of disruptive behaviour, we should have an open mind and not make any decisions until we understand the whole picture. We build on the information received by contacting other organisations such as the Police to understand their involvement in the situation. We listen to the customer to understand their perspective.

Our approach is to support the customer to positively change the behaviour that is impacting others. Where possible, we will work with the customer to understand any underlying causes of the behaviour and reach an agreement on how to prevent further behaviour before using formal tools.

Where an exceptionally serious incident has occurred and our customer's involvement (including whānau or visitors) has been verified, we might seek to use one of the formal tools immediately, with the appropriate approvals. For further information about how we reach this decision see, [Deciding our response](#).

The process we need to follow in these situations can take time, which can be challenging for neighbours. As a result, it is important that we clearly communicate with the complainant so they are aware that action is being taken and understand that we are limited in the information we are able to provide due to privacy.

### 1.4 Categories of disruptive behaviour

The [Disruptive Behaviour Policy \(POL-355\)](#) defines three categories of disruptive behaviour, based on the severity of the behaviour and the impact it has, or may have, on others.

These categories determine our approach and response including the types of tools that we might need to use.

Disruptive behaviour can shift categories from one level to another. For example, behaviour categorised as a 'C' (one-off noise nuisance) could increase and become serious and persistent (frequent parties where attendees exhibit aggressive behaviour towards neighbours) and then re-categorised as a 'B'.

The category should be reassessed as you receive new information or engage with the complainant, customer, whānau or third parties.

Category	Definition/example	Whether escalation is needed
<b>Category A – Dangerous or severe disruptive behaviour</b>	Activities that have a <b>severe</b> impact on others and place the safety or security of customers, neighbours, Kāinga Ora people/contractors at risk, and may result in Police charges or conviction.  Examples: <ul style="list-style-type: none"> <li>the production, supply or trafficking of a class A or B drug</li> </ul>	Is escalated to the Regional Director and Deputy Chief Executive for visibility, guidance and recommendations for next steps.

	<ul style="list-style-type: none"> <li>• provoking pets to attack</li> <li>• threats or acts of violence against other customers, whānau, neighbours, or our people/contractors</li> </ul>	
<b>Category B – Serious and/or persistent disruptive behaviour - significant</b>	<p>Activities that <b>significantly</b> impact others and may occur frequently.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• aggressive or threatening behaviour</li> <li>• significant damage to property</li> <li>• repeated harassment or intimidation of neighbours</li> </ul>	<p>May need to be escalated to the Regional Director, the Review Group, and Deputy Chief Executive for visibility, guidance and recommendations for next steps.</p> <p>This is specifically where the behaviour is <i>significant</i>, persistent, and an informal approach (referring customer to an external support service) is not appropriate or is unsuccessful.</p>
<b>Category B – Serious and/or persistent disruptive behaviour - moderate</b>	<p>Activities that have a <b>moderate</b> impact on others and may occur frequently.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• obscene language</li> <li>• persistent noise nuisance</li> <li>• damage to property</li> <li>• single events of intimidation</li> </ul>	
<b>Category C – Minor disruptive behaviour</b>	<p>Activities that have a <b>minor</b> impact on others and happen infrequently.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• use of obscene language</li> <li>• noise nuisance</li> <li>• basic breaches such as pet nuisance or overgrown lawns.</li> </ul>	<p>Typically managed by the Senior/Housing Support Manager (S/HSM) through an informal approach (referring the customer to an external support service).</p>

## 1.5 Deciding our response

Categorising the severity of the behaviour allows us to determine the best approach.

For Category A – Severe, and B – Significant, we might seek approval to use one of the formal tools to respond quickly to a situation or incident, and then work with the customer

to address any underlying causes of the behaviour and reaching an agreement on how to prevent a reoccurrence of the behaviour.

For Category B (Moderate) or Category C (Minor) our approach is to work with the customer on the underlying causes of the behaviour; and reach an agreement with them on how to prevent a reoccurrence of the behaviour. We might seek approval to use one of the formal tools after working with the customer to support the agreement with them.

The table below outlines our typical approach for each of the categories of behaviour.

If you are unsure how to respond, discuss with your Team Leader Housing Support.

Category	Typical response
<b>Category A – Dangerous or severe disruptive behaviour</b>	Consider and use formal tools (with appropriate approvals) before working with the customer to resolve
<b>Category B – Serious and/or persistent disruptive behaviour – significant</b>	Consider and use formal tools (with appropriate approvals) before working with the customer to resolve
<b>Category B – Serious and/or persistent disruptive behaviour – moderate</b>	Work with the customer before considering and using formal tools (with appropriate approvals)
<b>Category C – Minor disruptive behaviour</b>	Work with the customer before considering and using formal tools (with appropriate approvals)

## 1.6 Privacy, recording and sharing information

The Privacy Act 2020 sets out how we collect, store, use and share information. See [Privacy policy \(SK-POL-002\)](#).

### 1.6.1 Privacy of the customer and complainant

When talking to a complainant, explain that it is not always possible to maintain their privacy in order to follow up their complaint. For example, a complaint about rubbish being thrown over a fence onto a neighbouring property, or a direct interaction between the complainant and a customer, the customer will likely identify the complainant due to the nature of the complaint.

We must also maintain the customer's right to privacy. We are unable to share personal details about the customer or their tenancy, for example, who lives at the property. The customer's right to privacy extends to information about the actions taken by us, for example, referring the customer to an external support provider.

Let the complainant know our general approach to resolving disruptive behaviour without being specific to the details of their complaint.

Equally, when discussing the complaint with the customer, we maintain the complainant's privacy unless they have given their consent for this information to be shared. We can use general terms, for example, "it's been brought to our attention".

We must ensure that the customer has provided informed consent before contacting external support providers on their behalf. See [Framework for supporting public housing customers to access social support services \(POL-361\)](#)

### 1.6.2 Recording information

Throughout the process, we receive information. This may be from the complainant, customer or external organisations.

It's important that information is recorded accurately and appropriately. These records help us to capture an accurate picture of what is happening and the actions undertaken to resolve disruptive behaviour.

When deciding what to record, consider the following:

- What is the purpose of recording this information?
- Is the information relevant to the customer's housing or personal need?
- Is the information factual and objective? Record the facts as accurately as possible (for example, what is happening, when and who is involved).

When recording information, we should capture a summary of the conversation rather than recording everything the customer has told us. It is best practice to start the record with "The customer told us ..." or "Jane told us..."

How customers and whānau think and feel is important information which can be recorded. However, it needs to be clear to other readers that these are subjective views and not facts. This can be as simple as starting statements with "The customer believes/feels/thinks that..." or "Jane believes/feels/thinks that..."

Ask yourself if you would be comfortable with what is recorded if you were the customer requesting to see your personal information. Remember – the customer has the right to request all personal information about themselves, so when recording information you should always ensure it is recorded appropriately.

Any documents, such as letters from a support service or an external organisation, must be saved in the customer's Objective folder.

### 1.6.3 Information gathering and sharing

When managing disruptive behaviour, we may receive information that we might want to share with other organisations because Kāinga Ora has entered into a Memorandum of Understanding (MOU) with that organisation.

There are limitations on the information we can gather and share under an MOU. See [Information Sharing Agreement Memoranda of Understanding \(MOU\) Register](#)

In certain circumstances where we have a legislative obligation or MOU to share with other agencies, we may not require customer consent. Seek advice of your Team Leader or the Privacy team if you are not sure.

We may also need to gather information from other agencies to validate claims of disruptive behaviour.

## Legislative

**Family violence** – Kāinga Ora is a named family violence agency in the Family Violence Act 2018. This means that we can share information with other agencies to help prevent harm from family violence. See: [Family violence policy \(CT-POL-101\)](#) and [Family violence policy guidance \(CT-POL-101A\)](#).

**Suspected abuse or neglect of a child** – Under the Oranga Tamariki Act 1989, we can report any suspected abuse, neglect, or other issues that might affect the wellbeing of a child to the Police or Oranga Tamariki. See: [Family violence and child protection information sharing policy guidance \(CT-POL-101B\)](#).

## Memorandum of understanding

**Oranga Tamariki** – Our MOU with Oranga Tamariki recognises a shared interest in making a difference to the lives of tamariki, rangatahi and whānau. The MOU includes an agreement to work collaboratively with Oranga Tamariki and share information where necessary.

**New Zealand Police** – Our MOU with NZ Police centres on a common objective of promoting and maintaining a safe community. For example, we may inform Police if we find out that a customer is using their Kāinga Ora home to manufacture or sell drugs.

**SPCA** – Our MOU with SPCA recognises that we hold a mutual interest in the welfare and responsible ownership of animals in Kāinga Ora properties. Under this MOU, we may inform SPCA immediately if we have any concerns for the welfare of animals living at one of our properties.

## 2. Overview of the disruptive behaviour process

The diagram below shows an overview of how a typical disruptive behaviour complaint or report might be managed. For the full process, see [Manage disruptive behaviour \(CT-PRO-206\)](#)



The stages in the process provide an overall framework for responding to and resolving disruptive behaviour. However, every situation is different and our response might alter depending on the context and complexities.

While individual situations will differ, our overall approach will be consistent. We achieve this by:

- acknowledging complaints and reports of disruptive behaviour
- working with customers to resolve and prevent further disruptive behaviour
- using tools available in a timely way and only where appropriate
- maintaining regular contact with complainants and customers
- closing complaints when it is appropriate to do so.

### 3. Receiving and acknowledging complaints or reports

The ways we receive information or complaints could include:

- complaints from a neighbour or community member or whānau and friends that wish to remain anonymous
- observations by the Senior/Housing Support Manager when visiting customers and communities
- reports from an external organisation, for example the Police or Noise Control or our maintenance partners

The majority of complaints will be received by the Customer Service Centre. Otherwise, our people may be approached while visiting communities or when members of the public visit one of our offices.

When we receive information about disruptive behaviour, consider what we already know about the customer, their whānau and current circumstances. This enables us to build a more holistic view about what is happening and what might be contributing to the behaviour.

We build a better understanding of the situation by:

- reviewing the information, including who was involved and the context of the behaviour
- exploring Kotahi and IDP to gain an understanding of the customer, their current circumstances and what support they have
- being curious and asking further questions of the person who provided the information.

#### 3.1 Information we hold in Kotahi

Review the information we have about the customer in Kotahi and IDP, looking for information that might indicate or confirm:

- patterns of behaviour that are present or emerging

- what might be contributing to the behaviour
- what worked and did not work in the past, and the reasons why
- the best approach to support the customer to resolve the behaviour.

The table below provides some suggested questions to help you gain a better understanding of the situation.

	Potential questions to consider
<b>Current complaint</b>	<ul style="list-style-type: none"> <li>• Do we have enough information to understand what has occurred? Consider who, what, when, and where?</li> <li>• What information is missing?</li> <li>• Is the complainant a Kāinga Ora customer? If yes, what can we learn from reviewing information about their tenancy? For example, is there a history of interactions between the two customers?</li> </ul>
<b>Kotahi (or single tenancy view in IDP)</b>	<ul style="list-style-type: none"> <li>• What do we know about the customer, their tenancy, and the wider circumstances?</li> <li>• What have our previous interactions with the customer looked like?</li> <li>• What did we observe/highlight at the last annual inspection visit?</li> <li>• What maintenance has been requested or completed recently?</li> </ul>
<b>Previous disruptive behaviour</b>	<ul style="list-style-type: none"> <li>• What did the complaints relate to and what is the frequency?</li> <li>• What actions, if any, did we take?</li> <li>• Who else has been involved, that is, neighbours, Police, other agencies? What information or insight can they provide?</li> </ul>
<b>Customer risk rating</b>	<ul style="list-style-type: none"> <li>• What was the reason recorded for the risk rating?</li> <li>• Based on the information received is there a need to review the risk rating?</li> </ul>

### 3.2 Acknowledging complaints and reports

When people contact us to complain or report concerns about customer's behaviour, they want to feel that their concerns are being heard and taken seriously. The decision to approach us can be difficult and often people will tolerate disruptive behaviour for extended periods hoping the issue resolves itself. People may also be reluctant to complain due to concerns about escalation or retaliation.

Contacting a complainant shows we care and provides us with an opportunity to understand more about the behaviour and how this is impacting them and others.

When making the first contact with the complainant, introduce yourself and explain what your role is. Thank them for taking the time to share their concerns with us. Check that the information we have received is correct and if there is anything further that they would like to share.

Be curious about what they are sharing and use open questions to help you to understand more about what is happening, for example:

- What happened?
- How frequently does this happen?
- Is there a pattern to the behaviour?
- Who is involved in the behaviour?
- Do they have any supporting information (photos, videos) that they could share with you?
- Did anyone else observe what happened?
- What has their relationship and interactions with the customer been like to date?
- Have they spoken to the customer about what happened?
- Have they contacted any other agencies about the behaviour, for example, have they contacted the Police or Noise control?

When we receive complaints of behaviour that relate to reasonable household activities (children playing, occasional dog barking etc), we should discuss this with the complainant and consider ways in which their concern could be resolved.

### 3.3 The role of the complainant

The complainant can play a key role in helping resolve the disruptive behaviour. The customer might be unaware of the impact that their behaviour is having on their neighbours. Encouraging the complainant to talk to their neighbour about this may be sufficient to resolve the situation without the need for our involvement.

However, if there is a risk of harm to the complainant in doing so, this should not be proposed as a possible solution. If you are unsure of approach to take, talk to your Team Leader Housing Support before suggesting this.

The involvement of other organisations may be required to help or support to resolve the issue or behaviour. Where appropriate, encourage the complainant to contact these organisations directly, in addition to contacting us.

See below for organisations to contact in common situations

What is the issue?	Who can help?
Someone might be in physical danger	Call Police immediately on 111
Illegal activity including damage to neighbouring properties.	Report it to the Police on 105 or online at <a href="https://www.police.govt.nz/use-105#online-report-options">https://www.police.govt.nz/use-105#online-report-options</a>
Concerns that a child is in immediate danger	Call Police immediately on 111
Concerns about the care and protection of a child/tamariki (no immediate danger)	Contact Oranga Tamariki on 0508 326 459 or email <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a>



Someone is making excessive noise	Contact the Noise control office at your local Council - <a href="https://www.localcouncils.govt.nz">Council Contact List Local Government (localcouncils.govt.nz)</a>
Concerns about an animal's behaviour	Contact Animal Control at your local Council - <a href="https://www.localcouncils.govt.nz">Council Contact List Local Government (localcouncils.govt.nz)</a>
Concerns about an animal's welfare	Contact the nearest SPCA - <a href="https://www.sPCA.nz/report-animal-cruelty">https://www.sPCA.nz/report-animal-cruelty</a>

### 3.4 Understanding the impact on the complainant

Where the behaviour is having an impact on the complainant, it may be appropriate to provide information about support services.

The following suggested questions can help us to understand the impact of the behaviour on them:

- How is the behaviour impacting their life? For example, preventing them from sleeping.
- What supports do you have? For example, whānau, friends or professionals supports such as a General Practitioner (GP).

The complainant may tell you that they are struggling with the disruptive behaviour or they are isolated and do not have anyone to reach out to. Use your knowledge of local services or search the [Community Support Services Directory](#) and share information about services that may provide support.

If you have an immediate concern for their health, safety and wellbeing, discuss this with your Team Leader Housing Support and Advisor Wellbeing Support.

### 3.5 Understanding expectations of the complainant

Complainants will have expectations about how we respond and take action to address their complaints.

In all conversations with the complainant, it is important to understand and manage expectations to prevent misunderstandings and further escalation. You can manage expectations with the complainant by:

- letting them know when the behaviour isn't considered unreasonable or disruptive
- seeking to understand their expectations
- explaining our [Sustaining Tenancies approach](#)
- explaining the boundaries of our role when resolving disruptive behaviour and where other agencies should be involved.
- being clear about how we intend to proceed, ensuring we maintain the complainants and customer's right to privacy
- agreeing with the complainant when we will check-in with them next
- letting them know how they can contact us.

The complainant may indicate that they intend to exercise their right to approach the media, contact their legal representative, or make an application to the Tenancy Tribunal.

Try to understand their reasons and reassure them that we take their complaints seriously. It may be beneficial to offer more frequent and proactive contact with them to provide reassurance.

Creating or updating the National Issues Register will ensure the complainants intended actions(s) are visible to placed-based managers and ensure the right support is in place to manage the relationship with the complainant. For category A behaviour, notify other colleagues by completing a serious incident notification form.

Where a complainant is also a Kāinga Ora customer, they may request relocation to another home. Our approach is to work through the behaviour that they have reported to us and work with the customer to resolve. In most situations, it will not be appropriate to consider and offer relocation except where:

- we have explored other options to resolve the behaviour and they have not been successful; **or**
- there is a risk of serious harm to the complainant; **or**
- significant escalation of the behaviour may occur

Where relocation could be an appropriate, S/HSM should discuss this with their Team Leader and Advisor Wellbeing Support before discussing this further with the complainant.

### 3.6 Withdrawing a complaint

While complainants have every right to withdraw their complaint, we still have a responsibility to manage the disruptive behaviour that has been brought to our attention.

Before closing the disruptive behaviour business action, we should consider the reason for the withdrawal:

- The disruptive behaviour has been resolved and no further action is required. For example, rubbish that the customer threw into the complainant's section has been removed by the customer. In this case, no further action is needed, the disruptive behaviour business action can be closed.
- The complaint was made in error. For example, the complainant has since discovered that the rubbish wasn't thrown into their section by the customer. In this case, no further action is needed, the disruptive behaviour business action can be closed.
- The complainant is concerned about repercussions if we contact the customer about their complaint. Consider whether it is possible to manage the disruptive behaviour without implicating the complainant and discuss this with the complainant.

We should consider the following when deciding whether to withdraw or proceed with a complaint:

- The nature of the behaviour, for example, if there is a risk to someone's safety.
- The extent of the impact of the behaviour, for example, if it is affecting the neighbourhood as a whole or there are multiple complainants.

- Whether we have the discretion under legislation or because of a MOU to notify other agencies about the behaviour, for example, where we learn about suspected abuse or neglect of a child.

If you feel that there would be an impact on the complainant if we proceeded to discuss with the customer, for example, the customer will be able to identify the complainant and there is a likelihood of escalation, S/HSM should discuss this with their Team Leader and seek advice.

If we decide that we need to proceed with addressing the behaviour, then we should explain to the complainant that this could include discussing the issue with the customer and/or notifying other agencies. See section on [Information gathering and sharing](#).

## 4. Understanding the whole picture

### 4.1 Validating complaints or reports

Validating the complaint is an important step that allows us to:

- confirm that the behaviour did occur, and
- help us to determine our approach to resolve the behaviour.

Validation should be done as soon as possible after we receive details to ensure that recollections of the behaviour are accurate. Validation involves speaking with:

- other neighbours or visitors who witnessed the behaviour or who were affected
- organisations that were contacted, for example, the Police or Noise Control
- the customer

Sometimes validation is not possible, for example, when a neighbour does not wish to talk to us, or the Police are conducting a related investigation and cannot release information, or when we experience delays outside our control, such as when our request for information is being managed as an Official Information request. These barriers should not prevent us from discussing the information we have received with the customer. When undertaking validation with others, record the information we receive in Kotahi, including who we received the information from and when.

In situations where it is not possible to validate a complaint, we can still take appropriate action if we consider that, on the balance of probabilities, the behaviour most likely occurred. More guidance about what to do in these situations can be found in section 4.1.4 below.

#### 4.1.1 Contacting other neighbours and visitors

Sometimes a complainant may tell us about other witnesses, neighbours or people affected by the behaviour. If we know who they are, we should also contact them to validate the details provided by the complainant.

If the behaviour is something that can be verified by other neighbours, check with them to see if they saw or heard something. We can also ask if witnesses are willing to share any photographs, videos or audio as evidence.

Guidance on potential questions to ask neighbours or visitors to help you understand more about the behaviour can be found at [Acknowledging the complaint or report](#)

#### 4.1.2 Contacting organisations

Where the complainant confirms that specific organisations, for example, the Police or Noise Control were contacted, contact the organisation/s to seek information about the report, their involvement and any action they have taken or may be taking.

It might be beneficial to make a formal request for information held by the organisation. If you are waiting for written confirmation from agencies, don't let this stop you from speaking to the customer.

#### 4.1.3 Initial discussion with customer

The final stage of validation is to contact the customer to advise them of the complaint and provide them an opportunity to respond and give their account of what happened. See, [Guideline for everyday customer conversations \(CT-GDL-005\)](#)

Assess the best approach on how to discuss the complaint with the customer while keeping yourself safe, See [Guideline for staying safe and secure \(SS-GDL-110\)](#). It might be better to have an initial conversation with the customer by phone to allow you to assess their response to the complaint and determine the method of future engagement with the customer, for example, visiting them at home with a colleague.

To increase the likelihood of successful contact, consider what we know about the customer. For example, if we know their working hours, attempt to contact them outside of these hours as they may not be able to answer your call while at work.

Give the customer details of the complaint and the behaviour reported. Make sure the complainant's privacy is maintained where possible. Use open ended questions to understand more about the behaviour from the customer's perspective:

- What happened?
- Who was involved?
- What action(s) did you take?
- Why do you think we have received the complaint?

Thank the customer for sharing details. Reassure them that you are here to support them to take the steps needed to prevent further disruptive behaviour.

Use the details received from the customer and tie together all the information you got from others. Start to consider what the resolution might be.

If you are unsure of the possible resolution, or you think the situation requires use of formal tools (for example, agreed relocation or providing a section 55A notice), arrange to continue your discussion with the customer at another time. Seek advice from the Advisor Wellbeing Support, if appropriate, and speak to your Team Leader Housing Support. See [Seeking advice on next steps](#)

If you feel that the issue can be resolved informally, for example, reaching an agreement with the customer or referring them to an external support service, continue your discussion with the customer, see [Discussing next steps with the customer and how to prevent further disruptive behaviour](#).

#### 4.1.4 Cannot make contact with the customer to validate complaint

If you are unable to make contact with the customer by phone, text, email or visiting, consider using other alternative contacts the customer might have nominated and given us consent to speak to. These numbers might be logged in Kotahi notes that the customer gave when making maintenance requests.

- We must not divulge details to the alternative contact as we must maintain the customer’s privacy, so ask the person to let the customer know we phoned and to contact us.

We should make multiple and reasonable attempts to contact the customer. What is reasonable will be determined by the context and severity of the behaviour.

If you assessed the behaviour as category A (dangerous) or category B (severe and/or persistent), and you still can’t contact the customer, discuss next steps with your Team Leader. They may recommend:

- continue attempts to contact the customer, or
- send customer a letter asking to contact you or invite customer to a meeting
- getting approval to use a formal tool

We need to ensure that we are responding in a timely and appropriate manner. While we should validate complaints by also speaking to the customer, if all reasonable attempts are made and we still can’t contact the customer, this should not prevent us from taking appropriate action (for example, providing the customer with a s55A notice once we receive approval). See [Appendix: Informal and formal tools – disruptive behaviour](#).

If you assessed the behaviour as category C and you can’t contact the customer, see the table below for the letters available to use.

Letter name	Location	When should I use this letter?
<a href="#">Contact to discuss issue (05-159)</a>	Kotahi and Atamai	Use as first letter, when you have been unable to speak to the customer to discuss concerns.
<a href="#">Meeting request to discuss matter or ongoing matter (05-160)</a>	Atamai	Follow up letter, when your attempts to contact the customer have been unsuccessful or previous agreements have not been sustained. This meeting may also include Team Leader Housing Support.
<a href="#">Non-attendance at meeting to discuss issues or complaints (05-180)</a>	Atamai	Follow up letter, when the customer does not attend a scheduled visit/meeting, and attempts to contact them after the missed visit/ meeting have not been successful.

## 5. Seeking advice and guidance on next steps

Seeking advice from others can help you identify how the issue might be resolved and determine the best way forward. Share with your [Awahi Rito](#) and tell them about the customer and the behaviour. Seek their views and experience, including any actions taken to resolve similar situations successfully.

### 5.1 Contacting Advisor Wellbeing Support

Addressing disruptive behaviour can be challenging where we believe:

- the customer's health or addictions may be a contributing factor; or
- where there is family harm occurring.

This can involve making sensitive and tough decisions to balance our legal responsibilities with our commitment to supporting customers.

As part of our decision-making around the use of formal tools, we need to consider the extent of the customer's willingness to engage with support services. We should also consider actions these services are able to take to support the customer.

If health or personal need is observed as a potential factor, discuss this with your Advisor Wellbeing Support and seek their advice on the approaches or external support services that might help.

The Advisor Wellbeing Support is available to provide you with help and advice on how best to support customers and their whānau. See [Guideline for requesting Advisor Wellbeing Support \(CT-GDL-014\)](#).

The Advisor Wellbeing Support can:

- help you identify a customer's personal support needs and link you to external service providers who can meet these needs
- provide advice on different approaches and ways of working that might help resolve the disruptive behaviour
- support the co-ordination of services where multiple providers are involved

### 5.2 Contacting Team Leader Housing Support

Contact your Team Leader if you are unsure how to proceed and you:

- think formal tools might be needed, or
- can't contact the customer to discuss the behaviour.

Make sure you have or know the following details:

- the customer and any whānau living at the property
- tenancy information including start date, type of property such as stand-alone or complex
- the current complaint including the type and category of behaviour, who was involved and the risks/impacts to the customer, neighbours and the community

- the complainant including any previous complaints about the customer or any other Kāinga Ora customers
- the outcome of your initial validation including involvement from other agencies such as Police, Noise Control, external services
- any previous complaints and actions taken to resolve
- any recommendations on how to proceed

### 5.3 Contacting Legal team and Issues and Operations

In some instances, the disruptive behaviour may be of such a serious nature that we need to utilise formal tools immediately, for example, physical assault on our people or neighbours.

In these situations, Team Leader Housing Support should contact the Senior Legal Counsel – Public Housing and also the Issues and Operations team at [operationsupport@kaingaora.govt.nz](mailto:operationsupport@kaingaora.govt.nz) to seek advice.

They will be able to provide advice and guidance on the most appropriate response to the disruptive behaviour.

### 5.4 Deciding next steps

Using information gathered from validation and advice received, we should now be able to consider and decide what the next steps should be to resolve the disruptive behaviour.

To help you reach an informed decision consider:

- what supportive approaches could be used, for example, referral to external services or increasing engagement with the customer
- if formal tools are an option, which tool should be used and why it is appropriate
- what risks are present or could occur and how will we manage these
- any further advice and support that is needed, for example, from Advisor Wellbeing Support, the ODCE, Senior Legal Counsel – Public Housing, and Issues and Operations team
- how to approach engaging with the customer, including a safe work plan
- the best approach to communicate with complainants.

Once you have considered the above, use it to determine the most appropriate next steps. This can include:

- seeking further information from other agencies or third parties
- meeting with customer to find out how they could prevent a reoccurrence of the behaviour including accessing external support services
- providing customer with a formal letter reminding them of their tenancy obligations
- if approval for a business-initiated transfer has been given, seeking agreement from the customer to relocate to another home
- providing customer with an appropriate notice to relocate to another home

- confirming to customer our intention to apply to the Tenancy Tribunal for termination

The above list is not exhaustive, our approach will depend on the nature and context of the situation. We may need to take more than one action simultaneously, for example, we may provide the customer with a notice while supporting them to access external support services.

See [Appendix: Informal and formal tools – disruptive behaviour](#).

## 6. Discussing next steps with the customer and how to prevent further disruptive behaviour

Use the follow-up discussion with the customer to focus on what the customer can do to prevent further disruptive behaviour. Take a positive approach, rather than negatively focusing on the behaviour that has occurred, discuss actions that can improve the situation and sustain harmony in the community.

For any resolution to be sustainable, focus on resolving both the immediate behaviour and any wider issues that contributed to, or caused, the behaviour. For guidance on customer conversations, see [Guideline for everyday customer conversations \(CT-GDL-005\)](#)

The discussion with the customer will typically focus on two key areas:

- The actions or steps the customer could or should take to resolve and prevent further disruptive behaviour.
- The tools we have decided to use (if any), providing the customer with an explanation and advice about what this means for them.

## 7. Discussing use of formal tools with the customer

If we decide to use a formal tool, for example, requiring the customer to relocate to another home, having a conversation with the customer gives us an opportunity to explain and discuss the reason for the action being taken. It also allows the customer the opportunity to reflect on the situation and work on changing their behaviour.

### 7.1 Cannot contact customer to discuss notice/letter

If we cannot contact the customer after making reasonable attempts, discuss with Team Leader and agree next steps. What is reasonable, will depend on the severity of the behaviour and urgency with which we need to act.

If the Team Leader suggests leaving the notice or letter in the mailbox, contact the customer the next working day, after the notice or letter has been delivered to their mailbox, to discuss the section 7.2 below.

### 7.2 Explaining reason for use of formal tool and customer's rights

When using formal tools, we must ensure the customer is aware of:



- why we have reached this decision
- what this means for them
- where they can find out more information or seek advice
- their right to challenge a notice (if appropriate).

### 7.3 Reaching an agreement with the customer

During our discussion, we can help the customer to explore how they might resolve and prevent further disruptive behaviour by asking strengths-based questions. See some suggested strengths-based questions below that might help the discussion and agreement:

- What do you think the issue is?
- What do you think the solution might be?
- What are the things that would have the solution possible?
- What support do you have that could help you with this?
- What support will you need from us?

### 7.4 Identifying what we can do to help resolve the situation

Through the course of the discussion, we might identify what we can do to support or help resolve the situation, this might include:

- increasing engagement with the customer to resolve disruptive behaviour
- seeking advice and guidance from others including S/HSM, Team Leader Housing Support, or the Advisor Wellbeing Support
- following up on or making new referrals to external support services
- contacting other parties for updates and advice such as Police or Noise Control.

### 7.5 Recording the meeting and what has been agreed

It can be helpful for the customer to provide a summary of the conversation and what was agreed.

Not every situation will require a letter to be provided the customer, for example, where the customer has already resolved the behaviour. However, where we are using formal tools or, we or the customer have agreed to do something, send the customer a [Summary of meeting to discuss matter or ongoing matter letter \(05-200\)](#). This will ensure everyone knows what is expected of them.

When using this letter, remember to include:

- a summary of what was discussed
- what the action is (for example, the customer confirms that they will ask visitors to moderate their language, or if the customer asks us to refer them to an external support provider)

- who is going to do it (for example, the customer, Housing Support Manager or external support provider)
- when it will be completed (for example, by the end of the following week).
- when we will speak with the customer again.

## 8. Maintaining contact with the complainant and customer

### 8.1 Contact with the complainant

Follow-up conversation/s with the complainant can provide the ideal opportunity to:

- understand the current situation, has it been resolved or have there been further incidences of disruptive behaviour?
- gather additional information where there have been further incidences
- provide an update about the actions we committed to, ensuring we maintain the customer's right to privacy
- check in regarding the impact that the behaviour is having on the complainant.

If the complainant confirms the behaviour has not reoccurred and we are satisfied that this can be sustained, discuss and reach agreement with the complainant that the complaint be closed.

A complaint can be closed when:

- the complainant has confirmed the behaviour has not reoccurred; or
- we have visited the customer and confirmed that the issue has been resolved (for example, car wreck has been removed); or
- there is insufficient information to support the complaint and we have taken all reasonable actions; or
- the customer has relocated to another home.

The decision to close the complaint will depend on the severity and context of the behaviour. In some situations, for example, where loud music occurs randomly causing disturbance, it may be helpful to keep the complaint open and maintain contact with the complainant to ensure the progress made by the customer is sustained.

If you are satisfied the behaviour has been resolved and this will be sustained, confirm that their complaint will be closed and take the opportunity to thank them for raising their concerns.

If the complainant indicates they do not agree for the complaint to be closed and further action should be taken, explore why they believe this and discuss why it is not reasonable to take actions they are seeking.

If the complainant confirms the behaviour has not been resolved, advise the complainant of your next steps (ensuring the customer's right to privacy is maintained) and agree when you will be in contact with them again.

Decide if you need to seek advice from the Advisor Wellbeing Support and Team Leader before contacting the customer. This might be needed if you are unsure how to proceed or think that formal tools might be appropriate. See [Seeking advice on next steps](#)

## 8.2 Contact with the customer

The follow up conversation with the customer can provide the opportunity to:

- discuss any new incidences of disruptive behaviour
- review the progress made by the customer on actions agreed previously
- reach an agreement on new actions needed, for example, referral to an external support service
- discuss the use of formal tools, where approval has been given
- discuss how progress can be maintained

If the behaviour has been resolved, acknowledge the progress made by the customer and discuss what they can do to maintain progress and their plan if progress goes off track. Let customer know the complaint will be closed.

If the behaviour has escalated and the customer is not working towards a resolution, review and update the agreed actions and where approved, discuss with the customer the use of formal tools. Agree on the next interaction with the customer.

If the behaviour has not resolved but the customer is working towards a resolution and a working agreement is in place, acknowledge the progress made by the customer, review and update actions to prevent further disruptive behaviour and agree the next interaction with customer.

## 9. Appendix: Informal and formal tools – disruptive behaviour

We have a range of informal and formal tools to support the resolution of disruptive behaviour. These tools can be used either separately or together and must be used appropriately, dependent on the severity of the behaviour and the impact it has on others.

In most situations, informal tools are effective in preventing further disruptive behaviour. Informal tools don't require approval, for example, referring a customer to a support service.

Where the behaviour is serious, persistent, or informal tools have not been successful, we may need to use formal tools to encourage a change in behaviour. Formal tools usually have a legislative basis and require approval before they can be used, for example, providing the customer with a legal notice about their behaviour.

We can use formal tools in conjunction with informal tools, for example, referring the customer to an external support service while providing them with a notice about their behaviour.

### 9.1 Informal tools

#### 9.1.1 Increased engagement with the customer

Increasing our level of contact and engagement with the customer builds a stronger relationship that enables us to work with them to resolve and prevent further disruptive behaviour.

Where the customer has agreed to do something or we have decided that using informal tools is appropriate, more regular engagement can help the customer to maintain progress and where things are not on track, we can intervene earlier to provide support.

#### **When should this be used**

You should consider increased engagement with the customer when:

- there is a likelihood that the behaviour will escalate
- the customer requires additional support to resolve and prevent further disruptive behaviour.

#### **Next steps**

Discuss with the customer how increasing the frequency of contact might help. Reach an agreement with them about what this increased contact might look like and when the next contact will be.

#### **9.1.2 Referral to an external support service**

During your conversation with the customer, they might identify, or you might suggest how external support providers could help them resolve any underlying causes of the behaviour. These services might include:

- mental health support
- parenting advice and support
- drug and alcohol rehabilitation
- financial literacy
- anger management or counselling through a GP referral
- women's refuge.

You can find out more about community services available in your area by visiting the [Community Support Services Directory](#). We can only make a referral with the customer's informed consent, this means letting them know the service they will be referred to and what information will be shared as part of the referral.

#### **Next steps**

When you have identified an appropriate service and you have the customer's informed consent, see Guideline for making a referral (CT-GDL-012).

#### **9.1.3 Sustaining Tenancies Review Group**

The Review Group assesses individual cases to ensure complex tenancies are managed in a fair and reasonable way. They make sure we have taken all reasonable steps when working with a customer before further action is recommended.

The Review Group may offer advice on alternative approaches including engagement with external services.

#### **When should this be used?**

You should consider a referral to the Review Group when:

- the customer is displaying disruptive or illegal behaviour that poses health and safety risks to others, for example, physical assault, threats of violence or drug usage

- many attempts have been made to work with the customer and support agencies over an extended period, that is, over a six months period, but attempts have been unsuccessful at stabilising the tenancy
- an intervention to the problem is identified. However, the customer is not willing to engage and the situation is escalating or on going
- an offer to relocate the customer has been made but the customer is refusing to voluntarily move
- required relocation s53B or a final s55a notice has been identified as the resolution.

#### Next steps

A submission form needs to be completed providing details about the customer and the situation. See [Sustaining Tenancies - Review Group](#) for more details on the Review Group and what is needed to progress a case to the group.

## 9.2 Formal tools

### 9.2.1 Section 40 letter (05-090)

When the customer signed their tenancy agreement, they agreed not to cause or permit any unreasonable disturbance to their neighbour's peace, quiet and enjoyment of their homes. As part of intervening early, it might be beneficial to remind the customer of these responsibilities by providing them with a section 40 letter.

#### When should I use this?

You should consider providing a Section 40 letter when:

- the behaviour is minor **or**
- the behaviour is not persistent **or**
- you have been unable to contact the customer **and**
- a reminder of their responsibilities would be helpful.

#### Next steps

Talk to your Team Leader. This will ensure that they are aware of the situation and that they can support you if further action is needed. Get their agreement to provide the letter to the customer. If agreed, give the customer [Not meeting tenant obligations – section 40\(2\)\(c\) \(05-090\)](#) letter

### 9.2.2 Section 56 letter (05-020)

The customer may be able to resolve the disruptive behaviour by being asked to remedy the issue by taking action, for example, removing accumulated rubbish from the property. A section 56 letter requesting that they take action can be provided to the customer.

This can be provided to the customer to document a conversation or where we have been unable to make contact to discuss the issue.

#### When should I use this

You should consider providing a section 56 letter when:

- the customer needs to put something right and it can be remedied, for example repairing damage; **or**

- we have received an abatement notice from a Body Corporate or Council.

### Next steps

Talk to your Team Leader. This will ensure that they are aware of the situation and that they can support you if further action is needed. Get their agreement to provide the letter to the customer. If agreed, give the customer [Not meeting tenant obligations – section 56 \(05-020\)](#) letter

### 9.2.3 Agreed relocation

Sometimes, the option to move to another home might be the best option to enable the customer and neighbours to move forward and live well. This can be achieved by reaching an agreement with the customer to relocate.

Relocation has the potential to negatively impact the customer and their whānau, so we should always consider what we can do to resolve the disruptive behaviour at their current property before considering relocation as an option.

#### When should this be used?

We should consider voluntary relocation when:

- the home is not large enough for the customer and their whānau and this is contributing to the disruptive behaviour
- the physical environment is a contributing factor to the disruptive behaviour, for example the customer lives in a rear section with a shared driveway
- the relationship with neighbours is irreconcilable and unlikely to improve
- the home is too far away from whānau or external support providers and this is preventing them from being supported
- when other approaches have not been successful and informal resolution has been exhausted, for example, referring the customer to an external support service.

Agreed relocation of either the customer or the complainant (where they are also a Kāinga Ora customer) should not be considered as the first option and we should explore other options to resolve the behaviour first.

### Next steps

Talk to the Advisor Wellbeing Support and Team Leader Housing Support and discuss why you think this is right for the customer. Get approval for a business initiated transfer from the Manager Regional Placement before discussing relocation as an option with the customer.

See [Manage Tenant Transfer \(CT-728\)](#).

### 9.2.4 Section 55A notice

Where behaviour is serious and/or persistent and it meets the definition of anti-social behaviour outlined in the Residential Tenancies Act 1986 (s55A (7), which is harassment or any other act or omission (whether intentional or not), if the act or omission reasonably causes alarm, distress or nuisance that is more than minor) it may be appropriate to provide the customer with a notice highlighting the behaviour.

Not all incidents of disruptive behaviour will meet the threshold for giving the customer a s55A notice. Where the behaviour meets this threshold, the s55A notice enables us to address the behaviour, but it also provides the customer with an opportunity to reflect on the situation and work on changing their behaviour.

The Residential Tenancies Act (s55A) gives us the ability to provide the customer with a series of three notices in response to specific and separate incidences of anti-social behaviour that meets the threshold to provide a s55A notice. The notices must contain specific information about the behaviour.

Where there have been three instances of anti-social behaviour within a 90 day period, and three notices have been issued, and specific conditions have been met, we may apply to the Tenancy Tribunal to terminate the tenancy within 28 days of the final notice being issued. In these situations, we will offer the customer an alternative home.

We must inform the customer of their right to challenge notices by applying to the Tenancy Tribunal. They can challenge the notice where they dispute that the behaviour did not occur as described in the notice.

If the customer tells us that they will be challenging the notice and further behaviour occurs, we will provide the customer with a further s55A notice or make an application to the Tenancy Tribunal for termination.

#### **When should this be used?**

Consider providing the customer with an s55A notice when:

- the behaviour meets the legal definition of anti-social behaviour of “harassment or any other act or omission (whether intentional or not) that reasonably causes alarm, distress or nuisance that is more than minor”
- it is not appropriate to pursue voluntary or required relocation due to the significant impact the disruptive behavior is having on the community.

#### **Next steps**

Talk to the Advisor Wellbeing Support and Team Leader Housing Support and discuss why this is the right step. Get endorsement from the Team Leader and get approval from Deputy Chief Executive or Regional Director.

Where a final notice and termination of the tenancy is sought, this will need to be considered by the Review Group.

See [Issue section 55A notice and end tenancy \(CT-PRO-351\)](#) for more detail.

#### **9.2.5 Required relocation (s53B) notice**

Sometimes, we may consider relocation is the best option to resolve the disruptive behaviour and enable the customer and community to live well. When we reach this decision, we always seek to work with the customer to relocate on a voluntary basis.

If the customer will not voluntarily relocate, or the properties we have offered have been declined, we might consider issuing a required relocation notice to the customer.

The Residential Tenancies Act (s53B) gives us the ability to require the customer to move. We must offer the customer a suitable alternative that meets their needs based on their last housing assessment and we need to provide the customer with a minimum of 90 days written notice.

### When should this be used?

Consider required relocation when:

- relocation to another home is the best option for the customer, **and**
- we have been unable to reach a voluntary agreement with them to relocate, **or**
- they have declined multiple property offers that meet their needs

### Next steps

Talk to the Advisor Wellbeing Support and Team Leader Housing Support and discuss if this is right for the customer. Get endorsement from the Team Leader and complete a submission to the Review Group.

See [Issue required relocation notice and obtain possession of property \(CT-PRO-350\)](#) for more information

### 9.2.6 Termination of tenancy (s55)

When severe and dangerous disruptive behaviour has occurred, for example, physical assault, and this cannot be remedied by the customer, we may consider that our only option is to apply to the Tenancy Tribunal to terminate their tenancy.

The Residential Tenancies Act (s55) gives us the ability to make an application to the Tenancy Tribunal to terminate the customer's tenancy without giving prior written notice to the customer. However, we should ensure that the customer is aware of our decision before the Tenancy Tribunal application is made.

We will consider offering the customer relocation to another home on a case by case basis.

### When could this be used?

Consider tenancy termination (s55) when the:

- customer has assaulted or threatened to seriously harm a Kāinga Ora employee or agent, or any neighbour or person (it does not have to be one of our customers); or
- customer has permitted any other person to cause or threaten to cause any of the above

### Next steps

Talk to Team Leader Housing Support urgently who will discuss with Regional Director & Deputy Chief Executive. Regional Director and/or Deputy Chief Executive will seek advice from Legal team and Issues and Operations team to determine the response needed.

If termination of the customer's tenancy under section 55 is agreed as the right approach, obtain the DCE's approval by completing [Approval to proceed to Tenancy Tribunal \(CT-FRM-019\)](#). If approval is given, give [Letter to customer – Tenancy Tribunal application under section 55 \(05-094\)](#).

**Note:** Section 55 of the RTA allows us to seek termination without the Police charging the customer with assault.



## 10. Document control

### Version release

Current and previous versions of this document are stored in our document management system and are managed by the Technical Writing team. For any queries contact [busdoc@kaingaora.govt.nz](mailto:busdoc@kaingaora.govt.nz).

Version	Reason for change
1	New
2	Added reference to Family violence guidance policy; updated and fixed some links; minor edits made to a form and ref policy names.

### SME review

Name	Designation	Date
Martin Pearce	Senior Advisor, Customer Practice and Improvement	18 October 2022 24 November 2022

### Endorsers

Legal		Date
Carey Bentley-Beckham	Legal Counsel, General Counsel	18 October 2022
Business Owner		Date
Shannon Gatfield	Director – Practice and Customer Contact	21 October 2022

### Keywords for Atamai

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### Information architecture

Tenancies > Support to live well

### **Section 39: Guideline for tenancy management (CT-GDL-021)**

*We take the non-occupation of our properties seriously and staff must investigate all allegations that a tenant is no longer residing at the property. All tenants are expected to occupy their tenancy continuously.*

*A tenant must advise us if they wish to be absent from the property for a period greater than 30 days, as per their tenancy agreement. **Note:** Remember to check the tenancy agreement, as older agreements may not include this clause.*

*On each occasion, staff must discuss with the tenant the length of the absence, arrangements for payment of rent and for care of the property and contact details in case of an emergency. If the tenant is having someone stay in the property while they are away it must be explained to the tenant that they are responsible for their actions, for example any damage cause is the tenant's responsibility.*

*If the tenant does not return to the property when agreed, standard letter - Notice of breach of tenant responsibilities – section 56 (05-020) must be issued and follow up action taken in the Tenancy Tribunal if the notice is not complied with.*

Released under the Official Information Act 1982

## Procedures for managing vacant properties

### Step Action

1. If the property has not yet been tenanted, sold or redevelopment has not started, the Void Specialist, Senior Tenancy Manager/Tenancy Manager must discuss with the asset manager/Lease Manager and/or Maintenance Delivery staff if there is a need for actions to keep the property tidy and to deter vandalism and theft, for example:

- regular lawn mowing
- removal of appliances
- installation of a security system.

If it is decided additional security actions are needed, Maintenance Delivery staff will create the work order.

2. The property is still part of the Void Specialist, Senior Tenancy Manager's/Tenancy Manager's portfolio.

- Where appropriate, notify neighbours of the vacancy. Ask them to keep an eye on it and contact the Customer Services Centre if they notice any vandalism or unusual activity.
- Drive by regularly to monitor that the property is secure and tidy.
- If any work is required, contact Maintenance Delivery staff or the Lease Manager for instructions. If a work order needs to be created in Kotahi, they will confirm the details for the Void Specialist, Senior Tenancy Manager/Tenancy Manager. If the work order is to be created in eAM, Maintenance Delivery staff will complete this task

Released under the Official Information Act 1982

## Policy: Disruptive Behaviour Policy (POL-355)

<b>Issue Date</b>	May 2022	<b>Approval</b>	General Manager, National Services
<b>Owner</b>	Practice and Customer Contact	<b>Author</b>	Operational Policy

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### Purpose

1. This policy outlines the approach Kāinga Ora – Homes and Communities (Kāinga Ora) will take when working with our customers, other agencies and community providers to prevent and manage disruptive behaviour.
2. This policy is guided by the Kāinga Ora ‘Sustaining Tenancies Framework’ and is one of a suite of policies that supports our customers to live well, with dignity and stability in connected communities.

### Background

3. Kāinga Ora provides public housing to a wide range of customers, some of whom are experiencing complex and challenging life circumstances. While most of our customers live well in their homes, some may require additional support to live well in their communities.
4. Kāinga Ora is committed to working with our customers to achieve successful, sustainable tenancies.<sup>1</sup> We apply a ‘sustaining tenancies’ approach to our tenancy management practice and support our customers to live well, with dignity, in connected communities.<sup>2</sup>

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<sup>1</sup> Section 14, Kāinga Ora – Homes and Communities Act 2019

<sup>2</sup> Section 14, Kāinga Ora – Homes and Communities Act 2019

5. As a responsible public housing landlord, we work alongside our customers to access support services they may need to live well in their homes with the greatest degree of independence possible.<sup>3</sup>
6. We seek to identify the root cause of any issues as they arise and tailor our approach in a way that works for each individual and their whānau. We do this by working with other agencies and community providers where appropriate, assisting our customers to access the right supports at the right time.<sup>4</sup>

### Our Responsibilities

7. Kāinga Ora must fulfil a range of legislative obligations when delivering our role as a public housing landlord. Of particular relevance to this policy:

- **The Kāinga Ora – Homes and Communities Act 2019** requires that we support our customers to be well connected to their communities, to lead lives with dignity and the greatest degree of independence possible, and to successfully sustain their tenancies.<sup>5</sup> We also need to ensure that we operate as a fair and reasonable landlord, treating tenants and their neighbours with respect, integrity and honesty.<sup>6</sup>
- **The Residential Tenancies Act 1986** places an obligation on landlords to take reasonable steps to ensure that other tenants don't interfere with the tenant's right to quiet enjoyment.<sup>7</sup> The Act includes provisions specific to terminating a tenancy for anti-social behaviour.<sup>8</sup> The tools available and our approach to them under Sustaining Tenancies are set out in **Appendix One**.
- **The Public and Community Housing Management Act 1992** allows us to transfer a tenant<sup>9</sup> to a different Kāinga Ora house which meets their needs, if we consider that a transfer is necessary or desirable for any reason.
- **The Health and Safety at Work Act 2015** requires Kāinga Ora to take all reasonable steps to mitigate health and safety risks to our people, and to keep our people safe.

8. As a public body, Kāinga Ora also has a duty to act fairly, reasonably and lawfully. We apply the principles of natural justice when working to resolve issues with our customers,

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<sup>3</sup> Section 14, Kāinga Ora – Homes and Communities Act 2019

<sup>4</sup> Goal 5, Customer Strategy

<sup>5</sup> Principle 14 (b), Kāinga Ora – Homes and Communities Act 2019

<sup>6</sup> Principle 14(1)(h) of The Kāinga Ora – Homes and Communities Act 2019; Letter of Expectations, 11 November 2019

<sup>7</sup> Section 45(1)(e), Residential Tenancies Act 1986

<sup>8</sup> Section 55A, Residential Tenancies Act 1986

<sup>9</sup> Section 75, Public and Community Housing Management Act 1992

ensuring all parties have the opportunity to be heard, have access to information concerning their tenancy and decision-makers are free from bias.

## Scope

9. This policy applies to disruptive or 'anti-social behaviour' demonstrated by a customer who is the legal tenant of a Kāinga Ora property. It also applies to a household member or visitor who is present in the home with the customer's permission. This policy should be read in conjunction with the 'Sustaining Tenancies Framework'.

### Disruptive behaviour

10. The Residential Tenancies Act (RTA) allows for a tenancy to be terminated for anti-social behaviour. For the purposes of this type of termination, anti-social behaviour is defined in the RTA as harassment, or any other act or omission (whether intentional or not) that reasonably causes alarm, distress or nuisance. Behaviour that is anti-social under the RTA definition must be have an effect that is more than minor and does not apply to day-to-day activities, such as the use of lawnmowers, children playing outside or playing music at reasonable levels during daytime hours. At Kāinga Ora we refer to anti-social behaviour as disruptive behaviour.
11. Disruptive behaviour includes persistent, aggressive or threatening behaviour toward a neighbour, member of the household or our people. Disruptive behaviour that poses a risk to the safety or security of residents, neighbours or our people is considered severe and should be escalated immediately. See the 'Escalation' section below for further information, and Appendix Two – 'Categories of Disruptive Behaviour'.

### Employee Safety

12. This policy should be read in conjunction with the Staying Safe and Secure Guidelines (SS-GDL-110). This sets out requirements relating to personal safety while in the office and the community, for employees and contractors and others working for Kāinga Ora.

## Policy

13. Kāinga Ora is committed to ensuring that our homes and communities are pleasant and secure places to live. We recognise the rights of our customers and their neighbours to peaceful enjoyment of their homes and will respond to and seek solutions for incidents of disruptive behaviour caused by or affecting our customers and their whānau, or by visitors present with the customer's permission.
14. This policy seeks to:

- Provide our customers with tailored support to live well and successfully sustain their tenancies;
- Fulfil our health and safety obligations to customers and our staff (including contractors) under the Health and Safety at Work Act 2015; and
- Meet our legislative requirements as a good public housing landlord.<sup>10</sup>

### Guiding principles

15. The following principles guide our approach when working with our customers to support them to successfully sustain their tenancies:

- **We build trusted, respectful relationships** with our customers and communities and seek to gain an understanding of their wider circumstances, supporting the customer to address the root cause of issues where we can.
- **We seek to prevent issues arising in the first place** through early intervention and engagement. We engage with individual customers and their whānau in a way that works for them.
- **We work with our customers** toward potential resolution by supporting our customers to develop meaningful, empowering goals for which they are accountable and willing to take steps to achieve.
- **We provide access to support services** where necessary, working with customers to access the support of other agencies or specialist support services where required.

### Prevention

16. Kāinga Ora strives to ensure that our customers and their neighbours experience quiet enjoyment of their homes. We expect our customers to respect the values and wellbeing of others and to act reasonably with consideration for others in their community.

17. We recognise the value of early intervention and will endeavour to minimise the progression of circumstances that may lead to disruptive behaviour. We will do this by:

- Ensuring the best possible placement of new customers.
- Educating all new customers of our policies and their responsibilities to neighbours.
- Conducting 'settling in' visits with all new customers to begin relationship building

<sup>10</sup> Residential Tenancies Act 1986, Kāinga Ora – Homes and Communities Act 2019

and identify any potential support requirements.

- Facilitating community 'meet and greet' events to provide opportunities for customers to meet each other and get to know their community.

### **When we become aware of disruptive behaviour**

18. While it is not the role of Kāinga Ora to proactively monitor customer behaviour, we are a responsible public housing landlord and will respond to, and seek solutions for, incidents concerning disruptive behaviour. This may be behaviour that is either caused by or that directly affects our customers and their whānau.

19. Upon becoming aware of disruptive behaviour, we are committed to:

- Escalating situations that pose a safety or security risk, as set out in the 'Escalation' section below.
- Working through notifications and observations of disruptive behaviour with a presumption of innocence.
- Ascertaining all of the details and ensuring these are validated by all parties involved.
- Applying principles of natural justice, ensuring all parties are heard and their perspectives understood.
- Developing a fair and balanced view of events by providing impartial support to all involved.

### **Stabilising the tenancy**

20. Kāinga Ora is committed to supporting our customers to sustain their tenancy, wherever possible. Once we have validated claims of disruptive behaviour, we will work with all parties to help stabilise the customer's tenancy.

21. We will seek to stabilise a tenancy by working alongside customers and their whānau, with a full understanding of their circumstances wherever possible. We will seek to increase our engagement with the customer and their whānau. We recognise that additional support from community service providers may also be necessary to support the stabilisation of the tenancy and will engage these services where appropriate.

### **Tools**

22. There are various legislative tools available to Landlords, including notices, which are available under the Residential Tenancies Act. At Kāinga Ora, our range of tools is much wider than that provided by legislation, and includes all the relationship and community



building that forms the basis of a sustaining tenancies approach. We will write to tenants and let them know when their behaviour is having a detrimental impact on other tenants, neighbours or our staff, and what we expect them to do differently. But this will almost never be in the form of a formal legal notice under the Residential Tenancies Act.

23. One of the tools available to us is a transfer of a tenant under s53B of the Residential Tenancies Act. This provision allows Kāinga Ora to require a tenant to transfer for any reason (where there is alternative housing available that suits the tenant's needs). This includes where the tenancy is no longer suitable due to serious and repeated disruptive behaviour. This step would only be considered as a last resort and backed up with appropriate support for any tenant transferred, and only undertaken with Review Group approval (for further information on the Review Group, see below).
24. A further tool is s55A which sets out a process for issuing 'anti-social behaviour notices' as defined under the Residential Tenancies Act; with the ability to apply to the Tribunal for the tenancy to be terminated if three notices are issued within 90 days. Kāinga Ora would only use this process as a last resort; with a graduated series of letters and contacts with the customer with Regional Director, Regional DCE and Review Group consideration; and with any customer whose tenancy is terminated being offered another Kāinga Ora home.
25. There is more detailed information about the tools under **Appendix One**. This Appendix sets out a sustaining tenancies approach to each potential tool including whether it is appropriate to use that tool under a sustaining tenancies approach. **Appendix Two** sets out three categories of disruptive behaviour. These should be used by staff to assess tenant behaviour for the purpose of planning and tailoring their responses *to support the tenant, their whānau and the community*. The definitions also help staff to know when to seek peer support, and when to refer a situation to the Review Group. These definitions should be used alongside definitions used as part of our Customer Risk Rating system and our Guidance for Staying Safe and Secure. These last two documents are not specifically tenant focussed, and relate to how staff should keep themselves safe and secure in the face of behaviour by any person they encounter, wider than just tenants.

#### **Kāinga Ora Review Group**

26. Kāinga Ora will strive to find alternative ways of supporting our customers to fulfil their tenancy obligations. However, we recognise that complex situations may arise where escalation is necessary.
27. The Kāinga Ora Review Group (Review Group) will serve as a forum for our people to escalate difficult challenges and issues where further action or guidance is required. The Review Group will recommend a course of action, including continuing to manage the tenancy or to take further action.

28. A key function of the Review Group is to provide our people with support to manage complex situations as safely as possible, allowing for consistency and visibility of decision making. It is also tasked with ensuring that recommendations affecting our customers are fair and reasonable and that all steps taken to manage the tenancy are consistent with our policies and legislative obligations.
29. Examples of complex situations that may require escalation to the Review Group include:
- Situations where our people have worked closely with a customer and their whānau over an extended period of time and have been unable to successfully stabilise the tenancy.
  - Where an appropriate intervention is identified and the customer is unwilling to co-operate – for example, recommending a transfer to a suitable alternative property.
  - Behaviour that poses a risk to the health and safety of others and could result in a Police charge or conviction. For example, allegations of illegal drug production at the property, supply or trafficking, or acts or threats of violence.
  - Situations involving physical assault. The Review Group will be tasked with ensuring the necessary supports are in place to protect the wellbeing of our people and fulfil our obligations under the Health and Safety at Work Act 2015.
30. The Review Group will make recommendations to the Chief Executive and the relevant Place Based DCE where disruptive behaviour is unable to be resolved and all options for sustaining the current tenancy have been thoroughly explored.
31. Recommendations made by the Review Group may cover a variety of options, including:
- Providing advice on alternative approaches to continue sustaining the tenancy; or
  - Transferring the customer to an appropriate alternative Kāinga Ora home.
32. Kāinga Ora is committed to sustaining tenancies wherever possible. All recommendations put forward by the Review Group will be assessed against prescribed criteria to ensure we are reaching fair, consistent and defensible outcomes that align with our policies and legislative obligations. We encourage our people to escalate challenging situations or complex issues to the Review Group for further advice and support.

## Related documents

### Related Kāinga Ora policies and other documents:

- Sustaining Tenancies Framework

- Rent Debt Policy
- Referral to Social Service Providers Framework
- Match to a Suitable Home Policy
- Drugs Policy
- Complaints Policy
- Anti-social Behaviour Escalation Pathway
- Anti-social Behaviour Guidelines
- Guidance for Staying Safe and Secure (SS-GDL-110).
- Safe Work Plan (SWP) Guidelines Information
- Guidance on use of s53B for Transferring Tenants
- Guidance on use of s55A for issuing anti-social behaviour notices

**Relevant legislation:**

- Kāinga Ora – Homes and Communities Act 2019
- Residential Tenancies Act 1986
- Public Housing and Community Management Act 1992
- Health and Safety at Work Act 2015
- Privacy Act 1993
- New Zealand Bill of Rights Act 1990

**The Privacy Act**

33. The provisions of the Privacy Act must be upheld to protect customers’ privacy. The Privacy Act sets out principles for the collection, storage, use and disclosure of personal information to which Kāinga Ora must adhere. See the Kāinga Ora Guide to the Privacy Act.

**Document control**

Date	Reviewed/Modified by	Comments/Descriptions of changes
Sept 2020	Hannah Stanfield, Senior Operational Policy Analyst	Policy drafted

June 2021	Melanie Smith, Manager, Operational Policy	Updated to reflect Customer Programme Final Decision Document, Health, Safety and Security review and Māori Interest Review
March 2022	Julian Silver, Director Policy Shannon Gatfield, Director Practice and Customer Contact Nick Maling, GM National Services	Updated to reflect decisions on use of tools under the Residential Tenancies Act, and final sign-off
May 2022	Ma'anaima Soa-Lafoa'i	Updated disruptive behaviour categories to address feedback from Health and Safety and align with the Interim approach document (CT-PRO-206)

Released under the Official Information Act 1982

Appendix One – Tools available under the Residential Tenancies Act

Provision	Purpose	What we do in practice
s40	Sets out the responsibilities all tenants must meet.	In general, when a customer is not meeting their responsibilities as a tenant and we have been unable to engage with them in person, Kāinga Ora may send a letter to the customer, letting them know they are not meeting their responsibilities and providing time to remedy.
s53B	<p>Enables a customer to be transferred to another social housing property if necessary or desirable for any reason and there is other housing available that is appropriate for their housing needs.</p> <p>A Transfer Notice must be provided to the customer to trigger the section</p>	<p><b>Required Relocation</b></p> <p>This provision allows Kāinga Ora to transfer customers where there is alternative housing available that better suits their needs, including where the tenancy is no longer sustainable due to serious and repeated disruptive behaviour.</p> <p>This provision should only be used for disruptive behaviour as a last resort, and with a recommendation from the Review Group and DCE approval.</p> <p>Where a customer is provided with a Required Relocation Notice and still refuses to move, Kāinga Ora may need to apply to the Tenancy Tribunal for a Possession Order. This will require a recommendation from the Review Group and DCE approval. Any enforcement of the possession order will need DCE and CE Approval.</p> <p>Kāinga Ora will ensure there are at least two suitable alternative homes available to the customer for 10 days post enforcement of the possession order. See also Required Relocation Process.</p>

s55	<p>Sets out grounds for application to the Tribunal to make an order for termination of tenancy for non-payment of rent, damage or assault.</p>	<p><b>Severe and Deliberate Physical Assault or Threat of Harm</b></p> <p>Kāinga Ora will use this provision to terminate a tenancy in extreme circumstances and only with the consideration of the Review Group and DCE approval.</p> <p>Any enforcement of the possession order will need DCE and CE Approval.</p> <p>Kāinga Ora will ensure there are at least two suitable alternative homes available to the customer for 10 days post enforcement of the possession order. See also Required Relocation Process.</p>
s55A	<p>Section 55A notices are intended to allow landlords to respond to serious and repeated ‘anti-social behaviour’ as defined by the Residential Tenancies Act.</p> <p>A written notice must set out the behaviour, who, date, how many times, and tenant’s right to challenge the notice.</p> <p>A landlord may choose to apply to the Tribunal to end a tenancy after issuing 3 notices within a 90-day period but does not have to.</p>	<p><b>Responsive Relocation</b></p> <p>Kāinga Ora will use this provision to issue written notices where there is severe and persistent disruptive behaviour. The details are set out in Guidance but would involve a graduated series of notices, accompanied by face-to-face meetings where possible, and approved by the Place-Based DCE or Regional Director.</p> <p>The Final Notice, when 3 Notices have been issued within 90 days, would confirm that Kāinga Ora is now applying to the Tribunal to end the tenancy, and would need to be discussed and endorsed by the Review Group with final approval from the DCE.</p> <p>Any enforcement of the possession order will need DCE and CE Approval.</p> <p>Kāinga Ora will ensure there are at least two suitable alternative homes available to the customer for 10 days post enforcement of the possession order.</p>

s56	<p>Sets out grounds for application to the Tribunal to make an order for termination of tenancy for non-payment of rent and other breaches.</p> <p>This is the general provision to terminate tenancy for any breach.</p>	<p>In general, when a customer is not meeting their responsibilities as a tenant and we have been unable to engage with them in person, Kāinga Ora may send a letter to the customer, letting them know they're not meeting their responsibilities and providing time to remedy.</p> <p>At present, Kāinga Ora will not use this provision to terminate a tenancy for disruptive behaviour, but will consider a review of this based on advice from the Review Group.</p>

Released under the Official Information Act 1982

## Appendix Two – Categories of Disruptive Behaviour

*Note: Categories may tip from one to another, and in some circumstances this may happen very quickly.*

Categories of Disruptive Behaviour	Description
<p><b>Category A:</b> Dangerous or severe disruptive behaviour</p>	<p>These are activities that pose a risk to the safety or security of residents, neighbours, Kāinga Ora people or contractors, and may result in Police charges and/or conviction.</p> <p>For example: illegal or alleged illegal activity at the property such as drug production, supply or trafficking, acts of violence, presentation of weapons, threats to kill, persistent intimidation or malicious harassment against other tenants, neighbours or Kāinga Ora people/contractors, instances of hateful, and threatening or intimidating behaviour because of perceived differences (race, mental health, disability, etc.). This may also include psychosocial harm. We expect that behaviours in this category will be referred directly to the Review Group for visibility, guidance and recommendations for next steps.</p>
<p><b>Category B:</b> Serious and persistent disruptive behaviour</p>	<p>These are frequent activities that intentionally or recklessly disturb neighbours, place the safety or security of a tenant, other household members, neighbours or Kāinga Ora people/contractors at risk.</p> <p>For example: harassing neighbours, intentional disturbances including using obscene and abusive language, or provoking pets to attack. This may also include psychosocial harm.</p>



	<p>Where behaviour is ongoing and causing severe disruption to neighbours or the community, it may cross into category A for discussion with the Review Group.</p> <p>We expect that behaviours in this category will be managed using tools from the Disruptive Behaviour Intervention Pathway and cases may be referred to the Review Group for advice on next steps, where the issue cannot be resolved.</p>
<p><b>Category C:</b> Minor (general or nuisance) behaviour</p>	<p>These are activities that could reasonably happen occasionally in a household but which may disturb the peace, comfort or privacy of other tenants or neighbours. For example: infrequent disturbances, obscene language directed towards another person in an abusive way, noise nuisance between 10pm-6am, basic breaches such as pet nuisance (e.g. ongoing, excessive barking).</p> <p>Often when a customer comes to our attention via 'Category C', the 'behaviour' can be a symptom of something much deeper and we may need to intervene upfront to assist the customer to resolve the matter (e.g. assistance to relocate the pet) while we work with them to stabilise their tenancy.</p> <p>We expect that minor nuisances in this category will be managed through general tenancy management practices and tools (highlighted in the Disruptive Behaviour Intervention Pathway).</p>

Released under the Official Information Act 1982

# Policy: Sustaining Tenancies Framework (POL-358)

<b>Issue Date</b>	September 2021	<b>Approved by</b>	General Manager, National Services
<b>Owner</b>	Practice and Customer Contact	<b>Author</b>	Operational Policy

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## Purpose

1. Under the Kāinga Ora – Homes and Communities Act 2019 Kāinga Ora is charged with supporting our customers to sustain their tenancies.<sup>1</sup> This Policy Statement establishes principles to help our customers successfully sustain their tenancies, and outlines what sustaining tenancies means in terms of our commitment and approach.

## Background

2. The Kāinga Ora Sustaining Tenancies Framework outlines our commitment to delivering targeted and tailored support to our customers.
3. Kāinga Ora is committed to public housing solutions that contribute positively to wellbeing. We are dedicated to working alongside our customers, their whānau and support providers to build and maintain strong, positive relationships that:
  - support our customers to sustain tenancies; and
  - assist communities where we have homes to develop and thrive as cohesive and safe places to live.<sup>2</sup>
4. Sustaining tenancies means that Kāinga Ora is committed to maximising housing stability so that customers are positioned to build better lives and stronger communities. We aim to avoid evictions and exits into homelessness at all times and have adopted an

<sup>1</sup> Section 14, Kāinga Ora – Homes and Communities Act 2019

<sup>2</sup> Section 14, Kāinga Ora – Homes and Communities Act 2019

approach to providing public housing to help people remain in, or get back to, a state of wellbeing.

5. Kāinga Ora applies a customer-centred and whānau-centred approach to tenancy management. We assist our customers to access support services required to sustain their tenancies, stay well connected to their communities and lead lives with dignity and the greatest degree of independence possible.<sup>3</sup>
6. Kāinga Ora will ensure that our policies reflect the principles of Te Tiriti o Waitangi to address the over-representation of Māori in homeless situations. We will understand and enable Māori aspirations for urban development. As an organisation we will support our people to effectively establish and maintain strong and trusted relationships with iwi/rōpū Māori.<sup>4</sup> We will develop strong and enduring relationships and partnerships with iwi/rōpū Māori, other stakeholders and our tenants based on the fundamental values of respect, reciprocity and trust. We will also ensure we engage meaningfully and with integrity to understand the people, groups and communities we work with or who are affected by our decisions, and involve them in the work we do on their behalf.
7. We recognise the complexities of maintaining tenancies for people experiencing high levels of disadvantage or with complex needs and take a customer-centred approach to all our policies, procedures and work practices, while also considering the health and safety of our people.
8. We will be a fair and reasonable landlord and treat our customers and their neighbours with manaakitanga (respect), tika (integrity) and pono (honesty). We recognise that we have obligations to our customers, their neighbours (who may also be our customers) and the wider community and these are sometimes require careful balancing.
9. Supporting our customers and whānau to sustain their tenancies is a shared whole of government responsibility. The social and economic costs of failing to sustain tenancies fall not only on the individuals who lose their home but on society as a whole.
10. Kāinga Ora has a lead role in identifying at risk tenancies and connecting our customers to government and support agencies so timely interventions can be made. Support should aim to address root causes, such as a history of abuse, cultural disconnection, institutional racism and intergenerational poverty as far is possible within our role. Problems like a history of abuse etc. may lead to a range of problems including debt, addictions, poor mental health and behavioural issues.
11. We are working with the Ministry of Social Development (MSD), Iwi, local government, community providers and other support agencies to improve the ways we support people to live well, with dignity and stability, in connected communities.

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<sup>3</sup> Section 14, Kāinga Ora – Homes and Communities Act 2019

<sup>4</sup> The operating principles of Kāinga Ora–Homes and Communities in section 14 of the Kāinga Ora – Homes and Communities Act 2019 include—

(i) identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:

(ii) partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development.

## Scope

12. This Policy Framework sets out the principles of the Kāinga Ora Sustaining Tenancies approach. It applies to all aspects of our relationships and interactions with our customers. There is a suite of operational policies and guidelines that sit beneath this Policy Framework. These include policies on managing disruptive behaviour, rent debt, and other relevant documents.
13. These policies will include practical guidance through the use of escalation pathways with options for responding to increasing need. Processes and procedures will also be developed to give more detailed guidance.
14. This Framework applies to any customer who is the legal tenant of a Kāinga Ora property. It also applies to a household member or visitor who is present in the home with the customer's permission.

## Policy

### Key Principles

15. The following key principles underpin our behaviours and aspirations, as we deliver our services. These principles include, but are not limited to, our commitment to recognise and respect the Crown's responsibilities under the Treaty of Waitangi and our commitment to consider and provide for Māori interests:
  - Partnership – we will build genuine partnerships with our customers, stakeholders, and communities to determine new opportunities for working together, or for better supporting our tenants.
  - Trust – mutual trust and reciprocity is at the heart of our relationship with our customers. We will value our customers' contribution and knowledge.
  - Dignity – every customer is an individual and a valuable member of society and will be treated with empathy, compassion and understanding. We will ensure outcomes are meaningful to our customers.
  - Cultural Respect – the values of people of all cultural and ethnic backgrounds will be respected and we will work with our customers to gain mutual understanding and outcomes.
  - Accessibility – our services will be accessible to all our customers and they will be able to access information about their rights and entitlements.
  - Adaptability – we will aim to accommodate our customers' changing needs over the life of their tenancy, including transferring customers to homes that better meet their needs.
  - Empowerment – we will help empower our customers to live independent and fulfilling lives and provide opportunities for them to thrive. Manaakitanga – our customers are at the heart of everything we do. We will uphold the mana of all

our customers and our agency through care, respect, generosity and relationship nurturing.

### **What Sustaining Tenancies Means**

16. We will take all reasonable steps to support customers to sustain tenancies. This means we will take a customer-centred/whānau-centred approach and:

- tailor efforts to sustain a tenancy to the individual circumstances and needs of the customer and their household members;
- build better relationships with our customers so we can better understand their needs, so we can adjust our response accordingly;
- be persistent and engage in a way that is most comfortable and suitable for our customers;
- focus on customer wellbeing by identifying what support people may need to live well;
- empower our customers to improve their own lives, rather than only looking at what they lack or need;
- support tenants to feel connected to their cultures and communities so that they can participate in community life;
- actively identify local, suitable support providers, and initiate a relationship between the customer, their whānau, and support provider;
- promote and support enhanced community capacity and leadership
- ensure individuals and whānau have a fit-for-purpose home; and
- never suspending tenants.<sup>5</sup>

### **Commitments**

17. Creating enduring change in the lives of our customers and communities requires us to take responsibility for achieving our vision. We therefore make the following commitments to our customers:

- We respect and care about you
- We value your opinion and knowledge and want to learn from you
- Your safety and wellbeing are our priority
- We will provide you with the right home and the right support
- We will be responsive
- We will communicate openly and clearly
- We continuously learn and innovate
- You will be supported to connect and participate in your community.

### **Referral Model**

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<sup>5</sup> In the past, if a tenant was suspended this meant they were ineligible for state housing for up to a year.

18. Our customers often present with complex multiple challenges. It is our role, in collaboration with the social sector, to ensure people get the support and homes they need to live their lives well. Kāinga Ora operates under a referral model. This means that customers and their whānau are supported to connect with appropriate support services that have the expertise to help them.
19. By delivering targeted and tailored support to our customers through relevant service providers and government agencies, we will sustain tenancies from the time people are placed in their home. We will work to connect them with support agencies and encourage and support them to engage fully with those agencies.
20. Our decisions in response to issues and incidents that may impact our customers will be led by their needs and culture. We will understand, listen, and support customers in a way that makes sense to them.

### **Residential Tenancies Act 1986**

21. The Residential Tenancies Act 1986 sets out the rights and responsibilities of landlords and tenants, including Kāinga Ora tenancies. Accordingly, we will ensure that we meet our responsibilities under the Act. This includes ensuring that we provide good quality, warm, dry and healthy homes and take all reasonable steps to ensure that our customers do not disturb other Kāinga Ora tenants.
22. We also expect our customers to fulfil their responsibilities under the Act, including paying rent on time, keeping the property clean and tidy, notifying us of any damage or repairs needed as soon as possible, paying utility bills, allowing us reasonable access and not disturbing their neighbours or other Kāinga Ora tenants.

### **Clear communication**

23. All customers will be given clear information about their tenancies regarding their rights and responsibilities in a language they can understand. Communication builds trust and customers will be more likely to engage positively with Kāinga Ora and support agencies to sustain their tenancies if they feel empowered and are involved in decision making.

### **Customer engagement**

24. Kāinga Ora values and respects our relationships with our customers and understands the importance of early intervention with vulnerable customers and those most at risk of not being able to sustain their tenancy.
25. We will tailor our engagement with our customers to meet their needs, demonstrating cultural awareness, and ensure the method is appropriate for the environment and circumstance. Kāinga Ora aspires to develop a range of approaches to work in different situations and provide greater flexibility to meet our customers' needs.
26. When a customer is struggling to meet their responsibilities as a tenant, our Housing Support Managers will assess each tenancy based on its own circumstances and a suitable strategy will be developed to work with the tenant using a capacity building approach. This takes into account various challenges our customers may have including:

- financial
- health (physical and mental)
- life skills
- discrimination
- disempowerment
- lack of safety
- responsiveness to contact
- age
- disability
- incidences of domestic and family violence.

27. This assessment will directly inform the methods and types of engagement used to support a tenancy into sustainability.

### **Support Coordination**

28. Kāinga Ora will work with customers to proactively identify any additional tenancy skills they require in order to maintain their own tenancies. We will also engage with customers to identify any other supports, resources or opportunities which would help overcome any barriers to successful tenancies.

29. Acknowledging the importance of separating tenancy management from the provision of support, we will coordinate support for tenants where appropriate, including referral to support providers.

30. Kāinga Ora will work closely with customers, their families and whānau and, if required, relevant support providers to assist customers to maintain their tenancies. This may include:

- resolving neighbour disputes
- identifying where customers may need assistance with household tasks, daily occupations and/or yard work
- identifying where customers may need modifications to their homes to help them live well
- putting arrears management and debt management plans in place
- linking people to support services through agreements and protocols developed with agencies
- advocating to ensure support organisations are there to help customers
- supporting customers to be self-determining, and to achieve their aspirations and goals.

### **Disputes**

31. Kāinga Ora will promptly respond to any disputes that arise in relation to tenancy issues. This includes neighbourhood issues, tenant to tenant issues or issues that affect a customer based on decisions made by us.

32. We will ensure we provide clear and accurate information to customers and prospective customers. However, from time to time, a customer or prospective customer may feel adversely affected by a decision. If this situation arises, customers or prospective customers are encouraged to raise their concerns with us through their Housing Support Manager by calling the Customer Service Centre on 0800 801 601, emailing [enquiries1@kaingaora.govt.nz](mailto:enquiries1@kaingaora.govt.nz) or filling in the feedback form at [www.kaingaora.govt.nz](http://www.kaingaora.govt.nz).
33. The Kāinga Ora Office of the Complaints Commissioner serves as an escalation point for complaints that are otherwise unable to be resolved by an individual business unit. The Office supports continuous improvement of our complaints processes and consequently, seeks to reduce the number of complaints made to external parties. For more information regarding disputes, refer to Office of the Complaints Commissioner webpage, the Kāinga Ora Complaints Policy and the Managing Disruptive Behaviour Policy.

## Related policies, procedures, legislation and documents

### Related Kāinga Ora policies:

- [Partnerships and Engagement Framework](#)
- Disruptive Behaviour Policy
- [Rent Debt Policy](#)
- Referral to Social Service Providers Policy (to be revised)
- Placement Policy (to be developed)
- Drugs Policy
- [Complaints Policy](#)

### Relevant legislation:

- [Kāinga Ora – Homes and Communities Act 2019](#)
- [Residential Tenancies Act 1986](#)
- [Health and Safety at Work Act 2015](#)

## Document control

Date	Reviewed/Modified by	Comments/Descriptions of changes
Jan 2020	Tamsin Wilkins, Principal Advisor	Revised to incorporate references to new Kāinga Ora – Homes and Communities Act and operating principles
Sept 2020	Tamsin Wilkins, Principal Advisor	Updated
June	Melanie Smith,	Updated to reflect Customer Programme Final



2021	Operational Policy Manager	Decision Document, Health, Safety and Security review and Māori Interest Review
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