

31 January 2022

s9(2)(a)



Thank you for your email of 15 November 2021 to Kāinga Ora – Homes and Communities requesting the following information under the Official Information Act 1982 (the Act):

*The current internal policies Kāinga Ora has for evicting tenants, and details as to how they have changed since 2017.
Please include any and all guidance documents Kāinga Ora officials use in relation to evictions.*

I also refer to your request of 26 January 2022, requesting *Kāinga Ora's Disruptive Behaviour Policy*

Following the April 2017 Letter of Expectations (provided to you on 15 December 2021) from the incumbent Housing Minister confirming a desire for Housing New Zealand Corporation (HNZC – now Kāinga Ora) to focus on sustaining tenancies, Kāinga Ora put steps in place to support customers to remain in their homes and live well in their communities. These steps included working with customers and whānau alongside specialist agencies to identify the root cause of issues and address what can be complex social needs.

Eviction of a Kāinga Ora customer due to their behavior has always been a very rare occurrence. An eviction occurs when a landlord successfully makes an application to the Tenancy Tribunal to terminate a tenancy and a court bailiff takes possession of the property, after a person or persons refuse to leave. Kāinga Ora does not have a specific policy for evicting tenants.

I am therefore refusing your request of 15 November 2021 under section 18(e) of the Act as the information requested does not exist. Current Kāinga Ora policies reflect the focus on sustaining tenancies. In response to your request of 22 January 2022, I am providing copies of two of the current Sustaining Tenancies internal policies. These policies, which I attach as appendices are:

- Sustaining Tenancies Framework (POL-358)
- Sustaining Tenancies – Disruptive Behaviour Policy (POL-355)

In your request of 15 November 2021, you also asked about changes to Kāinga Ora policies around evictions since 2017. As I have already stated, Kāinga Ora does not have an evictions policy. However, I provide a summary of the changes to our policies and frameworks regarding sustaining tenancies below.

In the April 2017 Letter of Expectations, HNZC was asked to consider how it could best support the Government's Social Investment approach.

Also in April 2017, the HNZC Board signed off on the 2017-2021 Strategic Plan. The Strategic Plan recognised HNZC needed to rethink its tenancy management processes, practices and culture, aligning them with the changing needs of its customers and positioning the organisation to support them to live with dignity and stability.

As a result, in late 2017, HNZC began its shift towards a sustaining tenancies approach, acknowledging the broader social cost when a customer's tenancy is terminated with no home for the customer and their whānau to go to. A sustaining tenancies pilot was launched as a government initiative in early 2017, funding MSD to contract service providers to support customers at risk of losing a tenancy. This initiative is now funded by the Ministry of Housing and Urban Development.

In 2018, the HNZC Customer Strategy was introduced. This put the protection and improvement of the wellbeing of customers at the centre of organisation-wide thinking. It recognises a core role of Kāinga Ora is delivering public housing, for people who need it, for as long as they need it. To perform this core role, Kāinga Ora must provide services and homes that deliver more than just a roof over people's heads. It must ensure customers get the support and homes they need so they can live stable lives with dignity, including through working with other public sector agencies and in collaboration with the social sector.

In September 2018, HNZC introduced its intensive tenancy management, Te Waka Urungi. This was a service within Kāinga Ora that worked alongside the most complex of its customers (and the staff that looked after them), to assist them to access suitable services provided by other agencies / in the community. The successes of Te Waka Urungi informed the design of the Customer Programme, in particular, through reshaping how Kāinga Ora cares for its customers and their whānau. This function has now been embedded within the Customer Programme (outlined below) and integrated into Kāinga Ora everyday tenancy services.

In 1 October 2019, Kāinga Ora – Homes and Communities was established and in November 2020 the Kāinga Ora Board approved the Sustaining Tenancies policies suite (as attached in the appendices).

As the Kāinga Ora public housing portfolio grows, and the needs of customers seeking public housing grow in complexity, there is a need to grow the effectiveness of the support provided to them. Therefore, in 2021 the Customer Programme was established, focussed on introducing a new service delivery model, new resources, and a new way of working with customers in their homes. The Customer Programme places the wellbeing of customers in homes at the heart of what Kāinga Ora does, and recognises the links between housing and whole-of-life outcomes. It reshapes the roles of staff responsible for managing tenancies to enable them to build much stronger relationships with customers and draw on the broader services of Government to address the specific needs of each customer.

Among these changes are measures that will help us address disruptive behaviour more effectively. These include an internal review group for guidance and escalation of the most complex cases, expanded capacity for more intensive tenancy management, and building closer relationships with other specialised support agencies aimed at helping our customers live well. The Customer Programme continues its roll out of these and further changes throughout 2022.

The Residential Tenancies Act was amended in 2020, adding new provisions that will allow us to relocate customers more effectively. Kāinga Ora has been considering how to use more of these provisions alongside the significant changes we already have underway. The Sustaining Tenancies policies we are releasing to you are currently being updated to this effect, and use of additional provisions under the Act will be implemented shortly.

Kāinga Ora recognises that a focus on housing those in highest need requires a more empathetic response as a landlord. Ending a tenancy, and eviction, is considered a last resort as experience has shown it does not solve problems. The long-lasting impact of eviction on families, especially children, can be traumatic and intergenerational, further impacting other aspects of their lives such as health and education. People still need housing, and eviction can create a revolving door where problems compound.

When our teams are made aware of issues, we take action to respond to them. Very often we work with people and whanau alongside specialist agencies to identify the root cause of the issue and address what can be complex social needs. Some situations are unacceptable, and if there is a place for police action, we support that. However, there are always going to be challenges around disruptive behaviour that does not break the law, and we are always working to address the challenges that go with the role we fulfil.

I trust this information is helpful to you.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Maling', with a long, sweeping tail stroke.

Nick Maling
General Manager National Services

Policy: Sustaining Tenancies Framework (POL-358)

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

Purpose

1. Under the Kāinga Ora – Homes and Communities Act 2019 Kāinga Ora is charged with supporting our customers to sustain their tenancies.¹ 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.²
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

¹ Section 14, Kāinga Ora – Homes and Communities Act 2019

² 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.³
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.⁴ 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.

³ Section 14, Kāinga Ora – Homes and Communities Act 2019

⁴ 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.⁵

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

⁵ 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 or filling in the feedback form at 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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Released under the Official Information Act

Policy: Disruptive Behaviour Policy (POL-355)

Issue Date	September 2021	Approval	General Manager, National Services
Owner	Practice and Customer Contact	Author	Operational Policy

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.¹ We apply a ‘sustaining tenancies’ approach to our tenancy management practice and support our customers to live well, with dignity, in connected communities.²

¹ Section 14, Kāinga Ora – Homes and Communities Act 2019

² 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.³
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.⁴

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.⁵ We also need to ensure that we operate as a fair and reasonable landlord, treating tenants and their neighbours with respect, integrity and honesty.⁶
 - **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.⁷ The Act includes provisions specific to terminating a tenancy for anti-social behaviour.⁸ 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 tenant⁹ 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,

³ Section 14, Kāinga Ora – Homes and Communities Act 2019

⁴ Goal 5, Customer Strategy

⁵ Principle 14 (b), Kāinga Ora – Homes and Communities Act 2019

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

⁷ Section 45(1)(e), Residential Tenancies Act 1986

⁸ Section 55A, Residential Tenancies Act 1986

⁹ 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.¹⁰

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 and identify any potential support requirements.

¹⁰ Residential Tenancies Act 1986, Kāinga Ora – Homes and Communities Act 2019

- 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. 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

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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 Policy (to be revised)
- Placement Policy (to be developed)
- 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 (in development)

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

32. 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

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.	<p>Although we may send letters to tenants about their behaviour, letters will not be sent <i>under this section</i> relating to disruptive behaviour.</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>However, we will never use a letter to state or imply that a tenant's tenancy is at risk, when we are still working with them to sustain their tenancy.</p>
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>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 in that place due to serious and repeated disruptive behaviour.</p> <p>This provision should only be used for disruptive behaviour as a last resort, and with Review Group approval.</p> <p>Where a customer is provided with a Transfer Notice and still refuses to move, Kāinga Ora may need to apply to the Tenancy Tribunal for a Possession Order. This will require CE approval and need to be agreed by the Review Group and Place-based DCE.</p>

		<p>Kāinga Ora will ensure there are at least two suitable alternative homes available to the customer for 10 days post possession.</p> <p>See also Guidance on use of s53B for Transferring Tenants (in development).</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>Kāinga Ora will not use this provision to terminate a tenancy except in extreme circumstances and only with the consideration of the Review Group and CE approval.</p> <p>Kāinga Ora will not use this provision to issue notices about disruptive behaviour.</p> <p>We will never use a letter to state or imply that a tenant's tenancy is at risk, when we are still working with them.</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>Kāinga Ora will not use this provision to terminate a tenancy.</p> <p>Kāinga Ora will not use this provision to issue notices about disruptive behaviour.</p> <p>We will never use a letter to state or imply that a tenant's tenancy is at risk, when we are still working with them.</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>Kāinga Ora will not use this provision to terminate a tenancy.</p>

This is the general provision to terminate tenancy for any breach.

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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>Category A: 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 A', 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>
<p>Category 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</p>

	<p>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 C 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>Category C: 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>

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