

2 June 2020



Thank you for your official information request dated 5 May 2020 for answers to the following questions:

1. *Why does Housing New Zealand not have a policy banning smoking inside Housing New Zealand properties?*

Housing New Zealand, now Kāinga Ora – Homes and Communities has given this issue serious consideration. A no-smoking policy would be in line with our obligation to provide a safe and healthy environment for our tenants and it would also be in line with broader government objectives. However, there are a number of difficulties with implementing such a policy that have made it impractical to do at this time.

While the Residential Tenancies Act 1986 would allow Kāinga Ora to introduce a no-smoking clause in new tenancy agreements, imposing a ban on smoking in all Kāinga Ora properties would require existing tenants to sign a new tenancy agreement. It would also require the consent of the tenant to include a no-smoking clause. It is very unlikely that this consent would be obtained.

A smoking ban would also be very difficult to enforce. The ultimate sanction for breaches of a tenancy agreement is termination of the tenancy. In practice, this sanction may not be appropriate when taking into account the high needs of many of our tenants and the fact that Kāinga Ora's mandate is to provide homes to those most in need.

2. *Why does Housing New Zealand allow known gang members to reside in their properties?*

As a public housing landlord, Kāinga Ora's role is to provide homes for people with the greatest need. Eligibility for public housing is assessed by the Ministry of Social Development, which places people on the housing register. Kāinga Ora matches applicants from the housing register to available properties.

Placements of applicants into Kāinga Ora properties is based on location, bedrooms required and other factors that ensure the property is suitable for the tenant's needs. If we become aware of any issues we'll take action to help resolve them.

Kāinga Ora takes gang affiliations into account in its placement decisions, for example not placing tenants next to rival gangs. However, Kāinga Ora is not a law enforcement agency. It is the role of the police and justice system to enforce relevant laws and by-laws. These agencies have powers and well established systems based on natural justice and evidence standards to arrest, prosecute and incarcerate people who have broken the law.

3. *When the decision was made to enact the 'sustainable tenancies' policy, what negative side affects, if any, did Housing New Zealand consider neighbours of Housing New Zealand properties would be subjected to?*

Kāinga Ora's tenants sign agreements requiring them to be good neighbours, be responsible, considerate and law-abiding. If there are issues, we engage the tenant/s in a household action plan. This could be focused on property management, health, life or financial management skills.

We have also moved to work closely alongside our more vulnerable tenants and get them the necessary levels of support. This includes employing Intensive Tenancy Managers who both work alongside and connect our tenants to other support services in the community. This may be assistance from other government agencies such as health services and welfare support or non-government organisations that can help with budgeting and household management.

Kāinga Ora's sustaining tenancies policy aligns with the Government's focus on ending homelessness and providing the stability all New Zealanders need. It's important to note that keeping people in a stable home environment is the best way to handle challenging situations. Removing a person from a home does not address the issue, at best it moves it.

4. *What factors does Housing New Zealand take into consideration when considering evicting anti-social tenants?*

An eviction occurs where a court bailiff is authorised to obtain possession of a property after a tenancy has been ended by the Tenancy Tribunal, the landlord has an order for possession of the property, and the tenant has not vacated it. Termination of a tenancy is only considered an option if circumstances place staff, contractors or the public at serious risk.

What cannot be under-stated is that evicting tenants and their whānau can have a significant impact on their lives, especially children living in the household. About half of our 185,000 tenants who live in our 65,000 homes are children and young people, so deciding to end tenancies is a very significant decision with wide-ranging consequences for the whānau and society in general.

It also poses the question of where these families are supposed to go if they are not suitably housed and getting the support they need to live well in their communities. It is important to note that keeping people in a stable home environment is the best way to handle challenging situations.

5. *Does Housing New Zealand have discretion over where it places tenants? If not, why not?*

As noted above, placement of applicants into Kāinga Ora properties is based on location, bedrooms required and other factors that ensure the property is suitable for the tenant's needs.

Yours sincerely



Rachel Kelly
Manager Government Relations Unit