

6 August 2024

s9(2)(a)



Thank you for your email of 24 June 2024 to Kāinga Ora – Homes and Communities requesting the following information under the Official Information Act 1982 (the Act):

Can you please tell me how many warnings have been issued to tenants for disruptive and threatening behaviour in 2022, 2023 and so far in 2024, and can you please break it down month-by-month?

On 23 July 2024, Kāinga Ora notified you of an extension of the time required to make our decision, under section 15A(1)(b) of the Act, as “consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.”

Kāinga Ora does not record its engagement with customers as ‘warnings’. Therefore, this part of your request is refused under section 18(e) of the Act, as *‘the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.’*

However, we do engage with our customers early and often to actively address issues, such as rent arrears or disruptive behaviour, as they arise, so our customers understand any consequences of their actions. Additionally, under the Residential Tenancy Act 1986 (RTA), this can result in notices being issued to our customers.

To provide you with a clearer picture of what we do, we are providing you with the following information about our approach.

Recent changes

It is important to note that Kāinga Ora has recently implemented a new approach to managing tenancies and strengthened our response to disruptive behaviour. As part of this, our frontline teams are making earlier and more frequent use of the tools available under the Residential Tenancies Act (RTA). More information about these tools is provided further on in our response.

As part of this, we introduced a new Tenancy Management Framework which strikes a better balance between our responsibilities as a landlord, the responsibilities of our customers, and the quiet enjoyment of others in the community. Our new approach is about being firm, but fair.

Since 1 July 2024, we have also started rolling out a new Disruptive Behaviour Policy to formalise our new approach and guide how our frontline teams respond to disruptive behaviour.

When disruptive behaviour occurs, we will still work to understand what is driving the behaviour and refer customers to specialist social and health services to address underlying issues if needed. We will also continue to use notices under the RTA and relocations to prompt behaviour change. However, we have also introduced an escalated approach in two situations: where a customer’s behaviour creates a significant safety issue; or where behaviour is disruptive and persistent, and a household ignores our

requests to change the behaviour. In these situations, we will apply to the Tenancy Tribunal to terminate the customer – and we will not offer the customer another home.

Ultimately, this new approach is designed to provide a clear deterrent for disruptive behaviour and spark behaviour change by making effective use of the tools detailed below.

Agreed relocations

In disruptive behaviour situations, if a customer is willing to move, we can do this without having to use any of the tools available under the RTA. This is helpful in situations where the relationship between neighbours has broken down. We typically find that customers take moving to a new home as an opportunity for a fresh start without further issues.

Please refer to the below table, which details the number of times Kāinga Ora have used agreed relocations to address disruptive behaviour each month, in the 2022, 2023, and in 2024 calendar years (up to May 2024).

Month (as at end of month)	Agreed relocations due to disruptive behaviour
Jan-22	12
Feb-22	12
Mar-22	8
Apr-22	7
May-22	11
Jun-22	12
Jul-22	17
Aug-22	10
Sep-22	22
Oct-22	15
Nov-22	15
Dec-22	28
2022 Total	169
Jan-23	6
Feb-23	13
Mar-23	19
Apr-23	18
May-23	18
Jun-23	22
Jul-23	24
Aug-23	14
Sep-23	21
Oct-23	17
Nov-23	18
Dec-23	27
2023 Total	217
Jan-24	13
Feb-24	18
Mar-24	22

Apr-24	25
May-24	26
2024 total (as at 31 May 2024)	104

RTA tools we use

We can and do use the following tools available to us as a landlord under the RTA to address disruptive behaviour.

- *Section 53B notices (required relocation)* – If a customer is not willing to move, Kāinga Ora can use section 53B of the RTA to end the tenancy and transfer the customer to another home. To do this, Kāinga Ora must offer a suitable property that meets the customer’s needs and must provide at least 90 days’ notice.
 - In 2022, Kāinga Ora did this three times. We did this four times in 2023. In 2024 to date (as 31 May 2024), we have done this eight times.
- *Section 55A notices* - We can make it clear to customers that their behaviour is unacceptable, and their tenancy is at risk by issuing a section 55A notice under the RTA. There are specific requirements in the RTA that must be met to issue a notice to a customer. This includes ensuring there is evidence of the disruptive behaviour, that the behaviour can be clearly linked to either the customer or someone who is at the home with the customer’s permission, and that the disruptive behaviour is in connection with the tenancy. Below is a table which details how many of these notices Kāinga Ora has issued in 2022, 2023, and 2024 calendar years (up to May 2024), since this tool was first taken up in February 2022.

Month	S55A notices issued
Feb-22	1
Mar-22	1
Apr-22	1
May-22	2
Jun-22	4
Jul-22	5
Aug-22	3
Sep-22	5
Oct-22	7
Nov-22	7
Dec-22	6
Total 2022	42
Jan-23	4
Feb-23	4
Mar-23	3
Apr-23	3
May-23	5
Jun-23	5
Jul-23	7
Aug-23	3
Sep-23	4
Oct-23	17
Nov-23	10

Month	S55A notices issued
Dec-23	25
Total 2023	90
Jan-24	23
Feb-24	18
Mar-24	15
Apr-24	23
May-24	28
2024 total (as at 31 May 2024)	107

We typically find this tool helps customers decide to change their behaviour so that further notices are not required. However, if a customer receives three section 55A notices within a 90-day period, we can and will apply to the Tenancy Tribunal to end the tenancy.

In limited situations that are severe, persistent or threatening, or where a customer's behaviour significantly breaches their tenancy agreement, we will apply to the Tenancy Tribunal to end the tenancy. In these situations, we typically do not provide the customer with another Kāinga Ora home. To date, we have ended a tenancy 14 times for these reasons.

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

Please note that Kāinga Ora proactively releases its 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 noa, nā



Nick Malling
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