

6 August 2024

s9(2)(a)



Thank you for your email of 17 June 2024 to Kāinga Ora – Homes and Communities, requesting information under the Office Information Act 1982 (the Act) about complaints and actions taken against customers exhibiting disruptive behaviour. I have answered your individual questions below.

On 16 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.”

The number of complaints Kainga Ora has received about anti social, disruptive, and violent tenant behaviour in the past five years, broken down by calendar year

The concerns raised with us are mostly about minor things that are common sources of tension between neighbours across the country, such as noisy cars, loud music, or how often visitors are calling at a home.

We also get concerns raised with us about more serious things which we consider disruptive behaviour. A range of things fall under this category, including behaviour that is aggressive, threatening or intimidating to neighbours, other customers or Kāinga Ora staff.

We have interpreted your question as relating to disruptive behaviour of this more serious nature.

It is important to note that we used to group disruptive behaviour in our system in the same category as the more minor things people got in touch with us about. However, in order to provide greater visibility of disruptive behaviour concerns and how we are responding to them, we introduced a new way of recording disruptive behaviour concerns in November 2022.

This new recording system allows us to report more accurately on the number of concerns raised and provides us with a clearer picture of what is happening. The change in our reporting means that figures for disruptive behaviour concerns reported to us in 2023 cannot be compared with any previous years as it would not be a like-for-like comparison.

With that caveat, please see the below table, detailing the number of disruptive behaviour complaints in the past five years, broken down by calendar year. It is important to keep in mind that some of these concerns were later found to have no merit, did not require any action by us as a landlord, or were later withdrawn.

Calendar year	Complaints
2020	10,810
2021	9,499
2022	8,485
<i>New recording system introduced (data not comparable with previous years)</i>	
2023	2,906
2024*	1,867

*to 31 May 2024

The number of warnings Kainga Ora has issued to its tenants about anti social, disruptive, and violent behaviour in the past five years, broken down by calendar year

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.

Kāinga Ora has 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 encourage 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 for each of the last five calendar years.

Calendar year	Agreed relocations due to disruptive behaviour
2019	190
2022	227
2021	142
2022	169
2023	217
2024*	104

*to 31 May 2024

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.
 - Kāinga Ora did this once in 2021, three times in 2022, and 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 issued in 2022, 2023, and 2024 calendar years (up to May 2024), since this tool was first taken up in February 2022.

Calendar year	S55A notices issued
2022	42
2023	90

*to 31 May 2024

We typically find this tool helps customers 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.

The number of tenancies Kainga Ora has ended due to anti social, disruptive, or violent behaviour in the past five years, broken down by calendar year

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 due to disruptive behaviour, twice in 2022, three times in 2023, and nine times in 2024 so far.

Any other action taken by Kainga Ora to address complaints about anti social, disruptive or violent tenant behaviour in the past five years, broken down by calendar year

While the specific steps we take to address complaints are unique to each situation, other actions taken by Kāinga Ora could include:

- Having conversations with our customers about the situation and what they can do to resolve it – often this is all it takes to resolve what is going on.
- Connecting customers with support agencies to address the root cause of the problem.
 - In relation to the above two points, we are unable to provide you with a breakdown relating to the number of times these actions have been taken over the last five years, as these are not actions that can be easily recorded (i.e., verbal referrals to support agencies). Therefore, this part is refused under section 18(g)(i), in that *'the information requested is not held by the department or venture or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either held by another department or interdepartmental venture or Minister of the Crown or organisation, or by a local authority.'*
- 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 (as detailed above in question two 'Agreed relocations').
- Using tools available under the RTA when needed, including the use of breach notices (such as those detailed above in question two).
 - To respond to behaviour that does not meet the definition of "disruptive behaviour" in the Act but is still a breach of a neighbour's quiet enjoyment, we can issue a section 40 notice which serves to remind them of their tenancy responsibilities. Information on the number of section 40 notices issued cannot be provided, as the information will be held in individual files. This part is therefore refused under section 18(f) of the OIA, in that *"the information requested cannot be made available without substantial collation or research"*.

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.

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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Malling', written in a cursive style.

Nick Malling
Manager Government Relations

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
General Manager, National Services