

18 December 2023

s9(2)(a)



Thank you for your email of 20 November 2023 to Kāinga Ora – Homes and Communities requesting the following information under the Official Information Act 1982 (the Act):

*A copy of the current Kāinga Ora Rent Debt Policy and Antisocial Behavior Escalation Pathway.*

*Please list the street names on which complexes/multi-unit dwellings sit that are owned and/or managed by Kāinga Ora; and are under the territorial authority of the Hutt City Council; and are intended for use by more than 4 separate families.*

I have attached the Sustaining Tenancies Policy (POL-358) and Disruptive Behaviour Policy (POL-355).

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

We want Kāinga Ora homes and the communities they are in to be pleasant and enjoyable places to live – and the vast majority are. However, when disruptive behaviour occurs, we take it seriously and aim to respond quickly and effectively, using the tools available to us as a landlord under the Residential Tenancies Act (RTA) where needed.

Most Kāinga Ora customers pay their rent every week on time and are up to date with their rent payments.

When a customer falls behind on their rent, Kāinga Ora works closely with them to address rent arrears and move them towards financial wellbeing. We are focused on early intervention and prevention, and establishing payment arrangements that are both manageable and sustainable for the household. We also connect customers with the right support agencies when required.

Kāinga Ora own 55 complexes where there are more than four units on a property or site in the Lower Hutt Territorial Local Authority (TLA). We do not centrally record which properties have four or more customers living in them. To obtain this information, we would need to investigate every individual tenancy file. Therefore, we are declining this part of your request under section 18(f) of the Act, "that the information requested cannot be made available without substantial collation or research." Kāinga Ora is also withholding the street addresses under section 9(2)(a) of the Act, "to protect the privacy of natural persons." We are also withholding the number of our complexes per area or street addresses in Lower Hutt under section 9(2)(a) of the Act due to some of the total numbers owned being under five. This could effectively identify current and future tenants as being Kāinga Ora customers and we have an obligation to protect their privacy.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. I do not consider the withholding of the information from this response is outweighed by public interest considerations in making that information available.

You have the right to seek an investigation and review by the Ombudsman of this response. A complaint that you wish to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or

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

Yours sincerely



Rachel Kelly  
**Manager, Government Relations**



## 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

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<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)

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>

## 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>



## Policy: Rent Debt Policy (POL-357)

<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. The Kāinga Ora Rent Debt Policy supports our customers to make rent payments and live well in their homes.
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 is committed to supporting customers to successfully sustain their tenancies. We apply a customer and whānau-centred approach to tenancy management and assist our customers to access any support services they may need to sustain their tenancies, stay connected to their communities and lead lives with dignity and the greatest degree of independence possible.<sup>1</sup>
4. Our approach to supporting customers to sustain tenancies aims to maximise housing security, as a fundamental requirement to enable people to build their lives and communities. Kāinga Ora aims to avoid evictions and exits into homelessness and seeks to support our customers remain in, or get back to, a state of wellbeing.
5. We also need to ensure our policies reflect the principles of Te Tiriti o Waitangi. Kāinga Ora will work in partnership with our customers, service providers and iwi to find long term

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

solutions to advance the housing needs and aspirations of customers and their whānau.

6. Financial hardship is a primary driver of public housing need. As many of our customers live on very low incomes and have little or no money in reserve, small, unexpected life events can push a person or family into debt that can be difficult to recover from.
7. Supporting our customers to regularly pay rent can be a sensitive and time-consuming task. The support we provide aims to identify root causes of debt such as low financial capability, limited employment opportunities and high levels of debt to other parties.
8. We are committed to providing a respectful and compassionate response, and to refer to specialist providers where necessary.

## Scope

9. This policy applies to the Kāinga Ora — Homes and Communities (Kāinga Ora) customer who is the legal tenant of a Kāinga Ora property. In terms of our approach and behaviours it also applies to a household member or visitor who is present in the home with the customer's permission. Where appropriate, it also applies to staff (including permanent, casual and fixed term employees), contractors, consultants, secondees and interns.
10. This policy should be read in conjunction with the Sustaining Tenancies Framework.

## Policy

11. Kāinga Ora is committed to public housing solutions that contribute positively to wellbeing, which includes supporting our customers to sustain their tenancies. We recognise that rent debt may wider financial issues in the home. We will manage rent debt issues with a focus on the following guiding principles.

### Building trusted relationships

12. To manage rent related issues effectively, we need to build trusted relationships with our customers. If the relationship is strong from the outset, customers are more likely to let us know about any issues they may be experiencing that could impact on their ability to pay rent. This allows us to work with our customers to create a plan to address any issues or identify additional supports that may need to be in place.
13. We will seek to build strong relationships with our customers in the following ways:
  - **Establish rapport**– we seek to create relationships with our customers from the outset with a view to understanding who they are, and their needs and aspirations.
  - **Build trust** – we build trust with our customers through ongoing, positive interactions. For example, by acknowledging frequent on time payment, rather than engaging only when there are issues.

- **Engagement** – we engage with our customers to understand their wider circumstances, what supports they have in place and their aspirations for the future. We understand how our customer prefer to engage with us and vary the nature and frequency of our engagement in accordance with their needs. For example, we recognise that multiple visits may be necessary for our engagement to be effective.

### **Prevention, early intervention and ongoing engagement**

14. Rent debt can spiral quickly and can be extremely overwhelming and difficult to get out of, especially for customers on low incomes and/or experiencing financial hardship.
15. It is important that issues that may impact on our customers' ability to pay their rent are identified at the earliest opportunity and the correct supports are put in place to help them address those issues.
16. As a responsible public housing landlord, Kāinga Ora is committed to working alongside our customers from the very beginning of a tenancy to manage potential rent related concerns. We will seek to understand customers' histories relating to debt as part of their pre-placement interview.
17. We will set the scene at the start of the tenancy by emphasising the sections in the Tenancy Agreement that relate to customer responsibilities, including the obligation to pay rent, as well as outlining our commitment to prevent and reduce homelessness, sustain or improve wellbeing and ensure people receive practical support.
18. Throughout the duration of a tenancy, Kāinga Ora will:
  - Visit the customer at structured intervals to offer support and increase understanding of their responsibilities. This is particularly important early in a tenancy, especially where we are aware of a history of rent related issues.
  - Actively work to prevent rent debt by understanding our customers' needs and ensuring the correct supports are in place to help them to manage their debt and sustain their tenancies.
  - Use our understanding of the Income Related Rent (IRR) process to help our customers navigate the system effectively.
  - Ensure that any missed rent payments are detected at the earliest possible opportunity, and that customers are made aware straight away, providing the best opportunity to get things back on track as quickly as possible.
19. We recognise that different approaches may be needed to engage customers where rent related issues are unable to be resolved. When this occurs, Kāinga Ora will:
  - Increase the time and effort to engage with the customer, including trying different ways of eliciting engagement. We will engage in a way that is sensitive

to our customer's need for privacy and act in such a way that people do not feel harassed.

- Identify what form of engagement works best for the customer and their situation and aim to accommodate this as far as possible.
- Understand context, such as whether the customer would prefer to communicate in a different language, or whether there is someone else they would like us to engage with on their behalf.

### **Working with the customer towards potential resolution**

20. Kāinga Ora will work with our customers to resolve rent related issues. As a responsible public housing landlord, we will:

- Work with the customer on a plan that will support resolution of the issues affecting their ability to sustain their tenancy. This may involve establishing small, achievable goals with the customer and supporting them to achieve them.
- Monitor that the customer is working on the plan or towards their goals, and discuss what additional support they may require if the plan is not being achieved.
- Establish good relationships with agencies and other groups that can support customers to learn new skills that could help them to sustain their tenancy or change behaviours that are putting their tenancy at risk (see Support Coordination below).
- Work with customers and their advocates/support agencies and other groups to support the customer to resolve their issues.

21. Plans and goals developed with a customer should be designed in a way that is meaningful and supports them to sustain their tenancy. A customer should have some ownership over the plan or goal and will need to understand that they need to take responsibility to make the plan work.

22. Customers can access any available support they need from Kāinga Ora, or from whānau, friends, advocates or specialist providers.

### **Support Coordination**

23. 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.

24. Kāinga Ora will work with customers to proactively identify additional skills, resources or support they need to successfully sustain their tenancies and manage issues related to managing rent payments.

25. It is important that there is separation between tenancy management and the provision of support. While we work directly with our customers to offer support and guidance when managing rent related issues, our staff are not specialists in this area, and we do not expect them to be. There may be some situations where it is more appropriate to seek the guidance of specialist financial support services.
26. Where possible, Kāinga Ora will look to support tenants to address their underlying issues through referral to specialist support providers. This may include:
- Identifying underlying issues such as substance use, problems or abuse that may result in or contribute to our customers not being able to their rent.
  - Where possible, identifying specialist providers that customers will feel comfortable to engage with and that will understand the wider needs of the customer.
  - Where possible, referring to specialist providers to help with underlying issues (where appropriate and in line with relevant Kāinga Ora policies).
  - Encouraging customers to work with financial mentors (by ensuring they understand the benefits) to ensure they have the skills necessary to manage their money and pay their rent.
  - Working with customers to access any necessary support services from other relevant agencies and support providers, such as the Ministry of Social Development (MSD) and Inland Revenue and providing ongoing support and engagement where required.

### **Escalation pathways**

27. The rent debt escalation pathway is intended to support our people to implement the Kāinga Ora Sustaining Tenancies approach. It provides guidance and some suggested tools for approaching rent debt.
28. Our people should use the rent escalation pathway to ensure that all feasible steps have been taken to support and engage with customers.

### **Referral to Kāinga Ora Review Group**

29. We recognise that there may be situations where it is necessary to escalate complex or challenging tenancies for further advice and support. For example, where rent issues persist over an extended period of time. The Kāinga Ora Review Group will serve as a forum for our people to escalate difficult challenges and issues where further action or guidance is required.
30. The Review Group is tasked with ensuring 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. Submissions will be assessed against set criteria to ensure 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.

## Definition of terms

31. The following definitions apply when interpreting this policy:

Term	Definition
Customer	The tenant of a Kāinga Ora property and anyone living at the home with the tenant's permission
Income-related rent (IRR)	IRR is a rent that is subsidised by the government in order to make accommodation more affordable for those on low incomes in public housing. If a tenant qualifies for income-related rent, the government pays some of the rent. The IRR is calculated on the tenant's income (and that of the people who are living with the tenant at the time they accept a housing offer) with some adjustments. The amount of IRR is assessed by Work and Income (not Kāinga Ora).

## Related policies, procedures, legislation and documents

### Related Kāinga Ora policies:

- Sustaining Tenancies Framework
- Disruptive Behaviour Policy
- Drugs Policy
- Referral to Social Service Providers Policy (to be revised)
- Placement Policy (to be revised)
- Complaints Policy

### Relevant legislation:

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

### 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
Jan 2020	Sarah Walsh, Senior Operational Policy Analyst	Revised to incorporate references to new Kāinga Ora – Homes and Communities Act 2019
Sept 2020	Hannah Stanfield, Senior Operational Policy Analyst	Revised to reflect operating principles
June 2021	Melanie Smith, Manager, Operational Policy	Updated to reflect Customer Programme Final Decision Document, Health, Safety and Security review and Māori Interest Review

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