**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL WAI 2750

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Kaupapa inquiry into claims concerning Housing Policy and Services

CROWN BUNDLE OF UPDATED EVIDENTIAL FACT SHEETS FOR KĀINGA ORA

4 Whiringa-ā-rangi | November 2022

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I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL WAI 2750

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	**Kaupapa inquiry into claims concerning Housing Policy and Services**

**UPDATED EVIDENTIAL FACT SHEET ACCESSIBILITY POLICY
(KĀINGA ORA)**

4 Whiringa-ā-Rangi | Novmeber 2022

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1.	Basic information	**Title of policy / programme**: Accessibility Policy
		Year introduced: 2019
		Still current?: Yes
		Administering agency(ies): Kāinga Ora-Homes and Communities (**Kāinga Ora**)
		High level summary of policy/programme: The Kāinga Ora policy on the accessibility of Kāinga Ora public housing properties for current and future customers.
		Overlapping/Related policies/programmes:
		• Customer Strategy and Customer Programme (see separate Evidential Fact Sheet) • Asset Management Strategy (see separate Evidential Fact Sheet) • Disability Action Plan 2019-2023 (Office for Disability Issues) • Accessibility Charter (MSD) • Accelerating Accessibility Legislation (MSD) • Homelessness Action Plan (see separate Evidential Fact Sheet).[1]
		Other agencies involved in development, implementation, or ongoing administration:
		The Office for Disability Issues has an all-of-government role in co-ordinating and overseeing agencies' regular reporting against the Disability Action Plan 2019-2023 work programme, of which the Kāinga Ora Accessibility Policy is a component.
		In late 2021, the Government announced that a new Ministry for Disabled Peoples will be established. All work associated with the Kāinga Ora Accessibility Policy going forward will align with the principles and direction of the new Ministry.
2.	**Description of Policy / Programme**	The Accessibility Policy (the **Policy**) [**KAI.002.7549**] sets out the Kāinga Ora policy on the accessibility of Kāinga Ora public housing properties for current and future customers.

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[1]   The Accessibility Policy links to the Homelessness Action Plan because disabled New Zealanders are at greater risk of homelessness or housing insecurity than non-disabled New Zealanders, often because the available housing stock does not meet the needs of disabled people, especially in the private rental market. Kāinga Ora will contribute to the aims of the Homelessness Action Plan through the Accessibility Policy by better understanding its customers, as well as building the right kinds of homes to meet people's changing needs

The Policy is built around three outcomes, with a set of components under each:

1) **Increase the number of Kāinga Ora homes that meet universal design standards**,[2] which involves:

   a.   Reviewing and confirming the universal design standards.

   b.   Increasing the number of new builds built to universal design standards, with a target that at least 15 percent of public housing new builds will meet full universal design standards, and the rest will incorporate as many as possible of the other (basic) universal design features. As part of this objective, Kāinga Ora will ensure there are standardised universal design options for new builds.

   c.   For existing properties, work towards ensuring that existing homes can be retrofitted to include accessibility features that meet customer needs. This includes future work on investigating a target for retrofitted homes.

2) **Meet the individual needs of customers**, through modifications and specialised solutions.[3]

3) **Improve information about customers' needs and the accessibility of Kāinga Ora properties**, through (a) collecting and recording information about customers' needs; and (b) identifying and recording the accessibility features of Kāinga Ora properties.

The Policy makes a number of commitments, including that Kāinga Ora commits to active engagement with Kāinga Ora communities including the disability sector and recognises the integral place the disability sector has in Kāinga Ora communities.

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[2]   See M-134 Appendix B: Universal Design and Accessibility [**KAI.002.8437**].

[3]   The current funding model for disability housing modifications in New Zealand is that the Ministry of Health or ACC provide the vast majority of publicly available funding for housing modifications. The funding comes, respectively, from Vote Health and Vote ACC. The Ministry of Health and ACC both have eligibility criteria for the amount and type of disability housing modifications they will   and will not fund. The Ministry of Health and ACC both also have eligibility criteria for who is eligible for their respective funding. Both ACC and the Ministry of Health allocate the funding to the   disabled person needing the housing modifications, not the home they live in. Kāinga Ora therefore works with both the Ministry of Health and ACC, as well as their service providers, such as Enable,   when Kāinga Ora customers need modification to their Kāinga Ora homes.

		The Policy identifies the main areas of work required to enable the Policy's outcomes to be achieved (see **KAI.002.7549** at p 43). This includes responding to stakeholders' feedback by continuing to research and establish cultural considerations and requirements as they relate to accessibility. This work is informed by the Kāinga Ora Partnership and Engagement Framework.[4]
		Accessibility Policy prior to 2019
		Accessibility standards
		The fundamental difference between the pre-2019 environment and the Accessibility Policy is that the Accessibility Policy sets out actions and targets, based on engagement with the disability sector and Kāinga Ora customers. Prior to 2019, then Housing New Zealand Corporation (**HNZC**) had accessibility standards, but they were not monitored, and there were no targets or imperatives to improve the accessibility of Housing New Zealand's properties. HNZC also had not engaged with the disability sector about the standards used.
		Access to modified housing
		- *The Suitable Homes* Service (2001-2012): Between 2001 and 2012 **HNZC** (as it then was) operated the Suitable Homes Service, which assisted people with disabilities to find modified houses to rent and access funding to modify the home they may rent or own.[5] The Suitable Homes Service was terminated in 2012 as a result of the Minister's Letter of Expectations in 2011 which stated that HNZC should focus on its core business of managing the state house portfolio and its tenants [**KAI.002.6768**].
		- *Support available between 2012 and 2019*: between 2012 and 2019, HNZC's role was limited to considering requests for modifications (which would be funded by the Minister of Health or ACC, see footnote 3). HNZC typically approved requests. If the property was unsuitable for modification, HNZC would look to transfer the customer to another property that was already modified or could be modified.
3.	**Outline of the process to develop this Policy / Programme**	The Accessibility Policy was developed in response to:

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[4] See separate Evidential Fact Sheet concerning the Kāinga Ora Partnership and Engagement Framework

[5] The Suitable Homes Service was delivered by the Case Management Service, see Case Management Overview [**KAI.002.0429**] at p 5 and Te Waka Urungi, Social Support Referrals and Case Management Service EFS.

| | Identify how Māori were engaged in the development of the Programme | The Minister of Housing and Urban Development's Letter of Expectations released in April 2019, which outlined the need to improve accessibility in Kāinga Ora homes [**KAI.002.6749**]. New Zealand Disability Strategy 2016-2026[6] and the linked Disability Action Plan 2019-2023,[7] both of which identified the need to improve accessibility across the New Zealand housing system. The Kāinga Ora Customer Strategy, which identified that one third of Kāinga Ora customers reported that they are living with a disability.[8] Based on the New Zealand Disability Survey 2013, Māori and Pacific Peoples have higher than average disability rates.
The Accessibility Policy is informed by:
An examination of existing internal Kāinga Ora resources.
A literature review of international guidance and best practice.
The World Health Organization's 2018 Housing and Health Guidelines.[9]
A data research initiative in conjunction with Statistics New Zealand.[10]
This Engagement with key internal and external stakeholders: see list of who Kāinga Ora talked to in developing the Policy **[KAI.002.7588]**, including, NGOs, for example, Kāpō Māori Aotearoa New Zealand Inc (who supports blind, low vision, vision impaired, deaf blind Māori and their whānau).
The views, ideas, insights and lived experiences of Kāinga Ora tenants, their families/whānau and the communities they live in. This engagement happened through focus groups and interviews with disabled Kāinga Ora customers and their families/whānau conducted by a specialist external consultancy experienced in engaging with diverse communities on behalf of Kāinga Ora.
External engagement occurred through the following: |

6   https://www.odi.govt.nz/assets/New-Zealand-Disability-Strategy-files/pdf-nz-disability-strategy-2016.pdf

7   https://www.odi.govt.nz/assets/Uploads/ODI-Disability-Action-Plan-2019-9-WEB-SINGLES.pdf

8   [KAI.002.0587] at p 41. Note, the Customer Strategy recorded that of the customers reporting a disability, one third are living with a physical disability. The remaining two thirds report psychological, psychiatric, or other conditions that generally require more intensive tenancy, social and medical support, rather than modified homes.

9   https://www.who.int/publications/i/item/9789241550376

10   See the Accessibility Policy Appendix E [KAI.002.7549] for results of this research.

		• First Housing Accessibility Symposium in Auckland July 2019, which had 96 attendees. • Session with Wellington stakeholders on 12 August 2019. This group included (but was not limited to) members from a number of NGOs, such as CCS Disability Action and the Muscular Dystrophy Society, as well as Capital and Coast District Health Board, and interested individuals. • Feedback on the draft policy document was obtained from 24 external stakeholders. Second Housing Accessibility Symposium in two parts held online in July and August 2020, with approximately 100 attendees at the first session, and over 60 attendees at the second. The purpose of this symposium was to check back with stakeholders, after the release of the Policy. Kāinga Ora committed to ongoing engagement with the disability sector at the first Symposium in July 2019. Holding another Symposium approximately 12 months on from the first Symposium was part of that commitment to continue to meaningfully engage with stakeholders.
4.	**Aims or Objectives of the Policy / Programme**	The purpose of the Accessibility Policy is to create more accessible homes for Kāinga Ora customers. Accessibility means Kāinga Ora homes make it easy for people to live in them with independence and dignity; to have family/whānau and friends visit; to have the opportunity to be part of the community they live in without barriers; for people to be safe in their homes.
5.	**Outline of monitoring and evaluation built in to Policy / Programme** **Identify if Māori are involved in the monitoring of the Programme**	Kāinga Ora will begin reporting on its public housing new build commitments as part of the Accessibility Policy in the 2 0 2 1 /2022 financial year. The Accessibility Policy also has a direct reporting line, through six-monthly reporting to the Office for Disability Issues, to the Disability Action Plan 2019-2023, as aspects of the work programme sit within the agreed Disability Action Plan's cross-government actions. The Accessibility Policy is scheduled to be reviewed within the second half of 2022. Engagement with Māori has been identified as a gap in the existing Accessibility Policy and will be an area of focus in the refresh of the policy.

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I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL WAI 2750

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	**Kaupapa inquiry into claims concerning Housing Policy and Services**

UPDATED EVIDENTIAL FACT SHEET BUSINESS INITIATED TRANSFER (KĀINGA ORA)

4 Whiringa-ā-rangi| November 2022

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1.	Basic information	**Title of policy / programme:** Business Initiated Transfer Procedure (**BIT Procedure**)
		Year introduced: 2006
		Still current?: Yes
		Administering agency(ies): Kāinga Ora – Homes and Communities (**Kāinga Ora**)
		High level summary of policy/programme: Procedure for Kāinga Ora to transfer a tenant to another Kāinga Ora homewhere there is a business reason for transfer.
		Overlapping/Related policies/programmes:
		• Customer Strategy (see separate Evidential Fact Sheet)
		• Asset Management Strategy (see separate Evidential Fact Sheet)
		• Sustaining Tenancies – Disruptive Behaviour Policy (see separate Evidential Fact Sheet)
		• Customer Placement (see separate Evidential Fact Sheet)
2.	**Description of Policy /Programme**	The BIT procedure is used where Kāinga Ora requires a tenant to move out of a Kāinga Ora home for business reasons. In order to be considered a high priority BIT, consideration must be given to one of the following principles:
		Business principles include:[1]
		• Safety and security – for example, rheumatic fever has been identified or severe overcrowding.
		• Legal obligations – for example, where a customer's home is part of a Home Lease Programme.
		• Enabling housing for future customers – for example, where a customer is required to move so that re-development or other asset related matters can take place.

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[1]   See Match to Suitable Home Policy (Kāinga Ora ref: POL-354).

		• Empowering customers to maintain connections to their communities – for example, where a customer has previously moved due to a re-development and they have accepted the option to be re-housed in the same community. • Under the BIT procedure, the tenant is placed in another Kāinga Ora property, without needing to re-apply for housing and being placed on the MSD housing register. Kāinga Ora policy is that tenants should not be out of pocket due to a BIT move andthat all reasonable costs will be met by the business (currently based on circa $1000 per move).
3.	**Outline of the process todevelop this Policy / Programme** **Identify how Māori were engaged in the development of the Programme**	Prior to the development of the BIT Procedure in 2006, (then) Housing New Zealand did not have a formal procedure for supporting customers when it was necessary for them to relocate for business reasons. The BIT Procedure was developed inresponse to tenant feedback and a number of complaints in the media.

4.	**Aims or Objectives of thePolicy / Programme**	The purposes of the BIT procedure are:
		
		(1) to enable Kāinga Ora to manage its assets to meet public housing demand; and
		
		(2) to support customers through the transfer process, recognising that it is a difficult time for customers, including:
		
		    (a) ensuring customers affected by a business initiated transfer are treated fairly and consistently; and
		
		    (b) ensuring tenants are housed in suitable properties.

5.	**Outline of monitoring andevaluation built in to Policy / Programme** **Identify if Māori are involved in the**	Kāinga Ora provides updates on business initiated transfers in weekly updates to relevant in-house teams (e.g. the relevant Tenancy Manager and Asset Manager). These updates include, for example, how many tenants need to be relocated, the currentstatus of in-flight moves, as well as upcoming potential moves required.

	monitoring of the Programme	

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**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL **WAI 2750**

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Kaupapa inquiry into claims concerning Housing Policy and Services

UPDATED EVIDENTIAL FACT SHEET

**MATCH TO SUITABLE HOME POLICY
&
PRE-HOUSING CONVERSATION POLICY**

(KĀINGA ORA)

4 Whiringa-ā-rangi | November 2022

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1.	Basic information	Title of policy / programme and years operational
		Customer Placement process, outlined in:

Title of policy / programme and years operational

Customer Placement process, outlined in:

- Match to Suitable Home Policy introduced 6 November 2021. This policy replaces the Customer Placement Guidelines and Operational Policy for Pre-Placement Interviewed.

- Pre-housing Conversation Policy introduced on 16 December. This policy replaces Operational Policy for Pre-Placement Interview.Suspension and Waiver Guidelines: introduced in 2011, discontinued in 2018.

Administering agency(ies):

Kāinga Ora – Homes and Communities (**Kāinga Ora**)/Housing New Zealand Corporation (**HNZC**)

High level summary of policy/programme:

The *Match to Suitable Home Policy* introduced in 6 November 2021 outlines how Kāinga Ora matches applicants from the social housing register (managed by the Ministry of Social Development (**MSD**)) to available properties. Where Kāinga Ora requires additional information to that provided by MSD in order to match an applicant, Kāinga Ora carries out a pre-placement interview.

The *Pre-housing Conversation Policy* was introduced on 16 December 2021. This policy outlines the approach Kāinga Ora takes when engaging with applicants and customers through a pre-housing conversation.

Overlapping/Related policies/programmes:

- Social Allocation System (see separate Evidential Fact Sheet (MSD))

		• Business Initiated Transfer (see separate Evidential Fact Sheet)
		• Sustaining Tenancies – Disruptive Behaviour Policy (see separate Evidential Fact Sheet)
		• Sustaining Tenancies Framework Policy (see separate Evidential Fact Sheet)
		• Customer Programme (see separate Evidential Fact Sheet)
		Other agencies involved in development, implementation, or ongoing administration:
		• Ministry of Social Development
		• Ara Poutama Aotearoa – Department of Corrections
2.	**Description of Policy / Programme**	**Match to Suitable Home Policy**[1] This policy replaces the (earlier) Customer Placement Guidelines. The Match to Suitable Home Policy (attached as Appendix A) outlines how Kāinga Ora matches applicants from the social housing register, consistent with its role and responsibilities under the Public and Community Housing Management Act 1992. They begin with an overview of the Customer Placement Process, which explains that management of public housing is shared between the MSD and Kāinga Ora. MSD identifies an applicant's housing requirements as part of their needs assessment, and manages the social housing register. Kāinga Ora matches applicants from the social housing register to available properties, manages tenants, and maintains the stock of state houses. Matching applicants to properties is done through Kāinga Ora's tenancy management system (Kotahi) which is integrated with MSD's social housing register. The Placement Team within Kāinga Ora make matches and offers to

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[1]   Kāinga Ora reference: (POL-354)

prospective tenants using the information sent through by MSD. Kāinga Ora also maintains the Business Initiated Transfer (**BIT**) register - an internal list of tenants requiring alternative housing due to Kāinga Ora business decisions. Tenants on the BIT register are usually considered for vacant properties before applicants on the MSD register.

Placement of applicants into Kāinga Ora properties is based on location, bedrooms required and other property characteristics. Applicants with the highest need are matched first, except in exceptional circumstances.

Following matching, a Placement Support Specialist will make contact with the applicant to discuss the property offer. If the applicant declines the offer, Kāinga Ora will discuss the applicant's reasons for declining the property with them. If, after discussion with the applicant, Kāinga Ora still considers the property offered is suitable, the Placement Support Specialist will record the offer as declined (and record the reason stated by applicant). Where the offer is not considered a suitable match, the Placement Support Specialist will record the outcome as withdrawn. MSD will reconsider declined offers for applicants on the MSD register where there is not a good or sufficient reason for the applicant's decision.[2]

The Match to Suitable Home Policy outlines Kāinga Ora's policy in relation to applicants with particular requirements. For example, there is a special process for applicants who are in immediate need of housing in high demand areas with few or no alternative options, intended to fast track the provision of housing in those cases.[3] The Guidelines for matching applicant and customers to a suitable home gives more detail on the process to help match an applicant or customer and their whanau to a home with the aim of creating a sustainable tenancy.

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[2]   Operationally, MSD attempts to be accommodating on what constitutes a "good and sufficient" reason. Examples include where a property is too far from a child's school or the client's work. See separate evidential fact sheet on the Social Allocation System

[3]   Note, some of the specific processes outlined for applicants with particular requirements in the guidelines are out of date, however the general principles remain.

Pre-housing Conversation Policy[4]

This policy replaces the Operational policy for placement interviews. The Pre-housing Conversation Policy (attached as Appendix B) came was introduced on 16 December 2021.Kāinga Ora Placement Support Specialists conduct pre-placement interviews to gather additional information to supplement that provided by MSD. Interviews may be conducted where (for example) the MSD application notes health and safety events, that the applicant has been trespassed, or the applicant has a known history of serious criminal convictions. Information gathered during pre-placement interviews assists Kāinga Ora to make better informed placements, identify what support applicants may need to sustain their tenancies and gain a better understanding of what health and safety risks applicants may present (to then consider what mitigations can be put in place to minimise those risks).

Suspension and Waiver Guidelines[5] (2011-2018)

Suspensions

Between 30 November 2011 and mid-2018, Housing New Zealand Corporation's (**HNZC**) policy was that a tenant, former tenant, or another person residing at or associated with the tenancy may have their ability to be considered for a HNZC home suspended for a period of one year for one or more of the following reasons:

- serious and/or repeated anti-social behaviour (including unlawful activity);

- a serious breach of their tenancy obligations; or

- a serious Income Related Rent debt (pre-14 April 2014).

Suspension was not intended as a punitive measure. HNZC would consider:

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[4] Kāinga Ora reference (POL-360).

[5] see T-234 – Suspension and Waiver Guidelines KAI.002.1704.

- the customer's circumstances;

- the safety and interests of the community including other tenants, neighbours and HNZC staff, contractors or agents;

- HNZC and the Crown's financial interests.

Decisions to suspend were required to be lawful, reasonable, fair, transparent and consistent and the rules of natural justice applied.

A person who was suspended from being considered for a HNZC property could be placed on the MSD social housing register for social housing with other providers.

Waivers

If a suspended customer wanted to obtain state housing again within the suspension year, they could apply for their suspension to be waived on the grounds of housing related hardship. In considering whether or not to grant a waiver to customers having housing hardship, the Chief Executive of HNZC or a delegated staff member would take into account the following factors:

- the severity of the housing related hardship;

- a demonstrated commitment to co-operate with HNZC, and other agencies where appropriate;

- a demonstrated commitment to repay debt;

- proven changes in behaviour/circumstances.

Current suspension policy

In late 2017 HNZC began its shift towards a sustaining tenancies approach (see Sustaining Tenancies Draft Policy Suite Evidential Fact Sheet), acknowledging the broader social cost when a tenant (and possibly their family) were evicted

		with no home to go to. In January 2018, the sustaining tenancies pilot was launched and HNZC began reviewing its suspensions policy to align it with the sustaining tenancies approach. There are tensions between being a responsible landlord, as set out in the Residential Tenancies Act, meeting employee Health, Safety and Wellbeing obligations and sustaining tenancies, so the formal policy work to move away from suspensions did take some time. By June 2018 HNZC had stopped issuing suspension notices and were lifting suspensions, with delegation and role changes to support these changes. The interim sustaining tenancies policy suite, which allows for re-location but not suspension, was agreed in 2020 (refer to Sustaining Tenancies Evidential Factsheet).
3.	**Outline of the process to develop this Policy / Programme** **Identify how Māori were engaged in the development of the Programme**	*Match to Suitable Home Policy* As noted above, this policy replaces the (earlier) Customer Placement Guidelines. The Match to Suitable Home Policy was developed internally by Kāinga Ora. The Ministry of Social Development was informed of the policy. There was no external engagement with Māori or other external engagement on the development of the Customer Placement Guidelines. *Pre-housing Conversation Policy* The Pre-housing Conversation Policy came into effect in December 2021. *Suspensions and waivers* The suspensions and waivers policy followed a decision by the Cabinet Social Policy Committee in April 2011 [**KAI.002.8126**]. There was no external engagement with Māori or other external engagement on the development of the policy.

		Future development Kāinga Ora's Customer Placement process, including pre-placement interviews were reviewed as part of the Customer Programme (refer Customer Programme Evidential Fact Sheet).
4.	**Aims or Objectives of the Policy / Programme**	*Match to Suitable Home and Pre-housing Conversation Policies* The purpose of the placement process is to match customers to suitable properties. The purpose of pre-housing conversations is to improve the quality of Kāinga Ora's customer placements, including identifying additional supports applicants may need to sustain their tenancies. *Suspensions/waivers* The objective of the suspension/waiver policy was to enable HNZC to protect its financial interests and incentivise the customer to moderate their behaviour and fulfil their tenancy obligations (while also following the rules of natural justice and considering the customer's particular circumstances).
5.	**Outline of monitoring and evaluation built in to Policy / Programme** **Identify if Māori are involved in the monitoring of the Programme**	Kāinga Ora monitors and reports regularly to Regional Director Management Teams on (for example) how many applicants/customersare housed (and from what register), the number of pre-placement interviews completed, and how long the placement process takes (between the application and the customer being housed). HNZC recorded information about suspensions and waivers, including ethnicity, set out in the below table:

Fin Year	Party Suspended	Ethnicity Flag							Suspension Waived
		Asian	European	Maori	MELAA	Other	Pacific People	Residual	
2012	29	-	7	16	-	-	11	-	-
2013	44	4	4	21	1	1	16	-	-
2014	132	-	38	67	3	5	29	5	1
2015	257	5	92	121	3	4	59	15	2
2016	563	2	163	305	5	8	108	43	1
2017	287	2	66	167	1	6	55	28	-
2018	42	-	11	18	-	2	10	5	-
2019	2	-	1	1	-	-	-	-	-
Total	1,356	13	382	716	13	26	288	96	4

In the 2018/19 financial year there were two suspensions according to Kāinga Ora records. In June 2018 all suspensions were lifted andno more were applied except for the two cases explained below:

- Post June 2018 one suspension was applied in error, Kāinga Ora records show this person identified as a European. The person was incarcerated at the time and there was no impact to their housing. Their suspension expired in July 2019.
- The suspension for the person who identified as Māori was applied in April 2018 before Housing New Zealand began liftingsuspensions. However, due to an error in the record it was re-entered into the system in October 2018 retaining its original suspension date but showing in the 2018/19 financial data. The suspension was lifted in April 2019.

6.	**Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims**	The 2018 trial of pre-placement interviews found that pre-placement interviews provided HNZC with a clearer understanding of theapplicant at the beginning of the potential tenant relationship [**KAI.002.0993**].

Policy: Match to a suitable home (POL-354)

Issue Date: 6 November 2021

Approved by: GM National Service

Owner: Practice and Customer Contact

Author: Operational Policy

Contents

Purpose

1. This policy outlines the approach that Kāinga Ora – Homes and Communities (Kāinga Ora) takes when matching an applicant or customer and their whānau to a suitable Kāinga Ora home.

2. For the purpose of this policy:

    *   the term 'applicant' refers to a person on the Social Housing Register who may be considered for a Kāinga Ora home, but is not yet a Kāinga Ora customer.
    *   a person is considered a customer once they have accepted an offer for an available Kāinga Ora property.

Background

3. One part of the objective of Kāinga Ora is to contribute to sustainable, inclusive and thriving communities that provide people with good quality, affordable housing choices that meet diverse needs.[1] As New Zealand's largest public housing landlord, a key part of our role is providing rental housing principally to those most in need.[2]

4. Under our Customer Strategy, Kāinga Ora is committed to providing customers with a suitable home and the right support. The aim of matching a customer and their whānau to a suitable home, and providing the right level of tenancy management services, is to support customers to live well in their homes and sustain a tenancy for as long as they need.[3]

5. Living in a suitable home that meets the needs of a household is a foundation for achieving other forms of wellbeing. Research indicates that people who feel their housing is unsuitable are more likely to report lower levels of life satisfaction.[4] The negative impacts of housing instability can also manifest across all four dimensions of wellbeing: taha tinana (physical), taha whānau (social), taha hinengaro (emotional) and taha wairua (spiritual).[5]

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[1] Section 12, Kāinga Ora – Homes and Communities Act 2019
[2] Section 13(1)(a) Kāinga Ora – Homes and Communities Act 2019
[3] Kāinga Ora Sustaining Tenancies Framework
[4] Stats NZ (2020). Housing in Aotearoa: 2020. Retrieved from www.stats.govt.nz.
[5] Durie, M. (1998). Whaiora: Maōri health development. Oxford University Press.

6. Providing a suitable home from the first time a customer enters a Kāinga Ora home enables them to maintain stable housing and enhances their overall wellbeing. This contributes to wider societal benefits, particularly for tamariki, such as improved school attendance and rates of immunisation. This should also reduce the prevalence of customers transferring properties or exiting public housing and becoming homeless.

7. Under our Customer Strategy and Wellbeing Approach, Kāinga Ora is also committed to being whānau-centred and placing customers at the centre of our decision-making. This means that we will endeavour for every decision to be made with the customer's needs in mind.

8. Kāinga Ora houses customers who experience a variety of needs, including those with high and complex needs. While many customers and their whānau are relatively independent, some require additional support to live well in their homes, sustain successful tenancies and thrive in their community.

Responsibilities when allocating public housing

9. Management, prioritisation and allocation of public housing is a responsibility shared between the Ministry of Social Development (MSD) and Kāinga Ora.[6, 7]

10. MSD is tasked with managing the Social Housing Register and is responsible for identifying an applicant's housing need, level of priority, and housing specification requirements.[8, 9]

11. An applicant's level of housing need is identified through undertaking a Housing Needs Assessment at the time of application. Applicants are prioritised as either 'Priority A' (severe housing need that must be addressed immediately) or 'Priority B' (serious housing need).[10]

12. Applicants identified as 'Priority A' are considered to be in the greatest need and are the highest priority on the Social Housing Register. Applicants are also given a 'needs score' out of 20 (20 being highest need) to allow for further prioritisation.

13. Existing Kāinga Ora customers might be placed on the Business Initiated Transfer (BIT) register where there is a business need to rehome a customer from their current Kāinga Ora property into another Kāinga Ora property.

14. Kāinga Ora is responsible for matching applicants from the Social Housing Register, and customers from the BIT register, to a suitable Kāinga Ora home. Kāinga Ora is required to allocate properties fairly, transparently and on the basis of need. This must be balanced with achieving a sustainable match (taking into account specific characteristics of the applicant and the neighbourhood).[11]

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[6] Public and Community Housing Management Act 1992

[7] Note, the shared responsibility between MSD and Kāinga Ora only applies to the social housing that Kāinga Ora administers

[8] Section 2 Public and Community Housing Management (Appointment of Agency and Regulatory Authority) Order 2018

[9] Section 101 Public and Community Housing Management Act 1992

[10] Note, these priority categories are also referred to as a 'Needs Rating'

[11] Tenant Placement Principal, Schedule 6 [2.b], Open Term Services Agreement between Ministry of Housing and Urban Development, Housing New Zealand Corporation and Housing New Zealand Limited 2019

Scope

15. This policy applies to the Coordinator Placement, Advisor Placement, and Advisor Customer Liaison (the 'Placement Team') when matching:

- an applicant from the Social Housing Register to a Kāinga Ora home; and/or
- existing customers who require a transfer to another Kāinga Ora home.[12]

Operating principles

16. The operating principles from the Kāinga Ora – Homes and Communities Act 2019 that are most likely to be relevant to this policy are as follows:

- Supporting tenants to be well connected to their communities, to lead lives with dignity and the greatest degree of independence possible; and to sustain tenancies
- Working with community providers to support tenants and ensure those most in need are supported and housed
- Being a fair and reasonable landlord, treating tenants and their neighbours with respect, integrity, and honesty.

17. Other operating principles may apply to this policy as circumstances require. Any action taken to match an applicant or customer to a suitable home should be undertaken in line with these operating principles.

Policy

Our commitment to housing high priority applicants and customers

18. Kāinga Ora is responsible for ensuring that, where a property becomes available, a high priority applicant or customer takes up residence in the home.

Placement priority

19. The priority in which applicants and customers are matched to a Kāinga Ora home is determined by the principles as outlined in Appendix 1: Principles for placement priority. A customer on the BIT register may take priority over an applicant on the Social Housing Register, in accordance with the placement priority principles.

Balancing priority and suitability for applicants and customers

20. When a property becomes available, a customer with a high priority BIT reason will be considered for the property first. A customer with a high priority BIT reason must be offered the property, unless the match is considered unsuitable.

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[12] This may be through a Business Initiated Transfer or other transfer request

21. Where there are either no customers with a high priority BIT reason, or the available property is unsuitable for a customer with a high priority BIT reason, then a high priority applicant from a Social Housing Register shortlist will be considered for the available property.

22. The highest priority applicant from the shortlist must be offered the property, unless the match is considered unsuitable.[13] This takes into account both the applicant's priority rating and the suitability of the property match.

23. Under our agreement with Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development, Kāinga Ora must be able to provide written records explaining why an applicant has been selected for a particular property.[14] In doing so, we must demonstrate:

- how we have met our obligation to allocate properties fairly, transparently and on the basis of need; and
- how this decision has been balanced against achieving a sustainable housing match.

Understanding the applicant or customer's needs

24. While MSD provides Kāinga Ora with information from an applicant's Housing Needs Assessment, there is further opportunity to identify whether a housing match is suitable.

25. To support our ability to make a suitable housing match, Kāinga Ora provides all applicants and customers with the opportunity to complete a Pre-housing Conversation. Completing a Pre-housing Conversation supports Kāinga Ora to further understand the housing needs of an applicant/customer and their whānau, and identify any support that might be needed to move, successfully settle in and live well in their new home.[15]

26. The Pre-housing Conversation is primarily guided by the information the applicant or customer wishes to share regarding their housing and personal support needs. It is not an opportunity to re-assess or verify the applicant or customer's eligibility for social housing. See the CT-GDL-011 Guideline to Complete the Pre-housing Conversation for further information on undertaking a Pre-housing Conversation. Refer also to the SS-GDL-110 Staying Safe and Secure Guideline when undertaking a Pre-housing Conversation.

27. As a Pre-housing Conversation may be undertaken before a match is confirmed or an offer is made, applicants or customers should not be made aware of the potential property during the Pre-housing Conversation.[16] An applicant or customer is not made aware of a property match until an offer is presented.

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[13] Tenant Placement, Schedule 6 [1.c], Open Term Services Agreement between Ministry of Housing and Urban Development, Housing New Zealand Corporation and Housing New Zealand Limited 2019

[14] Tenant Placement Principal, Schedule 6 [2.b], Open Term Services Agreement between Ministry of Housing and Urban Development, Housing New Zealand Corporation and Housing New Zealand Limited 2019

[15] See the Pre-housing Conversation Policy for further information on what information may be collected during the Pre-housing Conversation, and how this information may be used.

[16] This is because, if a Pre-housing Conversation takes place before a property is fully vacant, there is the potential for circumstances to change so that the property is no longer available. There may also be some privacy implications for the current tenant should we make applicants aware of a property before it is fully vacant.

28. The Pre-housing Conversation is not mandatory. Therefore, refusal to participate in a Pre-housing Conversation will not adversely impact on an applicant or customer's ability to be housed by Kāinga Ora. Refer to CT-GDL-006 Guideline for matching applicants and customers to a home for assistance when an applicant or customer chooses not to participate in a Pre-housing Conversation.

Determining an unsuitable match

29. There are two points where Kāinga Ora may determine that a property is unsuitable for an applicant or customer:

    a. A 'bypass' can be completed by the Placement Team after a shortlist has been received from MSD for an available property, and before an initial property match has been made.

    b. A 'withdraw' can be completed by the Placement Team after a Pre-housing Conversation has been offered (and completed if accepted), and before an applicant or customer accepts or declines the available property.

Bypass

30. A bypass may occur under limited circumstances, and when the available property is unsuitable for an applicant based on its similarity to a property that was previously withdrawn or declined. This is to reduce the administrative burden on both the applicant and Kāinga Ora of proceeding further where the property is likely to be withdrawn or declined for substantially the same reason as it was previously withdrawn or declined.

31. The decision to bypass an applicant must be made according to the conditions outlined in Appendix 2: Acceptable reasons to bypass an applicant. The Placement team must always record a reason for the bypass decision.

32. The Placement Team will draw on the following information to inform the decision to bypass an applicant:

    • Information within Kotahi on reasons why the applicant was previously bypassed for, withdrawn from, or declined an available property
    • Information from a previous Pre-housing Conversation or previous recorded interactions with the applicant during the placement process
    • Information from the MSD Social Housing Register application.

33. A bypass can only be made where there is sufficient and current information available to determine whether the property is clearly unsuitable for the applicant. It is unlikely that there will be sufficient information available if it is the first time that an applicant is the highest priority for an available property. For example, the applicant may not have completed a Pre-housing Conversation. This requirement is to ensure that Kāinga Ora engages with the applicant to find out what a suitable match might look like.

34. If the Placement Team does not have sufficient or current information available, or is unsure whether there is sufficient or current information available, to make an informed decision, then the applicant cannot be bypassed and the match must proceed to the next stage.

Withdraw

35. A withdraw may occur where a property match is considered to be unsuitable after taking into account the needs of the applicant or customer and the details of the available property. A property match may be considered unsuitable on two grounds:

   a. the property is unsuitable taking into account the applicant or customer's Housing specification needs; or
   b. the property is unsuitable due to Legal requirements.

36. If neither of these grounds apply, a property must be offered to the applicant or customer. This provides the applicant or customer with the opportunity to view the property and determine whether the property match is right for them and their whānau.

Housing specification needs

37. Property suitability is predominantly determined according to the housing specification needs of the applicant or customer as stated on their Social Housing Register or BIT application. This might include the required number of bedrooms, the property location, any accessibility requirements, or other specifications of the property.

38. For a property to be considered unsuitable according to housing specification needs, the property must meet the criteria outlined in Appendix 3: Acceptable reasons to withdraw a property match

Appendix 3: Acceptable reasons to withdraw a property match. The Placement Team should consult with the applicant or customer at every appropriate and available opportunity before making the decision to withdraw a property match.

39. It is not a requirement that a property match must be withdrawn if the criteria in Appendix 3 are met. The Placement Team, in consultation with the applicant or customer, may choose to proceed with the property match if the match is considered to be suitable.

40. If an offer is made to an applicant or customer, a withdraw may only be actioned with applicant/customer agreement, and where the criteria in Appendix 3: Acceptable reasons to withdraw a property match have been met.

Legal requirements

41. There are some circumstances where a property match must be withdrawn because the applicant or customer is subject to legal requirements regarding property placement. A property will be considered unsuitable according to legal requirements for situations such as where:

    - the placement would result in a violation of the applicant or customers' probation conditions; or
    - the placement would result in a violation of the requirements for placing child sex offenders[17]
    - the placement would result in an applicant/customer being in close proximity to a person protected from the applicant/customer by a restraining order or protection order.

42. Where a property match is considered to be unsuitable due to legal requirements, the Placement Team does not have discretion to determine whether to withdraw a property match. If the criteria outlined above are met, then the property match must be withdrawn.

Escalation pathway

43. Where agreement cannot be reached within the Placement Team about whether a property match is unsuitable, the matter may be escalated through the agreed escalation pathway. For further information on the escalation pathway, refer to CT-GDL-006 Guideline for matching applicants and customers to a suitable home.

Manual match

44. There are some limited circumstances where Kāinga Ora may need to match an applicant to a property outside of the Placement Priority Order. When this is required, the applicant will be manually matched to the property.

45. A manual match can only occur when:
    - An applicant has been identified; and
    - A suitable property is available; and
    - MSD have given approval for the manual match.

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[17] refer to CT-PRO-301 Monitor and Assess Child Sex Offender Placement

46. A manual match may be initiated by either Kāinga Ora or MSD. If MSD is the initiator and requests that an applicant be matched urgently, Kāinga Ora will proceed with a manual match if a suitable property is available. If Kāinga Ora is the initiator, the delegated Manager Regional Placement is responsible for liaising with the Interagency Team who will contact MSD to request a manual match be approved. The delegated Manager Regional Placement has discretion to decide when a manual match will be put forward to MSD (via the Interagency Team). For more information, refer to CT-GDL-006 Guideline for matching applicants and customers to a suitable home.

Making an offer and viewing the property

47. Where a property match is considered suitable, the Placement Team will make an offer to the applicant or customer. When presenting an offer, the Placement team must clearly set out the reasonable timeframe that the applicant or customer must provide their response to the offer by.

48. Every applicant or customer that is offered a property will also be offered an opportunity to view the property. This is to support applicants and customers to make an informed decision about whether the property is suitable for them and their whānau. It is not necessary for an applicant or customer to view a property before responding to an offer if they are unable to, or choose not to, attend a viewing.

49. Refer to CT-GDL-006 Guideline for matching applicants and customers to a suitable home for information on health and safety considerations when undertaking a property viewing.

Accepting an offer

50. Applicants or customers who wish to accept an offer must do so within an agreed reasonable timeframe as set by Kāinga Ora. If Kāinga Ora does not hear back from the applicant or customer within the agreed timeframe, all reasonable efforts will be made to contact the applicant or customer to confirm their acceptance of the property. In the event Kāinga Ora is still unable to make contact, the offer will be treated as a decline.

Declining an offer

51. Should an applicant or customer decline an offer of a property, Kāinga Ora will notify MSD. Kāinga Ora is responsible for appropriately recording the reason/s why an applicant or customer has declined a property.

52. Following a declined offer, Kāinga Ora must discuss with the applicant whether they wish to be bypassed from similar available properties in the future based on the reason the applicant or customer gives for the decline of the current available property.

Definition of terms

Term	Definition
Applicant	A person who is eligible for social housing and is yet to be housed by a social housing provider (ie, an individual on the Social Housing Register).

	For the purpose of this policy, the term 'applicant' is used to refer to a person who may be considered for a Kāinga Ora property, but is not yet a Kāinga Ora customer.
Business Initiated Transfer	Where Kāinga Ora requires a customer to move out of the property they are currently renting for business reasons, they are placed on the Kāinga Ora Business Initiated Transfer (BIT) Register.
Bypass	A system response in Kotahi where, if the available Kāinga Ora property is unsuitable for the highest priority applicant, the next highest priority applicant may be considered for the available property instead.
Customer	A person who is a tenant of a Kāinga Ora property and anyone living at the property with the tenant's permission.
	For the purpose of this policy, a person is considered a customer once they have accepted an offer for an available Kāinga Ora property.
Housing Needs Assessment	Assessment undertaken by MSD to assess an applicant's level of housing need.
MSD Social Housing Register	Register held by MSD that prioritises applicants who have been assessed as eligible for social housing. Kāinga Ora pulls a shortlist from the Register when a Kāinga Ora property becomes available.
MSD Transfer Register	Register held by MSD which operates in the same way as the Social Housing Register, except that an applicant will have a TR (transfer register) next to the application number, rather than a HR (housing register).
	The MSD Transfer Register is used for existing customers who require a move, but where none of the BIT reasons apply. In these circumstances, customers are referred to MSD.
Placement Priority	This determines the priority in which applicants or customers may be matched to available properties.
Pre-housing Conversation	Conversation between applicants/customers and Kāinga Ora to inform a suitable match decision. This is a voluntary conversation that is focussed on an applicant/customer's housing and wellbeing needs.
Shortlist	List of applicants on the MSD Social Housing Register who have been matched to a Kāinga Ora property by Kotahi.
Waitlist	List of applicants on the MSD Social Housing Register. This list is refreshed and updated on a regular basis.
Withdraw	An offer status in Kotahi. Where a property match is not suitable for an applicant or customer, they may be withdrawn so that the match does

	not proceed. Applicants who are withdrawn will remain on the MSD waitlist.

Related policies, procedures, legislation and documents

53. This document should be read in conjunction with the following policies, processes and guidance:

- CT-GDL-006 Guideline for matching applicants and customers to a home
- CT-PRO-001 Match applicants and customers to a suitable home
- CT-728 Manage tenant transfer
- CT-GDL-011 Guideline to complete the Pre-housing conversation
- Sustaining Tenancies Framework
- Framework for supporting public housing customers to access social support services
- Pre-housing Conversation policy
- SS-GDL-110 Staying Safe and Secure

54. Relevant legislation:

- Kāinga Ora – Homes and Communities Act 2019
- Public and Community Housing Management Act 1992
- Open Term Services Agreement between Ministry of Housing and Urban Development, Housing New Zealand Corporation and Housing New Zealand Limited 2019
- Ministerial Direction on Eligibility for Social Housing 2014
- Treaty of Waitangi
- Residential Tenancies Act 1986
- Health and Safety at Work Act 2015
- Privacy Act 2020

55. Relevant strategies and frameworks:

- Customer Strategy
- Kāinga Ora Strategy
- The Māori Strategy
- Wellbeing Approach
- Community Strategy

Review

56. This policy will be reviewed on an as needed basis.

Document control

Date	Reviewed/Modified by	Comments/Descriptions of changes
Nov 2021	Alice Palmer – Senior Policy Advisor	Drafted

Appendix 1: Principles for placement priority

A Business Initiated Transfer (BIT) must be given priority over a MSD Housing Register applicant where the BIT is considered high priority.

Priority is determined by applying the following principles:

1. **Safety and security** – we will prioritise the health and wellbeing of customers and their whānau, where a property poses a significant risk or is causing detrimental effects to a customer's health or wellbeing.

2. **Legal obligations** – we will prioritise transfers where it is required to meet legal obligations such as where the lease has expired or the customer is required to move residence because of a court order.

3. **Enabling housing for future customers** – we will prioritise transfers where a customer is required to move from their current property in order to allow for a redevelopment or other asset related matter to take place.

4. **Empowering customers to maintain connections to their communities** – we will give customers choice where we can and help make their house a home by enabling them to maintain connections to their communities.

In order to be considered a high-priority BIT, consideration must be given to whether the BIT is necessary to ensure one of the principles outlined above is met. Applicants on the Social Housing Register will be given priority over other (non-high priority) BIT customers.

Principle	Includes (but is not limited to):

Safety and Security	• Where rheumatic fever has been identified and the applicant/customer and their whānau need to be urgently placed in a suitable Kāinga Ora property, or moved to an alternative Kāinga Ora property.
	
	• the property is uninhabitable due to damage by fire or flood, structural damage, or due to meth contamination
	
	• where there is significant overcrowding (characterised as requiring 2 bedrooms or more)
	
	• Modification moves such as:
	  - where a customer no longer requires the modifications that are in their current property and is required to move in order to free up a modified home for another customer
	  - where a customer requires modifications that are not possible in their current property.
	
	Note:
	
	The previous procedure for Special Event BITs is now captured under this guiding principle.
	
	Where a property is uninhabitable to the point where a customer cannot return to that property, Kāinga Ora will seek to re-house the customer as a BIT

	move if another property is available within 10 days. If another property will not be available until after 10 days or longer, then the customer will require a MSD transfer application.
Legal obligations	• Where a customer's current property is part of a Home Lease Programme (HLP) and a lease expiry notice has been given that requires Kāinga Ora to release the property back to the owner. This is a legal requirement that Kāinga Ora must abide by.
Enabling housing for future customers	• Where a customer is required to move from their current property so that **redevelopment** or other asset related matters can take place (For example, customers are required to vacate to permit works for earthquake strengthening). This may include modification moves which did not fall under the safety and security principle.
Empowering customers to maintain connections to their communities	• Where a customer has previously been moved due to a **redevelopment** and they have accepted the option to be re-housed in the same community as the original property that they were moved from (for redevelopment). • Meth rehousing - This is for previous customers who were impacted by the Kāinga Ora zero-tolerance policy relating to meth use prior to 2018. Where the zero-tolerance policy resulted in a previous customer's tenancy being terminated, Kāinga Ora has sought to remedy these past terminations by offering to house these previous customers into available Kāinga Ora properties. This only applies to eligible applicants who were impacted prior to 2018, and is only triggered once an eligible applicant contacts Kāinga Ora and declares that they were impacted by the zero-tolerance policy relating to meth use.

Other reasons that would not meet the threshold for a high-priority include:

- where a BIT is approved to resolve a community issue, provided all other avenues to resolve the issue have been exhausted (**ASB**)
- where a customer is transferred to another property so that the current property is better utilised (**underutilisation**)
- where overcrowding, characterised as a need for one additional bedroom, has been identified (**overcrowded**)

Appendix 2: Acceptable reasons to bypass an applicant

The below table outlines guidance on when a bypass is an acceptable course of action.

Bypass reason in Kotahi	Guidance on when this reason may be used to bypass an applicant
Previously bypassed a similar property	An applicant **may be bypassed** based on the recorded reason for the most recent previous bypass, withdraw, or decline of an available property. However, the following conditions apply before an applicant may be bypassed: • the specifications of the available property are approximately the same as the property specifications of the previously bypassed/withdrawn/declined property; and • it has been less than three months since the most recent bypass/withdraw/decline; and • a discussion between Kāinga Ora and the applicant has occurred relating to why the property specifications are not suitable for the applicant. An applicant **cannot be bypassed** if: • it has been three months or greater since they were last bypassed/withdrawn/declined. The property match process should proceed as the applicant's personal circumstances may have changed, and they may choose to accept the available property. • there are no clear signs that Kāinga Ora has spoken to the applicant before, or about the reasons why a property is unsuitable for them. This means that there is unlikely to be sufficient, recent information available to determine suitability. The property match should proceed so that Kāinga Ora can engage with the applicant to understand their housing needs, or consider if the reasons for the previous bypass/withdraw/decline are still valid.
Unsuitable match for area/ neighbourhood	An applicant may no longer be bypassed according to this pre-existing option in Kotahi – all bypass decisions must meet the criteria as stated under *'Previously bypassed a similar property'* above.

Appendix 3: Acceptable reasons to withdraw a property match

The below table outlines the different reasons for withdrawing a property match, including guidance on when a property match is, and is not, an acceptable course of action.

The Placement Team has discretion to determine whether the below criteria are reasonably met for each withdrawal reason. However, the Placement Team should look to consult with the applicant or customer before making the decision to withdraw a property match at every appropriate and available opportunity.

Withdrawal reason in Kotahi	Guidance on when this reason may be used to withdraw a property match
Created in error	Use where a match or offer has been created in error. This might include where an error is made while making a manual match.
Unable to contact applicant	Use when a match has been made to an applicant or customer, but Kāinga Ora cannot successfully make contact with the applicant or customer to provide them with an offer. A withdraw cannot be made unless Kāinga Ora has attempted to contact the applicant or customer at least three times using different methods of communication (call, text, email etc). If contact is unsuccessful, the match may be withdrawn using this reason.
MSD declined match	Use where a system notification (b2b) is received from MSD indicating that the applicant is no longer available to match to a property as the applicant is currently under offer for a property with another social housing provider. This withdrawal reason applies to the following b2b notification: **MSDD**
Not on MSD waitlist	Use where a system notification (b2b) is received from MSD indicating that the applicant has been removed from the Social Housing Register. This happens when MSD become aware of a change in the applicant's circumstances that impact on their housing application. This withdrawal reason applies to the following b2b notification: **MSDN**
Property offered to BIT applicant with higher need	Use where a customer with a high priority Business Initiated Transfer (BIT) reason has been offered the available property instead of the Social Housing Register applicant. The current Placement Priority Order in Appendix 1: outlines what BIT reasons are considered high priority for placement compared to applicants from the Social Housing Register.
Customer no longer requires housing	Use when an applicant, before receiving an offer, informs the Placement Team that they no longer require a Kāinga Ora property. This might occur when:

	• the applicant has acquired private accommodation; or • the applicant chooses to remain in their current accommodation. *Note that if an applicant informs Kāinga Ora that they no longer require a Kāinga Ora property after receiving an offer for an available property, this should be recorded as a decline not a withdraw.*
Applicant temporarily unable to accept the offer	Use when an applicant is physically or otherwise unable to accept an offer due to a temporary change in circumstances. The property may be held for the applicant on a case by case basis, for a reasonable amount of time, depending on the time frame of the temporary circumstance. In these circumstances, Kāinga Ora must consult with the applicant or customer as appropriate. For example, this withdrawal reason might be used when an applicant: • is hospitalised and is expected to be in the hospital for an undetermined amount of time • has custody/remand issues in the process of resolution where the time frame for resolution is undetermined • has sustained an injury or undergone surgery which has resulted in a temporary mobility challenge, and where the property contains stairs etc, and the expected recovery timeframe is undetermined • is required to give 28 days' notice for their current private rental property and this is unable to be negotiated • is intending to move cities/regions to where the available property is located, but there is a delay in the applicant's ability to move, or the move has not yet been organised.
Incorrect property description	Use when the property is unsuitable for the applicant or customer due to the property details on Kotahi being inaccurate or unspecific. An applicant or customer may have been matched to a property based on the available data, but it is identified throughout the viewing process that the property data is not accurate. This has resulted in the property not meeting the applicant or customer's housing specification needs. In these circumstances, during the property viewing, Kāinga Ora must consult with the applicant or customer before deciding to withdraw. This might occur when: • Kotahi has noted that a property has been modified, but upon viewing the property, it is apparent that the modification is not sufficient for the applicant/customer. For example, a property may only have handrails installed in the bathroom, however the applicant/customer requires wheelchair accessibility throughout. • there is limited or missing information about the accessibility of the property on Kotahi. For example, when an applicant/customer requires a flat access property due to old age or mobility challenges,

	but the property has a steep driveway which makes the property difficult to access. *Note that if this withdrawal reason is used, then the Placement Team must make a request for the property details to be updated on the system.*
Property no longer available	Use where a property has been vandalised, significantly damaged, or additional work has been identified which means that the property is no longer available, or that there will be substantial delays before the property is ready to let. There must be consideration of the duration of any delays, and whether the applicant or customer would like to wait for the work to be completed before the property can be withdrawn. For example, this withdrawal reason might be used when: • there is a significant maintenance issue that has not yet been entered into the system (eg, discovery of structural damage) • a health and safety issue has been discovered on inspection of a property (eg, discovery of black mould) • methamphetamine contamination has become evident • the property has been significantly damaged due to fire, flood etc.

Property not suitable for applicant	Note: This withdrawal reason refers to whether a property is unsuitable according to the **physical aspects of the property** – this includes house size, section size, accessibility components, property type (house, apartment etc), or other property specifications. In these circumstances, Kāinga Ora must consult with the applicant or customer as appropriate and where possible before deciding to withdraw. This withdrawal reason **may be used** to withdraw a property match where the available property: • would likely endanger the health and safety of the applicant/customer or their whānau. For example, consider if there is a significant safety risk to any children or whānau members with special needs; consider the implications for applicants/customers or whānau who are elderly or have a relevant health condition (not recorded as disability). • does not reasonably allow for the applicant/customer to have pets. For example, the property does not have adequate outdoor space to accommodate the type and number of pets, in accordance with the Kāinga Ora [POL-306 Policy for Pets](#). • is considered unsuitable for cultural reasons, such as a property without multiple bathrooms or separate kitchen and living spaces. Where an available property may not meet cultural requirements, the property match should be withdrawn only with the applicant/customer's agreement. Otherwise, the property match should proceed to offer so that the applicant or customer can determine if the property is unsuitable by accepting or declining. Note that there are some circumstances related to physical property suitability where withdrawing a property match is not an acceptable course of action. **This withdrawal reason cannot be used where:** • other Kāinga Ora policies or programmes are in place to mitigate the potential risk to health and safety of applicants/customers or their whānau. For example, a property match cannot be withdrawn based on a whānau with small children being matched to a property without fencing, having a shared driveway, or being too close to a main road. This is because Kāinga Ora have a Driveway Safety Programme in place. • other Kāinga Ora policies outline how to manage customer property requests. For example, where simple, straightforward accessibility requirements can be reasonably accommodated for in accordance with the Kāinga Ora Accessibility Policy, such as the installation of a hand rail in the shower.

	• additional information learned about an applicant/customer or their whānau changes their property specification needs/eligibility. For example, a property match cannot be withdrawn if the Placement Team discovers that the applicant/customer now requires an additional bedroom. Kāinga Ora must first confirm eligibility with MSD before considering whether to decline and refer back to MSD, or withdraw the property match.
Mismatch with neighbourhood	Note: this withdrawal reason refers to whether a property is unsuitable according to the **neighbourhood and relational aspects of the immediate community – such as the location of the property and interactions with neighbours.** This withdrawal reason **may be used** to withdraw a property match where there is good and justifiable evidence of compelling and sensitive issues that would make the neighbourhood clearly unsuitable for the applicant/customer or their whānau. This means that proceeding with the match is likely to: • result in significant stress to the applicant/customer or whānau member • result in a significant risk to the health and safety of neighbours of the available property • cause significant ongoing tenancy management problems/difficulties. In these circumstances, Kāinga Ora must consult with the applicant or customer as appropriate and where possible before deciding to withdraw.

Examples of situations where 'neighbourhood mismatch' **may be used** to withdraw a match:

- an applicant or customer has known, clear and current affiliations with a gang (eg, is an active member of a gang) and the placement would result in the applicant/customer being located on the same street or immediate area where members of a **rival gang are also located.** Such a placement is unlikely to be a sustainable one for the gang member being placed, and in addition, might place them at risk of harm. If this placement is likely to result in harm to the applicant/customer, other violence, or significant community disruption, then the property match may be withdrawn.
  - *Note that it is not acceptable to withdraw a property match based on an applicant having known, clear and current gang affiliations alone. An applicant/customer may be affiliated with a gang in any way they choose without this affiliation affecting their ability to be housed by Kāinga Ora. The decision to withdraw must be related to proximity to a rival gang and the resulting likelihood of harm/violence or community disruption.*
- an applicant/whānau member has been a recent victim of family violence, and the available property is in an area close to the abuser
- an applicant/whānau member presents with exceptionally challenging behaviours (unsafe, physically aggressive or abusive) that present as a significant safety risk to Kāinga Ora staff and/or neighbours.

There must be a good and justifiable reason to withdraw a property match based on neighbourhood mismatch. **This withdrawal reason cannot be used where:**

- withdrawing the property match does not align with the Kāinga Ora Sustaining Tenancies Framework. This might apply to situations where there are existing Kāinga Ora policies that outline the approach to provide support that addresses the applicant/customer's needs. For example, a property match cannot be withdrawn based on past complex or disruptive behaviours, mental health or addiction challenges, known poor credit history, or a previous eviction or termination from a Kāinga Ora home. The Sustaining Tenancies Framework outlines our approach to supporting and managing customers with complex behaviours and needs.
- an applicant or customer requires wrap-around support to live well, but does not have that support in place prior to placement. The Framework for public housing customers to access social support

	services outlines the role of Kāinga Ora in connecting customers to appropriate support.
	• an applicant or customer would be predominantly impacted by a perceived issue or risk, but where this is not a strong enough reason to justify not offering an applicant a house. In these scenarios, applicants and customers should be involved in the decision-making process, rather than Kāinga Ora making a business decision based on a perceived issue without consultation. For example, a property match should not be withdrawn based on:
	- the applicant or customer with a young family placed in an area occupied by older tenants (where this is not an elderly person's home)
	- the location of the available property not matching the exact neighbourhood that the applicant/customer has indicated would meet their need

Appendix 4: Overview of match process

The below diagram depicts a high-level overview of the match process and how key aspects of this policy fit into the match process. For further details and guidance at each step of the below process, refer to CT-PRO-001 Match applicants and customers to a suitable home and CT-GDL-006 Guideline for matching applicants and customers to a home.

| Generate shortlist on available property | → | Select match from shortlist | → | Complete Pre-housing Conversation (if accepted) | → | Assess match suitability | → | Offer and show property | → | Offer accepted |

Bypass applicant
Applicant is bypassed, as property is unsuitable (according to conditions – see Appendix 2)

Withdraw match
Match is withdrawn as property is unsuitable (according to criteria – see Appendix 3)

Offer declined
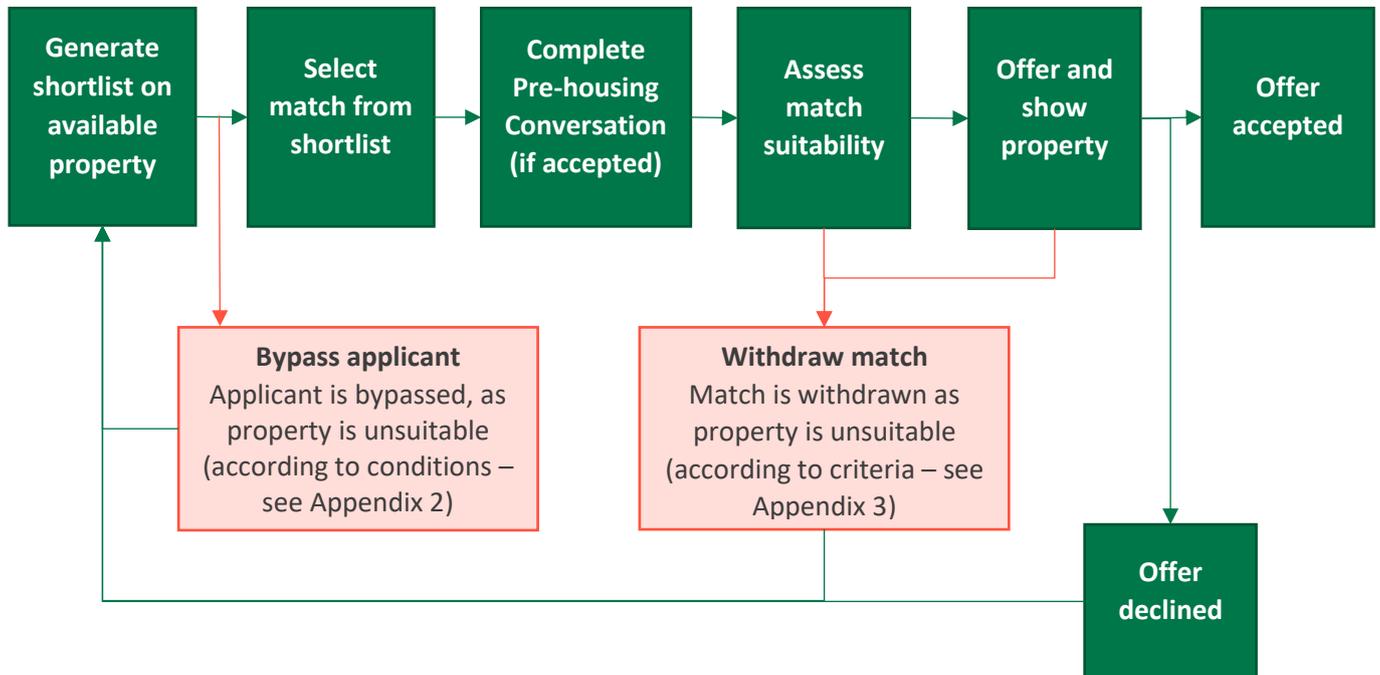
Policy: Pre-housing Conversation (POL-360)

Issue Date: 16 December 2021

Approved by: GM National Services

Owner: National Services

Author: Operational Policy

Contents

Purpose

1. This policy outlines the approach that Kāinga Ora – Homes and Communities (Kāinga Ora) takes when engaging with applicants and customers through a Pre-housing Conversation.

2. For the purpose of this policy:

   - the term 'applicant' refers to a person on the Social Housing Register who may be considered for a Kāinga Ora home, but is not yet a Kāinga Ora customer.
   - the term 'customer' refers to an existing tenant of a Kāinga Ora property. A customer may be involved in a Pre-housing Conversation as they are on the Business Initiated Transfer (BIT) register.

Background

3. Kāinga Ora has an objective to contribute to sustainable, inclusive and thriving communities that sustain or enhance the wellbeing of current and future generations.[1] We are committed to working with applicants and customers to achieve successful, sustainable tenancies and ensure they receive the support they need to be connected to their community, lead lives with dignity and the greatest degree of independence possible.

4. Under our Customer Strategy, Kāinga Ora is committed to providing customers with a suitable home and the right support. In order to make a suitable housing match, we need the right information about an applicant or customer's housing and wellbeing needs.

5. While the Ministry of Social Development (MSD) provides Kāinga Ora with information from an applicant's Housing Needs Assessment, there is further opportunity to engage with applicants to understand their housing and wellbeing needs. Opportunities also exist to better understand the housing and wellbeing needs of customers where a transfer[2] is required.

6. Having a better understanding of an applicant or customer's housing and wellbeing needs will support our ability to make a suitable housing match, and enhance our ability to support customers to settle in and live well in their new home.

7. Under our Customer Strategy and Wellbeing Approach, Kāinga Ora is also committed to embracing whānau-centred and strengths-based practice. This means that we will place customers at the centre of our work.

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[1] Section 12, Kāinga Ora – Homes and Communities Act 2019
[2] This might occur through the Business Initiated Transfer Register or the MSD Transfer Register

8. A Pre-housing Conversation can support Kāinga Ora with the above commitments, as it will allow us to establish a foundation for positive relationships with our applicants and customers by engaging with them in a people-centred, strengths-based way about their housing and wellbeing needs.

Operating principles

9. The operating principles from the Kāinga Ora – Homes and Communities Act 2019 that are most likely to be relevant to this policy are as follows:

   - supporting tenants to be well connected to their communities, to lead lives with dignity and the greatest degree of independence possible; and to sustain tenancies
   - working with community providers to support tenants and ensure those most in need are supported and housed.

10. Other operating principles may apply to this policy as circumstances require. Any action taken to engage with an applicant or customer through a Pre-housing Conversation should be undertaken in line with these operating principles.

Scope

11. This policy applies to the Advisor Placement when engaging with an applicant or customer through a Pre-housing Conversation. This includes when offering, arranging and making preparations, conducting, and recording a Pre-housing Conversation.

Policy

Our commitments

12. We will ensure that all engagement with applicants and customers throughout a Pre-housing Conversation is informed by our Wellbeing Approach and follows the principles outlined in [He Toa Takitini (Our Partnership + Engagement framework).](#)

13. In addition, this policy is underpinned by the following principles:

Customer-led

14. We will ensure that applicants and customers are aware that engagement through a Pre-housing Conversation is voluntary, and that applicants and customers may change their mind about undertaking a Pre-housing Conversation at any time.

15. We will support applicants and customers to express their choices and preferences for engagement throughout the entire Pre-housing Conversation process, and we will accommodate engagement preferences where appropriate and possible.

16. We will not disadvantage any applicant or customer who chooses not to participate in a Pre-housing Conversation, or chooses not to share certain information during the Pre-housing Conversation.

Strengths-based and whānau-centred

17. We will utilise approaches that are strengths-based and whānau-centred to establish a positive relationship with the applicant or customer and understand what is important to them regarding housing and support to live well.

18. We will create an environment where applicants and customers feel empowered to lead the conversation so that they are in control of the information that they choose to share about themselves and their whānau.

Transparency

19. We will ensure that we maintain transparency with applicants and customers. This means that we will be clear and honest about the purpose and process of participating in a Pre-housing Conversation, including what we will do with the information applicants and customers choose to share with us, and who will have access to it.

Culturally safe

20. We understand that applicants and customers may have different worldviews and expressions of culture. We will respect applicants' and customers' worldviews and try to relate to and respond to their culture and values.

21. We will invite applicants and customers to express themselves and set the tone for how we will interact with them and their whānau. We will also take the applicant or customer's cultural preferences into consideration when matching them to a suitable home.

Confidentiality

22. We will ensure that applicant and customers' information remains private and is stored safely.

Purpose of the Pre-housing Conversation

23. The objectives of the Pre-housing Conversation are primarily to:

- confirm that relevant information received from MSD that we require to make a suitable housing match is correct
- understand the housing and wellbeing needs and aspirations of the applicant or customer and their whānau to support a suitable housing match
- provide the applicant or customer with information on the matching process, including their rights to accept or decline an offered property, and the pathways that are available to them

- identify any additional support that the applicant or customer might need to move into and/or furnish their home, and live well in their new home
- understand the level of ongoing support that the applicant or customer will likely require from the Housing Support Team so that an appropriate Housing Support Manager can be identified.

Initiating a Pre-housing Conversation

24. Kāinga Ora provides all applicants and customers with the opportunity to complete a Pre-housing Conversation however, completion is not mandatory. Every new applicant will be offered a Pre-housing Conversation as part of the matching process.

25. For customers on the Business Initiated Transfer (BIT) register, the opportunity to complete a Pre-housing Conversation will be offered where:

- it has been greater than three months since the last meaningful engagement with the customer; or
- the Advisor Placement is unclear about their current housing or support needs.

26. For applicants who have completed a previous Pre-housing Conversation, the Advisor Placement will not complete another full Pre-housing Conversation unless we do not have sufficient or current information available to support suitable match decisions.

Conducting a Pre-housing Conversation

Support person

27. Every applicant or customer taking part in a Pre-housing Conversation is entitled to have a whānau member or support person(s) present during the conversation. Applicants and customers will be made aware of this entitlement beforehand with enough time to arrange for a support person to accompany them.

Accessibility

28. Where a Pre-housing Conversation occurs face-to-face, Kāinga Ora will ensure that the conversation takes place in a location that is accessible to the applicant/customer, and in an environment that considers both the applicant/customer's comfort and safety as well as the safety of Kāinga Ora staff.

29. Where language interpretation services are required, an applicant/customer may arrange for an interpreter of their choice. Otherwise, Kāinga Ora will arrange for interpreting services for the applicant/ customer.

Informed consent

30. Prior to commencing a Pre-housing Conversation, informed consent must be gained from the applicant or customer. This will include discussing the CT-FRM-007 Pre-housing Conversation Privacy Statement and ensuring that the applicant/customer understands:

    • the voluntary nature of the Pre-housing Conversation
    • the purpose for which the information is being collected
    • how the information will be used
    • how the information will be stored
    • who the information will be shared with.

31. The Pre-housing Conversation may not proceed unless the applicant or customer agrees to, and completes, the Pre-housing Conversation Privacy Statement.

32. Consent must also be gained from the applicant or customer prior to making contact with any existing support services that the applicant or customer is engaged with.

Privacy and information storage

33. Only information that is relevant and in accordance with the objectives of the Pre-housing Conversation (refer to Purpose of the Pre-housing Conversation above) should be collected and recorded.

34. Information captured during a Pre-housing Conversation will be recorded alongside the applicant or customer through a CT-FRM-005 Pre-housing Conversation Summary. This information will be retained in accordance with the Kāinga Ora Privacy Policy.

35. Applicants and customers have the right to review the information collected about them during the Pre-housing Conversation and can request for their information to be amended.

36. All information collected during the Pre-housing Conversation will be stored according to the POL-347 Information and Records Management Policy.

Safety considerations

37. The safety of both the applicant or customer (and their whānau), and any Kāinga Ora staff undertaking a Pre-housing Conversation, is of utmost importance. For practical information on how to create a safe environment for the applicant or customer, and maintain safety as a Kāinga Ora staff member, refer to SS-GDL-110 Staying Safe and Secure, and CT-GDL-011 Guidelines to complete the Pre-housing Conversation.

Definitions

Term	Definition
Applicant	A person who is eligible for social housing and is yet to be housed by a social housing provider (ie, an individual on the Social Housing Register). For the purpose of this policy, the term 'applicant' is used to refer to a person who may be considered for a Kāinga Ora property, but is not yet a Kāinga Ora customer.
Business Initiated Transfer	Where Kāinga Ora requires a customer to move out of the property they are currently renting for business reasons, they are placed on the Kāinga Ora Business Initiated Transfer (BIT) Register.
Customer	A person who is a tenant of a Kāinga Ora property and anyone living at the property with the tenant's permission.
Housing Needs Assessment	Assessment undertaken by MSD to assess an applicant's level of housing need.
Social Housing Register	Register held by MSD that prioritises applicants who have been assessed as eligible for public housing. Kāinga Ora pulls a shortlist from the Register when a Kāinga Ora property becomes available.
Pre-housing Conversation	Conversation between an applicant or customer and Kāinga Ora to inform a suitable match decision. This is a voluntary conversation that is focussed on an applicant/customer's housing and wellbeing needs.

Related policies, procedures, legislation and documents

38. This document should be read in conjunction with the following policies and guidance:
    - Guideline to complete the Pre-housing Conversation (CT-GDL-011)
    - Match to a Suitable Home Policy (POL-354)
    - Guideline to Make a Referral to a Support Service (CT-GDL-012)
    - Staying Safe and Secure (SS-GDL-110)
    - Pre-housing Conversation Privacy Statement (CT-FRM-007)
    - Pre-housing Conversation Summary (CT-FRM-005)

39. Relevant legislation:
    - Kāinga Ora – Homes and Communities Act 2019
    - Public and Community Housing Management Act 1992
    - Treaty of Waitangi
    - Residential Tenancies Act 1986
    - Health and Safety at Work Act 2015
    - Privacy Act 2020

40. Relevant strategies and frameworks:
    - Framework for Supporting Public Housing Customers to Access Social Support Services
    - Customer Strategy
    - Kāinga Ora Strategy
    - The Māori Strategy
    - Community Strategy

Review

41. This policy will be reviewed as part of the wider Customer Programme Implementation review.

Document control

Date	Reviewed/Modified by	Comments/Descriptions of changes
Nov 2021	Alice Palmer – Operational Policy	Drafted
Nov 2021	Customer and Communities Pae Tātaki	Endorsed
Nov 2021	Public Housing Committee of the Board	Endorsed

42. Details of previous versions of policies and procedures will be stored in the Kāinga Ora document management system (Objective).

Appendix 1: Overview

The below diagram depicts the overview of the matching process, how the Pre-housing Conversation fits within the matching process, and the key stages of the Pre-housing Conversation. For more information, refer to POL-354 Match to a Suitable Home.
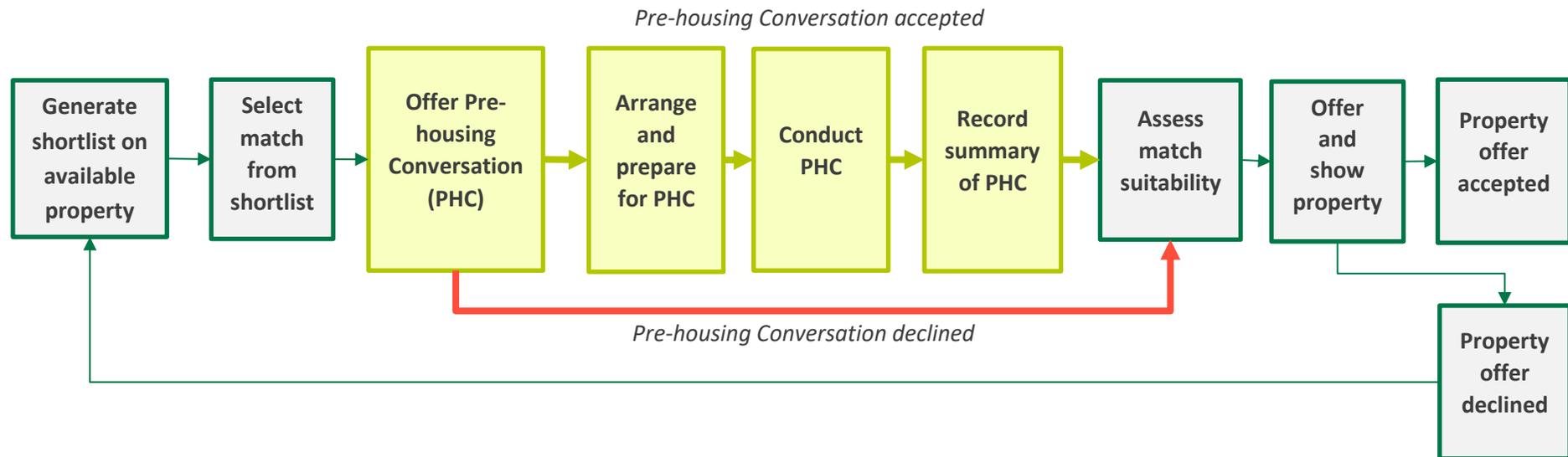
Pre-housing Conversation accepted

| Generate shortlist on available property | → | Select match from shortlist | → | Offer Pre-housing Conversation (PHC) | → | Arrange and prepare for PHC | → | Conduct PHC | → | Record summary of PHC | → | Assess match suitability | → | Offer and show property | → | Property offer accepted |

Pre-housing Conversation declined

| Property offer declined |

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL   **WAI 2750**

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	**Kaupapa inquiry into claims concerning Housing Policy and Services**

UPDATED EVIDENTIAL FACT SHEET

TE RAUTAKI MĀORI O KĀINGA ORA, TE ANGA WHAKAMUA, TE AU ROA (KĀINGA ORA)

4 Whiringa-ā-rangi | November 2022

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1.	Basic information	**Title of policy / programme**: Kāinga Ora Māori Strategy, Te Anga Whakamua (Interim Direction Document), Te Au Roa (Māori Strategic Plan 2007-2012)
		Year introduced:
		1. Te Au Roa was operational between 2007 and 2012
		2. Te Anga Whakamua was operational between 2020 and 2021.
		3. Te Rautaki Māori o Kāinga Ora 2021-2026 was introduced 2021.
		4. Tū Hengere Implementation Plan was introduced 2022.
		Still current?:
		1. Te Au Roa is no longer current.
		2. Te Anga Whakamua is disestablished.
		3. Te Rautaki Māori o Kāinga Ora 2021-2026 is current.
		Administering agency(ies): Kāinga Ora-Homes and Communities (**Kāinga Ora**)
		High level summary of policy/programme:
		1. Te Au Roa was (then) Housing New Zealand Corporation's (**HNZC**) Māori Strategic Plan between 2007 and 2010.
		2. Te Anga Whakamua was an interim document, that supported Kāinga Ora's approach under the Māori and Iwi Housing Innovation Framework (**MAIHI**) while Te Rautaki Māori was being developed. The document was disestablished February 2022.
		3. Te Rautaki Māori o Kāinga Ora 2021-2026 provides strategic direction for Kāinga Ora to achieve and enable housing outcomes for Māori and support the approach under MAIHI Ka Ora.
		Overlapping/Related policies/programmes:
		• The Māori and Iwi Housing Innovation Framework for Action - MAIHI
		• Anga Mahi Tahi, Tuitui Hoki – Kāinga Ora's Partnership and Engagement Framework

		• Kāinga Ora's Strategic Plan
		• Kāinga Ora's Statement of Intent 2019/2023
		Other agencies involved in development, implementation, or ongoing administration:
		• Ministry of Social Development (**MSD**)
		• Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (**HUD**)
		• Te Puni Kōkiri
		• Te Arawhiti
2.	**Description of Policy / Programme**	**Te Rautaki Māori o Kāinga Ora 2021-2026 (2021-current)**Te Rautaki Māori provides strategic direction to achieve and enable housing outcomes for Māori. Te Rautaki Māori, through a partnership approach with iwi, rōpū Māori, Māori housing experts and Government, highlights key issues that affect Māori disproportionately such as homelessness, quality of housing and home ownership and seek to address these through the aspirations of partners in a strategic vision, objectives and outcomes that will guide Kāinga Ora and its future work programme for bettering outcomes for Māori. Te Rautaki Māori embeds a Te Ao Māori approach within Kāinga Ora and its core business. It ensure that Kāinga Ora is living and practising Te Tiriti o Waitangi our everyday work.
		Te Rautaki Māori sits next to the Kāinga Ora Strategy,[2] at the top of Kāinga Ora's strategic framework. Te Rautaki Māori and the Kāinga Ora Strategy will share one outcomes framework, which is currently being developed.
		Tū Hengere Implementation Plan (2022-current)
		Tū Hengere is a 12 month implementation plan that positions and enables Kāinga Ora to achieve the key priorities set within Te Rautaki Māori.
		Te Anga Whakamua (2020 – 2022)
		Te Anga Whakamua was an interim direction document that supported Kāinga Ora's approach under MAIHI

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[2]   The Kāinga Ora Strategy is currently being developed, refer Strategic Plan Evidential Fact Sheet.

while Te Rautaki Māori was being developed.[3] Te Anga Whakamua identifies five focus areas to support MAIHI:

- Homelessness goal: reduce Māori homelessness

- Quality of housing goal: Māori have access to quality and appropriate housing

- Partnership goal: effective and meaningful partnerships with Māori

- National responsiveness goal: establishing and build enduring and meaningful relationships across the regions

- Home ownership goal: increase Māori home ownership

Each goal listed a number of specific interventions. For example, an intervention under the 'Partnership goal' is to "build internal organisational competency and capability and support industry responsiveness to Iwi/rōpū Māori".[4]

Te Anga Whakamua was disestablished in February 2022. Te Rautaki Māori is the enduring document which will support the approach of Kāinga Ora under MAIHI.

2010-2020

There was no specific strategy for Māori between 2010 and the introduction of Te Anga Whakamua in 2020. HNZC's strategy for Māori was instead to be integrated into its general Strategic Plan. HNZC's Strategic Plan for 2010-2015 indicated HNZC intended to develop a new approach for engaging with Māori.[5] However, Kāinga Ora has been unable to find any evidence that this intention was progressed (until the development of Anga Mahi Tahi, Tuitui Hoki, Kāinga Ora's current Partnership and Engagement Framework).[6]

In December 2010 a proposal "Strategic Response to Māori Housing" was put up to HNZC's Investment Group, seeking approval to develop a document titled "Working with and for Māori" [**KAI.003.1338**]. The Investment Group withdrew the paper, indicating that the commencement of the project was not approved. The minutes

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[3]   See Te Anga Whakamua graphic [**KAI.002.7840**].

[4]   This intervention is being implemented through the establishment a Mātauranga Māori programme which has recently set up a pilot in Wellington Region and Christchurch to run Tikanga Courses for the staff in those area offices.

[5]   See KAI.002.9267 at p 27.

[6]   *Refer separate Evidential Fact Sheet on Anga Mahi Tahi, Tuitui Hoki - Partnership and Engagement Framework.*

from the Investment Group meeting stated the intention of the Executive Team was that goals for Māori were to be built into all HNZC's key projects (i.e. instead of a specific policy for Māori Housing). [**KAI.003.1342**].

HNZC did continue to engage with Māori after 2010, however engagement was done adhoc by project, rather than strategically.

Te Au Roa (2007-2010)

Te Au Roa [**KAI.002.7851**] led the direction for how (then) HNZC engaged with Māori on housing issues between 2007 and 2010. The key outcome of the plan was to partner with iwi, Māori and key stakeholders to enable the development of affordable Māori housing and sustainable communities. This was broken down into key goals: to build partnerships with iwi and Māori, to be effective for Māori and to be responsive to Māori. This was further broken down into three priority areas: to develop and maintain strategic partnerships with iwi, Māori and other key stakeholders, to increase the effectiveness of service delivery to Māori and to enhance the Corporation's capacity and capability to respond to Māori as customers.[7]

The key achievements of Te Au Roa were:

- completing the Effective Service Delivery to Māori Assessment 2010 Report[8] to assess a selected number of HNZC's products and services including the housing Options and Advice Service, the revised Welcome Home First Steps provider programme, Kāinga Whenua loans and the Housing Innovation Fund – Māori Demonstration Partnerships;

- completing five Māori Demonstration Partnership agreements with iwi including four capital projects and a strategic partnership with Tainui-Waikato, as well as approving grants to support six organisations to develop their housing proposals;

- launching Kāinga Whenua – an extension of the Welcome Home Loan to include lending for multiple-owned Māori land;

- tendering the provision of services for inter-cultural communications training that was piloted over the 2010/11 year as part of the Customer Excellence training programme; and

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7   See p 29.

8   See KAI.002.9232. This document is marked draft, however Kāinga Ora believes the final version is unchanged from the draft version.

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		• working closely with the (then) Office of Treaty Settlements in the continued access to surplus state housing as part of the right of first refusal process.
		Te Au Roa was disestablished in 2010. The disestablishment was driven by a decision for HNZC to focus on its core business of tenancy management and asset management.[9] Kāinga Ora has been unable to identify any evidence that there was engagement with Māori about the decision to disestablish Te Au Roa.
3.	**Outline of the process to develop this Policy / Programme** **Identify how Māori were engaged in the development of the Programme**	**Māori Strategy** Te Rautaki Māori was developed in accordance with Anga Mahi Tahi, TuituiHoki (Partnership Engagement Framework) and MAIHI. Te Kurutao Group (Māori Operations) led the development process. The fundamental principle for the development of Te Rautaki Māori is co-development and empowerment. Three tira (cohorts) were engaged to participate in the Māori Strategy for their expertise, knowledge and experience in the Māori housing sector. The engagement groups consisted of three Tira, an Iwi Leaders Tira, a Māori Housing Experts Tira and an Internal & Inter-Agency Tira. The engagement process started internally with an online survey of Kāinga Ora staff that covered Māori values, engagement, health & wellbeing, Te Tiriti o Waitangi and Mātauranga Māori. External engagement was initiated via a series of 6 hui, held face to face and via Zoom (Zoom was used because of the impact of COVID-19).[10] Each Tira were invited to attend an introductory online wānanga and three face to face wānanga. The design of these wānanga were progressional in order to build on and grow ideas and meaningfully engage with the Tira. Te Rautaki Māori was approved by the Kāinga Ora Board in August 2021 and was launched in November 2021. **Tū Hengere Implementation Plan (2022-current)** Priority actions for Tū Hengere were developed in a wānanga with Te Kurutao Group in mid 2021. These actions are what Kāinga Ora aims to achieve within the initial 12 months of implementation. The programme was approved by DCE Ringa Raupa, Te Ariki Pihama, in January 2022.

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[9] See 2010 Letter of Expectations from the Minister for Building and Construction [**KAI.002.6762**].

[10] See list of attendees [**KAI.002.9312**]. Kāinga Ora had intended to hold 11 regional wānanga across the motu with iwi and rōpū Māori. Unfortunately, this was not possible because of COVID-19, so a smaller, more targeted approach was taken.

		Te Anga Whakamua (2020 – 2022)
		Te Anga Whakamua was developed internally by Kāinga Ora. There was no external engagement because Te Anga Whakamua is an interim direction document and was needed urgently to bridge the gap until Te Rautaki Māori was completed.
		Te Au Roa (2007-2012)
		Te Au Roa was developed in response to messaging received by HNZC's Māori Capability Committee[11] from Iwi Governance Entities to the effect that HNZC needed to build its capability to engage more effectively. HNZC engaged with Māori in the development of Te Au Roa, through the Māori Capability Committee. Te Au Roa recorded how the plan responded to the specific feedback received by the Māori Capability Committee.[12]
4.	**Aims or Objectives of the Policy / Programme**	**Māori Strategy**
		The objectives of Te Rautaki Māori are to:[13]
		• embed a Te Ao Māori approach within Kāinga Ora and its core business;
		• implement an engagement process with Iwi and Rōpū Māori that recognises and practices tikanga, is respectful of iwi contexts, and seeks to work with and alongside Iwi and Rōpū Māori;
		• benchmark the expectations of Iwi and Rōpū Māori and communities with regards to their needs, aspirations and futures in housing and urban development understand the needs of Māori communities in terms of wellbeing and sustainability within the context of housing;
		• give effect to Te Tiriti o Waitangi, the Treaty of Waitangi and Principles of the Treaty of Waitangi in Kāinga Ora's everyday work and encourage Kāinga Ora to think critically about the transformational outcomes of its work for Māori communities in housing and urban development;
		• encourage Kāinga Ora to think critically about the transformational outcomes of its work for Māori

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[11]   The Māori Capability Committee was a committee within HNZC, established in 2004 by the HNZC Board to engage with Iwi and Māori Governance entities (including Māori Trusts, Land Trusts, Incorporations, and organisations) in order to build relationships and address Māori housing needs. Kāinga Ora has been unable to find conclusive evidence of the tenure of the Māori Capability Committee, however reporting on the Committee stopped in June 2011.

[12]   See KAI.002.7851 at table 6 (p 19) (see also the discussion of the Māori Capability Committee at p 18).

[13]   See paper to Kāinga Ora Board, Māori Strategy for Kāinga Ora – proposed approach to develop the strategy [**KAI.002.5892**].

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communities in housing and urban development.

The intended outcomes of the Māori Strategy are:

- Māori aspirations for housing and urban development are supported and Māori interests protected.

- Kāinga Ora are focused on transforming Māori communities and improving the social economic environmental and cultural wellbeing through improved housing and urban development.

- Kāinga Ora engagement with Iwi and Rōpū Māori is partnership-oriented, purposeful, respectful and mana-enhancing.

- Te Tiriti o Waitangi, the Treaty of Waitangi and Principles of The Treaty of Waitangi are reflected in all of the work that Kāinga Ora does.

- Te Rautaki Māori demonstrates strong alignment with HUD, Te Puni Kōkiri and other relevant agencies who serve the needs of Māori through housing, under the auspices of the MAIHI Framework.

- Māori cultural capability is prioritised, supported and resourced across the organisation.

Tū Hengere Implementation Plan (2021-current)

The purpose of Tū Hengere is to achieve the priority actions and ongoing work programme set in Te Rautaki Māori.

Te Anga Whakamua (2020 – 2021)

The purpose of Te Anga Whakamua was to support Kāinga Ora's approach under MAIHI, while Te Rautaki Māori was being developed.

Te Au Roa (2007-2010)

The objectives of Te Au Roa were:[14]

- increasing Māori access to urban and rural home ownership, lending and security to complement HNZC's

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[14]   See **KAI.002.7851** at p 27.

		existing and developing initiatives;
		• increasing opportunities for iwi and Māori to participate in the rental market;
		• increasing innovation with iwi and Māori governance entities, Land Trusts and Incorporations in order to address the range of Māori priorities and aspirations;
		• developing an inter-sectoral approach to identify and address impediments to Māori housing priorities and aspirations;
		• growth of a wider work programme that draws on central and local government, as well as financial institutions, iwi and Māori governance entities, Land Trusts and Incorporations to potentially leverage off each other's strengths to create new opportunities;
		• improved overall outcomes in the well-being of Māori as individuals and as members of whānau, hapū and iwi; and
		• an increase in the sustainability of Māori urban and rural communities that government departments and iwi and Māori governance entities can attest to.
5	**Outline of monitoring and evaluation built in to Policy / Programme** **Identify if Māori are involved in the monitoring of the Programme**	**Māori Strategy** The Māori Strategy is intended to be monitored through the Kāinga Ora Outcomes Framework[15] as well, as part of the development of the Māori Strategy, a robust evaluation and monitoring framework will be established as a means to regularly review our success and areas for change and improvement. Kāinga Ora has established a Māori Strategy Advisory Group whose role is to provide external and independent views to support the implementation and review of Te Rautaki Māori to achieve success for Māori whānau and to meet the vision, goal and prioritised areas that are identified. **Te Anga Whakamua (2020 – 2021)** There is no specific monitoring of Te Anga Whakamua as it was an interim framework. However, any learnings about Te Anga Whakamua were collected and fed back into the development of the Māori Strategy

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[15] The Outcomes Framework is set out in Kāinga Ora's Statement of Intent 2019-23 [**KAI.002.7202**]. As noted in the Statement of Intent the Outcomes Framework is interim and open for feedback as Kāinga Ora develops its understanding of its role.

		Te Au Roa (2007-2010)
		Te Au Roa identified three key outcome measures:[16]
		(1) measures for specific types of housing tenure to be developed;
		(2) Māori-specific indicators developed for service delivery;
		(3) increase the trust and confidence in HNZC by Māori tenants from 57% to 70% by 2011.[17]
		Te Au Roa noted potential measures and indicators ((1) and (2) above). However Kāinga Ora has been unable to find evidence that development of the measures/indicators was progressed.
		It was intended that Te Au Roa would be reviewed annually however that did not occur.
6	**Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims**	**Te Rautaki Māori o Kāinga Ora 2021-2026, Tū Hengere Implementation Plan and Te Anga Whakamua**
		No data currently available.
		Te Au Roa
		In June 2010, HNZC launched a review of Te Au Roa. The terms of reference [**KAI.002.9130**] recorded a number of issues with Te Au Roa:
		• A major barrier in achieving the desired outcomes of Te Au Roa Strategic Plan has been its implementation in a 'silo' fashion, by a small discrete team – resulting in 'non-ownership' in the right parts of the organisation.
		• The initial strategy notes potential measures for success, but was not explicit on measuring outcomes.
		The proposal at this stage was to develop a new Māori Strategy, which would be fully integrated with HNZC's strategic plan. As discussed above at section 2, this proposal did not progress.

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[16]   See [**KAI.002.7851**] at p 28.

[17]   Customer satisfaction was, and is, monitored in customer surveys.

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**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL   **WAI 2750**

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	**Kaupapa inquiry into claims concerning Housing Policy and Services**

UPDATED EVIDENTIAL FACT SHEET
METH POLICY
(POLICY FOR MANAGING METHAMPHETAMINE CONTAMINATION OF KĀINGA ORA-MANAGED PROPERTIES)

(KĀINGA ORA)

4 Whiringa-ā-rangi | November 2022

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1.	**Basic information**	**Title of policy / programme**: Policy for managing methamphetamine (**meth**) contamination of Kāinga Ora-managed properties (**Policy for managing meth**).
		Year introduced: 2019 (replacing 2004-2018 policy)
		Still current?: Updated in 2021 to reflect Kāinga Ora – Homes and Communities Act 2019 operating principles.
		Administering agency(ies): Kāinga Ora-Homes and Communities (**Kāinga Ora**)
		High level summary of policy/programme: Guidance for Kāinga Ora staff and contractors for managing meth contamination at Kāinga Ora managed properties. Includes a customer wellbeing focus, with greater tolerance and understanding of tenants with addiction and substance abuse issues. Replaces previous zero-tolerance approach.
		Overlapping/Related policies/programmes:
		• Customer Strategy (see separate evidential fact sheet)
		• Te Waka Urungi (see separate evidential fact sheet)
		• Sustaining Tenancies Framework Policy (see separate evidential fact sheet)
2.	**Description of Policy / Programme**	The policy for managing meth [**KAI.002.0936**] provides guidance to Kāinga Ora workers about managing meth in Kāinga Ora managed properties, including health and safety matters around potential or confirmed meth situations in Kāinga Ora-managed properties.
		The policy outlines the following:
		- Kāinga Ora is focused on the safety of its workers, tenants and other people who may potentially come into contact with meth contamination. A test for meth contamination will be undertaken where Kāinga Ora has reasonable grounds, supported by credible evidence, for suspecting the property may have high levels of meth contamination. Kāinga Ora may also make a business decision to carry out a test for meth contamination where there is no apparent cause for suspicion.[1]

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[1] Non-suspicion baseline testing is undertaken for properties that are leased through the Home Lease Programme, as Kāinga Ora must ensure these properties are returned to the Owner free ofcontaminants.

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Meth use, first and foremost, is a health and addition issue for the person using and their family/whānau. Kāinga Ora seeks to support the tenant to sustain their tenancy, including (for example) by referring the tenant to Te Waka Urungi, which will assist the tenant to access appropriate services. Only in exceptional circumstances will the tenancy be terminated for meth use or manufacture.

- In some circumstances it may be appropriate to seek recovery of costs associated with testing, cleaning, reinstating, demolishing, or the loss of value of, a property from the tenants and/or other persons through the Tenancy Tribunal or District Court. Any such cases must be discussed first with the appropriate manager.

The policy is supported by the following guidelines:[2]

- CA-716 Managing Methamphetamine (Meth) in Kāinga Ora - managed Properties
- CA-717 Guidelines for Managing Methamphetamine (Meth) in Home Lease Properties
- CA-718 Guidelines for Managing Methamphetamine (Meth) in Emergency Housing Properties
- CA-719 Guidelines for Managing Methamphetamine (Meth) in Community Group Housing Properties
- T-250 Guidelines for Managing Tenant Belongings Affected by Methamphetamine (Meth) Contamination

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Outline of the process to develop this Policy / Programme

Identify how Māori were engaged in the development of the Programme

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The policy for managing meth is part of a series of shifts in approach by Kāinga Ora (and previously Housing New Zealand Corporation (**HNZC**)) to proactively help tenants and their families sustain their tenancies and live in warm, safe, dry homes.

The 2004-2018 zero tolerance policy

HNZC's approach from 2004-2018 was zero tolerance towards criminal activity, which included the use and manufacture of methamphetamine. In 2011 a suspension policy was introduced following a cabinet decision that allowed HNZC to suspend tenants for one year for unlawful activity and by 2014 drug use in HNZC properties could

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result in termination of the tenancy.[3] In addition, the cost of remediation was sometimes added to a tenant's rent account (provided the cost was properly established as payable by the tenant).

In 2016, the policy was adapted so that tenants that weren't responsible for the meth contamination could be moved to another HNZC. Grocery vouchers and grants were offered to tenants who were placed in what were later found to be meth contaminated properties. These grants were also used as compensation for loss of belongings if contaminated by meth from the homes.

Change to sustaining tenancies approach

In 2017, (then) HNZC began its shift towards a sustaining tenancies approach,[4] which included a review of its zero-tolerance approach to illegal activity. As a result, from 2018 onwards HNZC no longer terminated tenancies for methamphetamine contamination except if meth was manufactured at the property. As part of the move to a sustaining tenancies approach, HNZC considered the impact of its past polices in a report on HNZC's response to meth contamination [**KAI.002.5431**] (**the Report**). The Report included a foreword from the Board of HNZC acknowledging and apologising for the harm caused by HNZC's former policies:

> *The Housing New Zealand Board apologises to past Housing New Zealand customers who have suffered harm through termination of a tenancy as a result of our policies or practices that we can now see, with all the information in front of us, were wrong or ill judged.*

> *We accept that significant harm was done to a number of Housing New Zealand customers as a result of the policies and practices associated with meth, even if Housing New Zealand people at the time believed they were acting in good faith. We understand that meth is only one of many illegal*

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3   See separate evidential fact sheet on Placement, including suspensions and waivers.

4   See separate Evidential Fact Sheet concerning Sustaining Tenancies Draft Policy Suite.

drugs that may be used in Housing New Zealand homes and that it has had a disproportionate amount of attention by us.

The Report found 65 percent of tenancies in properties found to be contaminated above the then threshold left the contaminated property (either because of eviction or for other reasons) and were not re-housed (see p 53). Only 13 percent of tenants in properties found to be above the then threshold remained in the property as at the time of the Report.

In February 2019, HNZC's Policy Leadership Group and the Executive Team made a series of policy decisions regarding the testing and decontamination thresholds for meth and the consequences for treatment of tenants in properties where meth contamination has occurred.[5] Those policy decisions led to the current policy for managing meth, which has been in force since October 2019.

Engagement with Māori to date

Kāinga Ora has been unable to find evidence that targeted engagement and consultation with Māori, iwi or Māori interest's groups occurred in the development or review of the 2004-2018 zero tolerance policy or the development of the current policy for managing meth.

Future development of the policy

The operational policy for managing meth will be reviewed following the release of meth regulations that are being developed by Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development. Kāinga Ora intends to engage with Māori as part of the review of the policy.

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[5]   See particularly the minutes from the Board's meeting held on 25 February 2019, where the Board discussed the discussed the importance of enabling stability for tenants to help improve health and education outcomes [**KAI.002.8882**].

4.	**Aims or Objectives of thePolicy / Programme**	The overall objectives of the policy are to:[6]
		- so far as is reasonably practicable, ensure the safety of workers, tenants and other people who may potentially come into contact with meth contamination; and
		- support tenants who use or manufacture meth to sustain their tenancies or transfer to a new tenancy, except where there are exceptional circumstances to justify terminating the tenancy.
5.	**Outline of monitoring andevaluation built in to Policy / Programme** **Identify if Māori are involved in the monitoring of the Programme**	As noted above, the policy for managing meth will be reviewed following the release of meth regulations. This is still a work-in-progress.
6.	**Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims**	**2004-2018 approach** The Report on HNZC's 2004-2018 approach to meth [**KAI.002.5431**] acknowledged the harm caused by HNZC's policy (see apology quoted above). The Report made a number of findings about HNZC's approach:[7] • Focusing on zero tolerance was wrong and ignored many of the issues that resulted in access to a state home in the first place. It had a range of poor outcomes for tenants and their families. • In determining whether houses were safe to live in, Housing New Zealand took a conservative and risk adverse approach to health risks and, from 2014 onwards, applied existing Ministry of Health guidelines for instances of both methamphetamine manufacture and use in its properties. These 2010 guidelines were developed solely in relation to contamination resulting from manufacture, and in hindsight, Housing New Zealand was wrong to apply them more broadly. Although Housing New Zealand sought scientific opinion on this issue, it chose not to take a leadership role in investigating the issue independently of established channels. The New

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[6]   [**KAI.002.0936**] (see principles section).

[7]   See summary at p 9.

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Zealand standard, and then the Chief Science Advisor's report, identified a much higher threshold than the 2010 guidelines.

Housing New Zealand failed, in some individual cases, to follow the principles of natural justice, by applying its suspension policy without providing sufficient detail to allow tenants to respond meaningfully to a notification that they were being considered for suspension; and in seeking to recover costs for methamphetamine contamination from tenants without bringing a claim against those tenants in the Tenancy Tribunal or District Court.

- Housing New Zealand failed, in some individual cases, to take sufficient care in examining methamphetamine test results before seeking to end a tenancy.

- Housing New Zealand must continue to improve its policy development and implementation to ensure that it takes appropriate care when interacting with tenants, who are some of the most vulnerable people in Housing New Zealand's communities. Housing New Zealand failed to take a customer centred approach when developing its methamphetamine management policies.

- Housing New Zealand's Board must have greater involvement and oversight as key operational policies are developed. The Board has recognised the need to take a more active role in monitoring the development and implementation of operational policy in the future.

- Housing New Zealand is unable to guarantee that its records in relation to tenancies affected by methamphetamine contamination are complete. This is due to deficiencies in its record keeping and because of the number of different systems that have been used to store information over time. System improvements are required to ensure that important information relating to tenancies and outcomes for tenants is captured and readily available in Housing New Zealand's core systems.[8]

Records of transfers/terminations related to meth contamination prior to 2019

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[8] Note, a number of system improvements were made in 2016, when HNZC began recording information regarding meth in homes or related to tenancies in a centralised way, including information about terminations due to meth contamination.

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Following the Report on HNZC's pre-2018 approach (discussed above), HNZC/ Kāinga Ora created a system to record tenants who were transferred or had their tenancy terminated related to meth contamination prior to 2019, to support reconnecting those tenants with HNZC/ Kāinga Ora services.[9]

Data post current policy for managing meth

During 2019, zero tenancies have been terminated due to meth contamination and 24 tenancies have been recorded as transferred due to meth contamination.[10]

- From January 2020 to October 2021, zero tenancies have been terminated due to meth contamination and 23 tenancies have been recorded as transferred due to meth contamination.

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[9]   Kāinga Ora have taken other steps to support customers affected by the zero-tolerance policy, for example cancelling the recovery of meth related customer debt.

[10]   Note, the records of Kāinga Ora show 2 tenancies terminated due to meth contamination, however Kāinga Ora has confirmed the cause of those terminations was incorrectly recorded – one was a transfer for possible future development and the second was a transfer for decontamination due to meth.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL **WAI 2750**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**Kaupapa inquiry into claims concerning Housing Policy and Services**

**UPDATED EVIDENTIAL FACT SHEET
MYKĀINGAORA
(KĀINGA ORA)**

4 Whiringa-ā-rangi | November 2022

**CROWN LAW
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1.	**Basic information**	**Title of policy / programme**: MyKāingaOra
		Year introduced: Public Launch March 2020
		Still current?: Yes
		Administering agency(ies): Kāinga Ora-Homes and Communities (**Kāinga Ora**)
		High level summary of policy/programme: platform for the tenants of Kāinga Ora to check information about their tenancy and communicate with Kāinga Ora.
		Overlapping/Related policies/programmes: Customer Strategy (see separate evidential fact sheet)
2.	**Description of Policy / Programme**	MyKāingaOra is a web-based service for KāingaOra tenants to access their tenancy information online. Customers can access this online service from their device, (computer, mobile, tablet or laptop) and it is available 24 hours, 7 days a week. Customers who are with certain providers (Spark, Vodafone, 2Degrees, and Skinny) do not have to pay to set up or use the service as it uses sponsored data on all cellphone networks which means it uses very little to no data.
		As of March 2022, MyKāingaOra is available in multiple languages including te reo Māori, Tongan, Samoan, and Simplified Chinese, and English.
		Customers can register online to use MyKāingaOra, or contact the Kāinga Ora Customer Support Centre for support.
		They can use the service to:

		- Check their account balance, transactions and history (for rent and maintenance, and view their next rent review date - View existing debt arrangements and see if they are currently in debt (rent and maintenance) - View current and historical maintenance jobs and request non-urgent maintenance - Upload Photos to support maintenance requests - Check who their Housing Support Manager is and see all upcoming appointments, such as annual inspections - Check and update their Profile information (e.g. mobile number, email address) - Add/delete their consented parties (persons who can act on behalf of a tenant) - View and download letters - Access Wellbeing services (1737), Healthline, Police 105 service, Step-up Loans, Budgeting and other external financial resources, and relevant COVID information - Customer Welfare Surveys - Access information relating to Healthy Homes and how to prevent common issues such as mould, condensation, dealing with drafts
3.	**Aims or Objectives of thePolicy / Programme**	The objectives of the Programme are as follows: - Enable tenants to be more independent by giving them easy access to their tenancy information and enabling them toaccess services and report non-urgent issues online. - Free up the Kāinga Ora Customer Support Centre people and Tenancy Teams, enabling them to make more proactivepastoral care calls and offer increased intensive proactive tenancy services.
4.	**Availability of data to demonstrate success or failures of the Programme**	There are currently 15,650 activated users (customers).

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL **WAI 2750**

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Kaupapa inquiry into claims concerning Housing Policy and Services

UPDATED EVIDENTIAL FACT SHEET
RETROFIT PROGRAMME

(KĀINGA ORA)

4 Whiringa-ā-rangi | November 2022

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1.	Basic information	**Title of policy / programme and years of operation**
		Retrofit Programme[1] (2019 to current), including:
		• Predecessor programmes: Rheumatic Fever Prevention Programme (**RFPP**) (2011-current); Warm and Dry HomesProgramme (2015-2019); RightSize: (2013-2015); and Healthy Housing (2000-2013).
		• Related programme: the Healthy Homes Programme (2019-current).
		Administering agency(ies): Kāinga Ora – Homes and Communities (**Kāinga Ora**)/Housing New Zealand (**HNZ**)
		High level summary of policy/programme:
		The Retrofit Programme is a significant part of the Kāinga Ora asset renewal programme – driven off its Asset Management Strategy. The strategy sets asset quality targets that ensure all state-homes are warm, dry, safe and functional, and sets timeframesthat then drive specific work programmes. The Retrofit Programme is one of our work programmes that will deliver those homes, with an initial three-year programme, after which it will be evaluated to determine effectiveness.
		Overlapping/Related policies/programmes:
		• Asset Management Strategy (see separate evidential fact sheet)
		• Long-term Investment Management Plan (see separate evidential fact sheet)

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[1]   In some documents this programme is referred to as the Renewal (Rebuild and Retrofit) Programme.

2.	**Description of Policy /Programme**	Under the Retrofit Programme, Kāinga Ora is planning to upgrade through an extensive "renovation" Kāinga Ora properties toa "modern" standard.[2] This will involve 29,100 homes being retrofitted over a period of 30 years. The "modern" standard includes ensuring all homes:
		
		• Meet health and safety and legislative requirements.
		
		• Are maintained at an appropriate condition.
		
		• Have long run building components renewed (e.g. replacing roofs, replace drains).[3]
		
		• Meet Kāinga Ora warm and dry standards.
		
		• Have improved performance standards, including:
		
		    • A fully insulated building envelope
		
		    • Draught exclusion
		
		    • Double glazing
		
		    • Energy efficient heating
		
		    • Ventilation
		
		    • Damp proofing
		
		• Have modern kitchens and bathrooms.
		
		• Where possible a functional and practical internal layout (e.g. open planned living). Not always practical.
		
		• Where possible have accessibility improvements.
		
		• Are more energy efficient.
		
		• Have environmentally prudent systems and processes.

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[2] See Baseline Long-term Investment Plan 2019 [**KAI.002.6470**]. See also the Retrofit Programme [**KAI.002.2714**].

[3] Long run components are only replaced when they are at or nearing the end of their useful life.

The Retrofit Programme is intended to be a three-year programme initially, which will be evaluated at the end of the period todetermine progression. If it is continued, the programme will involve a total investment cost of $24.2billion over 30 years, of which $5.7billion relates to baseline capitalised maintenance and $18.5billion relates to the upgrade and renewal programme.[4]

Related programmes: *Healthy Homes Programme (2019-current)*

Under the Healthy Homes Programme, Kāinga Ora will ensure all Kāinga Ora properties meet the Healthy Homes Standards by1 July 2023.[5] The Retrofit Programme is complementary to this programme – it meets or exceeds the Healthy Homes Standardswhile also involving significant other works.

Predecessor programmes

Rheumatic Fever Prevention Programme (2011-current)

The Rheumatic Fever Prevention Programme (**RFPP**) was established by the Ministry of Health in 2011 to prevent and treat strep throat infections, which can lead to rheumatic fever.

The RFPP connects eligible families to community providers, assesses and plan interventions for their homes and implementsthose interventions with suppliers. HNZ / Kāinga Ora is one of 9 community providers which receive eligible referrals for at risk whānau and undertake one or more housing interventions as required. Housing interventions may consist of:[6]

- Mechanical extraction (kitchen range hood, bathroom exhaust fan).

- Heating.

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4   See Baseline LTIP [**KAI.002.6470**].

5   See https://kaingaora.govt.nz/assets/Tenants-and-communities/Documents/Healthy-Homes-Programme-factsheet.pdf

6   See [**KAI.002.0306**].

- Carpet (bare floors in bedrooms, living room and hallways).

- Insulation.

- Curtains (tracks and thermal performing curtains in bedrooms, living rooms and dining rooms).

- Other work such as: sealing draughty windows/doors; clearing blocked spouting/downpipes & fixing site drainage; ensuring plumbing fixtures and drain pipes operate correctly; trimming sun blocking vegetation; ensuring property sub floor ventilation; repairing exterior surfaces for weather tightness; wet wall linings on bathroom ceilings; hot water cylinderwraps and pipe lagging to enhance energy efficiency.

Warm and Dry Homes Programme (2015-2019)

The Warm and Dry Homes Programme [**KAI.002.1920**] was a programme to update Kāinga Ora properties to the followingstandards:

- Triple weave curtains in living areas, dining rooms and bedrooms.

- A fixed form of heating in the living area, where an acceptable heating source is not present.

- An extraction fan in the bathroom and a range hood in the kitchen (for three-bedroom properties and larger).

- No bare floors – carpet or vinyl installed over bare floors.

The Warm and Dry Homes Programme also had an education component aimed at helping tenants understand what they can doto keep their home warm and dry.

- The Warm and Dry Programme ended in 2018/2019 and was integrated into the Healthy Homes Programme.

Healthy Housing (2000-2013)

The Healthy Housing Programme [**KAI.002.0809**] was a joint initiative between Housing New Zealand and District HealthBoards. Under the programme, representatives from Housing New Zealand and District Health Boards carried out joint assessments of identified Housing New Zealand properties to:[7]

- Determine any housing and/or health needs that the household may have and options for addressing their needs.

- Link the tenant with appropriate services from other agencies (where the person affected agrees to this) and assist thoseagencies to determine how best to assist the tenant.

- Monitor and record usage of hospital and health services by the household.

- Plan for future sustainable health and housing service outcomes.

- Identify or review a tenants housing needs under the Housing Restructuring (Income Related Rents) Amendment Act

  2000.

The plan developed following the joint assessment could include (for example):

- Request for or follow-up on maintenance work ensuring homes and warm, dry and safe.

- Healthy Environment work, including ventilation and insulation solutions (see Addressing Healthy EnvironmentsProcedure [**KAI.002.0837**].

- Scope for property interventions/modifications to enable people to live independently and safety within their homes.

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[7]   Priority sites were identified by District Health Boards and Housing New Zealand through data on rates of infection disease, hospital admissions, overcrowding and social deprivation.

		• Arrange for Needs Assessment to be completed for housing transfer where it's deemed the current property no longermeets the needs of the whanau for example due to overcrowding (see Addressing Overcrowding Procedure [**KAI.002.0824**].
		• Referral to the case management service for more complex needs and issues.
		The Healthy Housing Programme ended in 2013, with its wrap up starting in 2010. However similar work continued to be carried out under the RFPP and (from 2015) the Warm and Dry Homes Programme. Kāinga Ora has been unable to identify anyevidence of engagement/consultation with Māori about the decision to wrap up the programme.
		RightSize Project (2013-2015)
		The RightSize Project involved (in South and West Auckland):
		• adding one or two bedrooms to existing three-bedroom properties, to cater for large and/or overcrowded families; and
		• building new 2-bedroom properties for small families, couples and/or singles.
		The RightSize Project was a pilot with funding for three years, ending in 2015. There was no engagement/consultation withMāori about the decision not to roll out the Project.

3.	**Outline of the process todevelop this Policy / Programme** **Identify how Māori were engaged in the development of the Programme**	The Retrofit Programme began as a pilot launched in 2018, with a focus on condition improvement and thermal upgrades to 66homes in Hutt Valley. In 2019, the Retrofit Programme was expanded with a schedule to roll out nationally, and modernisationand accessibility improvements added. The Retrofit Programme currently has funding for a period of three years, from 2019- 2022. HNZC/Kāinga Ora consulted with Te Tūāpapa Kura Kāinga and the Treasury on the development of the pilot. HNZC/Kāinga Ora did not specifically engage with Māori on the development of the pilot.
4.	**Aims or Objectives of thePolicy / Programme**	The objectives of the Retrofit Programme are: • Social housing continues to be available to meet long-term needs (by extending the life of properties). • Reduced operating costs for tenants. • Improved health and wellbeing of tenants. • Improved tenant wellbeing resulting from functional structural layout changes and amenity. • Improved social inclusion and economic outcomes. • Safer homes leading to fewer injuries and reduced ACC payments. • Reduced maintenance costs. • Improved customer satisfaction / improved reputation. • Better matched homes for tenants. • Reduced greenhouse gas emissions. • Reduced waste to landfills.
5.	**Outline of monitoring andevaluation built in to Policy / Programme**	The Kāinga Ora 2020/21 Statement of Performance Expectations [**KAI.002.9149**] includes targets relating to the Retrofit Programme, including a target of completing at least 500 houses as part of the retrofit programme in 2020/21. Kāinga Ora reports on progress under the Retrofit Programme in annual reports to Ministers.

	Identify if Māori are involved in the monitoring of the Programme	The Retrofit Programme is currently being evaluated.
		Stage one of the evaluation has been completed, this included feedback from internal stakeholders and some external customers and providers. No specific consultation with Māori has been completed yet. A further evaluation will be completed which will form part of the FY24 Business case.
		Kāinga Ora plans on continuing the Retrofit Programme with a budgeted target of 700 per year.
6.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	To date, the Retrofit Programme (not including the Hutt Valley pilot) has delivered more than 589 retrofits. Data is also available about the success of the predecessor programmes: • The Healthy Homes Programme was independently evaluated after its first, second and third years. The third-year evaluation [**KAI.002.5128**] concluded the Healthy Homes Programme had a continuing positive impact on housing-relateddiseases, conditions and wellbeing. • Under the RightSize programme, there were 530 Bedroom extensions and just under 300 infills. • As at October 2015, around 2000 families had been referred to the RFPP. 95% of referrals were for Māori or Pacific Children [**KAI.002.0278**]. Data is also available about the impact of the RFPP as a whole, indicating a 45 percent decreasein first episode rheumatic fever hospitalisations from 2009/2011/2012 data to 2015. • 37,103 homes have been upgraded under the Warm and Dry Homes programme since 2015.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL WAI 2750

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Kaupapa inquiry into claims concerning Housing Policy and Services

UPDATED EVIDENTIAL FACT SHEET SUSTAINING TENANCIES FRAMEWORK POLICY (KĀINGA ORA)

4 Whiringa-ā-rangi | November 2022

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1.	**Basic information**	**Title of policy / programme**: Sustaining Tenancies Framework Policy Suite (including Sustaining Tenancies Policy Statement, Rent Debt Policy; Drugs Policy; and Disruptive Behaviour Policy
		Year introduced: September 2021. The Disruptive Behaviour Policy was introduced in March 2022.
		Administering agency(ies): Kāinga Ora-Homes and Communities (**Kāinga Ora**)
		High level summary of policy/programme: The Sustaining Tenancies Framework Policy suite is a series of policies intended to enable/support a sustaining tenancies approach within Kāinga Ora. Sustaining tenancies means avoiding evictions wherever possible and instead supporting customers to remain in, or get back to, a state of wellbeing. This is realised through taking a customer-centred approach to tenancy management and referring to community and other support agencies, where required.
		Overlapping/Related policies/programmes:[1]
		• Customer Strategy and Customer Programme (see separate Evidential Fact Sheet)
		• Te Waka Urungi (see separate Evidential Fact Sheet)
		• Methamphetamine Policy (see separate Evidential Fact Sheet)
		• Accessibility Policy (see separate Evidential Fact Sheet)
		Other agencies involved in development, implementation, or ongoing administration:
		• New Zealand Police
		• Ministry of Health
		• Ministry of Social Development
2.	**Description of Policy /Programme**	The Sustaining Tenancies Framework Policy [**KAI.002.6020**] consists of the following policies, explained in more detail below:
		• Sustaining Tenancies Policy Statement

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[1]   Note, the Kāinga Ora Sustaining Tenancies Policy is distinct from Te Tūāpapa Kura Kāinga's Sustaining Tenancies policy (see separate Evidential Fact Sheet for that policy).

- Rent Debt Policy

- Drugs Policy

- Disruptive Behaviour Policy

Sustaining Tenancies Policy Statement

The Sustaining Tenancies Policy Statement establishes principles to build positive and respectful relationships between Kāinga Ora and its customers, to help customers successfully sustain their tenancies.

Under the Policy Statement, Kāinga Ora commits to taking "all reasonable steps to sustain tenancies", meaning it will take a customer-centred approach and:

- tailor efforts to sustain a tenancy to the individual circumstances and needs of the customer and their household members;

- be persistent and attempt different approaches to engage with customers;

- actively identify local, suitable support and initiate a relationship between the customer and support provider;

- promote enhanced community capacity and leadership; and

- ensure individuals and whānau have a fit-for-purpose home.

The Policy Statement recognises Kāinga Ora has a lead role in identifying at risk tenancies and connecting 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 and intergenerational poverty. This may manifest in a range of ways, including debt, addictions, poor mental health and behavioural issues. Kāinga Ora has a commitment to seek to sustain tenancies, avoiding exits into homelessness at all times[2] and seeks to help customers remain in, or get back to a state of wellbeing.

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[2] Note, while Kāinga Ora is committed to avoiding exits into homelessness, evictions may sometimes still occur. However, Kāinga Ora has a general commitment to sustaining tenancies in all cases, where possible. This includes a commitment to making alternative Kāinga Ora homes available to a tenant where an eviction has been absolutely necessary (see the provisionally titled Interim Disruptive Behaviour Approach – February 2022 (Kāinga Ora ref: CT-PRO-206) See attached **Appendix**.

The following key principles are identified:[3]

- Trust – mutual trust and reciprocity is at the heart of the Kāinga Ora relationship with its customers.

- Dignity – every customer is an individual and a valuable member of society and will be treated with empathy, compassion and understanding.

- Cultural Respect – the values of social structures of people of all cultural and ethnic backgrounds will be respected and Kāinga Ora will work with customers to gain mutual understanding and outcomes.

- Accessibility – Kāinga Ora services will be accessible to all customers and they will be able to access information about their rights and entitlements.

- Adaptability – Kāinga Ora will accommodate customers' changing needs over the life of their tenancy, including transferring customers to homes that better meet their needs.

- Empowerment – Kāinga Ora will empower its customers to live independent and fulfilling lives and provide opportunities for them to thrive.

Rent Debt Policy

The Rent Debt Policy recognises that, as many Kāinga Ora 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. 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, including (for example):

- Kāinga Ora will seek to understand customers' histories relating to debt as part of their pre-placement interview

- Throughout the duration of a tenancy, Kāinga Ora will:

    o Revisit the customer at structured intervals to offer support and increase understanding of their responsibilities.

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[3] The Policy Statement states the key principles are "in reflection of the Treaty of Waitangi". This statement signals the intention of Kāinga Ora that the final policy will accord with the principles of the Treaty of Waitangi. As discussed in section 3 below, Kāinga Ora has not yet carried out a Treaty of Waitangi assessment or engaged with Māori in relation to the policies.

- o Actively work to prevent rent debt by understanding customers' needs and ensuring the correct supports are in place to help them to manage their debt and sustain their tenancies.

- o Use the Kāinga Ora understanding of the Income Related Rent (**IRR**)[4] process to help customers navigate the system effectively.

- o 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.

- o Work alongside customers to identify which actions are necessary to ensure as far as possible that debt does not escalate. For example, if a customer contacts Kāinga Ora early to indicate that they may not be able to pay their rent,
  this may mean encouraging them to make partial payments to minimise their debt, if possible.

- Kāinga Ora will work with customers to resolve rent related issues, including work with the customer on a plan that will support resolution of the issues affecting their ability to sustain their tenancy.

The policy is supported by an escalation pathway [**KAI.002.6033**]. Under the escalation pathway, enforcement payment options[5]
can only be recommended following assessment by the Kāinga Ora Review Group.

HNZC/Kāinga Ora previous approach to debt

Historically, serious debt has been a ground for termination of the tenancy, although Housing New Zealand Corporation (**HNZC**)/Kāinga Ora has always looked to sustain tenancies rather than terminate for reasons of debt. Prior to 2018, Tenants whose tenancy is terminated on the grounds of debt could also be suspended from eligibility to apply for state housing for a period of 12 months – although there were opportunities to have a

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4   See separate evidential fact sheet on the Social Allocation System (MSD).

5   Enforcement payment options include for example, taking a rent payment directly from a customer's benefit or applying for a court order to have this amount deducted from the customer's pay.Kāinga Ora also has voluntary options for managing debt and is investigating other interventions to proactively avoid rent debt and its escalation.

suspension waived.[6]   In 2018 Kāinga Ora ceased using the services of debt collection agencies as well as no longer utilising the suspension functionality. Over the years Kāinga Ora has placed greater emphasis on the conversations around debt rather than the debt itself, conversations that put the customer at the heart of the decision and conversations had with care and kindness.

Drug Policy

The Drug Policy outlines that Kāinga Ora will view the use of illegal drugs, and the potential harm they cause, primarily as a health and wellbeing issue, rather than a tenancy compliance issue. A home that is not vulnerable to the threat of termination can provide a stable platform that supports customers to address other issues in their lives such as harmful use of alcohol and other drugs.

Kāinga Ora will take the following approach when it becomes aware of illegal drug use:

- Kāinga Ora will not end tenancies for illegal drug use; however, information relating to criminal activities may be passed on to the Police.[7]

- If a customer discloses concerns about their own use of alcohol or other drugs, Kāinga Ora will support them by providing them with information about appropriate support services, or referring them to Te Waka Urungi.

- Kāinga Ora will treat the safety and wellbeing of our people and contractors as paramount.

- Kāinga Ora will continue to notify the Police of any immediate safety risks and any information related to drug manufacture and supply.

HNZC/Kāinga Ora previous approach to drugs

Between 2004 and 2018, HNZC/Kāinga Ora had a zero-tolerance approach to drugs. The zero-tolerance approach meant there was sufficient evidence for a person to be charged by the Police in court and to be then found guilty, generally HNZC/ Kāinga Ora would apply to the Tenancy Tribunal to terminate the tenancy.[8]

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[6]   See separate evidential fact sheet on Customer Placement, including suspensions and waivers.

[7]   See [24] – [29] of the Draft Policy for discussion of the circumstances where Kāinga Ora staff must, or may, pass information on to the police.

[8]   See generally the separate evidential fact sheet on the Kāinga Ora policy for managing methamphetamine. Note, the Methamphetamine Policy is not being reviewed as part of the Sustaining TenanciesPolicy Suite because it already incorporates a sustaining tenancies approach.

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Disruptive Behaviour Policy

The Disruptive Behaviour Policy outlines the approach Kāinga Ora will take when working with customers, other agencies and community providers to prevent and manage disruptive behaviour. Kāinga Ora antisocial behaviour policies since 2009 and the Disruptive Behaviour Policy are discussed in a separate evidential fact sheet on the Kāinga Ora Anti-Social Behaviour Guidelines.

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Outline of the process todevelop this Policy / Programme

Identify how Māori were engaged in the development of the Programme

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Background to the development of the policies

Move to a sustaining tenancies approach

HNZC's shift to a sustaining tenancies approach was the result of the Government's commitment in 2016/17 to strengthening HNZC's social mandate. HNZC articulated the sustaining tenancies approach in its 2017-2021 Statement of Intent, which explained the approach as "ensur[ing] that New Zealanders with social housing need have access to, and sustain, tenancies for their duration of need" [**KAI.002.6806**]. This approach was further enforced through embedding social objectives in its governing legislation through the Kāinga Ora: Homes and Communities Act 2019, which required it to take on new roles beyond its core functions of tenancy and asset management.

Policy development to imbed sustaining tenancies approach

HNZC/Kāinga Ora began the cultural shift to a sustaining tenancies approach in 2017, acknowledging the broader social cost when a tenant (and possibly their family) were evicted with no home to go to. Many Kāinga Ora staff are already implementing a sustaining tenancies approach when working with customers. However, the Sustaining Tenancies Policy suite is being developed to support greater consistency in practice.

The policies have been informed by the following:

- Advice from subject matter experts from across the organisation, including front-line staff, Te Waka Urungi (intensive tenancy management service) and Te Kurutao, Group Māori.

- Analysis of Housing New Zealand rental arrears and damage data.

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- International best practice, including best practice guidance from the Australian Housing and Urban Research Institute – 'A
  Sustaining Tenancies Approach to Managing Demanding Behaviour in Public Housing'.[9]

- Engagement with key organisations and Government agencies, including the Drug Foundation, New Zealand Police, Ministry of Health, Ministry of Social Development and the National Drug Intelligence Bureau.[10]

In November 2020, the Public Housing Committee (a sub-committee of the Kāinga Ora Board) approved the policies to be released as interim guidance to staff, following integration of the Committee's feedback [**KAI.003.1259**]. The final policies were signed off by the General Manager – National Services in September 2021. In October 2021, following the Ngā Pae Tātaki (Leadership Committee) discussion these policies were described as 'interim' policies pending Māori/iwi engagement.

Next steps

Engagement with Māori and Treaty of Waitangi analysis

The policies as provided are yet to be consulted on externally with key stakeholders. External engagement and/or consultation, including with Māori, will take place before the policies are finalised.

A number of factors have contributed to engagement with Māori not yet having taken place:[11][11]

(a) The Sustaining Tenancies approach was being shaped prior to the introduction of the Kāinga Ora – Homes and Communities Act 2019, with further work on the policies required after the legislation was passed to ensure alignment with the new mandate of Kāinga Ora.

(b) At an organisational level, Kāinga Ora is also working to lift Māori capability and develop a central function within the organisation that provides a te ao Māori worldview and subject matter expertise. Te Kurutao – Group Māori (operations arm) is working across the organisation to increase capability to engage with iwi in general, with some new positions designed to enable this yet to be filled.

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[9] See https://www.ahuri.edu.au/ data/assets/pdf_file/0012/2046/AHURI_Final_Report_No103_A_sustaining_tenancies_approach_to_managing_demanding_behaviour_in_public_housing_a_good_pr actice_guide.pdf

[10] Where available, best practice guidance from key agencies and organisations was also considered (for example, best practice guidance from the Drug Foundation and the New Zealand Police).

[11] See generally the discussion in appendix to the Sustaining Tenancies Framework policy [**KAI.002.6020**].

		Using the advice and guidance of Te Kurutao, Kāinga Ora will engage with Māori on the development of the Sustaining Tenancies Framework policies, and will also seek input from Māori on whether any additional policies require review/development to support a sustaining tenancies approach.
		Health and safety review and aligning the policies to changes to the Residential Tenancies Act
		Kāinga Ora has conducted a health and safety review of the policies and has carried out work to align the policies to recent changes to the Residential Tenancies Act.
4.	**Aims or Objectives of thePolicy / Programme**	The Sustaining Tenancies Framework Policy suite is intended to enable/support a sustaining tenancies approach within Kāinga Ora, as required by the Kāinga Ora–Homes and Communities Act 2019 (s 14(b)(iii)). The Sustaining Tenancies approach acknowledges the greater overall social cost of a vulnerable household leaving public housing when they do not have somewhere better to go. This broader cost outweighs the cost to Kāinga Ora, or the Crown, of sustaining their tenancy.[13]
5	**Outline of monitoring andevaluation built in to Policy / Programme** **Identify if Māori are involved in the monitoring of the Programme**	Appropriate monitoring/evaluation of the policy suite is being considered and will be incorporated into the final policies.

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[13]   see update to Public Housing Committee on Customer Strategy Implementation Progress at [31] **[KAI.002.7595]**.

Interim Disruptive Behaviour Approach

February 2022

![Kāinga Ora Homes and Communities]

Interim Disruptive Behaviour Approach

Purpose

This purpose of this pack is to provide you with

- A better understanding of what sustaining tenancies means and our reasons for implementing this approach

- A reminder of existing tools and current approach

- An introduction to the review group

- An overview of the new tools we are implementing as part of RTA changes last year

- An interim process document which will replace current process documents.

Practice and Customer Contact will be monitoring these interim processes for usage and identifying areas for enhancement. A final process document will also be developed and we will consider any future training that is required to further support our people when dealing with disruptive behaviour.

This interim process document is still being signed off, we will provide you with a copy of it for your information at the end of this session but the final version with all the signed off collateral will be released to Atamai on 18 February 2022.

We strive to sustain tenancies where possible

Kāinga Ora provides public housing to approximately 200,000 people, the vast majority of whom live well in their homes and communities. However, in a small minority of cases disruptive behaviour may have impacts on others and require support to address more complex social needs.

We are committed to working with our customers to achieve sustainable tenancies and strive to ensure they and their neighbours have quiet enjoyment of their homes.

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 apply a customer- and whānau- centred approach to tenancy management, assisting 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.

We see eviction as a last resort as experience has shown it does not solve problems. The long-lasting impact on families, especially children, can be traumatic and intergenerational, further impacting on other aspects of their lives such as health and education. Evicted people still need housing, creating a revolving door where problems only compound.

This document provides guidance on how to work with customers to resolve disruptive behaviour issues. The key to this framework is to build strong and enduring relationships with our customers, taking appropriate actions at the right time to ensure we sustain tenancies whilst keeping customers, their whānau and communities safe.

How we work with customers

![Kāinga Ora Homes and Communities logo]

Disruptive Behaviour Approach

When disruptive behaviour is brought to our attention

We work through the notification of disruptive behaviour with a presumption of innocence until we can ascertain all of the details. We apply principles of natural justice by supporting all parties impartially through the process. These are to ensure:

- The complainant has a fair opportunity to be heard on the issue; and

- The decision-maker is free from bias (including apparent bias) or pre-determination

We gather information to validate the claims of disruptive behaviour

It is important we validate claims of disruptive behaviour, by working with complainant(s), the tenant and others e.g. police, documenting the different perspectives and at all times striving to ensure we are fair and have a balanced view of what has happened.

Once we have validated claims of disruptive behaviour we work with all parties trying a number of approaches to support stabilisation of the tenancy.

Disruptive Behaviour Approach

Categories of disruptive behaviour

- Categories may tip from one to another, and in some circumstances, this may happen very quickly.
- Disruptive behaviours do not include people going about legitimate day-to-day activities such as children playing in the street or people using lawn mowers or playing music during acceptable hours.
- Category A and B should be added to the National Issues Register.

Category A – Dangerous or severe and on-going disruptive behaviour:	Category B – Serious and Persistent disruptive behaviour:	Category C – Minor disruptive behaviour:
• 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. **For example**: illegal or alleged illegal activity at the property such as drug production, supply or trafficking, provoking pets to attack, acts of violence against other tenants, neighbours or Kāinga Ora people/contractors. • *We expect that behaviours in this category will be discussed without delay with your Team Leader for referral to your Regional Director & Review Group to take action. This ensures we are working proactively to keep people safe whilst meeting our legal obligations.*	• 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. **For example:** harassing neighbours, intentional disturbances including using aggressive or obscene language, hateful and threatening behaviour because of perceived differences (race, mental health, disability, etc.). • *We expect that behaviours in this category will be managed using tools from the Intervention Pathway. Where we have attempted a range of solutions and the situation remains unresolved, cases should be referred to the Review Group for advice on next steps.*	• 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, one off noise nuisance, basic breaches such as pet nuisance or overgrown lawns. • 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. mow the lawn) while we work with them to stabilise their tenancy. • *We expect that minor nuisances in this category will be managed through general tenancy management practices and tools (highlighted in the Intervention Pathway).*

Disruptive Behaviour Approach - Key principles

The Disruptive Behaviour framework provides options for different types of engagement and potential resolution.

These key principles put the individual customer or whānau at the centre and recognises that engaging them in addressing and even changing disruptive behavior requires a relationship built on mutual trust and understanding. None of these principles and suggestions are sequential and are also not the only options.

- Working with the customer and their whānau to understand their wider circumstances to get to the root of the issues it is important to build rapport and understanding. Aim to understand before acting.
- Increase time and effort to engage with the customer (avoiding harassment and privacy breaches)
- Try different approaches and ways of working with the customer and their whanau.
- Seek advice or support from other Housing Support Managers, talk to the Advisor Wellbeing or your Team Leader for advice and support in regards to working with your customers – sharing issues and learning from each other in terms of thinking of different approaches to managing issues

Also remember customer consent and awareness is always required for third party contact, always identify the level of sharing the customer is comfortable with before engaging.

Kāinga Ora
Homes and Communities

Using Good practice when dealing with Disruptive Behaviour

To ensure incidents of disruptive behaviour don't escalate it is very important that we follow best practice.

We should always ensure that complaints are acknowledged when received. If complaints cannot be resolved within 10 working days, the complainant must be informed of the progress within the 10 working days and given regular updates.

When talking to a complainant we also have to be mindful of ensuring we balance our customer's privacy. Assure them that we are taking the complaint seriously and are taking necessary/relevant action, but are unable to provide any details due to our obligations under the Privacy Act.

In some situations you may wish to consider proactive management and communication with all parties involved (the customer and the neighbours) until the issue can be resolved, This ensures that:

- Everyone is kept informed of what is happening
- further issues are identified quickly and we are then work to resolve

This option can be quite time intensive but would only be for the period needed and can save a lot of issues (including escalation) whilst we are trying to resolve the issues to the satisfaction of all parties concerned.

Complaint received

Complaint resolved
(if not resolved within 10 days provide updates to complainant until resolved)

(within 2 working days)

Acknowledge complaint

Kāinga Ora
Homes and Communities
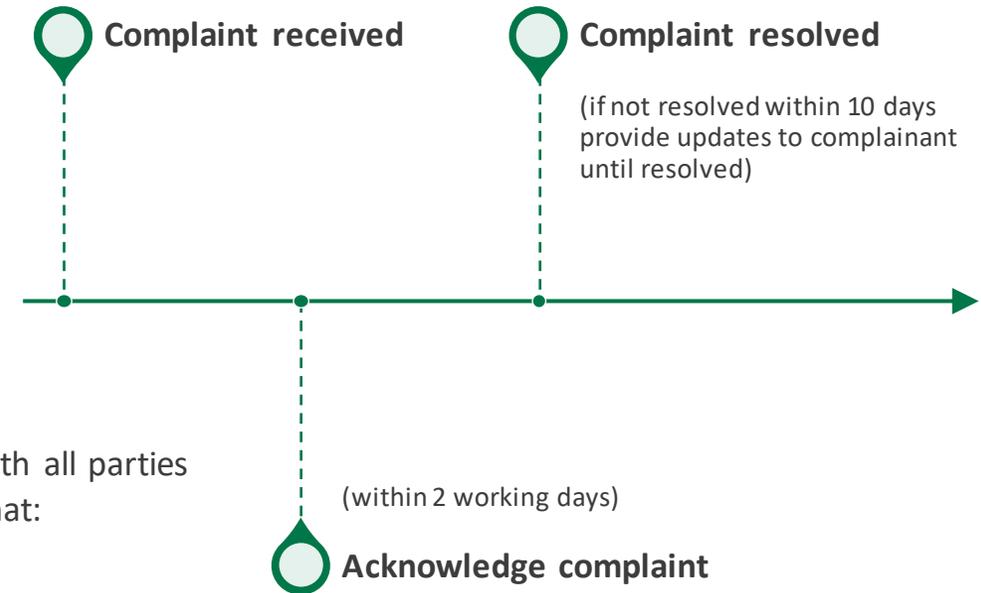
We have also added some slides to support
- **Having the right conversations – see slides 30 to 33**
- **Reflective practice – see slides 35 & 36**

Existing Tools

Tools & Resources

In the majority of situations involving disruptive behaviour, we're able to engage at an early stage with our customers to resolve concerns. This may involve referring customers to external support services to help them stabilise their tenancy.

Some customers have complex and challenging life circumstances that require multiple tools for us to fairly meet and respond to their needs. In a large number of these circumstances our customers acknowledge that events have occurred and impacted their ability to successfully remain in their home and community.

Where a customer is willing to move voluntarily, we can take steps to address this quickly – as soon as a home is available. Where a customer does not agree, we'll need to continue to work through our RTA tools.

Tools – Letters

Contacting a customer and talking to them regarding any issues should always be our first option. Letters should be used when conversations or attempts to have conversations with our customers have been unsuccessful or to document the conversation in writing.

Below are a list of letters available to you when working with disruptive behaviour. Theses have all been updated and are all available on the intranet. When using the "Not meeting obligations letters" 05-090 and 05-020 these should only be used in the situations noted below and the issuing of them must be approved by your Team Leader.

Letter Name	Letter Location	Purpose	Delegation
05-159 Contact to discuss issue	Kotahi and Atamai	Use as first letter - can be used when unable where we have been unable to speak to the customer face to face to discuss the concerns.	S/HSM discretion
05-160 Meeting request to discuss matter or ongoing matter	Atamai	Follow up letter – can be used if attempts to contact the customer have been unsuccessful or previous arrangements have not been sustained. Meeting may also include your Team Leader.	S/HSM discretion
05-180 Non-attendance at meeting to discuss issues or complaints	Atamai	Follow up letter – can be used if customer does not attend a scheduled visit and attempts to contact them after the missed meeting have not been successful.	S/HSM discretion
05-090 Not meeting tenant obligations – **section 40(2)(c)**	Atamai	Letter to customer where their tenancy obligations have not been met and disruptive behaviour is category A or B.	Team Leader
05-020 Not meeting tenant obligations – **section 56**	Atamai	Letter requesting customer remedies tenancy issue within 14 days. **(animals, livestock, abatement notices from Body Corporate or Councils, lawns, car wrecks, rubbish removal and/or remedy damage)**	Team Leader

New Tools - the review group

What is the Sustaining Tenancies Review Group?

When should I refer to the Review Group?

The Review Group is a forum for our people to escalate significant and complex challenges they may be experiencing when working with our public housing customers.

The group is tasked with assessing individual cases, ensuring that complex tenancies are managed in a fair and reasonable way and that our people have taken all reasonable steps when working with a customer before further action is recommended.

The Review Group will recommend a course of action for the particular circumstances being considered. For example, disruptive/illegal behaviour.
The review group is made up of representatives from:

- Place-based regions
- Legal
- Te Kurutao
- National Services
- Health, Safety & Security
- Communications

The review group ensures that customers remain at the heart of what we do by supporting and empowering our people to sustain tenancies.

The review group may recommend escalation within support services where we consider the appropriate level of support is not being provided

Referral to the Review Group can be made in any of the below situations:

- Numerous and varied attempts have been made to work with the customer and support agencies over an extended period i.e., six months, but attempts have been unsuccessful at stabilising the tenancy.

- An intervention to the problem is identified, however the customer is not willing to engage, and the situation is escalating or on going

- The disruptive behaviour poses a risk to others health, safety & wellbeing and could result in a Police charge or conviction e.g., threats of violence, drug trafficking.

How will the Review Group help?

- Provide advice on alternative approaches to stabilise the customer's current tenancy. For example, leveraging off senior relationships and legal expertise to work with Corrections to have special bail conditions which can include abiding by provisions of the RTA to satisfaction of landlord and probation officer.

- Recommend engagement with representatives from local social service providers and statutory organisations to foster relationships and escalate customer concerns.

- Share best practice across regions/the country and contribute learnings to the continuous improvement both at a local level and a national level to support policy, practice and training development.

- Support a recommendation to the relevant DCE that the customer should be relocated to another Kāinga Ora home.

What do I need to consider before referring to the Review Group?

- Have options been explored and attempts been made to resolve or manage the situation? For example, support the customer to connect with support agencies or work with iwi or rōpū Maori.

- Is the current tenancy sustainable? Are the relationships with neighbours untenable/irreparable?

- Engage with your Advisor Wellbeing Support; Team Leader & Manager Housing & Wellbeing – is there agreement that a referral to the Review Group is needed?

- Discuss with your people leaders the outcome you are hoping to achieve for your customer. What are the current impacts on the customer, their neighbours and the wider community etc.

- Any support the customer and/or neighbours may need post relocation and plans put in place to ensure success.

How do I access the Review Group?

- Insert link to review group

New Tools – relevant sections of the RTA

Due to the impact of moving home on a customer and their whānau; we need to exhaust other options to stabilise the customers current tenancy before considering this approach. But if a move is deemed the best for all concerned, please follow the approach below:

Options	Purpose of provision and mandatory requirements	Approval process
Agreed relocation – customer agrees to move - BIT	This is not a requirement under the RTA but when we consider a move to another home to be the best option to resolve the issue then we should work with the customer to get them to voluntarily move to another home.	Where you think an agreed relocation might be the right option, you should discuss it with your area's Advisor Wellbeing and Team Leader Housing Support to ensure this is the right approach. Approval to proceed with a Business Initiated Transfer must be obtained before discussing with the customer and the customer will need to agree to move. If the behaviour continues and the customer chooses not to engage or accept reasonable offers you may need to consider other relocation options.
Required relocation - Section 53B – customer does not agree to move and all other options to resolve exhausted.	New provision introduced in the recent RTA reforms. Section 53B(1)(b)(iii) enables a social housing landlord to terminate a tenancy and transfer the tenant to another public housing property, if that is necessary or desirable for any reason, and the other housing is appropriate for the tenant's needs. We must: • have decided that the transfer is "necessary or desirable" for any reason • have already identified another property for the customer to transfer to, and assessed that the other property is appropriate for the customer's housing needs, as most recently assessed under PACHMA. • give the customer at least 90 days' notice of the required relocation	If it is decided that a transfer is the best option for the tenant, you should engage with the customer to seek their agreement to move willingly. Required relocation should be considered if the customer continues to cause disruption to the community and either refuses to agree to a transfer or refuses a number of reasonable offers. This option requires referral to Review Group and DCE approval. If the customer does not willingly leave after the expiry of the required relocation notice, we can apply for possession as a last resort, ensuring that we continue to have a suitable home to offer the customer.

Responsive relocation - Section 55A – customer does not agree to move, and behaviour is of a serious/dangerous nature.	The customer, or a person in their premises with the customer's permission, must have committed anti-social behaviour on **three** occasions within a **90-day** period.
	
	The anti-social behaviour must occur "in connection with the tenancy" and on each occasion:
	• the behaviour must reach the threshold of anti-social behaviour – "harassment or any other act or omission (whether intentional or not) that reasonably causes alarm, distress or nuisance that is more than minor"
	• we must have issued the customer a notice with the following information specified
	   — a description of the anti-social behaviour and who engaged in it;
	   — the date, time and location of the behaviour; and
	   — advice of the customer's right to challenge the notice in the Tribunal.
	   — how many other notices (if any) have been issued to the customer in the same 90-day period
	
	After Kāinga Ora has issued at least three notices within a 90-day period, it will be entitled to apply to the Tenancy Tribunal for termination of the tenancy. That application must be made within 28 days after the giving of the final notice.
		This approach provides a more responsive approach to addressing severe behaviour and allows for 'event' based intervention. Termination can occur after three severe occurrences of disruptive behaviour within a 90-day window.
		
		The Board has agreed to the use of this section of the Act to address severe and persistent disruptive behavior but the issuing if these notices should be used sparingly. Therefore, the approval process is as follows:
		
		• Approval by DCE for issuing of first notice. – This is endorsing the three-step pathway to be started
		• Approval by Regional Director for issuing of any subsequent notices
		• Referral to Review Group and DCE approval for issuing of final notice and application to Tribunal to end the tenancy
		
		We will continue to have a suitable home to offer the customer.
		
		If the customer does not willingly leave after the Tribunal has ordered termination, we can seek to enforce the order as a last resort, ensuring that we continue to have a suitable home to offer the customer.

One other sections of the act which may be used in extreme circumstances is s55

Options	Purpose of provision and mandatory requirements	Approval process
Responsive relocation S55 – customer does not agree to move, and behaviour is of a serious/dangerous nature.	We can apply to the Tribunal to terminate the tenancy if the customer has • caused or threatened to cause substantial damage to the property. • assaulted or threatened to assault a staff member or agent, or any neighbour (it does not have to be one of our tenants). • permitted any other person to cause or threaten to cause any of these acts. We do not need to give the customer notice that it we are applying for termination under this section.	The use of this provision to terminate a tenancy will only be used in extreme circumstances and only with the consideration of the Review Group and CE approval. We will continue to have a suitable home to offer the customer. If the customer does not willingly leave after the Tribunal has ordered termination, we can seek to enforce the order as a last resort, ensuring that we continue to have a suitable home to offer the customer

New Section	Purpose of provision and mandatory requirements
Section 55AA – This section has been added to the RTA, so some customers or advocates may reference it, but it is not currently able to be used.	New provision added to the RTA but this section cannot be used because it relies on regulations that are yet to be enacted. If the following criteria is met, we will be able to give the customer 14 days' notice of the termination. (Note the termination does not need to be ordered by the Tribunal.): • The customer must have physically assaulted a staff member or agent, and • Police must have filed a criminal charge against the customer in respect of that assault. HUD is currently consulting on the regulations that would prescribe the approved form and information for a s55AA termination notice.

Kāinga Ora
Homes and Communities

Required Relocation s53B – approval and issue notice

Where we have identified a need for a customer to relocate to a new tenancy in response to disruptive behaviour, and exhausted all avenues to reach an agreement with the them to relocate on a voluntary basis, you may wish to consider a required relocation. We should always work with our customers and encourage them to move voluntarily before considering this option.

We must always have a property identified when we issue a Required Relocation Notice and must be prepared to hold this property for the duration of the notice period if necessary.

Work with customer to get agreement to move.
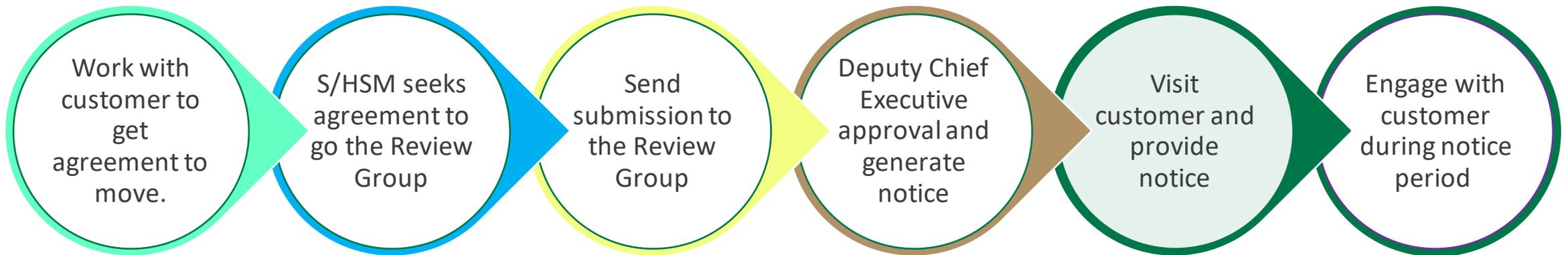
- Customer has declined option to relocate voluntarily.
- All options have been attempted with the customer such as involving the Advisor Wellbeing Support and working with external providers.

S/HSM seeks agreement to go the Review Group

- Discuss the with your Team Leader. Who will then seek agreement from Manager Housing and Wellbeing, Operations Manager or Regional Director to proceed to Review Group

Send submission to the Review Group

- Complete submission form and other supporting documents.
- Get document reviewed and approved by Operations Manager / Regional Director
- Send to the Issues and Operations team
- Review group reviews submission and recommends issuing of final notice and returns to region to get DCE approval.

Deputy Chief Executive approval and generate notice

- Region seeks DCE approval to issue required relocation notice.
- DCE approves
- Identify suitable property for customer (if not already identified).
- Generate required relocation notice.

Visit customer and provide notice

- Discuss need for required relocation and what will happen next
- Make offer of property and arrange to view.
- Give the notice to the customer

Engage with customer during notice period

- Maintain regular engagement with the customer.
- Where offers declined by customer, understand the reasons why.
- If reasons for declining property offered are valid look to identify and offer suitable property
- Otherwise continue to hold property vacant for customer
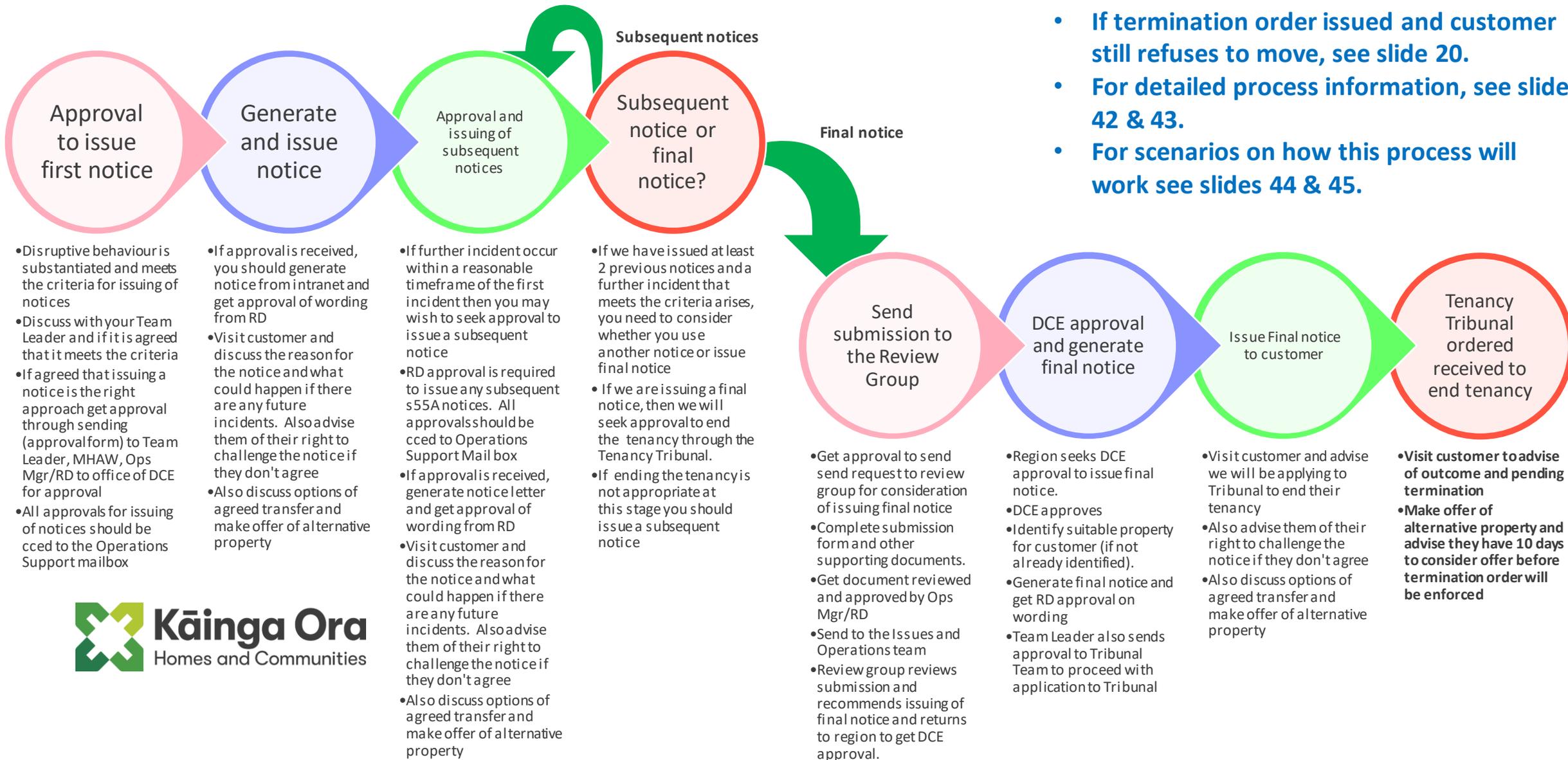
On expiry of the required relocation notice period and customer still refuses to move, see slide 20.

For detailed process information, see slide 40.

ASB Notices s55A – approval to issue notices and apply for termination

The use of this section should only be used sparingly so should only be issued when we deem it absolutely necessary. The criteria for issuing of the notice is that, the complaint can be substantiated, the behaviour meets Category B or A and there have been repeated instances of disruptive behaviour resulting in poor outcomes for the customer and/or neighbours and/or the wider neighbourhood or community.

Approval to issue first notice

Generate and issue notice

Approval and issuing of subsequent notices

Subsequent notices

Subsequent notice or final notice?

Final notice

- **If termination order issued and customer still refuses to move, see slide 20.**
- **For detailed process information, see slide 42 & 43.**
- **For scenarios on how this process will work see slides 44 & 45.**

- Disruptive behaviour is substantiated and meets the criteria for issuing of notices
- Discuss with your Team Leader and if it is agreed that it meets the criteria
- If agreed that issuing a notice is the right approach get approval through sending (approval form) to Team Leader, MHAW, Ops Mgr/RD to office of DCE for approval
- All approvals for issuing of notices should be cced to the Operations Support mailbox

- If approval is received, you should generate notice from intranet and get approval of wording from RD
- Visit customer and discuss the reason for the notice and what could happen if there are any future incidents. Also advise them of their right to challenge the notice if they don't agree
- Also discuss options of agreed transfer and make offer of alternative property

- If further incident occur within a reasonable timeframe of the first incident then you may wish to seek approval to issue a subsequent notice
- RD approval is required to issue any subsequent s55A notices. All approvals should be cced to Operations Support Mail box
- If approval is received, generate notice letter and get approval of wording from RD
- Visit customer and discuss the reason for the notice and what could happen if there are any future incidents. Also advise them of their right to challenge the notice if they don't agree
- Also discuss options of agreed transfer and make offer of alternative property

- If we have issued at least 2 previous notices and a further incident that meets the criteria arises, you need to consider whether you use another notice or issue final notice
- If we are issuing a final notice, then we will seek approval to end the tenancy through the Tenancy Tribunal.
- If ending the tenancy is not appropriate at this stage you should issue a subsequent notice

Send submission to the Review Group

DCE approval and generate final notice

Issue Final notice to customer

Tenancy Tribunal ordered received to end tenancy

- Get approval to send send request to review group for consideration of issuing final notice
- Complete submission form and other supporting documents.
- Get document reviewed and approved by Ops Mgr/RD
- Send to the Issues and Operations team
- Review group reviews submission and recommends issuing of final notice and returns to region to get DCE approval.

- Region seeks DCE approval to issue final notice.
- DCE approves
- Identify suitable property for customer (if not already identified).
- Generate final notice and get RD approval on wording
- Team Leader also sends approval to Tribunal Team to proceed with application to Tribunal

- Visit customer and advise we will be applying to Tribunal to end their tenancy
- Also advise them of their right to challenge the notice if they don't agree
- Also discuss options of agreed transfer and make offer of alternative property

- **Visit customer to advise of outcome and pending termination**
- **Make offer of alternative property and advise they have 10 days to consider offer before termination order will be enforced**

Kāinga Ora
Homes and Communities

Required Relocation s53B and ASB Notices s55A – expiry of relocation notice, enforce possession and end tenancy

On expiry of the required relocation notice period or once termination order is received and customer still refuses to move, we need to make sure there are two suitable property options to offer the customer; and we are able to hold these properties for a minimum of 10 days after the tenancy has ended. The holding of properties is generally done on agreement of the Team Leader Housing Support and Manager Regional Placement.

To enforce the ending of a tenancy for a required relocation notice we must first get a possession order from the Tribunal, for a termination order under s55A we do not need to apply for possession order we need to seek approval to enforce termination order

On expiry of required relocation notice and customer refuses to move start here
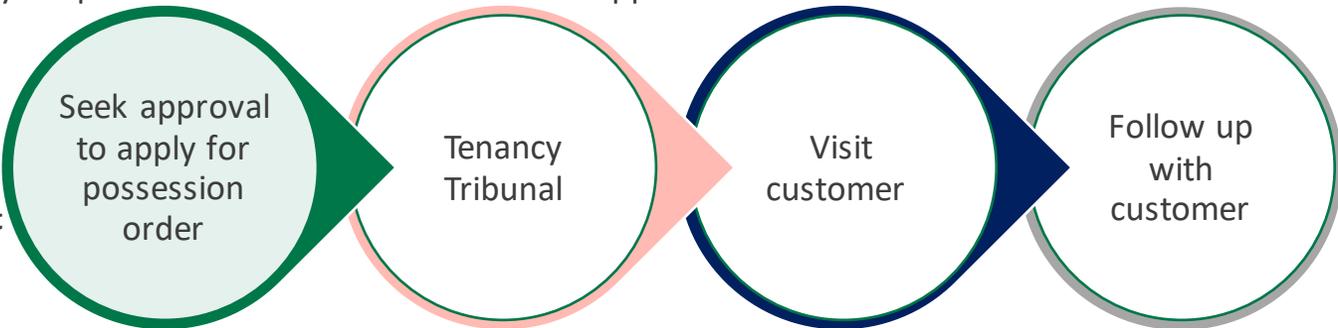
**Seek approval to apply for possession order**
- Get agreement from RD to apply for possession.
- Meet with customer to advise we will be proceeding with application for possession through Tribunal
- Submit referral to the Review Group. If recommendation endorsed by the Review Group, seek approval of Deputy Chief Executive to apply to Tenancy Tribunal.

Tenancy Tribunal
- If approved, send request to Tribunal team to make Tribunal application.
- Senior Advisor Tribunal attends hearing.
- Possession order granted.

Visit customer
- Discuss order for possession, properties available and potential next steps.
- Arrange viewing of properties and arrange follow up meeting.

Follow up with customer
- Check if customer wishes to accept one of the properties offered.
- If declined, advise customer of next steps.

If we have termination order and customer still refuses to move start here
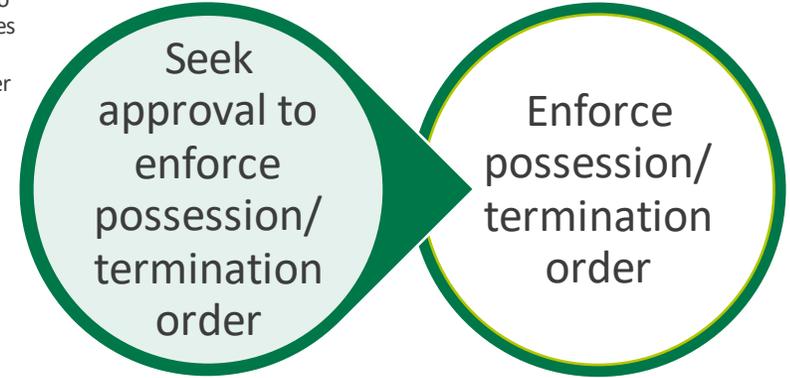
Seek approval to enforce possession/ termination order
- Obtain agreement from Team Leader/Manager and obtain Deputy Chief Executive approval to enforce order.
- Deputy Chief Executive will discuss with Chief Executive.
- If approval given, apply to Ministry of Justice for bailiff appointment.

Enforce possession/ termination order
- Bailiff will attend and obtain vacant possession.
- We will hold the two properties for a further ten days for the customer. If they are declined after this point, we will withdraw the property offer.

For detailed process information, see slide 47 & 48.

Kāinga Ora Homes and Communities

Excerpts from the following cases show why s55A notices must meet the technical requirements and criteria of s55A. Examples include that the notices must incorporate all required information, and the behaviour must meet the RTA definition of ASB. If a s55A notice fails to meet all of the requirements, a customer can successfully challenge the notice at the Tenancy Tribunal, and/or the Adjudicator can decline our application for termination.

Source	Notices issued	Decision
Melanie Jane Miller v Katherine Bryant-Jackson [2021] NZTT Napier 4294080	**Second notice -** Antisocial behaviours, abusive language yelling and screaming, excessive dog barking, loud music and partying until all hours of the morning, damage to others' property, verbal harassment towards people driving past, lack of consideration for the well-being of others. **Third notice -** Loud, excessive music, partying, slamming of doors. From 10pm Saturday through to Sunday. Urinating on fencing of neighbouring properties. Driveway and parking blocked by other vehicles attending your party therefore other residents were unable to use their own personal parking allocation of carport	Tribunal found the three occasions of ASB were made out on the evidence, but termination was not ordered because only the third notice complied with the technical requirements of s55A
Compass Housing Services Co (New Zealand) Limited v Shannon Vivian Ruth Grey [2021] NZTT Auckland 4294370	**First notice -** loud music (noise) and the actions of blocking the lift. **Second notice -** tenant knocked on the door of another tenant and tried to hold open the door whilst holding a large stick in a threatening manner with other persons. **Third notice -** A male visitor assaulted another tenant at the front entrance to the apartment building, prior to the visitor having entered the building	Tribunal held that the first two occasions of ASB were proven (evidentially and legally), but that the s55A notices failed to comply with the technical requirements under s55A because they did not advise the tenant of their right to challenge the notice. The third occasion of ASB was not legally proven, because the male visitor was not on the premises with the tenant's permission, given he was still on his way to her apartment
Janette Rosalie Te Kaawa v Diane Elsie Mitchell [2021] NZTT Rotorua 4295002, 4296074	**First notice -** Video showing harassment and intimidating behaviour by the tenant's daughter to the neighbour (who was in a wheelchair) which caused significant alarm and distress to the neighbour and her family. Although the tenant subsequently apologised for the behaviour of her children and grandchildren, she is clearly in the background of the video while the exchange is taking place. **Second and third notices:** Intimidating and "volatile" behaviour by tenant toward the landlord at two property inspections	Tribunal found that ASB was made out on the first occasion, because the ASB was committed by a person at the tenant's premises with her permission. However, ASB was not made out on the second and third occasions because, while the Tribunal found the tenant's behaviour "was volatile, "I also find it more likely that both parties were angry and engaging in back and forth arguments. I find that this does not amount to anti-social behaviour in these circumstances"
Airedale Property Trust v Richard Lawson [2021] NZTT Auckland 4301453	Third notice - yelling, screaming and throwing items around the inside of the unit, and Police were called. Fourth notice - tenant threatened to "bottle" the neighbour and then proceeded to hit him with a bottle. Fifth notice - yelling, swearing, racial slurs, visitor started going door to door annoying neighbours.	The third to fifth occasions of ASB were made out. However, the Tribunal declined to terminate the tenancy because the fourth and fifth notices were served together on the same day, meaning the tenant did not have any ability to challenge the fourth notice as was his right under s55A. Also note two occasions of ASB prior to the commencement date of the enactment of s55A (11 February 2021) could not be counted.

Post required relocation support

Post Relocation Support

When a customer agrees to relocate, this offers an opportunity to empower them to make positive and sustainable change.

It's important that we work with customers and their whānau to identify the best possible match, develop a plan for their move, how they will settle into their new home and community and the support that they may need to make relocation a success.

- Engage with Advisor Placements regarding any specific needs for the next placement.

- Seek a case consult with the Advisor Wellbeing Support to identify the customers' support needs to help sustain their new tenancy.

- Develop a plan with the customer before they move. Involve their whanau and support services if the customer agrees.

- Reach an agreement with the customer regarding the level of engagement with Kāinga Ora, especially in the first few months after they relocate.

- If the customer is moving to another S/HSM, make sure they are part of the discussion, and you introduce them to the customer. Consider if a gradual handover would be beneficial.

- We need to ensure that we keep in regular contact with the customer in the early days of their new tenancy when they move to ensure that things are going well and act quickly when issues arise.

- If significant issues arise in the early days of the tenancy, you may consider escalating to review group for further advice

National Issues Register

National Issues Register

What is it?

The National Issues Register is a **reporting** and **monitoring** tool to support better management of issues and complaints through to resolution.

The Register records and shares information in real time and uses automated workflows to:

- Notify other people such as your people leader of a new issue

- Share and receive endorsement for your plan to manage and resolve the issue

- Notify others of any significant changes in the issue

- Identify inactive issue management

The Register can also be used to identify the number and types of issues being managed.

Analysis and reporting of this information can help identify trends and opportunities for how we can improve our training and processes to support prevention or quicker resolution of future issues.

What types of issues should be recorded in the National Issues Register?

Serious Disruptive Behaviour complaints such as Category A and Category B issues, e.g.

- Assault or threatening behaviour/intimidation
  - Illegal activity
  - Incidents that place our people, customers or members of the community at risk
- Serious property condition issues, e.g.
  - Hoarding, squalor or other dangerous or unsafe living environments
  - Complex maintenance issues
- Incidents with potential for significant reputational risk, e.g.
  - Tenant applications to the Tenancy Tribunal

More information including videos and a user guide is on Atamai, keyword search "National Issues Register".

How to access relevant information

How can I find out more about our approach to disruptive behaviour?

Kāinga Ora Sustaining Tenancies Framework

Kāinga Ora Sustaining Tenancies - Disruptive Behaviour Policy

Kāinga Ora - Interim Debt Approach - November 2021 - further information on strength-based conversations

Kainga Ora - Customer Programme - Strengths-based practice

Add in links to required relocation process

Add in links to review group document and form

For any questions or feedback about the processes please send an email to Customer Programme Mailbox.

If you are wanting to send a case to review group complete Review Group (CT-FRM-011), get your manager to review and approve and send to OperationsSupport@kaingaora.govt.nz

Appendices

Having the right conversations

Having the right conversations

When working with the customer and their whānau to understand their wider circumstances and to get to the root of the issues it is important to build rapport and understanding.

A good way to do this is through the use of motivational conversations.

When we engage with motivational conversation style, we discover that people can identify their motivations and motivate them to grow, change and transform. It also helps us to understand why people do what they do.

It means us not engaging our 'righting reflex', fighting our natural desire to fix or put things right.

Motivational conversations require us to have a plan for the conversation, use active listening skills and use questions that explore the customers motivation and their strengths. This ensures that the customer will be empowered to make changes that are sustainable.

What does a motivational conversation look like?

Resist
-resist the 'righting reflex'

Understand
-understand and explore the customers' own motivations.

Listen
-listen with empathy and without judgement

Empower
-empower the customer, creating optimism.

Developing a conversation plan & strengths-based questions

Before you start your visit or meeting with a customer, consider the following aspects of the conversation.

Build rapport
•How will I keep building rapport with the customer in this conversation?

Motivation
•What is important to the customer?

Goals
•How can I use the customers' motivation to set their goal?

Resources
•What resources does the customer have or need?

Support
•How can I support the customer to achieve change?

Anything else
•Do I need to consider anything else?

Conclusion
•What are the next steps – for the customer and for me?

Kāinga Ora
Homes and Communities

Strengths based questions

These are meaningful questions that will help customers identify their strengths, often awareness of these strengths are only created when a strengths-based questions is asked. Typical strengths-based questions might be:

What's important to you?

What's working well for you right now?

Who supports you in your daily life?

What resources do you have?

How have you managed the situation until now?

What's worked for you in the past?

Using Te Whare Tapa Whā to have better conversations

Te Whare Tapa Whā - four dimensions of wellbeing

Te Taha Wairua
Spiritual

Our sense of meaning and purpose. Our connection to culture, religion or community and the beliefs, values and ethics we hold.

Te Taha Hinengaro
Mental and emotional

Our sense of achievement, success, self-awareness and emotional resilience, including how we process information and make judgements.

Te Taha Tinana
Physical

Feeling safe and healthy, including nutrition, preventative health care, activity and security.

Te Taha Whānau
Social and whānau

Our support system providing care, physical, cultural and emotional. Extended relationships rather than a neclear family concept.

The natural environment we live in and depend on underpins these four dimensions. The model represents this by whenua/land.

Within the context of Kāinga Ora and for our people and customers, Te Whare Tapa Whā helps move our focus from being transactional in our administration of public housing, to a broader focus on the wellbeing of our customers.

This foundation guides our people to identify where life-stressors may exist for our customers or members of their whānau, but also what areas of strength exist to leverage opportunities for change, improvement, and progress.

This is a whānau-centred response – looking at the collective needs of whānau and responding in a more integrated and collaborative way alongside existing agencies, services, and community resources. This could include working or linking the whanau with Iwi organisations.

Kāinga Ora
Homes and Communities

Using Te Whare Tapa Whā to have better conversations

Understanding and leveraging the dimensions of Te Whare Tapa Whā is part of our strengths-based approach which sits as a principle of our wellbeing framework. It is about working with customers to help them realise their existing strengths and see how they can use them to empower themselves.

This moves the focus away from what is wrong, to a positive perspective based on what can be achieved and what can work. By investing resources into supporting customers to help find balance across taha whānau, wairua, hinengaro and tinana, customers are much more likely to live well in their home. They are more likely to be resilient to the occasional stressors and, better yet, our relationship with customers is far more likely to be a positive one, ensuring we are engaged and connected with them when things are not going so well.

Every engagement we have with our customers should have Te Whare Tapa Whā dimensions underpinned and guiding us with our conversations. This helps us to understand our customer's needs from a wellbeing perspective and helps to us to better identify any support needs.

When a support need is identified, then we can liaise with appropriate services and agencies already equipped and skilled at working in those areas and leverage the strengths of these community resources already in existence.

Dimensions	Questions to ask/think about
Tinana / Physically	Does the home meet their physical needs? How is this affecting how the customer and their whānau live in the home? What are the things that the customer is doing well within this dimension to reduce the impact on them and their whānau?
Whānau / Social & Family	Is the customer well connected through strong relationships, free of negative impact? Are children engaged in their community? Are they connected or engaged with agencies and services locally? How could we empower the customer so they can connect to these services? What are the things that the customer does well within this dimension?
Hinengaro / Mental & Emotional	Is the customer settled and happy in their home? Are there stresses that we could help resolve or alleviate, for example offering relocation to a larger home to alleviate the impact of overcrowding? What are the things that the customer is doing well within this dimension.
Wairua / Spiritual	Does the customer feel that they are "at home"? Do they feel safe and secure? Does the home and the community enable them to take part in activities away from the home that support their spiritual wellbeing? What are the things that the customer does well within the dimension?

Also consider how do the challenges in one dimension impact on the other dimensions?

Reflective Practice

Reflective Practice

What is reflective practice?

Reflective practice, at its most basic level, is thinking about or reflecting on what you do or have done. It's closely linked to the concept of learning by experience, in that you think about what you did, and what happened and decide from that what you would do differently next time.

Reflective practice also involves thinking about the feelings, values and unconscious bias that inform our practice, and the impact those decisions and actions have on others.

We encourage you and your teams to regularly reflect on some of the situations where you have dealt with disruptive behaviour and use this learning to help you deal with similar situations in the future.

What are the benefits of reflective practice

Some of the benefits of reflective practice are:

- An increased level of self-awareness, knowledge and understanding

- The ability to look at the big picture when supporting our customers

- A means for continuous improvement

- Fostering creativity and opportunities for our people to try new strategies/approaches when faced with a complex situation

- Supporting our people to identify unconscious bias

Reflective Practice in action

There is no one reflective practice 'magic formula' or method to follow.

The diagram provides you with an approach that you could use. The diagram demonstrates that reflective practice is a continual process, prompted by the experience of those dealing with the situation.

You may want to reflect as a team, only with those involved, or just you and your people leader. Some people will be comfortable doing this as a group while others may prefer to do this individually.

Start with the 'Experience' segment on the diagram and move round each segment. Use tools such as a table, whiteboard or post it notes to record your reflections.

This method is also part of the case consult template (CT-FRM-009) that Advisor Wellbeing use.

Experience
What happened? What interations took place, what decisions were made. What actions did we take?

Reflection
What What informed our interactions, decisions and actions? i.e. feelings, values, unconscious bias

Evaluation
What worked well? What didn't work so well?

Conclusion
What are the learnings? What could we have done differently

Plan
What will we do differently next time? Is there a need for learning and development?

Reflective Practice

Review Group Overview

The Review Group is a forum for our people to escalate significant and complex challenges. The group is tasked with assessing individual cases, ensuring that complex tenancies are managed in a fair and reasonable way and that our people have taken all reasonable steps when working with a customer before further action is recommended. The Review Group will recommend a course of action for the particular circumstances being considered. For example disruptive/illegal behaviour.

The review group is made up of representatives from the Place-based regions, Legal, Te Kurutao, National Services, Health, Safety & Security and Communications team.

Referral to the Review Group can be made in any of the below situations:

➢ Numerous and varied attempts have been made to work with the customer and support agencies over an extended period (i.e. six months), but attempts have been unsuccessful at stabilising the tenancy.
➢ An intervention to the problem is identified, however the customer is not willing to engage and the situation is escalating or ongoing
➢ The disruptive behaviour poses a risk to others health, safety & wellbeing and could result in a Police charge or conviction e.g. threats of violence, drug trafficking.

How will the Review Group help?

➢ Provide advice on alternative approaches to stabilise the customer's current tenancy (i.e. leveraging senior relationships and legal expertise to work with Corrections for special bail conditions including abiding by provisions of the RTA to satisfaction of landlord and probation officer).
➢ Recommend engagement with representatives from local social service providers and statutory organisations to foster relationships and escalate customer concerns.
➢ Share best practice across regions / nationwide and contribute learnings to continuous improvement both at a local and national level to support policy, practice and training development.
➢ Support a recommendation to the relevant DCE that the customer should be relocated to another Kāinga Ora home.

Process

Region has a complex case* and cannot resolve
*meets one of the situations on the left

- All options attempted with the customer such as involving the Welling Advisor Support, working with external providers & other housing options for relocation

S/HSM seeks agreement to go to Review group

- Discuss the outcome you are hoping to achieve with your Team Leader. Seek agreement from Manager Housing and Wellbeing, Operations Manager or Regional Director

Send the Submission to Review Group – CT-FRM-001

- Complete 'LINK' and other relevant supporting documentation
- Send to the Issues and Operations team OperationsSupport@kaingaora.govt.nz

Team Leader or Manager Housing & Wellbeing attends Review Group

- Present the case and confirm the outcome sought

Review Group Outcome

- Advice/recommendation/endorsement provided to the region within 48 hours of the meeting

Follow up post Review Group outcome

- Region to complete actions recommended by the Review Group

Outcome options from the Review Group

Provide advice and recommendation
Suggest alternative engagement approach with the customer. This can include escalations to other agencies such as their local marae, church, or DHB mental health service.

For rent debt, when all interventions have failed, this could include consideration for Mediation or Tenancy Tribunal. This will not include ending the tenancy.

Endorsement
- Approval for **required relocation process under s53B** to end the tenancy and transfer the customer to another public housing property
- Approval for **warning notifications process and to apply to end a tenancy under s55A** for disruptive behaviour where the customer is responsible for at least three, separate, serious and evidenced, incidents of disruptive behaviour within a 90-day period.

We will continue to offer a suitable home to offer the customer.

Required Relocation using s53B – approval and issue notice

Where we have identified a need for a tenant to relocate to a new tenancy in response to disruptive behaviour, and exhausted all avenues to reach an agreement with the tenant to relocate on a voluntary basis, you may wish to consider a required relocation. We should always work with our customers and encourage them to move voluntarily before considering this option.

Process step	Process	Next steps

Get approval to issue s53B notice	• Where we identify the need for the required relocation, check with Operations Manager or Regional Director to get agreement to proceed with submission to Review Group
	• If approval to proceed, you should prepare submission to Review Group (CT-FRM-011) and send to Team Leader Housing Support
	• Team Leader will review and seek agreement from Manager Housing and Wellbeing Support and then forward to Operations Manager/Regional Director
	• If agreed, Operations Manager/Regional Director will forward submission to Review Group
	• Review Group will review submission and either recommend:
	    • other actions and refer back to region or
	    • Issue a required relocation notice, this will be returned to Operations Manager/Regional Director
	• Operations Manager/Regional Director will send to place-based DCE for final approval.
		• Other actions – region to undertake recommended actions
		• Approval to issue notice received – issue notice

Issue notice	• To issue the notice, use letter required relocation s53B 05-211 from intranet
	• Then set up a meeting with the customer to discuss and issue the notice
	• At the meeting:
	    • Discuss with them again the reason they need to move
	    • Explain next steps
	    • Give them and talk through the required relocation s53B (05-211)
	    • Organise a time to view the property that we are looking to offer them
	• Once the letter is issued you should record the issuing of the letter and the conversation with the customer in **Kotahi using the TCYLIAISON business action and the 90-day notice business event.**
		• Customer agrees to move – end of process **(vacation reason = BSB BIT 90 DN - ASB)**
		• Customer hands in notice and vacates – end of process **(vacation reason – NHI Neighbourhood issues – tenant choice)**
		• Customer declines the properties offered or does not willingly leave – continue working with the customer to move to a new home

Working with customer over the 90 days' notice period	If tenant does not immediately agree to move, you should maintain regular contact with customer over the next 90 days to: • identify concerns with need to move • identify suitable property match, if properties offered have been declined for a valid reason • get agreement from the customer to move to suitable property before the relocation notice period expires	• Customer agrees to move – end of process **(vacation reason = BSB BIT 90 DN - ASB)** • Customer hands in notice and vacates – end of process **(vacation reason – NHI Neighbourhood issues – tenant choice)** • Customer declines the properties offered or does not willingly leave and notice is expired – get approval to apply for possession order (see slide 47)

Responsive Relocation using s55A – approval, issuing of notices and termination

The use of this section should only be used sparingly so should only be issued when we deem it absolutely necessary. The criteria for issuing of the notice is that, the complaint can be substantiated, the behaviour meets Category B or A and the repeated instances of disruptive behaviour resulting in poor outcomes for the customer and/or neighbours and/or the wider neighbourhood or community. We continue to work with our customer and encourage them to move voluntarily.

Process step	Process	Next steps

Get approval to issue first notice	• If you think the incident meets the above criteria, discuss the incident with your Team Leader Housing Support and Advisor Wellbeing
	 • If agreed that issuing a notice is the right approach, you should complete a request to an 'Approval to issue s55A Notice' form and send to Team Leader
	 • Team Leader will review and seek agreement from Manager Housing and Wellbeing Support and then forward to Operations Manager/Regional Director
	 • If agreed, Operations Manager/Regional Director will forward request to place-based DCE for approval
	 • Place-based DCE will review request and either recommend:
	     • other actions or
	     • Agree to the issuing of s55A notice , this will be returned to Team Leader Housing Support for action as well as CCed to the Operations Support mailbox
		• Other actions – region to undertake recommended actions
		 • Approval to issue notice received – issue notice

Issue first, second or subsequent notices
 	
 For issuing of final notices see slide 43
	• If approval is received, you should use letter 05-091 "Breach of tenant responsibilities – section s55(A) first and subsequent notice" from intranet
	 • Get approval of wording from Regional Director before issuing notice who may also request legal review if necessary
	 • Set up a meeting with the customer to discuss and issue the notice
	 • At the meeting:
	     • Give the notice to them and talk through
	     • Discuss with them the reason for the issuing of the notice
	     • Explain what might happen if there are any other incidents, especially if they are within a short period of time from each other
	     • Advise them of their right to get support from an advocate at any time and to dispute the notice through the Tenancy Tribunal
	     • You should also consider offering them the option of an agreed transfer at any point during the process.
	 • Once the notice has been issued you should record it in **Kotahi using the tenancy notepad 'S55ANOT' and ensuring that you record "Notice issued – XX notice"** at the beginning of each of these comments.
		• No further incidents – end of process
		 • Further incidents occur – see approval to issue second and subsequent notices

Approval to issue second and subsequent notices	If further incidents occur that meet the criteria for the issuing of notice and it is within a reasonable period of the issuing of the last notice, then you may wish to consider issuing further notices. If this is the third incident where a notice may be issued in 90 days you may also consider issuing a subsequent notice rather than progressing with the final notice. If you do wish to issue a second or subsequent notice then:
	 • You should discuss the incident with your Team Leader Housing Support
	 • If agreed that issuing a notice is required, you should complete request to issue notice email template
	 • Team Leader will review and seek agreement from Manager Housing and Wellbeing Support and then forward to Regional Director
	 • Regional Director will review request and either recommend:
	     • other actions or
	         • Agree to the issuing of a first/subsequent s55A Notice, this will be returned to Team Leader Housing Support for action as well as CCed to the Operations Support mailbox
		• No further incidents – end of process
		 • Further incidents occur – see approval to issue second and subsequent notices or see approval to issue final notice
		 • Note if it is not within a reasonable period of the last notice you will

ASB Notices s55A – approval to issue final notice and apply for termination

If we have issued at least 2 previous notices and a further incident that meets the criteria arises, we may consider issuing a final notice. If we are issuing a final notice, then we are seeking approval to proceed with termination of the tenancy through the Tenancy Tribunal. If Tribunal action is not appropriate at this stage you may need to consider whether you need to issue subsequent notices. We continue to work with our customer and encourage them to move voluntarily.

Process step	Process	Next steps

Get approval to issue final notice	• Get agreement from Operations Manager or Regional Director to proceed with submission to Review Group
	• If approval to proceed, prepare submission to Review Group (CT-FRM-011) and send to Team Leader Housing Support
	• Team Leader will review, seek agreement from Manager Housing and Wellbeing Support, and then forward to Operations Manager/Regional Director
	• If agreed, Operations Manager/Regional Director will forward submission to Review Group
	• Review Group will review submission and either
	   • Recommend other actions and refer back to region or
	   • Agree to the issuing of a final notice, this will be returned to Operations Manager/Regional Director
	• Operations Manager/Regional Director will send to place-based DCE for final approval.
		• Other actions – region to undertake recommended actions
		• Approval to issue notice received – issue notice

Issue final notice	• Use letter 05-092 "Breach of tenant responsibilities – section s55(A) final notice" from intranet
	• Get approval of wording from Regional Director before issuing notice who may also request legal review if necessary
	• Meet with customer to advise we will be applying for termination of the tenancy through tribunal:
	   • Give them the notice and discuss with them the reason for the issuing of the notice
	   • Advise them we will be making an application to end their tenancy
	   • Advise them of their right to get support from an advocate at any time and they will have an opportunity to dispute the notice at Tenancy Tribunal
	   • Also advise them even if we do get termination, we have two other properties we are holding for them, and they can choose to view and move to one of them at any time during the process
	• Record it in **Kotahi using the tenancy notepad using "S55ANOT" and ensuring that "Final Notice issued"** is recorded at the beginning of the comment
	• Team Leader Housing Support to send approval to proceed with termination of tenancy to the Tribunal Administrator, who will send the application to the Tribunal. **(applications will be made using Business actions in Kotahi)**
		• Customer agrees to move to new property before tribunal date scheduled – end of process **(vacation reason – ATT BIT agreement to transfer)**
		• Customer does not move – tribunal team will apply for termination

Termination order granted	• Generate 05-212 Meeting Summary - possession/Tribunal order discussion letter
	• Meet with customer to advise the termination order has been granted and:
	   • Advise them if they don't agree to move to one of the properties offered or move out of the property, we will need to apply for a possession order. Advise them they have 10 days to accept one of the properties offered or move out
	   • Give them a copy of the termination order and letter
	• Record it in **Kotahi using the tenancy notepad using "S55ANOT" and ensuring that "Termination order issued"** is recorded at the beginning of the comment
		• Customer agrees to move – end of process **(vacation reason – ATT BIT agreement to transfer)**
		• Customer hands in notice and vacates – end of process **(vacation reason = ASBXXX, select reason – ASB Termination)**
		• Customer declines the properties offered or does not willingly leave – get approval to enforce termination order (see slide 48)

Scenarios to demonstrate the issuing of s55A notices

Scenario one – 2 notices then final notice

Mark lives in a one bedroom Kāinga Ora property, which forms part of a complex of 37 one and two bedroom homes. The property is located in the centre of the complex adjacent to the shared green space and a cluster of family homes.

The tenancy commenced in February 2021 and the complaints from other Kāinga Ora customers started within the first few weeks and have escalated over time.

These include complaints of threatening behaviour, vandalism and damage to private property.

The S/HSM has undertaken intensive engagement with Mark to try and reach a resolution, however he has declined to engage with any support services offered.

The S/HSM has also sought advice from their Advisor Wellbeing Support regarding different approaches, including voluntary relocation, however these have also been unsuccessful.

Over a short timeframe, the nature and severity of complaints has escalated to a serious level.

	Jan	Feb	Mar	Apr	May	Jun
Events	Complaints - loud party.	Complaints - abusive language and threats.	Complaints - large party involving loud music, damage to property & threats.	Complaint - neighbour threatened by Mark.	Complaint - intimidation from Mark and his visitors.	Complaint - threatening behaviour towards neighbours.
Notices/ Tenancy Tribunal	Notice not issued - new tenancy, reminded customer of tenancy obligations and potential consequences.	Deputy Chief Executive approves issue of first S55A notice - due to threats to harm.	Regional Director approves issue of second S55A notice due to threats to harm/damage.	Review Group endorses and Deputy Chief Executive approves final S55A notice & Tenancy Tribunal.	Tenancy Tribunal - terminates tenancy. S/HSM discusses offer with Mark and he agrees to view	S/HSM completes viewing of property with Mark, who accepts and moves in.

Scenario two – need to issue additional notices before final notice due to 90-day period

Paula lives in a three bedroom Kāinga Ora property, with her three children aged 15, 10 & 4. The property is located on a rear section with privately owned homes to the side and front of Paula's home. Paula shares a driveway with the front property.

Paula and her family have lived at the property for several years, but complaints from neighbours started several months ago and coincided with Paula's partner moving into the property. The complaints relate to verbal abuse by Paula's partner, intimidation, damage to property and threatening behaviour.

Paula was receiving support from an external agency, however engagement with the service was sporadic. The S/HSM has discussed referrals to other service providers, however these have been declined by Paula.

Paula has been offered relocation as an option, however has declined these offers. Despite the intensive intervention by the S/HSM and Advisor Wellbeing Support it has not been possible to stabilise the tenancy.

	Feb	Mar	Apr	May	Jun	Jul
Events	Complaints - blocking shared driveway, abusive language and intimidation by visitors.	Complaints - partner damaged neighbours window/mailbox, abusive and threatening.	Complaint - verbal argument between Paul and her partner.	Complaints - damage to property, threats to harm and inciting dog to attack.	Complaint - Paula's partner slashed neighbours tyres and threats to harm.	Complaint - loud party, damage to property
Notices/ Tenancy Tribunal	Notice not issued - early intervention and advice by S/HSM.	Deputy Chief Executive approves issue of first S55A notice issued	Notice not issued - Paula took appropriate steps to manage by calling the Police.	Regional Director approves issue of second S55A notice.	Regional Director approves further S55A notice - first notice issued >90 days ago.	Review Group endorses and Deputy Chief Executive approves final S55A notice.
						Tenancy Tribunal - Paula agrees to relocate to property offered and moves.

Scenarios to demonstrate the issuing of s55A notices

Scenario 3 – requirement to get DCE approval a second time to restart the process due to length of time between notices

Proceeding with enforcement of Required Relocation Notice or Tribunal Order

Required Relocation s53B – expiry of relocation notice

On expiry of the required relocation notice and customer still refuses to move we will need to apply for a possession order form the Tenancy Tribunal. To do this you need to make sure there are two suitable property options to offer the tenant; and we are holding these properties for a minimum of 10 days after the tenancy has ended. The holding of properties is generally done on agreement of the Team Leader Housing Support and Manager Regional Placement.

Process step	Process	Next steps

Get approval to apply for possession order	• Escalate to Regional Director to get approval to apply for possession order.
	• If approval to proceed agreed the Regional Director will forward request to Review Group to recommend next steps, also cc in place-based DCE so that they are aware of request.
	• Review Group will review submission and either recommend:
	    • other actions and refer to region or
	    • apply for a possession order, this will be returned to Operations Manager/Regional Director
	• Operations Manager/Regional Director will send to place-based DCE for final approval
		• Other actions – region to undertake recommended actions
		• Approval to apply for possession order – apply for possession

Apply for possession order	• Meet with customer to advise we will be applying for possession of the property:
	    • offer the customer the properties we are holding for them
	    • If customers does not agree to move to another property or to move to alternative accommodation, then give them letter 05-212 Meeting Summary – Possession/Tribunal Order discussion letter.
	    • Notify Team Leader Housing Support of outcome.
	• Record it in **Kotahi using the tenancy notepad TCYLIAISON business action and the TRIBUNAL**-refer to tribunal business event.
	• Team Leader Housing Support to send approval to proceed with possession order to the Tribunal Administrator, who will send the application to the Tribunal. (**applications will be made using Tribunal Business actions in Kotahi**)
		• Customer agrees to move – end of process (**vacation reason = BSB BIT 90 DN - ASB**)
		• Customer hands in notice and vacates – end of process (**vacation reason = NHI Neighbourhood issues – tenant choice**)
		• Customer declines the properties offered or does not willingly leave – Tribunal team will apply to tribunal for possession order

Possession order granted	• Meet with customer to advise the possession order has been granted and:
	    • Advise them if they don't agree to move to one of the properties offered or move out of the property, we will need to instruct bailiffs to enforce possession order.
	    • Advise them they have 10 days to accept one of the properties offered or move out
	    • Give them a copy of 05-212 Meeting Summary – Possession/Tribunal Order discussion letter and a copy of the possession order to the tenant to confirm details discussed
	    • Record it in **Kotahi using the tenancy notepad TCYLIAISON business action and the 90DAYEX – 90 Day notice expired or extended business event. Ensuring ensuring that "Possession order issued"** is recorded at the beginning of the comment
		• Customer agrees to move – end of process (**vacation reason – BSB BIT 90 DN - ASB**)
		• Customer hands in notice and vacates – end of process (**vacation reason = ASBXXX, select reason – ASB Termination**)
		• Customer declines the properties offered or does not willingly leave – get approval to enforce possession order

If a possession order has been granted for s53B or a termination order has been granted for s55A and the customer still refuses to move you will need to seek approval to proceed with enforcement of the order. When enforcing the order, make sure there are two suitable property options to offer the tenant; and we are holding these properties for a minimum of 10 days after the tenancy has ended. The holding of properties is generally done on agreement of the Team Leader Housing Support and Manager Regional Placement.

Process step	Process	Next steps
Get approval to enforce possession /termination order	• Team Leader Housing Support to seek advice from Advisor Wellbeing and Manager Housing and Wellbeing. • If they agree we should enforce possession or termination order, send request to relevant Operations Manager/Regional Director. • Operations Manager/Regional Director will send request to Deputy Chief Executive. • Deputy Chief Executive will discuss enforcing possession or termination order with the Chief Executive to get approval • Notify Team Leader Housing Support of outcome, Team Leader to work with MBIE to organize Bailiff • Record actions in **Kotahi using EVICYES/1 business action**	• Other actions – region to undertake recommended actions • Approval to enforce possession or termination order – enforce order

Enforcing possession/termination order	• Meet with customer to advise that approval has been received to enforce the order and:
	   • Advise them if they don't agree to move to one of the properties offered or move out of the property, we will be bringing in the bailiffs to enforce possession order.
	   • Advise them they have 10 days after the date of the meeting to advise possession granted to either accept the property offered to them or move out
	• If customer does not move out by this date, bailiff will accompany Housing Support Manager and team Leader Housing Support to the property
	• Continue to advise they have 10 days post the end of the tenancy to come back and accept one of the alternative properties
		• Customer agrees to move **(vacation reason = BIT 90 DN - ASB)** – end of process
		• Customer vacates – end of process **(vacation reason = ASBXXX, select reason – ASB Termination)**
		• Customer is physically removed from the property – check with customer to see if they want to reconsider option of properties they have been offered and end tenancy. **(vacation reason = ASBXXX, select reason – ASB Termination)**

Ending tenancy	• After 10 days attempt to make contact with the customer and see if they want to reconsider the offer of the properties we are holding for them. • If customer would like to accept one of the properties, sign up new tenancy and end previous tenancy • If customer continues to refuse offers or you can't get hold of them after a reasonable number of attempts, end tenancy and return properties to the placement pool	Process ends
Relocation	• Engage with Advisor Placements regarding any specific needs for the next placement. • If the customer agrees to relocate, develop a plan before the move with the them, their whanau and support services to help make the new home a success, focusing on their strengths to make this happen. • ensure that we keep in regular contact with the customer in the early days of their new tenancy when they move to ensure that things are going well and act quickly when issues arise. • If significant issues arise in the early days of the tenancy you may consider escalating to review group for further advice	

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning Housing Policy and Services

UPDATED EVIDENTIAL FACT SHEET TE WAKA URUNGI (KĀINGA ORA)

4 Whiringa-ā-rangi | November 2022

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1.	**Basic information**	**Title of policy / programme**: Te Waka Urungi / Intensive Tenancy Management, including predecessors Social SupportReferrals Policy and Case Management Service.
		Year introduced: 2018
		Still current?: No. The service was absorbed into BAU practice on November 2021. Te Waka Urungi informed the design of the Customer Programme. Kāinga Ora implemented key aspects of the Te Waka Urungi at broader scale into everyday operations.
		Administering agency(ies): Kāinga Ora – Homes and Communities (**Kāinga Ora**).
		High level summary of policy/programme: Te Waka Urungi is a service within Kāinga Ora that works alongside the mostcomplex customers of Kāinga Ora to assist them to access suitable services provided by other agencies/in the community. TeWaka Urungi also provides specialist support and guidance to tenancy managers working with all Kāinga Ora customers.
		Overlapping/Related policies/programmes:
		• Customer Strategy and Customer Programme (see separate Evidential Fact Sheet)
		• Sustaining Tenancies Framework Policy (see separate Evidential Fact Sheet)
		Other agencies involved in development, implementation, or ongoing administration: Te Waka Urungi works alongside, and sometimes refers customers, to a range of different Crown agencies (for example, MSD), community support services and NGOs.
2.	**Description of Policy / Programme**	**Support for complex customers**
		Te Waka Urungi consists of 24 people with specialist skill sets who engage with the most complex customers of Kāinga Ora andsource and navigate appropriate support services.[1] Customers are referred to Te Waka Urungi by

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[1]   See Guideline for the Te Waka Urungi Service [**KAI.002.5994**].

Senior Tenancy Managers, usually on the recommendation of a Tenancy Manager and approved by an Area Manager.

Te Waka Urungi aims to build a relationship with customers who may be experiencing a high level of need as a result of ongoingstressors in the home. Te Waka Urungi use a Whare Tapa Wha approach to understand the underlying 'issues' which need addressing and develop a plan to address wellbeing at an individual, Whānau, Household level:

- Taha tinana (physical health)

- Taha wairua (spiritual health)

- Taha whānau (family health)

- Taha hinengaro (mental health)

A kaiwhakaora/ Family Link Specialist is assigned to work with the customer to develop a care plan, which involves connectingthe customer to appropriate government and/or other services and assisting them to maintain links to available services.

Customers are provided with information about their local services to enable them to make decisions around what the right support might look like and when the support is needed. Suitable services could include (where determined by the customer)kaupapa Maori services.

Generally, Te Waka Urungi refers customers to existing services provided by other agencies and NGOs. There is an annual funding pool of $1M, to procure services to meet identified gaps, however this has not been used as to date Te Waka Urungihave been able to identify existing services to meet need.

Te Waka Urungi continues to provide support to the customer and household until they are engaged with a service and/or at such time that the household circumstances stabilise. Te Waka Urungi will also continue to monitor the customer/household fora period of time, to ensure they have appropriate support.

The Te Waka Urungi service operates nationally.

Mentoring and support for tenancy managers across Kāinga Ora

In addition to directly supporting customers, Te Waka Urungi provides mentoring and support for tenancy managers across Kāinga Ora, with the goal of enabling them to engage and work differently with customers over time. For example, where required, Te Waka Urungi staff meet with tenancy managers to discuss challenges they may be having with engaging customers; undertake joint customer visits with tenancy managers to provide support; and assist tenancy managers to identify services to refer customers to.

Impact of COVID-19 on delivery of programme

COVID-19 has impacted the ability of Te Waka Urungi to have face-to-face visits with customers, which can mean it takes longerto build a relationship with customers. Te Waka Urungi have explored alternative ways of identifying and understanding the customer's needs, for example working with others in the community who already have a relationship with the person such as a worker from an NGO the customer is already engaged with or had a previous relationship with.

Predecessor policies to Te Waka Urungi

| | | | *Social Support Referrals Policy* **(2012 – 2018)**

The Social Support Referrals Policy was Housing New Zealand Corporation's (**HNZC**) policy between 2012 and the introduction of Te Waka Urungi. Under that policy, HNZC's tenancy managers did not themselves provide social support to customers but referred them to relevant agencies that could assist them. The trigger for the Social Support Referrals Policy wasthe Minister's Letter of Expectations in 2011 which stated that HNZC should focus on its core business of managing the state house portfolio and its tenants [**KAI.002.6768**].

Case Management service **(2001 – 2012)**

Between 2001 and 2012, HNZC operated a Case Management Service which provided specialised assistance to HNZC customers(including customers on the wait list for housing) with complex needs who faced significant barriers accessing and/or sustaining suitable, adequate and affordable accommodation.[2] The Case Management Service was similar to Te Waka Urungi, in that Case Managers worked intensively with each customer to create an action plan to address identified barriers or issues which were hindering their ability to sustain housing. Case Managers built relationships with other government agencies and NGOs and referred customers as appropriate. Case Managers also sought to educate the public on housing options, services and processes, for example by giving community presentations in fora such as prisons and teen parent units.[3] The Case Management Service was disestablished with the change in policy to the Social Support Referrals Policy. |

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[2]   See Case Management Overview [**KAI.002.0429**].

[3]   Case Management Service Case Managers also delivered the Suitable Homes Service (see the separate Evidential Fact Sheet concerning the Accessibility Policy).

3.	**Outline of the process to develop this Policy / Programme** **Identify how Māori were engaged in the development of the Programme**	Te Waka Urungi was developed as part of the shift to a sustainable tenancies approach by Kāinga Ora in 2017.[4] The sustainabletenancies approach recognises the broader social cost that is incurred when a tenancy is ended with the occupants having nowhere else to live. As the shift began, it was acknowledged that there was an immediate need to provide better support for tenants and improved outcomes for vulnerable whānau living within Kāinga Ora homes. Te Waka Urungi was developed to respond to that need. The service was launched relatively quickly in response to the growing needs of the customers of Kāinga Ora and front-line teams. Therefore, a 'launch and learn' approach was adopted to build momentum and gain early learning and insight, followed by an external review (see discussion at part 7 below).
4.	**Aims or Objectives of the Policy / Programme**	The overall objective of Te Waka Urungi is to support customers to live well in their homes and communities, by helping them to access existing services. Te Waka Urungi recognises that stressors in the home (such as mental health, family harm, financial stress) impact on the customer's ability to maintain their tenancy. For example, symptoms of stressors in the home include anti-social behaviour or poor financial management. Related objectives of Te Waka Urungi are: - Creating a joined-up approach across 'agencies' to identify shared customers and break down silos. - Providing an environment for services to wrap around our customers, their whānau and household members. - Building on a Whānau by Whānau (bespoke to each whānau), street by street, community by community approach. - Establishing strong and enduring relationships within and across communities.

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[4]   See the separate Evidential Fact Sheet concerning the Sustaining Tenancies Draft Policy Suite.

		• Providing regional autonomy and leadership.
		• Sharing of information with other agencies to inform data-led decision making.
5.	**Outline of steps taken to implement the Policy /Programme** **Identify how Māori were engaged in the implementation of the Programme**	Te Waka Urungi was launched through internal messaging to staff as well as a series of roadshows to relevant GovernmentAgencies and NGOs to advise of the service. One of the roadshows was at Papakura Marae.
6.	**Outline of monitoring and evaluation built in to Policy / Programme** **Identify if Māori are involved in the monitoring of the Programme**	Regional Managers and Area Managers receive a monthly report on: • referrals received; • referrals accepted/declined/waitlisted; and • referral reasons; referrals closed out. Reporting is used to track progress for customers who are currently under Te Waka Urungi and identify service need/gaps in regions. In addition to the monthly reporting, Kāinga Ora is currently developing a reporting dashboard to collect Te Waka Urungi data.[5]
7.	**Availability of quantitative or qualitative data to demonstrate success or**	**Kōtātā Insight Limited review** Te Waka Urungi was independently evaluated by Kōtātā Insight Limited in September 2019 [**KAI.002.1786**]. As part of the evaluation, Kōtātā Insight Limited interviewed Te Waka Urungi and other relevant Kāinga Ora staff.

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[5]   A reporting dashboard is a centralised way of understanding case data at a national level.

	failures of the Policy / Programme to achieve itsstated aims	The evaluation recorded as at 31 March 2019, 426 cases had been referred to Te Waka Uringi, with 75 cases on the waitlist and 267 open cases. One third ofthe referred cases identified as Māori (see p 23). The evaluation also conducted an analysis of quantitative data and case notes, although it noted this analysis was limited (see p 8). Five case studies were included in the report, based on case notes. The evaluation concluded overall Te Waka Urungi was viewed as a positive initiative which was still evolving. The evaluation made a number of recommendations, including to improve cultural competencies and responsiveness. The evaluation recommendations are being considered as part of the development of the Customer Programme. **Other data** For the financial year 2019/2020, Te Waka Urungi Te Waka Urungi supported 294 tenants, with 157 tenants successfully returning to regular tenancy management.