

19 February 2024

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Thank you for your email of 19 January 2024 to Kāinga Ora – Homes and Communities, requesting information under the Official Information Act 1982 (the Act). I have responded to your individual questions below.

How many complaints in general have been made about unruly Kainga Ora tenants over the past 12 months?

The concerns raised with us are mostly minor things that are common sources of tension between neighbours across the country, such as noisy cars, lawns not being mowed regularly, or concerns about how often visitors are calling at a home.

Concerns are also raised with us about more serious things which are considered disruptive behaviour. A range of things fall under this category, including behaviour that is aggressive, threatening or intimidating to neighbours, other customers or Kāinga Ora staff. We have interpreted your question as relating to disruptive behaviour of this nature.

Previously, these types of behaviours were captured in our system alongside the more minor things people get in touch with us about. However, to provide greater visibility and to obtain a clearer picture of what is happening, we introduced a new way of recording disruptive behaviour concerns in November 2022. This now allows us to report more accurately the number of concerns raised about disruptive behaviour.

It is important to keep in mind that the figures we are providing you in this response cannot be compared with any figures that may have been previously provided, as it would not be a like-for-like comparison.

Based on our current data, people got in touch with us 2,906 times with a concern that was considered serious disruptive behaviour from 1 January 2023 to 31 December 2023. Some of these concerns were later found to have no merit, did not require any action by us as a landlord, or were withdrawn.

How many tenants Kainga Ora are monitoring or consider to be “unruly”.

Kāinga Ora does not ‘monitor’ its customers. The Residential Tenancies Act (RTA) clearly sets out when a landlord can access a property, to protect the tenant’s right to quiet enjoyment of their home. As a landlord, this legislation guides how we interact with our customers and respond to disruptive behaviour when it occurs.

When problems do occur, we take them seriously and do everything we can as a landlord to resolve them. We do not expect anyone to put up with awful situations and we work hard to address issues when they arise, including using the tools available to us as a landlord under the Residential Tenancies Act (RTA) where needed. This includes:

- *Agreed relocation (Business Initiated Transfers)* - When a customer is willing to move, we can do this without having to use any of the tools available under the RTA. We did this 215 times in 2023.
- *Section 53B notices (required relocation)* – If a tenant is not willing to move, Kāinga Ora can use section 53B of the RTA to end the tenancy and transfer the customer to another home. To do this, Kāinga Ora must have a suitable property that meets the customer’s needs to offer them and must provide at least 90 days’ notice. In 2023, we did this four times.
- *Section 55A notices* - We can also formally address the behaviour while the customer remains in the home by issuing a section 55A notice under the RTA. There are specific requirements in the RTA that must be met in order to issue a notice to a tenant. This includes ensuring there is evidence of the disruptive behaviour and that the behaviour can be clearly linked to either the tenant or someone at the home with the tenant’s permission. We issued 90 of these notices in 2023.

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

And how many tenants have been evicted over the past year due to “unruly” behaviour?

Eviction is a specific process involving the Tenancy Tribunal which only happens if tenants or other people living in the home fail to vacate the property after a tenancy has ended. No evictions occurred during the 2023 calendar year for disruptive behaviour.

However, we can and do end tenancies.

In limited situations that are severe, persistent or threatening, we will end a tenancy under section 55 of the RTA and not provide the customer with another Kāinga Ora home. In these situations, we work hard to identify a more suitable housing option – for example, with an alternative housing provider. We did this three times due to disruptive behaviour in 2023.

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

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

Yours sincerely



Nick Maling
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