

**NATIONAL OFFICE WELLINGTON**

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30 OCT 2013

K Eagan  
fyi-request-1152-8961ed07@requests.fyi.org.nz

Dear K Eagan

Thank you for your email of 21 September 2013 asking, under the Official Information Act 1982, for information on the number of decisions made by Housing New Zealand that were reviewed between 2007 and 2012. Specifically, you ask for

- *“The number of reviews*
- *If possible the type of decisions being reviewed (eg priority of housing need, decisions to end tenancy, decisions to decline to assist in modifications etc)*
- *How many were successful at each level of the review process”*

I have considered your request under the Act, and I apologise for the delay in my response.

If a customer is dissatisfied with the outcome of a decision made by Housing New Zealand, they are entitled to ask for the decision to be reviewed. Housing New Zealand has a robust review process, and several levels of review are available to a customer who disagrees with a decision.

In most cases, when a customer complains about a decision, the decision will be reviewed by the business unit responsible. If the customer disagrees with the outcome of this review, they are entitled to have the decision reviewed by either the Review Office or Service Recovery Office, which are internal to Housing New Zealand but independent of the business unit that made the original decision.

If the customer does not agree with the outcome of this review, they may request a further review by an external body such as the State Housing Appeal Authority, Department of Building and Housing, or an Ombudsman, as appropriate.

The attached table shows the numbers of successful and unsuccessful reviews by the Housing New Zealand Review Office and the State Housing Appeals Authority in the period from 2007/8 – 2013.

This information relates to the areas of needs assessment, income-related rent (IRR), and fraud. Customers can also ask for other kinds of decision to be reviewed, and I provide a brief description of these below.

**Staff behaviour**

Customers may request a review of a decision by Housing New Zealand not to uphold an allegation about a staff member. The initial review is by the business unit, with the option of a further appeal to the Service Recovery Office (SRO). Almost all complaints are resolved by the business unit, with few if any escalated to the SRO.

Housing New Zealand does not centrally record the numbers of complaints that are about staff. This information is held on individual tenancy files. Therefore, I am declining this part of your request under Section 18(f) of the Official Information Act, which allows for information to be withheld if

*'The information requested cannot be made available without substantial collation or research'.*

### **Maintenance**

Customers may ask for a review of a decision to undertake or not undertake maintenance and capital works, including disability modifications. The initial review is by the business unit, with subsequent internal review by the Service Recovery Office, and external review by the Department of Building and Housing or Ombudsman.

Housing New Zealand does not centrally record reviews of decisions relating to maintenance and capital improvements, including disability modifications. Generally, this information is recorded on individual tenancy files. Therefore, I am declining this part of your request under section 18(f) of the Act.

### **Suspension from state housing**

Customers who have been suspended from applying for a state house, and who reapply during the suspension period may submit an application for the suspension decision to be waived. If the application is declined, a review can be requested. To date, no request to review the decision not to waive a suspension has been received.

### **Termination of tenancy**

If termination is the result of an investigation, the customer may apply to the Investigations Manager for a review. No external review is available. There is no formal process for reviewing a decision to issue a 90-day notice, as the Residential Tenancies Act 1986 entitles a landlord to issue a 90-day notice without giving a reason. Tenants may only appeal this decision to the Tenancy Tribunal if they believe that the notice is retaliatory.

Housing New Zealand records the numbers of 90-day notices issued, but does not centrally record the number of requests for reviews. Therefore I am declining this part of your request under Section 18(f) of the Act.

### **Information requests**

Information about requests to the Ombudsman to review decisions on Official Information Requests are held by the Ombudsman. Housing New Zealand holds some of this information, but not all of it. If you would like Housing New Zealand to obtain this information for you, I invite you to make a separate request.

I trust this information is helpful. You have the right under section 28 of the Official Information Act to ask an Ombudsman to review my decision to withhold some of the information you requested.

Yours sincerely



**Sharon Girvan**  
Manager Government Relations (Acting)

Numbers of successful and unsuccessful requests for reviews of Housing New Zealand decisions made to the Housing New Zealand Review Office (HNZ) and State Housing Appeals Authority (SHAA), from 2007/8 – 2013/14

Type of decision reviewed	Outcome of review	2007-2008		2008-2009		2009-2010		2010-2011		2011-2012		2012-2013		2013-2014	
		HNZ	SHAA	HNZ	SHAA	HNZ	SHAA	HNZ	SHAA	HNZ	SHAA	HNZ	SHAA	HNZ	SHAA
Needs assessment – new applicant <sup>1</sup>	Upheld*	1	-	-	-	-	-	-	-	-	-	2	-	-	-
	declined	1	1	-	-	-	-	-	-	-	7	-	5	-	1
Needs assessment – transfer <sup>2</sup>	upheld	1	-	-	-	-	-	-	1	1	-	-	-	-	-
	declined	-	-	1	-	3	-	-	1	-	3	1	-	-	-
IRR assessment <sup>3</sup>	upheld	5	2	1	-	-	-	-	-	7	-	-	5	-	1
	declined	9	2	12	2	10	1	2	1	-	-	4	4	-	1
IRR debt <sup>4</sup>	upheld	7	2	6	-	4	-	1	-	2	1	1	4	-	3
	declined	9	-	7	-	8	1	12	4	3	-	-	2	-	-
IRR assessment and debt <sup>5</sup>	upheld	1	-	-	-	-	-	-	-	-	-	-	-	-	-
	declined	3	-	-	-	-	-	-	-	-	-	1	1	-	1
Investigations <sup>6</sup>	upheld	**	-	-	-	2	-	1	-	1	-	-	1	-	-
	declined			1	-	9	-	8	-	9	-	7	-	***	

- 1 Customers requested review of decision not to place them on the waiting list
  - 2 Customers requested review of decision not to place them on the waiting list for a transfer to another HNZN tenancy
  - 3 Customers requested review of IRR decision as they believed IRR was set too high
  - 4 Customers requested review of Crown debt established as a result of failure to report a change of circumstances within 28 days
  - 5 Customers requested review of multiple decisions relating to IRR and Crown debt(s)
  - 6 Customers requested review of the amount of an IRR or Crown debt, established as the result of an investigation
- \* 'Upheld' means that the request to have the decision changed was successful, and 'declined' that the original decision was confirmed
- \*\* There is no data for 2007/8, as records of these decisions are only held from 2009.
- \*\*\* As at 31 September 2013, 21 reviews were ongoing and awaiting a decision.