

3 March 2021

Elaine S

fyi-request-14505-12f34825@requests.fyi.org.nz

Dear Elaine S

Thank you for your email of 22 January 2021 to Kāinga Ora – Homes and Communities, via the fyi.org.nz website requesting the following information under the Official Information Act 1982 (the Act):

the number of tenancies that have been forfeit nationally in the last 2 years due to the occupant receiving a custodial sentence or a lengthy remand in custody whilst awaiting sentencing.

I have interpreted your request to mean tenancies that have ended due to the tenant going to prison. Between 1 January 2017 and 31 December 2020, our records show that 129 tenancies were ended due to the tenant going into prison. This data is based on the reason code for the tenancy ending being recorded as “Prison”.

Please note that it may not include all cases due to the manual nature of entering the data. Other codes that are used to classify the end of a tenancy, such as ‘abandonment – possession’ and ‘non-occupancy’, may also include instances where the tenancy was ended due to the imprisonment of the tenant. However, to identify all cases would require reviewing approximately 10,000 tenancies that ended in the requested period.

It is important to note that Kāinga Ora provides tenancy services to about 187,000 public housing tenants.

Kāinga Ora process

Kāinga Ora does not have a policy specifically providing for our tenants to retain their state house while they are in prison. These situations are managed through tenancy management policies and the tenancy agreement - which outlines the requirement for the tenant to occupy and take responsibility for the tenancy, including paying the rent.

The imprisonment of the tenancy holder is likely to preclude them from being able to meet these tenancy obligations. In such situations, Kāinga Ora first seeks to verify the status of the tenant’s situation and the duration of their sentence by contacting the tenant or their family and/or Police and the Department of Corrections.

Unless the period of imprisonment is short term, Kāinga Ora may seek to end the tenancy for non-occupancy/abandonment. However, in many instances the tenant will assist with or want their tenancy ended.

While Kāinga Ora aims to support our tenants to sustain their tenancies, holding properties vacant for an imprisoned tenant must be balanced against the fairness to others in need of state housing.

Where the tenancy holder is imprisoned but other household members require housing, a process will be worked through with the Ministry of Social Development to test the household members’ eligibility for state housing. This could result in the tenancy being passed to the remaining family members if appropriate.

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

Yours sincerely

A handwritten signature in cursive script that reads "Rachel Kelly".

Rachel Kelly
Manager, Government Relations