

# Policy: Non-Public Housing Tenancy Management Pilot and Private Tenancies acquired by Kāinga Ora (POL-384)

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**Owner**      GM National Services      **Author**      Operational Policy

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## Purpose

1. This policy sets out the approach Kāinga Ora – Homes and Communities (Kāinga Ora) takes to managing non-public housing tenancies. A non-public housing (NPH) tenancy is a tenancy held by a NPH customer.
2. Our approach when renting to NPH customers is to emulate the approach of a private landlord, including providing an empathetic and holistic approach to how we engage with NPH customers. We are not required to follow – and have chosen not to follow – the operating principle of supporting tenants to sustain tenancies and some others (set out in more detail below) in respect of these customers.
3. Kāinga Ora is entering into a new phase by renting to NPH customers at Te Mātāwai. Most of our operational policies and guidelines focus on public housing customers and are based on all our operating principles, so these may not be fit for purpose for NPH customers. The tenancy management approach for NPH customers aims to be easy to adopt by our people and systems.
4. The policy provides:
  - definitions of a NPH applicant and customer
  - principles that guide decision-making of Kāinga Ora when managing non-public housing tenancies
  - links to processes and guidance documents to the NPH approach.

## Background

5. The Residential Tenancies Act (RTA) provides the legal framework for the rights and responsibilities of Kāinga Ora as a landlord. The NPH policy ensures Kāinga Ora meets its obligations under the RTA in respect of non-public housing tenancies.
6. The vision of Kāinga Ora for NPH tenancies is to build an inclusive community where people choose to live, connect and thrive. Kāinga Ora is committed to building genuine and meaningful relationships with our NPH customers to understand their housing needs, including how they want to engage with us. Our aspiration is to add benefit to the rental market by providing a better experience for some people in the private rental space than they experience in the current rental market.

## Scope

7. This policy and the related procedures apply to Kāinga Ora employees (including casual and fixed term employees), contractors, consultants, and secondees.
8. Non-public housing customers are not eligible for Accommodation Supplement (AS), and the Ministry of Housing and Urban Development (HUD) and the Ministry of Social Development (MSD) will advise Ministers of the implications of this situation in 2024 and advise on possible amendments to the Social Security Act 2018. As an interim, we will be reducing rent for some NPH customers at Te Mātāwai. The agreed process for this interim approach is in the process and guidance links below.
9. This policy applies to Waitapu (Building A) of Te Mātāwai (Greys Ave) complex and NPH tenancies that arise incidentally from Kāinga Ora urban development and housing activities that are consistent with its urban development and housing functions, namely the acquisition of:
  - i. land and dwellings with sitting tenants with the intention to redevelop in the future
  - ii. housing portfolios, such as from councils, but where some tenants were not assessed as eligible for public housing but that the housing would eventually be transitioned to public housing once the existing tenancy ends.

## Definitions

*A non-public housing applicant is:*

- a person who has applied for a non-public Kāinga Ora tenancy and has not been assessed by MSD or had been assessed by MSD as being ineligible for public housing and is not on the MSD public housing register.

*A non-public housing customer is:*

- a person, who at the time their tenancy agreement with Kāinga Ora commenced, had not been assessed by MSD as being eligible or had been assessed by MSD as being ineligible for public housing and was not on the MSD public housing register, and who now has a tenancy agreement for a non-public housing Kāinga Ora property.

10. This policy does not apply to people leasing accommodation from the Ministry of Business, Innovation and Employment (MBIE) under the Temporary Accommodation Service.
11. At any given time, we do have public housing customers who may be paying a market rent under the Public and Community Housing Management Act 1992. This policy does not apply to them.

## Operating principles

12. For NPH tenancies, we are not required to follow the operating principles in the Kāinga Ora Act that apply for public housing tenancies. We have chosen **not** to follow these operating principles for our NPH tenancies:
  - (b) supporting tenants—
    - (i) to be well connected to their communities; and
    - (ii) to lead lives with dignity and the greatest degree of independence possible; and
    - (iii) to sustain tenancies:
  - (c) working with community providers to support tenants and ensure those most in need are supported and housed
13. However, we still aim to manage NPH tenancies consistently with these operating principles:
  - (a) providing good quality, warm, dry, and healthy rental housing
  - (d) being a fair and reasonable landlord, treating tenants and their neighbours with respect, integrity, and honesty.<sup>1</sup>

## Policy

### Introduction

14. Kāinga Ora is a responsible and reasonable landlord. We are obliged to ensure our customers and their neighbours experience quiet enjoyment of their homes. We expect our customers to respect the values and wellbeing of others and to act reasonably with consideration for others in their building community.
15. Under key legislation most of our operational policies and guidelines focus on public housing customers, so the tenancy-management approach for NPH customers must be easy to adopt by our people and systems. Most of the public housing policies and guidelines will not apply to NPH tenancies; however, there will be some tailored guidance specifically for NPH tenancies (see 'Guiding principle' below).
16. For NPH customers we follow and use the tools in the RTA and our focus is to provide an empathetic and holistic tenancy service where we build trust, good relationships with our NPH customers – using the same skills and good intentions in our tenancy approach

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<sup>1</sup> Kāinga Ora Homes and Communities Act 2019 s14(a)(d).

with our public housing customers. However, we are dealing with people who could generally obtain housing in the private rental market, so we do not have the same need to help them to sustain their tenancy with us. NPH tenants who breach their obligations and do not or cannot remedy it may have their tenancies terminated.

### **Guiding principles**

17. The behaviour and decision-making of Kāinga Ora on NPH tenancies will be guided by the following principles.

- **Trust** – mutual trust and reciprocity is at the heart of our relationship with customers.
- **Responsibility** – we meet our obligations as a landlord under the RTA and trust our customers will do so also.
- **Dignity** – every customer is treated with respect, empathy and understanding, no matter their background. We seek to understand who they are and what their housing needs and aspirations are.
- **Cultural responsiveness** – we are flexible and adapt our services to accommodate housing needs of our customers and engage with customers in a way that works for them.
- **Responsiveness** – we are effective and timely when dealing with the concerns of our customers.

## Appendix 1: Guidance to the NPH approach at Te Mātāwai

18. Non-public housing (NPH) guideline (CNP-GDL-001) provides guidelines specifically for NPH tenancies at Te Mātāwai.

### Selection process

19. The selection process for NPH people who apply for Te Mātāwai is the following.
20. A Leasing Agent will complete the applicants due-diligence checks for Kāinga Ora. They will provide Kāinga Ora with individual applicant application packs. The guidance document outlines the approaches of a Viewing stage and Application stage.
21. When an applicant goes for a viewing of a property, they are required to provide the Leasing Agent their name and contact information only. At the application stage, the applicant can fill in the application form for a property before viewing the property, but they are not required to do this at this stage. If the applicant decides to apply for a property, they need to fill in the application form and submit the application form to the Leasing Agent.
22. Once the Leasing Agent has a full set of information for an applicant, the agent provides that information to the Tenant Evaluation Panel of Kāinga Ora. The application to offer process works on a first-in, first-served basis. This means we are considering each completed application in order.
23. The role of the Kāinga Ora Tenant Evaluation Panel is to make a decision on whether we proceed with an applicant using all the information supplied to them from the Leasing Agent when the checks are completed. By having a panel of four people, we remove any bias in the selection process and make it a collective decision on whether the application progresses to the next stage of being offered a property. The criteria and ratings the Kāinga Ora Tenant Evaluation Panel will need to consider when assessing applications is in Non-public housing guideline (CNP-GDL-001).
24. Membership of the Kāinga Ora Tenant Evaluation Panel includes the Manager of the Complex, Senior/Housing Support Manager, Team Leader Housing Support and Placement Coordinator and/or Wellbeing Advisor.

### NPH rent reduction

25. NPH customers are not eligible for Accommodation Supplement (AS). As an interim for this pilot, we will be reducing rent for some NPH customers at Te Mātāwai, who otherwise would be eligible for AS. We are working with officials from the Ministry for Social Development (MSD) on how to ensure this NPH rent-reduction process is accessible for NPH applicants and/or customers.

### Bond Management

26. Kāinga Ora may request up to four weeks' bond<sup>2</sup>, and the guidance states we will be requesting two weeks' bond.

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<sup>2</sup> RTA s18

## Tenancy inspections

27. Kāinga Ora will only visit a property for the purposes set out in the [Residential Tenancies Act 1986](#). Kāinga Ora will undertake tenancy and property inspections for non-public housing tenancies at Waitapu in Te Mātāwai every six months.

## Tenancy Termination

28. We are dealing with people who could generally obtain housing in the private rental market, so they do not have the same need to help them to sustain their tenancy with us. NPH tenants who breach their obligations and do not or cannot remedy it may have their tenancies terminated.

29. When working to resolve issues with all our customers, we ensure all parties have the opportunity to be heard, that they have access to information concerning their tenancy and that decision-makers are free from bias.

30. There are three ways in which a tenancy can be terminated:

- i. By the customer, or
- ii. By Kāinga Ora, or
- iii. By Tenancy Tribunal Order

### By the customer

31. Following family violence – a customer may withdraw from the tenancy by giving at least two days' notice as stated in Section 56B of the RTA.

32. A customer may terminate their tenancy in any case by giving at least 28 days' notice to Kāinga Ora.<sup>3</sup>

33. For more information, see [Policy for Ending Tenancy - Customer-initiated \(POL-349\)](#).

34. A tenancy may also terminate following the death of the sole tenant<sup>4</sup>.

### By Kāinga Ora

35. Kāinga Ora may terminate a non-public housing tenancy in accordance with the RTA. Kāinga Ora gives 90 days' notice under certain circumstances. Sometimes notice periods are shorter for example, under s55AA for physical assault incidents.

### By Tenancy Tribunal Order

36. In some cases, Kāinga Ora may seek a termination order from the Tenancy Tribunal, if for instance, the rent is at least 21 days in arrears, or the tenant has caused substantial damage to the premises or has assaulted other persons (s55). An application may also be made following three separate occasions of anti-social behaviour (s55A).

37. Guidelines on the process for managing termination for can be found in Manage tenant arrears in non-public housing (CNP-PRO-004) and Manage anti-social behaviour in non-public housing (CNP-PRO-006).

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<sup>3</sup> RTA Section 51(2B)

<sup>4</sup> RTA s50A

## Definition of terms

The following definitions apply when interpreting this policy:

Term	Definition
Non-public housing applicant	A person who has applied for a non-public Kāinga Ora tenancy and has not been assessed by Ministry of Social Development (MSD) or had been assessed by MSD as being ineligible for public housing and is not on the MSD public housing register.
Non-public housing customer	A person, who at the time their tenancy agreement commenced, had not been assessed by MSD as being eligible or had been assessed by MSD as being ineligible for public housing – and was not on the MSD public housing register – and who now has a tenancy agreement for a non-public housing Kāinga Ora property.

## Related policies, procedures, legislation and documents

38. Relevant legislation, regulations and standards:

- a. [Health and Safety at Work Act 2015](#)
- b. [Kāinga Ora–Homes and Communities Act 2019](#)
- c. [New Zealand Bill of Rights Act 1994](#)
- d. [Privacy Act 2020](#)
- e. [Residential Tenancies Act 1986](#)

## Review

We will review this policy on an as required basis.

## Document control

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

Date	Reviewed/Modified by	Comments/Descriptions of changes
30/08/2023	Kāinga Ora Board	Approve Policy
3/08/2023	Customer and Communities Pae Tātaki	Endorse Policy