

**Tenancy management community of practice 11<sup>th</sup> November 2021**

The final Tenancy Management Community of Practice for 2021 was held via zoom on 11<sup>th</sup> November 2021. This Community of Practice is relevant for advocates, practitioners, navigators and tenancy managers involved in supporting tenants and whānau and / or managing housing across all parts of the Community Housing sector.

A Community of Practice is a way of bringing together people and organisations working on the front line so that they can share knowledge and good practice, discuss issues and work out how best to collaboratively overcome them. The idea is that we are all experts in the work we do so we all have something to contribute and, by working together, we are strong and able to make more progress towards our collective goals.

The views and opinions discussed as part of the session are not definitive – it is up to each individual / organisation to determine the appropriate interpretation and / or practice for them. Community Housing Aotearoa (CHA) will seek to provide additional guidance and more information where questions are raised and gaps identified, including raising with our colleagues in government.

**Executive Summary**

**Key points discussed include:**

1. **Anti-Social Behaviour: Evidence required under S 55 A** - Presentation from Penny Arthur Manager Tenants Protections Association (Christchurch) Inc.
2. **COVID update** - Essential maintenance and inspections under level 2 and level 3
3. **Transitional Housing and Special Needs Grants instead of bonds**
4. **Leasing / renting from private owners – interest deductibility**

**1. Anti-Social Behaviour**

Presentation from Penny Arthur, Manager, Tenants Protections Association (Christchurch) Inc.

A framing example was provided. One tenant in a multi-unit block is not focused on recovery. Gang affiliations has put stress on neighbours but they are not willing to complain / put their name to a statement. How do we evidence ASB?

Tribunal orders referenced – some are CHPs. They provide a snapshot of what is going on but not the detail behind it.

Additional notes to slides:

***Slide 1. Legal Requirements***

With tenant's permission to be on premises and engaging in ASB, Tenants don't have to challenge the notice straight away – can be done at Tribunal.

***Slide 2 Additional requirements***

When ASB occurs outside the front of the building – at what point is tenant no longer able to control the behaviour of the visitor?

- Give tenants time to response / adjust behaviour after a notice. Does your organisation have a policy including timeframes?
- Date needs to be clear and include record of how / when notice was delivered to the tenant. Use the address for service on the tenancy agreement – including email address.
- Can't just be about annoying behaviour – has to have harassment element.

### **Slide 3 Evidence**

- Civil Court – on the balance of probability. Burden of proof lies with the advocate. Here say evidence is not helpful – has to be what you witnessed.
- Be mindful that a witness may still withdraw from giving evidence despite encouragement.
- If targeted a Tenancy Manager, Tradesperson or Support Worker can give evidence e.g. verbalise threat against them when serving a notice.
- Can a person who gives a statement have name suppression? Landlord can apply for name of witness and staff to be suppressed. Still have to give evidence at the tribunal. Generally, providers both get copies of order before it's published so able to check. Now waiting 20 days before publishing. Will also look at name suppression in documents filed as part of the process.
- Review statement with witness before the hearing so they are prepared to talk to their evidence and to answer questions. Adjudicator and other party can ask questions. Think about the kind of questions that they may ask.
- If witness is unable to show up rely on the (signed) statement – will still be stronger than trying to summarise it without them there.

### **Slide 4 Assault**

- More of these cases successful. Unlawful activity e.g. methamphetamine use, receipt of stolen goods. Only needs one notice. May use evidence from TM or others, Police reports. TM calling the Police gives ownership to the event and access to the information.
- Look to other breaches as often multiple issues.
- Can apply for multiple grounds at the same time – don't have to rely just on ASB

### **Questions / Comments**

- Section 40 tenant's responsibilities. Interfering with quiet enjoyment of others.
- There have been some clear Tribunal decisions on methamphetamine use / unlawful activity.
- The more detail added the more credibility to the evidence.
- Direct conversations i.e., this is the conversation I had and this is what I saw.
- Statements (no particular format) should include dates, times, who else was around, name and signed.
- Statutory declaration (can be useful but doesn't make it any more compelling).
- Affidavit – a legal document.

### **Resources and template:**

<https://www.tenancy.govt.nz/assets/Uploads/Tenancy/anti-social-behaviour-factsheet-a3.pdf>

Use the notice [template](#) provided by Tenancy Services to better ensure proper information submitted.

### **Inspections and maintenance under COVID**

- Visiting homes and inspections, what is an emergency repair?  
Urgent maintenance examples– smoke alarms, leaking toilets, hot water tanks  
Not urgent - curtains, door needs rehanging

- Property Inspections. Example of inspections under alert level 2 by consent – tenant is leaving the property and waiting outside whilst inspection is done. Inspector fully masked and in PPE.
- Are tradespeople being asked if they are double vaccinated, exhibiting symptoms?
- Note the logic behind the decisions – health and safety requirements. Make that the policy of the organisations and let tenants know – you can expect that all tradespeople will be vaccinated (if that is your requirement), screened for symptoms, wearing PPE.
- Provider should be clear about what is essential maintenance – minimise contact, reduce requirements for staff, plan for a time when there may be fewer staff / contractors able to respond / provide the service. Maybe there are lower risk inspections that can be deferred.
- Impact on tenant relationship to see people coming into their homes with full PPE. Tenants received it ok – they knew what to expect. Communication is key.
- Provider in alert level 3 taking cautious approach. Still offering front line services. Doing this from outside – established process to make this work including signups.. Only essential services that impact on health and wellbeing. Know that there will be a back log of inspections.
- Likely to be increased damages as whanau spending more time in homes and building levels of frustration.
- **Tenancy Services** recommend that property inspections can be done with consultation with the tenant and where practical they are performed via virtual inspections if tenants have the technological capability.

#### **Relevant links to guidance and advice:**

[Unite against COVID-19 \(covid19.govt.nz\)](https://covid19.govt.nz)

Tenancy Services have clear information about property inspections, maintenance, and viewings at alert level 2 and 3.

[Tenancy Services. COVID-19 Information for tenants and landlords](#)

**Transitional housing and SNG.** Confirming this should be a special needs grant that is signed by the resident, and not a bond. Complete form and upload through sharefile with evidence. \$ available but only claimed if there are damages, rent arrears. Once resident exits \$s no longer held / exists.

#### **Leasing / renting from private owners – interest deductibility**

There has been an increase in enquiries from private owners to CHPs – recent article on interest deductibility, some organisations are already at capacity, no mention of redirects policy / current position of MHUD / government.

#### **More than a roof – Housing in poems and prose**

<https://www.landingpressnz.com/product-page/more-than-a-roof>



If you would like any of these topics discussed in more depth, or would like to suggest topics for future meetings, please let us know. Contact: [DavidZ@communityhousing.org.nz](mailto:DavidZ@communityhousing.org.nz)

**Please put the date for the next Tenancy Management Community of Practice in your calendar - Thursday 10<sup>th</sup> February 2022 from 2pm to 3.30pm. A link will be provided prior to the meeting.**