

12 October 2023

Sarah

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Tēnā koe Sarah

Thank you for your email of 27 September 2023 to Kāinga Ora – Homes and Communities requesting the following information under the Official Information Act 1982 (the Act):

- 1) On what grounds can Kainga ora decline a tenants business initiated transfer (BIT) request?*
- 2) What are the valid reasons why kainga ora would decline your BIT request? and what are NOT valid reasons?*
- 3) Is there a kainga ora policy in relation to over-crowding in a kainga ora property? If so, can you send me the link for the policy which refers to over-crowding in a kainga ora property.*
- 4) If a tenant is declined a Business initiated transfer (BIT) without any valid reason, what steps can the tenant take to get the decision reviewed?*

Your questions and our responses are listed below.

- 1) On what grounds can Kainga ora decline a tenants business initiated transfer (BIT) request?*

When considering whether or not a customer meets the Business Initiated Transfer (BIT) criteria, Kāinga Ora apply the following four principles for consideration:

1. Safety and security – we will prioritise the health and wellbeing of customers and their whānau where staying in the property poses a significant risk or has the potential to cause detrimental effects to customer's and or neighbour's health or wellbeing.
2. Legal obligations – we will prioritise transfers where it is required to meet legal obligations such as where the lease has expired or the customer is required to move residence because of a court order.
3. Enabling housing for future customers – we will prioritise transfers where a customer is required to move from their current property in order to allow for a redevelopment or other asset related matter to take place.
4. Empowering customers to maintain connections to their communities – we will give customers choice where we can and help make their house a home by enabling them to maintain connections to their communities.

In order to be considered a high-priority BIT, consideration must be given to whether the BIT is necessary to ensure one of the principles outlined above is met.

Applicants on the Ministry of Social Development (MSD) public housing register will be given priority over other, non-high priority BIT customers.

For more information on how Kāinga Ora determines BIT priority under the four principles above, please see attached Appendix one of the 'Match to Suitable Home Policy', which is being released to you in full.

2) *What are the valid reasons why kainga ora would decline your BIT request? and what are NOT valid reasons?*

A customer may be declined a BIT if they do not meet the criteria under the four principles stated above. In cases where a BIT is not necessary, the customer is instead referred to MSD for a transfer.

3) *Is there a kainga ora policy in relation to over-crowding in a kainga ora property? If so, can you send me the link for the policy which refers to over-crowding in a kainga ora property.*

The key role of Kāinga Ora is to provide housing to those most in need. We understand that our customers' circumstances and of those of their whānau can change, and this can affect their housing needs. Where this happens, and a potential overcrowding situation comes to our attention, we will discuss alternatives with the customer, such as applying for a transfer to a property that better suits their needs. If a transfer is required, the customer is referred to MSD to have their housing needs re-assessed.

MSD is the primary agency responsible for managing the housing need assessment criteria. The maximum number of tenants in a property is based on MSD's assessment of the number of household occupants and the number of bedrooms required. The bedroom allocation requirements are determined by MSD for all transfer applications, for both the MSD public housing waitlist and the Kāinga Ora BIT register.

Where there is significant overcrowding (characterised as requiring two or more bedrooms than the current home has), and this has been confirmed by MSD, a customer can be placed on the Kāinga Ora BIT register. Prioritisation of the Kāinga BIT register is determined by a number of principles – please see Appendix 1 of the attached policy 'Match to Suitable Home' for more information.

Please note, if the customer does not meet the criteria for a BIT referral, they are referred to the Ministry of Social Development (MSD) to request a transfer, and MSD will complete an assessment of their eligibility.

4) *If a tenant is declined a Business initiated transfer (BIT) without any valid reason, what steps can the tenant take to get the decision reviewed?*

The customer can ask that the decision be reviewed by the Manager Regional Placement, who will consider whether a BIT is necessary under the four principles stated above.

I trust you find this information helpful. You have the right to seek an investigation and review by the Ombudsman of my decision on your request. 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 its 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.

Nāku noa, nā



Rachel Kelly
Manager, Government Relations