

Encouraging Good Neighbour Behaviour Policy

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1. Policy overview

Introduction

This part gives a high level outline of our policy in relation to dealing with tenants when complaints or issues arise relating to:

- intentional or careless damage of the premises, and/or
- use of the premises, or permit the premises to be used, for any unlawful purpose, and/or
- interference with the reasonable peace, comfort, or privacy of any other person residing in the neighbourhood, and/or
- assault, or the tenant has threatened to assault, either Housing New Zealand Corporation staff, or any agent of Housing New Zealand Corporation, or any tenants of Housing New Zealand Corporation, or any neighbours of the premises.

[Section 1](#) gives a general picture of our approach, and gives key messages for all stakeholders. [Section 2](#) outlines the required protocols, standards, methods and tools you will need when dealing with complaints or issues.

Note: Later parts of this manual give details of how to apply these policies.

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3. Principles

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4. Introduction

We inform all new tenants of their responsibilities and rights both when they sign the Tenancy Agreement (T-319) and over the course of the tenancy. These responsibilities are further emphasised in our [T-319 Tenancy Agreement](#) and Tenant Welcome Pack.

These responsibilities aim to create sustainable tenancies, good neighbours and avoid behaviour that adversely affects individuals and neighbourhoods, and hinders community development.

5. Policy objectives

The objectives of the Encouraging Good Neighbour Behaviour policy are to:

- support neighbourhoods so that all residents have peaceful enjoyment of their homes
- define the standards of behaviour we expect of our tenants
- provide strategies for encouraging tenants to address behaviour(s) that impact their ability to act as good neighbours
- define what we consider to be anti-social behaviour, and the consequences for tenants of committing or permitting anti-social behaviour that impacts on their tenancy and direct community, and
- provide strategies for responding to and resolving anti-social behaviour of tenants and their associates.

6. Our commitment

We will:

- communicate with tenants the standards of behaviour that we expect of them as good neighbours, and the consequences of committing or permitting anti-social behaviour that will negatively impact on the sustainability of the tenancy, and/or the wider community
- work in partnership with others to respond to and resolve tenant anti-social behaviour
- treat all complaints of anti-social behaviour seriously and sensitively and support complainants by keeping them informed (subject to [Privacy Act obligations](#))
- equip our staff with the training, knowledge and tools to apply the Encouraging Good Neighbour Behaviour policy, and
- address serious or ongoing anti-social behaviour by terminating tenancies where appropriate.

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7. Definitions

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7.1 Good neighbour behaviour

We define good neighbour behaviour as:

“A good neighbour is considerate, tolerant, respects the needs and choices of other people, and contributes to a safe neighbourhood.”

The table below lists the traits of a good neighbour.

Trait ▲	Explanation
Responsible	Tenants are responsible for preventing nuisance, annoyance or disturbance to other residents in the neighbourhood. Note: This includes the actions of family members, guests and pets.
Considerate	Tenants must keep noise to reasonable levels at reasonable hours and must not offend neighbours through their actions.
Tolerant	Tenants must understand that people have different ways of doing things and respect these differences.
Concerned	Tenants are encouraged to notify us when the behaviour of others is unacceptable so we can take appropriate action.
Law-abiding	Tenants must refrain from illegal activity and comply with their Tenancy Agreement (T-319) and the Residential Tenancies Act 1986.

7.2 Anti-social behaviour

We define anti-social behaviour as:

"any behaviour by a tenant, a tenant's family member or a visitor that unreasonably interferes with another person or person's right to use and enjoy their home or neighbourhood."

The table below gives some examples of anti-social behaviour.

Behaviour	Explanation
Harassment	Intimidating tenants, or any neighbours through threats of violence.
Assault	Physical violence towards staff, tenants and/or neighbours. (Refer to unlawful activity).
Noise nuisance	Causing noise at high levels, occurring at unreasonable hours and/or over a sustained period.
Vandalism	Deliberately damaging the tenant's, neighbours' or communal council property. Note: This may also be seen as unlawful activity .
Vehicle nuisance	Inconsiderate parking, vehicle abandonment, excessive vehicle traffic to and from the tenancy or excessive vehicle related noise, i.e. burn-outs, loud music, maintenance and repairs.
Rubbish dumping	Littering and dumping rubbish on tenant's, neighbours' or communal council property.
Animal nuisance	Failing to control pets; keeping pets without our permission.
Unlawful	Using a property for unlawful (i.e. criminal, illegal) activity .

Behaviour	Explanation
activity	

7.3 Unlawful activity

We do not tolerate unlawful activities that involve the use of our properties. In such cases, we will seek to terminate the tenancy.

Unlawful activity involving the use of the property

Under the Residential Tenancies Act, tenants have an obligation not to use the property for unlawful activities. Under the Act, **it is the use of the property** in the unlawful activity that matters.

Some examples are:

- selling drugs from the property
- storing stolen goods at the property
- manufacturing drugs at the property.

Note: We have a "zero tolerance" position in respect to the manufacturing of "P". ([T-126 Methamphetamine \(P\) and HNZN Tenancies](#))

Where a Housing New Zealand property is used for an unlawful activity (as set out in section 40 (2)(b) of the Residential Tenancies Act), we will seek to terminate the tenancy either by:

- application to the Tenancy Tribunal for breach of the tenant's obligation, or
- issuing a 90 day notice.

Unlawful activity not involving the use of the property

Not all unlawful activity involves the use of the property. Some examples are:

- an assault occurring at the property
- an individual being in possession of drugs while at the property.

Unlawful activity at our property not involving the actual use of the property can still lead to the tenancy being terminated. This can occur as a consequence of our approach to anti-social behaviour. Under the [Residential Tenancies Act](#), tenants have an obligation not to interfere with the reasonable peace and comfort of others living in the neighbourhood. If the Police are repeatedly attending a property to deal with fighting or drug use or any other such activity, then the Police involvement is in itself an indication of an interference with the peace and comfort of neighbours. In such a case where a breach of section 40(2)(c) can be verifiably proven, we can seek to terminate the tenancy either by:

- application to the Tenancy Tribunal for breach of the tenant's obligation, or
- issuing a 90 day notice. So what do we do when the activity is unlawful but not impacting neighbours (e.g., drugs found on the premises)?

Unlawful activity covered under the RTA

Section 40(2)(b) of the RTA

Use the premises, or permit the premises to be used, for any unlawful purpose.

Activity

- Use the premises to hold stolen goods.
- Use the premises to cultivate or manufacture drugs including cannabis, methamphetamine, cocaine etc.
- Use the premises to sell or distribute drugs.
- Manufacturing or storing weapons illegally.

Actions

The examples of illegal activity are of such a serious nature that the Corporation must consider carefully whether or not to:

- Terminate the tenancy through the TT pursuant to Section 56 of the RTA; or
- Issue the tenant with a 90 day notice.

Section 55(1)(c) of the RTA

The tenant has assaulted, or threatened to assault, the landlord or any member of the landlord's family, or any agent of the landlord, or any occupier of any building of which the premises constitute a part, or any neighbour of the premises or of any such building.

Activity

- Assaults or threatens to assault the Corporation's staff.
- Assault or threatens to assault the Corporation's agents including contractors undertaking repairs and maintenance of the property.
- Assaults or threatens to assault a neighbour or other occupier of any housing complex.

Actions

The examples of illegal activity are of such a serious nature that the Corporation must consider carefully whether or not to:

- Terminate the tenancy through the TT pursuant to Section 55 of the RTA; or
- Issue the tenant with a 90 day notice.

Note: the examples set out above are not exclusive. Other examples will arise from time to time that will contain a number of factors showing the premises are being used for unlawful activity including:

- Nature of the unlawful activity.
- How the property was being used to facilitate the unlawful activity.
- The affect the unlawful activity has/will have on the community.
- Police or other agency support.

Note: Police evidence and a conviction is just one factor (not the only factor) for a Tribunal to consider when deciding whether or not to terminate a tenancy. Where a tenant whose tenancy is being terminated is found not guilty of a related criminal offence, will mean termination of the tenancy for unlawful activity will be more difficult. The Corporation can continue the application.

7.4 The EGNB Policy

Activities subject to EGNB Policy

- Abuse or intimidation of other tenants, neighbours, or the wider community.

- Ongoing police attention where the premises is used as a “haven” or “base” from which illegal activities might originate.
- Tenant or members of the household suffer or instigate domestic violence.
- Ongoing drug use that affects the wider community (not including cultivating or supply & methamphetamine (P)).
- Convictions & charges for behaviour not covered by the RTA - drug use, assault by someone other than the tenant, or threats to assault anybody not already covered under the RTA.

Explanation

- In terms of the EGNB policy, consideration needs to be given to how these acts interfere with reasonable peace, comfort, or privacy of the wider community.
- For example: a charge of smoking marijuana in itself is not an act that necessarily has to lead to termination and in itself isn't covered by the RTA. As this is NOT a breach of the RTA it is unlikely that the TT would grant a termination in this case.

Actions

- RMs and DOOs need to make an assessment on the impact of the situation on the wider community and the safety of other tenants and private owners in the neighbourhood.
- If enough evidence can be gathered to justify the issuing of a 90 day notice, there ought to be enough evidence to also make a case to the TT because it relates to a breach of the RTA, s40(2)(c), Interference with the reasonable peace, comfort or privacy ...
- Otherwise, issue a 90 day notice

What about undertaking illegal activity in one of our properties

- While some relatively minor offences are illegal (smoking cannabis, downloading i-tunes or movies etc to your computer), these activities are not necessarily in breach of the RTA — that is, the premises may not be used for illegal activities. While the tenant may have been in the premises at the time of the offence, that in itself may not be enough to be a breach of the RTA.
- We acknowledge that there is a policy gap in this regard — that is, the EGNB policy currently provides for serious ongoing anti-social behaviour that affects the community.
- If the alleged illegal behaviour is viewed by the Corporation as unacceptable, the RM/DOO should decide on a case to case basis, whether to terminate the tenancy by way of a breach under Section 56 of the RTA, or to issue a 90 day notice.
- It should be noted that TT applications are unlikely to be granted as no breach under the RTA has occurred.

The table below provides an overview of some examples of unlawful activity.

Activity	Explanation
Unlawful activity involving the use of the property	
Drug-related activity	Manufacturing, storing of and dealing with drugs.
Vandalism	Deliberate damage to the tenant's, neighbours' or communal council property at a level where police involvement is required.
Unlawful activity not involving the use of the property	
Violence	Violence towards staff, neighbours, domestic violence, or assault at property at a level where police involvement is required.

Activity	Explanation
Sexual assault	As defined in the Crimes Act .

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8. Our approach

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8.1 Introduction

Our approach to encouraging good neighbour behaviour consists of four elements:

- Promoting
- Preventing
- Resolving, and
- Addressing.

This topic outlines these elements, looks at what happens when prevention fails and outlines the partnership approach.

8.2 Overall approach

The table below explains each element.

Element ▲	Explanation
	Good neighbour behaviour is promoted by:
Promoting	<ul style="list-style-type: none">• continuing to support community development through the Community Renewal projects, and• applying community development principles in tenancy management activities. This includes local level collaboration, partnerships and strategic relationships with government and non government agencies, facilitating a range of practical social animation “learning by doing” activities responding to the needs, aspirations and input of local communities e.g. community garden’s, street makeovers. Providing supportive environments where people can come and discuss community issues, to develop a sense of community spirit and mutual purpose, providing information about community services, activities and events to connect people to their community.
Preventing	Anti-social behaviour is prevented by communicating the traits of good neighbour behaviour. Reinforcing tenant responsibilities over the course of the tenancy.
	Emerging tenant anti-social behaviour issues are resolved by:
Resolving	<ul style="list-style-type: none">• contacting the tenant and listening to their side of the story• working with the tenant towards tackling the core of the problem, and• recording and monitoring tenant behaviour to help us understand and respond to any future issues more appropriately.
	Serious or ongoing tenant anti-social behaviour issues are addressed by working:
Addressing	<ul style="list-style-type: none">• in partnership with other agencies, and• towards a final resolution of the issue. At this point <u>termination</u> of the tenancy is a highly likely outcome.

Neighbourhood disputes often involve parties other than us and our tenants. We will therefore work with individuals, groups, and agencies to

Element ▲**Explanation**

prevent, address and resolve tenant anti-social behaviour.

8.3 Partnership approach

Where appropriate we should act in partnership with other agencies that have obligations to ensure the safety and security of the wider community.

Examples of how we partner with other agencies include:

- Establishing and maintaining relationships with representatives.
- Meeting regularly with representatives to discuss issues of common interest and concern.
- Planning to address key issues in collaboration.
- Contributing to inter-agency forums.
- Developing and implementing procedures and protocols to access and share information.
- Improving the reporting of referrals, this relates to relevant cases being referred to the Police, etc. and properly recorded.

8.4 Partnering agencies

Agencies we may partner with include:

- New Zealand Police (See [MOU NZ Police](#))
- [Department of Corrections](#)
- [Department of Building & Housing \(Tenancy Services\)](#)
- Local Councils
- District Health Boards
- Ministry of Social Development ([Child, Youth and Family](#))
- Department of Building & Housing (Tenancy Services)
- NGOs (e.g. City Mission).

Note: Where there is a Memorandum of Understanding (MOU) between us and the Agency, this must be followed.

8.5 When all options are exhausted

When all options in dealing with the tenant are exhausted and there is no indication that the behaviour will cease, the terminating tenancies process allows us to issue:

- a 90 day notice
- an application for an order of the Tenancy Tribunal, or
- both a 90 day notice and an application for an order of the Tenancy Tribunal.

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9. Key messages

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The key elements of the Encouraging Good Neighbour Behaviour policy are included to help you communicate the principles to our:

- external stakeholders (tenants, complainants, neighbours, agencies), and
- internal stakeholders (other staff).

9.1 Key messages to external stakeholders

The table below shows the key messages to our external stakeholders.

Message▲	Explanation
Responsibility to assist vulnerable families	As a social landlord, we have a responsibility to assist vulnerable families to sustain housing, but cannot help people manage their behaviours without clear and definitive consequences for a tenant who does not.
Most are good tenants	The vast majority of our tenants are good neighbours, but those who aren't can have a huge effect on those who live around them.
Tenant's behaviour	Every tenant has the right to enjoy their home — as long as it doesn't impact on the lives of those they live next to.
Treatment of property	Tenants have responsibility under their Tenancy Agreements (T-319) for the property, including treatment of the property by other members of the household and visitors ("associates").

9.2 Key messages to internal stakeholders

The Encouraging Good Neighbour Behaviour policy supports staff to work with tenants to be good neighbours, and empowers staff to address anti-social behaviour effectively. It does this by:

- promoting a proactive approach to intervention and management of difficult tenancies
- providing tenancy termination options for dealing with serious or ongoing tenant anti-social behaviour, and
- emphasising partnerships with other agencies and providers on community safety issues.

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