

## Code of Practice for Transitional Housing Consultation

### Submission to the Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development (HUD)

4<sup>th</sup> November 2022

#### 1. Summary

- 1.1. The Salvation Army *Te Ope Whakaora* supports the introduction of a Code of Practice (COP) for transitional housing. The draft Code is overall a good basis to work from but further changes to clarify it are needed.
- 1.2. The COP will require the funders to be proactive in monitoring TH providers to ensure they are complying with the code's provisions.
- 1.3. Housing agreements are essential for all TH and interpreters available for those who need this.
- 1.4. An important part of the mission of The Salvation Army is creating environments that are free of alcohol and drugs. The COP needs to be able to recognise such restrictions as reasonable in the context of our wrap-around support services.
- 1.5. The Salvation Army supports making the Health Homes Standards a requirement of the COP and there should not be a blanket exemption for motels and boarding houses.
- 1.6. The Salvation Army strongly disagrees with the language of 'three-strikes' being applied ending occupancy TH. In a context of wrap-around support other approaches need to be emphasised as best practice that involve working with people to seek an alternative outcome.
- 1.7. Robust and readily available dispute resolution services are crucial, and we support these being coordinated by HUD to ensure national coverage and that TH providers be reimbursed for costs involved. Advocacy services to support people in TH to access dispute resolution should also be funded to help achieve fair outcomes.

#### 2. Background

- 2.1. The mission of The Salvation Army *Te Ope Whakaora* is to care for people, transform lives and reform society by God's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for over one hundred and thirty years. It provides a wide range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society.
- 2.2. The Salvation Army employs almost 2,000 people in New Zealand, and the combined services support around 150,000 people annually. In the year to June 2022 these services included supporting almost 3900 people in transitional housing in over 800 housing units at 25 locations throughout the country. This means that The Salvation Army provides around 15 percent of all the 5520 transitional housing places currently offered. In addition to this, another 530 social housing units are provided through Salvation Army Social Housing (SASH) a registered community housing provider, and as well as working with people in facing homelessness through Housing First and Sustaining Tenancies programmes as well as other forms of community ministry.
- 2.3. These comments have been prepared by the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army together with Transitional Housing Services (THS). The SPPU works towards the

eradication of poverty by advocating for policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Mark Campbell, Territorial Commander of The Salvation Army's Aotearoa New Zealand Fiji Tonga and Samoa Territory.

### 3. Purpose and Scope

- 3.1. The Salvation Army strongly supports the introduction of a Code of Practice for the TH sector, and the draft code is largely an appropriate one and overall fit for purpose. Transitional housing needs to be understood as a service that fits within the wider supported services environment in social services. Providers are funded to provide “temporary accommodation and support”, which means services that are not only housing but also a range of tailored wrap-around social supports aimed at assisting individuals and whānau to find long-term housing. The context for the housing provided is, by definition, different from that assumed under the existing Residential Tenancies Act (RTA) which was amended to specifically exclude transitional housing. Such a legal vacuum puts both people living in TH and providers at risk and this draft COP goes some way towards addressing this by creating a basis for agreements between service providers and people living in TH.
- 3.2. TH is provided in settings where our services are often working with people living with addictions. The Salvation Army needs to be able to set clear boundaries around use of alcohol and drugs while living in the accommodation provided to ensure it is a safe environment with special consideration shared-living arrangements. Other restrictions aimed to ensure the safety of those living in the TH such as restrictions on visitors also need to be grounded in a clear relationship to the support services being provided in the funded TH service.
- 3.3. The context for transitional housing is the catastrophic state of housing in this country. People with low incomes cannot find affordable housing and face a whole range of other health and social problems. The sheer pressure of numbers is high with around 7800 people in emergency housing as well as likely more than 12,000 in transitional housing. Ideally no person coming out of homelessness should be without the opportunity for the supports needed to ensure they can find long-term, secure, and affordable housing.
- 3.4. TH is a government funded service provided by service providers who are registered with MSD as accredited social service providers and further contracted by HUD to provide the specific TH service based on the TH Operational Guidelines. This means there are at least two levels of accountability for the quality and safety of the service provided. TH providers need to have a clear understanding of how they are being monitored and audited on the Code requirements, standard of service provided, and outcomes achieved. This Code will require additional resourcing from HUD and MSD to monitor compliance in a proactive way and ensure its effectiveness.

### 4. Housing Agreements

- 4.1. The Salvation Army supports having a mandatory Housing Agreement with minimum requirements. An occupancy agreement is already in use across all Salvation Army TH sites and works well for both people living in TH and those providing the service.
- 4.2. The elements of the agreement as listed are comprehensive and should all be part of any TH agreement.

- 4.3. Proving a template agreement would be helpful for all TH providers in a similar way to those provided by Tenancy Services for private rentals. The template should clearly differentiate between mandatory elements in an agreement and additional clauses that may be helpful for different settings (e.g. motels or shared hostel-style housing).
- 4.4. Ideally the template could include translations into other languages (e.g. Māori, Pacific and Asian languages) which would help for those with English as a second language.
- 4.5. Para 2, p.6 The requirement that an interpreter must be provided by the housing provider raises the question of the availability and cost of such services. While services can be currently accessed there will need to be clear understanding of how providers can be reimbursed by funders for costs incurred.
- 4.6. Para 3(k) p.7 Provider specific rules. A significant proportion of the TH provided by The Salvation Army is provided in settings where people are coming from addiction recovery programme and or have been impacted by addictions. It is important to the mission of The Salvation Army that alcohol and other drugs are not consumed in those properties. The agreements need to be able to include such rules as appropriate to the setting.
- 4.7. Para 3 (l), p7 Responsibilities when the Housing Agreement ends need to be clear that the agreement can be renewed if the household has not been able to secure long-term housing. This could be worded as “service extension meetings” every three months.

## 5. Housing Induction Process

- 5.1. A mandatory induction process is essential to providing a good TH service and the process outlined in the draft Code is comprehensive.
- 5.2. Support with induction through a translation service would be necessary.
- 5.3. Para 4, p.10 states that “wholesale prohibition of visitors and activities such as gatherings or the consumption of alcohol are unlikely to be considered reasonable”. The Salvation Army occupancy agreement includes clauses that do not allow consumption of alcohol or drugs in our properties. It is part of the core mission and kaupapa of The Salvation Army that alcohol is highly problematic in our society. The rules also help create a barrier against alcohol harm in the families we work with, helping them to feel safe. It also reinforces the message that our living environments are a unique temporary living environment that needs to be respected by those agreeing to live in our housing. Similarly, banning large gatherings may be needed to manage the potential for anti-social behaviour, especially in shared housing settings.

## 6. Healthy and Safe Housing

- 6.1. The Salvation Army strongly supports making meeting the Healthy Homes Standards a requirement. The standards should be seen as a baseline for housing provision and any exceptions to the standards need to be clearly justified (e.g. as provided for under the RTA). The blanket exemptions for motels and boarding houses are however problematic, as they make up a significant proportion of TH. It is very clear that many motels are not suitable for longer-term housing and as a result families health and wellbeing is being put at further risk. Motels leased for TH should still be required to be assessed against the standards and provide proof why they cannot meet the standards.
- 6.2. The timelines provided for complying with the Standards seem feasible. The requirements will affect some existing tenancy agreements between housing providers and property owners, but

this is something that needs to be managed as part of the wider goal of improving TH housing quality.

- 6.3. The Code should clearly state that that TH providers are required to obtain an Independent Health Homes Standards certificate on procurement and renewal of properties.
- 6.4. The quality measures set out in the draft code – clean, warm, dry, and pest-free – are a good basis that all providers should be able to comply with.

## 7. Pleasant Living Environment

- 7.1. The Salvation Army supports the provisions in the draft Code for a pleasant living environment and our current practice is to provide fully furnished housing with chattels and storage.
- 7.2. Para 2, p.13 People’s possessions in already furnished housing is also a question that could be challenging to manage. It becomes hard to delineate what is reasonable for people to experience their housing as a home for the period they are there. There needs to be flexibility in how providers manage this with households, but the base rule that storage is available for possessions and the cost can be funded needs to be stated.
- 7.3. Para 3 & 4, P.13 Access to storage is related to the issue of feeling at home and it is important that people are made aware that they can store their possessions safely while in TH and that providers can assist, and the costs can be covered. As this is currently covered by existing funding arrangements either through HUD or MSD, there should not be an issue about “being able to retain possessions” during a stay in TH.
- 7.4. Para 10, p.14 The Salvation Army already has robust procedures in place for responding to anti-social behaviour that are explained in the induction process and displayed in the properties. The Code would be strengthened by more guidance around responding to serious breaches of policies where behaviour poses a risk of harm to themselves or others, aggressive behaviour, threats of harm and assault, excessive damage to the property. The Salvation Army best practice guidance for our organisation could be supplied to assist HUD in developing supporting information for this.
- 7.5. Para 13 (b) p.14 TH is a supported housing environment, non-voluntary exit from TH is very likely an exit into homelessness. The Salvation Army considers best practice for TH is to have a fair process for dealing with anti-social behaviour that involves working with people towards a positive outcome. Written notice about instances of serious misconduct and three such notices as the basis for ending occupancy may be appropriate but the 90-day period does not fit well to the TH context. We strongly recommend further follow up work from HUD/MSD involving TH providers and service users on what should be considered best practice in TH settings for ending occupancy.
- 7.6. The reference in Para 14 p.14 a count of remaining “strikes” we find offensive to the people living in TH. The people living in our housing are not offenders being convicted under criminal justice legislation. This language and terminology underlines the unsatisfactory nature of the proposed approach to anti-social behaviour in the draft Code.
- 7.7. The inspection arrangements are overall a fair approach but applying a strict four-week requirement is not appropriate to a supported housing environment. In most settings this would be reasonable, but our services do find that especially in the initial period of working with people in TH more frequent (e.g. fortnightly) inspections are needed to assist with adjusting to caring for the property and home. The aim of inspections is not only to reduce damage but also to support people in understanding how to care for their property.

- 7.8. Giving appropriate notice of inspections is important and 48 hours is reasonable. Notice could be by text or email but if this is done receipt of the message should be acknowledged by the recipient. A schedule for planned inspections given to TH residents should be considered reasonable and appropriate notice as well.

## 8. Transparent and Fair Exit process

- 8.1. A fair and transparent exit process is crucial to the success of TH in helping people to find long-term housing, and The Salvation Army supports the making this a requirement of the Code. We support the message that people should be able to stay in TH until a long-term housing option has been identified. The current reality is that many households are unable to secure long-term housing within the 12-week period and the housing provider needs to have good procedures to ensure people can stay longer if needed. A clear ending date as part of the TH occupancy agreement combined with a right to renew this if other housing cannot be found provides a good basis for clarity between both parties to the agreement.
- 8.2. Para 2 (b), p.15 non-voluntary exits are among the most challenging aspects of TH. As noted in paragraphs 7.5 and 7.6 above, the proposed approach to anti-social behaviour and thereby the approach to having people leave TH as result of such behaviour, is not adequate and needs further guidance. The Salvation Army has found working in environments with people struggling with multiple issues including addictions and/or criminal convictions, that good practice includes working with people to resolve issues. As noted above (7.5 p.4), we strongly recommend further work to identify guidelines as the basis for written notice about serious misconduct that may lead to ending an occupancy agreement.
- 8.3. There is real problem across TH of people experiencing perceived unfair exits and a sense that some providers are struggling to manage the relationships with those living in TH as well as the relationship between other TH recipients.
- 8.4. Para 13 & 14, p.17 Reaching agreement on damage or loss seems unrealistic as, more often than not, people who have caused intentional damage are unlikely to engage at the point when they are exiting the service and some damage is only discovered after the person has left the property. The five-day limit for making claims against the security deposit is not realistic when it often involves attempting to obtain quotes from tradespeople. A 21-day limit is therefore a more realistic timeframe.
- 8.5. Para 14, p.17 Lifting the amount of the Security Deposit to \$2,000 is a contentious issue. The deposit is a recoverable charge by MSD against the household living TH and therefore adds to the debt of people who are often already significantly in debt. The requirement that the household agree to the claim before it is paid out is necessary if it is to be considered a recoverable payment but means that the dispute resolution process will need to be able to be responsive enough to address disputed claims within the required timeframes.
- 8.6. An alternative approach would be for HUD/MSD to underwrite costs above \$1,000 through their Maintenance Fund.

## 9. Mechanism for Resolving Issues

- 9.1. The Salvation Army supports having an independent disputes resolution service associated with this Code. As noted above, there are issues that arise between households in TH and the providers that need to be fairly and independently resolved. The Tenancy Tribunal is not

available for TH and is not suited to the supported housing environment of TH. Therefore, identifying suitable flexible and responsive dispute resolution services is vital.

- 9.2. Para 1, p.18 Introducing new tenants to dispute resolution service as part of induction process is an essential part of the induction, people need to know that they have a right to safe deal with disputes that cannot be resolved directly with the provider.
- 9.3. Para 5, p.18 Funding for dispute resolution service should be provided by the government TH funders. A central list of agencies that can provide services should be available, ensuring that all regions can be covered by a reasonable range of resolution providers with cost reimbursement by HUD/MSD.
- 9.4. Para 6, p.18 There is a power imbalance between service providers and households meaning that advocacy services such as CAB, Community Law and tenant advocates organisations should also be resourced to provide readily available advocacy in the TH setting. Tenant advocate services are currently under-resourced for dealing with the RTA issues for long-term housing, so adding TH to their workloads needs to be planned for and funded. These services already deal with people living in TH settings, so this is a recognition of the realities of the present chaos in housing for people with few resources.
- 9.5. We believe the proposed approach will be workable if properly resourced and a range of suitable providers can be found. It may be necessary for the services to be provided remotely via video meeting to ensure culturally appropriate services can be offered and/or translators use where needed.