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4. Making a complaint

Making a complaint

Do you need to complain to the landlord first?

If you are a tenant with a complaint about a landlord, we encourage you to use all available, lawful methods to resolve the matter with the landlord before approaching the Community Housing Regulatory Authority (CHRA).

Registered Community Housing Providers (CHPs) must have processes in place to resolve disputes with you, and the rights and obligations of landlords and their tenants under the [Residential Tenancies Act 1986 \(external link\)](#) are unaffected by our complaint process.

The [Tenancy Services website \(external link\)](#) has information to help tenants to address problems with landlords, including use of mediation and going to the Tenancy Tribunal if matters cannot be resolved. Free advice is available from: 0800 836 262.

Complaints about registered CHPs

Any person can make a complaint in writing about a registered CHP to CHRA if you believe the CHP has breached any of its eligibility criteria or Performance Standards for registration.

[Find out if a CHP is registered.](#)

- Check whether the conduct may amount to a breach of the [eligibility criteria for registration](#).
- Check whether the conduct may amount to a breach of the [Performance Standards](#).

What matters justify a complaint?

Any person may complain to us in writing, about a registered CHP not meeting the eligibility criteria or Performance Standards.

A range of complaints can be made about breaches of eligibility criteria or Performance Standards. The types of issues that may justify a complaint include conduct by a registered CHP or its personnel that:

- shows the CHP's management is unsafe, inefficient or ineffective
- is unfair, unresponsive or lacking in transparency in dealing with tenants
- does not meet relevant property condition standards
- is serious wrongdoing which has the potential to damage the reputation of the community housing sector.

The Performance Standards are minimum standard relating to systems and, processes that a CHP must have or implement in providing tenancy services, managing property and assets and managing its finances.

Any failure to meet the Performance Standards is concerning. However, CHRA prioritises complaints involving systemic, serious, or ongoing failures to comply with the Standards.

Complaints which we will not investigate

CHRA will reject complaints that it considers frivolous or vexatious. These include complaints about trivial matters of little weight or importance, that have no sound basis or that are made for the purpose of being annoying.

CHRA will also reject complaints that are not about registered CHPs or that clearly do not amount to a failure to comply with the eligibility criteria or Performance Standards.

How you make a complaint to CHRA

For CHRA to properly consider your complaint, the following written information should be provided in support of a complaint that a registered CHP has failed or is failing to meet any of the eligibility criteria or Performance Standards for registration:

- Your name and contact details
- A brief description of the matter giving rise to the complaint, including relevant dates, places and times, and
- Copies of any relevant documentation and other supporting information.

Advocacy services

If you need help to write a letter of complaint to us about a registered CHP, you can ask the [Citizens Advice Bureau New Zealand \(external link\)](#) - Free phone (0800 367 222).

Alternatively you can contact your nearest [Community Law Centre. \(external link\)](#)

Where applicable, you can also ask the Office of the [Health and Disability Commissioner \(external link\)](#) for assistance on making a complaint – Free phone (0800 11 22 33) and email: hdc@hdc.org.nz.

Confidentiality

Under legislation, we must provide the CHP complained about with information about the complaint. You may request that your identity as a complainant be treated as confidential and we will try to comply with that request where reasonably possible. However, depending on the circumstances your identity may already be obvious or we may need to disclose your identity to investigate fairly and effectively.

Hearing back about your complaint

We will acknowledge receipt of your written complaint within five working days in writing. The CHP that is the subject of the complaint will also be notified within that time frame.

We will initially consider whether the complaint relates to an alleged failure by a registered CHP to meet any of the eligibility criteria or Performance Standards. We will immediately notify you and the CHP about whether we will be investigating the complaint.

If we do decide to investigate, this must be completed within 60 working days after the complaint is received. If the investigation cannot be completed within that time frame, we will notify you in writing and provide an alternative estimated time frame.

We will contact you to discuss the resolution you seek, and to seek any additional information. We may also contact other people who can provide information relevant to the investigation. Throughout the complaints process, we can require any person to supply information or produce documents for evidence that a failure has been remedied.

Natural justice

We will investigate the complaint observing the principles of natural justice. This means we will act fairly and without bias and give CHPs, who may be adversely affected by our investigation powers and processes a right to be heard. We will give reasons for our decisions.

Notification of decision and follow up

As soon as practicable after investigating the complaint, we must notify you and the CHP of the outcome, and will do this in writing. If applicable, we will request that the CHP remedies the failure. A reasonable time frame, of not less than 14 days, must be provided to do so. We can require the CHP to remedy the failure within a shorter time if we consider that the failure could result in serious harm to any occupants of any house for which the CHP is responsible. In the event of a CHP's refusal to remedy identified failures, we may consider suspension or revocation of registration.

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