



**Nelson Marlborough
District Health Board**

Submission on Healthy Homes Guarantee Bill (No 2)

23 June 2016

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Introduction

1. Nelson Marlborough Health (NMH) (Nelson Marlborough District Health Board) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH appreciates the opportunity to comment from a public health perspective on the Healthy Homes Guarantee Bill (No 2).
2. NMH considers that housing is a key determinant of health and wellbeing. There are a number of health issues associated with poor housing quality. For example, cold damp housing is associated with increased rates of colds and flu and other infectious diseases, increased hospitalisations for respiratory and cardiovascular illnesses, and conditions such as fuel poverty and household crowding.^{1,2} Poor quality housing is a major burden in New Zealand with substantial costs on society and the health system. For example, the health needs of children living in poverty costs the country at least \$2 billion per year, with a good proportion of that being attributable to cold damp housing.³
3. New Zealand's rental houses are generally in worse condition than owner-occupied houses with a higher incidence of dampness and mould, and a greater likelihood of exterior and interior components (e.g. windows, roof cladding, and kitchen and bathroom linings and fittings) to be in poor or serious condition.⁴ The number of households renting is rising – In 2013, 453,135 households lived in rental homes, being nearly 65,000 more households than in 2006.⁵ Of those living in rental housing, Maori, Pacific peoples, older people and children are disproportionately represented.^{6,7}
4. NMH supports action by central government to improve the quality of rental housing. However, as previously expressed in a submission made on the Residential Tenancies Amendment Bill in January 2016, NMH considers that the Bill in its current form does not go far enough to address the well-established housing quality issues of New Zealand's rental housing stock or to protect the most vulnerable.

¹ Marmot Review Team. 2011. *The health impacts of cold homes and fuel poverty*. London: Friends of the Earth & the Marmot Review Team

² Gillespie-Bennett J, Keall M, Howden-Chapman P, Baker MG. 2013. *Improving health, safety and energy efficiency in New Zealand through measuring and applying basic housing standards*. New Zealand Medical Journal 126(1379)

³ Every Child Counts. 2013. *For every child a healthy home: Housing*. Wellington: Every Child Counts

⁴ Buckett NR, Jones MS, Marston NJ. 2012. *BRANZ 2010 house condition survey – Condition comparison by tenure*. BRANZ study Report 264. Judgeford: BRANZ Ltd

⁵ Statistics New Zealand. 2014. *2013 Census QuickStats about housing*. Wellington: Statistics New Zealand

⁶ Flynn M, Carne S, Soa-Lafoa'i M. 2010. *Maori housing trends 2010*. Auckland: Housing New Zealand Corporation

⁷ Cowan V, Burrough L, Easton L. 2014. *Beacon resource: Performance of rental housing v3*. Report PUB/24 for Beacon Pathway Incorporated. Auckland: Beacon Pathway

5. Accordingly, this submission sets out similar points to those raised in relation to the Residential Tenancies Amendment Bill including around enforcement and a rental property Warrant of Fitness scheme.

Enforcement

6. The Bill proposes to amend the Residential Tenancies Act (RTA) to require the Ministry of Business, Innovation and Employment to set minimum standards for heating and insulation in rental properties. The standards are also to describe what constitutes acceptable methods of measuring the adequacy of those minimum standards.
7. Given that the Bill does not provide for compliance monitoring or enforcement, NMH is concerned that ‘the standards which describe what constitutes acceptable methods for measuring the adequacy of minimum standards’ will result in a self-regulation setting for landlords.
8. NMH believes that providing a self-regulation setting for landlords brings about several issues. Firstly, the onus will be on tenants to raise issues of non-compliance with landlords or report breaches of the RTA to the Tenancy Tribunal. Anecdotal evidence indicates that tenants are often unwilling to notify the Tenancy Tribunal of alleged breaches of the RTA.⁸ Therefore, self-regulation does not remove the potential for tension or conflict between tenants and landlords (including addressing the tenant’s fear of being evicted). Secondly, it does not recognise that some vulnerable tenants may not have the knowledge or capacity to raise issues of non-compliance with landlords or report breaches to the Tenancy Tribunal.
9. NMH considers that minimum housing standards need to be enforced independently of tenants. Accordingly, standards set need to be routinely monitored to ensure that they are adhered to and to ensure that all demographic groups have equal access to quality housing, including the most vulnerable.

Decision sought

10. That the Bill provides a system for monitoring and enforcing minimum housing standards independent of tenants, including routine compliance inspections and the development of meaningful penalties for non-compliance.
11. That the above factors are achieved through introducing a rental property Warrant of Fitness (WOF) assessment scheme as discussed below.

⁸ Residential Tenancies Amendment Bill, Explanatory Note

Rental property Warrant of Fitness

12. NMH is concerned that the proposed Bill only provides standards for insulation and heating and considers that the scope of the Bill should be extended to provide for a comprehensive rental property WOF assessment scheme as recommended in 2012 by the Children's Commissioner's Expert Advisory Group on Solutions to Child Poverty.⁹
13. Since the release of this recommendation, NMH is aware of the trial of two draft assessment WOF tools – one across Housing New Zealand houses and the other across the private rental market. The results of the trials indicate that a WOF system is feasible¹⁰, is largely supported by tenants and landlords alike¹¹, and will lead to improved health and safety outcomes for tenants.¹²
14. Furthermore, the introduction of a WOF assessment scheme aligns with the strategic direction of the updated New Zealand Health Strategy¹³ and overall goal 'All New Zealanders live well, stay well, get well'. In particular, there are strong linkages with Strategic Theme 2 (Closer to home), and guiding principals 2, 3, 4 and 8 which underpin the Strategy. The Strategy also supports partnering across government agencies to achieve better health outcomes, including in relation to wider contributing factors to health such as the home environment.

Decision sought

15. That the Bill provides for the development of a comprehensive rental property WOF scheme and that the WOF scheme is applied across both private and state-funded rental properties.

Conclusion

16. NMH thanks the select committee for the opportunity to comment on the Healthy Homes Guarantee Bill (No 2).
17. While NMH supports action by central government to improve the quality of rental housing, it considers that the Bill does not go far enough to address the well-established housing quality issues of New Zealand's rental housing stock or to protect the most vulnerable.
18. It is NMH's view that the introduction of a comprehensive rental property Warrant of Fitness scheme would protect the most vulnerable by removing the responsibility of reporting non-compliance of minimum housing standards away from tenants, would create a more robust,

⁹ Expert Advisory Group on Solutions to Child Poverty. 2012. *Solutions to child poverty in New Zealand: Evidence for action*. Wellington: Office of the Children's Commissioner

¹⁰ Bosch M. 2014. *Trial of rental housing warrant of fitness scheme with Housing New Zealand*. Wellington: Housing New Zealand Corporation

¹¹ Bennett J, Chisholm E, Hansen R, Howden-Chapman P. 2014. *Results from a rental housing warrant of fitness pre-test*. He Kainga Oranga/Housing and Health Research Programme. Wellington: University of Otago

¹² Bosch, *op. cit.*

¹³ Minister of Health. 2016. *New Zealand Health Strategy: Future direction*. Wellington: Ministry of Health

modernised, streamlined and simplified regulatory framework, and result in better health and safety outcomes for tenants.

19. NMH **does not wish to be heard** in support of its submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Fleming', with a large, sweeping flourish extending to the right.

Chris Fleming
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