

Citizens Advice Bureau



Ngā Pou Whakawhirinaki o Aotearoa

October 2018

Submission to the Ministry of Business, Innovation & Employment on the:

**Healthy Homes Standards**

Citizens Advice Bureaux New Zealand (CABNZ) Ngā Pou Whakawhirinaki o Aotearoa welcomes the opportunity to input into the development of the Healthy Homes Standards. Please contact us if you have any questions, or want any clarification about our submission.

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# Submission on Healthy Homes Standards

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## Introduction

We regard good quality rental housing and security of tenure as cornerstones of a fair and well-balanced rental market. These are also essential to good public health. If we can't offer warm, dry, secure housing to renters, we compromise the wellbeing of individuals and communities.

CABs respond to over 14,000 enquiries related to renting issues each year. Common concerns raised by clients are the poor condition of their housing and the lack of responsiveness by landlords to addressing maintenance issues. We were therefore pleased to see the Healthy Homes Guarantees Act become law and we hope that the development of the Healthy Homes Standards will result in real improvements to the quality of rental housing that tenants can expect in Aotearoa New Zealand.

Around half of our population now lives in rented accommodation. This makes it all the more important to have rental housing that is in good condition, and a renting culture that supports an even balance of rights and responsibilities between landlord and tenant. One of the most significant public health initiatives we could take as a nation would be to ensure that every person can live in a warm, dry and secure home. People living in cold, damp housing are more likely to suffer from ill-health, and therefore less likely to be able to participate fully at school, at work or in the community. The resulting losses and the costs to society go far beyond the immediate effect on the individual.

At the same time, just as occupants suffer when homes are poorly maintained, so does our much-needed housing stock. We risk diminishing the quality of this resource (whether it is publicly or privately owned) if we allow it to deteriorate through exposure to dampness and mould.

We believe that it is important that the Healthy Homes Standards that are introduced are clear and are able to be consistently applied so that both landlords and tenants understand what is required. We also think that is essential that the Healthy Homes Standards are enforced through a compliance system that shifts the onus for raising concerns away from the tenant who may be reluctant to complain or feel very vulnerable doing so.

We have provided some background information about our service and our work in the residential tenancy space. We have then provided our thoughts on how standards can be developed to best support renters' access to warm, dry homes. Where possible we have supported our submission with examples of enquiries received from CAB clients. Identifying details have been removed and some details have been altered to ensure privacy is protected.

## About Citizens Advice Bureau

The aims of Citizens Advice Bureau (CAB) are:

1. To ensure that individuals do not suffer through ignorance of their rights and responsibilities or of the services available; or through an inability to express their needs effectively.

Me noho mataara kia kua te tangata e mate i tōna kore mōhio ki ngā āhuatanga e āhei atu ana ia, ki ngā mahi rānei e tika ana kia mahia e ia, ki ngā ratonga rānei e āhei atu ana ia; i te kore rānei e āhei ana ki te whakaputa i ōna hiahia kia mārama mai ai te tangata.

2. To exert a responsible influence on the development of social policies and services, both locally and nationally.

Kia tino whai wāhi atu ki te auahatanga o ngā kaupapa ā-iwi me ngā ratonga ā-rohe, puta noa hoki i te motu.

From over 80 locations around Aotearoa New Zealand our 2500 trained CAB volunteers assist people by providing a free, impartial and confidential service of information, advice and advocacy. We work to empower individuals to resolve their problems and we use the insights we gain from our work with clients to advocate for socially just policies and services for all New Zealanders.

In the 2017/18 financial year, the CAB assisted with over half a million (508,274) client interactions across the range of issues that affect people in their daily lives, including relationship issues, tenancy rights, employment problems, immigration processes, and problems relating to faulty goods or poor service. Our aim is to help people know their rights and feel empowered to act on them.

Residential tenancy enquiries are among the most common received by CABs. Most of these enquiries are from tenants, but landlords also regularly seek assistance from the CAB. In the past year CABs across New Zealand have responded to 14,878 enquiries from clients addressing a range of issues relating to renting or rental properties.

## CAB tenancy statistics

All client enquiries to the CAB are categorised when they are entered into our client enquiry management system. High level statistics are provided below for the year 1 July 2017 to 30 June 2018 for the relevant residential tenancy categories.

### *Client enquiries 1 July 2017 – 30 June 2018*

<b>Rental housing</b>	<b>14878</b>
Boarding establishments	326
Flatting	1409
Private board	484

Residential tenancy including disputes	10305
Social housing (eg state houses) incl disputes	2354

Following are the interactions that members of the public had with the CAB's tenancy related webpages for the year 1 July 2017 to 30 June 2018

### ***CAB website page views 1 July 2017 – 30 June 2018***

<b>TOTAL Tenancy pages views</b>	<b>112690</b>
Boarding house tenancies	5,491
Earthquake damage and tenancy	139
Ending a tenancy	22,726
General tenancy information	8,777
Other renting costs	3,289
Paying rent	3,928
Property inspections	3,522
Rights and obligations on tenants and landlords	33,569
Tenancy Tribunal	5,530
Tenants and landlords issues	11,638
The bond	10,224

## **Existing poor standards of housing**

Many CAB clients express concerns about the standard of housing they are living in. Issues include dampness, cold temperatures, lack of adequate heating and insulation, mould and infestations of cockroaches and other vermin. In some cases clients identify that they are experiencing health issues associated with the poor quality of their housing.

Clients are often seeking options for getting their landlord to take action and carry out necessary maintenance work. In these situations we assist the client with information about minimum standards of housing and options for seeking compliance from their landlord. This frequently includes discussion and negotiation, and the option of issuing a 14 day notice to remedy the issue of concern. Despite this potential avenue for asserting their rights, many tenants are anxious or reluctant to take action because they fear repercussions, including the possibility of losing their tenancy. Landlords can also be slow to take action or be unprepared to carry out work that they do not consider necessary. Part of the difficulty for tenants is the lack of clarity around minimum standards.

In situations where dampness and mould are an issue, there can be a tendency to place blame on the tenant on the basis that they have not aired the property out sufficiently, rather than looking at all contributing factors. Tenants can be told to do things like run a dehumidifier, keep the windows open, wipe up condensation, clean off mould every time it

reappears. Sometimes a landlord will go so far as to threaten to take action against the tenant as a result of the damage caused by mould or damp.

We feel that it is totally unacceptable for properties that are not dry, warm and safe to be offered for rent and that this needs to change.

Our organisation believes that a mandatory, comprehensive 'warrant of fitness' regime is the best way to improve the health of rental homes and their occupants. This would involve agreeing on high standards of fitness for habitation, ensuring these standards are easy to access and apply, and establishing a system of universal monitoring and enforcement by an agency independent of tenants and landlords.

### **Client enquiries: poor standards of housing**

Client has rented a house from a company on a 9 month fixed term tenancy. He now wants to cancel the contract as the house is uninhabitable. It has gaps in the walls and roof, is uninsulated, has large areas of mould, and has cockroaches and other vermin. He has documented all the problems and wants to know what his options are for getting out.

Client and his wife are currently renting a very cold house. He is worried about his wife's health and would like to find somewhere else to live. He wanted help with the process for applying for social housing.

Client and his family live in a substandard house. They have videos and photographs of repairs that are needed. The agent says she is powerless as the owner has only been willing to repair things which may be dangerous, eg, a faulty oven connection. The client wants to know what they can do. They have been renting this property for 12 years and this landlord took over as the owner 6 years ago.

Clients are having problems with their landlord. The landlord has not lodged the bond with Tenancy Services. The house is earthquake damaged and has cracks on the walls. There are rats moving about behind the walls and the shower is smelly. The heat pump is also not working properly and is just blowing out dust. They have asked the landlord numerous times to have certain things fixed. The landlord has now signed the property over to her father who just shouts at them when they want to discuss repairs and maintenance.

Client is living in a cold, mouldy, Housing NZ house with two young children who are constantly sick or in hospital. She is recently separated and wants a transfer to be near her family. She has doctor's letters and other documentation supporting her case. The only heating she has is two small panel heaters which are nowhere near warm enough.

Client lives in a flat with his family, including his elderly mother-in-law. The building is sinking; there is no insulation, several leaks, and large cracks in the walls. The carpet gets wet too. The landlord has been contacted many times but he is not listening and nothing is being done.

## Heating

Many of our clients raise issues around the lack of any heating source, or the inadequacy of what is provided in their rental accommodation. Some tenants report a sense of unfairness when the landlord agrees to install a heater but with an accompanying rent increase. Tenants can also face difficulties getting their landlord to maintain existing heating sources.

Given the significant health benefits of living in warm and dry conditions, and given the range of heating options on the market today, we believe it is both reasonable and necessary to make it mandatory for all properties offered for rent to have an efficient and properly-functioning source of fixed heating and that heating sources should be provided in all living rooms and bedrooms. Provided properties are also draught-proof and well-insulated, this should increase the likelihood of tenants being able to affordably maintain a healthy indoor temperature in their rented home.

These heating sources should be capable of bringing the temperature in those rooms to at least 20 degrees. This is necessary to ensure that a temperature of 18 degrees can reliably be achieved even on the coldest days, and that vulnerable groups who require 20 degrees (as recommended by the World Health Organisation) can achieve that.

### Client enquiries: heating

Client rented a property in the summertime. It had no heater which wasn't a problem at the time. He and his wife went through their first winter using their own heater but have now asked the landlord if she would install one. The landlord has agreed but says that the rent will go up as a consequence. The client explained that the rent had already been increased 5 months ago and wondered if this is legal.

Client is renting a property where the heat pump has intermittent problems. The landlady has said the reason it does not work is because the tenant lights incense and that caused black residue on walls and caused the problem with the heat pump. The landlady said she will not fix it unless the tenant stops lighting incense.

Client is moving into a new flat as the first occupant. The tenancy agreement specifies that he must not use a free standing gas heater. He wants to know if the landlord can specify this and if he's not allowed to use his gas heater does the landlord have to supply a heater that he can use?

Client has been living in a rental property for 4 years. The gas heater is not working and the landlord has had it turned off. The landlord bought a second-hand gas heater which is too big for the space the previous one occupied. He is, however, refusing to get the new heater installed because he doesn't have the money to cover the costs involved. The client has been using an oil heater which gives her headaches and makes her feel unwell, as well as being more expensive to run. The landlord is a friend so she doesn't want to put pressure on him but this is really not a good situation.

Client had carried out some research and found out that the Housing Improvement Regulations require that every living room must have an approved form of heating and that the definition of 'approved form of heating' may differ between councils around the country. The client wanted to know if this requirement is already in place or whether it was something that was going to be introduced with the healthy homes standards next year. He was keen to know what his local council required. When we called the city council they said they don't have any regulations regarding heating in rental properties.

Client wants to find out what heating requirements a landlord has to supply in a rented property.

Client and her husband are renting a property where the heat pump has broken down. The landlord says he will replace it but will put the rent up from \$320 to \$400. The client and her husband are both on NZ Superannuation with no other income and will be unable to pay the higher amount.

Client is living alone in a cold house. He has a disability, neurological nerve problems, eye sight problems, and circulation issues. He has no heating and this has had a bad effect on his health. He has talked to the landlord and they won't do anything. What are his options?

## Insulation

We receive enquiries from both tenants and landlords about insulation requirements. There appears to be some awareness that landlords will be required to install insulation but not necessarily the details of this or of the 1 July 2019 timeframe.

We support the strongest insulation standards proposed and also an approach that means a consistent standard is applied. This would mean that insulation standards should be the same as the 2008 Building Code, as suggested in option three. We also support the use of the more stringent criteria for interpreting "reasonable condition", as described in option two of the consultation document.

### Client enquiries: insulation

Clients are renting and have serious concerns about poor insulation. They have been living in the property for 12 years. The house was built mid-1960s. Their landlord is not prepared to improve the insulation currently in place due to the costs involved. Clients both have suffered health problems that may be attributed to the dampness and cold within the home. Clients are both receiving NZ Super.

Client has been renting a property for four years and has just received notice to leave. The reason the landlord has given is that he wants to insulate the property. The client has told the landlord that they are happy to stay in the property while the insulation is being done. The tenant feels that the notice is in retaliation for a dispute that the client has had with the landlord over a water bill.

Client wants information on insulation requirements for rented accommodation. She is living in a rental property but mould is forming on the walls. The client believes there is ceiling insulation but no underfloor insulation installed.

Client is a landlord. She contacted us to find out about insulation requirements for her rental property. She wanted to know if the insulation she had was okay and whether she needs to have a report to say it is suitable.

Client wants to find out if the landlord has to put insulation under the floor of the house she is renting.

Client wants to know what date landlords must have rental properties insulated by.

Client wants information on the new requirements for landlords regarding insulation of flats.

## Ventilation, dampness and draught stopping

The presence of dampness and mould is a frequent issue of concern raised by tenants, along with the associated negative impacts on the tenants' health and well-being.

We support the proposals that would require landlords to install mechanical ventilation / extractor fans in rooms with a bath or shower or indoor cooktop. Living rooms, dining rooms, kitchens, and bedrooms should have windows that can be opened to allow for the flow of air.

To prevent other moisture problems, landlords should provide efficient drainage and guttering and ensure that the subfloor has a ground moisture barrier, unless there is already adequate subfloor ventilation.

Landlords should also be required to stop any unnecessary gaps or holes that cause noticeable draughts, and block any decommissioned chimneys and fireplaces.

Client phoned with concerns about the state of a rental property his sister is currently living in. Many of the power sockets do not work, there is no hot water and the house is very draughty. The landlord has said that he isn't planning on doing any repairs as he intends to sell the property soon and will sell it as is. Client wants to know if the landlord is allowed to rent the property in this state.

Client is renting a property and is concerned about mould. She has talked to the landlord who says she is looking into options for addressing this, such as a ventilation system. The client feels frustrated about the amount of money she has to spend on running a dehumidifier, which the landlord has asked her to use. She is also getting sick and is worried that if she can't go to work she will be at home in a mouldy house getting sicker.

Client is living in an older house which is very cold and draughty. She has contacted the landlord about the mould and cold but the landlord told her that she was not keeping the windows dry enough so that's why the mould was there. The landlord says it's her fault and

they will charge her for any damage to the wood. She is very concerned about this as she doesn't think it's fair to blame her.

Client is having problems with his landlord's agent not attending to repairs to the leaking roof. He had called the agent and made a complaint 3 months ago and still nothing has been done.

Client moved into a rental property in the summer. There were no problems listed on the condition report. Now that the weather is colder she has discovered the property has draughts, the roof leaks and the flued gas heater doesn't work. The client complained to the property management company. They had a gas fitter come to assess the fire and they said there were holes in the flue and a piece missing, but it wasn't fixed. It has been 2 months so far and the property manager has just arranged for someone to come with a quote for putting in a heat pump and she doesn't know when the situation will be fixed. Client is on a fixed term tenancy for 12 months. What can she do?

## How can landlords show compliance with the standards?

The existing system relies on tenants to take action if the property they are renting is in poor condition or unsafe. This means first complaining to the landlord; however, in our experience it is not unusual for a tenant's concerns to fall on deaf ears. The next steps involve tenants issuing a notice to remedy, and, if this fails, complaining to the Tenancy Tribunal. Not all tenants have the confidence, time and energy to go this far. Some also fear retribution from the landlord as a result. It is not uncommon for CAB volunteers to hear clients say they are afraid they will lose their tenancy if they make demands of their landlord or complain.

We believe that a system of universal monitoring and enforcement is needed, carried out by a neutral agency. This could be done through local authorities alongside their comparable duties for new-build housing (building consents), commercial property (building WOFs and earthquake-prone buildings) and other public health matters (food hygiene, sanitation). Rental properties should be required to meet compliance requirements in order to be tenanted. This will ensure maximum compliance with improved standards of fitness for habitation and reduce the risk of putting pressure on landlord - tenant relationships as these new standards are met.

If a landlord does not have a certificate of compliance, then the government (MBIE) should have powers to fine them and to carry out an audit of the property. Tenants should also be able to access compensation for being subjected to substandard housing conditions.

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Thank you for the opportunity to provide input into the development of the Healthy Homes Standards.