
THE HEALTHY HOMES COMMITMENT

Everyone has a right to a healthy home.
Councils can make that a reality, now.

**Renters
United!**

Disclaimer

The purpose of this document is to inform candidates of policies that could lead to better outcomes for renters in their communities.

The information provided in this document does not, and is not intended to, constitute legal advice. All information, content, and materials available in this document are for general informational purposes only.

Get in contact

If you would like to contact us about this policy document please reach out to us using one of the following methods:

Email: lbe22@rentersunited.org.nz

Facebook: <https://www.facebook.com/rentersunitednz/>

Instagram: <https://www.instagram.com/fairrentnow/>

Support the campaign

If you would like to get involved in supporting this campaign in your local area please send an email through to lbe22@rentersunited.org.nz. We have plenty of opportunities to get involved from talking to your local candidates, running stalls and events, or just dropping off flyers.

Overview

The *Renters United Healthy Homes Commitment* affirms everyone's right to a healthy home by:

- Providing councils with the tools to ensure homes in their area aren't making their communities sick
- Providing councils with data that empowers them to provide informed and targeted support to the areas that need it the most

Our homes aren't getting much healthier. While awareness of the Healthy Homes Standards amongst landlords and renters and landlords has grown¹, the most recent Healthy Homes Topline Report shows the number of renters with issues related to dampness, mould and heating has remained the same.²

Private rental housing continues to be in poorer condition than either social housing, or houses that are owner occupied. Several national surveys and studies have shown consistent results, regardless of the measurement tool used.³

Unhealthy homes make our communities sick. "New Zealand research has shown how low indoor temperatures and mould impair children's lung function, that almost 28,000 hospitalisations per year are for diseases potentially attributable to inadequate housing, that exposure to poor housing conditions is associated with increased risk of rheumatic fever, and that hazards and lack of safety features in the home increase the risk of injury."⁴

Intervention makes a difference. In almost all cases investigated under the Healthy Homes Initiative households received an intervention that improved the house's condition⁵ and these interventions improved people's health⁶.

Meaningful enforcement is the missing piece of the puzzle. A recent investigation by Renters United found only 9/50 applications to the tribunal where a tenant claimed a breach of the Healthy Homes standards were successful⁷. Local Councils are empowered under the Health Act to ensure homes in their community are healthy. It's time they used that power.

¹*Healthy Homes Act Topline Report*, Kantar Public, Colmar Brunton, Ministry of Housing and Urban Development, <https://bit.ly/HH-Topline-Report>, p.8

²Ibid p.27

³ *Housing Warrant of Fitness Assessment Manual, Version 3.0*, New Zealand Green Council, University of Otago, <https://bit.ly/WOF-Manual-v3>, p.3

⁴ *What can we learn from Healthy Housing Initiatives? New Evidence from the Wellington Well Homes scheme*, Elinor Chisholm, Nevil Piere, Cheryl Davies, Philippa Howden-Chapman, <https://bit.ly/HHI-Evidence>

⁵ Ibid

⁶ *Healthy Homes Initiative*, Ministry of Health - Manatū Hauora, <https://bit.ly/HHI-MinistryofHealth>

⁷ *Recent HH Tribunal Rulings*, Renters United, <https://bit.ly/HHS-50>

How it works

1. Receiving a complaint

Councils can leverage their existing call centres or places of contact to receive complaints about private rental properties from tenants. Tenants would need to provide information about the location of the property, their contact details and their issue with the property. The Health Protection Officer appointed by the council would play a crucial part in defining the criteria for inspection. We believe a good place to start is the WOF Criteria established by the New Zealand Green Building Council and University of Otago.⁸

2. Performing an inspection

The local authority would then authorise someone to visit the property (powers provided by s128 Health Act 1956) and perform an inspection, again we recommend the property is assessed against the aforementioned criteria outlined by the New Zealand Green Building Council and University of Otago.⁹ These inspections have been found to usually take a single person less than an hour to determine if a house is safe and suitable to be occupied.¹⁰

3. Taking action

There are two pathways for taking action. Renters can be empowered to take action, or the council can take action on their behalf. Having two pathways means that the council can work with tenants to ensure that they won't face the risk of retaliatory behaviour, and allows the council to prioritise pathways that work for each individual case.

3.a. Empowering renters to take action

Local councils can empower renters to take action by providing renters with a complete report of the inspection. We're recommending the report includes at a minimum the dwelling's compliance with the Healthy Homes Standards¹¹ and, for further improvements to the health of renters, a report on suggested interventions that can be made by both the renters and the landlord to make the home healthier. This report can be freely provided to the tenant to be used in the Tenancy Tribunal or to start a discussion with their landlord.

⁸ *Housing Warrant of Fitness Assessment Manual, Version 3.0*, New Zealand Green Council, University of Otago, <https://bit.ly/WOF-Manual-v3>

⁹ Ibid

¹⁰ *Towards an agreed quality standard for rental housing: field test of a New Zealand housing WOF tool*, Julie Bennet et al., <https://bit.ly/WOF-Field-Test>, pg. 411

¹¹ *About the healthy homes standards*, Tenancy Services, <https://bit.ly/HH-Standards>

3.b. Taking action on behalf of renters

Councils are delegated the responsibility to “improve, promote, and protect public health within its district” by section 23 of the Health Act 1956. This includes causing “all proper steps to be taken to secure the abatement of the [health issue]”.¹² Councils can issue a notice to landlords informing them that an inspection of their property has been carried out and a nuisance (health issue as defined s29 Health Act 1956¹³) has been found and that it must be remedied.

At their discretion the council can choose to notify the landlord that their dwelling is not suitable for occupation, opening up renters the possibility of terminating the tenancy, or financial compensation for the time the property can not be considered fit to be a private rental dwelling.^{14 15}

Fines may also be imposed for landlords who choose to not comply with a notice. This fine can be up to but not exceeding \$500 and, if the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued.¹⁶

The benefit of this action is that it protects tenants from retaliatory behaviour from their landlords because the council doesn't have to disclose who made the request for the inspection or why.

4. Following through with effective, targeted policy

Councils can use the culmination of inspection reports to better understand what demographics, locations, and dwelling types are experiencing the worst effects of non-compliance.

The reports can be used to provide targeted support to the communities that need it the most, helping reduce the estimated \$13 billion social costs caused by injuries in homes every year.¹⁷

¹² Health Act 1956, s23(c), <https://bit.ly/HA1956-s23>

¹³ Health Act 1956, s29, <https://bit.ly/HA1956-s29>

¹⁴ Residential Tenancies Act 1986, s36, <https://bit.ly/RTA1986-s36>

¹⁵ Housing Improvement Regulations 1947, <https://bit.ly/HIR1947>

¹⁶ Health Act 1956, s136, <https://bit.ly/HA1956-s136>

¹⁷ Hazards in homes and gardens a major injury cost, <https://bit.ly/13b-homehazards>

5. Healthy homes — healthy communities

This year candidates have an opportunity to implement a well researched policy that makes a meaningful difference to the lives of the people in their communities. Empowering councils to care for their communities is a win for us all.

6. For those wanting to go further

Councils could also do spot checks on properties to help build out data in a specific area. This has two added benefits.

The first is that you don't need to wait for a complaint to be made in order to find out if a property is healthy. The legislation provided under the Health Act 1956 allows council to appoint someone to enter the property as long as the purpose is to discover if there are any conditions in the home that may be injurious to health.

The Sapre report found that spot checks, which they referred to as a tax compliance model, had a cost benefit factor of 1.30. They found that the tax compliance model would have the added benefit of possibly being “particularly effective at identifying and addressing the “tail” of the distribution through targeted monitoring”.

The second benefit is that it makes it harder for landlords to figure out if a notice provided to them by the council was at the request of a tenant or at the request of the council, decreasing the chances the tenants face retaliatory notice.

The legislative framework

The Health Act 1956 provides the legislative framework for councils to investigate the quality of homes, perform inspections and provide notices for “nuisances”.

Section 29 of the Health Act 1956 outlines what can be considered under the act as a nuisance. The nuisances the Renters United Healthy Homes Commitment are built upon are deemed to be created:

- s29(d) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health
- s29(f) where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act

The section of the act that delegates the responsibility for the council to protect the health of renters is section 23, clauses b and c of the Health Act 1956. It reads as follows:

Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed:

...

- (b) to cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district:
- (c) if satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition:

The council is delegated powers to enter dwellings, without the permission of the landlord, or by needing to inform the landlord, by section 128 of the Health Act 1956. It reads:

For the purposes of this Act any medical officer of health, or any health protection officer, or any other person authorised in writing in that behalf by the medical officer of health or by any local authority, may at all reasonable times enter any dwellinghouse, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorised under or pursuant to this Act.

The maximum penalties that can be imposed are provided under section 138 of the Health Act 1956. It limits fines to \$500 for single offences, and \$50 per day for ongoing offences.

Engaging constituents

Shouldn't the central government be doing this?

For far too long we've been waiting on the central government to implement regulations that will make a real difference to the health of our community. It's time we stopped waiting and used the powers we have to build strong and healthy communities where everyone can thrive regardless of if they're in a private rental, a rest home, public housing, or a home that they own.

The Renters United Healthy Homes Commitment allows us to work in partnership with our communities to deliver solutions that work for them. We don't have to wait for a one solution fits all approach from the central government and can instead deliver a truly transformational change in our approach to housing.

The council already has established relationships with tenant advocacy organisations that provide a much better service than Tenancy Services. This plan provides us the opportunity to get out into our community, have discussions about the health of their home and apply pressure that leads to a real change in their wellbeing.

What about the Healthy Homes Standards?

A recent investigation by Renters United found that 9/50 tenants were successful in their claim of a breach of the Healthy Homes Standards.

The work we can do here can provide information to renters so they know what interventions they can make as well as landlords. That can be about finding the right heater for a bedroom or the best way to insulate the property.

Local councils are more connected with the community, and when an investigation finds a rental home isn't compliant with Healthy Homes Standards we can make sure renters are connected with the right advocacy services so they're not left in this fight alone.

How do we know this will work?

A multitude of studies have been done across the country with the largest one taking place in Te Whanganui-a-Tara. Those studies show three things:

- The current approach isn't delivering the outcomes we need
- An inspection based regime has already worked, so we have the tools, the means, and the understanding to make this work

- We must take a more proactive approach to enforcement if we want to have healthier, thriving communities

It's going to cost too much

Everything costs money, and ensuring our people are healthy must be a priority for councils. In fact the legislation in the Health Act explicitly states this! The trials of programmes similar to this show that each household can be inspected (and have a follow up inspection) for as little as \$150.

Depending on the volume of inspections costs could be reduced by moving from a contractor model to a salary model, where the council employs someone on salary to carry out inspections. A large amount of the costs for the inspections is made up of travel and call out fees, which could be reduced through a salary model where employees visit a few nearby dwellings in the same trip.

The money should be better spent on improving housing

Right now we have little information available to us to know where we should target funding for households in our community. This plan fully incorporates making the most of this data and making sure that we're able to make smart decisions about funding in the future.

This will just increase rents

During a trial of the Warrant of Fitness in Te Whanganui-a-Tara only 12% of landlords who took part in the trial said they would increase rents as a result of improvement to the property.

The 2014 Sapere Report found that the average cost per dwelling was \$1,811. This would likely be slightly higher due to inflation, but is still well within the budgets of most landlords.

In most cases landlords will have enough equity in their portfolios to be able to take out a small loan to cover the costs. Most businesses require capital injection from time to time, and the improvement to the property can be reclaimed when the house is sold.