



Healthy Homes Standard
Residential Tenancies Act Reform

CONSULTATION SUBMISSION PACK

Contains:

- Submission form
- Model answers

Online submission form at <http://fixrenting.org.nz/submit>

Your details.

Name:

Email address:

Location: City or region.

What best describes you?

☐ A renter

☐ A landlord

☐ A home owner

☐ A property manager

☐ Other:

Your story.

What's your story?

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the width of the page, providing a guide for handwriting practice. There are no margins, text, or other markings on the page.

More space for
your story on the
next page.

What rental issues does your story mention?

- ☐ A cold, damp or draughty home
 - ☐ Unfair notice, eviction or other security of tenure issues
 - ☐ Rent increases
 - ☐ Enforcing the rules, Tenancy Tribunal
 - ☐ Pets
 - ☐ Property managers' conduct or fees
 - ☐ Making a house a home
 - ☐ Discrimination

Your story continued...

[illegible]

Your ideas.

1— Housing quality

What forms of heating should landlords provide, in which rooms, and of what capacity?

This question addresses HHG consultation section 1

This image shows a full page of white paper with horizontal dashed lines, typical of primary school handwriting practice paper. The lines are evenly spaced and run across the entire width of the page. There are no margins, text, or other markings present.

How strong should our insulation standards be?

This question addresses HHG consultation section 2

[illegible]

1—Housing quality (continued)

What should the landlord provide to enable adequate ventilation and prevent dampness and draughts?

This question addresses HHG consultation section 3,4 and 5.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

How should a landlord show compliance with the standards?

This question addresses HHG consultation section 7

[illegible]

2— Secure and stable housing

What types of tenancies should the law allow?

This question addresses RTA consultation questions 2.1.15, 2.1.20 and 2.1.21.

For what reasons should a landlord be able to terminate a tenancy?

This question addresses RTA consultation questions 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.7

2— Secure and stable housing (continued)

If a landlord wishes to sell the property, should the landlord be able to terminate the tenancy?

This question addresses RTA consultation questions 2.1.5 and 2.1.6.

What else needs to change to make tenancies more stable and secure?

This question does not specifically address any consultation question.

3— Controlling rent increases

Should rent bidding be eliminated, if so, how?

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

This question addresses RTA consultation questions 3.1.1, 3.1.2 and 3.1.3.

How else do you think rent increases should be controlled?

[illegible]

This question addresses RTA consultation questions 3.2.1, 3.2.2, 3.3.1, 3.3.2 and 3.3.3.

4— Enforcing the law

Do you think the government should have powers to take action when a landlord breaches the law?

This question addresses RTA consultation questions 5.1.9–5.1.14.

[illegible]

Do you think the Tenancy Tribunal should make bigger awards to renters in order to punish landlords who break the law?

This question addresses RTA consultation questions 5.1.15-5.1.19.

[illegible]

4— Enforcing the law (continued)

What else needs to change to
ensure the law is enforced adequately?

This question does
not specifically
address any
consultation
question.

5— Having pets

Should renters have the right to keep a pet in their property? If so, should there be reasonable grounds for the landlord to refuse the request?

This question addresses RTA consultation questions 2.4.1, 2.4.5, 2.4.6 and 2.4.8.

Should any extra rules apply to tenants that keep pets?

This question addresses RTA consultation questions 2.4.8 and 2.4.9.

6— Minor modifications

Should tenants be able to make alterations to their rental property?

This question addresses RTA consultation question 2.3.5, 2.3.6 2.3.8, and 2.3.9.

Should these have to be carried out by a suitably qualified tradesperson?

This question addresses RTA consultation question 2.3.7.

7— Other ideas

What other ideas do you have for changing the tenancy laws?

This question does not address a specific question in the RTA consultation.

This image shows a full page of white paper with horizontal dotted lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Model answers.

1— Housing quality

What forms of heating should landlords provide, in which rooms, and of what capacity?

Landlords should be required to provide heating sources in all living rooms and bedrooms that are 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 can achieve that.

The heating sources provided must be efficient, healthy and affordable, which is usually best achieved by fixed forms of heating.

How strong should our insulation standards be?

I support the strongest insulation standards proposed. Insulation standards should be the same as the 2008 building code, as suggested in option three. The most stringent criteria for interpreting “reasonable condition” should apply, as described in option two of the consultation document.

I want to be able to check easily whether my home meets the insulation standards. To achieve this, landlords should be required to publish on an online register a certificate from a qualified inspector that proves the home meets the standards.

MBIE should inspect as a matter of priority any homes that are exempt from insulating under the 2016 regulations to ensure the provided heating sources can get the rooms to 20 degrees.

What should the landlord provide to enable adequate ventilation and prevent dampness and draughts?

To enable adequate ventilation, landlords should install 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 for the entry of air.

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

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

1— Housing quality (continued)

How should a landlord show compliance with the standards?

I want to be able to see easily whether my home meets the standard. To achieve this, I should be able to look up my house on a public register of rental properties to see when it was last inspected, any issues found, and when it is next due to be inspected. Landlords should also provide a printed copy of compliance information with the tenancy agreement.

If a landlord does not have a certificate of compliance, the government (MBIE) should have powers to fine them, and to reinspect, and the landlord should not be allowed to rent their property until any issues are addressed. Money from the fine should go to the tenant. In addition, tenants should also be able to take the landlord to the Tenancy Tribunal and claim compensation and exemplary damages.

2— Secure and stable housing

What types of tenancies should the law allow?

A rental property is first and foremost the renter's home. I want a law that makes renters feel secure in their homes.

I therefore support a law change so that only open-ended (periodic) tenancies are permitted with protections against unfair evictions. The only reasons landlords should be able to end the lease are the non-payment of rent, serious illegal or anti-social behaviour, or significant damage to the property.

If these protections are in law, and rent rises are controlled, fixed-term tenancies should be abolished. They would offer no advantage to tenants.

For what reasons should a landlord be able to terminate a tenancy?

A rental property is a renter's home. Renters should be protected against unfair evictions.

The only reasons landlords should be able to end the lease are the non-payment of rent, serious illegal or anti-social behaviour, or significant damage to the property. If a landlord wants to end a lease for any of these reasons, the landlord should give the renter an opportunity to address the issue. If the renter has not addressed the issue, the landlord should give the renter 90 days notice.

2— Secure and stable housing (continued)

If a landlord wishes to sell the property, should the landlord be able to terminate the tenancy?

No. A landlord selling the property should not be able to terminate the tenancy. The tenancy should transfer with the sale unless mutually agreed between the landlord and the renter. The purchaser should become the new landlord. The purchaser should not be able to terminate the tenancy for any additional reason.

If the law does allow a landlord to terminate a tenancy when selling, which I don't agree with, the law should protect renters. The lease should only terminate where the buyer wishes to live in the property, or change it from being a residential home. If the purchaser intends to continue renting out the property, the tenancy should continue.

The landlord should notify the tenant at the start of every tenancy whether they intend to sell the property in the next 12 months. If the property is sold, the landlord should give at least 90 days notice.

What else needs to change to make tenancies more stable and secure?

The Residential Tenancies Act 1986 should recognise that a rental property is a renter's home and it is essential to the renter's wellbeing. The Act should state that its rules are based on the principle that renters should have security of tenure and protection from unwarranted disruption.

If the landlord makes renovations that will render the home temporarily uninhabitable, the lease should continue. The renter should be able to move back in as soon as reasonably possible. The landlord should compensate the renter for the disruption to the tenant's home.

3— Controlling rent increases

Should rent bidding be eliminated, if so, how?

Yes, rents should be set at no more than the advertised amount and requesting or accepting rent bids should be illegal. Tenants should be able to bring a complaint to the Tenancy Tribunal if the property is rented for a price higher than advertised.

How else do you think rent increases should be controlled?

Uncontrolled rent rises are worsening poverty and inequality. Rising rents push more renters into queues for social housing, and hinder others from saving to buy a home. Meanwhile, landlords enjoy even higher rental incomes. Fixing this unfairness should be a priority.

Rents should not be able to be increased more than once a year, and by no more than inflation – unless the landlord has significantly improved the property beyond what is required by law.

4— Enforcing the law

Do you think the government should have powers to take action when a landlord breaches the law?

Yes. If a landlord has clearly breached the law, the government should have power to fine them. The money from the fine should be given to the tenant.

Do you think the Tenancy Tribunal should make bigger awards to renters in order to punish landlords who break the law?

Yes. The amounts landlords are required to pay renters should be big enough to deter landlords from breaching the law.

A renter should be able to seek penalty compensation (exemplary damages) from the landlord up to three years after the landlord broke the law.

4— Enforcing the law (continued)

What else needs to change to ensure the law is enforced adequately?

It is very hard for a renter to take a case to the Tenancy Tribunal. It can be stressful and some tenants might not feel confident to argue their case. There needs to be funding for advocates who can support or represent tenants.

Property managers should be regulated. They should follow the law and act like professionals. If a property manager has breached the law, a renter should be able to complain to a professional body that can discipline the property manager.

5— Having pets

Should renters have the right to keep a pet in their property? If so, should there be reasonable grounds for the landlord to refuse the request?

Yes, renters should be allowed to keep pets in their rental property. Pets provide companionship which contributes to the tenant's sense of wellbeing and feeling at home and I believe it is unreasonable for this to be denied of most renters.

Renters should not be required to disclose if they have a pet when applying for a rental property as this may expose them to unfair discrimination.

Should any extra rules apply to renters that keep pets?

No, the tenant already provides a bond, from which the landlord can recover any pet-related maintenance costs. Any other form of payment to landlords for the right to keep pets should be considered key money and prohibited.

Tenants already have obligations not to infringe on neighbours' enjoyment. No additional obligations are needed for tenants who own pets.

6— Minor modifications

Should tenants be able to make alterations to their rental property?

I think renters should feel at home in the houses they rent. It's therefore important that renters should be allowed to make minor alterations without a landlord's approval. The types of alterations they should be allowed to make include hanging pictures, securing furniture in case of earthquakes, attaching shelves and hooks, and gardening. Renters should not have to reverse these changes at the end of the lease.

Bigger changes, like repainting, are the landlord's responsibility. If the renter wants the home repainted for cosmetic reasons, the landlord and renter should be able to agree on how that it is done and who pays for it.

Should these have to be carried out by a suitably qualified tradesperson?

Renters should be permitted to make specified minor alterations to the property (those listed above) themselves. Other alterations should be carried out by qualified tradespeople, unless the landlord gives written permission otherwise.

6— Other ideas

What other ideas do you have for changing the tenancy laws?

The above proposals are just a start. To fix renting, much more is needed to address the power imbalance between landlords and tenants. This should include licensing and regulating property managers; funding tenant advocacy services; reforming the Tenancy Tribunal; and requiring all landlords to register when they lodge bonds.
