



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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15 February 2005

S05.11

**Submission to the Department of Building and Housing on:  
Getting the Balance Right Review of the Residential Tenancies Act 1986**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 33 branches throughout the country attended by representatives of those societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

NCWNZ is grateful for the opportunity to respond to this document as we have always taken a keen interest in the subject of housing, and we would agree that the demands for rental housing have changed considerably since 1986.

**More people rent and it is important to get the balance between landlords and tenants right.**

**Does the RTA currently achieve the right balance between the rights and obligations of landlords and the rights and obligations of tenants? If not, why not?**

NCWNZ has noted with concern that less Rental Accommodation is available from Housing New Zealand Corporation (HNZC) and Local Authorities, as they have reduced the numbers by selling off these assets. It has been a long held policy of NCWNZ that public sector housing should be increased so we are very concerned about this trend. People wishing to rent have to go to the private sector where so often they are forced to pay a higher rental. We would like this to be addressed by HNZC.

We feel that the landlord in most cases is better informed because of the preparation they put into making sure that their property is going to be well protected. In doing this they study their rights and obligations which most tenants have not thought of doing. NCWNZ suggests that HNZC could from time to time place a notice in the "To Let" column of the newspaper or other places where rental housing is advertised to advise prospective tenants of the need for them to avail themselves of this information.

**How can Tenancy Tribunal Orders be better enforced?**

NCWNZ find that many of the decisions made in the Tenancy Tribunal are in relation to default of rent payment or for damages done to a rental property. We realise that many people who are renting are living on the bread-line and may find themselves faced with adding these penalties to the long list of other debts they may have incurred. Often they are also faced with eviction which will mean costs of shifting, a new bond payment, rent in advance etc. In these circumstances it is very hard to make tenants pay the full amount immediately, but it is also hard on the landlord to have to be out of pocket and only be drip fed.



**The circumstances of people renting are more diverse.****How well does the rental market respond to the needs of people in different family and individual circumstances?**

It is virtually impossible to expect private landlords to provide housing to suit a particular need such as housing for wheel-chair bound, as most have purchased their property with good resale in mind. NCWNZ have always submitted that it is very important for the HNZC (or its predecessors) to supply housing to meet the needs of those that are outside the normal range. Since the introduction of this Act in 1986 we have seen the closure of many institutions that housed many people who need some form of assistance or supervision, therefore these people are now also requiring housing in the community and it is a sad fact that many private landlords would not let to these people in case their property is damaged.

**People with different individual and family circumstances have different needs for stable housing.****How important is stable housing to people in different family and individual circumstances?**

Many families today have opted for rental housing to enable their children to attend a high decile school as they could not afford to buy in the area. These people are looking for stability and therefore are often interested in long term stable housing rental.

People with a physical disability are very limited in choice and so tend to stay put in a house that is suitable. Similarly those with mental health issues have the need for stable housing close to amenities as this helps them keep stress levels down.

Women living alone (especially the elderly and vulnerable) are a concern for NCWNZ because these women require a safe, secure environment. However their ability to access good safe housing is limited by the fact that they tend to have lower incomes.

**How well does the private rental market respond to people's different needs for stable housing?**

As landlords are trying to make a profit from their investment they are of course going to look for the tenant with the best ability to care for the property and keep payment up. This often makes it difficult for the above mentioned people to find suitable rental accommodation.

**What stops landlords offering longer-term tenancy agreements?**

A number of our respondents noted that many landlords preferred longer term agreements, but tenants were reluctant to enter into such agreements, concerned that if their circumstances changed they would be locked in to an agreement from which it was hard to break free. In some of these cases they preferred a less binding verbal agreement, or an open ended term of tenancy.

**What can be done to encourage landlords to enter into longer tenancy or leasehold agreement for those who want them?**

Our members thought that maybe both tenant and landlord might be more interested in long term agreements if there was a trial period or perhaps six months which would allow both parties to assess the risks that they might be taking before they signed a longer term agreement.

**Could the RTA be amended to provide improved choices for people wanting stable housing?**

NCWNZ suggests provision could be made to allow for more flexible agreements, as noted above, that provided the six month trial is completed to the satisfaction of both parties then a long term agreement can be signed up.



## **Housing is becoming less affordable.**

### **Does the RTA impact on the supply of affordable housing?**

NCWNZ members felt that the RTA would impact in a positive way on the supply because of the safety features built in for both tenant and landlord. Low cost housing is seen as the most risky area of the rental market as the users have less ability to meet financial requirements and are often far more transient than those in a higher income bracket.

### **Is there a problem with the quality of rental housing?**

#### **What problems are there, if any, with the quality of rental properties in New Zealand?**

NCWNZ members' experience is that it is often the lower end of the rental properties that are of low standard and landlords are often tardy with repairs. Tenants, (usually students, or people on low incomes) are afraid that if they complain too much that they will have their tenancy terminated, or have their rental increased to meet the costs of repairs.

#### **What, if any, building or housing standards should rental properties have to meet? Should standards for rental properties be set out in the RTA, or in other legislation?**

Yes, NCWNZ believes that standards should be set out in the RTA so that both parties are aware of these. We often hear cases of disease and serious illness caused by people living in below standard housing so there needs to be a benchmark set so the standard is kept.

#### **What can be done to clarify the obligations of landlords and tenants for property maintenance?**

The obligations should be clearly set out in the agreement, for things such as who mows the lawns (or supplies the mower); if there is equipment such as a pool, who is responsible for the day to day maintenance and who is responsible for services and repair costs. These things need to be clearly set out in writing on the agreement so everyone knows what is required of them.

## **Standards of property management are variable.**

### **What impact do variable property management practices have on the private rental market?**

NCWNZ members reported great variability in the management practices of landlords. Some members reported knowledge of landlords who arrived to inspect their properties without prior notice and expected to be allowed into their property. On the other hand some tenants found it very difficult to get landlords to inspect the property.

### **Do prospective landlords get the right advice?**

#### **Where do potential property investors and landlords find advice to help them with their investment decisions?**

NCWNZ members reported a variety of sources of advice for potential landlord investment decisions, including professional investment advisors, lawyers, books, and informal advice from friends and family.

#### **Is the type and quality of advice available to potential property investors and landlords adequate?**

NCWNZ found this difficult to assess as the source of advice was so diverse.



## **Not all rental accommodation is covered by the RTA.**

### **Should tenancies with a significant service component continue to be excluded from the RTA? Why?**

NCWNZ would like to see these covered by the RTA to safe-guard those people who in large numbers are now entering this type of tenancy. Sometimes the cost of services far outweighs the service given, and tenants need to have the RTA to advocate for them. There is a growing trend for 'Retirement Villages' and residents entering these must have protection.

### **If tenancies currently excluded from the RTA were to be included, should the RTA also regulate the provision of associated services (such as meals)? Why?**

Yes, to give protection for the people whose rental agreement incorporates the associated services they pay for.

### **Should the RTA apply to relationships and disputes between flatmates or boarding house tenants?**

NCWNZ respondents suggested that the RTA should apply to flatmates only if it is concerning the tenancy agreement. Boarding houses have a whole set of different concerns, as many people from very different backgrounds are living close to each other, sharing communal spaces. Most boarding houses have rules for noise, cleaning up your own mess in kitchens, bathrooms etc and it should be the responsibility of the landlord or their appointed representative to make sure that these are adhered to. Our members would like to see those in boarding situations sign a tenancy agreement which is administered by the RTA so that they can have their concerns addressed.

## **It is not always clear who is responsible for paying some household costs.**

### **Why are there so many disputes over responsibilities for household costs?**

NCWNZ membership feels that the tenancy agreement needs more specific detail in relation to who should be responsible for the day to day costs that are incurred especially in regard to such things as chimney cleaning and pool maintenance.

### **How should household costs associated with a rental property be divided between tenants and landlords?**

As long as there is a very clear written agreement on who should be responsible for what, we feel that there should be some flexibility. If we are to encourage more long term tenancies then maybe some of the responsibilities that would have been the landlord's could become the tenant's and this would be acknowledged in the agreement.

## **Tenancy support services for landlords and tenants are important.**

### **What tenancy services are critical to an effective and efficient rental housing market?**

The Review Booklet notes that landlords take cases to the Tenancy Tribunal in far greater numbers than do tenants. NCWNZ suggests that when every agreement is signed the landlord must provide the tenant with papers prepared by the RTA outlining the rights and obligations of each party, and how to access help if the need arises. We also note that many people do not know that their bond can be returned, as long as they have cared for the property, when they leave.



**Would some tenants benefit from advocacy services?**

**Would the RTA work more effectively if advocacy services were available for tenants? If yes, why? If no why not?**

NCWNZ would support the introduction of an advocacy service for tenants as we feel that tenants are often not fully aware of what to do or where to go when having difficulty with a landlord. Many see any action as too hard so just move on.

**If you agree that advocacy services should be provided, do you think they should be provided for all tenants, or for some particular type of tenant? Which types?**

All tenants.

**How might advocacy services be provided?**

**If advocacy services were to be provided, should they be provided independently of Tenancy Services? Why?**

NCWNZ members favour Tenancy Services providing this service as they have the knowledge needed to run the service.

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