



Plunket

Reform of the Residential Tenancies Act 1986

21 October 2018

Royal New Zealand Plunket Trust

Introduction

“I have families couch surfing with children because either the rent increased (again) or short eviction notice. These families are forced to rent a substandard house that is out of their school and work environment. It has caused anxiety for the parents and for the children.” – Plunket Family Start Social Worker

Plunket welcomes the opportunity to provide input into the Reform of the Residential Tenancies Act (RTA) 1986.

Plunket’s submission is guided by our vision that in the first 1,000 days we can make the difference of a lifetime.

Our vision is underpinned by three strategic goals:

- Healthy tamariki –** *We make sure every child/tamariki has the opportunity to be as healthy and well as they can be.*
- Confident whānau –** *We build the confidence and knowledge of whānau and families across New Zealand.*
- Connected Communities –** *We make sure no family/whānau is left isolated, disconnected or unable to cope.*

Children and rental accommodation

Plunket sees more than 85% of all new babies in New Zealand and we are in the unique position of visiting families in their home.

Most of the families we see live in a safe and secure home environment, however we see many families who live in substandard housing, and frequent moves are a common theme for many of these families.

Approximately 450,000 households (around one million New Zealanders) live in rented accommodation and many of those households contain children (an increase from 26% to 43% from 1986 to 2013)¹. We are concerned to note that at least six percent of our population live in homes with major dampness or mould problems, and 10 percent live in crowded conditions².

With the significant increase in children living in rented accommodation, there is a need to address how we can make rental properties safe for children. In New Zealand, most child injuries occur in the home. For many parents living in rental accommodation poses specific challenges to keeping children safe in their own homes. The *Growing Up in New Zealand* study found private rental homes were significantly associated with fewer safety features³.

¹ 2013 Census QuickStats about housing.

² Stats NZ (2018). Living in a crowded house: Exploring the ethnicity and well-being of people in crowded households. Retrieved from www.stats.govt.nz.

³ In Berry S, Atatoa Carr P, Kool B, Mohal J, Morton S, Grant C. (2017) Housing tenure as a focus for reducing inequalities in the home safety environment: evidence from *Growing Up in New Zealand Australian and New Zealand Journal of Public Health* online doi: 10.1111/1753-6405.12695

The ability for parents and caregivers to be able to make minor modifications such as drilling holes to install child-safe equipment, fire guards or stair gates, has the potential to reducing the incidence of injuries.

Moving house frequently, forced or not, is linked to social and health disparities⁴. The transient nature of families' living conditions can also affect how to access and engage with services⁵.

ePHR – what do we know

From 2016 Plunket transitioned to an electronic health record - the ePHR (electronic Plunket Health Record). This record incorporates our Health Needs Assessment and has 388 data collection points.

These data points directly align with a wellbeing approach and indicators – including:

- comprehensive demographic data;
- height, weight, nutrition, child development (for children)
- smoking status, alcohol consumption, substance abuse, maternal mental health, family support, community connectedness, employment, housing and living conditions (for caregivers).

The broad range of data we capture from our families means we hold the most comprehensive data record of the 0-5 child population in New Zealand.

For the first time we have over 250,000 active enrolled children aged between 0-5 years in ePHR.

For Plunket babies born in 2017⁶:

- 40,073 families (77%) never moved; 8759 (17%) moved once; 2273 (4%) moved twice; 765 (2%) moved 3 times or more
- Maternal Age:
 - For those who have moved 5 times or more, 64% are aged under 25 years
 - For those who have never moved 10% are from the under 25 age group
- Deprivation Level:
 - For those who have moved three times or more, 20% are Dep 10 (16% are Dep 9 and 13% are Dep 8);
 - For those who have never moved 11% are Dep 10 (10% are Dep 9, and 10% are Dep 8).

⁴ Jelleyman, T., and Spencer, N. 2008. "Residential Mobility in Childhood and Health Outcomes: A Systematic Review." *Journal of Epidemiology and Community Health* 62 (7): 584–592.

⁵ Morton, S.M.B, Atatoa Carr, P.E., Berry, S.D., Grant, C.C., Bandara, D.,K., Mohal, J., & Tricker, P.J. (2014). *Growing Up in New Zealand: A longitudinal study of New Zealand children and their families. Residential Mobility Report 1: Moving house in the first 1000 days.* Auckland, New Zealand.

⁶ Data captured as of Sept 2018, for Plunket babies born in the calendar year 2017.

Inequitable health outcomes – the role of Te Tiriti O Waitangi and UNCROC

There is a clear and increasingly disproportionate representation relating to the concentration of particular groups living in rental homes⁷. The causes of inequitable health outcomes are complex and generally linked to the uneven distribution of the determinants of health, such as income, housing, education and employment.

A 2013 Statistics NZ study of Māori and Pacific home ownership in New Zealand pointed to a declining trend in land and home ownership for Māori (28.2%) and Pacific peoples (19%), when compared with Pakeha New Zealanders(57%). This indicates that Māori and Pacific families are significantly more likely to be living in rental properties.

A New Zealand epidemiological study published in the Lancet found that people of Māori and Pacific ethnicity are especially affected by poor quality rental housing⁸, contributing to overall poorer health outcomes. Māori children are almost twice as likely to be hospitalised as other New Zealand children and an analysis of the 2006/07 New Zealand Health Survey found that Māori children continue to experience poorer health outcomes than other New Zealand children.

Plunket is committed to Te Tiriti o Waitangi and believes that any legislative reform should be underpinned by Te Tiriti o Waitangi. In addition, specific consideration should be applied to reducing the inequity of health outcomes faced by Māori and Pacific whānau.

Every child has the right to a safe and healthy home. The United National Convention on the Rights of the Child (UNCROC) Article 27 recognize *“the right of every child to a standard of living adequate for the child’s physical, mental, spritual, moral and social development”*. The New Zealand Government is a signatory to UNCROC and as such should *“take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”*

UNCROC should underpin any reform of the RTA.

Key messages

1. Housing is a key modifiable determinant of health and wellbeing for children⁹.
2. Every child in New Zealand has a right to live in a warm, dry and healthy home.
3. A secure, stable predictable environment is important. Residential mobility (children who move often) is linked to adverse effects on children’s physical, psychological, and social wellbeing.

⁷ Statistics New Zealand (2016). Changes in home-ownership patterns 1986-2013: Focus on Māori and Pacific people. Wellington, New Zealand: Statistics New Zealand Tatauranga Aotearoa.

⁸ Baker MG, Telfar Barnard L, Kvalsvig A, Verrall A, Zhang J, Keall M, et al. Increasing incidence of serious infectious diseases and inequalities in New Zealand: A national epidemiological study. *The Lancet*. 2012; 379:1112-9.

⁹ Children’s Housing Future, prepared by Public Policy & Research / CRESA for the Centre for Housing Research, Aotearoa. April 2010.

4. Child safety is paramount. Most childhood injuries happen at home and is commonly preventable¹⁰.
5. For children living in a rental property, both landlords and tenants should be encouraged to partner to provide a safe and stable home.
6. Children often have no, or limited say, in terms of what type of housing and housing conditions they are in. Changes to the RTA need to be inclusive of children's needs as it underpins their immediate and future health and wellbeing.
7. Children need secure tenure. Landlords should be required to provide a reason why the tenancy is being terminated and that notice periods should be extended to ensure adequate time for families to secure new accommodation. Rent increases should be limited to once a year to promote tenure security
8. Families should be able to conduct minor home modifications with a particular focus on the ability to install child-safety equipment in the home.
9. There needs to be a minimum standard/code of conduct especially when young children reside in one of their properties.

The reform of the RTA should be used as a vehicle to redress the balance between Landlords and tenants to enable equitable health outcomes to be addressed. In particular, Te Tiriti o Waitangi and UNCROC should underpin any reform.

Feedback on 'Let's discuss New Zealand's renting rules'

Termination Provisions

A consistent and stable environment is positively linked to children's optimal health and wellbeing. Moving frequently can cause negative effects for their physical and psychological wellbeing and may include insecurity, anxiety, and a sense of disconnection to their community^{11,12}.

Residential mobility is linked to children's wellbeing.
Tenure security can facilitate ensuring a stable home environment for young

Removing the ability for landlords to end periodic agreements for any reason and without needing to tell the tenant why

Plunket supports the requirement that landlords provide a reason why a tenancy is being terminated.

¹⁰ Simpson, J. & Nicholls, J. (2012). Preventing unintentional childhood injury at home: injury circumstances and interventions, *International Journal of Injury Control and Safety Promotion*, 19:2, 141-151.

¹¹ Pollari, J. & Bullock, J.R. (1988). When children move: some stresses and coping strategies, *Early Child Development and Care*, 41:1, 113-121

¹² Kirkman, M., Keys, D., Bodzak, D., & Turner, A. (2010). "Are we moving again this week?" *Children's experience of homelessness in Victoria, Australia*. *Social Science and Medicine*, 70, 994-1001.

This would mean landlords would only be able to terminate periodic tenancies when tenants have breached the RTA or when clear and proven issues (e.g. substantial maintenance to necessitate a vacant tenancy). Providing a reason may also help tenants identify landlord concerns and/or modify their own behaviours in future tenancies, making them more sustainable long term tenants.

Extending the notice periods landlords must give tenants under a periodic agreement from 42 to 90 days

Longer notice periods provide more time for families to budget and plan for the move. The current notice period can be insufficient for families to find a new home, especially when there is a limited supply of rental properties.

For some families this may result in having to take substandard or inappropriate housing due to the short timeframe to find alternative accommodation that would meet their families needs. We know that some landlords might be reluctant to rent out properties to families with young children¹³. This can add additional stress for families looking for houses to rent – when the notice period is too short.

We have stories from our families about landlords not being transparent about the intention to sell property, as they want to keep the tenant till the sale date to maximize profit. This, again, impacts on pressure on families' to find adequate housing in reduced timeframes.

Home Modifications

Tenants should have the right to make specified modifications

Minor home modifications should be allowed especially when it comes to keeping children safe.

In New Zealand, falls are the top cause of hospitalization for 0-4 years (1989-2000), with most (more than 20%) of them falls from stairs, balconies or windows¹⁴.

Young families and their children should feel confident that they will be safe in their home, and that they can undertake minor modifications such as drilling holes to install fire or stair guards.

Plunket supports option 2 and believes there are modifications that tenants could make without the consent of the landlords.

Currently tenants are required to return the modifications back to the original state when the tenancy ends. Child-safety equipment (such as child safety gates, fire guards) require drilling a hole in the wall or inserting a sticky pad to secure the safety gate.

**Child safety should be paramount.
Minor home modifications can minimize injury risks.**

¹³ Housing Instability in Tāmaki-Makaurau: Stories from single mothers and frontline service providers (2018). Auckland Council.

¹⁴ Simpson, J. & Nicholls, J. (2012). Preventing unintentional childhood injury at home: injury circumstances and interventions, International Journal of Injury Control and Safety Promotion, 19:2, 141-151.

Requesting the landlord to ‘approve’ these minor modifications (such as drilling a hole) adds stress to families with young children. Landlords have 21 days to respond to such requests. This is too long and may compromise a child’s safety. Landlords can also decline such requests with no reason so that the risk to children remains unmitigated.

“I have had many cases where landlords did not allow parents to install safety gates - the landlords don’t like holes drilled in the wall (sometimes it can be a sticky pad – but landlords don’t want to damage paintwork).....We have young families that don’t want to ‘make a fuss’ – they worry the request will affect their tenancy.” Injury prevention Manager, Southern Region

Supporting minor home modifications also extends to public housing. Our frontline staff tell us some public housing is not suitable for young families (steep and slat stairways), and these families are often told they have no choice but to accept the available house as there is a long waiting list.

We know there are barriers for families who contact public housing providers for maintenance or queries:

- can be faced with long waiting queues (for having their calls answered, and for fixing / maintaining their homes)
- some telephone lines are not toll free
- there are language barriers which causes extra stress to the families.

Better systems and processes should be in place to support tenants and social agencies to better support tenants’ house modification /maintenance needs.

Setting and Increasing Rent

Limit rent increases to once every 12 months

Plunket supports limiting rent increases to once a year, as it would better support security for families with regard to length of tenure and their ability to manage their budget.

Limiting rent increases can promote tenure security and can help planning.

Consistency and security is important especially for young children, when it comes to their home environment, neighbourhood, and familiar surroundings¹⁵. This sense of security also applies to parents. If parents are often anxious about moving¹⁶, it can have a flow on effect and cause increased anxiety levels for their children.

¹⁵ Pollari, J. & Bullock, J.R. (1988) When children move: some stresses and coping strategies, *Early Child Development and Care*, 41:1, 113-121.

¹⁶ Oishi, S., & Talhelm, T. (2012). Residential mobility: What psychological research reveals. *Current Directions in Psychological Science*, 21(6), pp.425-430.

Limiting rent increases to once per year also allows families to plan ahead and be more certain around their budgeting with longer periods of fixed rental costs.

“When families move, their functional relationships also need to be re-adjusted. Trusted neighbours who can look after children while parents work, close ties through service and other cultural supports. These all need to be established again.”
– Plunket Nurse Educator

Enforcement

Providing those in charge with enforcing the law with the ability to *“audit a landlord or property manager”*

Some families have told us that property managers do not necessarily act in favour of the tenants, for example, *“Property managers turning up to do inspections and putting inspection letters in the letterbox on the way into the property rather than giving adequate notice period. Tenants have no choice as they fear it will impact their tenure”* – Social Worker, Plunket.

Property managers play a key role between landlords and tenants. There needs to be a minimum standard especially when young children reside in one of their properties.

Property managers can act as a bridge between landlords and tenants, however some property managers act as gate keepers¹⁷. Families told us requests (such as home modifications) sometimes do not even go through to landlords.

There is no current standards or code of conduct to hold property managers to account. Property managers should have a minimum code of conduct to protect both landlords’ and tenants’ interests.

Conclusion

There is a robust body of evidence that outlines the adverse impacts that substandard housing conditions and insecure tenure have on children¹⁸.

Housing is a significant modifiable determinant in the health and wellbeing of our children and their families, and this should be addressed in any legislation changes in the RTA.

¹⁷ Exploring Security of Tenure Security through Co-Design. A report published by MBIE, Auckland City and the Co-Design Lab.

¹⁸ Children’s Housing Future, prepared by Public Policy & Research / CRESA for the Centre for Housing Research, Aotearoa. April 2010.