

Date	27/04/23
From	Manawatū Tenants' Union (MTU)
Subject	MTU Submission on Energy Hardship Expert Panel Discussion Paper

Energy Hardship Expert Panel Discussion Paper

We consent to our submission being released in full.

Daniel Ryland is the author and is authorised to make submissions on behalf of MTU.

MTU is a registered charity and tenant advocacy organisation.

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Key points of the submission

- 1) Safe, warm, and dry housing is a human right.
- 2) Tenants are currently unable to adequately enforce their rights to safe, warm, and dry housing due to the innate power imbalance. They are thus unable to access or realise legislated benefits.
- 3) Removing the burden of enforcement from tenants' is necessary for them to achieve minimum outcomes.
- 4) Extending, strengthening, and improving monitoring of the Healthy Homes Standards is a suitable way to achieve the first goal.
- 5) Ensuring access to culturally relevant information for healthy and energy-efficient households is necessary, but this cannot be achieved through primarily online services.

Introduction

The Manawatu Tenants' Union has been operating since 1983 as a dedicated tenant advocate service. Our core goal is to facilitate stable housing, with aims to:

- a) Protect, promote, and generally advance the rights, interests, and welfare of tenants.

Housing is a basic human right.

- b) To advise, assist, and generally support tenants in their dealings and disputes with landlords and other authorities.
- c) To make submissions to both central and local government on issues and laws affecting tenants.
- d) To educate the public about laws regarding tenants.

There is a need to approach housing as a human right, rather than an investment asset. This means not only that households have access to a home, but also that they are able to live there without getting sick. Thus, affordability and security of tenure of the home itself and the facilities to live in it can be met. These support a vast array of other factors such as employment, family growth, community engagement, and education. Housing is one of the cornerstones of community life and a productive economy.

The current structure and financialisation of housing have meant that a home, whether owned or rented, is centred as an investment asset above a place to live. The private market in this context is the prime determinant of what is suitable and affordable housing. However, market-led approaches for much of the last century have contributed to sustained housing shortages and affordability difficulties, without maintaining the minimum standards to produce liveable housing in Aotearoa's climate. The structural change necessary is a long-term project spanning multiple sectors, but the findings and recommendations of the expert panel can go some way to achieving this.

Our focus at MTU is on renting specifically as tenant advocates. We note that improvement in rental accommodation means that generally the oldest dwellings and the most vulnerable households are most likely to see the greatest gains from improved energy efficiency will benefit. This benefit will improve overall social welfare. However, we also recognise that it does not matter if a home is rented or owned. All deserve to have a safe, warm, and dry home regardless.

Health of the Home

We strongly agree with the proposed strategies.

As noted in the discussion document, there is an inherent power imbalance between tenant and property owner. We see many ways in which this power imbalance manifests.

The most common is a familiar story. A tenant, on finding a hole in their ceiling came to see us. They had informed their property owner on multiple occasions over many months, but

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there was no movement apart from a vague promise that it would be done 'eventually.' We advised that the next steps are a 14-day notice, and if that fails, a Tenancy Tribunal application for a work order. The tenant chose not to pursue the issue as they feared their tenancy would be terminated, or they would have a rent increase. The hole later got worse, and a leak developed so the tenant was unable to use the lounge.

The other story that we see more recently is that a tenant bringing a property owner's attention to failures to comply with the Healthy Homes Standards is met with termination. On bringing the failure to the attention of their property owner, along with other ignored maintenance issues in the bathroom and kitchen. The property owner returned with a 90-day termination notice for significant renovations or repairs.

Tenants are thus presented with a choice to act on fighting for suitable housing and for maintenance that should have been undertaken or having a home. It is not always so simple, but that remains the perception that tenants have and how the worst instances are enacted.

We support HH1, HH2, and HH5 for more households to have access to energy-efficient structures and appliances. The most gain can be had in rental housing, but greater opportunities for owner-occupiers to have access to these improvements can only improve social welfare. As can be seen in the recent extreme weather events there is no longer time to wait on acting on these measures.

We strongly support HH3 to strengthen the Healthy Homes Standards monitoring and enforcement. We support the submission of Renters United in these regards as tenants are least likely to be able to enforce the Healthy Homes Standards, but they are almost exclusively required to do so without legal support. As a disparate group, they then need to enforce compliance. Thus, we support improving the ability for external and independent bodies to monitor and enforce compliance. Similarly, ensuring that compliance requires that tenants retain their tenancy as a default with monetary support to put them in alternative accommodation for the period is also desirable – the cost may otherwise be another household in long-term emergency housing.

We strongly support HH4 to increase support for tenant advocacy organisations. For more detail, MTU is one of the few remaining focused tenant advocate groups in Aotearoa following the closure of Tenants Protection Agency (TPA) in Christchurch. We have two employees (one full time and another part time) and operate for free at the minimum wage. Despite this, we have many years of expertise in tenancy legislation, navigating the Tenancy Tribunal, and supporting tenants to have the knowledge and confidence to stand up for their rights. We sit with tenants through the entire process, from recognition of the issue to enforcement of Tenancy Tribunal order (although our preference is to avoid it getting to that point). These are not services that are reliably provided by national organisations such as CAB or Community Law. However, we operate on philanthropic grants and currently unreliable single year government funding which limits our ability to support more tenants, expand our coverage, and succession planning. We agree that supporting and encouraging local organisations such as ours has the benefit of ensuring that tenants have the voice to stand up

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for their rights and this is not dependant on where they happen to reside. We support the submission from Renters United in this regard, especially in the use of bond money going back to support tenants through funding tenant organisations. It is tenant money it should support tenant outcomes – and this follows the practice in funding tenant organisations in Australia.

Knowledge and Navigation

Ease of access to information and the tools to improve housing energy efficiency is essential. Although this comes after ensuring that homes are of sufficient quality to make these improvements viable.

In Palmerston North, we had an eco-designer who offered to go to homes and inspect their heating and cooling efficiency with low-impact environmental solutions for free. One of their contributions was also to indicate the incidence of responsibility between structural (falling on the property owner) or behavioural (correctable by the tenant). One such investigation revealed so many breaches of the Healthy Homes Standards and structural problems that the Health Inspector attended the property, leading to it being condemned. The involvement of these officials meant that the tenant was able to get a significant award from the Tenancy Tribunal, but also that it was clear from an expert what needed to be corrected.

Roles such as this are important in providing tenants and property owners access to direct and specialised information for their specific home, but also to minimise the environmental burden. As there is a housing crisis, there is also a climate crisis. A solution needs to accommodate both to ensure that households can reduce their carbon footprint, but also afford to be able to do so.

We strongly support KN1, KN2, KN3, and KN4 to improve access to information and networks for households disproportionately represented in energy hardship. Ensuring that those households most impacted by energy hardship are most able to access energy efficiency measures is going to produce the greatest social welfare gains. However, interactions need to be embedded within the appropriate cultural, economic, and legal frameworks to ensure access and uptake. In our experience, a physical presence of a person at the dwelling to give specific and targeted advice has been most useful. To ensure use, this needs to be free for the user, recognising that improvements benefit the whole of society. We support that training be provided for organisations to get local advisors with the skills and knowledge to support energy efficiency with cultural relevance.

We broadly support KN5 to provide an online portal. Online information is useful and has its place, however it needs to accompany a direct and physical presence. There is a need to ensure that digital illiteracy or lack of computer access is not the reason for not achieving energy efficiency. Similarly, an online tool cannot capture the uniqueness of a given home with attempts leading to complicated and difficult to understand formula that may instead be ignored. We support the online portal, but only as complementary to trained people on the ground.

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