

3/07/2024

Social Services and Community Select Committee  
New Zealand Parliament

Age Concern New Zealand He Manaakitanga Kaumātua Aotearoa welcomes the opportunity to comment on the Residential Tenancies Amendment Bill.

## Who we are

---

Age Concern New Zealand is a trusted charity working in local communities throughout Aotearoa to support older people, their friends and whānau. Our values – Dignity, Wellbeing, Equity, and Respect for older people are our guiding lights and underpin everything we do. We aim to ensure older New Zealanders get the best advice and support no matter where they live in Aotearoa. With a network of 29 local Age Concerns operating in 40 locations, and a national office based in Wellington, we are the place to go for services and information about getting older.

We are proud of our heritage in standing up for the rights of older New Zealanders for more than 75 years. As an organisation, our focus is on contributing to the overall wellbeing of older New Zealanders. We work to prevent the abuse and neglect of older adults; improve their health and wellbeing; end loneliness and social isolation; and advocate for older people's rights.

## Background

---

Homeownership has been declining since the 1980s.<sup>1</sup> In 2022, the Retirement Commission estimated that by 2048, 40% of people 65 and over will be renting, equating to up to 600,000 people.<sup>2</sup> This will be a 100% increase from 2018. In the Long-Term Insights Briefing, the Ministry of Housing and Urban Development identified the significant effects that New Zealand will face from the combination of declining homeownership and the ageing population. Effects include an increased pressure and need for housing cost support, wellbeing being negatively affected by insecurity of tenure and financial costs, and pressure on residential care as older

---

<sup>1</sup> Bev James, *Ageing in Place as an Older Tenant: Independence and Uncertainty*, 2021

<sup>2</sup> Te Ara Ahunga Ora Retirement Commission, *Review of Retirement Income Policies*, 2022

renters are more likely to be in poorer health. Additionally, housing disparity will increase and there will be an impact on the retirement village sector.<sup>3</sup>

Declining home ownership can affect all older people, but this trend has particularly affected Māori and Pacific peoples.<sup>4</sup> Factors such as land appropriation and difficulties accessing finance has resulted in Māori not benefitting from the intergenerational wealth of housing.<sup>5</sup> The combined effects of low homeownership and limited income has affected kaumātua especially hard, resulting in “kaumātua living in social, temporary, or less than ideal housing situations”.<sup>6</sup> Pacific Peoples are more likely to rent or live in social housing with Pacific homeownership at 21% compared to 58% for European, 40% for Asian, and 31% for Māori.<sup>7</sup> Last year, the Social Wellbeing Agency reported that older Pacific people experience the highest proportion of housing vulnerability with 72% of older Pacific renters experiencing housing vulnerability.<sup>8</sup>

In the *Better Later Life He Oranga Kaumātua 2019 to 2034* strategy, creating diverse housing choices and options to support independence and ageing in place was identified as a key action point. Safely and independently ageing in the community “can improve our physical and mental health, wellbeing and social connectedness as we age. It can also reduce the amount of time that people require residential care services”.<sup>9</sup> We support changes in policies and regulations that will ensure communities are planned, supported and developed to enable older people to age in place.

We call for the recognition that renting and home ownership must be viable at all life stages, including older age. Therefore, we make the following submission.

---

<sup>3</sup> Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development, *Long-Term Insights Briefing Consultation Document*, 2023

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> John G. Oetzel, Corey Bragg, Yvonne Wilson, Rangimahora Reddy, Mary Louisa Simpson and Sophie Nock, *Cultural and co-designed principles for developing a Māori kaumātua housing village to address health and social wellbeing*, 2024

<sup>7</sup> Te Ara Ahunga Ora Retirement Commission, *Review of Retirement Income Policies*, 2022

<sup>8</sup> Ibid.

<sup>9</sup> Te Tari Kaumātua Office for Seniors, *Better Later Life – He Oranga Kaumātua 2019 to 2034*, 2019

## Part 1: Tenancy agreements, bonds, and related matters

---

We **support** the intention of Clause 6 for legislation to recognise the broader range of communication channels that are available and used today. We support electronic addresses as an option, not a requirement. Age Concerns across the country deliver programmes for older people to increase their digital literacy and use of technology. However, we recognise that not all older people, can, or want to use digital technology. We support options and solutions that ensure accessibility for all and prevents digital exclusion. We are concerned that inclusion of instant messaging accounts may lead to an increased risk of scams. Instant messaging accounts may be harder to verify the identity of the tenant or landlord, compared to an email account or mobile phone number. We recommend that scam awareness and safety be a part of future education, resources, and communications to landlords and tenants.

We welcome and support the intention to encourage landlords to allow more pets in rentals. We acknowledge that older people were identified in the Regulatory Impact Statement as a particular population group affected by the proposals due to the increasing number of older people renting and the benefit of pet ownership on wellbeing. The companionship of a pet can improve the quality of life of older people by providing motivation to keep active, stay connected, and by providing routine and a sense of purpose.<sup>10</sup> The Covid-19 lockdowns further highlighted the positive impact of pets on older people's wellbeing by providing routine and purpose.<sup>11</sup>

We **support** Clause 16 where a landlord would not be able to prohibit a tenant from keeping a pet without providing reasonable grounds and must respond within 21 days to a written request from a tenant. We support this as the wording is in line with Section 42A Residential Tenancies Act to request minor changes and would be familiar to tenants and landlords. We also support this as we hope it will allow for more pets in rentals.

We **support** the separation between pet bond and general bond. It is appropriate to make this separation when the threshold for liability differs between pet damage and other damage. We **recommend** the ability for pet bonds to be returned to tenants if it

---

<sup>10</sup> Kay Saville-Smith, Fiona Cram, Bev James and Allanah Robinson, *Reflections on Kaumātua, Pakeke and Seniors' Housing*, 2022

<sup>11</sup> Ibid.

is no longer required. For example: a pet has died, the tenant has no intention to have another pet, and the landlord is satisfied that the bond is not required to cover any damages. It was identified in the Regulatory Impact Statement that low-income tenants, including superannuants will be disproportionately impacted by the upfront costs of the pet bond. Many older people have limited income and therefore, we recommend that pet bond money is returned to tenants when it is not required.

## Part 2: Termination of Tenancies

---

In our 2018 submission on the tenancy reforms discussion document and 2020 submission on the bill, we supported the extension of the notice periods that landlords are required to provide to tenants. We also supported the removal of no-cause terminations from periodic tenancies. We stated that we support “actions such as these that provide older renters with increased security of tenure”. Age Concern New Zealand continues to support actions and policies that increase security of tenure and support older people to age in place for longer.

We **strongly oppose** Clause 22 to amend Section 51 to make changes to allow a landlord to terminate a periodic tenancy without being required to give the tenant a reason. We also oppose decreasing the notice period from 63 days to 42 days for landlord’s notice for a specified reason.

We oppose the reintroduction of no-cause evictions as it presents significant health and social risk to tenants, including older tenants. No-cause evictions will risk older people’s health and wellbeing and their ability to stay connected in their communities. The negative impact of insecure tenure on health was highlighted in the 2019 Regulatory Impact Statement on the 2020 tenancy law reforms. The RIS gave the example that “people who move often are less likely to be affiliated with a primary health care provider (doctor, nurse or medical centre). This is likely to be of more importance to those with higher health needs, children, and older people”.<sup>12</sup>

A University of Otago study examining the connection between evictions and poor health outcomes concluded that preventing evictions should be a public health

---

<sup>12</sup> Ministry of Housing and Urban Development, *Regulatory Impact Statement: Residential Tenancies Act Reform*, 2019

priority.<sup>13</sup> Even when tenants were told of their landlord's the reason for their eviction (in line with current termination provisions in the RTA), they struggled to make sense of the situation. The study reported three ways in which eviction can lead to poor health outcomes; grief for the loss of their home, stress of the eviction, and poor housing conditions and homelessness experienced after eviction.<sup>14</sup> Effects that participants reported included; stomach pains, weight loss, respiratory conditions, drinking, feeling depressed and suicidal, and strained relationships with family and friends. The findings of this study build on existing international evidence of the negative health impact evictions can have.

Moving out of your home can be a stressful experience that can have “negative financial, social and psychological impacts”.<sup>15</sup> Older renters who need to move face significant challenges, even if the move is signalled well ahead. Many older people do not have family living locally to help with the process of moving and finding alternative accommodation. In addition, friends their own age may be unable to help. Age Concern feedback is that there is no formal support for older people facing this situation. In some instances, Age Concern volunteers have been mobilized to help an older person pack and move house.

We oppose no-cause evictions as they risk an older person's ability to stay socially connected. Reducing social isolation and loneliness is a key aspect of ensuring older people's wellbeing. An older person moving to a new dwelling in later life loses more than a home, they lose connections. Connections are lost with neighbours who may be an important part of their informal support system, and other types of informal social connection, for example with the local library, shops or hairdresser which are part of their routine and are where they are known.

New transport barriers may also break connections with existing friends and social activities. In older age, building new connections and routines becomes harder due to changes in health, energy and mobility so that these losses can lead to loneliness and social frailty (a lack of social resources), which in turn affect health and

---

<sup>13</sup> Elinor Chisholm, Sarah Bierre, Cheryl Davies, and Philippa Howden-Chapman, *'That house was a home': Qualitative evidence from New Zealand on the connections between rental housing eviction and poor health outcomes*, 2021

<sup>14</sup> Ibid.

<sup>15</sup> Dr Bev James, *Talking about renting and ageing in place: interviews with older renters in New Zealand*, 2019

resilience and make it more likely that an older person will go into rest home care.<sup>16</sup>

Furthermore, the negative impact will be felt by wider whānau and communities. Older people are a valued part of every community. The Office for Seniors projected that by 2036, over 65 will contribute \$25 billion worth of unpaid and voluntary work. Many older people play an important role in their families, often providing care for grandchildren. The informal care that grandparents provide play a crucial part in children's wellbeing. Their support helps parents juggle work and study.<sup>17</sup> A participant of a University of Otago study described being separated from her grandchild as "devastating" and talked about the sense of hopelessness and lack of control they felt after their eviction.<sup>18</sup>

We also oppose no-cause evictions as they create hesitancy and may make older tenants less likely to request reasonable maintenance and repairs. In our 2018 submission we shared:

*Age Concern social workers have needed to be staunch supporters of older renters who are threatened with eviction because of damage to the property that is in fact the landlords' responsibility. Older renters on fixed incomes are vulnerable to abuse in either state or private tenancies, as they have no bargaining power or ability to pay higher rental prices.*

Age Concern New Zealand is also concerned that the possibility of receiving a no-cause eviction may deter older tenants from making requests for minor changes, under Section 42B RTA. The ability to make minor changes, such as visual fire alarms, bathroom grab rails and securing furniture, can help older tenants to age in place for longer by making their rentals safer and more accessible. In a study about ageing in place, participants identified various reasons for not talking to their landlord about modifications. Some tenants avoided asking about modifications in case their

---

<sup>16</sup> Julianne Holt-Lunstad, Timothy B. Smith, Mark Baker, Tyler Harris and David Stephenson, *Loneliness and social isolation as risk factors for mortality: a meta-analytic review*, 2015; Hamish Jamieson, Rebecca Abey-Nesbit, Ulrich Bergler, Sally Keeling, Philip J. Schulter, Richard Scrase and Cameron Lacey, *Evaluating the influence of social factors on aged residential care admission in a national home care assessment database of older adults*, 2019

<sup>17</sup> <https://www.stats.govt.nz/news/grandparents-lend-a-hand-for-childcare/>

<sup>18</sup> Elinor Chisholm, Sarah Bierre, Cheryl Davies, and Philippa Howden-Chapman, *'That house was a home': Qualitative evidence from New Zealand on the connections between rental housing eviction and poor health outcomes*, 2021

tenancies were jeopardised by appearing frail.<sup>19</sup> Similarly, no-cause evictions may ‘undo’ the bill’s intention to allow more pets in rentals. Tenants may become hesitant to request keeping a pet in fear that they may receive a no-cause termination.

Lastly, Age Concern New Zealand opposes no-cause evictions as they will provide landlords the ability to raise the rent more than once a year. Currently, the rent can be increased once a year in a tenancy. However, the rent can also be increased between tenancies. Reintroducing no-cause terminations will provide landlords with the ability to terminate a tenancy so that the rent can be increased before re-letting to new tenants who are able to pay the higher cost. This is a significant concern to us as many older renters are on low and fixed-incomes and do not have the ability to pay higher rents. In 2022, the Retirement Commission found that “of those people paying rent, two-thirds of those aged 65-74 are spending 40% or more of NZ Super on housing, as well as over a third of those aged over 75. However, significant numbers are paying more than 80% of NZ Super [on housing], 40% of those aged 65-74 and 16% of those aged over 75”.<sup>20</sup>

We believe the current termination provisions available to landlords (e.g. rent arrears, property damage, unlawful purposes, anti-social behaviour) cover the most common reasons a landlord may want to end a tenancy. Currently, there are clear expectations of the responsibilities of tenants who want to maintain their tenancies. However, reinstating no-cause evictions risks all tenancies, including those of tenants who fulfil all of their responsibilities as set out in the RTA. If the concern is that there are other specific situations (not covered by current provisions) in which a landlord wants to terminate a tenancy, we **recommend** that they be added as a specific termination provision to the RTA, instead of reintroducing the no-cause termination provision.

We **do not support** the reduction of the notice period from 63 to 42 days. Insufficient time to find a new tenancy risks tenants settling for tenancies or arrangements that do not meet their needs, or even worse they risk becoming homeless.

---

<sup>19</sup> Dr Bev James, *Talking about renting and ageing in place: interviews with older renters in New Zealand*, 2019

<sup>20</sup> Te Ara Ahunga Ora Retirement Commission, *Review of Retirement Income Policies*, 2022

We **support** Clause 24 to amend Section 54 to clarify that any termination notice given by a landlord to terminate in retaliation for the Chief Executive taking action will also be of no effect.

We **strongly support** Clause 26 to amend Section 56B to add an additional situation in which a tenant may withdraw from a tenancy due to family violence.

We **do not support** Clause 27. In line with our comments on no-cause termination for periodic tenancies, we believe landlords should be required to provide a reason if they do not want a fixed-term tenancy to continue as a periodic tenancy.

### **Part 3: Tenancy Tribunal and administrative matters**

---

We **support** Clause 32 and 33 to enable the Tribunal to make decisions on papers. We support processes that will reduce the burden on the Tenancy Tribunal and reduce waiting times for simple cases. However, we **recommend** that this option is only used if both parties consent.

We **oppose** retrospectively applying the legislation to existing tenancies. This risks the health and wellbeing of more older tenants. This would also be a breach of constitutional principles.

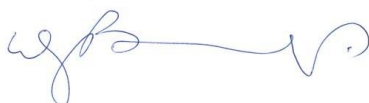
We **agree** that the pet bond provision should not be applied to current tenancies with lawfully kept pets. There is already an agreement in place between the landlord and tenant, and will avoid confusion.

### **Closing comment**

---

Thank you for the opportunity to provide our submission on the Residential Tenancies Amendment Bill.

Nāku noa, nā



Karen Billings-Jensen

Chief Executive, Age Concern New Zealand