

18 December 2020

New Zealand Human Rights Commission
PO Box 10424
Wellington 6143
righttoadecenthome@hrc.co.nz

Re: Guidelines on the right to a decent home

Tēnā koe

Regional Public Health would like to formally register our agreement and support for the submission and recommendations made by the Wellington Regional Healthy Housing Group on the *Guidelines on the right to a decent home* consultation. Regional Public Health is a member of this group.

Regional Public Health delivers population and personal health services in the greater Wellington region. Our geographical area of service delivery spans Hutt Valley, Capital & Coast and Wairarapa DHBs. We aim to improve the health of communities; in particular we focus on achieving equitable health outcomes for high needs groups such as Māori, Pacific peoples, child and youth, low income families and other vulnerable groups.

A warm dry home is the foundation of health and wellbeing throughout life¹. Housing is an important underlying determinant of health, with housing quality and household crowding playing a major role in health outcomes. Housing is contributing to hospitalisation and rehospitalisation rates for children in New Zealand, notably for respiratory infections. These poor housing conditions increase risk of future ill health and poorer performance across a range of social indicators. The burden of disease associated with housing conditions is particularly high for Māori and Pacific whānau.

We do not wish to speak at the forthcoming hearings.

The contact point for this letter of support is:

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demelza.obrien@huttvalleydhb.org.nz

Kind regards

Dr Stephen Palmer
Medical Officer of Health

Peter Gush
General Manager

¹ New Zealand College of Public Health Medicine (2013). "Housing Policy Statement." Available from: https://www.nzcphm.org.nz/media/120350/nzcphm_healthy_homes_standard_submission_2018.pdf

WELLINGTON REGIONAL HEALTHY HOUSING GROUP

WRHHG Submission on NZHRC Guidelines on the Right to a Decent Home, Draft Consultation version

18 December 2020

WRHHG's August 2020 submission to the NZHRC consultation for development of the guidelines focused on highlighting existing 'codes' for ensuring healthy and high performance homes that could be referenced – Healthy Homes Standards, HomeFit, Homestar. We note that language and message of the WRHHG submission has been integrated into this Guidelines consultation draft.

We note the following content of the draft Guidelines of particular relevance to WRHHG work:

- ✓ Guidelines are **strongly rooted in Te Tiriti o Waitangi**, and reference other key human rights legislation including UN Declaration on the Rights of Indigenous Peoples, Convention on the Rights of Persons with Disabilities, and Convention on the Rights of the Child.
- ✓ This 'Guidelines' document will be paired with a document that shares quotes, case studies etc to illustrate lived experience and consultation input.
- ✓ Envisaged **function of the Guidelines** includes helping to “improve the Government Policy Statement on Housing and Urban Development, New Zealand Building Code, Residential Tenancies Act, resource management legislation, and local government regulatory frameworks” (art. 25(d)).
- ✓ **Suggested 'warm, dry, healthy' codes** have been referred to Section B, discussion of seven principles that define 'decency' – under the principle 'Habitable':
 - “The *Healthy Homes Standards*, defined in the Residential Tenancies Act, and *HomeFit* and *Homestar*, developed by the New Zealand Green Building Council, elaborate what the habitable 'decency' principle means, subject to two qualifications. First, these codes should be revisited by Te Tiriti partners to ensure they conform to Te Tiriti. Second, the codes are a *non-exhaustive* elaboration of the right to a decent home in Aotearoa New Zealand.” (art. 51)
- ✓ Guidelines emphasise that '**constructive accountability**' is a crucial feature – monitoring, review and redress (art. 61,62)
- ✓ The Guidelines recognise that **prioritisation and trade-offs are necessary** in realising the right. However a human rights approach requires among other conditions that “equity, equality and non-discrimination rule out any trade-offs which would result in, or deepen, unequal and discriminatory outcomes” (art. 80(e)).
- ✓ The NZ Government has the **obligation to respect, protect and fulfil** the right to a decent home (art. 81). Violation of the obligation to *respect* includes: “damp state housing causing ill health of tenants” (art. 84). Violation of the obligation to *protect* includes “ineffective regulation to stop private landlords renting accommodation which is likely to cause the ill-health of tenants.” (art. 86)
- ✓ Section 5 briefly addresses the **role of private sector**, noting that “the private sector itself has human rights and Te Tiriti responsibilities” (art. 92). A Tiriti and human rights-based housing strategy requires the private sector to...
 - “provide warm, dry, healthy, decent homes, in accordance with the UN 'decency' housing principles, including *Healthy Homes Standards*, *HomeFit* and *Homestar* (see section 3 and 'Habitable')” (art. 94).
- ? The Guidelines don't currently clearly mention importance of addressing **energy hardship**

WRHHG suggests the following changes to further strengthen the Guidelines:

1. **Art. 51 (Habitable principle) & Art. 94** – include international Passive House code in addition to HHS, HomeFit and Homestar (to ensure not biased), and make clear that these codes are those currently relevant and may change over time. Our suggestion presented as ‘tracked change’ in relevant text excerpt below:

“[At February 2021](#), The *Healthy Homes Standards*, defined in the Residential Tenancies Act, and [\(currently voluntary\) standards including HomeFit and Homestar](#), developed by the New Zealand Green Building Council, [and the international *Passive House* standard are examples of codes that](#) elaborate what the habitable ‘decency’ principle means...”

2. **Art. 51** – Explicitly include energy affordability in ‘Affordable’ and/or ‘Services, facilities and infrastructure’ principles. See #4 below for suggestion of specific codes to reference.
3. **Art. 51 (Affordable principle)** – We suggest there is value in expanding this to clarify that it includes affordable ownership, affordable (and secure) rental, and energy affordability.
4. **Art. 51 (Affordable principle)** – We also suggest referring to exemplar codes here to make this more concrete/specific. We suggest these codes include, in reference to energy affordability: the Electricity Authority’s soon-to-be finalised Consumer Care Guidelines, the future Energy Hardship definition that EECA is responsible for developing, in response to the Electricity Price Review.
5. **Art. 51 (Accessible principle)** - Make more explicit that there are multiple dimensions of ‘Accessibility’ including physical, systemic (ie. non-discrimination), financial.
6. Include reference to the Zero Carbon Act (ie. as NZ transitions to carbon neutrality, all households have the right to be included in a just transition, not left behind. This means that all households are supported to achieve low emissions homes, and policies and programmes support low-income homes to become as energy efficient as higher-earning households).¹ As this primarily addresses equity and non-discrimination including redressing the impact of colonisation it relates to **Art. 54, Art. 80(e), Art.81**. It may also be relevant to reference in **Art. 51 Affordable principle**).
7. **Art. 94(e)** - Reword the reference to codes in art. 94 to make clearer that the codes mentioned are provided as examples of existing standards that further elaborate the ‘decency’ standard that private sector has an obligation to meet (following point #1 above) – and relevant codes may change over time. Our suggestion presented as ‘track change’ below:

“provide warm, dry, healthy, decent homes, in accordance with the UN ‘decency’ housing principles, [with reference to standards that elaborate what this principle means. At time of drafting these Guidelines, such standards include Healthy Homes Standards, HomeFit, Homestar, Passive House](#) (see section 3 and ‘Habitable’).”

WRHHG welcome contact for further information in regard to the above. Please contact:

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¹ WRHHG advocates specifically for mandatory guidelines for housing standards being introduced and upgraded with time around insulation, household energy efficiency, solar gain, electric vehicle access, occupant education etc.