

17 October 2018



**IHC National Office**

Level 15, 57 Willis Street  
PO Box 4155  
Wellington 6140  
Tel: 04 472 2247  
Fax: 04 472 0429  
[www.ihc.org.nz](http://www.ihc.org.nz)

**IHC comment on reform of the Residential Tenancies Act 1986**

IHC welcomes the opportunity to comment on the proposed reform of the Residential Tenancies Act 1986.

IHC's mission is to advocate for the rights, inclusion and welfare of all people with intellectual disabilities and support them to live satisfying lives in the community.

This comment from IHC is focussed on why the law that governs the rental market is such an important part of improving and safeguarding the wellbeing of people with intellectual disabilities, including their rights to belong and participate in their communities.

IHC supports the intent of the reform and Government's priorities to:

- improve security of tenure
- ensure the law appropriately balances the rights and responsibilities of tenants and landlords and helps renters feel more at home
- modernise law so it can respond to changes in the rental market
- improve the quality of boarding houses and the accountability of boarding house landlords.

In particular, we would like to comment on the factors that need to be taken into account in determining the appropriate balance of rights and responsibilities of tenants and landlords, when one party, especially the tenant, has an intellectual disability.

People with intellectual disability have rights under the United Nations Convention on the Rights of Persons with Disability to, amongst other things:

- be safe and well
- make their own decisions
- have a good life
- be part of community and society.

However, people with intellectual disability have some of the poorest health, social and economic outcomes of any population group in New Zealand.

Men and women with intellectual disability live, respectively, 18 and 23 years fewer than the general population, and people with intellectual disabilities have two times the rate of potentially preventable deaths. Given the links between housing quality and good health, legal reform aimed at improving the quality of rental properties is particularly important for people with intellectual disability.

People with intellectual disability are likely to be life-long beneficiaries and are over-represented in poverty and low income statistics. This means people with intellectual disability are unlikely to have the income or asset base to afford to buy their own home in the current housing market. They are likely to rent their home.

Similarly, children with disability and their families are also more likely to be living in rental properties because children with disability are more likely to live in low income families. Data from Statistics New Zealand's 2013 Disability Survey<sup>1</sup> shows:

- 34 % of disabled children living in families that earn under \$50,000 a year, compared to only 24 % of non-disabled children
- 17% of carers of children with disability were unemployed<sup>2</sup>
- 30% of disabled children lived in one parent households, compared to 17% of non-disabled children.

A critical part of balancing the rights of tenants and landlords and ensuring responsibilities are fair and understood will be the use of plain language in tenancy agreements and other communications.

In addition, any legal reform should build in supports and safeguards that protect people with intellectual disability from being taken advantage of in the rental market while at the same time ensuring they have choice and control over their living situation and can feel at home. For example, people with intellectual disability have the right to assistance to support their living and inclusion in the community, and to prevent isolation or segregation from the community (UNCRC, article 19(b)). Some people with intellectual disability may have support people living with them and tenancy law needs to be flexible enough to accommodate these types of arrangements.

We therefore ask that the rights, needs and circumstances of people with intellectual disabilities and their families, across the lifespan, be actively considered as reform of the Residential Tenancies Act 1986 progresses. In particular legislative reform should align with the rights of people with intellectual disabilities, of all ages, under the UNCRC as well as the United Nations Convention on the Rights of the Child.

Please do not hesitate to contact us if you if there anything further we can help with.

Yours sincerely



Trish Grant  
Director of Advocacy

---

<sup>1</sup> Statistics New Zealand. (2014). *Disability Survey: 2013*. Wellington: Statistics New Zealand.

<sup>2</sup> CCS Disability Action *Submission on the Child Poverty Reduction Bill 2018*. Page 9. Retrieved from <https://www.ccsdisabilityaction.org.nz/assets/resource-files/Submission-on-the-Child-Poverty-Reduction-Bill.pdf>