



Submission
of the
**New Zealand Union of Students’
Associations**
on the
Residential Tenancies Amendment Bill

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To	Social Services and Community Committee
From	New Zealand Union of Students' Associations (NZUSA)
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Subject	Residential Tenancies Amendment Bill

1. Introduction

- 1.1. The New Zealand Union of Students' Associations ("NZUSA") would like to thank you for the opportunity to make a written submission on the Residential Tenancies Amendment Bill ("the Bill"). NZUSA would also like the opportunity to make an oral submission before the select committee if/when possible, given the current circumstances.
- 1.2. NZUSA broadly supports the Residential Tenancies Amendment Bill, and we believe that with a few adjustments, the Bill will help to address the range of renting-related issues that students currently experience, and will go a long way to improve the overall wellbeing of Aotearoa's student communities.

2. Background

2.1. The New Zealand Union of Students' Associations (NZUSA) is the national voice of students in tertiary education. We are proudly owned by students' associations from universities, institutes of technology and polytechnics around the country. We work alongside our partner organisation Te Mana Ākonga (National Māori Tertiary Students' Association) and Tauria Pasifika (National Pasifika Tertiary Students' Association) to fight for a barrier-free education for all.

2.2. NZUSA's members are:

- Albany Students' Association (ASA)
- Association of Students at Universal College of Learning (AS@U)
- Auckland University Students' Association (AUSA)
- Lincoln University Students' Association (LUSA)
- Massey University Students' Association (MUSA)
- Otago University Students' Association (OUSA)
- Students' Association at Wintec (SAWIT)
- Student Connection at Weltec
- Unitec Student Council (USC)
- Victoria University of Wellington Students' Association (VUWSA)
- Whitireia Student Council

- Younited Students' Association at Eastern Institute of Technology

3. Submission

- 3.1. It is common knowledge that the majority of tertiary students in Aotearoa rent to live. Renting is often the most viable form of living for students who typically leave their hometown to study, but are unable to purchase a house of their own. While renting is usually the best option for student living, it can come with its downsides, and renting continuously produces the most significant issues for our student communities.
- 3.2. Access to rental properties, the quality of housing, and the power imbalance between renters and landlords all impact the mental and physical wellbeing and academic performance of students. Our submission outline the clauses in the Bill which NZUSA specifically endorses, and also put forward recommendations that ensures the Bill can provide fairness to both renters and landlords.

Clause 17

- 3.3. The process of rental bidding has seen many students struggle to secure housing. Bidding for rental properties causes anxiety and stress not only for students who struggle financially, but all students who experience this practice. Students are already paying rent prices that exceed their student living costs and allowances, but rental bidding drives these prices up and often students miss out on housing to those with higher incomes.
- 3.4. NZUSA supports clause 17 of the Bill in principle, which if enacted would create a more equitable and accessible rental market by eliminating rental bidding and ensure greater transparency of rental prices. However, rather than prohibiting specifically the invitation or encouragement of rental bidding, the practice should be entirely prohibited in order to prevent landlords from finding loopholes in the proposed clause and continuing to engage in predatory rental bidding that exploits students.

Clause 19

- 3.5. NZUSA supports the amendment of s 24, to extend the minimum rental price increase period from 180 days to 12 months. This is an appropriate step to take that will ensure students are not faced with unexpected rent hikes during the year. Previously, unexpected rental increases have put burdensome financial strain on students who already face high rental prices.

Clause 23

- 3.6. Students' lives during tertiary study can sometimes feel temporary. It is small things like being able to make minor fixtures to their rental property will help to create a sense of home in the location they choose to undertake their study. NZUSA supports the introduction of s 24A and s 24B, because we know the positive difference fixtures such as a vegetable garden or picture hooks can make on the student living experience.

Clause 24

- 3.7. It is common during a student's journey of study to be required to change their living location. This may be due to a placement, or completing one's study midway through the academic year. NZUSA supports the introduction of ss 43A-C as it will give students an appropriate level of flexibility if their living situation needs to change during their studies.

Clause 26

- 3.8. NZUSA also appreciates the requirement for landlords to provide an itemised account of assignment fees to tenants if they reassign their tenancy. This ensures fairness and transparency for those who are required to reassigned their tenancies if their living circumstances needs to change. In addition, NZUSA recommends that information be available for tenants that stipulates average reassignment fees or rather introduce an assignment fee cap so that students who have never rented before are not taken advantage of. Those students will need a guideline of what are reasonable reassignment fees to expect.

Clause 27

- 3.9. NZUSA has always been a strong advocate for the Healthy Homes Standards. While we support clause 27 of the Bill in principle, the provision of information about a rental property in relation to the Healthy Homes Standard should either be accessible to tenants online, or landlords should be required to provide this information before the tenancy is signed. Students may be hesitant to request such information for fear that it may prejudice their chance of renting a property, or that the relationship with their landlord may be strained.

Clause 32

- 3.10. Students can be vulnerable tenants, as they often are unaware of their rights as tenants and typically trusting of their landlords. NZUSA supports the replacement of a 90 day termination notice for 'any other case' as currently set out in s 51(1)(d) of the current Residential Tenancies Act with a more specific set of requirements. We know that this will provide more security to student tenants and reduce the number of terminations that occur without good reason.

Clause 37

- 3.11. NZUSA understands the intent behind the introduction of s 55A but we urge the Select Committee to adjust this clause by tightening the definition of 'anti-social behaviour' because as it stands currently, it is too vague and will certainly lead to the eviction of reasonable student tenants. Many students are at a stage of their lives where they are discovering themselves, meeting new people, and experiencing life outside of their family home. It is reasonable to expect students to hold occasional gatherings or social events which are generally managed appropriately.
- 3.12. Clause 37 provides an easy option for landlords to terminate tenancies, and NZUSA believes this clause will disproportionately affect students. We understand that there must be a threshold for anti-social behaviour worthy of tenancy termination, but the likes of behaviour that, for example, causes more than minor alarm, is extremely wide and generous. We strongly recommend narrowing the definition of anti-social behaviour.
- 3.13. It is also important to consider that students often live with other tenants who they did not know before entering the tenancy. Clause 37 needs to consider that where one tenant is to have their tenancy terminated due to anti-social behaviour, this should not impact the other tenants by default. The onus should be on the landlord to specify which tenants were involved, and what anti-social acts they believe to have been performed. Reasonable students would be severely disadvantaged if their tenancy could be terminated due to the actions of fellow tenant who they do not have a close relationship with.

Clause 51

- 3.14. We know of many cases of tenant rights abuses that have gone unreported due to the fear of tenancy termination. NZUSA commends this Bill for enabling the Tribunal to grant a suppression order for the identifying particulars of any party provided it is in the public interest.
- 3.15. While we are hopeful that this change will make it somewhat easier for tenants to seek help for the Tribunal, NZUSA recommends that suppression orders automatically be given to tenants, unless it is in the public interest not to do so. By reversing the process for granting suppression orders, tenants will be more likely to report rental abuses and misconduct to the Tribunal with a lessened fear of backlash or blacklisting by their landlord.

Schedule 3

3.16. NZUSA believes the current maximum amounts for fines as set out in the new Schedule 1B need to be raised to ensure that landlords are more likely to be disincentivised from engaging in unlawful acts. The current prices are set a maximum levels, meaning that it will be more likely for lesser amounts to be fined for breaches of the Act. In order to ensure renters' rights are upheld, students are not exploited, and students' mental and physical wellbeing is protected, the price of breaking the RTA needs to provide a greater deterrent than the Bill currently provides for.

4. Conclusion

4.1. Housing continues to be one of the major causes of stress and anxiety for students, who often struggle to find adequate housing and can experience a significant power imbalance between themselves and their landlords. NZUSA believes that this Bill will address many of the issues we have heard time and time again from our student communities in relation to renting.

4.2. As stated, NZUSA supports this Bill, and we have outlined the specific provisions that we believe are the most beneficial to student renters. We have also outlined some recommendations that will further ensure fairer and equitable outcomes for renters and landlords alike. Healthy homes, protecting renters rights and supporting wellbeing are all essential to the students of Aotearoa who rely heavily on the rental market in order to live. This Bill will help to support students during their studies and also the communities that those students will give back to.