April 2022

To Te Tūāpapa Kura Kāinga

Please find below DPA’s submission on the Regulation of Residential Property Managers.

## Disabled Persons Assembly NZ

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# Introducing Disabled Persons Assembly NZ

The Disabled Persons Assembly NZ (DPA) is a pan-impairment disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people to be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

* telling our stories and identifying systemic barriers
* developing and advocating for solutions
* celebrating innovation and good practice

# The Submission

Regulation of property managers is an extremely important issue for disabled people, as we explain in this submission. DPA is largely supportive of the measures proposed in this consultation to protect tenants but have some specific suggestions for changes to help improve protections for disabled tenants.

# Government Obligations on the Right to Housing for Disabled People

The right to housing is widely recognised as a basic human right, with the right to adequate housing recognised in the 1948 Universal Declaration of Human Rights, and in other international human rights treaties ratified by New Zealand including the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which DPA upholds as the minimum standard for our participation in society.

Below we list some of the other key articles of the UNCRPD relevant for this submission.

**Partnership with DPOs (Article 4.3)**

The implementation of the UNCRPD depends on a partnership between DPOs and the Government. This is highlighted in Article 4.3 which says governments shall consult closely with and actively involve disabled people, including disabled children, through their representative organisations.

**Right to Live in the Community (Article 19)**

Article 19 of the UNCRPD obligates signatories to “recognise the equal right of all persons with disabilities to live in the community with choices equal to others.” A key focus of Article 19 is an individual’s right to choose where they live as well as access to both disability support and mainstream services.[[1]](#footnote-2)

**Right to Adequate Standard of Living (Article 28)**

Article 28 states the New Zealand Government’s obligation to recognise the right of disabled people to an adequate standard of living, including housing and the continuous improvement of living conditions. It requires the Government to take steps towards safeguarding and promoting the realisation of this right without discrimination on the basis of disability.[[2]](#footnote-3)

### **UN Sustainable Development Goals**

Of the 17 Sustainable Development Goals, Goal 11 relates most to housing. It aims to make cities inclusive, safe, resilient, and sustainable.  One of the key targets is to ensure access for all to adequate, safe, and affordable housing and basic services

## **Domestic Obligations**

### **The New Zealand Disability Strategy (NZDS) (2016-2026)**

Outcome 3 of the NZDS promotes the importance of belonging to and participating in our community to reduce social isolation and increase our overall wellbeing. We can participate in community activities on an equal basis with others.[[3]](#footnote-4)

### **New Zealand Disability Action Plan (2019-2023)**

Under cross-cutting issues is *“Improve accessibility across the New Zealand housing system”.* It lists Ministry of Housing and Urban Development and Housing New Zealand as responsible for implementing and reporting on this issue.[[4]](#footnote-5)

## **Disability and Housing Conditions in Aotearoa**

Inadequate housing and poor housing conditions for disabled people in Aotearoa is the key reason why DPA is supportive of the proposal to regulate residential property Managers.

The New Zealand Disability Survey 2013 provides some insights into housing and housing conditions for disabled people in Aotearoa.

Key findings on housing from the Disability Survey include:

* Disabled people were more likely than non-disabled people to live in rental accommodation. 38% of disabled people rent their homes as opposed to 30% of non-disabled people.[[5]](#footnote-6)
* Disabled people were as likely to live in an owner-occupied home as non-disabled people but only because disabled people are on average older than non-disabled people and older people are more likely to live in owner-occupied homes.
* Disabled people were more likely than non-disabled people to live alone or in a couple-only household, reflecting the older average age.
* 25 percent of disabled people reported having difficulty keeping their home warm, compared with 18 percent of non-disabled people.
* 32 percent of disabled people with a physical impairment used building modifications (such as ramps and handrails) to improve accessibility to, or within, their home.
* 17 percent of people with a physical impairment had a need for modifications to their home to improve accessibility.

# Disability Discrimination in Rental Housing

DPA is aware that disabled people regularly face discrimination in accessing rental housing on the grounds of disability, for example because they use a disability assistance dog. We believe that the regulation of residential property managers has the potential to make a significant difference here.

While disability discrimination, including in housing, is covered by the Human Rights Act (1993) the unfortunate reality is that in practice this provision has had little impact for disabled people denied rental housing on the basis of their disability.

This is because although they can take a case of disability discrimination to the Human Rights Review Tribunal (HRRT) to seek redress, this is of little immediate value in a housing shortage – for while proceedings are ongoing the house will usually have been let to someone else and the disabled person, and potentially their family, are left homeless or inadequately housed. It is very difficult for someone in this position to have the capacity to seek redress as their energies and resources will be spent on trying to get housing.

DPA would like to see making non-discrimination against disabled people an explicit part of the regulatory framework which residential property managers must comply with. This would assist in preventing disability discrimination and would help create a more level playing field for disabled people to access adequate rental housing.

## **Minor Modifications to Properties**

Preventing residential property managers from unreasonably withholding consent to minor property modifications to properties will lead to better outcomes for disabled people. DPA is aware of issues such as disabled people not being allowed to fence part of a rental property to either keep a disability service dog in or to prevent a neuro-diverse child from running away. Such property modifications are minor and not only make the property better for the current tenants, but for future tenants. This is true of many accessibility modifications including: fitting flashing fire alarms, removing small steps etc.

# Continuing professional development for residential property managers

DPA is supportive of the proposal to require all licensed residential property managers to undertake 20 hours of professional development annually. We would like to see such training include disability awareness, responsiveness, and non-discrimination courses. From issues raised by our members, residential property managers do not adequately understand the living situations of many disabled people and this leads to discrimination, stereotyping, and abuse of disabled tenants. Some examples of this lack of understanding of the living situations of disabled people include:

• A property being leased to a single disabled person, who has caregivers stay over some nights

• A flat share of a group of disabled people who provide support to each other

• Families who disclose that a child is neuro-diverse and don’t get the property because of stereotyping that the child will damage the property

• Service animal users being denied tenancies because of a lack of understanding of the law around service animals

• A misconception that disabled people are unable to maintain the property and therefore they are denied tenancies.

## **Property Inspections**

Many renters feel uneasy about property inspections. However, for disabled people who require disability home support, this uneasiness can be significantly greater. For example, a blind tenant has household support on Mondays and Fridays gets informed that the residential manager wants access to inspect the property on a Thursday. As it’s been several days since any home support has been, the blind tenant may be anxious that any mess in the property will reflect negatively on their tenancy. This situation is common for many disabled tenants. Hence DPA would like to see provision for disabled tenants to be able to ask for extra time before such an inspection or to request a specific day that the inspection is done on. .

# Conclusion

DPA is broadly supportive of the proposals put forward in the consultation paper on the regulation of residential property managers. We would like to see the following included

1. Discrimination on the grounds of disability explicitly prohibited in the regulations.
2. Professional development of property managers to include a compulsory disability component
3. Property managers expected to be more familiar with the range of living situations of disabled people, knowledgeable of the range of minor property modifications that may be needed, and supportive of such requests.
4. Provision for disabled tenants to be able to request extra time before property inspections or to be given more notice of upcoming property inspections.

1. United Nations (2006), UNCRPD Article 19, accessed 8 June 2020. Retrieved from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html> [↑](#footnote-ref-2)
2. United Nations (2006), UNCRPD Article 28, accessed 8 June 2020. Retrieved from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-28-adequate-standard-of-living-and-social-protection.html> [↑](#footnote-ref-3)
3. Ministry of Social Development (2016). *New Zealand Disability Strategy 2016–2026*. Wellington: Ministry of Social Development. [↑](#footnote-ref-4)
4. Ministry of Social Development (2019b). *New Zealand Disability Action Plan 2019-2023*. Wellington. Retrieved May 26 2020, from <https://www.odi.govt.nz/disability-action-plan-2/the-disability-action-plan/> [↑](#footnote-ref-5)
5. Statistics NZ (2013) Disability and Housing conditions. Wellington. Retrieved 4 June 2020, from <https://www.stats.govt.nz/reports/disability-and-housing-conditions-2013> [↑](#footnote-ref-6)