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**Rehumanising housing: an ecological understanding of the
landlord - tenant relationship.**

A thesis
submitted in fulfilment
of the requirements for the degree
of
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Abstract

2021 Aotearoa New Zealand is experiencing a housing crisis that is benefitting some while hurting others. In Aotearoa New Zealand it is estimated that 50 percent of the population are living in rental homes. While the nation is experiencing house prices accelerating at levels well beyond increases in income, the segment of society that are renting are being financially left behind compared to those who own property. It is estimated that the average Aotearoa New Zealand home-owner is 14 times as wealthy as the average renter.

This research follows the values and principles of community psychology, placing housing and tenancy in an ecological model. Systems thinking is drawn on to embed tenancies in the context with which they are occurring. Taking a social justice stance while investigating the broader aspects of tenancy, aiming to illustrate why a landlord chooses this business, how political ideology and policy plays a role in that decision. Further, using systems thinking to understand how the landlords' business and government policy play out in the lives of tenants, highlighting the inequality present in the life-worlds of tenants compared to home-owners.

This thesis uses of a range of methodological approaches that draw from social representations and phenomenological theory. A policy analysis is conducted as well as a detailed analysis of three interviews with a participant. The participant in this research is a landlord in Aotearoa New Zealand.

This research investigated the largely unexamined norms present in the tenancy relationship of the periodic inspection, the funding of the tenancy tribunal and the money held in bond during a tenancy and finds that there are imbalances of social justice for tenants. Among the findings it is shown that policy surrounding the tenancy arrangement is largely very old and circumstances have changed greatly, suggesting that a new Act is necessary. Ambiguity in the current Act has led to property management companies generating their own ideas about what property inspections are for. This has in turn led to a situation of intrusive surveillance of

tenants. New Zealand support services for tenants were found to be under-developed and should be increased to match the better overseas practices. At the same time it is argued that the term 'landlord' be professionalised and a code of conduct for that role written. These changes would likely allow for an improvement in the lifeworld and agency of tenants.

Underlying all these issues it is shown that the prevailing ideology of thirty years or more of neoliberalism in Aotearoa New Zealand has driven the policies that have led to the current situation. In relation to this element of the research process I also document my changes in thought as my own neoliberal tendencies were challenged and changed through my critical engagement with the practices of applied community psychology.

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The saying, it takes a village to raise a child resonates when I think about the past year of this thesis journey. For this thesis, it has taken my village to get us here. There is no doubt that without the ongoing support and encouragement I have been fortunate to receive during this process, and it is a process, I would not have been able to complete this project successfully. During a full-time thesis year, the difficulties that are normal were made even more difficult due to the Coronavirus pandemic. This thesis is a reflection of all those who supported me along the way, to everyone who helped in any way, I thank you.

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Chapter one: Introduction

According to the United Nations Declaration of Human Rights (1948) adequate housing for citizens of member nations, such as Aotearoa New Zealand, is seen as a basic human right due to the need of shelter for human survival. In Aotearoa New Zealand this ‘basic human right’ is met in a number of ways; in homes which range from those which are privately owned, through to rental accommodation owned by either private landlords, property companies, the state or community organisations.

While being a tenant may once have been a transitory life position, this is no longer the case and for many New Zealanders being a tenant may be a lifelong arrangement. The notion of ‘generation rent’ (Eaqub and Eaqub 2015; Short 2019) describes how renting has become a mainstay for many people in this country. However, this relatively recent development has seen a lack of protection for tenants in this arrangement, in particular in relation to the security of length of tenure. Therefore, in this thesis I focus on the tenant/landlord relationship against a background of relevant legislation and political and public discourse and argue that there is a need to develop the tenancy relationship towards a long-term agreement which would lead to more security of tenure and a more stable life for tenants.

In Aotearoa New Zealand the housing sector is made up of home-owners and tenants. The term homeowner will be clarified in a following section. The term tenant refers to a person or group of people who have come to an arrangement, normally involving a fee, for the use of a house for the purpose of living in it. In such tenancy arrangements the landlord may be a private person or company, or may be the state or regional government. In Aotearoa New Zealand, residential tenancy forms a part of the housing landscape, aiming to provide the human right to adequate shelter for those who are not in a position to purchase a home. The tenancy agreement provides an arrangement where a tenant can occupy a house that a landlord

owns. Tenancy, therefore, is founded on an inherent coming together of two parties. The tenant is paying for the "right to exclusive possession" (Short, 2019, p. 4), while the landlord has ownership of the property (Short, 2019).

I am a former property investor and residential landlord. In early 2008, I gave notice to the tenant living in my last remaining rental property, of my intention to sell the property. I have long held an interest in housing and property. My history as a landlord and as a tenant has informed my interests in housing as an investment. This interest formed the basis of knowledge about tenancy, a knowledge that has also been informed by my journey through undergraduate and postgraduate study at University, which together, brought me to researching tenancy.

While researching and writing this thesis, I challenged myself to understand the competing ideas of my capitalist history and my newfound understanding of social justice. The challenge was to defamiliarise myself from the taken-for-granted views and norms that underpin the private rental market in Aotearoa New Zealand, which I am researching in order to understand tenancy in a systems model. Using a social justice lens to examine the tenancy arrangement, I draw on accounts from an Aotearoa New Zealand landlord and attempt to understand how a current landlord perceives their role within the context of housing. Using community psychology as a theoretical perspective for this research provides the tools and models to connect the participant's accounts to the broader tenancy arrangements, working to contextualise the participant's account within the broader political climate. By focusing on the landlord and tenant relationship, including the policies and legislation that govern and mediate the relationship of tenancy, I seek to highlight the contradictions that exist in current housing related policy. These contradictions are working to increase social justice issues, which will be shown through this research as a driver of inequality in Aotearoa New Zealand. Residential landlords are a major player in the private market for housing provision in Aotearoa New Zealand today. Throughout this thesis I will highlight how the current private landlord model

is problematic due to investment being the main focus and drawcard for this group. Being a landlord means engaging in a contractual relationship with a tenant. However at present in Aotearoa New Zealand, there is no professional body and no agreed upon code of conduct for landlords which means there are limited safeguards in place to ensure the parties on the contract are doing what is fair.

The critical question that underpins this research is; how is residential tenancy in the private rental market operating in the context of the 2021 Aotearoa New Zealand housing crisis? The housing situation in 2021 in Aotearoa New Zealand is classed as a crisis, by scholars, by politicians and by the United Nations (Farha, 2020; Howden-Chapman, 2015; Johnson, et al., 2018; White, 2020). The Aotearoa New Zealand housing situation is complex and encompasses politics, society, culture, health, inequality and social justice. Due to the human need for shelter, issues related to housing fundamentally affect human lives. Research evaluating the rising cost of housing in Aotearoa New Zealand has shown it to be unaffordable for many people (Urban Reform Institute, 2021).

This introduction chapter identifies many aspects of the housing crisis that culminate together to create an entrenched social justice and human rights issue (Farha, 2020). The identification of contributing factors in the housing crisis provides the basis for this research. The specific interest of this research is the tenancy relationship between landlords and tenants, and the policies that surround this relationship. Yet, this relationship does not exist in a vacuum; hence, I start by examining the societal situation that has led to the present housing crisis. Given that home-ownership numbers are falling, the number of people in tenancy arrangements continues to grow (Johnson et al., 2018). Therefore, it is necessary to understand the context of housing to examine whether the current Residential Tenancies Act (1986) is serving its purpose as the legal foundation for the landlord-tenant relationship.

This thesis draws on the theoretical lens of community psychology to examine residential tenancy laws and processes. In line with a community psychology approach, I first prioritise ecological systems thinking to understand how the current housing situation in Aotearoa New Zealand is affecting people's lives (Trickett, 2009). Secondly, the social justice imperative of community psychology is reflected in my adoption of the human rights objective that all humans have a right to shelter (Farha, 2020). Understanding the Aotearoa New Zealand housing market from an ecological systems perspective (Trickett, 2009) provides a way to make clear the complex interactions occurring in the housing situation. It is imperative that Aotearoa New Zealand produces positive change toward realising adequate housing as a right (Farha, 2020). To do this, we must take a broader view, which considers policy, free markets, government interventions, housing quality, affordability, security of tenure and the drivers of inequality. Central to all of these factors is the impact housing has on people's everyday lives.

Community psychology provides the appropriate tools to identify the complex issues surrounding housing, allowing the researcher to identify the problems and work towards addressing the underlying causes of the housing crisis (Nelson & Prilleltensky, 2010). Community psychology, and therefore this thesis, is action-focused (Nelson & Prilleltensky, 2010). In the following quote, Trickett (2009, p.396) illustrates why community psychology is well placed to investigate residential tenancy:

From its “official” origin in 1965 (Bennett et al. 1966), community psychology has been guided by the dual objectives of understanding people in context and attempting to change those aspects of the community that pollute the possibilities for local citizens to control their own lives and improve their community.

Clarification of the term home-owner

To provide a clear basis of understanding, it is necessary to clarify the terms ‘home-owner’, ‘landlord’ and ‘tenant’, as they appear in this thesis. The familiar term 'home-owner' is an

aspiration, rite of passage and marker of success for many New Zealanders (Eaqub & Eaqub, 2015). Yet, this term is problematic since it does not distinguish between those who have a free-hold house to live in and those who ‘own a home’ in the legal sense, but have a loan against the house and potentially little or no equity; the mortgagor. Due to rising house prices, the second group are growing in number, and some may never reach the point of actually owning free-hold the property they have purchased (Eaqub & Eaqub, 2015). Some landlords are private home-owners who have chosen to use a house as a rental property for others to occupy. Some landlords are community housing trusts. The state is also a landlord, as are some city and district councils.

As suggested above, many people who are commonly referred to as a home-owner, are mortgagors. That is, their ‘ownership’ is subject to a mortgage, a debt to a financial institution or other lender to whom they make regular payments.¹ For this thesis, I will use the term home-owner as it is widely used in society. Therefore, the term home-owner and landlord are used in a general sense to encompass both those who are mortgage-free and those who own a portion of a house with assistance from a financial institution. The term tenant does not exclude someone from being in the home-owner group, as a tenant of a rental house may own another house. However, for this thesis, the term tenant is used to describe those in a formal tenancy arrangement. The two groups are not mutually exclusive.

Tenure in tenancy

People need a stable base in which to live, plan and enjoy life. Disruptions to the stability of a home will lead to disruptions in many other aspects of people's lives, such as connection to community, work and schooling. Tenure in tenancy can be understood as the stability of the

¹ Depending on the contract between lender and borrower, the payments are either interest on the amount borrowed or a combination of interest and some repayment of the amount borrowed.

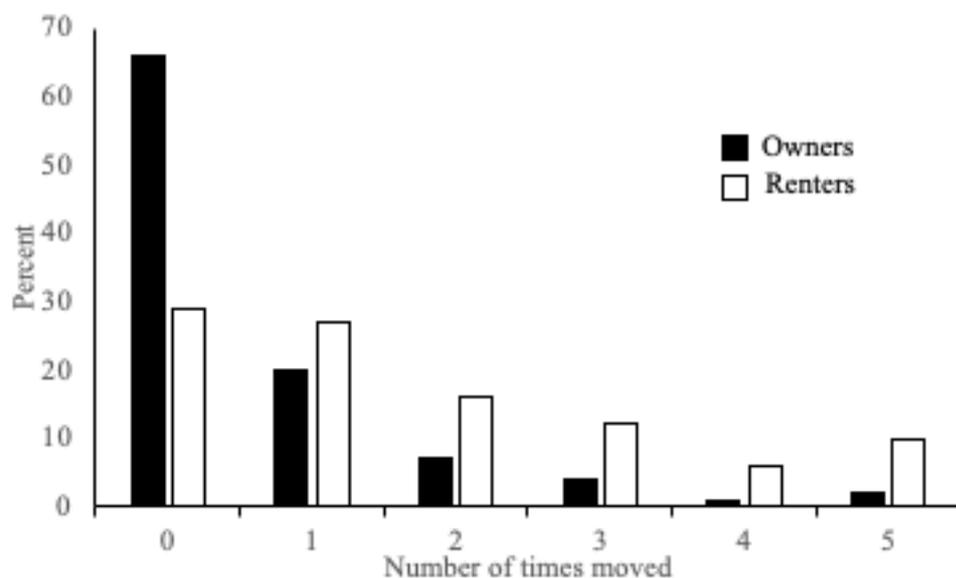
arrangement between the owner of the property (landlord) and the tenant who occupies the property (Hulse & Milligan, 2014). The security of tenure for those living in rental homes in Aotearoa New Zealand is a central concern to ensure that tenancy is not disadvantaging those living under these arrangements. The *Growing Up in New Zealand* longitudinal study, launched in 2008, has shown that over half of families living in private rental homes had moved at least once in the nine months following the birth of a child, compared to less than one in five for home-owners (Johnson et al., 2018). This example highlights the insecurity of rental tenure outcomes compared to home-ownership.

The importance of tenure in tenancy can be illustrated by considering the scenario where a tenancy ends, and no suitable residence is available within reasonable proximity to the prior tenancy. Moving may require a longer commute to the place of employment or changing jobs or moving schools. Further, dislocation from the surrounding community is another important factor when having to move homes. An important consideration is the costs associated with moving home, such as bond payments, reconnecting utilities, renting a truck or trailer and taking time off work.

The Statistics New Zealand (2018) *General Social Survey* found that tenants of rental homes had moved on average 1.9 times in the five years prior to the survey, whereas home-owners had moved on average 0.7 times. This research confirms the argument that tenancy is a much less stable arrangement than home-ownership. Moreover, the survey found that nearly 10 percent of renters had moved five times or more in the same five-year period (Statistics NZ, 2018). The same research also found that less than 30 percent of renters had remained in their home for the same five-year period. In contrast, for home-owners, it was more than 65 percent. From looking at Figure 1.1, it is clear that tenants are moving home far more frequently than homeowners.

Figure 1. 1

The proportion of the population by the number of houses moves in five years, comparing renters to home-owners².



The level of disruption to the living situation for tenants identified in the Statistics New Zealand (2018) research is likely to have many secondary effects on the lives of those dealing with this disruption, especially if the moves are involuntary. Financial, social and time costs can mount up. Asking a friend to help you move house may be okay once in a while, but these costs, financial and otherwise, will take their toll on those moving so frequently.

The basic right to housing

² *Note.* This figure was produced by Statistics New Zealand (2018) and is reprinted here to show the number of house moves for renters compared to home-owners over five years.

to express their cultural identity (United Nations, 2009). The homemaking process transitions the shelter into a home and enables the occupant(s) of the house to make meaning of the space and create the home environment (Doyle, 1992).

In 1948, the United Nations (UN) released the Universal Declaration of Human Rights (United Nations, 1948) and defined human rights as "universal rights for all human beings". The United Nations state that all humans shall be entitled to rights allowing for freedom from discrimination, regardless of nationality, language, religion, ethnicity, race or sex (United Nations, 1948, art. 21.3). Further to this declaration of human rights is the right to shelter, provided under international human rights law. The United Nations define the right to shelter as the right to live in peace and with dignity, free from discrimination in adequate housing that is culturally appropriate for the occupants (United Nations, 2009).

In 2015, the United Nations established the Sustainable Development Goals (SDGs), consisting of 17 goals with 169 targets (The United Nations, 2015). Section 11 relates to sustainable cities and communities, with section 11.1 mandating that the right to adequate housing is required by 2030. However, the 2030 timeline does not mean that all people must be housed by this date. It simply means that steps must be taken to do what is reasonable, utilising the resources available to make adequate housing (as defined by the UN) a reality. For instance, governments are expected to produce policies that will work toward adequate housing for all. At the time of writing this thesis, the 2030 timeline is only nine years away. Hence, the Aotearoa New Zealand government has some urgency to continue to take action to meet this requirement (Farha, 2020).

In Aotearoa New Zealand, the fiscal and economic capacity exists to meet the UN SDG 11.1 requirements (Farha, 2020). Further, Aotearoa New Zealand is a member nation of the UN, and has agreed to the Sustainable Development Goals (SDGs) (Farha, 2020). Given this context, the failure to reach SDG 11.1 reflects a lack of political and social motivation for

providing basic human rights for Aotearoa New Zealand citizens. The SDGs were signed in September 2015, which commits the Aotearoa New Zealand government to the goals through domestic action and international leadership. As a nation, Aotearoa New Zealand is doing poorly on ensuring adequate housing for its citizens, which is reflected in the entrenched nature of social issues such as homelessness, affordability, housing quality and strength of housing tenure (Farha, 2020; Johnson et al., 2018).

The requirement to meet the right to shelter (SDG 11.1) will manifest itself differently from country to country. For example, in areas where mass urbanisation has resulted in large slums (United Nations, 2003), perhaps the target of housing the population is more challenging. Progression towards the goal will require more infrastructure investment to supply appropriate housing for all residents, thus slowing down the ability to reach the goal by the scheduled timeframe. However, in more developed parts of the world where the challenges are not as entrenched, there is an expectation that governments will deploy as many resources as possible to achieve this goal.

Aotearoa New Zealand and the right to housing

On 19 February 2020, the United Nations issued a report on the right to adequate housing in Aotearoa New Zealand (Farha, 2020). The United Nations commissioned this research to understand how Aotearoa New Zealand is tracking towards ensuring the right to adequate housing by 2030. The report found Aotearoa New Zealand lacking in several key areas suggesting that there is still more that governments needs to do to meet the right to shelter by 2030 (Farha, 2020).

Identifying the issues of housing in New Zealand

The current Labour government, elected in 2020, has pledged to solve the housing crisis (Labour, 2021a). Key initiatives, such as the Aotearoa Homelessness Action Plan 2020-2023 (Ministry of Housing and Urban Development Te Tūāpapa Kura Kāinga, 2020) and the Residential Tenancies Amendment Act (2019), aim to improve the housing situation in Aotearoa New Zealand. The issues at the heart of the Aotearoa New Zealand housing crisis have been identified in the United Nations report as:

... high rates of homelessness, inaccessible housing stock, unaffordability and escalating rents, substandard conditions including overcrowding, a lack of security of tenure for tenants, and lack of social, affordable, and community housing for those in need ... (Farha, 2020, p. 3).

The majority of concerns outlined above by Farha (2020) connect directly to residential tenancy. Hence, it is essential we investigate ways to improve on the housing related issues and challenges identified in the United Nations report.

Inequality

Inequality incorporates the unequal distribution of power, rights, income, resources and education (Wilkinson & Pickett, 2017). High levels of inequality have links to poor health and societal outcomes, which means that the further down the social ladder a person is, the worse the outcomes. Nonetheless, it is not only more impoverished individuals who are affected by inequality, since more unequal societies have worse outcomes for all members when compared to outcomes for people living in more equal societies (Wilkinson & Pickett, 2017).

Inequality is commonly measured and discussed using the Gini coefficient, which is calculated by comparing income distribution across a population (Sen & Foster, 1997). While a reasonable measurement tool, by focusing on income, the Gini coefficient fails to measure

other important ways people generate wealth, such as accumulating assets (Sen & Foster, 1997). Rashbrooke (2015) describes income as a stream flowing into a reservoir. Each week or year, the excess from the stream flows into and is stored in the reservoir, the reservoir is wealth. Therefore, wealth is the accumulation of assets, such as bank accounts, company stocks, houses, vehicles and intellectual knowledge (Rashbrooke, 2015). When wealth is added to the understanding of inequality, including income and wealth together produces a more accurate account of inequality. In Aotearoa New Zealand, inequality has risen to the extent that 10 percent of the population have more than 50 percent of the wealth (Rashbrooke, 2015).

A helpful framework for understanding how inequality can affect people's lives is the capabilities approach (Sen, 1999). Using the capabilities approach Sen was able to refocus the discussion of 'freedom to' by connecting freedom to, to something a person is actually capable of, given the circumstances of that person's life. Sen (1999) was concerned that focusing just on income measures of poverty is problematic as the true extent of wealth and poverty can be hidden.

Sen (1999) was also critical of poverty reduction measures that treat everyone the same. Clearly, different people and households have different needs. Also, contexts can vary. In some contexts, one needs more money to survive, while in others, money is less important as there are other ways to meet needs. The goal, according to Sen, is to balance out the opportunity for individuals to achieve a meaningful life, producing equity. Equity of opportunity would be achieved by creating policies that work to balance disadvantages generated by circumstances (Sen, 1999).

Inequality and housing

Using the capability approach, we can understand how a person's circumstances at birth can impact their ability to achieve a meaningful life. In the case of home-ownership and tenancy in

Aotearoa New Zealand, a home-owner is on average 14 times more wealthy than a tenant (Statistics New Zealand, 2020b, pg 47). Home-ownership is creating a wealth polarisation in Aotearoa New Zealand. Those born into a family that owns property are more likely to own a house. Thus, people born into a home-owner household are starting from a different position compared to those born into a family that does not own property. Some wealth differences may be inevitable in society, but the policies that work alongside these circumstances are currently providing systemic advantages for those who have access to home-ownership (Leijten & Bel, 2020). If home-ownership and tenancy were to produce similar outcomes for people, then there would be greater fairness. Further, tenancy has many systemic disadvantages in Aotearoa New Zealand given the current arrangements when compared to home-ownership (Eaqub & Eaqub, 2015). The escalation of wealth inequality and property speculation has coincided with the development of policies and practices that arise from neoliberal economic and political thinking (Leijten & de Bel, 2020).

Neoliberalism

Neoliberalism is an ideological framework that has had strong influences on the current political and economic systems in Aotearoa New Zealand (Hackell, 2007; Kelsey, 1993, 1997, 2002). Neoliberalism expresses itself differently depending on the nation where it appears (Harvey, 2005). Neoliberalism promotes the free market, following an ideology that a properly functioning market needs very little regulation. The free market is a supply and demand economic system, allowing individuals to make market decisions with little or no regulation, assuming rationalised decision-making and abiding by the laws and regulations of the state. As a result, the primary role of government is restricted to the narrow tasks of ensuring market exchanges are 'free' and to secure property rights (Harvey, 2005).

Underpinning neoliberalism is the promotion of competitive individualism and the concept of the entrepreneurial self (Dilts, 2011). To be successful in a neoliberal society, a person must better themselves through work, productive activity, and astute financial management. Neoliberalism also allows for success or failure to be solely attributed to an individual. Thus, if things go well, that is our doing. If things go poorly, that is equally our own doing. Such assumptions reflect the Just-world hypothesis or Just-world fallacy (Lerner & Miller, 1978), which argue that a person's actions will bring about morally fair consequences. The idea is that people get what they deserve, so if an individual is suffering an inability to meet their needs, they must have done something or not done something to deserve this outcome. Accordingly, if an individual achieves massive gains in wealth, then they deserve these gains. These perspectives focus on the individual, and they disregard the broader political, economic and circumstantial explanations for why an individual may fail or succeed.

A further point to consider is that differences in income within a society affect how members of a society interact and relate to each other (Wilkinson & Pickett, 2010). Accordingly, a more equal a society tends to have better outcomes in health, education, life expectancy and mental health, whereas a less equal society tends to have worse outcomes (Wilkinson and Pickett, 2010).

Economic success under neoliberalism

What is economic success in Aotearoa New Zealand today? The notion of success will vary from individual to individual, dependent on the cultural context. In common with other neoliberal societies, Aotearoa New Zealand's recent political ideology promotes economic independence as a value of success, (Crowley & Hodson, 2014). Given the neoliberal promotion of individualised success, taking advantage of policies that encourage residential property investment is a legitimate course of action to reflect that one is doing the right thing.

In the current political and economic Aotearoa New Zealand context, the largely unexamined norms are that one should aim for success. As a result, property investment is perceived to be an excellent economic strategy to achieve the success that some in society desire (Leijten, & de Bel, 2020).

Neoliberalism and housing

The current housing crisis in Aotearoa New Zealand is fundamentally a political issue contextualised by a history of neoliberal economic thinking. Under neoliberalism, one of the main tasks for the government is securing property rights (Chwieroth, 2010). In contradiction to the neoliberal claims of the shrinking of the state, the Aotearoa New Zealand government has spent a sizable amount of the annual budget on issues related to property, such as the appropriation of 2.1 billion dollars to fund the accommodation supplement for the 2019/2020 financial year, the accommodation supplement is a payment made to people with unaffordable housing (see page 68) (New Zealand Treasury, 2019).

Today's political ideas informing housing policies in Aotearoa are not solely defined by neoliberalism, but reflect various shifts of political ideologies in history. In Aotearoa New Zealand, following World War II, Keynesian economics prevailed and as a result the government was directly involved in the development of society, including the housing economy (Howden-Chapman, 2015). The adoption of Keynesian economics led to a stronger focus on social protection across the wider population, which led to the introduction of state welfare and state housing initiatives (Labonté & Stuckler, 2016). During this period, government intervention in the economy gave citizens access to affordable housing, which was enabled by recognising the social need for housing. Since the 1980s, following international trends, successive Aotearoa New Zealand governments have primarily shifted away from Keynesian economics, instead favouring neoliberal economics (Challies & Murray, 2008).

In the current context of neoliberalism, housing is increasingly being used as a wealth generator. This wealth accumulation strategy is discussed in the literature as the financialisation of housing (Leijten & de Bel, 2020). Accordingly, some people treat housing as an investment parcel that can be traded, like other commodities in the investment market, such as company shares or currency.

Globally, housing values have experienced boom and bust periods in a similar way to other speculative market commodities (Dieci & Westerhoff, 2011), which illustrates the speculative nature of the financialisation of housing. The 2008 global financial crisis was precipitated by massive housing booms in many countries around the world (Dieci & Westerhoff, 2011). A speculative market relies on the belief that values will rise, and in doing so, investors attempt to capture some of the expected financial gains of tomorrow, today (Bayer et al., 2020). There are two types of investors seeking to capitalise on housing speculation (Bayer et al., 2020). The first are the boom and bust investors who are in the market for the quick short-term profits offered in boom periods. The boom investor seeks to avoid being caught holding investments when a boom turns to bust. The second type of investor works on long-term gain. Their understanding is that the market will fluctuate in short-term cycles, but will generally rise in value over long periods (Bayer et al., 2020). The activities of a landlord can fit into both types of property investment.

Symbolic power

To better understand a complex issue in society, such as the housing crisis, it is essential to understand how media are able to frame issues and control the narrative that surrounds issues that affect people's lives in differing ways (Valenta, 2014). While some issues create a wide range of experiences, the Aotearoa New Zealand housing crisis has, broadly speaking, led to a divergence between two groups. On the one hand, some people, principally property owners,

benefit from the housing crisis, and, on the other, some people, principally renters, are being harmed by it. Media are often able to define issues in a way that works to support the narrative of a particular group (Hodgetts et al., 2020). The ability to define the dominant stance on complex issues, such as the housing crisis, is explained by the concept of symbolic power (Hodgetts et al., 2020; Valenta, 2014). The symbolic power of media then works to control the discussion around housing and what is considered important. As a result, the views that are privileged in this space are the views of those with the political power to promote the discourse that suits their agenda (Hodgetts et al., 2020).

The ability of people in powerful positions to use media to control discourse can be identified when looking at coverage of the Residential Tenancies Amendment Act (2019). Many media commentators have been quick to label the amendments as unfair. Mainstream media reports have tended to draw mainly on the views of landlords, rather than tenants. For example, a media article cited a spokesperson for a group of landlords who claimed that the amendments are "unworkable and vicious" (Harris, 2020). Other media reports have gone as far as to claim the amendments will cause landlords to sell their investments, thereby increasing the housing crisis (Satherley & Stanford, 2020, August 8). A news report from one of the leading commercial television channels stated that "landlords are under attack like they have never seen or felt before" (Garner, 2020). The leader of the National Party, which is currently in opposition government, spoke to a nationwide newspaper and described the amendments as "landlord bashing" (Young, 2020).

Depictions in the media, such as those discussed above, work to retain the symbolic power of elites, who seek to control the discourse by a process called cultivation (Gerbner et al., 1994). Cultivation is the process by which dominant groups utilise communication tools, such as media, to create distorted perceptions of society to favour a particular agenda. Usually, such agendas serve to hide and/or entrench unequal relations that may underlie the status quo.

With regard to the Aotearoa New Zealand housing crisis, the process of media cultivation influences the common understandings of the Residential Tenancies Amendment Act (2019). Consequently, only a limited perspective is offered to the public via media reports, which has the potential to fuel misunderstandings about the amendments and the issues they seek to address. This is how the dominant groups can cultivate a particular way of thinking about the housing crisis or tenancy. The process of cultivation allows elites, who are an advantaged minority, to set the societal agenda for the public through the use of media (Gerbner et al., 1994).

Another important aspect of power is the concept of 'gaze' developed by Foucault (1975). Gaze can be understood as the ability for a person to know they are being observed by those in a powerful position. While Foucault developed the idea of Gaze to describe the modern prison, the concept is useful when considering the norm of periodically inspecting rental properties. The inspection is carried out by those in a powerful position compared to the tenant, therefore the tenant comes under the gaze of power.

Hegemonic silence

The concept of hegemonic silence is useful when attempting to understand how powerful groups use symbolic power to mediate popular norms about groups and retain control of narratives. The use of symbolic power to align narratives of the general population with the ideals that work to support the elite produces a hegemonic silence (Sue, 2015). Hegemonic silence is a dynamic process that produces an inability to recognise structural inequalities as benefitting the elite, creating a cloak that covers the structural inequalities and actions of more powerful groups. The use of hegemonic narratives to cloak structural inequalities results in preserving existing power for those that can benefit from these structural inequalities (Hodgetts et al., 2017, p.47).

The Aotearoa New Zealand housing crisis has been a boom for property investors because they have experienced significant capital gains, producing access to capital with which to leverage further financial advantage. Any attempt from a government to regulate the property market is likely to impinge on the advantages that property investors have benefited from. Given this context, it is not surprising that those benefiting from this system want it to continue. Due to their increased wealth, property investors/landlords have the resources and means to lobby the government and have political influence. The concept of hegemonic silence is useful to understand why many of the media reports concerning the Residential Tenancies Amendments Act (2019) were from the dominant voices of landlords. The tenants' perspectives are the minority in the major media franchises reporting of the changes. Therefore, the views of the changes from the tenants' perspectives are largely unreported. Headlines such as "landlord bashing" (Young, 2020) being reported in mainstream media work to generate narratives that cloak the structural inequalities the amendments of the Act are attempting to address.

Social determinants of health and income inequality

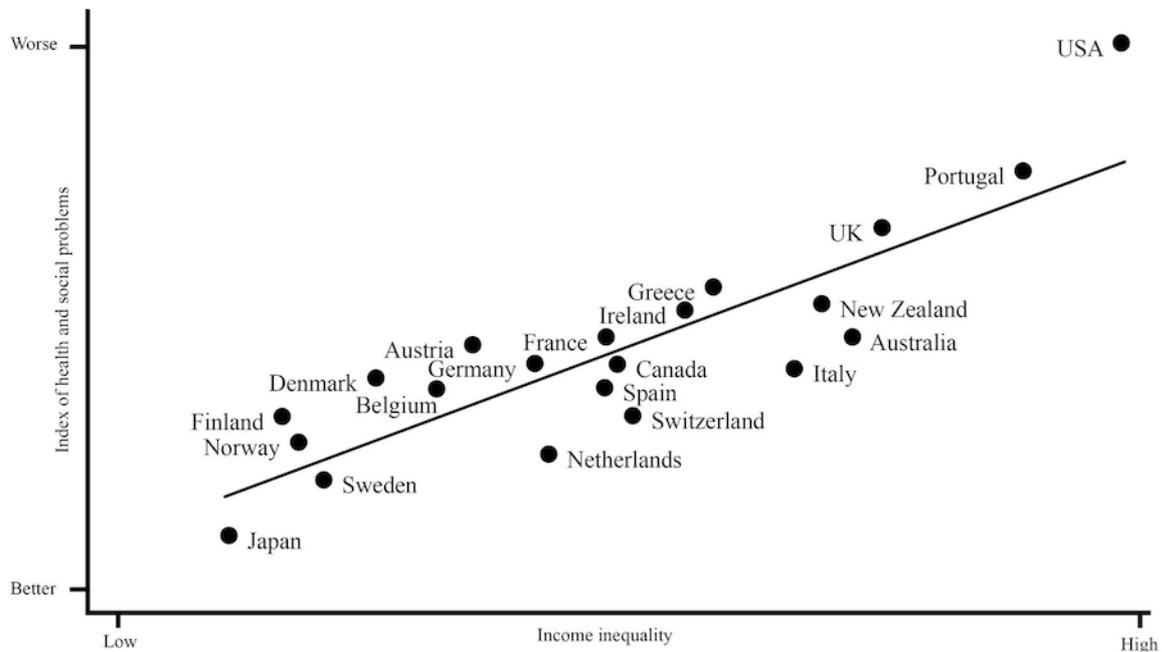
From a theoretical perspective of community psychology, it is important to examine the deeper origins of social issues so that one can understand and address the 'causes of the causes' (Nelson & Prilleltensky, 2010). This process of identifying deeper causes can be assisted by drawing on the concept of the social determinants of health. The social determinants of health clearly outline the connection between a person's circumstances, such as housing, education and employment, and health outcomes (Hodgetts et al., 2016). The social determinants of health provide a framework that helps explain how the distribution of power, money and resources are connected to the health inequalities evident in a society (Wilkinson & Pickett, 2010). The social determinants of health framework identifies how the financialisation of housing fits with

health outcomes more broadly. Given the way housing is currently operating in Aotearoa New Zealand, housing offers much more than simply shelter for those who are fortunate enough to be home-owners. The position of a home-owner provides access to housing as a wealth generator.

In developed nations, the health of the population and social problems have been connected to income levels. Someone with a higher income is likely to have better health than someone with a low income (Wilkinson & Pickett, 2010). Understanding outcomes as connected to income levels produces the concept of the social gradient (Wilkinson & Pickett, 2010). Wilkinson and Pickett (2010) used average income data to group people in a society and then compared these groupings to health outcomes and social problems in that same society. A linear relationship was discovered. The higher the levels of inequality, the more prevalent health and social problems become. This is an important discovery for two reasons, firstly it shows the connection between poverty, poor health outcomes and social problems. Secondly, this research also identified that the larger the difference in income is within a society, between the top 20 percent and the bottom 20 percent, the worse the health outcomes are for everyone in that society, when compared to societies where the gap between the bottom 20 percent and the top 20 percent is smaller (Wilkinson & Pickett, 2010). Figure 1.2 draws together hundreds of peer-reviewed studies to create an index of health and social problems, such as life expectancy, alcohol issues, imprisonment, and obesity. Figure 1.2 illustrates how the social and health problems experienced within a society are related to how equal or unequal that society is.

Figure 1. 2

Health and social problems related to income inequality, by nation³



Given the potential for property ownership to operate as a wealth generator for home-owners and not for those who are not home-owners, the findings by Wilkinson and Pickett (2010) connect why the financialisation of housing is a key issue for community psychology and show why it is essential that the income inequality produced by housing is managed.

Social justice relates to the way society allows for the distribution of power, rights, wealth, and freedoms (Mathison, 2005, p. 17). Due to the implications of inequality, a social justice approach would aim for fairness of the distribution of rights and obligations among members of society (Mathison, 2005, p. 17). Social justice is not about everyone having the same resources, since it is about ensuring that people's life circumstances do not limit their access to

³ Reprinted from *The spirit level. Why equality is better for everyone* (p.20) by Wilkinson and Pickett, 2010, Penguin Books. Copyright 2010 by Richard Wilkinson and Kate Pickett.

a meaningful life (Sen, 1999; Miller, 1999). When researching policy and structural issues, a social justice stance must be taken. Government policies should not reduce someone's ability to access a meaningful life. In the context of neoliberalism and rising income and wealth inequalities, it is more challenging to ensure just and fair outcomes for all within a society (Labonte & Stuckler, 2016).

One social justice aspect to consider is the significant increases in housing costs for tenants. In Aotearoa New Zealand, tenants are spending a higher percentage of their household income for their housing, on average, than home-owners (Johnson et al., 2018). While there are some controls on how often rents can be increased, since 2014, rental costs have gone up faster than wages and much faster than prices generally (Johnson et al., 2018, p. 11). Instead, the unexamined norm is that when a landlord's investment goes up in value, the rent can be increased to reflect this value, resulting in increased housing costs for the tenant. Increased housing costs are not the case for those who own their home, as the mortgage payments do not increase when the value of the home increases. The potential for increased housing costs for tenants is another way housing has become a driver of inequality in the context of the free market model used to set rents. When a person buys a home and draws down a mortgage, they know that, fluctuations in interest rates aside (these can also be fixed by terms), the mortgage payment will be somewhat set, and they will be paying down the associated debt. The tenant has no such guarantee, albeit a 12-month period before the rent can increase. Any increase in cost for the tenant is not bound to amenities, quality and location. Instead, rent rises are a decision made by those who operate these investments based only on how much they think the free market will pay for the use of their asset. The competitive individualism of neoliberalism is at play again here. If a landlord can get higher rent for their property, then this is regarded as a deserved reward. After all, neoliberal citizens are supposed to be responsible adults and take care of themselves. The growth in capital provides a landlord with the justification to

increase the rent price, but it is the landlord receiving the gains in capital value. The increase in cost for the tenant is no assurance that the tenant obtains any extra benefits from the rise in what they pay to be housed.

The emergence of a new class system

Social class theory asserts that individuals are a member of particular socio-economic groupings if their economic interests are aligned with that class (Robinson & Kelly, 1979). The emergence of a new class system has been theorised by Standing (2014). Standing's work provides a clear understanding of how neoliberalism and globalisation have resulted in a powerful elite, who are not responsible to any particular nation, and who have been able to amass vast amounts of wealth in a historically short period of time. Billionaires, who are the top 0.001 percent of the global population, have access to massive resources (Standing, 2014). Standing (2014) has revised class theory to take account of new and emerging classes, such as the super-wealthy, and also the precariat as a large and diverse grouping of people with the shared experience of social and economic insecurity.

The precariat class is not part of the economically elite. The precariat is a fast-growing segment of society that have had rights systematically stripped. The precariat engage in so-called 'flexible' labour, where jobs may be temporary or hours may be unfixed and uncertain, producing instability in earnings. The instability of their employment means that they are subjected to labour that is not remunerated, such as the labour involved in preparing a job application, networking and form filling. The precariat rely on wages from labour and are not benefitting from non-wage benefits or passive incomes generated by assets. The precariat are living in economic uncertainty (Standing, 2014).

Equally important is the loss of political rights amongst the precariat. Due to the neoliberal ideology of reducing the state, dominant groups tend to view social welfare benefits

as a handout, to the undeserving poor and as working against the ideals of neoliberalism (Hodgetts et al., 2020). Those in the precariat must then prove they are needy and deserving enough to receive assistance from the State (Standing, 2014). Many of those living in tenancy will be part of the precariat: certainly, the housing in a tenancy is unstable, producing a precarity of housing tenure for this group. Many in the precariat labour market will not meet lending institutions' criteria, so they have few options but to rent and thus their housing will likely be formed under a tenancy agreement.

The tenant and the precariat

Tenancy has inherent uncertainty due to the dominant political ideologies underpinning the development of the Aotearoa New Zealand laws and policy settings for rental housing. Market trends for tenancy are commonly a one-year fixed term (Johnson et al., 2018). If the tenancy is without a fixed term, the Residential Tenancies Amendment Act (2019) requires a landlord to provide a good reason when issuing a 90-day eviction notice. The provision of a 90-day eviction notice means tenants living without a fixed-term contract can only really predict where they will be living 90 days into the future. The uncertainty of the longevity of the tenancy agreement in the current Aotearoa New Zealand context produces insecurity in the tenant's living arrangement. To realise secure tenure, people must have control over where they live, and this insecurity must be addressed for social justice to be realised in tenancy.

Home-owners and tenants, the emergence of two classes?

The home-owner and the tenant can be theorised as the emergence of two classes. Home-owners in Aotearoa New Zealand are on average 14 times wealthier than non-home-owners (Statistics New Zealand, 2020b, p. 47). The home-owner can access economic benefits that are not available to someone who is not a home-owner since the economic benefits are the passive

growth in the capital value of the home. If the economic benefits of home-ownership were small, access to them would not be a major contributor to inequality. Therefore, it would not be a driver of class division. However, as I will show, home-ownership is generating large gains in wealth via capital gains. Free-market economic thinking has been used to argue against any kind of regulation that would hamper investor activity in the property market. In many towns around Aotearoa New Zealand, houses are achieving more wealth generation in capital gains than many people in full time employment. I was not able to find records from other scholars or news reports of how this wealth generation strategy provides significant advantages for property investors compared to those who have to rely on waged labour as their primary source of economic gains. This gap in the academic literature, media and broader public discussions is why I have presented the worked example below. In this example, I use 2021 figures to compare the income from a 40-hour week on the minimum wage to the capital gains of the median house value in Aotearoa New Zealand.

The Aotearoa New Zealand minimum wage in 2021 is \$20 per hour. A person employed full time for 40 hours per week produces a gross income of \$800 per week. The individual tax rate, calculated using the online Inland Revenue calculator is approximately 19 percent (Inland Revenue Te Tari Taake, 2021), so \$800 less 19 percent tax equals a net income of \$648 per week, or \$33,696 per annum.

The Aotearoa New Zealand median house price in December 2020 was \$749,000 (REINZ, 2020). The 10-year average for capital gains in Aotearoa New Zealand is 10 percent (realestate.co.nz, 2021). Consequently, 10 percent of the average house price (\$749,000) equals an annual growth of \$74,900. In other words, if the house was a full time employee, working 40 hours per week, the pay rate is \$36 per hour, which is 75 percent more than minimum wage.

A common argument against treating capital gains as income, such as I have illustrated in the example above, is that capital gains from a property cannot be realised unless the property is sold. However, this is only partially true. If the house is sold, then any capital gains would be realised for the owner. Still, it is also possible to revalue the house and use the new valuation to draw a mortgage from a lending institute or, as is potentially more common, use the equity

as leverage to purchase another investment property. This is a way of accessing the capital gain that is not necessarily income in the traditional sense but is an advantage that those who are not home-owners do not have access to.

Not only are capital gains generating wealth for home-owners, but for landlords, the significant capital gains are also providing the basis for rental price increases as those buying into the market are paying ever higher prices, so for the investment to function the rent charged needs to reflect the high purchase price. In turn, this means that the tenant is always subject to the current market value of their house regardless of whether or not their income has increased. Meanwhile, a landlord who, for instance, purchased a house five years ago is still only subject to the market rate of five years ago, since the price they paid does not change.

Summary

Throughout this chapter, the broader context of housing and tenancy have been identified, showing how political ideologies have influenced the housing sector. Providing housing as a basic right forces the need to secure tenure for individuals and families as the impact of not doing so has many downstream effects. Highlighting how inequality is a hidden driver of poor outcomes amongst societies is key to understanding how the current housing crisis impacts people from all socio-economic levels. The identification of symbolic power to generate narratives that produce discourse is explained and used to differentiate how the present research aims to extend the existing understanding of tenancy. The present research seeks to remove the cloak of hegemonic silence from the tenancy arrangement. Having now explored the broad context of housing and tenancy, the following chapter narrows in focus to specific areas of the New Zealand context. The following chapter uses examples from overseas to illustrate the differences in the Aotearoa New Zealand housing and tenancy sector. It introduces specifics about the political interventions operating on the housing market and specifically the tenancy

arrangement, finishing with an exploration of the future direction for housing from political leaders in Aotearoa New Zealand.

Chapter two: History and context

This thesis involved a qualitative study, aiming to understand how tenancy is operating in 2020-2021 in Aotearoa New Zealand. Following this thesis's community psychology theoretical perspective, it is important to consider the broader context, including the political, historic, cultural, social, and material situations where housing issues and tenancy occur (Howarth et al., 2013). Understanding the historical aspects of social problems is essential to addressing the present-day expressions of these problems (Nelson & Prilleltensky, 2010). Broadly, the current New Zealand housing situation has a historical basis, which suggests that the history of housing in New Zealand is present in the context of tenancy today. Hence, this history needs to be understood. The value of a historical understanding is that it provides a way to defamiliarise ourselves from the current context and hegemonic norms, to critically analyse the outcomes of the current tenancy arrangement as a historically embedded practice (Nelson & Prilleltensky 2010).

Aotearoa New Zealand social housing, a brief history.

For the middle class, home-ownership and residential property investment have long been highly favoured mechanisms for accumulating financial assets and security (Hotten, 1894). In Aotearoa New Zealand, the 'Kiwi quarter acre dream' is a cultural narrative familiar to many New Zealanders, which speaks to the desirability of home-ownership and refers to a standalone single-story home on a quarter acre section (Eaqub & Eaqub, 2015). This narrative may have applied in the later half of the 1900s, but today very few homes in Aotearoa New Zealand are actually on a quarter acre section. Nonetheless, for middle-class Aotearoa New Zealand, achieving home-ownership and the associated aspirational myths are still deeply embedded cultural norms (Eaqub & Eaqub, 2015).

In the years following World War II, the state was involved in the financing, building and purchasing of residential homes (Howden-Chapman, 2015). The population pressures of urbanisation, high birth rates and migration had driven up demand in the cities. Access to low-interest state loans for those looking to purchase a home gave rise to the public-private partnership that the government was seeking to support. These arrangements allowed large numbers of companies to enter the market to produce housing (Howden-Chapman, 2015). The central government was also involved in the financial backing of regional councils to produce public housing, which provided modest homes for low-income people and families. These initiatives peaked in the 1980s, just before the adoption of a neoliberal economic framework (Howden-Chapman, 2015).

Social housing in Aotearoa New Zealand has seen many changes since the inception of the first programme in 1905. This first social housing programme was governed by the Workers' Dwelling Act (1905). However, it was not a great success as the rent prices were unaffordable for many workers at the time (Howden-Chapman, 2015). In 1935, the first Labour government managed to turn around the failings of earlier social housing efforts, and Aotearoa New Zealand saw substantial growth in social housing (Howden-Chapman, 2015). The first Labour government also established the Mortgage Corporation of New Zealand, offering low-interest loans to applicants who met the qualification criteria. Later, the National-led government of 1950 began a rent-to-buy scheme for tenants of state houses. The terms were favourable, with low deposit ratios and low-interest rates on loans backed by the government. The rent-to-buy programme was considered a success at the time, with many state homes purchased by the tenants (Howden-Chapman, 2015). However, a potentially unforeseen or unintended consequence was a reduction of state-owned houses, as the homes purchased by tenants were not then replaced with new social housing by the state (Howden-Chapman, 2015).

In 1991, a National government introduced a fundamental policy change that caused state houses to become subject to market rents, resulting in severe unaffordability for state housing tenants. These changes aligned with the shift towards neoliberal economic policies in the 1980s (Johnson, 2017). In 1999, the incoming Labour-led government responded to the growing concerns about housing unaffordability by removing the market rent requirement. Returning to income-related rent costs meant that those who managed to access state housing paid no more than 25 percent of their income on rent (Johnson, 2017).

Currently, state-owned housing is managed by the Crown agency Kāinga Ora – Homes and Communities (formerly Housing New Zealand). Kāinga Ora manage 67,364 properties across Aotearoa New Zealand (Kāinga Ora, 2020a). In December 2020, only 251 houses were vacant but ready to let (Kāinga Ora, 2020b), showing a very high occupancy level compared to the total number of homes managed. As of December 2020, there were 14,869 families on a waitlist to enter social housing (Community Law, 2020), showing a high need for affordable housing in Aotearoa New Zealand.

There are a little over 1.8 million houses in Aotearoa New Zealand (Statistics New Zealand, 2020b). Kāinga Ora manages 67,364 properties, which equates to just under four percent of the total housing stock. This four percent is meagre when compared to some parts of Europe. Table 2.1 shows the top three nations in Europe as having around a quarter to one third of total housing stock operated by the state. The situation in Aotearoa New Zealand, where the state manages less than 4 percent of the housing stock, remains a key issue when attempting to improve housing affordability.

Table 2. 1*Percentage of total housing stock provided by the state.⁴*

Country	The proportion of total housing owned by the state (percent)
Netherlands	32
Scotland	24
Austria	24
Denmark	19
Sweden	18
New Zealand	4

As Johnson (2017) identifies, those dwellings termed ‘state houses’ in contemporary Aotearoa New Zealand, are actually welfare houses. The application process for a state house is onerous and very narrowly targeted. As a result, these houses are allocated only to those in the most desperate need and at high risk of homelessness. State housing is no longer intended to provide housing for low-income people who may have achieved some modest measure of economic stability. Consequently, people who may have their tenancy reviewed can be evicted from state-owned housing if they start to improve their financial situation or no longer care for children below the age of 18. This means that all state housing is now a temporary intervention, rather than the state house being a solid basis to live a stable life. Evicting tenants may be, in part, due to the high need for affordable low cost (cost-income ratio) housing, as demand for these income-ratio priced homes has driven an explosion of the waiting list, highlighting the need for more affordable homes (Johnson et al., 2018).

In other nations, state-owned housing is not so narrowly targeted for people in poverty or severely in need. In just one example, during the 1960s, following mass urbanisation, the Swedish government implemented the Million Programme (Hall & Vidén, 2005), a residential

⁴ Source; Author. Data gathered from Scanlon, Fernández Arrigoitia & Whitehead, (2015).

building construction programme backed by the government. The goal was to build one million new homes to improve the affordability and quality of homes. At the time, Sweden had eight million residents, so this move by the state represented a large-scale intervention into the market (Hall & Vidén, 2005). These homes were built not just for those in extreme need but for all citizens.

Affordability of housing in Aotearoa New Zealand

Assessing housing affordability is of central importance to understanding how people living in a society are managing economically. For many people and households, housing will be the largest expense on their weekly balance sheet (Statistics New Zealand, 2019a). The closer the average cost of housing gets to the average income, the less money is left over for other necessities. Research conducted by Statistics New Zealand found that 1 in 10 people reported that the housing costs for their household were unaffordable (Statistics New Zealand, 2020a). A recent Demographia survey identified Aotearoa New Zealand as having severely unaffordable housing (Cox & Pavletich, 2020). Cox and Pavletich (2020) also found that, globally, Auckland is tied for the 6th least affordable city.

Affordability of housing is essentially a relationship between the cost of housing and the amount of income. Since 1990, the average house in Aotearoa New Zealand has increased in value by 430 percent. In comparison, over the same period, the average income has increased 125 percent (Grewar, & Mondria, 2020). This is a dramatic difference that helps to explain how Aotearoa New Zealand housing has become so unaffordable.

The lack of housing affordability has potential knock-on effects on the quality of the Aotearoa New Zealand housing stock for home-owners and tenants. An example of the impact of housing unaffordability was identified in research investigating a possible housing warrant

of fitness (WOF). The research found that 92 percent of the Aotearoa New Zealand homes inspected would have failed if a housing WOF was introduced. Some of the homes that participated in this research were owner-occupied, which shows a need for a housing WOF that goes beyond just tenanted houses. The authors of this study concluded that the participants who were experiencing poor quality homes were not able to improve the house due to the high costs of renovations and repairs combined with high levels of housing unaffordability (Chisholm et al., 2019).

The Accommodation Supplement

The Accommodation Supplement is a government initiative to help make housing more affordable in Aotearoa New Zealand (Mc Allister et al., 2019). It is a weekly social welfare payment administered by the Ministry of Social Development. The Accommodation Supplement is available for people who are citizens or permanent residents, 16 years or older, have accommodation costs, are not living in a Kāinga Ora house and have housing costs above a predetermined threshold (Work and Income, 2021). It is important to note that a person may be employed and still meet the Accommodation Supplement's criteria, since it is not exclusive to people receiving social welfare.

The Accommodation Supplement is received by around 11 percent of the population (Rea & Thompson, 2017). In the 2019 budget, the government allocated \$1.8 billion as a projected spend on the Accommodation Supplement. The Accommodation Supplement is the third largest social welfare budget in Aotearoa New Zealand (New Zealand Treasury, 2019).

Rea and Thompson (2017) found that for those receiving the Accommodation Supplement, on average, 50 percent of household income was being spent on housing, meaning that for some households, less than 50 percent of household income is left over for costs other than housing. Over the last decade, levels of unaffordability have risen for those receiving the

Accommodation Supplement (Rea & Thompson, 2017). The increase in unaffordability for people receiving the Accommodation Supplement is partly due to increases in rent prices for homes. Still, the maximum amount available under the Accommodation Supplement had not been adjusted for 10 years (Rea & Thompson, 2017), which has meant the supplement was unable to keep pace with the increase in housing costs. In contrast to this, the eligibility criteria for the Accommodation Supplement are reviewed annually (McKenzie, 2017).

Renting or owning

In 2021, Aotearoa New Zealand home-ownership rates are growing at half the rate of rental tenancy agreements (Statistics New Zealand, 2019b). Of the estimated 1,771,300 households in Aotearoa New Zealand, 62 percent are owner-occupied houses, 34 percent are rented, and 4 percent are homes offered at no cost by family or other arrangements (Statistics New Zealand, 2019b). These statistics show that a third of Aotearoa New Zealand housing stock is in formal private rental agreements, totalling approximately 602,000 houses. These houses, and the arrangements for occupancy, are therefore covered by the Residential Tenancies Act (1986).

While a third of houses are tenanted, the proportion of the population living under a tenancy arrangement is higher because tenanted houses tend to have a larger number of occupants than owner-occupied houses. Using 2013 census data, it is estimated that 50 percent of the Aotearoa New Zealand population live in tenancies (Eaqub & Eaqub, 2015; Johnson et al., 2018).

Home-ownership rates in Aotearoa New Zealand for Māori and Pacifica are lower than that of the broader population (Statistics New Zealand, 2016). Due to measurement issues with the 2018 census, the most recent data is from 2013. The 2013 census showed that home-ownership rates were 57 percent for Europeans compared with 28 percent for Māori and 19 percent for Pacifica peoples (Johnson et al., 2018). There is little to suggest that these rates will

have improved over the last eight years. These ethnic disparities are alarming, given the competitive nature of finding a tenancy and the potential for discrimination (MacDonald, 1986). Farha (2020) also identified a lack of adequate protection against discrimination in the Residential Tenancies Act (1986). Without concerted action, the ethnic disparities will remain entrenched due to the lack of protection from discrimination, the competitive nature of the Aotearoa New Zealand rental market, and the massive waitlists for state rentals. These three ingredients culminate to create what could be considered a perfect storm for the increasing numbers of tenants in need of a house.

Healthy homes

The standard of housing in Aotearoa New Zealand has been identified as a major public health issue (Bennett et al., 2016, p 405). Research indicates a strong relationship between the quality of the house and the risk of preventable illness, particularly respiratory disease: that is, the poorer the quality of the home, the more likely the occupants will experience preventable illness (Johnson, 2018; Howden-Chapman, 2015; Farha, 2020). In 2019, Aotearoa New Zealand had approximately 200,000 rental homes identified as unhealthy or substandard (Farha, 2020), representing around a third of all rental homes.

Research on healthy home standards has called for the implementation of a housing warrant of fitness (WOF) (Bennett et al., 2016). The introduction of a housing WOF would require houses to be inspected. Bennett and colleagues (2016) conducted research investigating how such a WOF inspection might work and what areas might be inspected to establish how healthy a home is and what could be done to improve the healthiness of the home. Bennett and colleagues (2016) found that the implementation of a WOF inspection would produce cost effective solutions to the problem of unhealthy houses. The research by Bennett and colleagues

(2016) gathers a substantial amount of recent research into healthy homes in Aotearoa New Zealand and produces a compelling basis for the implementation of a housing WOF.

Research investigating health outcomes and housing quality has contributed to the implementation of the Residential Tenancies (Healthy Homes Standards) Regulations (2019) that came into effect in July 2019. These new standards require full compliance for all tenanted properties by July 2024. The Healthy Homes Standards introduce requirements of minimum heating, ventilation, insulation, drainage and draft reduction for all properties intended for use as a rental home (Residential Tenancies (Healthy Homes Standards) Regulations, 2019). These standards are desirable to reduce the health risk to the occupants. Further, there are also likely to be energy cost savings, which will be of substantial benefit, given that many of the homes that are experiencing unhealthy living conditions are also low-income homes (Telfar Barnard et al., 2020). Those living in low-income households are more likely to be living in a low standard of housing and are also more likely to be unable to afford heating and other means of improving the healthiness of their home. This research highlights the complexities of the tenancy arrangement and related policy development.

The tenancy tribunal

In Aotearoa New Zealand, the Residential Tenancy Tribunal handles disputes between landlords and tenants. Residential tenancy involves two parties entering into a contract, a home-owner and a tenant. The home-owner has ownership of the house, and the tenant pays for the right to occupy the house (Residential Tenancies Act, 1986). As with most contracts, there are obligations on both parties, and there is potential for conflict. Systems for handling disputes are essential to meet the needs of both parties of the contract, given that renters are trying to meet a significant human need and landlords are trying to protect a substantial asset. The Tenancy Tribunal has been established to handle disputes that arise in tenancy (Farha,

2020). The Tenancy Tribunal hears around 20,000 cases each year. In 2018, 85 percent of claims brought to the tribunal were from landlords (Farha, 2020), and in 2016 the percentage of claims brought by landlords was 90 percent (Johnson et al., 2018). It is clear that renters seldom utilise the tribunal to resolve disputes.

As identified by Farha (2020), a potential tool for discrimination exists within the Tenancy Tribunal. Records of tribunal hearings are made available to the public via a search feature on a government website (<https://forms.justice.govt.nz/search/TT/>). This feature allows the public to search any name or address and retrieve results and judgements from the tribunal. This search feature can be used by landlords to identify if a potential tenant has taken a case to the Tribunal. Irrespective of the merits of the case, such tenants can be labelled as “troublesome” and have their application for a tenancy declined. This opportunity for discrimination against tenants that have filed a complaint with the tribunal may explain, at least in part, why few tenants bring a motion to the tribunal (Farha, 2020). However, following the recent Residential Tenancies Amendment Act 2019, applicants can now request to remain anonymous. Nonetheless, the search feature of the tribunal is still operating as of April 2021.

Due to how tenancies are arranged in Aotearoa New Zealand, tenants are aware of the power imbalance they experience, which is reflected in reported stress resulting from inspections and difficulty finding a suitable house to rent (Carr, 2019). There is now intensified competition for finding a rental home in all of the major Aotearoa New Zealand cities, according to online listings on Trademe, which is Aotearoa New Zealand’s largest property website. Demand for rentals has been increasing rapidly, in some areas as much as 50 percent from 2019 to 2020 (TradeMe, 2020). Another consideration is that some tenants may lack understanding of the rights provided by the Residential Tenancies Act (1986) due to the legal jargon that is contained within the Act. As one Aotearoa New Zealand Queens Counsel lawyer stated while discussing the Residential Tenancies Act (1986):

It would be good if ordinary members of the community could consult the law that affects them, and understand it (Burrows, 2003, p.1).

The above quote highlights the difficulty for an ‘ordinary’ citizen to decipher and be informed about the statutes of law acting on them. For the law to be effective in its intent, it must be understood by all parties concerned (Burrows, 2003).

Tax

Since the mid-1990s, successive Aotearoa New Zealand governments have incentivised investment into residential housing for use as rental homes. Part of the incentive relates to taxation. The formation of this tax policy is a decision by past and present governments that the state is not going meet the demand in this market. Historically, tax breaks were used to assist investors into the property market by lowering costs, and therefore improving the viability, of rental properties as a business. Tax law allowed investors to attribute losses generated by residential property held in what is termed ‘a loss attributing qualified company’ (LAQC), to offset income tax for the shareholders in that company (Freudenberg, 2008). This tax arrangement was designed to improve the financial viability of residential property investment for private people (Freudenberg, 2008).

From 2011 onwards, LAQCs were removed from the tax system (Thompson, 2011). As a result of the changes, losses made by a rental property are no longer able to be used to offset personal income tax obligations. Nonetheless, since 2011, the property investor and landlord have been able to claim the interest payment of loans on property as an expense and use this to reduce the income tax obligations of the property (Inland Revenue, Te Tari Taake, 2021a). In the days leading up to the submission of this thesis, the 6th Labour government has announced further changes to property investment regulations, including tax regulations to be phased in over the coming years. From the 2025-2026 financial year onwards, it is proposed

that there will be no provision for investors to claim interest payments on investment property loans as an expense against the income generated by the property (Inland Revenue, Te Tari Taake, 2021a).

Another critical element of the tax system designed to incentivise property investment is the ability to ring-fence losses generated by investment property to reduce the tax obligation, if any, from profits made by that investment in the future (Inland Revenue Te Tari Taake, 2019a). The rule could be considered a loophole in the case that if a comprehensive capital gains tax were to be introduced at a future date, historic losses could be kept, by ring-fencing, to reduce the tax payable on the capital gains.

The Bright-line property rule

In 2015, the National-led government introduced the Bright-line property rule. In the hope of cooling speculation in the housing market (Tsen et al., 2017), the rule initially stated that any residential home purchased with the intention of being anything other than the purchaser's main home (or inheritance) was subject to income tax if sold within two years of purchase. In 2018, the Labour-led government extended the rule to cover the period of five years following purchase (Inland Revenue, Te Tari Taake, 2021b). In 2021, further changes have been introduced, including extending the bright-line rule to 10 years (Inland Revenue, Te Tari Taake, 2021b). In addition to the change of the bright-line rule, the tax policy that allows investors to use interest payments on property loans to offset income tax has been changed, lowering the capacity to offset income tax each year and the ability to do so will ultimately be removed (Labour, 2021b, March 23rd).

2021 Housing announcement

Prior to the submission date of this thesis, the 6th Labour government announced a set of changes designed to improve the housing situation for first home buyers, alongside changes that seek to improve the supply of land and houses, and changes intended to cool demand (Labour, 2021b, March 23rd). Within the announced changes are alterations to the maximum purchase prices for those wishing to access the 'first home loan scheme'. The first home loan scheme allows the opportunity for first home buyers to access a five percent deposit, funded by the government, provided they earn under \$95,000 for individuals or \$150,000 for two or more earners. The mortgage is still subject to bank approval. Provided applicants meet the criteria, first home buyers will also be able to access the government funded first home grant of between \$5000 for an existing house or \$10,000 for a new build. To be eligible for the grant, the applicant must be a member of the Kiwisaver scheme (Kiwisaver is a voluntary saving scheme to save for retirement). The changes were released on April 1st 2021, and include lifting the caps on purchase prices of property for those applying for the first home loan and grant. The caps are set on a regional basis, with the variance reflecting the average house price in each region (Labour, 2021b, March 23rd).

Further changes announced include the implementation of a tax policy designed to increase the building of new homes. The proposed changes will allow developers that are building new homes to offset interest payments on loans for building against income tax, in the similar way that property investors have been able to do. Implementing this tax policy incentivises the supply of new houses by reducing the tax burden on the profits made by those who build houses (Labour, 2021b, March 23rd). Also among these changes aiming to increase supply is an allocation of 3.8 billion dollars to develop infrastructure. This fund supports land development for use as residential housing sites (Labour, 2021b, March 23rd).

Summary

This chapter has provided a brief overview of housing in Aotearoa New Zealand. Over the course of this research there have been multiple announcements about policy and law changes in the housing sector. This made it challenging to cover the topic, but also reflects the intensity and politicisation of the Aotearoa New Zealand housing crisis. The political context of housing is an essential basis for understanding how individuals are affected by, and are affecting, housing. In particular, the historical and political elements discussed in this chapter explain further how the effects of the rise of neoliberal thought discussed in chapter one, can be seen to have contributed to the current housing and societal situation in this country. In the following chapter, I introduce the methods used in this research. The chosen methods assist in connecting the many aspects of residential tenancies occurring in Aotearoa New Zealand with the broader contexts identified in these first two chapters.

Chapter three: Methodology

In this chapter, I illustrate the theories and frameworks used in this thesis to understand the many elements of the tenancy arrangement. The use of a community psychology framework allowed me to deconstruct of the complexities found in tenancy and to bring awareness to the many different aspects of tenancy. The goal was to answer the question, how is tenancy operating in the current context of the Aotearoa New Zealand housing crisis? Observing the topic of tenancy from different perspectives, this research incorporated a review of policy, interviews with a landlord and the reflections of an emic researcher, to produce a rich understanding of tenancy (Noble & Heale, 2019). The present research is qualitative. I arrived at this research with a sense of curiosity, no specific question, and no hypothesis to support or disprove. I simply wondered about the housing crisis and what role tenancy plays in the crisis. Had I aimed to use a quantitative methodology, I would have been required to specify a problem, form a hypothesis, test the hypothesis, formulate a theory and test the theory (Kosslyn et al., 2014). However, one thing that was clear from the early journal writings and the subsequent reflections was that I had a general sense of the relative position of disadvantage faced by many tenants in Aotearoa New Zealand when compared to home-owners and investors. This research therefore aims to bring light to the complexity of the tenancy arrangement, to use the spotlight of research to illuminate the many different aspects of tenancy that may at first appear to be separate, but are in effect interconnected components of an erratic, uneven and unequal housing market.

This research did not seek to extract themes, codes or variables from a large number of participants. Instead of breadth I sought depth in order to grapple with the complex and contradictory aspects of the tenant-landlord relationship. The tensions and ambiguities may have been lost if this research had followed one single method. Instead, it was more useful to draw on a range of methods and delve into the account from one participant and to situate their

lifeworld and experiences within the broader political, policy and media landscapes (Chamberlain et al., 2011).

Elements of this research;

- *Document analyses – Acts and Policy*
- *Media analysis*
- *Qualitative research with one landlord – which involved multiple engagements/activities*
- *Autoethnography – journaling- an ongoing process of recording thoughts*

Ontological and Epistemological perspective - Relativism/Realism

This research follows the philosophical argument that absolute truth is not out there in the social world, awaiting discovery. Instead, knowledge is socially constructed by people's experiences of the world (Moon & Blackman, 2014). This position fits within an ontology of relativism. However, this research does not subscribe to a complete relativist stance since it retains the belief that there are some truths in the world. Nor does this research subscribe to a complete realist approach due to the subjective nature of knowledge development (Gergen, 2009). The stance of critical realism offers the ability to resist being deterministic (Cruickshank, 2012). Critical realism allows for the understanding that social structures arise from human actions, and they also shape human actions (Cruickshank, 2012). The historical background that has shaped the present form of the Residential Tenancies Act (1986) has produced policies that limit and define the tenancy relationship. This research does not aim to generate a universal truth about tenancy laws and arrangements. Instead, the goal is to understand the complex arrangement of tenancy in the 2021 context of Aotearoa New Zealand.

Theoretical framework

Community psychology aims to understand the human experience from an ecological perspective and a social justice orientation (Nelson & Prilleltensky, 2010). As a sub-discipline in psychology, community psychology provides a theoretical framework in this thesis to analyse the social contexts and social conditions in which people reside (Riemer et al., 2020). In addition, the following theoretical constructs were used in this thesis: phenomenology, social representation, ecological perspective, and systems thinking.

Systems Thinking

Central to Community Psychology is the goal of retaining context when attempting to understand people and social processes (Nelson & Prilleltensky, 2010). Context is a difficult thing to be aware of when it surrounds us. This is reflected in the analogy of whether a fish can describe the water (Trickett, 1996) since how would the fish know it is in water? Systems thinking is a useful tool for generating a contextual understanding of a societal issue. Systems thinking shows how complex problems can be understood as being connected to other issues and can function both as symptoms or causes (Riemer et al., 2020). For example, homelessness involves a complex set of issues related to insecurities of material needs, such as housing, employment and food (Hodgetts et al., 2014). Unaffordable housing is a cause of homelessness, but this is not the only cause. In the case where unaffordable housing is a cause for a person becoming homeless, there may be other factors combining to drive the situation of homelessness. Utilising systems thinking enables researchers to connect the complexities of social phenomena, bringing the wider context of circumstances to the understanding.

Systems thinking is utilised during this thesis to retain the complexities of the context that surrounds the tenancy arrangement. A rental tenancy is not an isolated phenomenon, so it is impossible to remove tenancy from the broader housing system and investigate it isolated

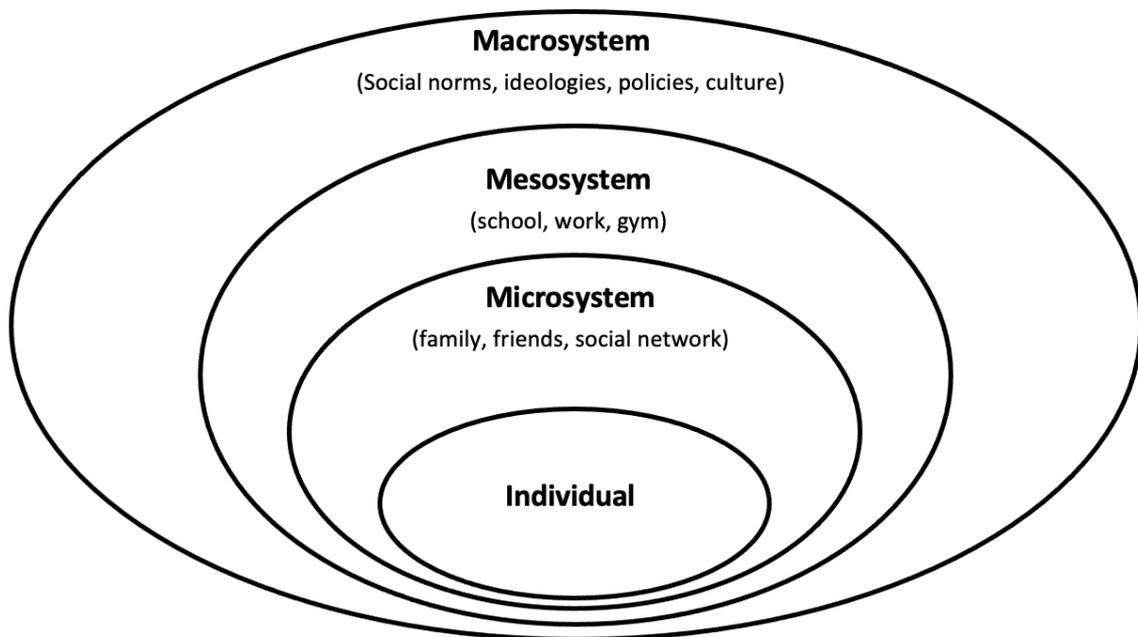
from the factors acting on it. To gain a valuable understanding of tenancy, we must understand the wider context and the multiple dimensions and processes surrounding this issue. In particular, we must aim to understand how political ideologies have worked to create the outcomes that are occurring and the underlying norms and interests.

Ecological model

Another helpful tool for understanding the dynamic and multilevel systems that influence human experience is Bronfenbrenner's ecological theory of human development (Bronfenbrenner, 1979), which is shown in Figure 3.1. The ecological orientation of Bronfenbrenner's model offers the ability to understand the complex interactions people experience within the communities and society they occupy. Nelson and Prilleltensky (2010) have adapted the ecological model for different levels of analysis (Nelson & Prilleltensky, 2010, p. 78). The ecological analysis framework has four rings or layers. In the centre, there is the individual, and then the model illustrates systems that act on the individual and on each other. The Microsystem contains friends and family and social network. The next system or layer is the Mesosystem which includes things such as school or work. The last system or layer is the Macrosystem which contains social norms that are embedded in culture, ideologies and customs.

Figure 3. 1

*Nested ecological levels of analysis.*⁵



Through the lens of the ecological model, the Residential Tenancies Act (1986) can be thought of as a culturally impacted intervention situated within the Macrosystem, acting on individuals and the other systems within the model. Due to the need for rental housing, the Residential Tenancies Act (1986) works to define the parameters of the relationship between landlord and tenant. However, tenancy law is also impacted on, and by, the Macrosystem. Culture, and therefore political ideologies and attitudes will influence the development of elements in the Exosystem, such as tenancy laws and policy. Further, the Microsystem is also impacted by the Residential Tenancies Act (1986), given that features existing within the Microsystem are proximal to the location of individual lives. This ecological model helps to

⁵ Reprinted here from *Community psychology. In pursuit of liberation and well-being*, 2nd ed (p.78), by G Nelson and I Prilleltensky, Palgrave Macmillan. Copyright 2010 by Geoffery Nelson and Issac Prilleltensky (1979).

show how the connections between political ideologies, power relations and culture impact persons and their communities.

Social justice

Community psychology aims to uphold social justice (Nelson & Prilleltensky, 2010). Social justice is not just an ideal; social justice promotes fairness and equity as important qualities for a well-functioning society (Barry, 2005). Using a social justice approach in this research means asking if the systems and policy surrounding tenancy fairly enable or constrain people's ability to access a meaningful life. A social justice approach provides a basis for identifying how life circumstances, not personal choice, needs to be understood. So, the focus of this research is on circumstances, not on choices.

The emphasis on social justice produces the need to focus on inequality, as inequality must be reduced for equity of opportunity to exist for people (Wilkinson & Pickett, 2017). An awareness of societal inequality can be seen as the driver of the development of the post-World War II welfare state in many nations around the world (Barry, 2005). This example of social justice policy can be understood as recognition by governments that the activities of capitalism were resulting in the unequal distribution of resources. That is, a portion of society could not attain adequate income, due to the nature of the capitalist labour market of the time. In Aotearoa New Zealand and other similar countries, the development of the welfare state, supported by higher levels of taxation, provided social support systems to redistribute the unequal accumulation of wealth. The redistribution of wealth by taxes and welfare is a social justice approach to the problem of low incomes. A social justice orientation stands in contrast to neoliberalism, since social justice is an alternative to individual self-interest and competition. Instead, social justice advocates a fair distribution of the resource, benefits and burdens in a given society. So, to fully understand social justice we need to shift from the preoccupation

with individualism to consider how humans are not 'lonely' thinkers, but are socially embedded beings. This means that all of our knowledge and understandings of the world are both personal and collective at the same time. Our thoughts are not simply our own, as they reflect the norms and common-sense understandings of those around us (Hodgetts et al., 2020).

Social Representation

The concept of social representations offers a way of understanding how so-called 'common sense' comes about (Moscovici, 2008). Described initially as a 'collective representation' by Durkheim (1898), the adoption of the new name of social representation by Moscovici relates to the further development of the theory (Némedi, 1995). The complexities of modern society have changed substantially since Durkheim first wrote about collective representation. The development of modern phenomena, such as globalisation and advances in technology, has brought cultural diversity into close proximity (Pieterse, 1996). The central argument remains from Durkheim's work that there is more than one way of understanding the social world.

Social representations emerge from the re-presenting of ideas a group has about an object or another group (Howarth, 2006). Social representations relate to knowledge held by members of society and illustrate how the knowledge held impacts interpretations of the world, beliefs and actions (Elcheroth et al., 2011). Because social representations are social phenomena, they are communicated by and impact on people's everyday social practices. Collective understandings are powerful forces and are able to influence people's everyday lives (Elcheroth et al., 2011).

Social representation theory provides a framework to help understand the common-sense meanings of the tenancy relationship and housing in the particular context of New Zealand today. The term 'housing' is complex, and there is a potential for differences in interpretation of what is meant when the term housing is used. Housing in the most basic form

is shelter. It is also a space where humans live, age, bring up children, relax and experience their everyday lives (Howden-Chapman, 2015). Housing is also an investment term when referring to the business elements of housing, so a suitable theory must be used to understand this complexity. For those who view housing as a home in which to live, their common sense understanding of the house will be different to those who experience housing as an investment parcel. The two groups are not mutually exclusive, and it is possible for a person to experience housing from both perspectives. This complexity is why social representation theory is a useful theory for understanding the different understandings of, and relationships to, housing. It is clear that housing can mean something quite different for landlords, homeowners and tenants. Given the distinct experiences of each group, it is important to reflect on the variations in people's lived experiences.

Phenomenology and interpretative phenomenological analysis

Our ability to understand another person's lived experiences is limited to varying degrees of comprehension (Smith, 2008), so the goal when working with people is to capture and interpret accounts as comprehensively as we can. Phenomenology has emerged as a framework for understanding the complexities of people's lived experience (Scanlon, 2002). The use of phenomenology in the present research follows an interpretative approach that seeks to explore deeper meanings, understandings and complexities that cannot be captured through the measurement of variables (Langdridge, 2008). Rather than reducing the complex human world to a set of measures, the focus is on the structures in society and the accounts from a participant. Phenomenology allows for the study of structures and experiences through systematic reflection (Langdridge, 2008).

An interpretative phenomenological analysis is used to understand how landlord practices are shaping and are shaped by the broader society that the landlord occupies. By

understanding the activities of landlords, we can better understand the society where these activities are taking place. The aim is to analyse human practices by keeping the contradictions and the complexity (Pietkiewicz & Smith, 2014). To understand the lifeworlds of landlords and the reasons they have chosen to be a landlord, it is crucial to take the context of their decisions and the systemic factors into account.

Interpretative phenomenological analysis allows this research to incorporate accounts from the multiple engagements with one participant/landlord with the broader context of policy and political ideologies prevalent in the participant's activities as a landlord. This research used interview transcripts and identifying quotes within the transcripts to connect issues and themes to broader arrangements in society. These methods allow for exploration of the participants' lifeworlds. I then combined this exploration with an analysis of policy and legislation to unpack the structures of society that inform my participant's account within the context of the society (Smith & Osborn 2015). The use of a range of methodological approaches that draw from social representations and phenomenological theory has enabled me to utilise 'methodological pluralism' (Chamberlain et al., 2011) for enquiry into the tenancy relationship, considering the topic of research from different perspectives, using methods that intersect to generate a broad and contextualised understanding of tenancy in 2021 Aotearoa New Zealand.

Policy analysis

Public policy exists to manage the enactment of political decisions (John, 2012). While the intentions of a policy may be straightforward, the outcomes from a policy can be varied, so it is essential that policy is reviewed to see if the intentions of the policies match up with the outcomes the policy is intended to produce (John, 2012). This thesis takes the stance that public policy should be fair and promote social justice. A policy analysis of three segments of the tenancy relationship governed by the Residential Tenancies Act (1986) was conducted, using

a lens of social justice. I aimed to understand the policies surrounding three specific aspects of tenancy: firstly; the periodic inspection of rental homes, secondly; the circumstances of the money held in the Residential Tenancy Trust bank account, held as bond within the tenancy arrangement, and thirdly; the funding of the Residential Tenancy Tribunal. The latter two issues are relatively undiscussed and are largely hidden aspects of the tenancy arrangement and, as such, need to be reviewed to ensure the policy is functioning fairly and promoting social justice.

During the early stages of this research, these three policy areas were chosen while reading literature on the housing situation in Aotearoa New Zealand, specifically the report by Farha (2020) and the report by Johnson and colleagues (2018). Both of these reports highlighted areas of policy related to tenancy identified as relevant to this thesis research. The process of looking at each of these policy processes felt like a detective's discovery of details that are hidden from view.

The Official Information Act (1982) allows anyone in Aotearoa New Zealand to request information held by government agencies. While looking through archives online, I came across an official information request response from Perenara (2018) (Appendix 5). The official information request by Mr Whitaker related to the details of the Aotearoa New Zealand residential bond lodgement service. This official information request provided the information for my analysis of the bond office trust account and the funding for the Residential Tenancy Tribunal. Following on from finding this official information request, I decided to make my own request. On 2nd December 2020, I filled in the request form, found online, and emailed it to the Ministry of Business, Innovation and Employment. The request asked for the following information:

I would like to know the total number of decisions made in favour of each party (landlord and tenant) and then a ratio of decisions for each party against the total decisions (Source: Author).

My request was transferred from the Ministry of Business, Innovation and Employment to the Ministry of Justice on 8th December 2020. The reason for this transfer was issued under section 14(b)(ii) of the Official Information Act (1982), due to the belief that the request was more closely aligned with the functions of the Ministry of Justice. I received a response on 26th January 2021 (Appendix 3) stating that the Ministry of Justice does not hold the information requested.

After hitting the dead end with this official information request, I first reflected on why I was curious about the decision split. I was primarily concerned with social justice and if the process is fair to all parties. Given the overwhelming number of claims brought to the tribunal by landlords, compared to those brought by tenants, I was curious as to how many of the claims were upheld, as a way of illustrating how fair this process is for tenants. As many of the claims are multifaceted, within a claim there may be some decisions upholding the claim and some that do not. Upon reflection, the answer to my information request was unlikely to produce a clear understanding. Reflecting on this led me to wonder what ways social justice can be upheld for tenants, which then led me to search for overseas examples of tenant advocacy services, as these services had been identified as under-developed in Aotearoa New Zealand already during this research.

This research was not a linear premeditated procedure, but a complex and at times perplexing undertaking. Yet, the dynamic nature of this research also meant I came across some unanticipated discoveries and new understandings.

Interviews and the social context during the writing of this thesis

The wider context of global and national events had an impact in disrupting this thesis. This research began in March 2020. A few weeks later, the COVID-19 pandemic grew to such an

extent that Aotearoa New Zealand went into a nationwide lockdown for four weeks, with restrictions continuing periodically throughout this research. The lockdowns had significant impacts on aspects of this project, including simple things such as working from home rather than from the university campus, which meant not having the camaraderie of other thesis students. The lockdown also disrupted the lives of potential participants making participant recruitment more challenging. There were practical hurdles to navigate, such as the ethics application process having two research plans, one in person and one online. On 29th June 2020, this research was granted ethics approval by the University of Waikato Division of Arts, Law, Psychology & Social Sciences Human Research Ethics Committee.

The uncertainty of planning and working on a project in the context of a lockdown, with no clear timeframe for when restrictions will be lifted, caused this project to be a lonely and isolated experience. The dislocation continued throughout much of the research, including interviews being conducted online. By the time I had successfully recruited a participant in August 2020, Aotearoa New Zealand had dropped back to level 1 of the COVID-19 response plan, so we were permitted to meet in person. However, the participant preferred the Zoom platform, as they are a busy professional with significant time commitments to multiple projects, many of which would have been impacted by the pandemic.

Recruitment

The recruitment for this thesis did not go as initially planned. In my initial ethics application, I proposed that I would recruit participants through a property manager who had previously expressed interest in the project. However, my efforts to pursue this recruitment method failed to yield a response, and not wanting to spoil my relationship with this acquaintance, I let that line go and moved on. I then applied to the ethics committee with a change towards using a more personal referral approach and found a willing participant through a contact of a contact.

In this research, I originally planned to work with two or three participants. While it is not possible for me to explain why recruitment was difficult, aside from the usual difficulties in getting people to give up their time to be a part of the research, there were the events that surrounded the COVID-19 pandemic, such as the lockdown restricting the free movement of the Aotearoa New Zealand population, and the economic impacts of the pandemic. Alongside the COVID-19 situation is the reality that the group this research was aiming to recruit from, landlords, are likely to be busy people who may struggle to find the spare time to commit to research such as this, especially when the research was asking for a four or five-hour commitment from a participant.

Thus there is one participant in this research. I have given her the pseudonym Martha. Martha is a professional middle aged woman, who together with her husband have invested in one rental property that they have owned for around three years. The property is managed by a third party management company.

Interviews

Face-to-face interviews were my preference for this research, but as per my ethics application and in the case that we remained in levels three or four of the COVID-19 response plan, online interviews were to be a suitable substitute. All three interviews were conducted and recorded using the Zoom online platform, as this was the participant's preference. Interviews are an ideal research tool to assist in gaining a deep understanding of the views and lived experiences of research participants (Knox & Burkard, 2009). The setting for the interview can impact the interview (Knox & Burkard, 2009). If there are others present in the space where the interview is being conducted, this could impact on the interviewer or the participant(s). It is best to conduct interviews in a private space where the participant and researcher feel comfortable discussing the matter related to the interview. In traditional face-to-face interviews, this is

controlled for by the mutual agreement of where to meet to conduct the interview, locations will be chosen based on the appropriateness. However, online platforms offer the researcher and/or participant the ability to be in a public space or in a space that may not be entirely suitable for discussing private matters. This issue arose in interview three, where the participant was in a shared workspace, which would not have been selected if a traditional face-to-face interview had been used.

The three interviews followed a semi-structured interview guide. Three or four questions were identified in preparation, with some prompting questions noted below each (Appendix 1). The semi-structured nature of the interviews was selected as it was desired to hear the participant's experiences of being a landlord. As each interview developed, further questions and prompts were used to gain deeper insights into the thoughts and interpretations of the participant. An hour was allowed for each of the interviews. The first two interviews were around 50 minutes, however, the third one took just under 20 minutes.

Interview one was centred on building rapport and hearing the participant's accounts and reflections of their activities related to this research. Interview two explored the participant's thoughts on the takeaway activities (explained below) provided following interview one, and built on the understandings gained in interview one. For interview three, the participant was in a shared office space, and the interview was shortened due to other commitments the participant had. Interview three attempted to capture the participant's thoughts following the takeaway activities and further built on the understandings generated by the prior two interviews and takeaway activities.

Takeaway activities

Following the first and second interviews, the participant was given a takeaway activity. The idea of the takeaway activities was to provide a basis for the following interview and to hear the participant's thoughts on each of these activities.

The first activity consisted of a video documentary covering housing-related issues in New Zealand. Produced by Dateline and titled: *Inside New Zealand's housing crisis* (SBS Dateline, 25th March 2020). This 28-minute video covers perspectives from people facing unaffordable housing and includes the views from two landlords. The landlords featured in this video offer two different approaches to housing, which was thought to be an interesting discussion point for the following interview.

The second activity comprised two news articles and a short video. The Spinoff.co.nz is an online news site and published both of the news articles used. The first Spinoff article, authored by Eaquib (2017), is titled: *Has anything changed for Generation Rent?* The article discusses the concept of 'generation rent', offering an insight into home-ownership rates in New Zealand with data on home-ownership versus tenancy rates, identifying that at the 2013 census, half of the population aged over 15 were living in a rental. The article also identifies details about income to housing cost ratios, highlighting affordability issues. It was selected as it offers detailed statistics on the state of housing in New Zealand. The second article, authored by Carr (2019), is titled: *Good housing is considered a privilege in New Zealand. In Sweden, it's a human right.* This article highlights the differences in tenancy comparing Aotearoa New Zealand to Sweden from the perspective of a tenant. It was selected as it offers an insight into how the tenancy arrangement varies around the world. The four-minute video is a Radio New Zealand news piece titled: *What is fuelling New Zealand's 'severely unaffordable' housing?* (Radio New Zealand, 2020). This video news report covered issues related to inflated land prices, low interest rates, migration and speculation. It was selected as it provides many popular

arguments as to why housing has become unaffordable in Aotearoa New Zealand. It was thought that these three activities would provide a good discussion for the following interview.

The takeaway activities provided excellent discussion and helped to keep the subsequent interviews focused. The takeaway activities deepened the participant's engagement with the interviews and topics as it was clear, during the interviews, that the participant had engaged critically with the activities.

Transcriptions and analysis process

All three interviews were transcribed. I kept the small connecting words such as the 'um's' are 'ah's' as well as the 'you knows' and the repeated words. These were kept as they add context and often indicated if the participant was pausing to think or was unsure of what they were saying. These pauses can be missed once speech is transcribed, and the quality of the transcript to capture all that was said and unsaid facilitates an in-depth analysis (Potter & Hepburn, 2005: Poland, 1995).

Initial analysis began during the process of transcription (Poland, 1995). Sections of text were identified as being relevant for answering the research question. I chose to begin the analysis of the transcripts during the initial transcribing, since listening to the audio meant I was aware of the tones of voice, and I felt these would get lost once the transcribing was complete. Over the period of a month, the transcripts were read and notes were taken four times. In addition, I listened to the recording a further two times, making notes while following along on the transcriptions. In the first reading, I read all three interviews in order from start to finish in one sitting. The process allowed me to logically follow along as the interviews progressed, identifying sections of text that stood out as connected. On my second full read through, I read the last interview first, moving to the second and finally reading the first. This was a process of attempting to defamiliarise myself with what was being said in the hope to

capture the small things that may have been missed by being too familiar with the transcripts. Finally, once I felt I knew the interview transcripts fully, I took all the text that I had identified as relevant and the notes I had made and grouped them into a new document, which became the basis of my analysis.

Articles on how to analyse interviews (Pietkiewicz & Smith 2014; Smith & Shinebourne, 2012; Smith, 2011) were used to inform the process of transcription and identifying areas of text which were relevant for my analysis. Drawing on these resources, I returned to the complete transcripts. I did a final reading of each transcript while listening to the recordings of the interview. This time I was looking for the connections to the theories and frameworks that I intended to draw on for this thesis. This process highlighted quotes that connect to the issues identified. I could then use these quotes during my analysis to support and illustrate different socio-political situations in practice.

The pre-inspection letters

During an evening meal with friends I was asked about my thesis topic. When I explained that I was researching the landlord tenant relationship two friends started a conversation about letters that they had both, independently of each other (and from different residences) received from the property management companies (both different companies as it transpired) regarding the expectations of cleanliness prior to a periodic inspection of the property. I sat and listened as my two friends expressed their disbelief at the expectations being asked of them but also as they expressed fear of not complying with the request and the catastrophising of what may happen if the house was inspected and it was not as clean as the letter asked. Sensing my interest one friend offered me a copy of their letter, while the other friend quickly added an offer of their letter also. Once the letters were received from my friends and I had a chance to read through them, I discussed the list of jobs with my family, which drew out another two letters,

all from different property management companies. With a total of four letters having been received I have compiled the expectations from these letters into Table 3.1. The pre-inspection letters share in the expectation of the tenant to clean in preparation for the property inspection.

Table 3. 1

Requirements from four pre-inspection letters.

Expectations outlined in the pre-inspection letters	Letter 1	Letter 2	Letter 3	Letter 4
Floors	All vacuumed/ mopped	All vacuumed/ mopped. Professional carpet clean	All vacuumed/ mopped. Scrub grout	All vacuumed/ hard floors washed
Windows	Windows and window sill wiped – mould removed	All clean inside/outside. Sills to be dust free	Clean glass. Wipe sill and frames	All clean inside/outside. Brush fly-screens. Dust window runners. Clean joinery
Window coverings		Curtains musty be hand washed. Venetian blinds dusted or washed	Spot clean or wash curtains	
Walls	Cleaned (All scuffs, mould, fly spots removed)		Walls and doors wipe down	Hand marks to be removed
Ceilings	Cleaned (All scuffs, mould, fly spots removed)	Washed of mildew	Wipe off fly marks	
Skirting boards	Wiped down	Dust free	Wipe	Dust free
Lamp shades	Cleaned	Wash all	Wipe off dust and fly marks	
Light fittings	Cleaned	Remove finger marks		Dusted, insect spots removed
Bathroom	Plug holes to be cleaned of hair and rubbish. Vanity and benches to be cleaned	Handbasin cleaned	Wipe away mould with anti- mould solution [brands suggested] Remove dust from vents, fans. Clean vanity, cabinet, shelves, mirror and floor	Floor, vanity, basin, bath and shower cleaned. All glass cleaned
Shower/bath	Traps to be cleaned of hair and rubbish –	Bath cleaned. Shower base and walls cleaned of soap	Clean shower and bath	

Toilet	shower and bath scrubbed To be cleaned	Cleaned and bleached	Clean toilet including behind toilet	Toilet including pedestal cleaned
Kitchen	Benchtops and cabinets to be cleaned	Cupboards should be washed if required	Wipe cupboards inside and out. Benches and shelves wipe down	Bench tops and cupboards to be cleaned
Stove/oven	Top, elements, oven, cleaned	Oven cleaned with oven cleaner, stovetop, under elements cleaned	Clean stove elements and oven, Clean sides and behind the stove	Oven, shelves, grill, drip trays and hot plates cleaned. Surround and control panel cleaned
Rangehood/extractor fans	To be cleaned			Filters and covers to be cleaned
Laundry	Kitchen and laundry sinks to be cleaned	Tub and general should be tidy and clean	Clean the tub	
Lawns	Mow grass – remove waste and clippings	Mowed	Mow	Mowed – remove weeds
Gardens	Weed gardens -remove waste	All gardens weeded and shrubs trimmed	Weed the garden	Weed. Remove weeds from paths
Rubbish	Remove excess rubbish	All household rubbish and section rubbish including bottles, paper to be removed	Remove all rubbish	
Pets	All droppings to be removed			Droppings to be removed
General comments		No clothes on the floor.	Remove cobwebs	Garage, paths, patio, driveway to be swept. Cobwebs removed Smoke alarm batteries

Reflexivity, autoethnography and the introduction of the emic researcher

University study has deepened my understanding of the complex issues facing contemporary societies and has exposed me to strong criticisms of the prevalent neoliberal ideologies driving current capitalist ideals and discourse. I have gained a broader, ecological

view of the human experience, and the understanding that individuals cannot be removed from the context of their everyday lives (Hodgetts et al., 2020). So, the social justice approach of this research requires taking into account the broader circumstances of people's lives and considering the systems and processes that are prevalent. Such ecological analyses aim to ask if these systemic circumstances are serving their purpose of being fair, just and reasonable (Miller, 1999).

Community psychology recognises research to be value-laden (Trickett, 2009). As an emic researcher, I can bring my past with me into this research and be explicit about my previous experience as a member of each group, landlords and tenants. My previous experience as a landlord provides me with an insight into landlord experiences of rental housing and property investment. More broadly, it brought about an awareness of the taken for granted understandings shared among landlords about the housing market. Approaching this research both as a former landlord and tenant gives me an in-group position to interpret the content of the research material (Chapman & Kinloch, 2011).

Given that shelter is fundamental for human wellbeing, all of us will have some, if not a lifelong relationship, with housing. Therefore, any given researcher exploring the topic of housing will shed a unique light on the research material simply by the distinct positionality informing their interpretations and subjectivities. This is to say that I am coming to this research with prior knowledge, and a positionality that adds value to my interpretations of the research material. I have understanding of both sides of the tenancy arrangement and this is what attracted me to this research topic. Moreover, community psychology has provided me with a framework from which to research the complex tenancy relationship.

During this research, I engaged in the process of self-reflection to attempt to dig deeper into my thoughts and beliefs, and to question myself in terms of the differences between my past self - compared with my current self. The skill of reflexivity goes beyond reflection and

can be described as a practice (Lazard & McAvoy, 2020). Reflexivity requires thinking critically about the perspectives the researcher brings to the research. Reflexivity includes questioning taken for granted assumptions and sense-making of the world (Lazard & McAvoy, 2020). The process of reflexivity aims to include the perspectives of the researcher in the research to allow the researcher to be an instrument in the research (Medico & Santiago-Delefosse, 2014).

As the research progressed the Aotearoa New Zealand housing crisis intensified, making journaling and note-taking a valuable research tool. The journaling practice meant I kept a record of the changes, policy announcements and media reports as they unfolded. The journal notes provided an artefact of the research that I was able to reflect on critically. The following is an example which arose from the use of this methodology:

During my time as a landlord, I made decisions that directly impacted the lives of the tenants living in the house I owned. In early 2008 when I gave notice to the tenant residing in the rental property of my intention to sell the property, I was not aware of the disruption that the tenant would have experienced from the sale of the house. My decision to sell was the prerogative of a landlord. However, the house was sold to another investor, who wanted vacant possession due to intentions to renovate. As I reflect on that situation now, with a deeper understanding of living as a tenant, it could have transpired that the house was sold with the tenancy in place, meaning the tenant got to stay, should they wish. The investor would be able to buy the asset and renovate at a later date when, or if, the tenant decides to move. (Notes from my reflection journal, 18 July 2020)

As the example above demonstrates, autoethnography as a research method allows the researcher to bring their experiences into the research and treat these experiences as data (Chang, 2016). Autoethnography enables the researcher to expand the understandings of social phenomena to include reflexive accounts of day-to-day practices. Autoethnography is useful when attempting to understand the activities of a social context, such as tenancy, because it allows for the messy and complex realities of a social context to be captured (Adams et al., 2015). The analysis of property as an investment strategy, which is embedded in New Zealand

culture, can be captured by an autoethnographic approach. Through the use of autoethnography, I was able to explore reflective questions such as: Why was I attracted to property investment in the past? What was the culture that surrounded the decisions that led me, as a young man in my 20s, to take on high levels of debt and become a landlord? The answers to these questions lay in a combination of my lived experiences growing up in a low-income family and the pervasive nature of consumerism. My interpretation of success, at that time, was tied to material things. Further, I was an avid reader of so-called 'self-help' books, which identified property investment as a means of accumulating wealth.

One of Community Psychology's principles is advocacy for oppressed groups (Nelson & Prilleltensky, 2010). It is not the case that I feel I need to advocate for landlords since they are usually not a disempowered group. First, I reflected on how my experiences as a tenant highlighted the lack of advocacy services and a power imbalance, which left me wondering how the tenancy arrangement has come to be this way. Then, I reflected on my experience as a landlord. When selling my rental property, I had considered my actions fair, and it did not bother me that the tenant had to relocate. I thought critically about that landlord decision I had made and how there is potential for a situation like that to have been handled differently. While it is not a common practice in New Zealand, the house could have been sold with the tenancy in place, providing for the right of the tenant to remain. These critical reflections drove the present research towards a social justice investigation of the tenancy arrangement.

A tenancy is a messy business, given that the two parties in a tenancy contract aim to meet different needs. Autoethnography allows me as the researcher to reflect on the needs I was trying to meet when I was part of the tenancy arrangement, whether as a landlord or as a tenant. In this research, I am attempting to understand how the two positions of tenant and landlord, or a financial planner and person looking for shelter, come together to create the

tenancy arrangement. This research is about lived experiences and outcomes from systemic arrangements that directly impact people's everyday lives.

Throughout the writing of this thesis, the housing situation in Aotearoa New Zealand received increasing attention from the government and media. In the weeks leading up to my submission date, the government released significant changes to housing policy, much of which was relevant to this research. The practice of reflexivity was therefore crucial to keep pace with the dynamic nature of this research topic and the substantive economic, political and policy changes in response to the inflationary Aotearoa New Zealand housing situation.

Summary

In this chapter I have outlined the methods used in the research process along with a description of the activities used throughout the data collecting process. I have noted the constraints on this process which resulted from the unexpected occurrence of the COVID-19 pandemic in 2020 and the various strategies I undertook to mitigate these constraints. The emic researcher was introduced alongside the use of autoethnography and reflexivity as a means of drawing on personal experience as data.

A number of analytic perspectives and frameworks have been discussed in this chapter. A social justice stance is taken and the use of a range of methodologies, drawing on social representation theory and phenomenology, provide a basis for understanding the complexities of the landlord-tenant relationship. Connecting the societal structures of policy and political ideology I was able to better understand the effects of the activities of a landlord. Participant interviews alongside these theoretical and methodological approaches allowed for further analysis. All of these elements will be drawn together for further discussion in chapter five.

Chapter four: Housing Speculation and the Tenant Experiences in Aotearoa New Zealand – an Analysis

In this chapter, I integrate material from multiple sources to illustrate some of the tensions in the Aotearoa New Zealand tenancy arrangement. In the analysis process, I combine the experiences of the single participant with an analysis of policies that surround the tenancy relationship to produce deeper insights into the current legal arrangements, policies, norms and ideologies that are shaping the landlord-tenant relationship.

This chapter begins by showing how individualism promoted under neoliberal ideology shapes the activities of a landlord. The chapter then considers the unaffordability of housing in Aotearoa New Zealand, highlighting speculation as a driver of unaffordability, considering current political interventions, and the rate at which housing is driving inequality between home-owners and tenants. This chapter then moves to understand further political aspects of housing, state housing, and tax policies that sit within a free-market ideology. I then contrast a tenant's circumstances to those of a home-owner, by considering the periodic inspection of tenanted properties, further illustrating the inequalities and power imbalances present. In addition, the political aspects of tenancy, the sections on the Tenancy Tribunal and the bond office trust account together, show how entrenched issues of social (in)justice are in the tenancy arrangement. Finally, this chapter considers recent amendments to the Residential Tenancies Act (1986), focusing on the sections of the amendment that provide the guidelines for the process of homemaking for the tenant. I have chosen to focus on these sections of the amendments as they provide clarity to the process for the tenant. The following reflection from my research journal is important to include here as it states my positionality for this research;

I see no reason why the tenancy arrangement should not be mutually beneficial. Landlords gain an asset that produces income for them, and tenants gain a home

that takes care of the basic need for shelter. It is possible for both needs to be met under the tenancy arrangement and for the arrangement to be fair and reasonable.

Individual responsibility

In chapter one, the connection was established between the ideology of neoliberalism, individualism, and notions such as the Just-world hypothesis or Just-world fallacy (Lerner & Miller, 1978). The surrounding key assumption that underlies neoliberalism is that the individual should do what is best for them (Dilts, 2011). Under the influence of neoliberalism, the individual is responsible for their own success or failure. To be good citizens, individuals should prepare themselves for their future. The implementation of tax incentives and policy structure has been used by government to encourage property investment as a stable financial strategy (Murphy, 2004). Neoliberal ideologies have encouraged consecutive New Zealand governments to promote private investment in residential housing and avoid large scale government investment in social housing, based on an assumption that the private sector is the best provider for the residential tenancy market (Murphy, 2004). While discussing motive for purchasing a rental property the landlord participant Martha expressed the following;

[Property investment is about]...investing your money and getting a return.

Investment in a property for use as a rental house has the potential to create tension between the intentions of a landlord and the tenant. For a landlord seeking financial security this means maximising the investment over time to capture the gains of property. In this investment scenario, the tenant is not seen as the priority, the growth of wealth is. The statement made by Martha illustrates this cultural norm for landlords:

We've had three tenant's I wouldn't even know them if I pass them in the street because I never met them, never needed to, um, I get my quarterly reports, you know, I don't care who is in my house.

The participant's account reflects a disconnect between housing as an investment and as means to fulfil a basic human need. In New Zealand, at this point in time, the motive for making a profit overrides the support for this basic human need. Neoliberal policies influence and sustain the profit motive. By calling the house an investment, the participant demonstrates the neoliberal norm that the motive for profit takes priority over the humanistic understanding of persons living in a home. Martha further illustrates this promotion of individualistic motives of wealth generation;

I see it more as a way in which to create wealth, money working for you, rather than actually you know caring about it, so the home that we own in [...], with no emotional attachment to whatsoever.

In this quote, the participant advocates for a restriction of emotional attachment to the investment, which is a goal promoted by popular investment strategy books. For instance, in his book, *Rich Dad Poor Dad*, Kiyosaki (2001) claims that if the investor gets emotional, they are more vulnerable to poor decision-making. Emotional restraint strategies may be commonplace with investing in currency or company stocks. However, when emotion is removed from residential property investment, there is the potential to dehumanise the investment and dehumanise the tenant as part of the investment. This dehumanising undermines a fundamental human right to have adequate shelter, particularly in a context where there are few alternatives for people to meet their need for affordable and stable housing.

Another driver of property investment as a key strategy for personal wealth generation is the concern (or even fear) about financial security in older age. In Aotearoa New Zealand, over the past 30 years, there have been strong warnings and encouragements from successive governments about the need to save for retirement (Scobie et al., 2004). Although Aotearoa New Zealand does have a universal superannuation programme, this superannuation payment is to support a basic standard of living, providing recipients with between 65 and 72 percent of 'normal' income (Littlewood, 2010). In the following quote, Martha demonstrates an

awareness of the minimal social support, above a basic level, for those who are entering retirement age;

You know, people saving for their retirement because that's what the government also requires and people need to have a way to look after themselves in the future for which some people use residential housing, whether it be their home or rentals to achieve that...

This quote illustrates the knowledge of the need to have a financial plan for retirement that includes other sources of income beyond the state pension. This quote recognises that the current support offered to those entering retirement may be insufficient to support the retiree's lifestyle expectations. Therefore, in order to maintain their lifestyle, the person must prepare earlier in life through financial planning and investment.

Lifestyle expectations can vary, but in many cases, people's sense of what they need to live is increasing (Schor, 1999). This reflects that neoliberalism promotes consumerism and a seductive desire for consuming more goods via advertising and media (Ivanova, 2011; Schor, 1999). Further, consumption is viewed as a measure of an individual's success and status in society (Ivanova, 2011). The neoliberal norms of financial self-responsibility and the pressure to display success through consumption create a strong motive for wealth generation. A landlord is able to use the property as a vehicle for generating wealth, which is attached to the notion of success by wealth providing for further consumption. Martha describes her strategy to build wealth in the following quote;

... the market dynamics that play out with residential landlords or, you know, sort of using this as a way to build up wealth and assets trying to protect their assets or earn an income...

In the quote above, Martha highlights the interests of the landlord. The motive is the development of personal wealth using the vehicle of property investment. The landlord's involvement in property investment is due to the desire to achieve success, as promoted by neoliberal ideologies. Financial planning and creating financial security are recognised as

socially good values, including the maintenance or upgrading of social status (Neukam, 2002; Stawski et al., 2007). There is potential for a contradiction in tenancy as the tenant is likely in a tenancy arrangement to meet a human need. Martha's quote highlights a for-profit motive, which is not necessarily in conflict with the tenant's motive, provided there are regulatory constraints in place to prevent exploitation.

In many societies, poverty and having a lower social status are associated with feelings of shame and stigma (Wilkinson & Pickett, 2010). These feelings can add pressure to maintain the class in which you are positioned. These authors argue that the potential for shame from a reduction in social status produces social anxiety. Social anxiety drives a requirement to maintain or increase social status. Social anxiety comes from perceiving that an evaluation of your circumstances will be negative. The perception of a negative evaluation produces the motive to retain or increase social status (Wilkinson & Pickett, 2010).

Housing unaffordability

The Urban Reform Institute have identified that housing is now severely unaffordable in Aotearoa New Zealand (Cox & Pavletich, 2020). Housing affordability ratios are calculated by comparing the costs for housing with incomes. If the amount of income left over, after housing costs, is below a certain percentage, then the housing is considered unaffordable (Cox & Pavletich, 2020). Housing affordability is a key issue given that housing is such a fundamental need that people will spend high levels of their income in order to retain a house by funding a mortgage or paying rent. In some parts of Aotearoa New Zealand, housing costs take up a large portion of people's incomes as Martha explained;

... [in the] Auckland property market all you're doing is spending what you earn on trying to, on a home...

The participant and her family had previously lived in Auckland, hence she was reflecting on the levels of unaffordability they witnessed during that time. For people with limited incomes, unaffordable housing presents an issue that will lead to reduced spending in other areas of their lives to meet the costs of retaining a home. This situation creates financial vulnerability, decreases savings, and constrains opportunities in life.

The Accommodation Supplement

As highlighted earlier in chapter 2 (see p. 31), the Accommodation Supplement signals an acknowledgement from successive Aotearoa New Zealand governments that housing can be unaffordable for low-income families (Mc Allister et al., 2019). For the Accommodation Supplement to achieve the intention of supporting people to keep their home, there is a need for further development of policy (Mc Allister et al., 2019).

Currently, the setting of rental prices is not subject to policy intervention or price controls (Mc Allister et al., 2019). Within the free-market ideology of neoliberalism, the price is determined by what the market will bear. Yet the practice of leaving the price decision to the whims of the market is problematic. In effect, there is no predefined set of measures that culminate together to set the rent price. In extreme cases, the Tenancy Tribunal can reduce the rent being charged, but only if the rent charged exceeds what is referred to as ‘the market rate’ by a substantial amount (Residential Tenancies Act, 1986, s. 25.1). It is perhaps unrealistic to expect this neoliberal rental market to self-regulate rent prices in the current context of a limited supply of rental housing. Currently, there are few options for tenants competing to gain a tenancy in a very competitive tenancy market (Johnson et al., 2018). The choice is less likely to exist for people to rent another house down the road that is priced more appropriately. Relying on the free-market for housing requires an ability for the market to supply the demand

at a reasonable price, which currently, in 2021 Aotearoa New Zealand, is not the case (Johnson et al., 2018).

The Accommodation Supplement is a well-intended policy to improve the security of tenure and affordability for those facing severe (un)affordability issues. Unfortunately, this policy now has, in effect, become a fund to support unaffordable housing being sustained (Mc Allister, 2019). Due to the free market model underpinning housing, market rents are guided by, and therefore determined by, rents charged for comparable homes near the property's location. This is also the process the Residential Tenancies Act (1986) requires the Tenancy Tribunal to use in order to determine if a rent charged is substantially higher than the market (Residential Tenancies Act, 1986, s. 25.1). The free market has resulted in a well-intended housing affordability policy, the Accommodation Supplement, being ineffective at improving affordability for those receiving it (Rea & Thompson, 2017). There has been little done to regulate and control the market rate of rents in Aotearoa New Zealand. The unregulated rents combined with a competitive undersupplied rental housing market, and a relatively low level of state housing allows the free market to absorb the rising number of Accommodation Supplement grants dispensed by the state, and to absorb any increase in the amount paid per household receiving the Accommodation Supplement (Mc Allister, 2019). In effect the Accommodation Supplement has become a form of business welfare, whereby the landlord's income is supplemented by the tax payer.

Speculation and the financialisation of housing

In 2015 the National-led government introduced a new tax policy aimed at cooling speculation in the Aotearoa New Zealand Housing market named the Bright-line rule (Tsen et al., 2017) the policy imposed income tax on any profit made by selling a property owned for less than two years (if not owner-occupier or inheritance). The amendments to various housing policies

from 2019 to 2021 by the subsequent Labour government also show a desire to reduce speculation in the housing market. The Bright-line rule, initially introduced by the former National-led government, specifically targeted overseas investors and speculators (Tsen et al., 2017). In 2021, the Labour government announced plans to extend the Bright-line rule to ten years (Labour, 2021b). While discussing rising house prices, Martha commented:

... like two years ago they [the owners of the property being discussed] bought it [a residential property] for \$700k, and they're trying to sell it to you for \$1.6 [million], and it's a bulldozer job [needed a lot of renovation], you're kidding me! I came out of Auckland to get away from this mentality [the notion of house price speculation], you know...

Martha's comments show the situation that in Auckland house prices have risen spectacularly even for properties that are considered uninhabitable and ready for demolition. The house in question had not been improved in any way by the owner. The owner had simply relied on the price of other properties increasing. This prevailing discourse that 'property prices always increase' has to a large extent provided justification for the inflated asking price illustrated in Martha's quote above. If, in fact, a considerable renovation had recently been completed, then that may have justified such an increase.

There are few regulatory controls on rents in Aotearoa New Zealand. Currently, the only control provided by the Residential Tenancies Act (1986) is that rent must not be substantially higher than market rate (Residential Tenancies Act, 1986, s. 25.1.) and the Residential Tenancies Amendment Act (2019) states that rent increases can only occur once in a 12-month period (Residential Tenancies Act, 1986, s. 24.1.d). Importantly however, the amount of the increase is not regulated. The calculation for deciding if the rate being charged is substantially higher than the market rate (and therefore the rate can be adjusted during a hearing at the Tenancy Tribunal) is calculated by comparing the rent of the property in question with the rents charged on similar houses in similar areas. Thus this decision uses the market model to regulate rent prices (Residential Tenancies Act, 1986, s. 25.3). As a result, many

tenants face yearly rent increases and may face hefty increases even in a competitive rental market. In a tenancy arrangement, landlords are able to pass on the 'perceived' extra cost, which is associated with an increase in the capital value of the landlord's asset. This is a unique arrangement in business because the growth in value of the asset (the house) does not necessarily indicate an increase in expenses for the landlord or an improvement in living conditions for the tenant. Yet, the perception of this growth in value can be used to justify increasing the rent price.

I am unable to identify another business model where the market rate someone pays to use a service, is able to be increased based on the underlying value of the asset, rather than being based on the costs directly associated with the service. To explain how the justification used for rent increases is not aligned with usual business practice, I will draw on a hypothetical example of a train service. A train service is dependent on infrastructure, such as railway tracks and train stations. If the land and infrastructure value rises, this does not usually raise the price of a train ticket. Instead, ticket prices are expected to reflect the costs of running the service, not capital gains. Assuming business costs for the train service have remained stable, stable ticket prices would result in the same profitability of the business. If there was debt associated with the land and interest rates on that debt were to rise, then a rise in ticket prices would be reasonable as the cost of business has increased for the train service. In the case of housing in Aotearoa New Zealand, interest rates have been falling for over a decade (Reserve bank of New Zealand, 2021), but rents have steadily increased over that same period (Johnson et al., 2018, p. 7).

The ability to increase rent prices based on market values creates a vicious cycle for tenants. Because rent prices can be adjusted annually, there is potential for rent increases to absorb any extra household income generated by increasing wages, such as those connected to inflation. A social justice approach to addressing the current Aotearoa New Zealand housing

crisis presents a challenge to the un-examined norm of expecting rent increases alongside capital gains. Instead, rent increases should be tied to the actual increases in costs for the landlords or linked to increases in benefits (such as amenities) for the tenants.

Housing is driving inequality

In Table 4.1 I demonstrate how, over the past 10 years, Aotearoa New Zealand homes have become a powerful wealth generator for those who have achieved ownership and can leverage borrowing. This pathway to wealth accumulation can be framed as the emerging of two classes, those who own property and those who do not. The passive generation of wealth associated with property ownership is one of the key drawcards for investors but is also one of the key drivers of inequality. Table 4.1 below shows the speed at which property ownership is generating wealth for residential property owners in Aotearoa New Zealand.

Table 4. 1

The multiplier effect of residential property ownership in Aotearoa New Zealand.⁶

Income source	Renter	Home-owner	Home-owner + one rental	Home-owner + five rentals
Average annual household income (Statistics New Zealand) after tax.	\$81,934	\$81,934	\$81,934	\$81,934
Capital gains primary home (based on national average house price and capital gain-annual)	-	\$74,900	\$74,900	\$74,900
Capital gains rental (based on national average house price and capital gain-annual)	-	-	\$74,900	\$374,500
Balance (total annual income)	\$81,934	\$156,834	\$231,734	\$531,334

⁶ Source; Author. Data gathered from Wood (2021) and REINZ (2020).

Table 4.1 assumes an approximate ten percent annual capital gain. This assumption is supported by average capital growth statistics from Aotearoa New Zealand residential property over the last ten years (Wood, 2021). The Aotearoa New Zealand median house price as of December 2020 was \$749,000 (REINZ, 2020). Based on these numbers, the annual income generated by a median value Aotearoa New Zealand house would currently sit at \$74,900 per annum. Table 4.1 illustrates a simplistic interpretation of how property investment is working under the current arrangements. Although the profitability rate of ten percent capital gains is supported by recent history, even if that were to halve (to an average of five percent annually) the growth in wealth for owners of property is still considerable (five percent of \$749,000 = \$37,450).

The figures in Table 4.1 are after-tax dollars based on the assumption that the investor intends to keep their rental investment for ten years or more, which allows them to avoid the recently extended Bright-line rule. To keep the table simple many important considerations have been omitted. Firstly, there is no income added to Table 4.1 from the tenancy (rent). Rent was omitted because there will be a wide variance in how tenancy income is being used since some landlords will own the rental property freehold, and some will have a mortgage. For freehold landlords, revenue generated by rent, after business expenses, will be subject to income tax with the balance as direct income. For mortgagor landlords, and potentially this is the most common, income from rent will offset the mortgage payments and other outgoings.

Returning to the initial point that home-ownership is a driver of inequality, Table 4.1 demonstrates the considerable wealth generation advantage property investors have over those who cannot afford to own or invest in property. Table 4.1 shows how over ten years, a household that owns their own home and one rental property has the potential to generate \$1,568,340 more income than a household that is renting. Again this calculation is too simplistic. It does not account for the mortgage payments that provide the relative advantage

of forced saving. In other words, the mortgagor is paying off a portion of the debt by mortgage payment, so once the asset is sold, the home-owner reclaims these 'savings'. In contrast, the tenant gets no such forced savings from rent payments since they do not get a return on rent money paid when a tenancy ends. Addressing residential property as a driver of inequality is imperative to avoid the potential for negative outcomes that are associated with high levels of inequality, such as higher levels of social and health problems identified by Wilkinson and Pickett (2010).

A further understanding of housing as a driver of inequality is to consider the cost of housing in relation to income. The accumulation of data by Statistics New Zealand provides an insight into the economic living situations of home-owners and tenants. This situation is illustrated in the following information from Statistics New Zealand (2020a);

For the June 2019 year, just over 1 in 4 (27.9 percent) renting households spent 40 percent or more of their household income on rent and other housing costs. In contrast, about 1 in 8 (12.6 percent) of people who owned, or partly owned, their own home spent 40 percent or more of their household income on housing costs.

This quote demonstrates how different the outcomes are for tenants compared to home-owners. With the ability for rents to rise every 12 months, tenants face ongoing insecurity with predicting their expenses, as rent rises can be variable. As the quote mentions, tenants are more than twice as likely as home-owners to be spending more than 40 percent of their household income on housing costs. In the case of the home-owner, the situation is skewed in their favour by the potential for capital gains the house may be achieving. In contrast, for the tenant, there is no potential for capital gains. Even though a home-owner may be spending 40 percent or more of their income on housing costs, there is a return on these costs by reducing the debt associated with the asset and from the accumulating equity from capital gains. These are not the same circumstances for the tenant.

The free market and state housing

Aotearoa New Zealand's inflated housing market is, according to Nunns (2020), being driven by three key factors: property investment, rising demand and scarcity. Nunns (2020) identified that residential land development issues constrain the supply of new housing. The argument made by Nunns (2020) is common among commentators. However, I argue that a claim such as this is too simplistic and does not account for the complex factors, which means that increasing supply is unlikely to impact affordability. The first of these factors is how the underlying costs of development remain, since building more houses does not bring the cost of building down. Second, there is the consideration that even if by magic we could produce all the houses we need to cater to the demand, this might only result in a cooling of the market. There is no guarantee that meeting the current shortfall would result in the affordability ratio improving. Meeting the demand for housing by increasing the supply of housing will not, on its own, cause housing costs to fall. The issue is that we are already experiencing an affordability crisis, so any new houses built today to meet demand are likely to be just as unaffordable. More supply will likely cool the market, but more supply will not address the more complex aspects of Aotearoa New Zealand's housing crisis.

Due to the human need associated with housing, people are willing to forgo other needs and desires to ensure they have adequate shelter, so they will pay the market rate to secure and retain a house. The free market allows for the case to be made that if someone is willing to pay a certain price, that price represents the value. This value claim may be true for products that are not catering to a basic human right, however the value claim relies on the availability of supply to meet demand. In the case of housing, when supply is constrained by forces outside of the market model, as identified by Johnson and colleagues (2018) people may end up having to pay over the value due to a desire to meet a basic human right (Johnson et al., 2018). People are not able to simply go without housing till a more affordable option arises. The outcome is

people living in unaffordable, overcrowded and low quality accommodation or becoming homeless.

State housing

The existence and history of state housing in Aotearoa New Zealand suggests a recognition from the state that housing serves a basic human need, and there will be some people who, for a range of reasons, will not be able to afford market rates for housing. Hence, there is a requirement that the state provides assistance in the form of state-owned housing. Yet, such rationales are less valid under neoliberal ideology since state-owned housing would be seen as government intervention into a free market and should be minimised to ensure the market is free enough to regulate itself. However, there are many pressures and constraints on housing outside of the free market, such as government policies concerning housing and interventions such as the Accommodation Supplement. The market model that is supposed to be self-regulating may be unable to balance supply and demand. State-owned social housing would be useful in a time of unaffordable housing as a reference point for the private rental market to indicate the real underlying value of a home and reduce the speculative setting of rent prices. If it was the case that a person could take the option of affordable state housing, or pay a little more for private housing, then state housing is offering a buffer against run-away rent prices. While market stabilisation is not the primary role of state housing, the fact that in Aotearoa New Zealand, the state controls less than four percent of the total housing stock, combined with the high demand for state-owned houses, means that state housing cannot offer a buffer against unaffordable housing.

As mentioned in chapter 2 (see p. 26) currently state housing is operating as a form of welfare housing (Johnson, 2017). Successive governments have favoured selling off the state-owned housing stock, based on neoliberal ideologies of free-market supply. The sale and

demolition of state housing stocks has reduced government presence in the rental market to levels substantially lower than in other countries, with this loss resulting in the inability of social housing to function as a regulator in the broader tenancy market. In comparison, in the Netherlands, the state owned 32 percent of the total housing stock in 2011 (Scanlon et al., 2015), whereas in Aotearoa New Zealand, the state owns less than four percent of the total housing stock (see p. 26).

Demand for rental houses is increasing

The demand for rental housing in Aotearoa New Zealand continues to increase significantly despite increasing rents. Aotearoa New Zealand's most prominent real-estate website, Trademe (trademe.co.nz), collects data relating to demand for rental housing. From 2018 to 2019, Trademe recorded a 17 percent rise in enquiries for rental properties across Aotearoa New Zealand (Trademe, 2020). Trademe also records average asking prices for rentals by location. From 2018 to 2019, in Palmerston North, there was an increase in the average asking price for rental homes of 18.6 percent and the enquiries for rental homes in this area grew by 50 percent (Trademe, 2020). Across Aotearoa New Zealand, Trademe recorded annual growth in rental asking prices of 3.1 percent. However, if Auckland is excluded, the average increase in asking price was 4.8 percent. The inflation rate for this same period was 1.6 percent (Statistics New Zealand, 2019c). The Palmerston North example, showed increases in rental asking prices were more than 11 times higher than the inflation rate. The overall rise of rental asking prices (excluding Auckland) at three times the inflation rate provides clear evidence that the free market model underpinning these price increases is unable to regulate the costs associated with rental housing fairly.

The business of housing investment

The ability for an investor to leverage capital makes an investment into a residential property profoundly more lucrative than other forms of investment. The profit levels available in housing for people with some money to invest are among the main factors driving the global trend for the financialisation of housing (Leijten, & de Bel, 2020). The desirability of this investment strategy leads to people buying into this type of investment for financial reasons, with little or no need to consider the implications of being a landlord. My informant provides an example of a buyer demonstrating this lack of awareness. When being asked about how they prepared for becoming a landlord, Martha explained that they had checked out such things as the location and the current value of the property by way of carrying out due diligence.

She also explained that they had sought the advice of a financial advisor, their reason being that they wished to use the property as a way of increasing their wealth to maintain a “good life” both currently and in their retirement. She then told me;

So it was that was part of our diligence process that financial process. When it came to diligence on who we would use as a property manager which is actually quite a key thing, we did sweet f.a. to be honest, we just thought yup they'll do...

During this part of our interview Martha is articulating what was done in preparation to purchase an investment property with the intention of renting it to a tenant. For Martha, due diligence means research into the value and location of the property, calling on a financial advisor and doing retirement income planning. Finding a property manager is a casual afterthought. The due diligence for a purchase of a rental home ought to include a basic understanding of the Residential Tenancies Act (1986) and an understanding of the legislative requirements to ensure both the tenant and, if using a service to manage the tenancy, the management company are complying with tenancy law.

The dilemma here is that being a landlord places the investor in control of something that is of central need for humans and a basic human right. In Martha's quote above, there is the

implication and assumption that the property management company will handle the landlord side of the arrangement and that they should be up to date with rules and regulations and provide a professional service for both parties in the tenancy. This assumption is a fair one, as the property management company is paid for their services. Consequently, for landlords, there would be a reasonable expectation that the service they are employing would be required to keep current with the rules and regulations. However, with a lack of professionalisation of the term 'landlord' or 'property manager', and no universally agreed upon code of conduct, there is very little reassurance that a property management service will provide a satisfactory level of conduct.

Fair use and the periodic inspections of rental properties

One particular aspect of the management role of property management companies has been developed by their staff to become a means of surveillance which has led to a large and unregulated imbalance of power in the landlord/tenant relationship. The occurrence of the periodic inspection is a relatively unexamined norm during tenancies in Aotearoa New Zealand. The Residential Tenancies Act (1986) in section 48 provides the landlord's right for entry to a property that is covered by the Act. Section 48.2.b states;

(b) for the purpose of inspecting the premises, at any time between 8 o'clock in the morning and 7 o'clock in the evening on a day specified in a notice given to the tenant not less than 48 hours nor more than 14 days before the intended entry, and not more frequently than once in any period of 4 weeks; or

Section 48 of the Act does not specifically state what the intentions of the inspection are or should be. This produces a lack of clarity as to the intention of the inspection.

Section 38 of the Residential Tenancies Act (1986) provides the tenant with 'quiet enjoyment of the premises' and restricts the landlord from interfering with the tenants 'quiet

enjoyment’ and freedom from interference of his/her ‘reasonable peace, comfort or privacy’”, specifically the Act states;

38 Quiet enjoyment

(1) The tenant shall be entitled to have quiet enjoyment of the premises without interruption by the landlord or any person claiming by, through, or under the landlord or having superior title to that of the landlord.

(2) The landlord shall not cause or permit any interference with the reasonable peace, comfort, or privacy of the tenant in the use of the premises by the tenant.

(3) Contravention of subsection (2) in circumstances that amount to harassment of the tenant is hereby declared to be an unlawful act.

(3A) Without limiting the generality of subsection (3), the landlord commits an unlawful act under that subsection if the landlord enters the premises purportedly under section 48(2B) without any reasonable cause to believe that the tenant has abandoned the premises.

(4) In this section *premises* includes facilities.

Section 38 of the Residential Tenancies Act (1986) somewhat contradicts the norm of the periodic inspection, stating that the tenant is entitled to quiet enjoyment of the premises without interruption by the landlord. Section 2 of the Act, Interpretation, is a list of terms and clarification about their meaning, for example, landlord in Section 2.1 of the Act is;

landlord, in relation to any residential premises that are the subject of a tenancy agreement, means the grantor of a tenancy of the premises under the agreement; and, where appropriate, includes—

- (a) a prospective landlord; and
- (b) a former landlord; and
- (c) a lawful successor in title of a landlord to the premises; and
- (d) the personal representative of a deceased landlord; and
- (e) an agent of a landlord

The problem with Section 38 and section 48 is that they are ambiguous and subject to interpretation. Section 38.1 could be interpreted to say that the landlord, without legitimate reason, should not be inspecting the property at all, as any such inspection is disrupting the quiet enjoyment of the premises from the perspective of the tenant. Section 48.2.a provides the landlord with access to the property for the purpose of inspection, but fails to identify what it is that the landlord should inspect. Leaving the details of the inspection open has resulted in property management companies generating their own interpretation of the purpose of the

inspection. If the use of the term inspection in Section 48.2.b was clarified in Section 2 of the Act this would clarify the term for all parties.

The notion of the ‘risky’ tenant (Bierre, 2010) generated by stereotypes and discourse about tenants has worked to frame tenants as a ‘risk’ when considering investment into property for the use as a rental home. This notion of risk connects to the desire of landlords and property management companies to periodically inspect tenanted properties.

During my research, I have collected four pre-inspection letters (for a full copy of each letter see Appendix 2) from four different residential property management companies. These letters are designed to comply with Section 48 of the Residential Tenancies Act (1986) in providing written notice to a tenant of the intention for the landlord, or property manager operating on behalf of the landlord, to enter the property under which the tenancy is held. The letters notified the tenants concerned of the intention to enter the property but went further to instruct them on how they should prepare for this inspection, providing a comprehensive ‘to-do’ list of cleaning jobs. The demands made by these letters go beyond the responsibilities of the tenant as described in Section 40.1.c of the Act, which states the tenant shall;

(c) keep the premises reasonably clean and reasonably tidy

In the following, I cite examples from these letters and discuss each in turn. It can be seen that these demands are often onerous and also often have further implications for some tenants;

CURTAINS: Net curtains must be hand washed. Venetian blinds to be dusted or washed if required

The process of handwashing net curtains and venetian blinds is time-consuming, hence the statement that these tasks must be done in preparation for a periodic inspection assumes that the tenant has sufficient time to complete this task. Section 48 of the Residential Tenancies Act (1986) states that notice must be issued at least 48 hours prior to the landlord or property

manager entering the property, in which case it is very short notice for a tenant to be able to remove, hand wash, dry and refit curtains or blinds to the property, in the case of Venetian blinds these may require professional cleaning at quite a cost to the tenant. Following from the excerpt above, the same pre-inspection letter also asks that;

LOUNGE AND BEDROOMS: All these rooms should be tidy. No clothes or the like on the floors, this will enable the carpet to be viewed. Window sills, skirting boards etc., should be dust free.

Within this section of the letter is the reasonable request that the floors be clear so the carpet can be viewed, presumably this is to check that the carpet is safe for the tenant's use. However, the request that window sills and skirting boards should be dust free is not a reasonable expectation and does not align with the intent of Section 40.1.c of the Residential Tenancies Act (1986). Given that these are pre-inspection requirements and are not requirements when vacating the premises, this request goes beyond what is reasonable, given the fair use of a property.

Another example of a task list going beyond what is reasonable is illustrated in the following segment from a pre-inspection letter;

LIGHT SHADES AND SWITCHES: Wash all light shades. Remove finger marks from the switches.

In order to wash all light shades, the tenant would need to be able to reach the light shades, which logically would require the ability to stand on a chair or have access and the ability to use a ladder. The assumption made here is that the person receiving this pre-inspection letter can perform these tasks. It is the case that the person who received this particular letter is unable to complete this task due to a disability. A pre-inspection letter received from another property management company made a similar request;

Walls and doors - wipe down

Wiping down walls and doors is unlikely to be a monthly task in most owner-occupied houses. The inspection is supposed to be ensuring that the house is being kept reasonably clean and that it is in a reasonable condition, as required by the Residential Tenancies Act (1986). The following section from a different source to the one above also requests that skirting boards be cleaned;

Wipe skirting boards. Scrub grout between tiles to remove mould and dirt

Again, there appears to be a misunderstanding between the agencies sending out these pre-inspection letters and the intention of the inspection. If the inspection is to ensure that the tenant is carrying out their responsibilities as defined in Section 40.1.c of the Act, then requesting the tenant tidy up before the inspection would be reasonable. However, the requests made go beyond what Section 40.1.c says the tenant is responsible for. The problem here is an example of the ambiguity of Section 48 in the Act.

Further requirements from the pre-inspection letters include requests such as, “Remove cobwebs” and “Clean Stove, elements and oven. Clean sides and behind the stove”. Requesting that the tenant move the stove from its standing location to clean behind it must surpass the intention of the inspection, as intended by Section 48 of the Residential Tenancies Act (1986).

The following excerpt from one of the pre-inspection letters further highlights the assumption that the tenant has sufficient equipment, physical ability and spare time to comply with the requirements outlined in the letter;

Windows to be cleaned (both inside and out) – fly screen to be brushed

The cleaning of the inside and outside of windows would present an issue on houses with two or more stories in height. The address that this pre-inspection letter was sent to was a single-story building, but if it were two or more stories, compliance with this request would present a

health and safety problem for the tenant. Another of the pre-inspection letters goes as far as recommending cleaning products to use;

Recommended cleaning products:

1. Exit Mould Remover
2. Glass cleaner
3. Jiff
4. Oven cleaner
5. Spray and Wipe
6. Sugar Soap
7. Toilet cleaner

While this list may be helpful for some people, including such a list implies that a tenant would not be capable of making decisions about appropriate cleaning products independently, also some people prefer less chemically based cleaning products, other may have allergies to some chemicals. These overzealous lists are patronising, and this practice is likely to reinforce the power imbalances between those who own or manage rental properties and tenants. The letter excerpts illustrate a taken for granted practice of periodic inspection of tenanted properties, and this common-sense norm is so ingrained that it goes unchallenged. The tenants have few options but to share in the belief that their life position as a tenant requires them to periodically come under the scrutiny and gaze of power and authority. The requirements of this gaze are illustrated in the quotes from the inspection letters above. The periodic inspection and the cleaning to-do list are a constant reminder example to the tenant of the power dynamics and who is in charge. These circumstances work to reinforce the precarity of tenants' lives.

The information available online from Tenancy Services (Tenancy Services, 2021a) provides details regarding the periodic inspection. This website states that the landlord has the right to expect the property to be kept reasonably clean and tidy but does not give any examples of what may be considered reasonable. This webpage also clearly perpetuates stereotypes about tenants as needing monitoring with statements such as;

If a landlord is testing the property for methamphetamine, at least 48 hours' notice needs to be given to the tenant (Tenancy Services, 2021a).

Tenancy Services (2021a) is a government website that explicitly pinpoints an issue related to illegal drugs on the same page describing periodic inspections. The web page's tone implies that tenants are risky people, and regular inspections are needed to ensure they are not making or taking illegal drugs.

The provision of a cleaning checklist by the landlord or property manager is evidence that the inspection is not primarily about ensuring the safety of the owner's investment but is more about retaining symbolic power over the tenancy. Asking tenants to tidy up is reasonable to ensure that the property is not sustaining preventable damage. However, the cleaning requests in the pre-inspection letters analysed in this chapter go beyond the responsibilities of the tenant as outlined in Section 40.1.c of the Act. The unclear expectations of the periodic inspection provided by the Residential Tenancies Act (1986) mean tenants may come under scrutiny of their hygiene, rather than an inspection of their house or property condition.

In addition, the inspections produce an inequality for tenants compared to home-owners. This inequity may be dismissed by some who hold the view that achieving home-ownership requires effort and sacrifice; thus the position of home-owner deserves privilege. Yet, the common construct of home-owner is a misnomer. When a home-owner draws down a mortgage to assist with purchasing a house, the lending institution such as a bank will lend up to 90 percent of the purchase price provided the borrowers meet the requirements. The loan makes the bank a 90 percent shareholder in the property. So why does the bank forgo inspections of their asset? As a major shareholder, the bank may share all of the concerns raised by landlords about the safety of their investment. Nonetheless, the bank does not send out letters to home-owners asking them to mow the lawns and weed the garden, nor do they request

that the curtains be washed. The bank does not even inspect the asset periodically to ensure the person living there is not damaging the property, intentionally or otherwise.

The Tenancy Tribunal

Although any party of a tenancy agreement can bring a claim to the New Zealand Tenancy Tribunal, 85 percent of claims made in 2018 were brought by landlords (Farha, 2020). One potential reason for this imbalance may be that up until very recently all Tenancy Tribunal records were made available to the public. Following the recent Residential Tenancies Amendment Act (2019), applicants can now request they be anonymous on any public record. However, it is still the case that for Tenancy Tribunal hearings prior to this rule change, and for those that do not know about the rule change, a simple search by name on the Tenancy Tribunal website can produce any filings involving that person. Therefore, it is plausible that tenants are hesitant to bring a motion to the Tenancy Tribunal, as doing so may result in discrimination, ultimately reducing their ability to find another tenancy when the need arises. This scenario becomes more problematic when connected to the competitive nature of finding a rental home in major cities around Aotearoa New Zealand.

Another potential reason tenants do not bring issues to the Tenancy Tribunal may be the tenants' lack of understanding of their rights as tenants. Due to the underdeveloped tenancy advocacy services in Aotearoa New Zealand, relative to other areas of the world, tenants may be experiencing limited access to appropriate legal advice or advocacy services, therefore not realising that a claim could be valid for them. Although Bezdek's (1991) research is now 30 years old and based on the rental court in America, findings from Bezdek's (1991) research highlight a potential reason why tenants do not access the Tenancy Tribunal. Bezdek's (1991) research found that aspects of the tenants' lives, such as employment and child care obligations,

provide material reasons why tenants may experience limited access to the Tenancy Tribunal, as the process for applying and attending the Tenancy Tribunal is time-consuming.

Utilising the Official Information Act, I requested the Ministry of Justice results following tenancy tribunal hearings, in an attempt to identify how many hearings were in favour of the landlord versus those in favour of the tenant. The request was denied on the basis that ‘the Tribunal does not record the total decisions relating to an application, or whether the landlord or the tenant was the successful party’ (B. Findlay, personal communication, 26 January 2021) (Appendix 3). The tribunal findings are often complex as the claims being brought are seldom straightforward or only involve one matter. Therefore, it would be necessary to look at each individual ruling separately to understand if landlord claims are repeatedly upheld or not.

Bond office trust account

When a tenancy agreement commences, it is commonplace for the landlord to request a bond to be paid by the tenant and held in case of damages or outstanding charges related to the tenancy. In Aotearoa New Zealand, the Residential Tenancies Act (1986) provides for this process. It states that bonds taken in conjunction with a tenancy are to be paid into the Residential Tenancy Trust Account. A bond form must be filled in and signed by all parties on the tenancy agreement and lodged with the bond office.

The Residential Tenancy Trust Account is used to hold bond money lodged in relation to a tenancy. The Residential Tenancy Trust Account generates an interest dividend that is owned by the Crown in accordance with the Public Finance Act (1989) and the Residential Tenancies Act (1986). The Crown use this interest dividend to partly fund the Tenancy Tribunal. See Appendix 5 for a full record of how the funding of the Tenancy Tribunal operates. The following Table 4.2 shows the sources of funding for the Residential Tenancy Tribunal.

Table 4. 2*Breakdown of funding for the New Zealand Tenancy Tribunal.⁷*

Breakdown of Revenue	Revenue	Grand Total (Running total)
Crown funding	\$3,035,000	\$3,035,000
Tenancy Tribunal fees	\$694,554	\$3,729,554
Interest from Tenancy bonds	\$20,629,160	\$24,358,714
Unit title application fees	\$137,115	\$24,495,829
Market rent reports	\$7,525	\$24,503,354
Other revenue	\$173	\$24,503,527

Table 4.2 shows a breakdown of funding for the Tenancy Tribunal for the year ending 30 June 2017. The Ministry of Justice also provides funding for the tenancy tribunal, additional to that shown in Table 4.2, in the form of remuneration for the adjudicators and funding the debt collection services (Appendix 5).

Unclaimed bond money

If a bond lodged in the Residential Tenancies Trust account is unclaimed for six years following the end of the tenancy, it becomes the property of the Crown (Appendix 5). I obtained information of the total bonds unclaimed under the Official Information Act from an OIA application made on 15 February 2018 (Appendix 5). The total number of bonds from 2011 to 2017, sitting as unclaimed, was 20,086. These unclaimed bonds amounted to a total cash asset of \$9,521,337.80. Nine and a half million dollars is a significant amount of money left behind for no good reason by tenants leaving tenancies. The bond office has set up a team whose role is to attempt to return bonds before they are sent to the Crown consolidated funds account (Appendix 5). Seceding these unclaimed bonds has become an annual process, and in 2017 the Crown consolidated account received 4.6 million in unclaimed bonds (Appendix 5).

⁷ Note. Adapted from Appendix 5

The process for a bond to become identified as unclaimed occurs when the bond office receives a new bond lodged against the same address. The reason why a bond remains unclaimed is not recorded. Issues for claiming the bond may relate to the names of tenants not matching those on the original bond form. This matters since bonds can only be claimed if all parties on the original lodgement form are named on the bond release form. Consider a case where a tenancy agreement and bond are signed at the beginning of the tenancy. However, during the tenancy the occupants of the house change multiple times, such as is common in student flats or high-priced rentals where many individuals pool their money to afford the rent price. As people come and go from this arrangement, they have a casual bond transfer, when for example, a person was living in a multiple person tenancy but decides to move on. Their part of the bond was \$300, so when the next person moves in to replace the one leaving, the incoming person simply pays \$300 to the outgoing person. According to the Residential Tenancies Act (1986), a bond amendment form should be filled in and sent to the bond office. Yet, it is easy to see that this could be considered too complicated compared to the casual arrangement. Further, these administrative tasks coincide with a time when individuals are moving house, so this process may fall low on the priority list thus, those remaining when the tenancy ends may be unable to reclaim their bond. Another plausible explanation is in the case of a tenant's death where next of kin are not privy to the tenancy arrangements and, for several possible reasons, do not file to have the bond returned.

The amendments to the Residential Tenancies Act (1986)

The context in which the Residential Tenancies Act (1986) was written is vastly different to the context of Aotearoa New Zealand society in 2021. Over the last 35 years, Aotearoa New Zealand has experienced changes in many key areas relevant to tenancy, such as population increase, declining home-ownership rates, increased cultural diversity, under-supply of

housing, greater density of living and a reduction in the affordability of housing (Howden-Chapman, 2015). Prior to implementing the Residential Tenancies Act (1986), Aotearoa New Zealand had only around 20 percent of the population renting (Bassett & Malpass, 2013), compared to 2015, when approximately 50 percent of the population were renters (Eaqub & Eaqub, 2015). For some people, renting a home will now be a lifelong circumstance (Eaqub & Eaqub, 2015).

The Residential Tenancies Amendment Act (2019) brings a three-phase series of amendments to the Residential Tenancies Act (1986). These amendments began to come into effect in August 2020 (phase one), while phase two came into effect in February 2021, and the final phase three will come into effect in August 2021. Many of the amendments aim to address the societal changes that have occurred since the 1986 Act was written. The key amendments to the Act are shown in table 4.3 below.

Table 4.3

Key policy amendments from the Residential Tenancies Amendment Act (2019).⁸

Phase 1	<ul style="list-style-type: none"> • Clarification that transitional and emergency housing are not covered by the Act • Rent can only be increased once in 12 months
Phase 2	<ul style="list-style-type: none"> • Security of tenure; no eviction without good reason • Changes for fixed-term tenancies; right for the tenant to remain in the tenancy at the end of the fixed term • Making minor changes to the property now specifically permitted • Prohibition on rental bidding; rent price must be stated in marketing; no tender process allowed • Fibre/Broadband; tenants have the right to ask that fibre be installed (at tenant's cost) • Privacy and access to justice; tribunal records can now be made anonymous • Assignment of the tenancy; the tenant can reassign the tenancy by agreement with the landlord • Landlord insurance details to be made available to tenants • Enforcement measure strengthened • Changes to tenancy tribunal jurisdiction
Phase 3	<ul style="list-style-type: none"> • Violence can end the tenancy

⁸ Source: Author. Data gathered from the Residential Tenancies Amendment Act, 2019)

Two Sections stand out in the Residential Tenancies Amendment Act (2019), Sections 42.a and 42.b, which improve homemaking for the tenant. These additions provide the tenant with a way of facilitating minor alterations to the premises that are desirable for the tenant. Section 42.a explains the process of a written application by the tenant to the landlord to make any alteration to the premises and further provides the landlord with guidance on how to handle such an enquiry. Section 42.b delivers a framework for landlords and tenants to decide what is an appropriate alteration, providing an outline for what is to be considered a minor alteration, which the landlord is not able to refuse. These changes result in the tenant being able to take part in homemaking by, for instance, hanging a picture on the wall or adding a shelf, provided the guidelines in the Act are followed. Alterations following these guidelines should not present a risk to a tenant's bond money, even if the landlord decides that they are unhappy with the alteration at the tenancy's termination.

While the changes may sound trivial, they are far from trivial. The process of homemaking is central to our experience of houses, and homemaking transforms a house, a place of shelter, into a home; a place of meaning for the occupants (Doyle, 1992). These two sections stand out due to the explicit nature of the conditions attached to the changes and provide a straightforward process to follow for the tenant. The clarity of the Act explaining how to handle minor alterations to the property would be ideally transferred to other areas of the Residential Tenancy Act (1986). Introducing a similar amount of clarity in the Act to improve understandings as to what fair use and quiet enjoyment mean and what the periodic inspections should be inspecting would increase understanding of rights for both landlords and tenants.

The Residential Tenancies Amendment Act (2019) also aims to provide more stability for the tenant. Prior to these amendments, a landlord could evict a tenant by simply providing

a 90-day notice. The amendment aims to strengthen tenure by asking landlords to provide a good reason for the eviction. The tenant can also question the reason provided, and if necessary, a hearing at the tenancy tribunal can be convened to have an adjudicator decide if the reason for eviction is valid (Residential Tenancies Act, 1986, s. 60.aa). These amendments improve tenure for the tenant, but only marginally, given that a property owner can still issue a 90-day notice if they have what is considered a ‘good’ reason, forcing the tenant to move home.

Chapter summary

Tenancy is a complex arrangement and brings together two parties who are likely seeking different objectives. The complexities of bringing together two parties in a tenancy produces the need for regulation. In this chapter I have highlighted areas of the arrangement that are not resulting in a fair and balanced arrangement. On one hand, it is necessary for rental properties to function as an investment, in order to attract people to this type of investment and to supply the market with rental homes. On the other hand, it is also necessary to protect the interests of the tenant and to ensure both parties are getting a fair and reasonable deal. The neoliberal imperative of individual responsibility and the promotion of investing in a rental property to provide personal wealth for the landlord, has led to the situation where tenants of such properties become dehumanised. With the framing of a house as simply an investment with little thought of the humans who may occupy it, the tenants simply become the production unit that will pay for it. This dehumanising then paves the way for inflation of house prices to occur and thus inflated rents to pay for them. The government intervention of the Accommodation Supplement has failed to adequately address the unequal market positions of renters and is instead absorbed within the ongoing and largely unregulated inflation of rents.

Rather than being a production unit, the tenant is a human being accorded a number of rights through the Residential Tenancies Act (1986). When a tenant rents a home the Act

entitles them, among other rights, to quiet enjoyment of the property. This can be thought of as a type of ownership: it is not full ownership, but a portion of ownership that allows the tenant to use the house to live in. Under the Act, landlords are able to carry out periodic inspection, but the failing here is the Act does not provide sufficient definition of what the inspection should cover. Clearly the landlord should be allowed to make sure the tenants are not doing damage. Yet, 50 percent of Aotearoa New Zealand's population are now living in tenancies, and many of these tenants would desire housing stability rather than experience the significant costs and inconvenience of frequent house moves. Property management companies have taken it upon themselves to define what the inspection is about, the lack of definition of inspection in the Act, and the lack of a professional code of conduct has allowed for this interpretation to take place.

In the following chapter, I discuss the aspects of tenancy highlighted within this analysis chapter and provide ideas and processes that could be more effective in balancing the rights of tenants with those of home-owners/landlords.

Chapter five: Discussion

This thesis has explored the residential tenancy arrangements operating in the context of the Aotearoa New Zealand housing crisis. In this chapter, I summarise and draw together key elements of the analysis undertaken in my research. Because the thesis draws on the values and principles of community psychology, it is action-focused: therefore the present chapter also combines discussion with recommendations.

In this community psychology thesis, I have drawn on the ecological model and systems thinking to situate housing and tenancy within the contexts in which they occur. In connecting specific examples to the broader aspects of tenancy this thesis aims to illustrate why a landlord chooses this business, and how policy plays a role in that decision. I have also explored how the landlord's business decisions and government policy impacts the lives of tenants, highlighting the inequality and power imbalance present in the life world of a tenant.

The economic distortions and social injustices currently present within the housing situation in Aotearoa New Zealand impinge on human rights (Farha, 2020), and undermine the wider social fabric. The injustices caused by run-away house prices, the supply-demand crisis, the affordability crisis and the rental tenure crisis (Johnson, et al., 2018), in the end, will increase economic and social costs. For people living in poverty the price of housing is higher, in relative terms, by way of their being in the most financially precarious section of the population (Rashbrooke, 2015). Fluctuations in daily living costs impact those experiencing poverty more as they have access to fewer resources to buffer against these fluctuations (Standing, 2014).

As has been shown in this research there is a tension within the current tenancy arrangements due to the needs and motives that bring those involved to the tenancy arrangement. For the landlord, neoliberalism influences their activity, towards being a 'good' citizen. On the one hand, due to the particular historic and contemporary policy approach that

promotes residential property investment, the landlord is doing what is expected in preparing themselves to be financially independent in the future and thus to avoid being a burden on the state. On the other hand, the tenant is looking to meet their need for housing, and in the process, they are subject to market fluctuations and pay a fee, described as 'rent' for the 'quiet enjoyment' of the property.

The recent Residential Tenancies Amendment Act (2019) aims to improve tenants' lived realities by strengthening tenure and providing more rights for the tenant. Landlord organisations and media commentators have been aggressively critical of these amendments, as highlighted on page 16. Further, landlord organisations have argued that the amendments will cause landlords to sell off their investments, which will decrease rental stock and increase the housing crisis (Garner, 2020, August 4). This argument is illogical. If a house is sold by a landlord it does not cease to exist as a house. In the majority of cases, such rental properties are released to the market and are purchased by either another landlord-investor, or potentially, an owner occupier. Thus, such a sale may instead increase the availability of homes to buy for the owner occupier market.

In presenting their views in the mainstream media, landlord organisations have sought to retain symbolic power in naming and defining issues around housing and property investment (Hodgetts & Stolte, 2017). This highlights the powerful position of landlords in society, being able to have their voice heard in mainstream media. That ability then generates common and largely unquestioned discourse, regardless of the accuracy of the information. The arguments made in media regarding the Residential Tenancies Amendment Act (2019) are often completely missing the point of the amendments, which is to strengthen the tenancy relationship. For example, the strengthening of tenure by the amendments aims to reduce the number of moves by tenants, which are two and a half times more frequent than home owners, with ten percent of tenants moving five or more times in a five-year period (Statistics New

Zealand, 2018). Moving so frequently presents a pattern of social disruption for the tenants faced with this reality. Tenants moving house is not only a disruption for tenants and their families, but also for landlords. When tenants leave the landlord has to deal with the process of advertising the property, vetting potential tenants, selecting the new tenant and processing all the paperwork, and the consideration of loss of income during this process. It is beneficial to both parties if the tenancy remains in place and runs smoothly, a point that is seldom highlighted in the news media.

The Accommodation Supplement has been identified as an attempt to address unaffordability in the private rental housing market in Aotearoa New Zealand. The Accommodation Supplement is a government subsidy that does not fit within a neoliberal ideology of a free and self-regulating market. Current and previous governments have however ignored this incongruence for at least three reasons. Firstly, the free market was not able to self-regulate due to high levels of demand connected to the human need that housing serves. Secondly, Aoteroa New Zealand now has a significant lack of supply of government owned public housing that could be used as affordable housing, and finally, there appears to be a lack of political will to put in place rent price regulations. Additionally, the Accommodation Supplement spends more than two billion dollars carrying the shortfall between incomes and housing costs, this significant spend of taxpayer money is able to be absorbed by an ever increasing housing expense in the face of unregulated housing costs.

A private landlord should have fair and viable returns

It is appropriate that private landlords are rewarded for investment, given that they are taking financial risks by purchasing a significant asset and then (in most cases) inviting strangers to live in it. In this context, landlords should expect to be fairly remunerated for the risk of their investment. But, how much risk is there?

When a bank issues a mortgage for a property of up to 60 percent of the value of the asset, the bank is taking on a risk. The arrangement is commonly set up this way because the perception of risk associated with the asset (residential property) is seen as low. Banks will not loan up to 60 percent to someone looking to invest in the share market or in currency markets, because the perceived risk is too high. Houses offer a stability for investment like few other opportunities. This is, in part, due to evidence provided by history with houses rising in value over the long term, but also because houses are socially represented as 'safe' investments that (usually) go up in value, so this perception becomes 'common-sense'. The risk for a landlord is often used as a justification for the policies and remuneration that surround the tenancy arrangement. When it comes to risk for the landlord that is presented by the tenant, such as damage to the property, landlords have insurances for this, and the recent Residential Tenancies Amendment Act (2019) requires the landlord to make this insurance available to the tenant should the need arise to use it.

In the current Aotearoa New Zealand context, where the private rental market is relied upon, it is important that land-lording is a viable venture, due to the inability of the state to cater to the entirety of this market need. So, given this argument, the rental price should cover the costs associated with having a tenant, such as accounting, insurances, maintenance, and keeping up with regulatory demands. However, the idea that rent should also cover the cost of a mortgage is unusual when the business of tenancy is compared to the way other businesses operate. When capital gains are added to the income of a rental property, the income statement becomes accurate to what the property is actually earning. This is an important distinction, as with tenancy, income is often only considered as arising from rent.

Yield is an investment term used to calculate the viability of an investment (Kiyosaki & Lechter, 2001). Yield on a rental property is commonly reported as a percentage. However, yield calculations normally include only income from rent and does not include any gain in

capital value that the asset may experience. For arguments sake, in the past, when a residential property was worth \$100,000 and the capital gain was 10 percent per annum, that was an income of \$10,000 for the owner, a kind of cherry on top of the true investment strategy, which would have been yield, in the form of rent paid by a tenant. In 2020, the Aotearoa New Zealand median house price was \$749,000, which means that a 10 percent capital gain, as illustrated in Table 4.1, is more income than many people are earning from wages. The reality is that property investment calculations are still based on the same calculations used in the early 1990s. For income calculations, the yield of rental income is treated as the only income. In reality, the income from capital gains has been a much larger driver of wealth generation for property investors over the last decade than income from rent fees.

It could be argued that capital gains are not included as income when calculating the yield from an investment property for two reasons: firstly because capital gains fluctuate and are not guaranteed and secondly because they are not realised until the property is sold. These two assumptions are false. Firstly very few businesses can guarantee their net profits accurately, and no investment activities come with a guarantee of profit. Secondly, the simple process of having a private valuer establish the current market value of the asset means the owner, has the ability to draw on the equity gained (provided the capacity to meet the lending criteria is met). Equity leveraging is common practice when a property investor is looking to expand their portfolio. That is, they will have their existing assets valued, and then use any equity in those assets as a deposit to purchase the next asset (Kiyosaki & Lechter, 2001). There are other means of extracting the equity from a property, such as a revolving credit. An interesting side advantage to the capital gains being so high in the current Aotearoa New Zealand housing market is, under the current arrangement, landlords are able to extract income from broader capital gains in the residential property sector by increasing the rent price due to the increased value of the house. All of these factors increase inequality due to the large amount

of wealth being generated for those who have the means to capitalise on low interest rates and a booming housing market.

Capitalism promotes the view that a property owner should maximise the return on their investment. In the case of a landlord, they are providing a home for the rental market that the government is unwilling or unable to supply. There are risks associated with this investment, and, in the current market, there needs to be a return in order to entice investors. The issues are complex and intersect to generate a perfect storm. However, the returns on residential property are not subject to regulatory constraints, which means that investors are able to leverage their capital to many times the true level of their investment capacity. These factors make this type of investment more favourable compared to other possibilities. Further, these factors also mean that the fundamental human need for housing is increasingly out of reach in the private rental market due to the rising rents resulting from residential property price rises.

Financialisation of housing as a key issue

There is a human cost associated with the financialisation of the basic human right of housing, resulting in treating housing in a speculative manner. By looking overseas, the human costs associated with housing speculation are evident. For instance, in the United States of America (USA), the global financial crisis was in part fuelled by a housing debt crisis driven by speculation. A housing crisis is not just a financial crisis. Psychological stress is also a factor, as found in research conducted in the USA that investigated rates of intimate partner violence. Police reports of violence were compared with foreclosures on housing loans in three areas, finding a significant increase in intimate partner violence during foreclosures (Wallace, Chamberlain, & Pfeiffer, 2018). Stress was identified as the driving force of this increase in violence, but stress does not just affect rates of violence, it also affects people and families in many other complex ways. The type of stress resulting from unaffordable housing is chronic

and cumulative. This type of ongoing stress is connected with alterations in brain development, has links to depression, links to difficulties with emotional regulation and a number of other complex neuropsychological issues (Contrada & Baum, 2010). Consequently, the financialisation of housing has much broader impacts beyond economic concerns, such as affordability. Frequent house moves disrupt people's everyday lives, employment, education, child development, which in turn accumulate as societal costs for present and future populations.

Free market housing is a driver of inequality

The free market model, which currently underpins the approach to housing in Aotearoa New Zealand, allows landlords to charge market rates for rental housing. Accordingly, these rates are not bound to a set of rules or guidelines, since prices are based on the market alone. From a free market economic perspective, if there is more demand than supply, prices will rise. Such rises have a greater impact on people experiencing poverty, preventing them from acquiring, maintaining, and retaining a home. As a result, housing becomes a driver of inequality by generating a division of those who own a home, those who own multiple homes and those who do not own a home.

The cost of housing is not bound to inflation. For a long time, the values of homes have exceeded the general inflation rate year on year (Johnson, et., al., 2018). This is important for a tenancy agreement because there is an assumption that the landlord has the right to increase the rent price year on year, regardless of whether or not there is inflation in the wider economy. The increase in capital value of the house alone may be used as justification to increase the rent price, even when wages, alongside general inflation have not risen at the same rate. This situation has caused the cost of housing to become out of sync with incomes and other expenses, thereby increasing the relative cost of housing. Thinking of the value and cost of

housing in this way demonstrates how housing quickly becomes unaffordable for tenants. In Aotearoa New Zealand today, there is no policy requirement for a landlord to connect an increase in rent with any material increase in value or quality for the tenant. The landlord may justify the increase by connecting the rent increases to the rise in the capital value of the house being rented. Indeed, these norms are so entrenched that there may be little need to justify rent rises. The rent increase is governed only by a presumed faith in the free market model, where if the rent increase is too high the tenant will likely move on and the landlord would need to reduce the rent to gain another tenancy. This free market ideology is not functioning in practice due to a lack of affordable housing supply in the housing market. With no other option but to stay and take on the rent increase, people will go without other items to ensure they meet the basic need of shelter.

A further point to consider is the increase in living costs for the tenant. While house value may be used as a reason for a landlord to increase rent, thus increasing the tenant's costs, that is not the case for those who own their home as the mortgage payments do not increase when the value of the home increases. This is a further driver of inequality in Aotearoa New Zealand. Consider that when a person buys a home and draws down a mortgage, they know that, fluctuations in interest rates aside (these can also be fixed by terms), the mortgage payment will be somewhat set. In contrast, the tenant has no such guarantee, aside from a 12-month period before the rent can increase under the Aotearoa New Zealand tenancy laws. Importantly, the increased rent price is not bound to any improvement in amenities, quality, location or healthiness of the property, as these do not need to change in order to increase the rent price. Rent increases are a decision made by those who operate these investments based on how much they think their asset would be worth if it were sold. The individualised nature of neoliberal society is at play again here. If a landlord can charge a high rent for their property, this affirms their entrepreneurial skills and legitimate status as a model neoliberal citizen. The growth in

capital gains provides the landlord with a perceived justification to increase the rent price, but it is the landlord receiving the gains in capital value.

Reconsidering the tribunal – underdeveloped advocacy services

In Auckland, Aotearoa New Zealand's largest city, with approximately 1.3 million residents, there is one service called the Tenants Protection Association. This service consists of one professional staff member and operates to assist in the landlord-tenant relationship (Farha, 2020). In contrast, Cologne, a German city of 1.1 million people has a well-developed tenancy support service, known as tenant associations, that provide legal services free of charge. These organisations are widespread with seven offices around the city, employing 48 staff to manage the 32,000 legal consultations. They work with more than 66,000 contributors. This example highlights the underdeveloped tenant support system in Auckland, Aotearoa New Zealand.

The development of advocacy services for tenants is not simply about handling disputes. Advocacy services could be working to include the lived experiences of tenants in media representations, providing an alternative perspective to the current dominant reporting from the perspective of landlords and property investors, as discussed on page 16. Reframing the issues in media would work to generate support for government interventions to balance the tenancy arrangement, and to bring tenancy in Aotearoa New Zealand in line with overseas models, and in balance with home ownership.

Funding the tribunal with proceeds from bond investments

The process of my own defamiliarisation during this research has presented the question: Is the Tenancy Tribunal the best place to spend funding generated from the Residential Tenancies Trust account? The Residential Tenancies Trust generates income by investing tenants' bond money, and thus it is tenants' money that is producing this income for the state (Johnson, et al.,

2018). In 2018, 85 percent of claims heard at the tenancy tribunal were brought to the tribunal by landlords (Farha, 2020). The bond funding available is significant, slightly over 20 million dollars in 2017 (Appendix 5). By its own admission, The Tenancy Tribunal is a scary place to have grievances resolved, as is illustrated by this statement which appears on the tenancy tribunal website; “Attending a hearing can be daunting (Tenancy Services, 2021b).” It is unlikely and inappropriate that an advocacy service would need to issue a warning similar to this for those looking to use the advocacy service.

The lack of advocacy for tenants has penetrated the legal process to such a degree that the rules for the tenancy tribunal state that parties can bring a support person to the hearings, although this support person is not able to speak. It is possible to have a witness speak on your behalf, but they are not allowed to attend the hearing in full, since the witness is present only while they are speaking (Tenancy Services, 2021b).

A widespread well-funded tenancy support service available to assist with tenancy agreements and disagreements could take the daunting aspect out of the dispute process and mediate between the parties to attempt a resolution. Such a service would not be intended to replace the tribunal, instead it would work alongside the tribunal, offering an independent service that aims for fairness, just as the tribunal does, but offers easier access for tenants. Further, the addition of increasing tenant advocacy services could work to produce a culture of understanding, and work to change the narrative of the ‘risky’ tenant (Bierre, 2010) discussed on page 79, and work to highlight the many tenancies that run perfectly smoothly. Arranging a tenancy support and an advocacy service such as what is being discussed here could provide open access to a nationwide set of services, for all parties of the tenancy and empower these services to work at every level of the tenancy process, from the development of policy through to the settling of disputes all the way down to the formation of tenancy agreements.

Further understanding of class and symbolic power in action

In Aotearoa New Zealand, the lack of public debate about the nature of the rental arrangement and the lack of government presence in the rental accommodation arena shows a cloak of hegemonic silence in action. As discussed earlier, less than four percent of the total housing stock in Aotearoa New Zealand is operated by the state (Johnson, et al., 2018). Meanwhile, private landlords are reaping the rewards of their investments aided by structural policies that reduce state presence in this market and promote property investment over other investments.

The lack of state presence in the rental housing market reduces the tools available to a government attempting to counter balance issues such as rising rent prices. Using state housing as a counter balance to the private market rental is fairly simple to understand and has many upsides for the lives of those on low to moderate incomes, by way of providing affordable housing. Nonetheless, in Aotearoa New Zealand today there is a lack of state presence in the rental housing market driven by decades of neoliberal thought and policies, aided by hegemonic silence. Some of those with the power to produce public policy and generate understandings of key issues related to housing are likely acting according to their own interests in such markets and the similar activities of their peers.

Investments in productive endeavours, or investment in a business that produces employment and other socially rewarding benefits, are less accessible due to the way the finance system works. Current legislation allows property investors in Aotearoa New Zealand to leverage their capital to use for purchasing investment properties. This ability to leverage is combined with a lack of a capital gains tax, which means that property investment becomes much more desirable for those with some capital to invest (Bollard, 2003).

Further, the widespread media coverage of landlords' reactions to amendments of the Residential Tenancies Act (1986) shows how the views of tenants are marginalised. Mainstream media presented the majority of interpretations from the perspective of landlords.

The amendments to the Act were not really that significant for the landlord, but will make a huge impact on the ability for the tenant to make and retain their home. The simple act of hanging a picture hook was once an anxious event for the tenant (Carr, 2019). Now tenants can hang a shelf, and a picture, but still only after getting permission from the landlord, in writing (Residential Tenancies Act, 1986, s. 42.a). Further, the amendments now require the landlord to provide a good reason for eviction. This is hardly a burden on the landlord, given that they are purportedly in the business of providing a home for a tenant. If banks were able to issue a 90-day notice to the mortgagee, it is logical that this notice would require a good reason. The bank is in the business of residential mortgage, so why would they remove the person paying the mortgage. The landlord is in a similar business, so why remove the tenant? The 'reason for eviction' clause provided by Section 51.3.ca of the Residential Tenancies Amendment Act (2019) makes sense when considering the business activities that are governed by the Act. Yet, mainstream media still spun these amendments out of perspective by scaremongering and emotive reporting (See p. 19).

With an underdeveloped advocacy service for tenants, such as renters' unions or associations, these issues of symbolic power and hegemonic silence enable the perpetuation of dominant narratives, which maintains systemic power for those who are benefitting from them.

The periodic inspections

The requirements made by property management companies in the pre-inspection letters is another expression of the hegemony of elites. Tenants must conform to the will of these expectations. The pre-inspection letters sent to tenants describe how the tenant should live their life, demanding that their home must be free from such things as mess, dusty skirting boards, and numerous other minor housekeeping infringements. The underlying assumptions are that the tenant is likely a messy person that needs to be instructed on how to clean themselves up,

and that the tenant has time to complete these tasks before every inspection since they are presumed to be less productive and economically active. This situation, and the unspoken assumptions that underlie it, begs the question, what is the actual intent of the inspection? Surely, it is to protect the landlord's property investment and ensure that the property is fit for the purpose of being tenanted. This thesis has focussed largely on tenancies which are managed by private companies of "property managers" often associated with real estate companies. However, many properties are also owned by investors who may choose to manage their properties themselves, and in a much less intrusive manner. I have also not discussed tenancies where sometimes quite serious problems are caused by tenants themselves.

I am not arguing that a tenant has no responsibilities. What I am arguing is that the responsibilities should be in balance with the provision offered by section 38 of the Residential Tenancies Act (1986); that is the tenant has the right to 'quiet enjoyment' of the home. Another way of highlighting the inequality present in the current tenancy arrangement in Aotearoa New Zealand is to compare the expectations of tenants with the expectations of people who may be classed as homeowners even if they have very little equity. When a mortgagor lives in their home, the bank does not require inspections of the skirting boards or that everyday housekeeping tasks are being carried out. Nor, does the mortgagor need to seek permission from the bank to hang a picture. The Residential Tenancies Amendment Act (2019), as mentioned above, still requires tenants to seek permission to hang a picture, in writing (Residential Tenancies Act, 1986, s. 42.a). In a bank-mortgagor relationship, the liability for any misfortune or abuse is placed on the mortgagee, so why not have the same system for tenants? If there is concern about affordability should something go wrong and the tenant becomes liable for the expenses, let us remember that landlords have access to the tenant's bond and landlord insurances for these misfortunes. The Residential Tenancies Amendment Act (2019) states that the tenant is liable for the excess payment on the landlord's insurance

policy if the damage occurs as a result of the tenant's carelessness, up to a maximum liability of four weeks rent. We must keep in mind that with the high number of tenancies in place in Aotearoa New Zealand the reality is that very few tenancy agreements have any issue whatsoever.

A reminder about the age of the Residential Tenancies Act (1986)

A key issue of the Residential Tenancies Act (1986) is the context in which it was written. In 1986, being a tenant was an in-between situation, or a temporary living arrangement normally prior to achieving home ownership. In 1986, 75 percent of homes in Aotearoa New Zealand were owner-occupier (Statistics New Zealand, 2016). However, by 2018, this had fallen to 68 percent (Statistics New Zealand, 2018). This is a shift from one-quarter to one third of Aotearoa New Zealand's homes being rented rather than owned. As of 2018, Aotearoa New Zealand had the lowest rate of homeownership in 70 years (Statistics New Zealand, 2018).

Amendments to a 35-year-old Act will go only so far, considering that the context in which the Act was written is vastly different to that of 2021. There is a need to write a new Act that encompasses the realities of the current situation, and which looks forward to other possibilities of how tenancy should operate.

Power imbalances driven by discourse

The 'risky' tenant discourse (see p. 79), as discussed by Bierre and colleagues (2010) is so pervasive that it has allowed for the emergence of a new type of business. The company called Illion Tenancy was formed to provide a service to landlords. Illion Tenancy investigates the private information of prospective tenants for a fee, with the aim to selecting the best tenant for a landlord. According to their website, they are commonly referred to as; "the national bad tenant register" (Illion Tenancy, 2021).

Part of the service offered by Illion Tenancy is searching the Tenancy Tribunal for prior judgements against potential tenants. The service performs more than 20 other searches, investigating if a potential tenant has ever had interactions with the Ministry of Justice, District and High Court Judgments, Facebook, Google, TV and Newspaper, Sensible Sentencing Trust, Companies Office records, Interpol and more (Illion Tenancy, 2021). The service also has a place on their website for landlords to post their experiences about specific tenants, offering authors of such posts benefits that include landlords being able to "... earn account credits for each tenant lodgement which can reduce your tenant checking costs" (Illion Tenancy, 2021). The lodgement referred to in the quote from the Illion Tenancy website is the ability for landlords to participate in a peer-to-peer information sharing service, provided on the Illion Tenancy website. Having a service, such as Illion Tenancy, available to landlords helps to reinforce the narrative that tenants are a class that need to be monitored. There is also an additional point here that the power to surveil and penalise is in the hands of an un-elected, largely unaccountable private company. Services, such as Illion Tenancy and the requirements set forth in the Residential Tenancies Act (1986), work as a form of symbolic power (Bourdieu, 1979; Hodgetts & Stolte, 2017) to maintain the powerful elite in control of the discourse that surrounds the relationship between the landlord and the tenant.

Where to from here?

This thesis has identified social justice issues that are occurring within the current housing market and housing financialisation crisis in Aotearoa New Zealand. The unaffordability of housing will have a more profound impact on those with lower incomes due to the proportion of their income that is needed to achieve and retain a home. For the residential tenancies, there are social justice issues of quiet enjoyment, fair use, security of tenure, access to justice issues

and economic security and equity of opportunity when compared to home owners. For the final section of this discussion chapter, I will introduce ideas of how to proceed. These ideas have emerged out of this research, and provide an opportunity for further research and the development of policy recommendations.

The commercial lease model

A number of key disparities exist between the residential tenancy arrangement and the commercial lease arrangement in Aotearoa New Zealand. Commercial and residential tenancy is essentially the same contractual arrangement, where a property owner agrees to allow another person (or company) to occupy the premises they own in exchange for a fee. While the two relationships are all but the same thing, there are differences in the laws and policy that governs these arrangements. These differences highlight the power imbalance of the residential tenancy relationship.

Commercial lease agreements in Aotearoa New Zealand are governed by the Property Law Act (2007). Under the Property Law Act (2007), the lease agreement grants the tenant the right of exclusive possession of the property. Lease periods are to be specifically defined, unless the lease is periodic, which is still defined as such. These two elements of the lease arrangement provide the tenant with secure tenure, and the ability to renew (extend) the lease, should the tenant wish to continue to occupy the space. Security of tenure is important for a business; it is also equally, or potentially more important, for a person's home.

During negotiations of a commercial lease, either party are able to add specific terms to generate a lease agreement that suits their specific needs. In the commercial space, this might include clarification of ownership of fixtures and fittings. If this same approach was applied to the residential tenancy agreement, the landlord or the tenant would be able to make specific mention of areas of the house that they would like to retain full ownership over, such as the

provision to have a vegetable garden, or the garage being kept as a storage facility for the landlord. Being specific about the exclusive possession of a residential property would increase the rights for tenants to be able to achieve their ‘quiet enjoyment’ of those parts of the home that they hold the lease over. Such legal clarity could provide a level of agency for the tenant surrounding where they will live and for how long they will live there. The security of tenure this would provide would bring the balance closer to the security of tenure that a home owner currently experiences.

Another contradiction exists between the residential and commercial tenancy arrangements in Aotearoa New Zealand. The Property Law Act (2007) requires the commercial landlord to supply and maintain a building warrant of fitness (WOF). As discussed earlier in this thesis (see p. 33), extensive research on the health impacts of the poor quality of Aotearoa New Zealand housing has supported the need for a residential WOF, yet this has not yet been implemented (Bennett et al., 2016). The building being fit for purpose is a health and safety issue in the workplace, therefore justifies the need for a building WOF, but for the residential tenancy arrangement the health and safety of the property is not ensured by policy due to the lack of a WOF inspection. The ability exists to implement a residential housing WOF by following the process as applied in the Property Law Act (2007).

The Property Law Act (2007) requires that the commercial landlord provide the tenant with “exclusive possession” and “quiet enjoyment” of the premise under the lease agreement. The Act specifically states that the commercial tenant has the right to “full benefit of the premise” provided the tenant is meeting their obligations of the contract (Property Law Act, 2007, s. 281(2)). The quiet enjoyment clause sounds very similar to the quiet enjoyment clause found in the Residential Tenancies Act (1986). However, there is a lack of clarity in what the quiet enjoyment means, does it mean the same quiet enjoyment afforded to those who own their home, or is it appropriate that landlords inspect the premiss? Reviewing why this

contradiction and lack of clarity exists in Aotearoa New Zealand property law would be beneficial when working towards balancing rights for residential tenants and landlords.

Business is an important part of the economic landscape of Aotearoa New Zealand, and the rights of tenants in commercial lease arrangements should be in balance with the rights of landlords. Housing is also an important part of Aotearoa New Zealand society, given that housing is a key element of human life and provides the basis for human flourishing. So why are the rights not the same in a residential tenancy compared to a commercial tenancy? The power balance that exists in commercial arrangements is one plausible explanation. Both parties, the landlord and tenant, of the commercial lease contract are in positions of power, given that they are likely from the same class, likely share similar knowledge of property law, and have similar access to services and resources. Essentially, both parties in a commercial lease are likely from similar socioeconomic positions. The laws that govern the arrangement have been balanced because the political power of each party has likely been similar more often than it has been different. The Property Law Act (2007) provides a basis of pre-existing policy in Aotearoa New Zealand that could be utilised in generating a new tenancy Act that promotes fairness and equity.

Professionalise the term landlord and produce a code of conduct.

Many organisations in Aotearoa New Zealand require their personnel to be registered with appropriate qualifications to perform the tasks required of them. The right to call yourself a lawyer or a psychologist is protected by the organisations that oversee these professions. This professionalism provides the public with reassurance that the person with a professional title has received appropriate training and has the ability to perform their role. Those belonging to professions are required to be up to date with the laws, rules and regulations of that role, and are held accountable to the organisational body should an issue arise. The same process occurs

within other organisations much closer to the tenancy arrangement. For instance, to work as a real estate agent in Aotearoa New Zealand, a person is required to be trained and become a member of the Real Estate Authority (Real Estate Authority, 2021).

As identified during this thesis, landlords hold a powerful position in the tenancy arrangement. Housing is a basic human right and central to the lives of all people. Approximately half of the Aotearoa New Zealand population live in homes governed by a tenancy agreement. The culmination of these factors together produce the need for a professionalisation of the landlord activity. Under the current arrangements there is no qualification process to establish yourself as a landlord, and there is no requirement to achieve appropriate education on the relevant matters concerning the practice of being a landlord. Implementing a landlord qualification process, and arranging an authority that landlords must belong to, would bring the activity of being a landlord in line with other similar business activities and professions.

A further benefit of the development of a landlord authority would be the ability to produce a code of conduct. Currently, there is no code of conduct for landlords. The Residential Tenancies Act (1986) sets out the parameters of the tenancy arrangement for both landlords and tenants, but the scope of the Act is much greater than simply identifying how each party in the tenancy arrangement should conduct themselves. The development of a code of conduct for landlords would simplify the intentions of the Act into a code that can be easily navigated and understood, and provide a basis for accountability. Doing so would produce clarification for both landlords and tenants, as to what the obligations and rights are for each party.

Develop an independent organisation to assist in disputes resolution

In order to balance the tenancy arrangement and bring tenancy in Aotearoa New Zealand in line with tenancy in other areas of the world, there needs to be further development of tenant

advocacy and support services. The development of such services is important in many ways. Firstly, it would be an accessible service for tenants, providing access to advice and information. A service such as this could also operate a disputes resolution process, much like the examples provided in Cologne Germany. Further, tenant advocacy services could lobby parliament, issue media reports, and perform research on tenancy and on evaluations of policy. These are all valuable aspects of an advocacy service that are currently underdeveloped in Aotearoa New Zealand.

Landlords have organisations that lobby parliament on their behalf, and generate media reports. One such organisation is the New Zealand Property Investors' Federation, which combines the power of 20 property investor associations across Aotearoa New Zealand (New Zealand Property Investors' Federation, 2021). Establishing a similar association or advocacy service for tenants would work towards balancing the tenancy arrangement.

Amend the bond office filing system

As identified, under the current arrangement tenants' bond money left unclaimed for six years becomes the property of the crown. The considerable amount of money that is being seceded to the crown by this arrangement highlights the need to improve how bonds are lodged and how bond filings can be amended. Bond lodgement and amendment of bonds filed need to meet with the modern realities of a tenancy. The bond form needs to be simplified. The process for returning bonds also needs to be redeveloped, so when a bond is logged there are sufficient details to ensure that the bond can be returned.

Create a housing Warrant of Fitness, for all homes

As discussed (see p. 33), research conducted in Aotearoa New Zealand supports the initiative for a housing warrant of fitness (WOF). Currently, the trend in research is to suggest periodic

housing WOF inspections for those properties that are tenanted. However, during the implementation of a residential housing WOF policy, Aotearoa New Zealand government could introduce policies ensuring that all homes undergo a WOF inspection at the time of sale and purchase. If a housing WOF policy was set up to inspect all homes the result would be a more comprehensive approach to the implementation of a housing WOF inspection.

The approach taken by the current government in Aotearoa New Zealand to create healthy homes, via the Residential Tenancies (Healthy Home Standards) Regulations (2019), has a focus on rental housing. That approach is, for a good reason, since the people living in rental homes have little control over the quality of housing they are living in. However, there is a need to consider how the increasing house prices more broadly in Aotearoa New Zealand are affecting the affordability of home improvements for even those who do manage to purchase a house. The current healthy homes policy seems to assume that if you can afford to purchase your home, then you can afford to improve it. This may not be the case due to the continual increases in house prices that have exceeded inflation rates, resulting in severe unaffordability in many areas around Aotearoa New Zealand. Requiring an inspection at the time when a property changes ownership, means homes that are not up to standard are more likely to be improved within the context of the market model.

Consider the case of someone who owns their home and desires to sell it. If it is not up to the WOF standards, then they will need to improve it before it can be sold. If this home owner cannot afford to do so, then the buyer will be able to negotiate the price based on the required improvements. Policy surrounding this process could ensure that the work be completed during the settlement period. Having this type of intervention in the Aotearoa New Zealand housing market would eventually overhaul the entire housing stock. Thereby, reducing the considerable strain of preventable housing-related illness on the Aotearoa New Zealand health system.

If the Healthy Housing policy intends to overhaul the current housing stock in Aotearoa New Zealand and produce healthier homes for all, then we need to safeguard and regulate more than just the rental market. Implementing the policy suggestions outlined in this discussion could also reduce the cost associated with improving the healthiness of homes as it would create a large demand for services catering to the improvement of houses, producing more employment and a competitive market for a business engaged in healthy home improvements.

The development of a WOF policy for all homes would also avoid the case where a private for-profit landlord, who is severely neglecting their property, sells their property rather than brings it up to standard. Even if there was some way of avoiding the periodic WOF inspections required under a potential Tenancy Act reform, if a WOF was required in order to sell they would need to bring the property up to standard, or provide a sufficient discount on sale price so that the purchaser can complete the renovations.

Increase state presence in housing

As highlighted in this thesis, Aotearoa New Zealand is suffering from a very small state presence in the housing market when compared to other areas of the world. The current situation where less than four percent of the total housing stock is owned or operated by the state, must be rectified. However, any attempt to address this issue will require long term planning and agreement from all sides of the political spectrum on a view that state owned housing is an important aspect of the housing market. One such approach to increasing support for state owned housing could be part of the role of the tenant advocacy service. A renters' advocacy service could lobby government and highlight why state owned housing is important and also how state owned housing can sit alongside the private residential tenancy market, as it does in other nations.

Another useful role the state could be playing in the housing sector is to fund, or part fund, not-for-profit organisations to build and manage housing. Further, developing a more substantial not-for-profit housing sector in Aotearoa New Zealand would provide housing that is being built and managed to be as affordable as possible.

Evaluation of the Residential Tenancies Act (1986)

The opportunity exists for the development of a new Residential Tenancies Act, based on the commercial model that already exists in Aotearoa New Zealand law. The development of a new Act brings an opportunity to balance the outcomes from living in a tenancy, compared to those of home-ownership, to create a fairer arrangement. As identified in this thesis, the context in which the existing Act was written is vastly different to the context of 2021. While the recent amendments to the Residential Tenancies Act are aimed at improving the circumstances of tenancy, these amendments are too limited in their capability to address the changing context that underpin a 35 year old Act.

A goal for redeveloping an Act covering tenancy in Aotearoa New Zealand would be to design a simple interpretation of the Act, alongside the more in-depth legal elements that are required within an Act. The goal here would be to generate an up to date Tenancy Act that aligns with the realities of tenancy today and to produce easily accessible information to generate a better understanding, for both tenants and landlords, to clarify the main points of the Tenancy Act. As such, this could take the form of a public education programme, the use of a website, the production of ads for use on social media platforms and on TV as well as a two-sided pamphlet that provides easy to read information regarding tenancy. Each of these outlets could produce an understanding of tenants' rights and obligations, and landlords rights and obligations. Generating public understanding in this way would allow for all parties on the tenancy to be able to fully understand what it is they are entitled to, and what their obligations

are. The goal of this idea is to reduce the ambiguity for all parties and strengthen the relationship between parties.

Final thoughts

Housing is directly linked to the physiological and psychological health of the occupants. The houses we live in are of such fundamental importance to wellbeing, that it underlines why adequate housing is a human right. Houses in contemporary Aotearoa New Zealand are functioning as more than shelter. The wealth inequality being generated by the housing market is producing large inequalities in many key areas of society, while some houses such as those with damp issues for example are contributing to the ill health of the population. We all need to live in adequate housing, for our wellbeing, and for the wellbeing of those around us. The COVID-19 pandemic has shown us how interconnected we really are.

Many social justice issues have been identified during this thesis. These are impacting the wellbeing of the nation. We must do more to address these issues if we hope to meet the United Nations right to adequate housing by 2030. We also must do more to balance the outcomes of the circumstance of homeowner or tenant. Not doing so will negatively impact all who live in this society.

Community psychology promotes the values of advocacy and is action focused. Therefore this thesis is action focused. The identification of actionable improvements has been made during this research. In contemporary Aotearoa New Zealand it is possible to have a bond lodgement system that is simplified from the current system. It is possible to build a tenancy support service that meets the examples set by other nations. It is possible to bring the Act into the modern day and to attempt to future proof the Act for the coming generations. Most of all, it is possible to have a tenancy arrangement that does not systematically produce inequality. Housing is central to the contemporary human experience. The circumstances of housing will

impact on the lived experiences of every person. Therefore is it essential that Psychologists have an understanding of how housing impacts on the everyday lives of people. The work of Wilkinson and Pickett (2010) has identified how inequality is affecting the lives of all people, the more unequal the society is, the worse the outcomes are in health, wellbeing, education, and importantly for psychology, mental health. This thesis has identified speculative housing investment as a major driver of financial inequality in Aotearoa New Zealand.

In Aotearoa New Zealand the housing crisis is deeper than a supply-demand issue, simply increasing supply is no guarantee of improving affordability, quality, strength of tenure, quiet enjoyment, and most of all, increasing supply will not necessarily result in the improvement of life quality for all citizens. There is an essential human need being served by housing, therefore there is a need to ensure the outcomes of housing policy are fair. Currently the Aotearoa New Zealand tenancy arrangement is not balanced and it is not in line with a social justice approach to housing as a basic human right. As can be clearly seen, there is a strong case for community psychologists to be involved in the further development towards a socially just approach to housing.

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Appendices

Appendix 1: Interview guides

First Interview;

Welcome and thank you for deciding to take this journey with me.

Firstly we need to cover consent;

- Thank you for the confirming consent via email, I would just like to double check, did you have any questions regarding the information pack or consent?
- Are you happy for me to begin recording?

I'll start by telling you a bit about myself, I am a student at the University of Waikato and I am enrolled in a Masters of applied community psychology. This is my 5th year studying. Prior to studying I owned and operated a small business selling cars. I have also been a residential landlord and had rental properties in Hillcrest and Fairfield.

We are here today to begin a journey looking at housing in New Zealand. What I would like to understand from this interview is how you see housing,

Questions and prompts;

- Tell me about your position as a landlord?
- What thoughts come to mind when you think about housing? (broadly)
- Why chose to become a landlord?
- What thoughts come up when you think about the New Zealand housing crisis?
- Anything else you would like to add?

Following this interview I will email you a link to a YouTube video, it is a 28 minute documentary by Dateline and it covers some interesting aspects of the New Zealand housing situation.

Second interview;

Explore the participants thoughts on the Dateline documentary

- What did you think? – Anything stand out in that video or jump to mind now when you think about it?
- What did you think of the example of emergency housing?
- What did you think of the approach from the landlord?
- What did you think of the Northland example?
- Is there anything else that comes to mind thinking about the video?

Finally, provide an opportunity to discuss any thoughts that have come to mind during the interview that we did not yet cover?

The next takeaway activity is two short readings from the spinoff and a short 4 min video clip from radio new Zealand. I will email links.

Third interview;

Ask the participant which reading or video they would like to discuss first;

Eaqub reading;

- What do you think about the term generation rent?
- What do you think about the article describing renting as a second class option?
- What do you think about half of NZ being renters?

Renting in Europe reading;

- What did you find interesting about the differences in renting between Sweden and New Zealand?
- What do you think about the idea that the tenant can modify the house, so long as they return it to how it was when they moved in?

RNZ video;

- What do you think about NZ being identified as severely unaffordable?
- Did any of the claims made about what's driving the increase in house prices stand out to you?

Appendix 2: Inspection letters

Inspection letter 1

Cleaning Check-list for Inspections

Every inspection we complete is reported back to the owner of the property, therefore in order for us to check the property for maintenance it is important that you present your property in a clean and tidy manner. The checklist below is to help you in preparing your property for inspection and to help you to be aware of the expectations of your tenancy.

Kitchen	Vacuumed
	Tile/Lino flooring mopped
	Window & windowsills wiped down (all mould removed)
	Light shades & light fittings cleaned
	Skirting boards wiped down (no dust)
	Walls & ceilings cleaned (all scuff, mould, fly spots removed)
	Stove-top, Elements, Rangehood, Oven cleaned
	All kitchen benchtops and kitchen cabinets to be cleaned
	Kitchen and laundry sink to be cleaned
Bathrooms	Vacuumed
	Tile/Lino flooring mopped
	Window & windowsills wiped down (all mould removed)
	Light shades & light fittings cleaned
	Skirting boards wiped down (no dust)
	Walls & ceilings cleaned (all scuff, mould, fly spots removed)
	Toilet cleaned
	Shower traps to be cleaned of all hair and rubbish
	Shower & bath scrubbed down
	All plug holes cleared of all hair and rubbish
	Clean the vanity and benches
General Inside	Vacuum all carpets
	Window & windowsills wiped down (all mould removed)
	Light shades & light fittings cleaned
	Skirting boards wiped down (no dust)
	Walls & ceilings cleaned (all scuff, mould, fly spots removed)
Outside	Mow grass
	Weed gardens
	Remove garden waste or lawn clippings
	Remove excess rubbish
	Where pets are kept on the property, all animal droppings to be removed

Inspection letter 2

An inspection is carried out approximately every 3 months. For this reason, it is important to be able to report to the owner of the property it is being cared for. Below is our guide to achieve an acceptable standard.

CURTAINS: Net curtains must be hand washed. Venetian blinds to be dusted or washed if required.

BATHROOM: Handbasin and bath cleaned, shower base and walls to be cleaned of soap.

TOILET: Cleaned and bleached if discoloured.

KITCHEN: Oven should be cleaned with oven cleaner, stovetop and under elements cleaned. Outside of cupboards and walls should be washed if required.

LAUNDRY: Tub and laundry in general should be tidy and clean.

VINYL FLOORS: All should be washed.

CEILINGS: Should be washed of mildew in bathrooms and any other rooms in the house that mildew shows.

LOUNGE AND BEDROOMS: All these rooms should be tidy. No clothes or the like on the floors, this will enable the carpet to be viewed. Window sills, skirting boards etc... should be dust free.

WINDOWS: All should be cleaned, inside and out.

CARPET: Should be vacuumed or cleaned by a professional carpet cleaner if it is stained or dirty.

LIGHT SHADES AND SWITCHES: Wash all light shades. Remove finger marks from the switches.

LAWNS AND GARDENS: All gardens need to be weeded and small shrubs trimmed. Lawns need to be mowed. All household and section rubbish, including bottles and paper need to be removed.

Thank you for your co-operation.

Inspection letter 3**All rooms**

Light shades - wipe off dust and fly marks

Walls and doors - wipe down

Ceilings - wipe off fly marks

Windows - clean glass, wipe window sills and frames

Floors - vacuum carpet, wash vinyl and wooden floors.

Wipe skirting boards.

Scrub grout between tiles to remove mould and dirt
Cupboards - wipe inside and out

Benches and shelves - Wipe down

Blinds and Curtains - clean blinds and spot clean (or wash) curtains

Remove cobwebs

Bathroom and Toilet

	Clean the shower and bath.
	Wipe away mould with anti-mould solution (such as Exit Mould Remover, 30 Seconds Mould Remover, or Dettol Mould Remover)
	Remove dust from vents and fans
	Clean vanity, cabinet, shelves, mirrors, and floors.
	Scrub grout between tiles to remove mould and dirt
	Clean toilet - including behind toilet

Kitchen

Clean Stove, elements and oven. Clean sides and behind the stove.

Laundry

Clean the laundry tub

Grounds

Mow the lawns

Weed the garden

Remove all rubbish from the property

Recommended cleaning products:

1. **Exit Mould Remover**
2. **Glass Oeaner**
3. **Jiff**
4. **Oven cleaner**

5. Spray and Wipe
6. Sugar Soap
- 7. Toilet cleaner**

Inspection letter 4

ROUTINE INSPECTION GUIDELINE

OUTSIDE

- Lawns to be mowed
- Weeds to be removed from lawn and garden beds
- Verandas/patio, garage/carport, driveway and paving to be swept
- Weeds to be removed from paving
- Cobwebs to be removed from eaves, carports and sheds
- Where pets are kept on the property, all animal droppings to be removed

INSIDE

- Smoke alarms and smoke alarm batteries
 - Carpets to be vacuumed
 - All hard floors to be washed
 - Bathroom floor, vanity, basin, bath and shower to be cleaned
 - Bathroom glass to be cleaned (shower screen, mirrors etc.)
 - Toilet (including seat and pedestal) should be cleaned
 - Windows to be cleaned (both inside and out) – fly screen to be brushed
 - Aluminium joinery to be cleaned from mould and mildew
 - Dust window runners, sills, tracks and skirting boards
 - Oven, shelves, grill, drip trays and hot plates to be cleaned. Oven surround and control panel also need to be cleaned
 - Exhaust fan/range hood filters and covers need to be cleaned
 - All kitchen bench tops and cupboard doors need to be cleaned
 - Light fittings to be dusted, with insect spots washed off if necessary
 - Ceiling fan blades to be cleaned (if applicable)
 - Hand marks to be removed from walls, doors and around light switches

MAINTENANCE REPORT/REQUEST FORM

DATE: _____

TENANT NAME:
_____PROPERTY ADDRESS:

CONTACT: redacted

MAINTENANCE DETAILS

Please describe the repair clearly, including appliance details, what room etc and please leave on the kitchen bench

1. _____
_____2. _____
_____3. _____
_____**ACCESS DETAILS – please tick one of the following**

- I am happy for ... to give their trusted tradesman a key and to just go ahead
- I am happy for ... to give their trusted tradesman a key but could they please phone me first to let me know when they will be there
- Please do not give out a key as I wish to be contacted and present whilst the repair is carried out

OFFICE USE ONLY

Advised Landlord: _____ N/A | LETTER | EMAIL
| PHONE

Work order generated: YES NO

Quote Requested: YES NO

ACTION/FOLLOW UP

Date Completed: _____

Appendix 3: Official information request response



Justice Centre | 19 Aitken Street
 DX SK10088 | Wellington
 T 04 918 8800 | F 04 918 8820
 info@justice.govt.nz | www.justice.govt.nz

26 January 2021

James Major
 jamesnz355@gmail.com

Tēnā koe Mr Major

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request transferred from the Ministry of Business, Innovation and Employment (MBIE) on 8 December 2020, seeking information regarding the Tenancy Tribunal (the Tribunal). I am responding as Group Manager, Courts and Tribunals, Regional Service Delivery.

Your request was for the following:

I would like the total number of decisions made in favour of each party (landlord and tenant) and then a ratio of decisions for each party against the total decisions made.

I.e;
Total claims made 25,000
Total decisions made 22,000
Those in favour of the landlord 11,000 (44%)
Those in favour of the tenant 11,000 (44%)
Remainder not needing a judgement 3000 (12%)

In response I can advise that the Ministry of Justice (the Ministry) does not hold the information you have requested. This is because the case management system used to support the Tribunal does not record the total decisions relating to an application, or whether the landlord or the tenant was the successful party. This information is contained within the decisions of the Tribunal, which are held on the Tribunal file.

I am therefore refusing your request as allowed by section 18(g)(i) of the OIA as the information is not held by the Ministry, and there are no grounds for believing the information is held by another department, Minister of the Crown, organisation, or local authority.

It may be of help to know that decisions of the Tribunal are publicly available on the Ministry's website at forms.justice.govt.nz/search/TT which provide the outcome of an application, including whether the decision was made in favour of the landlord or tenant.

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

Nāku noa, nā

Bruce Findlay
 Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 84905

Appendix 4: Information sheet and consent form

Information sheet

- The topic of the research

I am asking for your participation in a case study of New Zealand landlords. I am seeking to understand your views as they relate to the New Zealand housing crisis.

- Who the researchers are

James Major, principal researcher (jm276@students.waikato.ac.nz). I am a student at the University of Waikato enrolled in the masters of applied community psychology.

- How they can be contacted

Please feel free to contact me on the email listed above.

- Who is paying for it or sponsoring it

This research is being conducted with no direct financial contribution.

- What the participant/s have to do and how long it will take

I am inviting you to take part in three separate one hour interviews, and a potential fourth follow up for clarification if required. Following these interviews I will provide you with some reading or videos to watch prior to the next meeting, these readings or videos will relate to the topics we discuss and should be both interesting and stimulating.

- What the researcher expects the significant outcomes of the research will be, including where findings will be published/disseminated

The direct result of this research will be the production of a masters thesis. Opportunities may arise to present this research, and I invite you to think about whether being part of any such presentation may interest you.

- The degrees and kinds of confidentiality and anonymity that are promised in this research and how these will be achieved

It is your decision if you would like to remain anonymous, if you decide you would then care will be taken to remove any identifiable markers from this research and its data. If you decide you may like to be part of any presentation of this research, then I will no longer be able to conceal your identity.

- How the collected information will be stored, for how long, and who (if anyone) will have access to it under what conditions

I will hold any information (including forms, recordings, etc.) you produce with me during this research, these will be held on a password-protected computer and backed up on a password encrypted storage device. Once this research is completed, the original information and data will be retained on a password-protected server at the University of Waikato, where it will be destroyed after five years.

- Whether participants will be provided with access to findings/publications

You are able to receive a copy of this research if you wish. (you can indicate your preference on the consent form).

- Participants may also be promised one or more of the following, depending on the methodology of the research:

You may decline to answer any particular question, ask to have the recording device turned off, ask any questions related to this research that occur to you during your participation, end the interview or to withdraw from the project up until one week after the final interview.

If you have any further questions of concerns related to this research, you can contact the principal researcher, James Major jm276@students.waikato.ac.nz or the supervisor Dr Otilie Stolte: otilie.stolte@waikato.ac.nz

This research project has been approved by the Human Research Ethics Committee of the Faculty of Arts and Social Sciences. Any questions about the ethical conduct of this research may be sent to the Secretary of the Committee, email alpss-ethics@waikato.ac.nz, postal address, Division of Arts, Law, Psychology and Social Sciences, University of Waikato, Te Whare Wananga o Waikato, Private Bag 3105, Hamilton 3240.

UNIVERSITY OF WAIKATO
FACULTY OF ARTS & SOCIAL SCIENCES

PARTICIPANT CONSENT FORM

[A completed copy of this form should be retained by both the researcher and the participant]

Name of person interviewed: _____

I have received a copy of the Information Sheet describing the research project. Any questions that I have, relating to the research, have been answered to my satisfaction. I understand that I can ask further questions about the research at any time during my participation, and that I can withdraw my participation at any time *[up to one week]* after the final interview. If I wish to withdraw from this research I will make the interviewer or supervisor aware by sending an email to the email address provided below.

During the interview(s), I understand that I do not have to answer questions unless I am happy to talk about the topic. I can stop the interview at any time, and I can ask to have the recording device turned off at any time.

When I sign this consent form, I will retain ownership of my interview, but I give consent for the researcher to use the interview for the purposes of the research outlined in the Information Sheet.

[I understand that my identity can, if I wish, remain confidential in the presentation of the research findings and I have indicated my preference below].

Please complete the following checklist. Tick [✓] the appropriate box for each point.	YES	NO
<i>I wish to view the transcript of the interview.</i>		x
<i>I wish to receive a copy of the findings.</i>		x
<i>I wish to have my identity remain confidential in the presentation of the research findings.</i>	x	

Participant :	_____	Researcher :	James Major
Signature :	_____	Signature :	James Major
Date :	_____	Date :	9/9/20
Contact	_____	Contact	Ph) 021330127
Details :	_____	Details :	_____
	_____		Email ;
	_____		jamesnz355@gmail.com
	_____		_____

Appendix 5: Official information request (R. Whitaker)

Ref: DOIA 1718-1016

Robert Whitaker

fyi-request-7280-

60954e2f@requests.fyi.org.nz Dear

Robert Whitaker

Thank you for your email of 15 February 2018 to the Ministry of Business, Innovation and Employment

{the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

Please provide the following information regarding the residential bond lodgement service administered by MBIE. I am seeking financial data regarding the service, how interest from the service is distributed and the policy that applies where bonds are unclaimed.

Specifically, I would like you to provide:

- 1. The balance of bonds held for as many previous years as is practical, as both a national total and broken down by geographic region.*
- 2. The annual interest earned on held bonds by year, again as both a national total and broken down regionally.*
- 3. The amount of interest used to pay for tenancy services, ideally broken down by service (Tenancy Tribunal, Mediation Service, Tenancy Services website and call centre, Compliance and Investigations team and any other relevant business units).*
- 4. Information about how any surplus interest from bonds is distributed.*
- 5. The amount of money from other sources (e.g. Vote Justice) used to pay for tenancy services, again broken down by service.*
- 6. The amount of bonds held that are deemed "unclaimed" (i.e. the tenancy has ended but the bonds have not been claimed by either party) in each year, ideally broken down regionally.*
- 7. Any policy around how unclaimed bond money is managed. How it is determined to be "unclaimed"? How long is it held for? When is it sent to consolidated funds? What efforts are made to notify tenants about unclaimed bonds?*

Question One and Two

The Ministry manages the Residential Tenancies Trust Account (the RTTA) pursuant to the Public Finance Act 1989 and the Residential Tenancies Act 1986. Management of the RTTA includes the investment of residential tenancy bonds. Only bonds lodged in respect of residential tenancies are managed.

The Ministry is required, under the Residential Tenancies Act, to include audited financial statements of the RTTA within the Ministry's Annual Reports in Appendix 1, which are available on the Ministry's

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website. A link to the Ministry's last five annual reports for the past five financial years can be found here: www.mbie.govt.nz/about/who-we-are/our-publications/annual-report
The audited financial statements of the RTTA include details of the balance of bonds held (bondholder's funds) as at 30 June each year, and the amount of interest earned for each financial year. Under the Residential Tenancies Act, all interest arising from the investment of bond monies belongs to the Crown and shall be treated as departmental revenue. As such, all interest received is transferred to the Ministry.

Question Three

Section 127(7) of the Residential Tenancies Act stipulates that all interest, dividends and other gains (whether in the nature of income or capital, whether in money or otherwise, and whether realised or not) arising from any investment of money in the Residential Tenancies Trust Account shall belong to the Crown and be treated as departmental revenue.

The interest transferred to the Ministry is spent within the scope of the budget appropriation 'Residential Tenancy and Unit Title Services'. The scope statement of this appropriation is as follows:

This appropriation is limited to the provision of residential tenancy and unit title dispute resolution services, information, education, advice and compliance and enforcement activities; administration and investment of residential tenancy bond monies; provision of administrative support to the State Housing Appeals Authority.

A portion of departmental overheads is also allocated to this

appropriation. Question Four

The RTTA was not in surplus for the year ending 30 June 2017. However, if the RTTA were to experience a surplus, all surplus would be directed to Treasury to be added to the consolidated fund.

Question Five

The RTTA received the following funding for the financial year 2016/2017, ending 30 June 2017:

Breakdown of Revenue	Revenue	Grand Total
Crown Funding	\$3,035,000	\$3,035,000
Tenancy Tribunal Fees	\$694,554.00	\$694,554.00
Interest from Tenancy Bonds	\$20,629,160	\$20,629,160
Unit Title Applications (UTA) Application Fees	\$137,115.00	\$137,115.00
Market Rent Reports	\$7,525.00	\$7,525.00
Other Revenue	\$173.00	\$173.00

The Ministry of Justice also provides funding for the Tenancy Tribunal, including the remuneration for adjudicators through the 'Tribunal Related Fees and Expenses' and the 'Courts, Tribunals and Other Authorities Services, including the Collection and Enforcement of Fines and Civil Debts Services' budget appropriations. Details about this funding can be found in the Annual Reports of the Ministry of Justice, which are available on its website, and on the Treasury's website in the budget section www.treasury.govt.nz/budget

Question 6

Please find the number of unclaimed bonds, broken down by region, attached. Please note that unclaimed bonds are only held for six years, after which they are sent to the Crown on an annual basis. Therefore, the Ministry only holds records of unclaimed bonds dating back to the year 2012.

Question 7

A bond is considered an 'unclaimed bond' when a new bond is lodged for the property (which indicates the previous tenancy has ended) and no claim is made on the bond for two months after the tenancy end date (or two months after the date the new bond was lodged, the Ministry has not been informed that the tenancy has ended). Unclaimed bond money is held for six years from the time it is identified as being unclaimed, and all bonds that have been in the unclaimed status for over six years are sent to the Crown on an annual basis. The Tenancy Bond team is not required to notify tenants of any unclaimed bonds; however, a separate Tenancy Bond team is currently being set up to deal specifically with notifying tenants of unclaimed bonds. Prior to the first payment of unclaimed bond money to the Crown the Tenancy Bond team attempts to contact as many tenants as possible and have the bonds refunded.

You have the right to seek an investigation and review by the Ombudsman of our response to your request. Information about how to make a complaint is available at: www.ombudsman.parliament.nz or Freephone: 0800 802 602.

I trust you find the information helpful.

Yours sincerely

Fiona Perenara

Manager

Business Advisory Services Employment

Appendix 6: Illion tenancy flyer