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21 June 2016

Healthy Homes Guarantee Bill (No 2)
Committee Secretariat
Government Administration Committee
Parliament Buildings
Wellington
select.committees@parliament.govt.nz

Re: Healthy Homes Guarantee Bill (No 2)

This submission is from the Architectural Centre, an incorporated society dating from 1946, which represents both professionals and non-professionals interested in the promotion of good design.

The Architectural Centre has the following comments to make regarding the Healthy Homes Guarantee Bill (No 2).

1. The Architectural Centre strongly supports a mechanism to ensure that all New Zealanders live in warm, dry houses.
2. We do not think that altering the Residential Tenancies Act 1986 in isolation is the right mechanism to achieve warm, dry houses. These are issues that affect many existing houses and should be managed equally across the entire housing stock. Both older rental and new housing should be subject to the same thermal performance requirements, and provided with the same incentives. Government actions to date have resulted large numbers of owner-occupied and rental housing being insulated. This new legislation must be designed to ensure that all houses (rental and owner occupied) are able to be kept warm and dry. The thermal environment standards which will be required by Residential Tenancies Act should be consistent with those required by the New Zealand Building Code (e.g. E3 Internal moisture; H1 Energy efficiency). Common terminology should be used. We also caution that an approach that requires individual aspects to be defined and measured in isolation (e.g. heating vs insulation) may not achieve a satisfactory thermal environment. We strongly encourage the Select Committee to rephrase s132A, for example, so it is consistent with the language and definitions of the Building Regulations 1992 (e.g. Clause H1).
3. Whatever mechanism is used to ensure warm, dry houses, the legislation should ensure that owner-occupiers are treated equitably alongside landlords who are able to claim tax rebates on building improvements as a business expense.
4. Any requirements must minimise negative impacts on tenants. We suggest that work which will disrupt tenants be done between tenancies, or that alternative accommodation is paid for by the building owner.

5. We anticipate that the negative impacts of the requirements for earthquake strengthening on heritage buildings, could be repeated with this legislation, including unsympathetic alterations. Heritage buildings (defined by Heritage NZ or the relevant District Plan) should be exempt from mandatory requirements.
6. The Bill refers to "minimum standards of heating and insulation." We consider that the standards ought instead describe the required thermal environment, because heating and insulation are only mechanisms to achieve a healthy thermal environment. The thermal environment will result from the interplay of a number of factors including: building orientation, thermal mass, thermal envelope, insulation, (including double-glazing) and heating sources. We support defining the desired thermal performance of the dwelling over specifying discrete mechanisms, which may or may not achieve a certain level of thermal performance due to issues such as: construction techniques and/or materials, building location and orientation.
7. We note that from a thermal performance perspective, insulating via double glazing is more important than wall and ceiling insulation, because more heat leaves a building through windows than an uninsulated wall or ceiling. Air leakages and thermal bridging are similarly major areas of heat loss in older buildings. The solution must be a well-considered thermal envelope. We also note that care is needed when insulating an existing building to prevent interstitial moisture issues.
8. The Bill refers to "methods of heating" which appears to suggest that the standards could venture into required appliances. We do not consider this to be appropriate, particularly as the day-to-day running costs of heating, even with an efficient heat, in an uninsulated house are high.
9. We consider that in the proposed form, the standards need to distinguish between work which will require a building consent and work that does not, and provide different timeframes for compliance with these.
10. In addition to the items in s132A(a), we consider dampness to be an important factor to be considered. Suitable controls should be included in the legislation to prohibit excessive moisture being permitted to remain in the house (e.g. due to inadequate bathroom or kitchen extract ventilation) or to enter the house (e.g. due to evaporation from under the floor or leaks in the building envelope).
11. The proposed s13A(1B) (that the new standards will apply to all tenancy agreements made 7 days after the department publishes the standards on its website), appears to us to be too short a timeframe given the potential for standards to require substantial work.
12. The Bill does not consider issues of sustainability. While we understand its ambition is to achieve a certain thermal environment and level of comfort, given our need to reduce carbon emissions, the mode of heating specified in new legislation will impact on future climate change issues. We therefore encourage sustainability to underpin any new legislation, including this one, and encourage the methods for achieving the set minimum standard to be restricted to passive or sustainable active means (e.g. double glazing, insulation, heat exchanges, additional thermal mass, solar energy).
13. A potential difficulty may arise regarding the ability for a tenant to demonstrate that their flat does not meet the standards of thermal performance to be specified under the Act. We encourage the Select Committee to ensure that the

onus is placed on the landlord to provide evidence of independent testing or certification as an appendix to tenancy agreements to address this.

14. We consider that New Zealand tenancy law more generally would benefit from revision, especially in a context where an increasing number of New Zealanders rent rather than own houses. We understand, for example, that New Zealand law encourages short-term tenancies (which can, for example, be particularly disruptive to families with children), and is unclear regarding who benefits from improvements made by a renter.

Thank you for this opportunity to comment on the Healthy Homes Guarantee Bill (No 2). We look forward to participating in consultation on the specific standards for thermal performance of rental properties once they are proposed. While the current focus on housing relates primarily to issues of affordable housing, we note that, in general, New Zealand has a poor quality of housing stock with respect to thermal performance. Insulation initiatives have gone some way to help this, but we believe much more is needed. Consequently, the Architectural Centre considers that the provision of warm, dry homes is an important need for all New Zealanders and we strongly support measures to ensure this aim is achieved. If you have any questions please do not hesitate to contact me.

Yours faithfully



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