

Response by

Hamilton City Council Staff

DRAFT GUIDELINES ON THE RIGHT TO A DECENT HOME IN AOTEAROA - NEW ZEALAND HUMAN RIGHTS COMMISSION - CONSULTATION DOCUMENT (NOVEMBER 2020)

18 December 2020

It should be noted that the following response is from staff at Hamilton City Council and does not necessarily represent the views of the Council itself.

1.0 SUMMARY OF KEY POINTS

- 1.1 Support the overall intent and direction of the New Zealand Human Rights Commission's 'Draft Guidelines on the Right to a Decent Home in Aotearoa'.
- 1.2 Support the content and direction of the response from LGNZ staff.
- 1.3 The Guidelines need to provide clear and unambiguous obligations for councils. Guidance provided to local government should be consistent with and supported by central government's obligations.
- 1.4 Similarly, further clarification should be provided to specify how local government and other parts of the housing system should manage their accountability. This should include, if possible, a potential framework for the three elements of accountability across the housing system.

2.0 INTRODUCTION

- 2.1 Staff from Hamilton City Council (HCC) support the overall intent and direction of the New Zealand Human Rights Commission's 12 November 2020 consultation document 'Draft Guidelines on the Right to a Decent Home in Aotearoa' (referred to throughout this response as the Draft Guidelines).
- 2.2 However, we do have concerns about the level of granularity provided in the Guidelines, particularly with regard to the obligations and accountability for local government.

3.0 SUPPORT FOR LGNZ'S STAFF RESPONSE

- 3.1 Overall, we support the content and direction of the response from LGNZ staff to the Draft Guidelines, and in particular the following key points.
- 3.2 *We agree with the principle that people should have the right to a decent home. Good housing, which is warm, weather proof and suitable to the needs of its occupants, as well as located in a community that provides the amenities that individuals and whanau need to participate in society underpins our common humanity. And as the guidelines highlight, this principle is reinforced by a number of the international agreements New Zealand Aotearoa has made a commitment to, the Sustainable Development Goals, and our founding document, Te Tiriti o Waitangi. Good housing and access to a decent home underpin social-wellbeing, from health, to education and employment. It should be a fundamental policy goal for all spheres of government.*
- 3.3 *As currently presented the Guidelines may not be as effective as they could be. From our experience of*

working with members, guidance designed to assist councils needs to be clear and, as far as possible, unambiguous. This is the case not only for officials on the front line but also for elected representatives making significant policy and planning decisions. In other words, the Guidelines need to follow a structure that makes it as easy as possible for decision-makers to access the significant points, such as the following structure, for example:

- *A short introduction on why the access to a decent home is a right - this would reference international obligations, Te Tiriti responsibilities and the importance of a decent home to well-being outcomes. LGNZ staff think it would also be good to describe the “housing system” i.e. describe the relevant sectors and institutions to which the right applies.*
- *State the right clearly, namely, “that all people who reside in Aotearoa New Zealand have the right to a decent home” (LGNZ staff couldn’t see in the guidelines who the right belongs to - it is all citizens, all residents, all inhabitants?).*
- *A description of what the right means in practice. This would draw from guidelines 10, 11, 12, 13, 14.*
- *Accountability and responsibility - this section would pick up guidelines 17, 18 and 19 and needs to have sufficient granularity for the different parts of the housing system to be able understand their relative level of accountability and responsibility.*

4.0 LOCAL GOVERNMENT AND CENTRAL GOVERNMENT OBLIGATIONS

- 4.1 Section 4: Obligations and Violations outlines the obligations arising from the key features of the right to a decent home grounded on Te Tiriti o Waitangi.
- 4.2 Paragraphs 81 to 89 specifically outline the obligations to respect, protect and fulfil the right to a decent home. These obligations refer to government generally and do not specifically reference the obligations of local government.
- 4.3 We recommend the document includes clear and unambiguous guidance on the obligations of local government, separated from the obligations of central government.
- 4.4 This should include further clarification of the requirements under progressive realisation and those obligations which are core obligations of immediate effect.
- 4.5 We are also of the view that the obligations of local government should be consistent with and supported by central governments obligations. This will help to ensure local and central government are aligned in their efforts to realise the right a decent home.

5.0 WHAT IS LOCAL GOVERNMENT’S ROLE IN CONSTRUCTIVE ACCOUNTABILITY?

- 5.1 Similarly, further guidance and clarification should be provided to specify how local government and other parts of the housing system should manage their accountability. This should include, if possible, a potential framework for the three elements of accountability across the housing system i.e. monitoring; review (including independent review) in relation to human rights and other standards; and redress (or ‘remedial action’).
- 5.2 Guidance to specifically outline a range of suitable indicators and benchmarks in the New Zealand context should be provided, even if this is simply a baseline of core measures. This will encourage consistency across councils and ensure the most appropriate data and measures are being applied.

6.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS OUR RESPONSE

- 6.1 Should the New Zealand Human Rights Commission require clarification of the above points, or additional information, please contact Amy Trigg (Senior Policy Analyst - City Planning Unit), phone 07 838 6792, email amy.trigg@hcc.govt.nz
- 6.2 Hamilton City Council staff would welcome the opportunity to discuss the content of our response with the New Zealand Human Rights Commission in more detail.

Yours faithfully



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