

Rapid Reference for Older Renters

Many older people who rent enjoy it and manage their tenancy well. Landlords value older renters for their life skills, such as knowing how to look after a property and paying their rent on time. Older renters are generally careful and considerate tenants, who are interested in staying long-term.

But, as a tenant, it's sometimes hard to know what to do if issues arise or things go wrong. This Rapid Reference will help you to quickly get guidance about renting issues. For more information see the **Going for Good Renting** toolkit.

There are five booklets in the toolkit:

- Overview
- Finding and Choosing a Rental that's Right for You
- Being a Successful Tenant
- Moving On
- Services and Supports

You can download a copy of the toolkit at
<http://renting.goodhomes.co.nz/>

Or phone CRESA Freephone 0508 427 372 for a toolkit.



Urgently need somewhere to live?

- Go to your nearest Senior Services or Work and Income office for emergency accommodation, to register for public housing and for any financial help.
- Local tenants protection associations, church organisations, CAB and Age Concern may be able to connect you with services and housing providers.
- Get in touch with your local council to find out about council housing.



Applying for a rental

No photo ID?

If you do not have a passport or drivers licence, it can be very difficult to prove your age and identity. The Kiwi Access card provides a secure and widely accepted photo ID. For information on how to apply for the Kiwi Access card, contact Hospitality New Zealand, freephone 0800 500 503; or NZ Post.

Signing up your tenancy

Your tenancy agreement

The Residential Tenancies Act requires that you have a written tenancy agreement with your landlord. Make sure that your tenancy agreement is signed by both of you.

Tenancy Services provides information on what should and should not be in a tenancy agreement. Your local Community Law Centre provides free legal advice about tenancy agreements.

Rent in advance

Your landlord can charge two weeks rent in advance. If you need help with paying rent in advance contact Senior Services.

No reference?

If you don't have a reference from a landlord, a reference from someone who knows you well is acceptable, e.g, a doctor, minister, employer or former employer.

The bond

The landlord can ask you to pay a bond (money) as security. The bond is often up to four weeks' rent. Your landlord must lodge the bond with Tenancy Services.

The bond and lodgement form can be done online and must be signed by you and the landlord. Get a receipt from your landlord for your bond.

If you need help with paying the bond contact Senior Services.

Letting fee

You cannot be charged a letting fee or 'key money' by your landlord or property manager. This is illegal.

Keeping records

Keep a copy of all information relating to your tenancy in a file, including:

- Your tenancy agreement
- A copy of bond payment and lodgement form.
- A record of rent payments and receipt of payment.
- A record of all contact with your landlord or property manager about repairs, with the date and time of phone calls or visits and what was said.
- Copies of property inspection reports, and photos taken. Make sure that photos are dated and signed.



Help with paying rent

Contact Senior Services to find out about the Accommodation Supplement, a payment to help with the rent or board.

Missed a rent payment?

If you miss a rent payment, contact your landlord immediately. You may qualify for government assistance to pay rent arrears. Contact Senior Services for help.

How often can my rent increase?

For a periodic tenancy, your landlord can increase the rent once every 180 days, and must give you no less than 60 days' written notice of the increase.

Living in your home

Home modifications

Your doctor may recommend home modifications to make your dwelling safer and easier for you, such as hand rails, a 'walk-in' shower, or a ramp.

You may be eligible for district health board funding to install modifications. Ask your doctor or Needs Assessment and Service Coordination (NASC) service for advice about this.

Ask your landlord's permission for modifications. Under the Residential Tenancies Act a landlord must not withhold consent unreasonably.

Pets

Some landlords allow pets. Any rules about pets should be noted in the tenancy agreement, such as the number and type of pets allowed.

Landlords cannot charge you a pet bond.

If you live in a boarding house, your landlord must give you no less than 28 days' written notice.

For a fixed term tenancy, no rental increase is allowed during that term, unless it is stated in the tenancy agreement.

How much can my rent increase?

There is no legal control over the amount a rent can be increased. You can apply to the Tenancy Tribunal if you believe your rent is substantially above market rate.

Find the market rent for your location at:

Tenancy Services: www.tenancy.govt.nz/rent-bond-and-bills/market-rent/

Quotable Value: www.qv.co.nz/property-trends/rental-analysis

A live-in carer

Check your tenancy agreement, which should state the number of people allowed to live in the premises.

You may need to ask the landlord's permission to have someone staying with you.

Check for any impact on your rent and talk to Senior Services if your rent increases and you need help.

Needing to go to hospital

Tell your landlord / property manager if you have a planned stay in hospital for any length of time. You must continue to pay your rent while you are in hospital.

Ask your health care team to help you make arrangements regarding your tenancy while you are in hospital.

Inform Senior Services to ensure your superannuation payment or other payments are not affected.



What to do if things go wrong

Repairs and Maintenance

If your landlord does not fix something within a reasonable time, and you have repeated your request in writing, you can issue a 'notice to remedy'. This form is available on the Tenancy Services website.

You cannot withhold rent if repairs are not done.

In certain circumstances you can do serious and urgent repairs. The landlord is legally required to compensate you.

If you need support in raising concerns about repairs and maintenance with your landlord, contact Tenancy Services, your local Community Law, CAB, Age Concern or Tenants Protection Association.

Responsibility for damages

You are responsible for any intentional damage you or your invited guests do.

You are not responsible for repairs or damage arising from burglaries or natural events (such as floods or earthquakes).

You are not responsible for fair wear and tear.

Privacy and 'quiet enjoyment'

You are entitled to privacy, peace and comfort and to live in the premises without interference.

Your landlord or property manager must not harass you, enter the property without proper notice or outside of permitted hours.

You must respect the rights of other tenants or neighbours to quiet enjoyment.

Abusive landlord or property manager

If you have been harassed or abused by your landlord, contact Tenancy Services immediately.

If you are being abused by your property manager, contact your landlord directly as well as contacting Tenancy Services.

For information and advice contact: Elder Abuse Response Service, a confidential 24/7 free phone service, 0800 326 6865.

Getting your bond back

When you move, you are entitled to receive the bond back, unless the landlord has good reason to keep it, e.g. for unpaid rent or damage that you are liable for.

The landlord cannot charge you for fair wear and tear.

Your bond can be transferred to your new rental property. This is done through Tenancy Services with a bond transfer form, signed by you and your old landlord. This form is given to your new landlord.

Eviction

If you consider you have been unfairly evicted, contact your local Community Law Centre or Tenancy Services. They can provide you with advice.

Eviction can only happen when the tenant has seriously breached the tenancy agreement or the Residential Tenancies Act (e.g., substantial rental arrears, serious damage or assault). The landlord must apply to the Tenancy Tribunal for an eviction order.

Need to make a complaint?

If you cannot resolve an issue by talking it through with your landlord or property manager, contact **Tenancy Services** for advice.

Tenancy Services is also the point of contact for the Tenancy Tribunal, which deals with dispute resolution. There is a modest fee for making an application to the Tribunal.



Tenants and landlords rights and responsibilities

The Residential Tenancies Act covers all rentals. It sets out the rules, responsibilities, rights and protections for landlords and tenants.

As a tenant you must:

- pay the rent on time
- keep the premises reasonably clean and tidy
- notify the landlord about needed repairs
- pay for utilities you use
- notify the landlord as soon as possible if any damage occurs.

You must not:

- damage or allow damage to the premises
- disturb the neighbours or the landlord's other tenants
- alter or attach anything to the premises without the landlord's written consent
- use the property for any unlawful purpose
- have more than the maximum number of occupants as stated in the tenancy agreement.

Your landlord must:

- provide and maintain the premises in a reasonable condition
- allow you privacy and quiet enjoyment of the premises
- meet all relevant building, health and safety standards
- inform you if the property is for sale
- have an agent if they are out of New Zealand for more than 21 consecutive days.

Your landlord must not:

- seize your property
- interfere with the supply of any services to the premises unless it is necessary to avoid danger or to allow repairs.

Differences between a tenant, a flatmate and a boarder

A tenant is a person who has a tenancy agreement (contract) for a rental property. Tenants are covered by the Residential Tenancies Act.

A flatmate is covered by the Residential Tenancies Act, if they are named on the tenancy agreement. If they are not named, they are not covered by the Act.

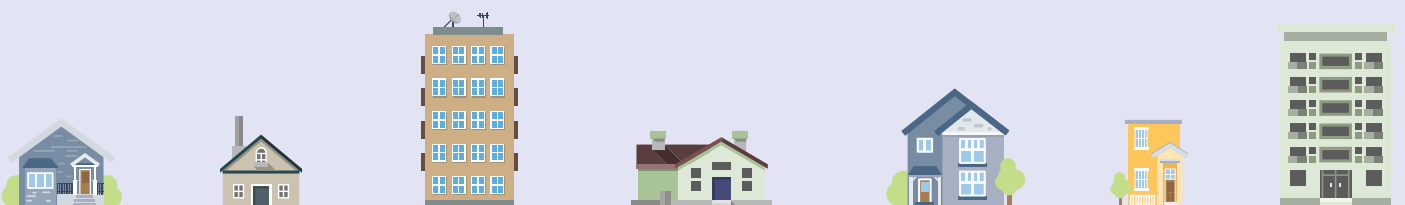
Someone who is boarding privately is not covered by the Residential Tenancies Act.

Someone boarding in a boarding house should have a tenancy agreement and is covered by the Residential Tenancies Act.

A **periodic tenancy** continues until either the landlord or tenant gives written notice to end it.

A **fixed term tenancy** lasts for a certain amount of time, e.g. one year. The term must be written in the tenancy agreement.

For more information about the rights and responsibilities of tenants and landlords contact Tenancy Services, local CAB, Community Law Centre, or local Tenants Protection Association.



Key contacts for information on tenancy matters

Tenancy Services provides guidance on tenancy matters. They are also the contact for the **Tenancy Tribunal**.
Free phone 0800 836 262 www.tenancy.govt.nz

Contact **Senior Services** if you are in urgent housing need or homeless, or need to apply for the Accommodation Supplement or other financial assistance.
Free phone 0800 552 002

Tenants Protection Associations operate in Christchurch, Auckland, Wellington and Manawatu. They provide advice, information, support and advocacy for tenants.

You can find their contact details at your local CAB.

Citizens Advice Bureau (CAB) branches are throughout the country and can help with tenancy advice.
www.cab.org.nz

Community Law Centres provide free legal advice on tenancy matters.
<http://communitylaw.org.nz/>



More contacts for services and websites are listed in the **Going for Good Renting** toolkit.

You can download a copy of the toolkit at
<http://renting.goodhomes.co.nz/>

Disclaimer

CRESA and its associates have made every effort to ensure the accuracy of content in this tool. Information has been provided in good faith and on the basis that every endeavour has been made to be accurate and not misleading. We shall not be liable or responsible for the accuracy or omission of any statement, opinion, advice or information in this report. We do not accept any responsibility or liability for any damage or injury arising from use of this tool, or reliance on information contained in this tool.

© 2019

The research and toolkit development has been conducted by independent researchers at CRESA, Public Policy & Research, Katoa, the University of Auckland, Victoria University of Wellington and Natalie Jackson Demographics.