



Mandatory Minimum Energy Efficiency Standards for the Private Rental Sector

Lessons from New Zealand and the United Kingdom
(England and Wales)

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Executive Summary

Addressing energy demand and reducing the emissions contribution of the housing sector is recognised as crucial for meeting climate reduction targets. Current policy instruments to improve energy efficiency, however, have disproportionately benefited new or owner-occupied homes while the private rented sector has been left behind, despite being the fastest growing tenure. The prevailing explanation for this gap cites the split incentive experienced by landlords to improve properties, given the benefits accrue to tenants.

This barrier has exposed the private rental sector to serious neglect and drawn attention to parallel issues including power dynamics, the rights of tenants, fuel poverty, health and wellbeing, and inequality. The breadth of these concerns has provided a strong case for government intervention and regulation, bringing the standard of the private rental sector onto the political agenda in the UK, New Zealand, and Australia. In response, governments in the United Kingdom (England and Wales) and New Zealand have created legislation that aims to raise energy efficiency through mandatory minimum energy efficiency standards in the private rental sector.

This report develops case studies on the experiences of NZ and the UK to gain a greater understanding of how minimum standards are defined and framed, how they have gained political traction and support in comparative contexts as well as how these jurisdictions have sought to mediate or mitigate any adverse effects through institutional measures. This has been done primarily through analysis of narratives in media and political texts, secondary research using academic journals and semi-structured interviews with experts in the UK.

New Zealand's experience reflected a strong narrative of public health while the UK focused on the issue of fuel poverty. Both narratives helped to build a diverse advocacy network, allowing the issue to gain prominence on the political agenda. The case studies demonstrate that linking an emotional or moral narrative to the introduction of mandatory minimum energy efficiency standards can ensure the policy resonates with the public, stays on the political agenda and avoids becoming merely symbolic. Seeing mandatory minimum energy efficiency standards policy as a vehicle for other policies and objectives in raising standards in rental homes and reducing fuel poverty was found to be pivotal and is likely to function best alongside supporting policies. Consequently, the results show that enforcement and policy design is vital for the effectiveness of this policy. It is recommended that these results are considered to help guide the development of a strategy for the introduction of mandatory minimum energy efficiency standards in Australia. Further research is also recommended for the enforcement and success of these policies.

Abbreviations

DBEIS	Department for Business, Energy & Industrial Strategy
ECO	Energy Company Obligations
EECA	Energy Efficiency and Conservation Authority
EPC	Energy Performance Certificate
GHG	Greenhouse Gas
HCLGC	Housing, Communities and Local Government Committee
HHB	Healthy Homes Bill
HHGA	Healthy Homes Guarantee Act 2017
HHSRS	Housing Health and Safety Rating System
IEA	International Energy Agency
MBIE	Ministry of Business, Innovation and Employment
NAGA	Northern Alliance for Greenhouse Action
NGO	Non Governmental Organisation
NZ	New Zealand
OMHA	One Million Homes Alliance
RTA	Residential Tenancies Act 1986
UKACE	United Kingdom Association for the Conservation of Energy
UK	United Kingdom (England & Wales)
UNFCC	United Nations Framework Convention on Climate Change

Introduction

In responding to climate change, governments have demonstrated a “bias toward investment in energy generation over energy demand reduction” and estimates that “with existing levels of policy support, two-thirds of economically viable energy efficiency potential will remain un-tapped by 2035” (Kerr et al. 2017, pg. 212). The shift toward addressing energy demand provides the impetus for this research as governments have become compelled to consider the energy consumption of the housing sector and develop policies accordingly.

While various policy instruments have been trialed or implemented to improve the housing stock, these have disproportionately benefited new or owner-occupied homes (Burfurd et al. 2012; Martinelli 2017; Ambrose et al. 2016). By contrast, the private rented sector has been left behind, despite being the fastest growing tenure (Ambrose 2015; Bierre & Howden-Chapman 2017). This gap is widely attributed to a market barrier, the split incentive or principal-agent problem, whereby the benefits of improving the energy efficiency such as reduced energy bills and thermal comfort, accrue to the tenant while the landlord is responsible for the cost, therefore disincentivising landlords from taking action (de T'Serclaes & Jollands 2007; Ambrose 2015). This barrier has exposed the private rental sector to serious neglect and drawn attention to related issues relating to power dynamics, the rights of tenants, fuel poverty, health and wellbeing, and inequality (Ambrose 2015; Bierre & Howden-Chapman 2017; Walker & Day 2012). The breadth and importance of these concerns have united numerous stakeholders in a push for intervention and regulation, specifically the introduction of mandatory minimum energy efficiency standards for rented properties (Martinelli 2017).

The aim of this research is to gain a greater understanding of how mandatory minimum energy efficiency standards are defined and framed overseas, how they have gained political traction and support in comparative contexts as well as how other jurisdictions have sought to mediate or mitigate any adverse effects through institutional measures. We have applied a case study methodology following the theoretical framework of Jacobs et al. (2003) to examine the experience of minimum standards policy in New Zealand and the United Kingdom.

Background

This research has been commissioned by the Northern Alliance for Greenhouse Action (NAGA) and the One Million Homes Alliance (OMHA), which represent diverse stakeholders including environmental advocates, tenants' unions, consumer affairs groups and local governments working together to promote the introduction of mandatory minimum energy efficiency standards for rented properties in Victoria (Martinelli 2017). This research contributes to their larger body of advocacy work by investigating the policy process from conception through to delivery of minimum standards in the United Kingdom (England and Wales) and New Zealand. There are two pertinent reasons for the decision to study NZ and the UK. Firstly, both jurisdictions have recently legislated minimum standards policy. Secondly, both share contextual similarities with Australia, such as landlord type, existing housing stock, ideology and governance structures (both formal and informal) (Hope & Booth 2014). Selection on this basis is justified by our client's need to draw lessons from similar policies that may be then used in the Australian context.

The private rental sector now amounts to the second largest tenure behind owner-occupied housing in the UK, NZ, and Australia, owing to significant changes in the demographic constitution and dynamics of housing tenure (Bierre & Howden-Chapman 2017). In the UK, Bone (2014, p. 1) has attributed the expansion of the private rental sector to a contraction of social housing and increasing *financialisation* of the housing market rendering it "prohibitively expensive for many new entrants since the 'noughties' house price boom". Bierre and Howden-Chapman (2017) describe a similar situation in NZ while also demonstrating that a greater number of families and children occupy rental properties for longer, challenging assumptions about renting as a transient and temporary space. This shift constitute the neoliberalisation of housing as characterised by inadequate regulation, an ethos of private business, intensified competition and market logic (Powell 2015). The term *Generation Rent* has been coined to describe the increasingly insurmountable structural barriers facing young people, vulnerable groups, and families from entering the housing market as owner-occupiers (Cole, Powell & Sanderson 2016).

Tenants within the private rental sector are subject to a broad range of issues flowing from the power dynamic between tenants and landlords in the dominant political and regulatory climate (Chisholm et al. 2017; Ambrose et al. 2016; Bierre & Howden-Chapman 2017; Walker & Day 2012). These include fuel poverty, equality, public health and wellbeing, housing affordability, human rights, climate change and energy efficiency (Ambrose et al. 2016; Bierre & Howden-Chapman 2017; Walker & Day 2012). Subsequently, the private rental sector suffers some of the worst housing conditions while tenants suffer from fuel poverty and, poor health and wellbeing (Ambrose et al. 2016; Bierre & Howden-Chapman 2017; Walker & Day 2012). The relationship between poor housing and poor health has been well established and reflects a host of impacts including, for example, cardiovascular and respiratory effects resulting from persistent moderate cold (Gasparrini et al. 2015). Fuel poverty refers to a situation wherein a household cannot afford the energy necessary to warm the home to an adequate temperature (Howden-Chapman et al. 2009). It is a result of the interplay between low income and inadequate energy efficiency and therefore, "fundamentally a problem of distributive injustice, or the unequal distribution of access to essential energy services" (Walker & Day 2012, pg. 69).

Numerous studies have attributed the entrenchment of poor conditions in the private rental sector to market failure (de T'Serclaes & Jollands 2007; Burfurd et al. 2012; Ambrose 2015; Wrigley & Crawford 2017). This includes the split incentive problem, also known as the principal-agent problem, in which tenants have little control to improve their home while landlords have little incentive to improve their properties (de T'Serclaes & Jollands 2007). Another common market-oriented explanation is insufficient information or understanding of the costs and benefits of energy efficiency measures to suggest mandatory information would increase the demand for energy efficient properties (Hope & Booth 2014; Burfurd et al. 2012; Ambrose 2015). This situation is exacerbated by the insecurity of tenure and tenants' lack of rights and powerlessness (Chisholm, Howden-Chapman & Fougere 2017; Ambrose 2015). Ambrose et al. (2016) highlight the role of the power

imbalance inherent to the renting relationship, particularly where the private rental sector is highly unregulated and situated in a market where demand outstrips supply. Therefore, as tenures are insecure tenants maintain a weak bargaining position while facing significant uncertainty (Ambrose et al. 2016) This inequality is exacerbated by the recognition that tenants are often the most vulnerable people (Ambrose et al. 2016; Chisholm et al. 2017). Internationally, a number of policies have sought to circumvent the split incentive, dissolve the energy efficiency disparity between tenures and mediate the power imbalance between tenants and landlords (Hope & Booth 2014; Ambrose 2015). Mandatory minimum energy efficiency standards is one such policy mechanism which has gained considerable support amongst the literature and advocates (Hope & Booth 2014; UKACE 2016).

It is important to highlight that the policies under examination in this research are extremely new. The first stage of implementation of the UK's Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 only began on April 1st 2018 and are set to be fully enforced by 2020. In New Zealand, The Healthy Homes Guarantee Act 2017 (HHGA) has been passed but has yet to be implemented; it is projected to be fully enforced by 2019. While this has limited our ability to assess their success over the long term, it has ensured our research is current and topical. Further, it is important to note, that although this report refers to the UK, this legislation will only apply in England in Wales due to the devolved nature of parliament (McKee, Muir & Moore 2017).

Method

This research is anchored by Jacobs et al. (2003) who have applied a constructivist approach to establish three essential conditions for the acceptance of and action on housing problems. The constructivist approach fundamentally rejects the objectivity of social problems and associated policy to reflect on the subjective processes which comprise their conception, as Blumer (1971, pg. 301) contends, "social problems lie in and are produced by a process of collective definition". The ebb and flow of policy priorities is thus understood not as a consequence of objective, rational decision making but reflects instead shifting, subjective social patterns (Pralle 2009). The literature surrounding environmental politics devotes much attention to the application of this approach to help comprehend the behavioural response to environmental problems and policy (Lakoff 2010; Shellenberger & Nordhaus 2009; Hajer & Versteeg 2005).

Jacobs et al.'s (2003) three conditions include a convincing narrative which tells a plausible story of a social problem, the construction of a coalition of support and the implementation of institutional measures. A convincing narrative is a story that grows subconsciously out of various events acting as catalysts or tipping points to provoke concern, yet also, the strategic choices of lobbyists or advocates to direct and engineer public support and political will through rhetorical devices, language, and discourse. A narrative is important in creating a shared understanding as Hajer and Laws (cited in Bierre & Howden-Chapman 2017, pg. 5) describe "complex policy domains [are] structured by "storylines" that actors from a widely differing background [can] relate to without necessarily understanding each other explicitly". A coalition of support reflects the success of the narrative in bringing together and uniting a diversity of stakeholders under a metaphorical banner (Jacobs et al. 2003). The coalition brings power and strength to a problem and drives it onto the policy agenda. Finally, institutional measures bring legitimacy to the process and ensure the efficacy and endurance of a policy (Jacobs et al. 2003). This research will apply Jacobs et al.'s (2003) three conditions as a framework to examine how minimum standards policy for private rental sector housing in the United Kingdom and New Zealand has been rationalised, supported and implemented as well as the power relations inherent to this process.

To develop an in-depth picture of the contextual factors which have influenced the rationalization of, support for and implementation of minimum standards policy, we selected a case study research methodology. The case study methodology is suitable as it is richly descriptive, in-depth and not bounded by uniform data points

as opposed to a survey or experimental methodology (Hancock & Algozzine 2011). Therefore, we have made full use of the case study methodology to draw a diverse range of quantitative and qualitative, and primary and secondary data.

Initially, we sought to gather primary data from a combination of semi-structured interviews and policy documentation while supporting it with secondary data found in peer-reviewed articles, statistics, and reports. For the interview component, we looked to incorporate a diversity of stakeholders involved in the process, as such we sought participants from academia, nongovernmental organisations (NGO) and policymakers. To identify these participants, we contacted prominent voices in academia and the NGO sector as well as policymakers that were involved in the process. Subsequently, we employed a snowballing method to find more participants. The interviews were conducted over Skype and involved questions focused on how the policy gained political traction and what barriers were most significant to its implementation. However, we were only able to secure interviews with four participants, all of which were from the United Kingdom.

There are a number of plausible factors to explain a low response rate. For policymakers, bureaucratic obstacles, conflicts of interest and a limited time frame could have prevented responses. For New Zealand, it is possible our framing of the request as about energy efficiency could have made those contacted feel their contribution would be irrelevant. This aspect forms a component of one of the major findings in our research and, therefore, will be discussed later.

Although we were unable to gather comprehensive interview data, the insights gained from this process have proved invaluable. Subsequently, our research design shifted to incorporate a greater proportion of secondary data to fulfil our objectives. Given that the data available for NZ and the UK was highly varied, we were able to substitute for the interviews quite effectively. For example, in New Zealand, we found substantive peer-reviewed research into the narrative construction of minimum standards, as well as accessible documentation of the policy debates.

The influence of bias on our research presented another important limitation. The intrusion of bias is evident in our initial construction of the problem, in that we have built this research on the assumption that minimum standards policies are rooted in a carbon efficiency or energy efficiency rationale. This also echoes the concern mentioned above regarding a lack of interview participants from New Zealand and will be explored further in the discussion. Furthermore, bias was also a factor during the interview process. First, with whom we chose to interview, we acted through bias in selecting people who supported mandatory minimum energy efficiency standards policy. Secondly, we will have incurred unconscious bias in asking particular questions.

New Zealand

Policy Overview

The Healthy Homes Guarantee Act 2017 (HHGA) passed through parliament with the purpose of ensuring that every rental home in New Zealand's private rental sector is warm and dry (New Zealand Parliament 2018). The HHGA requires all landlords to meet nationally consistent standards of heating, insulation, ventilation, draught stopping, drainage and moisture (MBIE 2018). These minimum standards will be set by the Ministry of Business, Innovation and Employment (MBIE) within six months of the act commencing (MBIE 2018).

MBIE will be in charge of what constitutes adequate methods of heating, methods of insulations, indoor temperatures, ventilation, draught stopping, and drainage. Landlords will have until the 1st of July 2019 to comply with the standards and make the necessary upgrades to their properties (Twyford 2017).

Context

The HHGA responds to NZ's inadequate rental housing stock, with tenants in the private rental sector twice as likely to report living in a cold home compared to owner-occupied homes (Chisholm et al. 2017). Regulation in NZ's private rental sector has been lacking, resulting in substandard housing that is cold, damp and mouldy (Baker et al. 2007; Howden-Chapman et al. 2012), affecting those New Zealanders for whom renting has become the norm (Bierre & Howden-Chapman 2017). Research conducted in NZ revealed many properties that are not suitable for human health and wellbeing (Boulic et al. 2015; Baker & Howden-Chapman 2012; Howden-Chapman et al. 2011; Howden-Chapman et al. 2007; Baker et al. 2007). The research demonstrated significant social and economic impacts on public health and children's health which helped to put this issue onto the national political agenda (Keall et al. 2012; Baker & Howden-Chapman 2012; Simpson et al. 2013). Major themes emerged, such as overcrowding and fuel poverty, and heightened vulnerability in Pacific and Māori children (Bierre, Howden-Chapman & Signal 2010; Howden-Chapman et al. 2012; Simpson et al. 2013).

Regulatory intervention in the private rental sector has been a political debate for almost a decade in NZ and has previously given rise to other policy instruments. In 2009 Warm-up New Zealand: Heat Smart — a voluntary insulation subsidy programme — aimed to improve the energy efficiency of the housing stock through the assistance of grants (EECA 2015). While in 2016 an amendment was made to the Residential Tenancies Act 1986 (RTA) with the intention of strengthening minimum standards by enforcing insulation requirements for all rental properties (Smith 2016). These policies helped to normalise insulated, warmer, drier homes, so that living in damp, cold houses was no longer considered acceptable (Bierre & Howden-Chapman 2017).

Narrative

Bierre & Howden-Chapman's (2017) research into the role of narrative for housing policy in NZ prior to the HHGA has provided significant context for understanding the current narrative surrounding minimum standards. Bierre & Howden-Chapman (2017) identified public health and wellbeing alongside child poverty as dominant discourses in the debate for improving housing.

Our findings have supported their work and demonstrate that this discourse has continued to be persuasive in delivering minimum standards policy. The successful implementation of minimum standards relied on the reconstruction of housing problems from a social issue into that of a political problem. This was driven by an emotive public health narrative which emerged in response to the vast health and wellbeing problems faced by tenants with children categorised as the primary victims of inadequate housing in NZ (Bierre & Howden-

Chapman 2017). Emotionally driven media coverage reported on children being raised in slum-like conditions (Bierre & Howden-Chapman 2017), a reality that was out of the control of parents. Consider, for example, Labour party member Andrew Little's 2016 speech in the first reading of the Healthy Homes Bill (HHB):

“We want a standard that is going to protect the kids in those houses from getting sick, from getting unwell, and from getting unhealthy—and actually, at the same time, making sure their parents are OK as well. [...] We can do better for the children and their families in this country, and have decent, healthy homes—warm, safe, dry homes” (New Zealand Parliament 2016).

Little's speech works to associate the health and vulnerability of children with their parent's lack of control over the situation. As politicians, researchers, advocates, and the media began to link these issues of childhood health to the availability of healthy homes a rationale for political action began to develop. It became the moral obligation or duty of government to respond to this housing and health crisis. The emotive nature of this obligation is shown within Greens member Miteria Turei's response to the HHB:

“I challenge National members to think about what they are doing tonight in refusing to support this bill. You know, National knows that there are 42,000 hospitalisations of children because of cold, damp homes. National knows that there are 1,600 extra winter deaths in this country because of cold, damp homes. National knows that there are 15 children who will die this year because of cold, damp homes. What will it take to convince you to act to save these lives? Why do these lives not matter to the National Party?... These are the realities faced by the people whom you are supposed to support and be here to work for. Some of them will die this winter because you have failed to act” (New Zealand Parliament 2017).

The moral imperative evident in Turei's speech has proved to be a critical element within the narrative. It worked to further perpetuate the argument for intervention, prolong the relevance of the issue and maintain its position on the political agenda. Ultimately, while energy efficiency and fuel poverty rationales were explored in the development of the policy, these were not found to have significant public support, rather these were ascribed a co-benefit status amongst those advocating for the HHGA (Howden-Chapman et al. 2009). Thus, the HHGA and earlier amendments to the RTA can be recognised as a direct response to public health concerns.

Support

The publication of evidence-based research, successful advocacy, and excessive media coverage were fundamental for addressing this issue as they gave depth and form to the narrative and in turn helped to shape public opinion (Bierre & Howden-Chapman 2017). This coalition of support for the HHB was diverse and broad which enabled the bill to move through the house despite opposition by a then Nationals-led parliament.

In 2016, an overwhelming 30,000 New Zealanders signed an open letter which called on the Nationals Government to back the HHB (New Zealand Parliament 2017). In conjunction with the open letter, a further 85 submissions made by individuals and organisations in support of the HHB were heard (New Zealand Parliament 2017). Medical experts and researchers also supported the bill and presented evidence and advice through public submissions to the HHB. For example, the New Zealand Medical Association provided expert advice for supporting the bill (Child 2016), and the Paediatric Society of New Zealand produced crucial data regarding the health status of children and young people in NZ (Craig et. al 2013). In addition, a petition which contained 1,000 signatures was received from Medical Students for Global Awareness calling on

Parliament to pass the bill. The case for the bill was also strongly grounded in an abundance of research establishing the connection between vulnerable households and poor health.

The support of a diverse range of social agencies, church groups, and campaigners for social justice including the Child Poverty Action Group, Community Housing Aotearoa, Housing Call to Action, and the Tenants Protection Association was evident in the reading of the bill (New Zealand Parliament 2016; New Zealand Parliament 2017) and demonstrated that a diverse coalition could unite effectively under a shared goal.

Institutional Measures

The creation of regulatory tools to implement and enforce minimum standards was a highly political process as there were concerns about unintended consequences for the housing market (New Zealand Parliament 2017). The policy solution proposed by a coalition of advocates included a warrant of fitness, which would be conducted by an independent assessor prior to new leases, grading houses on criteria including health, energy efficiency and safety (Baker & Howden-Chapman 2012). Despite significant support for a warrant of fitness following a trial on 500 houses, the Nationals dismissed the mechanism on the basis that heavy administrative costs would be passed on to tenants or increase housing prices (Smith 2015). This demonstrates that the process surrounding policy solutions can be politically manipulated and have outcomes that advocacy groups do not support (Bierre & Howden-Chapman 2017).

A tenancy compliance and investigations team was funded by MBIE (Smith 2017), with the intention of encouraging tenants to take problems with substandard rentals to the tribunal themselves (Smith 2017). However, Chisholm, Howden-Chapman & Fougere (2017) argue that relying solely on this mechanism would not constitute an effective form of institutional regulation and would have minimal effect due to the inherent power inequalities that exist within a tribunal system, where money or time constraints, the level of expertise, socio-economic status, and fear of retaliatory action play major roles in a successful prosecution (Chisholm et al., 2017). Added protection against retaliatory action was strengthened within the 2016 RTA amendments which aimed to address major concerns such as security of tenure, and fear of eviction upon the use of the tenancy dispute process. However, it has been suggested that it is insufficient for resolving the problems faced by tenants (Chisholm et al., 2017).

United Kingdom (England and Wales)

Policy Overview

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 were introduced to improve the energy efficiency of private rented properties in England and Wales (DBEIS 2017). From April 2018, landlords must have properties reach an Energy Performance Certificate (EPC) rating of at least E before granting new tenancy, and from the 1st of April 2020, sub-E rated properties are restricted from being let (DBEIS 2017). These regulations will be enforced by Local Authorities and appeals will be heard by the First-tier Tribunal (DBEIS 2017). This relies on the prerequisite that all rental housing has an EPC, which rates homes from A being the most efficient housing, with G being the least (Ambrose 2015).

This legislation forms part of a broader energy policy mix (Rosenow et al. 2016) that has included different instruments such as the now discontinued Green Deal, a market-based instrument to provide finance to energy efficiency improvements (Kern et al., 2017) and the Energy Company Obligations (ECO) a government energy efficiency scheme to reduce carbon emissions and, increasingly, to tackle fuel poverty through funding from energy companies (Rosenow 2013). However, regulation has been suggested to overcome the split incentive impacting uptake in the private rental sector (Ambrose 2015) and abject failure of the Green Deal (Rosenow & Eyre 2016).

Context

The housing in the UK building stock with the worst thermal performance is found disproportionately in the private rental sector (Hope & Booth 2014; Ambrose et al., 2016; Kerr et al. 2017). This coupled with two other main factors have set the context for this policy, namely reducing carbon emissions and fuel poverty. The Climate Change Act commits the UK government by law to reducing greenhouse gas emissions by at least 80% of 1990 levels by 2050 (Marchand, Koh & Morris 2015). Fuel poverty, which the UK defines using a ‘low income high cost’ indicator, meaning a household is considered fuel poor if it has lower than average income and higher than average fuel costs (Middlemiss 2017) has been a key driver of energy policy since the 1973 oil crisis (Rosenow, Platt & Flanagan 2013). In the last decade, it has become dominant and intertwined with energy efficiency policy more specifically (Rosenow et al. 2013), with energy efficiency now increasingly seen as the most effective solution to the problem of fuel poverty (Boardman 2013). Both these drivers were reflected by those interviewed.

“Climate Change clearly is an important driver of UK energy efficiency policy, and has been since probably the late 1990s...Fuel poverty is another driver...people being on low incomes not being able to heat their homes properly.” (Interviewee A)

Narrative

The dominant narrative of how mandatory minimum energy efficiency standards developed in the UK evolved from concerns about fuel poverty which shaped energy inefficiency into a social justice issue. The narrative places the tenant as the victim, vulnerable to exploitation, and landlords as greedy, making this an issue of fairness and equality.

“It’s a story about landlords who won’t do anything about their property and then people living in [the properties] not having the decision making power...A lot of people could empathise and sympathise with that.” (Interviewee A)

Landlords have been framed in a negative light for at least 20 years in the UK. Kemp & Rhodes (1997 pg. 118) noted that “private landlords are commonly portrayed as rather seedy characters, who exploit their tenants by charging exorbitant rents for poor quality accommodation”. Interviewee A stated the current debate is based on “rising rents and greedy landlords”. The discourse has also evolved to define certain landlords as “rogue landlords” -- those who rent out overcrowded housing -- and has resulted in harsher penalties and regulations to protect tenants (Green et al. 2016). This negative framing of landlords was reflected by those interviewed.

“Landlords have a bad reputation for being a nefarious bunch that never want to spend money and just want to rake as much profit as they can from their tenants.” (Interviewee B)

A social justice framing has made it hard for governments to dismiss this issue and encouraged landlords and their associations to support the policy so they aren't seen as greedy and lazy. This has been reflected in the response of the landlords' associations to the mandatory minimum energy efficiency standards with Interviewee C stating “there has been a positive change from the landlords association going ‘No’, to ‘alright well, we represent the good landlords so we can see why’,” although it was acknowledged that even though in theory they support the policy, they have applied considerable pressure to weaken the regulation. As Interviewee C noted, “Some landlords rather than look at what they can do to their property are instantly looking at how they can get out of it”. This narrative has been important in dispelling counter narratives about adverse effects to the economy as it forms part of the wider issues surrounding tenants and their vulnerability:

“The housing market is broken, it's not the fault of energy efficiency policy, the fact is that [landlords] are housing people in substandard conditions and that's a national disgrace” (Interviewee C)

It was acknowledged that advocates found difficulties in this narrative, namely overcoming the disconnect between the risk of death from moderate cold and the significant role that housing plays (Gasparrini et al. 2015), rather than cold being seen as innocuous and not posing a significant risk.

“Cold deaths are harder to see if there were 10000 people dying on the streets something would be done about it, however, it's behind closed doors.” (Interviewee C)

This is in contrast to the understanding of fire risk and resulting regulation that is deemed necessary to protect people.

“I don't see why you can have all these regulations on fire safety but it's perfectly fine to rent out a home you physically can't heat to a healthy temperature.” (Interviewee A)

The responsibility to improve the properties is assigned to landlords and the government and is recognised as a moral obligation that landlords have as a business, to provide warm housing that is efficient to heat.

“Morally, landlords absolutely should be doing this stuff...making their houses basically fit for human habitation so they're not freezing or deathly hot in the summer is something they should be doing as a duty of care.” (Interviewee B)

Support

The interviewees agreed that this narrative helped to create a diverse coalition of organisations mostly aligned with rationales for improving fuel poverty and carbon emissions. These organisations, who provided research, kept the issue on the agenda and lobbied the government to implement and enforce the legislation (Interviewee C). The coalition also provided a clear story for the media who became another important lobby.

“Four or five years ago there were TV documentaries and newspaper articles pretty much all the time about this subject, on the conditions in the private rental sector, so that fed into the whole narrative surrounding landlords not doing their fair share.” (Interviewee A)

Focusing on fuel poverty and energy justice has helped overcome counter-narratives and has been effective in creating a coalition of advocacy groups and public support for the legislation. Defining energy efficiency as crucial to the wider goals of fuel poverty helped attract broader public appeal.

“Energy Efficiency is not of major political concern, climate change and carbon reduction are not the top of people’s concerns in national opinion polls...Poverty and child poverty has greater public appeal.” (Interviewee D)

Researchers are exploring the field of energy efficiency as a social justice issue, through the growing body of research that links energy justice and fuel poverty and explores the relationship between poor housing and greater vulnerability (Walker & Day 2012; Gillard et al. 2017).

Institutional Measures

The view that “landlords are a business, they should meet basic standards” has been echoed by all of the interviewees, and has led to a shift in policy being a “no-brainer” that regulations would apply, while also being crucial to overcoming the apathy or ignorance of landlords.

“You will always have people who are apathetic or complacent, ignorant or even wilfully ignorant; people who are detached.” (Interviewee D)

This is now reflected in the institutional practices through the policy responses and legislation. The Housing Health and Safety Rating System (HHSRS), looking at decency standards such as issues of damp and mould growth has been seen as supporting the introduction of mandatory minimum energy efficiency standards, while the strengthening of tenancy rights and policy in the Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill 2017-19 has provided recognition of how government has accepted that the issue needs intervention on their behalf and that market instruments are not enough to fix this issue.

"Just providing more incentives and financial instruments is not going to solve the problem, you'll only pick up some proactive landlords and property owners but there will always be those who are just passive and disinterested.” (Interviewee C)

One of the biggest issues raised by those interviewed was the effectiveness of enforcement. Interviewee C mentioned that the previous regulations surrounding the EPCs and HHSRS were badly enforced by local authorities with “only 26% of private rented sector tenancy having seen an energy performance certificate.” As mandatory minimum energy efficiency standards build on EPCs it is important that energy performance is being better enforced to begin with for the new legislation to work. Resources were found to be the biggest issue, as local authorities “were reduced by a fifth over the last six years through cuts and austerity”, with redundancies of more senior staff meaning that less experienced environmental health officers make up those enforcing the legislation (Interviewee C, 2018). The enforcement of the legislation, however, is fraught with difficulties surrounding power and tenants not wanting to “rock the boat” (Ambrose et al. 2016, pg. 8). This was reflected often in the interviews and by politicians who supported the regulation.

“If you’re living in a really rubbish property, on low income and perhaps you're on housing benefit, are you actually going to stand up and fight your landlord? They’re [the tenant] scared of retaliatory eviction, they’re scared of their rents being raised, they’re scared of the disruption it might entail so there are lots of

issues around complaints.” (Interviewee C)

"The imbalance in power in the private rented sector means vulnerable tenants often lack protection from unscrupulous landlords who can threaten them with retaliatory rent rises and eviction if they complain about unacceptable conditions in their homes” (Clive Betts cited in HCLGC 2018).

Discussion

The experiences of NZ and the UK have illuminated a number of key lessons with respect to framing and rationale, policy design and policy mix which may guide policymakers and advocates in their pursuit and design of mandatory minimum energy efficiency standards in Victoria.

Framing and Rationale

In comparing the UK and NZ, we can infer that framing mandatory minimum energy efficiency standards policies through an energy efficiency and carbon reduction rationale can limit the extent, strength, and continuity of support for such policies. Both cases have demonstrated that fusing an energy efficiency rationale with another, arguably more emotive, rationale a narrative was deeply instrumental in augmenting support for the policy. This reflects Kerr et al.'s (2017, pg. 212) explanation that the "apparent disregard" for energy efficiency policies is owing to their measurement in negative values (i.e. savings), uncertain returns on investment and the potential for adverse flow-on effects. Alternatively, a multiple-benefits approach to framing energy efficiency policy can circumvent these concerns to evoke political will and public support.

A multiple-benefits approach ties together the additional benefits that accrue with increased energy efficiency such as employment, the mitigation of fuel poverty or health improvements. This approach was clearly evident in the UK, where the problem of fuel poverty was recognised as the key driver of support, eventually becoming inextricable from discussions about the energy efficiency of homes. Furthermore, our results demonstrate that although carbon reduction targets were clearly regarded as a pertinent rationale, their utility in garnering public support was considered less influential than fuel poverty. The experience differed in NZ with a public health and wellbeing rationale having an overwhelming influence on support for the policy while energy efficiency received little air time. In NZ, it could be understood that energy efficiency was framed as a mechanism for improving health through housing standards as opposed to a rationale of its own.

Further, both cases demonstrate that linking an emotional or moral narrative to the policy can ensure it resonates with the public, stays on the political agenda and avoids becoming merely symbolic. The framing of mandatory minimum energy efficiency standards policy in the UK under the banner of fuel poverty produced a clear narrative of equality and fairness, while in New Zealand, the public health and wellbeing rationale gave serious weight to the policy as a moral obligation to children. The implication of this was made quite clear by Interviewee B when they said, "it would be relatively difficult for them to sell just dumping [the policy] and saying we're going to give up on poor people because it's going to hurt poor old landlords." The narrative functioned in the same way in NZ where dismissing the policy would be effectively synonymous with dismissing the health of children. We have learned that narrative was remarkably effective in both cases which tells us that an energy efficiency story alone may be insufficient to cement support.

Finally, with respect to framing, the experience in New Zealand offers an important lesson for communicating energy efficiency within the private rental sector. Creating a distinction between minimum standards and minimum energy efficiency standards could pose a barrier to communicating the policy as essential to a basic standard of living. Minimum energy efficiency standards contain the connotation that energy efficiency is an advancement or improvement to a house as opposed to essential criteria for a safe and healthy home. Referring to the policy simply as minimum standards could be instrumental in delivering widespread support for the policy and provide a firm basis on which to defer opposing arguments that favour landlords. If minimum standards are understood in the public eye to be simply the minimum, opposition to the policy would be opposition to ensuring a basic standard of living. This is a far more potent story than ensuring housing is 'upgraded'. Wrigley & Crawford (2017) draw a similar connection in their study of policy solutions for Victoria when they highlight an important opportunity for communicating and designing mandatory minimum energy efficiency standards. Under the taxation system, enforcement of mandatory minimum energy efficiency standards would shift energy efficiency measures from the category of non-tax-

deductible improvements to tax deductible repairs (Wrigley & Crawford 2017). This distinction is important and ought to be employed when framing the need for policy intervention.

Policy Mix

The case studies support the overwhelming consensus in the literature that regulation is crucial.

While previous policies to raise energy efficiency standards have relied solely on incentive or market-oriented mechanisms which disproportionately benefited owner-occupied homes, the private rental sector was expected to rely on the benevolence of landlords. As Interviewee A affirmed, regulation can ensure that you will pick up more than just “some proactive landlords and property owners”, while making it clear that this is an obligation and not an option. The wider policy mix, however, provides crucial support to the policy through the provision of different instruments and incentives becoming the metaphorical ‘carrots’ to the regulatory ‘stick’. Grants, funding, tax rebates and subsidies are some options available to overcome landlords’ reluctance to spend on energy efficiency.

Finally, the UK and NZ have shown that mandatory minimum energy efficiency standards policy can be seen as a vehicle for other policies and objectives in raising standards in rental homes and addressing issues not specifically geared towards increased energy efficiency, such as tackling damp and mould. This reinforces our findings regarding framing that mandatory minimum energy efficiency standards policy could gain more salience through its distinction as simply minimum standards, as therefore denoting a basic standard of living as opposed to an efficiency upgrade.

Policy Design

In both the UK and NZ, policies are bolstered by the strengthening of tenancy rights and broader improvements to the security of tenure. However, given the contemporary nature of the policies in NZ and the UK, our ability to evaluate these aspects is limited. Nevertheless, it is possible to highlight some crucial areas for concern given existing understanding of the nature of the private rental sector, therefore the following may open avenues for further study.

We found that, in both cases, a key concern among advocates was to ensure the policy sufficiently addressed the power dynamic between tenants and landlords to avoid exacerbating issues of distributional justice. Given the level of insecurity faced by tenants, many have voiced concerns that mechanisms such as tribunals would place the onus on tenants to seek resolution (Chisholm et al. 2017). Alternatively, measures such as a warrant of fitness, an EPC or HHSRS are tools that could help regulate the standard and provide transparency to tenants, overcoming some of the barriers that tenants face. Further, instilling tenant’s rights regarding evictions, rent increases, etc. into the policy would also be valuable (Chisholm et al. 2017).

Currently, both NZ and the UK experience a lack of funding for local enforcement regimes which has resulted in minimal prosecutions in the private rental sector in general. In the UK case study, it was suggested to allocate fines collected from landlords who fail to meet the standards to local authorities to provide an incentive for enforcement.

Lastly, our findings demonstrate that the role of advocacy groups is ongoing and must continue throughout the implementation phase to hold governments to task and continue to shape policy. Continued pressure ensures that the issue stays on the agenda meaning that implementation will be critiqued and taken seriously.

Conclusion

Our research contributes to the field of energy and housing policy by providing a greater understanding of the application of minimum standards in two international jurisdictions through the application of a constructivist approach. This has generated two primary implications about strategic framing and the effective institutionalisation of the policy.

Firstly, thinking strategically about the framing of a policy will have a significant influence on public support and political will. Our research has indicated that a multiple-benefits approach is effective in garnering support from a diverse coalition of stakeholders as well as keeping the policy on the agenda. Further, our research has demonstrated that the way that we communicate the concept of energy efficiency within the private rental sector needs to be re-evaluated to challenge the connotations inherent to the policy title. mandatory minimum energy efficiency standards suggests energy efficiency is an advancement or an improvement to a house, rather than essential criteria for a safe and healthy home. Such standards are critical for providing citizens with a standard of living that is consistent with basic human rights. Given what we know about the relationship between housing standards and health and wellbeing, fuel poverty, vulnerability and social justice, mandatory minimum energy efficiency standards ought to be reconstructed as a baseline standard for housing and framing it as such could be beneficial for all objectives.

Secondly, the experience of NZ and the UK have demonstrated that to bridge the gap between mandatory minimum energy efficiency standards being a good idea and a tangible reality, institutional measures are fundamental to giving the policy substance and ensuring its effectiveness. Such measures include the cohesion and clarity of a policy mix, strong tenant rights, tenure security, equitable enforcement regimes and transparent property evaluations.

Further research could evaluate the success of these policies over the coming decade as they come into fruition. Such research would be valuable in shedding light on unforeseen challenges and potential conflicts resulting from intimately tying together the diverse rationales for the policy as well as the efficacy of various institutional features.

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