

# Affordable Housing (Territorial Authorities Enabling) Bill

20 November 2007

Attorney-General

## LEGAL ADVICE

### CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: AFFORDABLE HOUSING (TERRITORIAL AUTHORITIES ENABLING) BILL

1. We have considered whether the Affordable Housing (Territorial Authorities Enabling) Bill ('the Bill') (PCO 8187/14) is consistent with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). We understand that this Bill is likely to be considered by the Cabinet Legislation Committee at its meeting on 22 November 2007.
2. This Bill enables territorial authorities to promote the provision of housing affordable to low and moderate income earners. The Bill enables territorial authorities to require that every new property development in their district, includes either:
  - a proportion of affordable housing; or
  - a contribution of land or money towards affordable housing.
3. The Bill also prevents the imposition of any new restrictive covenants that exclude property from being used for affordable housing or social housing.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the Bill of Rights Act.

Stuart Beresford  
Acting Manager  
Bill of Rights/Human Rights  
Public Law Group

Jeff Orr  
Chief Legal Counsel  
Office of Legal Counsel

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