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Many borrowers find mobile traders are a convenient way to purchase goods, especially if they can defer payment until later. But the goods may be more expensive than at other retail outlets and the consequences of default can be high.

Some temporary housing operators have expressed concern about mobile traders visiting their premises. Residents can be vulnerable and may not be well placed to make good decisions about buying items on credit. Some residents may not realise what they have signed up to and may not be able to meet their loan commitments. The consequences for them and their families if they fail to pay can be serious.

There is nothing in law to prevent mobile traders from operating in New Zealand. But mobile traders are subject to consumer laws and where they provide consumer credit they must comply with lender responsibilities. This includes an obligation to act with the care, diligence and skill of a responsible lender and ensuring the agreement is affordable, suitable and the borrower understands what they are signing up to.

### What to do about unwanted visits from mobile traders or, 'truck shops'

There are steps you can take to discourage mobile traders from visiting your site. You can:

- Write to the mobile trader
- Issue trespass warnings or notices
- Contact the mobile trader's dispute resolution scheme
- Complain to the Commerce Commission.

#### Write to the mobile trader

If a particular mobile trader visits your premises, you can write to the mobile trader and ask them to stop. It is best to do this formally, to the Chief Executive, Director, or similar, and keep good records of any correspondence. Make sure you give clear information about the address of the location you want them to stay away from and the reason why. You should specify all street addresses and house or unit numbers to avoid uncertainty.

#### **Trespass**

If you are the residential manager and a mobile trader pays your premises an unwanted visit you can warn the driver to leave and to stay off your premises. Make sure you write down the time and date, name or description of the person asked to leave and the vehicle registration plate number. You should also notify the company that you have issued a warning to one of their drivers. If the driver doesn't leave, or returns after you have warned them, you can contact the police.

For more information about trespass notices click here.

#### Contact the mobile trader's dispute resolution scheme

To help an individual resident, you can also complain to the mobile trader's dispute resolution scheme (if they are required to register with one). You can find out which scheme the mobile trader belongs to and its contact details by searching the Financial Service Providers' register. The service is free and can be used to resolve complaints when the mobile trader fails to do so.

#### Let the Commerce Commission know

If the mobile trader continues to visit even after you have asked them to stop, consider making a complaint to the Commerce Commission. The mobile trader may have breached the lender responsibility principles. The Commission is not able to investigate every complaint that is reported, but the information is useful to the Commission in understanding issues in the industry and making decisions about its enforcement response.

#### CHA received the following information from Home Direct:

Home Direct is both a retailer and consumer finance company. We service customers throughout New Zealand via our online, telesales and home shopping channels. It is a direct to consumer business without fixed bricks and mortar stores.

It is in relation to our home shopping sales channel and finance offer that we are trying to identify as many Emergency, Temporary or Managed Housing facilities operating in New Zealand so we can implement internal controls to ensure our sales and lending teams do not sign up new customers or service existing customers if the person is currently residing in this category of residence.

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### Universal Declaration of Human Rights - time to celebrate!

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly on 10 December 1948 at the Palais de Chaillot in Paris, France.

It's the 70th anniversary of the Declaration of Human Rights on Monday, 10 December 2018. A member thought it would be a great opportunity to celebrate *Community Housing Day*, so CHPs and tenants could acknowledge this milestone.

Can members please let us know by <a href="mailing-email">email</a> if they have anything planned to celebrate? We will showcase your events in our first newsletter in 2019.

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This from Dave Henderson and Sue Barker:

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As a result of your input we are now ready to distribute the questionnaire nationally. We need it to go far and wide, and we're asking for your help. We're asking you to complete the

questionnaire, but also please share it with your networks, whether registered charities or not, by email, Facebook, or however.

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Here is the link to the questionnaire.

We realise the questionnaire is quite long but there are a lot of issues where we need data to feed into the review, and we really appreciate your time.

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