

Our reference: 222942

CONFIDENTIAL

28 April 2023

Assurance Team
Wellington City Council

Sent by email

Cc: Sophie Kahn
Crown Law

Tēnā koe

Complaint to the Human Rights Commission from Sophie Kahn about Wellington City Council

We received a complaint from Sophie Kahn that Wellington City Council (WCC) is discriminating against her on the grounds of race, ethnic or national origins, and religion under the [Human Rights Act 1993](#) (the HR Act). Please advise the review panel of this complaint.

We are offering our dispute resolution service to Sophie and WCC to try to resolve the complaint.

Summary of the complaint

Sophie's complaint is that WCC is listing her family home (Kahn House) in its 10 year District Plan as a heritage house because of her family's Jewish heritage (as well as the house being designed by modernist architect Plischke). This means she and any future homeowners would be prevented from making any alterations without WCC's approval. She says the house desperately needs alterations to make it safer and more suitable for her family, including an elderly family member, but WCC indicated those types of alterations would be unlikely to be approved. Homeowners would also be required to maintain the house in specific ways at their own cost. She says the decision means the value of her family asset would reduce by 40%. She says her family lost everything as Jews escaping Europe during the Holocaust, and

now they are losing control of their family home because they are Jewish. Her house is the only one WCC is protecting based on race.

She says the decision is under 'independent' review at the moment, but WCC appointed the reviewers. She will give an oral submission in May but is only allowed a total of 15-20 minutes to speak. The outcome may not be known for another 18 months. WCC may not even listen to the review panel's recommendations.

Sophie would like to meet with WCC staff and help them understand the impact of the decision on her. Ultimately, she wants the decision overturned.

The Human Rights Act 1993

The complaint may come within the scope of Part 1A of the HR Act as an allegation of discrimination on the grounds of race, ethnic or national origins, and religion by a public body.

The HR Act requires us to inform the Attorney-General of any complaint about an agency performing a public function under Part 1A. For this reason, we have sent a copy of this letter and the complaint to the Crown Law Office (representing the Attorney-General).

Our dispute resolution service

We offer a dispute resolution service for complaints that may fall under the HR Act. Our process gives parties the opportunity to resolve the complaint with the help of a mediator.

Our process is:

Voluntary

Parties choose whether to participate. The mediator supports the parties to come up with their own solutions together. Outcomes are normally focused on addressing harm.

Flexible

Discussions to resolve the complaint may be by phone, email, or through a mediation meeting. A meeting may be online, on the phone, or in-person.

Confidential

The process is confidential to all those involved and intended to be without prejudice to future legal rights. Parties may involve support people such as whānau, advocates or lawyers.

Impartial

The mediator is impartial. Their role is to ensure the process is fair to the people involved. The mediator and the Commission do not investigate complaints nor decide whether there has been a breach of the HR Act.

If a complaint is not resolved, the complainant can file proceedings in the Human Rights Review Tribunal (the Tribunal) for a decision on their complaint. The Tribunal is independent from the Commission and is administered by the Ministry of Justice. The complainant can apply to the Office of Human Rights Proceedings for representation at the Tribunal.

Next steps

Please reply by **Friday 19 May 2023** to confirm if WCC is willing to participate in our dispute resolution process. We understand that the decision is already going through a review process and that WCC may wish to wait for the outcome of that process before deciding whether to participate in our dispute resolution process. If this is the case, please let me know.

If you wish to provide any written response to the complaint, please confirm that we can share it with Sophie.

You are welcome to contact me to discuss the complaint and our process. My phone number is 022 012 6987 and my email address is hannahm@hrc.co.nz.

Nāku noa, nā



Hannah Morgan-Stone

Mediator | Kaihohourongo
Human Rights Commission | Te Kāhui Tika Tangata