Laws and bylaws

Landlords need to comply with various legal obligations. Find out about the laws and bylaws that apply to renting a property.

The Residential Tenancies Act 1986

The Residential Tenancies Act 1986 requires landlords to provide and maintain rental properties in a reasonable state of repair. What’s considered ‘reasonable’ depends on the age and character of the property and how long it’s likely to remain habitable and available to be lived in.

The Act also requires landlords to provide properties in a reasonable state of cleanliness.

The Act does not directly regulate the standard of rental properties. However, it reinforces that landlords ‘comply with all requirements in respect of buildings, health, and safety under any enactment so far as they apply to the premises’.

In practice, this means landlords need to be broadly aware of health-related and safety-related requirements in the following laws:

- Building Act 2004 and the Building Code
- Health Act 1956
- Housing Improvement Regulations 1947
- Bylaws made under the Local Government Act 2002. These are set by individual councils.

Residential Tenancies Amendment Act 2019

On 27 August 2019, the Residential Tenancies Amendment Act took effect. This legislation covers the following amendments.

Tenant liability for careless damage in rental properties

If tenants (or their guests) damage a rental property as a result of careless behaviour, the tenant is liable for the cost of the damage up to a maximum of four weeks’ rent or the landlord’s insurance excess, whichever is lower.

Landlords also need to provide insurance information in any new tenancy agreement that is relevant to the tenant’s liability for damage to the premises. This information must include whether the property is insured and if it is, what the excess amount is.

More information on insurance information in tenancy agreements (http://www.tenancy.govt.nz/starting-a-tenancy/tenancy-agreements/required-statements-for-tenancy-agreements/)

More information on repairs and damages (http://www.tenancy.govt.nz/maintenance-and-inspections/repairs-and-damages/)

Unlawful residential premises

Sometimes properties are rented that can’t lawfully be used for residential purposes. Examples of these are:

- illegally converted garages
- unconsented dwellings
This change means tenants living in these premises are now protected by the Residential Tenancies Act. The Tenancy Tribunal now has full jurisdiction over cases concerning premises that are unlawful for residential use.

**Contamination of premises**

Landlords can now test for methamphetamine (meth) in rental properties while tenants are living there. This amendment also allows for regulations to be developed that address how contamination of rental properties is tested and managed.

[Renting a property affected by meth](http://www.tenancy.govt.nz/starting-a-tenancy/renting-affected-properties/renting-a-property-affected-by-methamphetamine-p/)


**Residential Tenancies (Healthy Homes Standards) Regulations 2019**

The Residential Tenancies (Healthy Homes Standards) Regulations 2019 introduce specific and minimum standards for heating, insulation, ventilation, moisture ingress and drainage, and draught stopping in rental properties. These standards will make it easier for renters to keep their homes warm and dry, and themselves healthier.

[About the healthy homes standards](http://www.tenancy.govt.nz/healthy-homes/about-the-healthy-homes-standards/)

**Housing Improvement Regulations 1947**

The [Housing Improvement Regulations 1947](http://legislation.govt.nz/regulation/public/1947/0200/latest/DLM3505.html) set minimum requirements for housing. Local authorities are responsible for enforcing this.

A property must meet all these requirements unless it complied with equivalent Building Code requirements when it was built.


The regulations include provisions for:

### Room size, function and safety

Each property must have:

- A room that can be used as a kitchen or kitchenette with a sink and tap connected to useable water
- A bathroom with a shower or bath and running hot water
- A toilet (inside or outside the property) for the exclusive use of those that live in the property
- Provision for the washing of clothes (if the house is intended for the use of 2 people or more)

Minimum sizes for rooms depend on how the property is set out.

Check the Building Act and Code for wider requirements on properties built after 1978.

### Light, ventilation, drainage and dampness

Bathrooms and toilet rooms must have a window or other adequate means of ventilation.

Every habitable room must have windows or other way of letting in light and ventilation
There must be enough space and ventilation underneath any timber floors to prevent dampness and decay.

There must be drainage to remove storm water, surface water and ground water. Every house must have gutters, downpipes and drains to remove roof water.

Overcrowding

Landlords must ensure that the house does not become overcrowded by making sure:

- there are enough facilities for the number of people living in the house (eg, bathrooms and toilets)
- bedrooms are at least six square metres. If there is more than one person sleeping in the room it will need to be bigger
- they don’t exceed the number of people (excluding those under one year of age) that can occupy bedrooms.

Landlords shouldn’t advertise a property as having a certain number of bedrooms if the rooms don’t meet the regulations.

For further information about overcrowding contact your local council.

Sewerage and sanitation

Every toilet and sink must connect to an adequate sewerage system or other means of disposal. If a landlord provides a wastage system, the landlord must maintain it (eg, empty the septic tank).

Heating

Every living room must have an approved form of heating. What approved forms of heating are may differ between councils around the country.

Heating and ventilation (http://www.tenancy.govt.nz/maintenance-and-inspections/heating-and-ventilation/)

The Building Act 2004

The Building Act governs the construction of new buildings. It also covers the alteration and demolition of existing buildings.

The purpose of the Act is to make sure:

- buildings are safe and healthy
- people can escape if there’s a fire
- buildings promote sustainable development.


The Building Act also promotes compliance with the Building Code.

The Building Code

The Building Code sets out performance standards for work on all types of buildings. It covers things like:

- structural stability
- fire safety
- access
- moisture control
- durability
- services and facilities.

The Code describes how a building must perform, not how it must be designed and constructed. Local authorities are normally responsible for making sure buildings comply with the Code.

[Building code compliance (Building Performance website)](https://www.building.govt.nz/building-code-compliance/)

**Responsibility for dangerous and unsanitary buildings**

Local councils must have policies on dangerous and unsanitary buildings. These policies allow the council to take action against these building owners. It doesn’t matter when they were built.

Dangerous buildings are likely to cause injury, death, or damage to other properties.

An unsanitary building:

- is offensive or likely to be harmful to health
- doesn’t have enough protection against moisture
- doesn’t have an adequate supply of drinkable water, or
- doesn’t have adequate sanitary facilities (eg a toilet or shower).

Tenants can apply to the Tenancy Tribunal if a landlord isn’t providing a safe and healthy home.

On 27 August 2019, new legislation will take effect which protects tenants living in unlawful residential premises.

[Residential Tenancies Amendment Bill (No 2)](http://www.tenancy.govt.nz/about-tenancy-services/news/ta2-passed/)

[Tenancy Tribunal](http://www.tenancy.govt.nz/disputes/tribunal/)