

Residential Tenancies (Healthy Homes Standards) Amendment Bill

Government Bill

Explanatory note

General policy statement

The Healthy Homes Guarantee Act 2017 amended the Residential Tenancies Act 1986 (the **Act**) to provide for minimum standards for heating, insulation, ventilation, draught stopping, moisture ingress and drainage in rental properties, and to require all landlords to meet the standards. The Government's priority for housing is to make sure every New Zealander has a warm, dry, and safe place to call home. The Residential Tenancies (Healthy Homes Standards) Regulations 2019 (the **Regulations**) set out the minimum standards and set time frames for compliance for each type of tenancy.

The Bill amends the Act to extend the final compliance date that can be prescribed under regulations for all landlords to 1 July 2025 (currently 1 July 2024). The Bill also amends the Regulations—

- to extend the final compliance date for Kāinga Ora and community housing providers to 1 July 2024 (currently 1 July 2023); and
- for private landlords, to extend the time frame to comply from the start of a new or renewed tenancy from 90 to 120 days, but no later than 1 July 2025 (currently 1 July 2024).

The Bill amends the compliance dates for the healthy homes standards to make the compliance time frames more realistic, given the ongoing global supply chain and freight issues and trades constraints that have affected the construction industry following the impact of COVID-19. This extension gives landlords the opportunity to comply without being at risk of breaching their obligations due to issues outside of their control.

The Bill amends the Regulations as well as the Act to ensure that the changes to the compliance time frames come into force immediately.

Departmental disclosure statement

The Ministry of Housing and Urban Development is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=201>

Regulatory impact statement

The Ministry of Housing and Urban Development produced a regulatory impact statement on 10 November 2022 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.hud.govt.nz/our-work/healthy-homes-standards/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

Part 1

Amendments to Residential Tenancies Act 1986

Part 1 amends the Residential Tenancies Act 1986. That Act currently provides for regulations to be made setting the date by which landlords must comply with the healthy homes standards and requires that this date be no later than the beginning of 1 July 2024. The amendment extends the final compliance date that can be prescribed under regulations from 1 July 2024 to 1 July 2025.

Part 2

Amendments to secondary legislation

Subpart 1—Amendments to Residential Tenancies (Healthy Homes Standards) Regulations 2019

Subpart 1 amends the time frames prescribed in the Residential Tenancies (Healthy Homes Standards) Regulations 2019 by which landlords must comply with the healthy homes standards. The amendments extend the healthy homes standards compliance date,—

- for Kāinga Ora tenancies and community housing tenancies, from 1 July 2023 to 1 July 2024:

- for general tenancies, from 90 days after the start of a tenancy, but no later than 1 July 2024, to 120 days after the start of a tenancy, but no later than 1 July 2025.

In addition, this subpart—

- extends the time frame for compliance with the healthy homes standards from 90 days to 120 days in the case of an exemption ceasing to apply under regulation 31(2)(c) (*clause 6*):
- provides for associated transitional provisions (*clause 7(5)*):
- updates the definitions in Schedule 1 to reflect the replacement of Housing New Zealand with Kāinga Ora (*clause 7(1) to (3)*).

Subpart 2—Amendments to Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016

Subpart 2 makes consequential amendments to the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016. Those regulations prescribe insulation requirements that cease to apply to a tenancy on the tenancy's healthy homes standards compliance date. The insulation requirements are then set to be revoked once all tenancies are covered by the healthy homes standards. *Subpart 2* amends the disapplication and revocation dates to align with the amendments to the healthy homes standards compliance dates in the Residential Tenancies (Healthy Homes Standards) Regulations 2019.

Hon Dr Megan Woods

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Residential Tenancies (Healthy Homes Standards) Amendment Act **2022**.
- 2 Commencement** 5
This Act comes into force on 26 November 2022.

Part 1**Amendment to Residential Tenancies Act 1986**

- 3 Principal Act** 10
This Part amends the Residential Tenancies Act 1986.
- 4 Schedule 1AA amended**
In Schedule 1AA, clause 12(5) and (6), replace “1 July 2024” with “1 July 2025” in each place.

Part 2**Amendments to secondary legislation** 15**Subpart 1—Amendments to Residential Tenancies (Healthy Homes Standards) Regulations 2019**

- 5 Principal regulations** 20
This subpart amends the Residential Tenancies (Healthy Homes Standards) Regulations 2019.
- 6 Regulation 7 amended (Exemptions)**
In regulation 7(2)(a), replace “90 days” with “120 days”.
- 7 Schedule 1 amended**
- (1) In Schedule 1, clause 1, definition of **community housing tenancy**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”. 25
- (2) In Schedule 1, clause 1, definition of **general tenancy**, replace “HNZ” with “Kāinga Ora”.
- (3) In Schedule 1, clause 1, replace the definition of **HNZ housing tenancy** with:
Kāinga Ora housing tenancy means a residential tenancy of premises that are Kāinga Ora housing as defined in section 2(1) of the Public and Community Housing Management Act 1992 30

- (4) In Schedule 1, clause 2(2), replace the table with:

Type of tenancy	HH start day
Boarding house tenancy (but not Kāinga Ora housing tenancy or community housing tenancy)	1 July 2021
Kāinga Ora housing tenancy	1 July 2024
Community housing tenancy	1 July 2024
General tenancy	
(a) if DCT before 1 July 2021	
(i) if renewed on or after 1 July 2021 but before 28 August 2022	90th day after first renewal date after 1 July 2021
(ii) if renewed on or after 28 August 2022 but before 3 March 2025	120th day after first renewal date on or after 28 August 2022
(iii) otherwise	1 July 2025
(b) if DCT on or after 1 July 2021 but before 28 August 2022	90th day after DCT
(c) if DCT on or after 28 August 2022 but before 3 March 2025	120th day after DCT
(d) if DCT on or after 3 March 2025	1 July 2025

- (5) In Schedule 1,—

- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Subpart 2—Amendments to Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016 5

8 **Principal regulations**

This subpart amends the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.

9 **Regulation 10A amended (Part 2 ceases to apply when healthy homes standards apply)** 10

- (1) In regulation 10A(1), replace the table with:

Type of tenancy	Disapplication day*
Boarding house tenancy (but not Kāinga Ora housing tenancy or community housing tenancy)	1 July 2021
Kāinga Ora housing tenancy	1 July 2024
Community housing tenancy	1 July 2024
General tenancy	
(a) if DCT before 1 July 2021	
(i) if renewed on or after 1 July 2021 but before 28 August 2022	90th day after first renewal date after 1 July 2021
(ii) if renewed on or after 28 August 2022 but before 3 March 2025	120th day after first renewal date on or after 28 August 2022
(iii) otherwise	1 July 2025

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Type of tenancy	Disapplication day*
(b) if DCT on or after 1 July 2021 but before 28 August 2022	90th day after DCT
(c) if DCT on or after 28 August 2022 but before 3 March 2025	120th day after DCT
(d) if DCT on or after 3 March 2025	1 July 2025

*The disapplication day for each type of tenancy is the same as the HH start day for that type of tenancy under clause 2 of Schedule 1 of the Residential Tenancies (Healthy Homes Standards) Regulations 2019.

(2) In regulation 10A(2), definition of **community housing tenancy**, replace “Housing Restructuring and Tenancy Matters Act 1992” with “Public and Community Housing Management Act 1992”.

(3) In regulation 10A(2), definition of **general tenancy**, replace “HNZ” with “Kāinga Ora”. 5

(4) In regulation 10A(2), replace the definition of **HNZ housing tenancy** with:
Kāinga Ora housing tenancy means a residential tenancy of premises that are Kāinga Ora housing as defined in section 2(1) of the Public and Community Housing Management Act 1992

10 Regulation 30 amended (Effective date) 10
 In regulation 30(1), replace “2 July 2024” with “2 July 2025”.

11 Regulation 34 amended (Schedule 1 amended)
 In regulation 34, new clause 11, replace “2 July 2024” with “2 July 2025”.

Schedule
New Part 2 inserted into Schedule 1

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14 Application of regulation 7 (Exemptions)

Regulation 7(2)(a) applies to an exemption if the exemption ceases to apply under regulation 31(2)(c) on or after 28 August 2022.

15 Section 13A statement—modification of HH start day 10

(1) An HH start day included in a section 13A statement in compliance with clause 12(2) must be read as the HH start day specified in clause 2.

(2) This clause applies only to a section 13A statement that was made before the commencement of the Residential Tenancies (Healthy Homes Standards) Amendment Act **2022**. 15