

By Brendan Cash, Partner, and Miles Rout, Law Graduate, Dentons New Zealand

Healthy homes standards for rentals

This article summarises the key requirements that rental properties will need to comply with from 1 July 2025 following the introduction of the healthy homes standards in 2019.

On 1 July 2019, the Residential Tenancies (Healthy Homes Standards) Regulations 2019 came into force to improve the quality of rental homes throughout Aotearoa New Zealand. The regulations introduced specific minimum requirements rental homes must comply with.

The standards have been the subject of some publicity. In many cases, compliance is required earlier, but all residential tenancy properties will need to meet the standards by 1 July 2025. This is important for current landlords and for property developers, contractors and other industry players involved in buying or developing properties for rent.

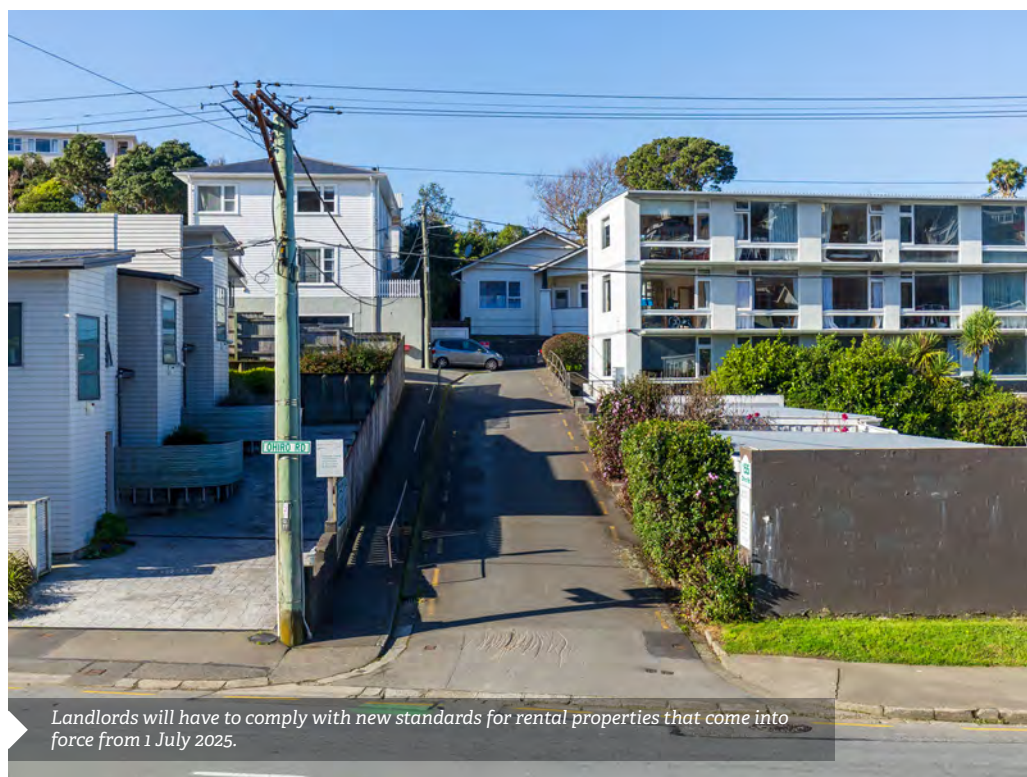
Overview of the standards

The standards require rental homes to have adequate heating, insulation, ventilation, draught stopping, moisture barriers and drainage. The requirements vary slightly between climate zones, which are defined geographically in NZS 4218:2009 *Thermal insulation – Housing and small buildings*.

Landlords also must give tenants information about their compliance with the standards or why they have not. Where exemptions apply, landlords must advise exemptions in place and why.

The standards apply from the start of any new or renewed tenancy. Many existing landlords will have had to ensure compliance when renewing or entering new tenancies since July 2021.

All boarding houses – shared accommodation or rented rooms – must have been compliant since 1 July 2021. Kāinga Ora houses or community housing providers must comply by 1 July 2024.



Landlords will have to comply with new standards for rental properties that come into force from 1 July 2025.

Properties purchased or developed as rentals between now and 3 March 2025 will need to comply within 120 days of the tenancy starting, and all properties must comply by 1 July 2025. A failure to comply may result in exemplary damages through the Tenancy Tribunal.

The standards are organised into five areas – heating, insulation, ventilation, moisture ingress and drainage and draught stopping.

Heating

The main living room of the rental property must be heated. This means that it needs qualifying fixed heating that provides at least a minimum heating capacity calculated using the dimensions of the room and its walls and insulation. Open fires and unflued combustion heaters are unacceptable. If the room requires a calculated heating capacity of over 2.4 kW, fixed heat pumps are the only acceptable form of electrical heating.

Heating must be sufficient to lift the main living room temperature to at least 18°C within 2 hours and maintain that temperature.

If it is not reasonably practicable to install qualifying heaters, the main living room does not need to comply with the heating standard. In addition, certified passive buildings are exempt.

Another way of complying with the standard is to have the heating assessed by a suitably qualified specialist.

Insulation

Rental properties must have both ceiling and underfloor insulation in a reasonable condition. This has been a requirement since 2019. Ceiling insulation needs to be at least 120 mm thick and must have an R-value of at least

R2.9 (for climate zones 1 and 2) or R3.3 (for climate zone 3).

Underfloor insulation needs an R-value of at least R1.3. However, insulation that was sufficient in the past may be partially exempted even if it does not meet the latest standard. An exemption also applies where it is not reasonably practicable to install insulation.

Ventilation

Habitable spaces must each have at least one door or window to the outside. These openings must be able to be fixed open and cover a total area of at least 5% of the floor area of the room. However, this standard does not apply to rooms that were lawfully built without qualifying windows or doors.

Kitchens and bathrooms need to have mechanical ventilation to the outdoors such as extractor fans. Minimum fan and exhaust ducting sizes and capacities apply. Exemptions apply where it is not reasonably practicable to install mechanical ventilation and if the room did not have mechanical ventilation at the start of the tenancy.

Moisture ingress and drainage

Buildings are required to have efficient drainage for the removal of stormwater, surfacewater and groundwater. This must include gutters, downpipes and drains for removing water from the roof. Enclosed subfloors must have ground moisture barriers that comply with NZS 4246:2016 *Energy efficiency – Installing bulk thermal insulation in residential buildings*. Again, there is an exemption where it is not reasonably practicable to install a ground moisture barrier.

Draught stopping

Open fireplaces must be blocked unless

the tenant requests that the fireplace be available and the landlord agrees. In addition, premises must be free from unreasonable gaps and holes that allow draughts.

Exemptions from the standards

Landlords must ensure that their rental properties meet these standards unless they qualify for either a general exemption or an exemption from a particular standard. These are the general exemptions:

- If the property is intended to be demolished or substantially rebuilt and the landlord has applied for or received the relevant building/resource consent before the start of the tenancy.
- Where the tenant is the immediate former owner of the property and the tenancy started immediately after the landlord acquired the property from that tenant.
- Partially, where the property is part of a building not owned entirely by the landlord such as an apartment and the landlord is unable to comply because they need to access part of a building or need to install or provide something in that building where they are not the sole owner.

If one of these exemptions no longer applies during the term of the tenancy, the landlord is still obliged to comply with the standards as soon as reasonably practicable.

It is important to be aware of these standards and what needs to be complied with or which exemptions you might qualify for, particularly if you are intending to buy or develop a property to rent.

NOTE This article is not intended as legal advice. For specific advice, contact your legal advisor. ◀