



Residential Tenancies Amendment Act 2020

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Commencement see section 2

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	Consequential amendments to other enactments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Residential Tenancies Amendment Act 2020.

2 Commencement

- (1) Sections 5(2) and (4), 19, 74 to 77, 78, and 81 come into force on the day after the date on which this Act receives the Royal assent.
- (2) Sections 31(2) to (4), 37, 39, 50(7), 53(1) to (3), 54(2) to (4), 55, 72(1), and 79(2) come into force on a date appointed by the Governor-General by Order in Council.
- (3) The rest of this Act comes into force on the day that is 6 months after the date of Royal assent.

- (4) One or more orders may be made under subsection (2) bringing different provisions into force on different dates and appointing different dates for different purposes.
- (5) Any provision of this Act that may be brought into force under subsection (2) and that is not in force on the expiry of the 12-month period that starts on the date of Royal assent comes into force on the expiry of that 12-month period.

Part 1

Amendments to Residential Tenancies Act 1986

3 Principal Act

This Part amends the Residential Tenancies Act 1986 (the **principal Act**).

4 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order:

associated person, in relation to a person (A), means a person (B) who is associated with A within the meaning given to that term in subsection (2A)

infringement fee has the meaning given to it by section 126A

infringement offence has the meaning given to it by section 126A

minor change has the meaning given to it by section 42B(2)

- (2) In section 2(1), definition of **fixed-term tenancy**, delete “section 7(3) and”.
- (3) In section 2(1), replace the definition of **member of the landlord’s or owner’s family** with:

member of the landlord’s or owner’s family, in relation to a landlord or an owner, means—

- (a) any person who is or has been related to the landlord or owner—
 - (i) by blood; or
 - (ii) by or through marriage, a civil union, or a de facto relationship; or
 - (iii) by adoption:
- (b) any other person who is a member of the landlord’s or owner’s whānau or other culturally recognised family group:
- (c) any child who is being, or is to be, cared for on a continuous basis by—
 - (i) the landlord or owner; or
 - (ii) the landlord’s or owner’s spouse, civil union partner, or de facto partner

- (4) After section 2(2), insert:

(2A) For the purposes of this Act, one person (A) is **associated** with another person (B),—

- (a) in the case where both A and B are individuals, if A is the spouse, civil union partner, or de facto partner of B:
 - (b) in the case where B is a company, if A is a director or an officer of B, or is associated (within the meaning of paragraph (a)) with a director or an officer of B, or is directly or indirectly able to exercise control over the affairs of B:
 - (c) in the case where A is a company, if B is a director or an officer of A, or is associated (within the meaning of paragraph (a)) with a director or an officer of A, or is directly or indirectly able to exercise control over the affairs of A:
 - (d) in the case where both A and B are companies,—
 - (i) if A is a holding company or subsidiary of B within the meaning of section 5 of the Companies Act 1993; or
 - (ii) if A owns or controls shares that in aggregate carry the right to exercise or control the exercise of 20% or more of the voting power at meetings of B; or
 - (iii) if B owns or controls shares that in aggregate carry the right to exercise or control the exercise of 20% or more of the voting power at meetings of A; or
 - (iv) if A and B have the same holding company within the meaning of section 5 of the Companies Act 1993; or
 - (v) if a third person owns or controls shares in each of them that carry the right to exercise or control the exercise of 20% or more of the voting power at meetings of each of them.
- (2B) For the purposes of any provision of this Act that applies to landlords that have 6 or more tenancies, a person who is a landlord (A) of 1 or more tenancies must also be treated as if they were the landlord of any tenancy for which an associated person of A is a landlord.
- (2C) For the purposes of determining, under subsection (2B), how many tenancies a landlord has or how many tenancies an associated person of the landlord has, any tenancies related to a residential premises described in subsection (2D) must be treated as if they were 1 tenancy.
- (2D) Subsection (2C) applies to a residential premises that would be a boarding house (within the meaning of section 66B) except that the premises are occupied, or intended to be occupied, by fewer than 6 tenants at any one time.

Example

A, a landlord, has 4 tenancies. Two of the tenancies relate to a house in which the tenants have exclusive rights to occupy their respective sleeping quarters while sharing some facilities (that is, the premises would be a boarding house except that the premises are not occupied, or intended by the landlord to be occupied, by

at least 6 tenants). Under subsection (2C), those 2 tenancies must be treated as 1 tenancy. As a result, A is treated as having 3 tenancies.

A's spouse, B, is also a landlord and has 4 tenancies. Under subsection (2B), because B is an associated person of A, A must be treated as if A were also the landlord of B's 4 tenancies.

As a consequence, A is treated as having 7 tenancies for the purposes of any provision of this Act that applies to landlords that have 6 or more tenancies.

If A commits an infringement offence in relation to one of A's tenancies, A is liable to the fine or the infringement fee that applies to landlords who have 6 or more tenancies.

5 Section 5 amended (Act excluded in certain cases)

- (1) Replace section 5(1)(s)(i) with:
 - (i) is genuinely entered into to enable a tenant (the **sublandlord**) to sublet the premises to provide accommodation for—
 - (A) other people for commercial gain; or
 - (B) the sublandlord's employees; or
 - (C) persons on low incomes; or
 - (D) persons with special housing needs; or
 - (E) persons whose disabilities mean that they need support or supervision in their housing; and
- (2) After section 5(1)(x), insert:
 - (y) if the premises are used to provide emergency or transitional accommodation and—
 - (i) the provision of the accommodation is funded wholly or partly by—
 - (A) emergency housing assistance paid to or for the credit of a person under the Special Needs Grants Programme; or
 - (B) any other payment made by a government department for the provision of emergency or transitional accommodation to people in need of housing; or
 - (ii) the provider of the accommodation is a person, or class of person, prescribed by regulations for the purposes of this paragraph.
- (3) Repeal section 5(2).
- (4) After section 5(3), insert:
- (4) In subsection (1)(y), **Special Needs Grants Programme** means the Special Needs Grants Programme approved and established under section 124(1)(d) of the Social Security Act 1964 (and continued under clause 21 of Schedule 1 of the Social Security Act 2018).

6 Section 7 amended (Short fixed-term tenancies)

- (1) Replace the heading to section 7 with “**Tenancies for short fixed terms**”.
- (2) In section 7(1), replace “fixed-term tenancy of not more than 90 days” with “tenancy for a fixed term of not more than 90 days (whether or not terminable by notice)”.
- (3) In section 7(2A) and (2B), replace “fixed-term tenancy” with “tenancy for a fixed term”.
- (4) Repeal section 7(3).

7 Section 13 replaced (Form of tenancy agreement)

Replace section 13 with:

13 Tenancy agreement must be in writing and signed

- (1) The landlord must ensure that the tenancy agreement is in writing.
- (2) The landlord must, before the tenancy commences,—
 - (a) sign the tenancy agreement; and
 - (b) provide a copy of the tenancy agreement to the tenant (whether or not the tenant has signed it).
- (3) The tenant must sign the tenancy agreement.
- (4) A landlord who fails to comply with subsection (1) or (2)—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

8 Section 13A amended (Contents of tenancy agreement)

- (1) In section 13A(1)(p), replace “tenancy will terminate” with “term will expire”.
- (2) After section 13A(1), insert:

(1AAA) A landlord who fails to ensure that the tenancy agreement includes the information specified in subsection (1)(a) to (ab), (c) to (f), and (i) to (p) commits an unlawful act.
- (3) After section 13A(1F), insert:

(1G) The landlord commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B if the landlord fails to comply with subsection (1A), (1CA), (1CB), or (2).

9 Section 15 amended (Notification of successor to landlord or tenant)

After section 15(1A), insert:

- (2) A landlord or tenant who fails to comply with this section commits an unlawful act.

- (3) A landlord who fails to comply with this section commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

10 Section 16 amended (Change of name or address)

After section 16(1A), insert:

- (2) A landlord or tenant who fails to comply with this section commits an unlawful act.
- (2A) A landlord who fails to comply with this section commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

11 Section 16A amended (Landlord must have agent if out of New Zealand for longer than 21 consecutive days)

Replace section 16A(6) with:

- (6) A landlord who fails to comply with this section—
- (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

12 Section 17 amended (Requiring key money prohibited)

- (1) Replace section 17(2) with:
- (2) Nothing in subsection (1) limits or affects section 44A (which entitles a landlord to recover reasonable expenses on consenting to the tenant's assigning, subletting, or parting with possession of the premises, or to termination of the tenancy by agreement).
- (2) After section 17(3), insert:
- (3A) A landlord who contravenes subsection (1) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

13 Section 17A amended (Requiring letting fee prohibited)

- (1) In section 17A(2), replace “section 44(5)” with “section 44A”.
- (2) After section 17A(3), insert:
- (4) A landlord who contravenes subsection (1) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

14 Section 18 amended (Bonds to be no more than 4 weeks' rent)

Replace section 18(4) with:

- (4) A landlord who contravenes this section—
- (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

15 Section 18A amended (Landlord must not require security other than permitted bond)

Replace section 18A(2) with:

- (2) A landlord who contravenes this section—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

16 Section 19 amended (Duties of landlord on receipt of bond)

After section 19(2), insert:

- (3) A landlord who fails to comply with subsection (1) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

17 New sections 22F and 22G inserted

After section 22E, insert:

22F Landlord must state amount of rent when advertising residential premises

- (1) A landlord must not advertise or otherwise offer a tenancy of residential premises unless the amount of rent is stated in the advertisement or offer.
- (2) Subsection (1) does not apply in relation to—
 - (a) a service tenancy; or
 - (b) a tenancy described in section 53B(1)(a) (which relates to social housing tenancies).
- (3) A landlord who contravenes subsection (1)—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

22G Landlord must not invite or encourage bids for rent

- (1) A landlord must not invite or encourage a prospective tenant or any other person to offer to pay an amount of rent for residential premises that exceeds the amount of rent stated as part of the advertisement or offer of the premises in accordance with section 22F(1).
- (2) Subsection (1) does not prohibit a prospective tenant or other person from offering to pay an amount that exceeds the stated amount of rent.
- (3) A landlord who contravenes subsection (1) commits an unlawful act.

18 Section 23 amended (Rent in advance)

Replace section 23(4) with:

- (4) A landlord who contravenes this section—

- (a) commits an unlawful act; and
- (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

19 Section 24 amended (Rent increases)

- (1) Replace section 24(1)(d) and (e) with:
- (d) the rent must not be increased within 12 months after the date of the commencement of the tenancy; and
 - (e) the rent must not be increased within 12 months after the date on which the last increase took effect; and
- (2) Repeal section 24(1)(f).
- (3) Repeal section 24(2).

20 Section 29 amended (Receipts for rent)

After section 29(5), insert:

- (6) A landlord who fails to comply with this section commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

21 Section 30 amended (Landlord to keep records)

Replace section 30(2) with:

- (2) A landlord who fails to comply with this section—
- (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

22 Section 42 amended (Tenant’s fixtures)

- (1) In the heading to section 42, after “**fixtures**”, insert “, **etc**”.
- (2) In section 42(1)(b), after “of the landlord”, insert “(see section 42A)”.
- (3) Repeal section 42(2).
- (4) After section 42(6), insert:
- (7) Subsections (3) to (6) do not apply in relation to a fixture that is a minor change. (See *instead* section 42B(4) to (6).)

23 New sections 42A and 42B inserted

After section 42, insert:

42A Consent for tenant’s fixtures, etc

- (1) The landlord must not unreasonably withhold consent for a fixture, renovation, alteration, or addition.
- (2) The landlord may impose reasonable conditions on the landlord’s consent.

- (3) If the tenant makes a written request for consent, the landlord must respond in writing within 21 days after receiving the request.
- (4) In the response, the landlord must indicate whether or not the landlord considers the fixture, renovation, alteration, or addition to be a minor change (*see* section 42B(2)).
- (5) If the landlord considers the fixture, renovation, alteration, or addition to be more than a minor change and the landlord needs more time to consider the request, the landlord may, in the written response under subsection (3), extend the time for responding to the tenant's request.
- (6) A landlord who extends the time for responding under subsection (5) must respond to the request in writing within a reasonable amount of time.
- (7) A landlord commits an unlawful act if the landlord fails, without reasonable excuse, to comply with subsection (3), (4), or (6).

42B Minor changes

- (1) Without limiting section 42A(1), it is unreasonable for a landlord to withhold consent to a minor change to premises.
- (2) In this section and section 42A, a **minor change** is any fixture, renovation, alteration, or addition of or to the premises that—
 - (a) presents no more than a low risk of material damage to the premises; and
 - (b) would allow the premises to be returned easily to substantially the same condition; and
 - (c) does not pose a risk to health and safety (including during work to install, remove, or undo the minor change) that cannot reasonably practicably be eliminated or minimised; and
 - (d) does not compromise the structural integrity, weathertightness, or character of any building; and
 - (e) would not have an unreasonable negative effect on any person's enjoyment or use of any property outside the premises; and
 - (f) does not require any regulatory consent (for example, a building consent); and
 - (g) does not breach any obligation or restriction relevant to the premises (for example, an obligation or a restriction imposed by a bylaw, a planning or body corporate rule, or a covenant).
- (3) A landlord commits an unlawful act if the landlord withholds consent for a minor change.
- (4) If a minor change is made in accordance with a request under section 42A, the tenant must, on or before the expiry of the tenancy, return the premises to a condition that is substantially the same as the condition that the premises were in before the minor change was made.

- (5) Subsection (4) does not apply if the landlord and the tenant agree a different arrangement in relation to the minor change for the end of the tenancy (for example, that the minor change will remain in place).
- (6) A tenant who fails to comply with subsection (4) commits an unlawful act.

24 New sections 43A to 43C inserted

After section 43, insert:

43A Effect of provision prohibiting assignment by tenant

- (1) A provision in a tenancy agreement that prohibits the tenant from assigning the tenancy is of no effect.
- (2) However, if the tenancy agreement relates to a tenancy described in section 53B(1)(a) (which relates to social housing tenancies) and contains a provision that expressly and unconditionally prohibits the tenant from assigning the tenancy, the provision has effect.

43B Assignment of tenancy by tenant

- (1) A tenant may, at any time during the tenancy, assign the tenancy—
 - (a) with the prior written consent of the landlord; and
 - (b) in accordance with any reasonable conditions attached to that consent by the landlord.
- (2) Subsection (1) does not apply in the circumstances described in section 43A(2).
- (3) A tenant commits an unlawful act if the tenant assigns the tenancy—
 - (a) without the prior written consent of the landlord; or
 - (b) if the tenancy is a tenancy described in section 53B(1)(a), in contravention of a provision described in section 43A(2).
- (4) If a tenant makes a written request for the landlord's consent to an assignment and the request identifies, and includes contact details for, the proposed assignee, the landlord must respond in writing to the request within a reasonable period of time.
- (5) A landlord who, without reasonable excuse, fails to comply with subsection (4) commits an unlawful act.
- (6) The landlord must not—
 - (a) withhold consent unreasonably; or
 - (b) attach any unreasonable conditions to the consent.
- (7) A landlord's consent must not be taken to have been withheld unreasonably if, instead of consenting to an assignment, the landlord offers to accept a surrender of the tenancy on reasonable terms.

- (8) A landlord’s consent must be taken to have been withheld unreasonably if the withholding of the consent is an unlawful act under section 12 (discrimination to be unlawful act).

43C Effect of assignment by tenant

- (1) A tenant who assigns the tenancy with the consent of the landlord and in accordance with any conditions attached to the consent ceases, on the date on which the assignment takes effect, to be responsible to the landlord for the obligations imposed on the tenant by the agreement and this Act.
- (2) Subsection (1) does not affect any liability already incurred by the tenant to the landlord for anything done or omitted to be done before the date on which the assignment takes effect.

25 Section 44 amended (Assignment, subletting, or parting with possession by tenant)

- (1) In the heading to section 44, replace “**Assignment, subletting, or parting**” with “**Subletting or parting**”.
- (2) In section 44(1), replace “assigning, subletting, or parting” with “subletting or parting”.
- (3) In section 44(2), replace “assign, sublet, or otherwise part” with “sublet or otherwise part”.
- (4) In section 44(2A), replace “assigns, sublets, or otherwise parts” with “sublets or otherwise parts”.
- (5) In section 44(4), after “section 12”, insert “(discrimination to be unlawful act)”.
- (6) Replace section 44(5) and (6) with:
- (5) Nothing in this section applies to the assignment of a tenancy by a tenant (*see* sections 43A to 43C).

26 New section 44A inserted (Recovery of expenses incurred by landlord)

After section 44, insert:

44A Recovery of expenses incurred by landlord

- (1) A landlord who consents to an assignment under section 43B, to a subletting or parting with possession under section 44, or to termination of the tenancy in accordance with section 50(1)(d) is entitled to recover from the outgoing tenant any expenses reasonably incurred by the landlord in respect of the assignment, subletting, parting with possession, or termination.
- (2) A landlord who seeks to recover expenses from a tenant in accordance with subsection (1) must first provide an itemised account of the expenses to the tenant.
- (3) A landlord who takes any step to recover expenses referred to in subsection (1) without providing an itemised account of the expenses to the tenant—

- (a) commits an unlawful act; and
- (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

27 Section 45 amended (Landlord's responsibilities)

Before section 45(2), insert:

- (1AC) If the tenant requests the landlord to provide information described in section 123A(1)(e) (relating to the healthy homes standards) to the tenant, the landlord must, within 21 days after the date of receiving the request, provide the information to the tenant.
- (1AD) A landlord who, without reasonable excuse, fails to comply with subsection (1AC)—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

28 New section 45B inserted (Landlord must permit and facilitate installation of fibre connection in certain circumstances)

Before section 46, insert:

45B Landlord must permit and facilitate installation of fibre connection in certain circumstances

- (1) The landlord must permit the installation of a fibre connection in the premises if—
 - (a) there is no fibre connection in the premises; and
 - (b) it is possible to install a fibre connection in the premises; and
 - (c) the tenant requests a fibre connection; and
 - (d) the fibre connection can be installed at no cost to the landlord (for example, because the cost is covered by the UFB Initiative).
- (2) However, a landlord is not required to permit the installation of a fibre connection—
 - (a) if installation would materially compromise the weathertightness or the character of any building; or
 - (b) if installation would compromise the structural integrity of any building; or
 - (c) if installation would breach an obligation or a restriction that is relevant to the premises (for example, an obligation or a restriction imposed by a bylaw, a planning or body corporate rule, or a covenant); or
 - (d) if—

- (i) the landlord is to carry out extensive alterations, refurbishment, repairs, or redevelopment of the premises; and
 - (ii) the work is to begin, or material steps towards it are to be taken, within 90 days after the date on which the landlord receives a request for the installation of fibre from the tenant; and
 - (iii) the installation would impede that work; or
 - (e) if the Tribunal, on application by the landlord, determines that, due to the circumstances of the premises or the installation, the landlord should not be required to provide for the installation of a fibre connection in the premises.
- (3) A landlord who is required to permit the installation of a fibre connection must take all reasonable steps to facilitate the installation within a reasonable period of time.
- (4) If a tenant makes a written request for the installation of a fibre connection, the landlord must respond within 21 days after receiving the request.
- (5) If a network operator makes a written request for consent or information from the landlord, the landlord must respond to the request within 21 days after receiving the request.
- (6) A landlord commits an unlawful act if the landlord, without reasonable excuse, fails to comply with subsection (3), (4), or (5).
- (7) In this section,—
- fibre connection**, in relation to premises, means a connection to a fibre fixed line access service from within the premises
- fibre fixed line access service**, **network operator**, and **UFB Initiative** have the same meanings as in section 5 of the Telecommunications Act 2001
- material steps** has the same meaning as in section 51(2A).

29 Section 47 amended (Landlord to give notice to tenant of intention to sell)

- (1) In the heading to section 47, replace “**of intention to sell**” with “**if premises put on market**”.
- (2) In section 47(1),—
 - (a) replace “shall” with “must”;
 - (b) replace “forthwith” with “, as soon as practicable,”.
- (3) After section 47(2), insert:
 - (3) A landlord who fails to comply with subsection (1) or (2) commits an unlawful act.
 - (4) A landlord who fails to comply with subsection (2) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

30 Section 48 amended (Landlord's right of entry)

- (1) After section 48(4)(b), insert:
 - (c) failure by the landlord to notify, or to provide results to, the tenant as required under subsection (3B).
- (2) After section 48(4), insert:
 - (4A) A landlord who fails to notify, or to provide results to, the tenant as required under subsection (3B) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.
- (3) In section 48(6), replace "\$2,000" with "\$3,000".

31 Section 50 amended (Circumstances in which tenancies are terminated)

- (1) Replace section 50(b) with:
 - (b) in the case of a periodic tenancy to which a right of termination under any of sections 51 to 53B, 56A(1), 58(1)(c), and 59 to 59B applies, by giving notice in accordance with the applicable section:
 - (ba) in the case of a boarding house tenancy to which a right of termination under any of sections 52 to 53A, 58(1)(c), 59 to 59B, 66U, 66V, and 66X applies, by giving notice in accordance with the applicable section:
- (2) In section 50(1)(a), replace "sections 56A(1)," with "sections 55AA, 56A(1),".
- (3) After section 50(1)(ab), insert:
 - (ac) by the sole tenant under a fixed-term tenancy or periodic tenancy giving notice of withdrawal under section 56B:
- (4) In section 50(1)(b) (as inserted by subsection (1) of this section), after "53B," insert "55AA,".
- (5) In section 50, insert as subsection (2):
 - (2) No right of termination to which subsection (1) applies limits any other right of termination that may also apply.

32 Section 51 amended (Termination by notice)

- (1) Replace section 51(1) and (2) with:
 - (1) A landlord may terminate a periodic tenancy by giving at least 63 days' notice if—
 - (a) the owner of the premises requires the premises, within 90 days after the termination date, as the principal place of residence for at least 90 days for the owner or a member of the owner's family; or
 - (b) the landlord customarily uses the premises, or has acquired the premises, for occupation by employees of the landlord or by contractors under contracts for services with the landlord, and—
 - (i) that fact is clearly stated in the tenancy agreement; and

- (ii) the premises are required for that use; or
- (c) the landlord customarily uses the premises, or has acquired the premises, for occupation by employees of a school board of trustees or by contractors under contracts for services with a school board of trustees, and—
 - (i) that fact is clearly stated in the tenancy agreement; and
 - (ii) the premises are required for that use; and
 - (iii) the landlord is the Ministry of Education.
- (2) A landlord may terminate a periodic tenancy by giving at least 90 days' notice if—
 - (a) the premises are to be put on the market by the owner within 90 days after the termination date for the purposes of sale or other disposition; or
 - (b) the owner is required, under an unconditional agreement for the sale of the premises, to give the purchaser vacant possession; or
 - (c) the landlord is not the owner of the premises and the landlord's interest in the premises is due to end; or
 - (d) the landlord or owner has acquired the premises to facilitate the use of nearby land for a business activity and—
 - (i) that fact is clearly stated in the tenancy agreement; and
 - (ii) the premises are required to be vacant of residential tenants to facilitate that use; or
 - (e) the premises are to be converted into commercial premises for at least 90 days by the landlord or owner; or
 - (f) extensive alterations, refurbishment, repairs, or redevelopment of the premises are to be carried out by the landlord or owner, and—
 - (i) it would not be reasonably practicable for the tenant to remain in occupation while the work is undertaken; and
 - (ii) the work is to begin, or material steps towards it are to be taken, within 90 days after the termination date; or
 - (g) the premises are to be demolished and the demolition is to begin, or material steps towards it are to be taken, within 90 days after the termination date.
- (2A) In subsection (2)(f) and (g), taking a **material step** means applying for regulatory consent, seeking engineering or other professional advice, or taking any other significant step.
- (2B) A tenant may terminate a periodic tenancy in any case by giving at least 28 days' notice.
- (2) In section 51(3)(ca), replace “in any case where the tenant is given less than 90 days' notice,” with “if the notice is given by the landlord.”
- (3) In section 51(7), after “subsection (2)”, insert “or (2B)”.

- (4) After section 51(9), insert:
- (10) In subsections (1) and (2), **termination date** means the date of termination provided for by the notice of termination given by the landlord (regardless of when termination in fact occurs).

33 Section 53 amended (Special provisions for notice terminating service tenancies)

- (1) In section 53(1), replace “The landlord or the tenant must give a minimum period of notice of 14 days to terminate a service tenancy” with “The landlord or the tenant may terminate a service tenancy by giving at least 14 days’ notice”.
- (2) In section 53(4), replace “the minimum period of notice required to be given by the landlord to terminate the tenancy shall, subject to subsection (5), be 14 days” with “the landlord may terminate the tenancy by giving at least 14 days’ notice”.
- (3) In section 53(5), replace “In any case to which subsection (4) applies, the landlord may terminate the tenancy by the giving of notice of less than 14 days, but at least 5 days,” with “However, in any case to which subsection (4) applies, the landlord may terminate the tenancy by giving at least 5 days’ notice”.

34 Section 53A amended (Special provisions for notice terminating certain student tenancies)

In section 53A(2), replace “on 14 days’ notice” with “by giving at least 14 days’ notice”.

35 New section 53B inserted (Special provisions for notice terminating social housing tenancies)

After section 53A, insert:

53B Special provisions for notice terminating social housing tenancies

- (1) The landlord under a periodic tenancy may terminate the tenancy by giving at least 90 days’ notice if—
- (a) the tenancy—
- (i) was granted before 14 April 2014 and is a tenancy of Kāinga Ora housing; or
- (ii) was granted as a tenancy of social housing to a tenant assessed under the Public and Community Housing Management Act 1992 as eligible to be allocated social housing; but
- (b) following the grant of the tenancy,—
- (i) the social housing provider is notified under section 103 of that Act that the tenant is no longer eligible for social housing; or

- (ii) in the case of community housing, the community housing provider ceases to be a registered community housing provider; or
 - (iii) the social housing provider requires the tenant to transfer to different social housing provided by that provider, and the provider considers that—
 - (A) the transfer is necessary or desirable for any reason; and
 - (B) the other housing is appropriate for the tenant’s housing needs as most recently assessed (regardless of when that assessment took place).
- (2) In this section,—
- agency, community housing, community housing provider, Kāinga Ora housing, registered community housing provider, social housing, and social housing provider** have the meanings given to them by section 2(1) of the Public and Community Housing Management Act 1992
- as most recently assessed** means—
- (a) as most recently assessed by the agency and notified to the provider under section 103 of the Public and Community Housing Management Act 1992; or
 - (b) if there has been no such assessment and notification under that section in relation to the tenant, as most recently assessed by HNZ
- HNZ** has the meaning that it had under section 2(1) of the Public and Community Housing Management Act 1992 as in force on 13 April 2014.

36 Section 55 amended (Termination on non-payment of rent, damage, or assault)

- (1) After section 55(1)(a), insert:
- (aa) the tenancy is a periodic tenancy and—
 - (i) on 3 separate occasions within a 90-day period the rent has been at least 5 working days in arrear; and
 - (ii) on each occasion the landlord gave the tenant written notice advising the tenant of the arrear, the dates for which rent was overdue, the amount or amounts of overdue rent, and the tenant’s right to make an application to the Tribunal challenging the notice (*see* sections 77(1) and 78(1)(a) regarding the Tribunal); and
 - (iii) each notice stated how many other notices (if any) the landlord had given the tenant under this paragraph in relation to the same tenancy and 90-day period; and
 - (iv) the landlord’s application to the Tribunal was made within 28 days after the landlord gave the third notice; or
- (2) In section 55(1A), replace “under this section” with “under subsection (1)(a)”.

- (3) In section 55(1A)(b), replace “this section” with “any of paragraphs (a), (b), and (c) of subsection (1)”.

37 New section 55AA inserted (Termination by notice for physical assault by tenant)

After section 55, insert:

55AA Termination by notice for physical assault by tenant

- (1) A landlord may terminate a fixed-term or periodic tenancy by giving at least 14 days’ notice to the tenant if—
- (a) the tenant has physically assaulted the landlord, the owner, a member of the landlord’s or owner’s family, or the landlord’s agent; and
 - (b) a charge has been filed in respect of the physical assault against the tenant by or on behalf of the Crown.
- (2) For the purpose of subsection (1)(b), a charge has been filed in respect of a physical assault if the particulars of the charge describe a physical assault against a person referred to in subsection (1)(a), regardless of the offence that is specified in the charge.
- (3) A notice to terminate a tenancy under this section must—
- (a) be in the approved form and include the prescribed information; and
 - (b) be accompanied by qualifying evidence of the matters in subsection (1)(b); and
 - (c) advise the tenant of the tenant’s right to make an application to the Tribunal challenging the notice (*see* sections 77(1) and 78(1)(a) regarding the Tribunal); and
 - (d) be signed by the landlord or the landlord’s agent.
- (4) If the tenant makes an application to the Tribunal challenging the notice, it is for the landlord to prove that the physical assault occurred and that the notice met the requirements of subsection (3).
- (5) If the tenant makes an application to the Tribunal challenging the notice before the tenancy is terminated, the tenancy does not terminate under this section except in accordance with an order of the Tribunal.
- (6) In this section,—

charge means a charging document under section 14 of the Criminal Procedure Act 2011

physical assault means the act of intentionally applying force to the person of another, directly or indirectly

qualifying evidence means—

- (a) a declaration in the approved form made by a person who is prescribed, or is of a class prescribed, for the purposes of this subsection; or

- (b) evidence, in the approved form, of a prescribed type.

38 New sections 55A and 55B inserted

Before section 56, insert:

55A Termination for anti-social behaviour

- (1) A landlord under a periodic tenancy may apply to the Tribunal for an order terminating the tenancy on the ground of anti-social behaviour.
- (2) The Tribunal must (subject to subsection (3)) make the order if satisfied that—
 - (a) on 3 separate occasions within a 90-day period the tenant, or a person in the premises with the tenant's permission (other than the landlord or a person acting on the landlord's behalf or with the landlord's authority), engaged in anti-social behaviour in connection with the tenancy; and
 - (b) on each occasion the landlord gave the tenant written notice—
 - (i) describing clearly which specific behaviour was considered to be anti-social and (if known to the landlord) who engaged in it; and
 - (ii) advising the tenant of the date, approximate time, and location of the behaviour; and
 - (iii) stating how many other notices (if any) the landlord has given the tenant under this paragraph in connection with the same tenancy and the same 90-day period; and
 - (iv) advising the tenant of the tenant's right to make an application to the Tribunal challenging the notice (*see* sections 77(1) and 78(1)(a) regarding the Tribunal); and
 - (c) the landlord's application to the Tribunal was made within 28 days after the landlord gave the third notice.
- (3) However, the Tribunal must not make the order if satisfied that—
 - (a) doing so would be unfair because of the circumstances in which the behaviour occurred or the notices were given; or
 - (b) in making the application, the landlord was motivated wholly or partly by the exercise or proposed exercise by the tenant of any right, power, authority, or remedy conferred on the tenant by the tenancy agreement or by this or any other Act or any complaint by the tenant against the landlord relating to the tenancy (unless the Tribunal is satisfied that the purported exercise or the complaint was or would be vexatious or frivolous to such an extent that the landlord was justified in making the application).
- (4) In deciding whether to make an order under subsection (2), the Tribunal must not take into account the impact that terminating the tenancy would have on the tenant.

- (5) In subsection (2)(a), if a tenant is in the premises at the same time as another person (other than the landlord or a person acting on the landlord's behalf or with the landlord's authority), the tenant is presumed to have permitted the person to be in the premises unless the tenant proves that they took all reasonable steps to prevent the person from entering the premises or to eject the person from the premises.
- (6) If a tenant makes an application to the Tribunal challenging a notice given under subsection (2)(b), it is for the landlord to prove that anti-social behaviour was engaged in as described in subsection (2)(a) and that the notice met the requirements of subsection (2)(b).
- (7) In this section, **anti-social behaviour** means—
 - (a) harassment; or
 - (b) any other act or omission (whether intentional or not), if the act or omission reasonably causes alarm, distress, or nuisance that is more than minor.

55B Termination where it would be unreasonable to require landlord to continue with tenancy

- (1) A landlord under a periodic tenancy may apply to the Tribunal for an order terminating the tenancy on the ground of hardship.
- (2) The Tribunal may make the order only if satisfied that—
 - (a) without the order the landlord would suffer greater hardship than the tenant; and
 - (b) because of that hardship, it would be unreasonable to require the landlord to continue with the tenancy.
- (3) In deciding whether it would be unreasonable to require the landlord to continue with the tenancy, the Tribunal must take into account the impact that terminating the tenancy would have on the tenant.
- (4) Any order under this section must specify a date for the termination.

39 New sections 56B to 56E inserted

After section 56A, insert:

56B Withdrawal from tenancy following family violence

- (1) A tenant under a fixed-term or periodic tenancy may withdraw from the tenancy by giving at least 2 days' notice to the landlord if—
 - (a) the notice is accompanied by qualifying evidence that the tenant has been a victim of family violence while a tenant of the premises; and
 - (b) the notice is in the approved form and includes the prescribed information.

- (2) If there are no other tenants under the tenancy at the time of the withdrawal, the tenancy terminates.
- (3) If there are other tenants (**remaining tenants**) under the tenancy at the time of the withdrawal,—
- (a) the tenant withdrawing from the tenancy (the **withdrawing tenant**) ceases to be responsible to the landlord for obligations under the tenancy agreement and this Act, except in respect of any liability for anything done or omitted to be done before the withdrawal; and
 - (b) the tenancy continues in relation to the remaining tenants only; and
 - (c) the withdrawing tenant must give each remaining tenant notice of the withdrawal no later than the close of the day that is 2 days after the date of the withdrawal; and
 - (d) the amount of rent for which the remaining tenants are liable is reduced as set out in subsection (5) (unless subsection (6) applies).
- (4) A failure to comply with subsection (3)(c) does not affect the validity of the withdrawal.
- (5) For the period of 2 weeks beginning with the day after the date of the withdrawal, the rent payable for the premises is reduced to an amount calculated in accordance with the following formula:
- $$a = b \div c \times d$$
- where—
- a is the rent payable for the 2-week period
 - b is the rent that would otherwise have been payable for the 2-week period
 - c is the number of tenants immediately before the withdrawal
 - d is the number of remaining tenants.
- (6) However, the amount of rent is not reduced under subsection (5) if—
- (a) the rent payable under the tenancy by the remaining tenants is income-related rent; or
 - (b) the tenancy is a PACHMA tenancy prescribed, or of a class prescribed, for the purposes of this subsection; or
 - (c) the tenancy, or the landlord under the tenancy, is prescribed, or of a class prescribed, for the purposes of this subsection.
- (7) Neither a rent reduction under subsection (5), nor the reinstatement from the end of the 2-week period of the rent previously payable, is a variation of the tenancy agreement for the purposes of sections 13B and 13C, and the reinstatement does not constitute a rent increase.
- (8) In this section,—
- family violence** has the meaning given to it by section 9 of the Family Violence Act 2018

income-related rent, Kāinga Ora housing, and social housing have the meanings given to them by section 2(1) of the Public and Community Housing Management Act 1992

PACHMA tenancy means a tenancy that—

- (a) was granted before 14 April 2014 and is a tenancy of Kāinga Ora housing; or
- (b) was granted as a tenancy of social housing to a tenant assessed under the Public and Community Housing Management Act 1992 as eligible to be allocated social housing

qualifying evidence means—

- (a) a declaration in the approved form made by a person who is prescribed, or is of a class prescribed, for the purposes of this subsection; or
- (b) evidence, in the approved form, of a prescribed type.

56C Service of notices of withdrawal and accompanying evidence

(1) Despite section 136(6),—

- (a) if a notice of withdrawal under section 56B(1) and accompanying qualifying evidence under section 56B(1)(a) are sent by post in accordance with section 136, they are to be treated as given to the landlord on the date on which they are posted, and, in proving that the notice and evidence were given, it is sufficient to prove that the letter was properly addressed and posted:
- (b) if a notice of withdrawal under section 56B(3)(c) is sent by post in accordance with section 136, it is to be treated as given to the tenant on the date on which it is posted, and, in proving that the notice was given, it is sufficient to prove that the letter was properly addressed and posted.

(2) Despite section 136(7),—

- (a) if a notice of withdrawal under section 56B(1) and accompanying qualifying evidence under section 56B(1)(a) are delivered to an address in accordance with section 136, they are to be treated as given to the landlord on the date on which they are delivered, and, in proving that the notice and evidence were given, it is sufficient to prove that the letter was properly addressed and delivered:
- (b) if a notice of withdrawal under section 56B(3)(c) is delivered to an address in accordance with section 136, it is to be treated as given to the tenant on the date on which it is delivered, and, in proving that the notice was given, it is sufficient to prove that the letter was properly addressed and delivered.

56D Termination where it would be unreasonable to require remaining tenant to continue with tenancy

- (1) A tenant under a fixed-term tenancy from which another tenant withdraws under section 56B may apply to the Tribunal for an order terminating the tenancy on the ground of hardship.
- (2) The Tribunal may make the order only if satisfied that,—
 - (a) as a result of the withdrawal, the tenant who made the application is suffering, or will suffer, hardship; and
 - (b) that hardship is or will be greater than the hardship that the landlord would suffer if the tenancy were terminated; and
 - (c) because of the hardship, it would be unreasonable to require the tenant to continue with the tenancy.
- (3) Any application under this section must be made before the end of the period of 60 days beginning with the day after the date of the withdrawal.
- (4) Any order under this section must specify a date for the termination.

56E Disclosure of notice of withdrawal or accompanying evidence

- (1) A landlord, or a person or class of person prescribed for the purposes of section 56B(8), must not disclose the whole or part of a notice of withdrawal under section 56B(1), or any of the accompanying qualifying evidence, unless the disclosure is permitted by subsection (2).
- (2) The disclosure is permitted if it—
 - (a) is with the consent of the tenant who gave the notice; or
 - (b) is for the purpose of seeking legal advice; or
 - (c) is for the purposes of, or in connection with, any legal proceedings or procedure under this or any other Act to settle a dispute between the landlord and the tenant, or between the landlord and a guarantor of the tenant, in relation to the tenancy; or
 - (d) is of a type, or in circumstances, prescribed by regulations for the purposes of this section; or
 - (e) is otherwise authorised or required by or under any enactment or rule of law.
- (3) A person who contravenes subsection (1) commits an unlawful act.

40 New section 60AA inserted (Landlord acting to terminate tenancy without grounds)

After section 60, insert:

60AA Landlord acting to terminate tenancy without grounds

A landlord commits an unlawful act if they give or purport to give a notice to terminate to the tenant or apply or purport to apply to the Tribunal for an order terminating the tenancy knowing that they are not entitled, under this Act, to give the notice or to make the application.

41 Section 60A amended (Fixed-term tenancy becomes periodic unless contrary notice given)

Replace section 60A(2) to (6) with:

- (2) However, the tenancy does not continue as a periodic tenancy if,—
 - (a) before the expiry, the parties renew or extend the existing tenancy agreement; or
 - (b) before the expiry, the parties agree not to continue with the tenancy; or
 - (c) at least 28 days before the expiry, the tenant gives the landlord written notice of the tenant's intention not to continue with the tenancy; or
 - (d) before the expiry, a party gives notice as mentioned in any of section 50(1)(a) to (b) that terminates the tenancy on or before the expiry or that would do if the tenancy were already periodic.
- (3) Subsection (4) applies if—
 - (a) a tenancy continues as a periodic tenancy under subsection (1); but
 - (b) before the continuation, a party gave notice as mentioned in any of section 50(1)(a) to (b) that would, if the tenancy had been fixed-term throughout or periodic throughout, terminate the tenancy from a time after the continuation.
- (4) The tenancy is terminated with effect from that time (and the termination is to be treated as falling within the relevant paragraph of section 50(1)).

42 Section 60B amended (Tenant must exercise right to renew or extend tenancy not later than 21 days before expiry)

- (1) In the heading to section 60B, replace “21 days” with “28 days”.
- (2) In section 60B(2), replace “21st day” with “28th day”.

43 Section 61 amended (Abandonment of premises)

In section 61(3)(a)(i), replace “21 days” with “28 days”.

44 Section 63 amended (Entry without order of Tribunal prohibited)

In section 63(2), replace “\$2,000” with “\$3,000”.

45 Section 64 amended (Possession orders)

In section 64(3), replace “section 55 or section 56 or section 56A or section 59 or section 61” with “any of sections 55, 55A to 56A, 59, 59B, and 61”.

46 Section 66A amended (Application of Part)

Replace section 66A(2)(c) with:

- (c) sections 36 to 42, 43A to 45A, and 46 to 49 (relating to the rights and obligations of landlords and tenants):

47 Section 66I amended (Landlord's ongoing obligations)

After section 66I(5) (as inserted by the Residential Tenancies Amendment Act 2019), insert:

- (6) If the tenant requests the landlord to provide information described in section 123A(1)(e) (relating to the healthy homes standards) to the tenant, the landlord must, within 21 days after the date of receiving the request, provide the information to the tenant.
- (7) A landlord who, without reasonable excuse, fails to comply with subsection (6)—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

48 Section 66J amended (Other obligations of landlord)

(1) Replace section 66J(2) with:

- (2) If, at any time after entering into a boarding house tenancy agreement, the landlord puts the premises on the market for the purposes of sale or other disposition, the landlord must, as soon as practicable, give written notice of that fact to the tenant.
- (2A) If a landlord is offering a boarding house tenancy, the landlord must inform prospective tenants if the premises are on the market for the purposes of sale or other disposition.
- (2B) A landlord who fails to comply with—
 - (a) subsection (1), (2), or (2A) commits an unlawful act;
 - (b) subsection (2A) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

(2) Replace section 66J(4) with:

- (4) A landlord who fails to comply with subsection (3A)—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

49 Section 66T amended (Consequence of abuse, or refusal, of right of entry)

(1) After section 66T(1)(c), insert:

(d) failure by the landlord to notify, or to provide results to, the tenant as required under section 66S(5).

(2) After section 66T(1), insert:

(1A) A landlord who fails to notify, or to provide results to, the tenant as required under section 66S(5) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.

(3) In section 66T(2), replace “\$2,000” with “\$3,000”.

50 Section 77 amended (Jurisdiction of Tribunal)

(1) In section 77(2)(f), replace “service tenancy” with “tenancy to which this Act applies”.

(2) After section 77(2)(m), insert:

(maa) to determine whether a landlord should not be required to provide for the installation of a fibre connection for the purposes of section 45B(2)(e):

(3) After section 77(2)(md), insert:

(me) to make orders for a person to pay a pecuniary penalty under sections 109B to 109E:

(mf) to determine objections to improvement notices under section 126M:

(4) In section 77(5), replace “\$50,000” with “\$100,000”.

(5) In section 77(6), replace “\$50,000” with “\$100,000”.

(6) In section 77(7), replace “\$50,000” with “\$100,000”.

(7) After section 77(7A), insert:

(7B) The Tribunal does not have jurisdiction to determine a dispute so far as it raises a question as to whether a tenant of premises who gave notice accompanied by qualifying evidence under section 56B was in fact a victim of family violence while a tenant of the premises.

51 Section 86 amended (Filing of applications)

After section 86(1), insert:

(1A) The chief executive may, if acting under section 124A, file an application to commence a proceeding that relates to 2 or more tenancies if, for each tenancy,—

(a) 1 person is the landlord; or

(b) 1 person (P) or an associated person of P is the landlord.

Example

A is a landlord. A’s spouse, B, is also a landlord.

B is an associated person of A.

The chief executive may file a single application to commence a proceeding that relates to 1 or more of A's tenancies and to 1 or more of B's tenancies.

52 Section 90 amended (Tenancy Mediator to observe confidentiality)

In section 90(1), replace “\$1,000” with “\$1,800”.

53 Section 95 amended (Proceedings usually to be in public)

- (1) In section 95(1), replace “subsection (2)” with “subsections (1A) and (2)”.
- (2) After section 95(1), insert:
 - (1A) If the proceedings relate to withdrawal from a tenancy under section 56B, the Tribunal must order that the whole of the hearing be held in private.
- (3) In section 95(2), replace “The Tribunal” with “In any other case, the Tribunal”.
- (4) Repeal section 95(3) and (4).

54 New section 95A inserted (Suppression orders)

- (1) After section 95, insert:

95A Suppression orders

- (1) The Tribunal must, on the application of a party that has wholly or substantially succeeded in proceedings, order that the party's name or identifying particulars not be published, unless the Tribunal considers that publication is in the public interest or is justified because of the party's conduct or any other circumstances of the case.
 - (2) The Tribunal must, if the chief executive acts in the place of a party under section 124A, order that the name and any identifying particulars of that party not be published.
 - (3) Subsection (4) applies to proceedings whether or not subsection (1) or (2) also applies to the proceedings.
 - (4) The Tribunal may, on the application of any party to proceedings or on its own initiative, having regard to the interests of the parties and to the public interest, order that all or part of the evidence given or the name or any identifying particulars of any witness or party not be published.
 - (5) An order under subsection (4) may be made subject to any conditions that the Tribunal considers appropriate.
 - (6) An order under subsection (4), or a condition under subsection (5), must not be inconsistent with subsection (1) or (2) (to the extent that those subsections also apply to the proceedings).
- (2) After section 95A(1) (as inserted by subsection (1) of this section), insert:
 - (1A) The Tribunal must, in any proceedings that relate to withdrawal from a tenancy under section 56B, order that the name and any identifying particulars of the parties not be published.

- (3) In section 95A(3) (as inserted by subsection (1) of this section), replace “subsection (1) or (2)” with “any of subsections (1) to (2)”.
- (4) In section 95A(6) (as inserted by subsection (1) of this section), replace “subsection (1) or (2)” with “any of subsections (1) to (2)”.

55 Section 96 amended (Further provisions relating to procedure generally)

- (1) After section 96(3), insert:
 - (3AA) The Tribunal must, on the application of any party to proceedings before it relating to withdrawal from a tenancy under section 56B, permit the party’s evidence to be given remotely if the necessary facilities are available.
 - (3AB) If evidence is to be given remotely under subsection (3AA), the Tenancy Adjudicator conducting the hearing or a Registrar of the Tribunal may determine which 1 or more of the following are to be used:
 - (a) telephone:
 - (b) audiovisual link:
 - (c) any other remote access facility that the Tenancy Adjudicator or Registrar considers appropriate.
- (2) In section 96(3A), replace “a matter” with “any other matter”.

56 Section 108 amended (Enforcement of work orders)

After section 108(2A), insert:

- (2B) A person commits an offence if—
 - (a) the person intentionally fails to comply with a work order under section 78 or 78A; and
 - (b) the failure to comply creates or increases a risk to the health or safety of any person living at the premises to which the work order relates.
- (2C) A person who commits an offence under subsection (2B) is liable on conviction to a fine not exceeding \$3,600.

57 Section 109 amended (Unlawful acts)

- (1) Replace section 109(1) with:
 - (1) Any of the following persons (**A**) may apply to the Tribunal for an order requiring any other person (**B**) to pay to A an amount in the nature of exemplary damages on the ground that B has committed an unlawful act:
 - (a) a landlord:
 - (b) a tenant:
 - (c) the chief executive acting as the person responsible for the general administration of this Act or in the place of a landlord or a tenant under section 124A.

- (2) In section 109(2), replace “No application may be made under subsection (1) later than—” with “A landlord or a tenant may not apply under subsection (1) later than—”.
- (3) After section 109(2), insert:
- (2A) The chief executive may not apply under subsection (1) (whether acting as the person responsible for the general administration of this Act or in the place of a landlord or a tenant) later than 12 months after the date on which the chief executive first became aware of the unlawful act.
- (4) In section 109(3), replace “on such an application” with “on an application under subsection (1)”.
- (5) In section 109(4),—
- (a) replace “the first column” with “column 1”;
 - (b) replace “the second column” with “column 3”.
- (6) In section 109(5), replace “acting on behalf of” with “acting in place of”.
- (7) Repeal section 109(7).

58 Section 109A amended (Tribunal may restrain further commissions of unlawful acts)

In section 109A(5), replace “\$2,000” with “\$3,600”.

59 New sections 109B to 109E inserted

After section 109A, insert:

109B Tribunal may make pecuniary penalty orders

- (1) The Tribunal may, on the application of the chief executive, order a landlord to pay to the Crown the pecuniary penalty that the Tribunal determines to be appropriate if the Tribunal is satisfied that,—
- (a) at the time of committing the unlawful act, the landlord was—
 - (i) a landlord of 6 or more tenancies (*see* section 2(2B) to (2D)); or
 - (ii) a landlord of a boarding house; and
 - (b) the landlord intentionally committed an unlawful act under any of the following provisions:
 - (i) section 45(1A) or 66I(4) (landlord’s responsibilities: cleanliness, maintenance, smoke alarms, healthy homes standards, and buildings, health, and safety requirements):
 - (ii) section 45(1AB) or 66I(5) (landlord’s responsibilities: contaminated premises):
 - (iii) section 54(3) (retaliatory notice of termination):
 - (iv) section 60AA (acting to terminate without grounds):

(v) section 137(2) (contracting to contravene or evade the provisions of this Act).

(2) The chief executive may not make an application under subsection (1) later than 12 months from the date on which the chief executive first became aware of the unlawful act.

109C Maximum amount of pecuniary penalty

The maximum amount of pecuniary penalty for an unlawful act referred to in section 109B is \$50,000.

109D Considerations for Tribunal in determining pecuniary penalty

In determining an appropriate pecuniary penalty, the Tribunal must have regard to all relevant matters, including—

- (a) the nature and extent of the unlawful act; and
- (b) the nature and extent of any loss or damage suffered by any person because of the unlawful act; and
- (c) any gains made or losses avoided by the landlord in the unlawful act; and
- (d) the circumstances in which the unlawful act took place.

109E Only 1 pecuniary penalty order may be made for same conduct

If conduct by a landlord constitutes an unlawful act under 2 or more provisions, proceedings may be brought against that landlord for the unlawful act under any 1 or more of the provisions, but no landlord is liable to more than 1 pecuniary penalty order for the same conduct.

60 Section 110 amended (Failing to answer witness summons)

In section 110(1), replace “\$2,000” with “\$3,600”.

61 Section 111A amended (Offence of breaching suppression order)

In section 111A, replace “section 95(3)” with “section 95A”.

62 Section 114 amended (Powers of entry of Tenancy Mediators)

In section 114(7), replace “\$2,000” with “\$3,000”.

63 Section 115B amended (Online publication of final written decisions)

Repeal section 115B(3).

64 Section 123 amended (General functions and powers of chief executive)

After section 123(1)(ca), insert:

(cb) the monitoring and assessing of compliance by landlords with this Act:

65 Section 123A amended (Documents to be retained by landlord and produced to chief executive if required)

- (1) Replace section 123A(1) with:
 - (1) A landlord must retain the following documents (or copies of them) during, and for 12 months after the termination of, the tenancy:
 - (a) the tenancy agreement and any variations or renewals of it;
 - (b) any reports of inspections of the premises carried out by or for the landlord during the tenancy;
 - (c) records of any building work for which a building consent is required, prescribed electrical work, sanitary plumbing, gasfitting, or other maintenance or repair work carried out at the premises by or for the landlord during the tenancy;
 - (d) any reports or assessments by a professional tradesperson of work that is carried out or is required in relation to a premises that relates to the landlord's compliance with section 45 or 66I;
 - (e) the records or other documents that relate to the landlord's compliance with the healthy homes standards and that are prescribed by regulations under section 138B(5);
 - (f) any advertisement for the tenancy (including an advertisement from before the commencement of the tenancy);
 - (g) any notices or correspondence between a landlord (or a person acting on the landlord's behalf) and—
 - (i) a tenant (or a person acting on the tenant's behalf) in relation to the tenancy;
 - (ii) a prospective tenant (or a person acting on the prospective tenant's behalf) in relation to the tenancy.
- (2) In section 123A(2), replace “under subsection (1)(b) to (d)” with “under subsection (1)(b) to (g) or under section 30 (relating to rent and bond records)”.
- (3) Replace section 123A(4) with:
 - (4) A landlord who receives a notice under subsection (2) must, within 10 working days of receiving the notice, produce the documents to the chief executive in the way specified in the notice.
 - (5) A landlord who, without reasonable excuse, fails to comply with subsection (4)—
 - (a) commits an unlawful act; and
 - (b) commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B.
- (6) In this section,—

building consent and **building work** have the same meanings as in section 7 of the Building Act 2004

gasfitting has the same meaning as in section 5 of the Plumbers, Gasfitters, and Drainlayers Act 2006

prescribed electrical work has the same meaning as in section 2(1) of the Electricity Act 1992

professional tradesperson means a person whose occupation includes carrying out building work, prescribed electrical work, sanitary plumbing, gasfitting, or other maintenance or repair work

sanitary plumbing has the same meaning as in section 6 of the Plumbers, Gasfitters, and Drainlayers Act 2006.

66 Section 123D amended (Power of entry to inspect premises)

In section 123D(9), replace “\$2,000” with “\$3,000”.

67 Section 124 repealed (Chief executive may take or defend proceedings on behalf of any party)

Repeal section 124.

68 Section 124A amended (Chief executive may take proceedings as if tenant)

(1) In the heading to section 124A, replace “as if tenant” with “in place of tenant or landlord”.

(2) Replace section 124A(1) with:

(1) The chief executive may, if satisfied that it is in the public interest to do so on any of the grounds listed in subsection (2), do any of the following in relation to a tenancy as if the chief executive were a party to the tenancy:

- (a) initiate any proceedings in the Tribunal or a court that could be brought by the party:
- (b) defend any proceedings in the Tribunal or a court that are brought against the party:
- (c) assume the conduct of any proceedings in the Tribunal or a court brought by or against the party:
- (d) take any steps that are necessary to enforce or protect the rights of the party in relation to any infringement or suspected infringement of any of those rights under the tenancy agreement or this Act.

(3) In section 124A(2)(b), replace “the landlord” with “the tenant or the landlord”.

(4) In section 124A(2)(c), replace “the landlord” with “the tenant or the landlord”.

(5) Replace section 124A(3) with:

(3) The chief executive may act in the place of a party under subsection (1)—

- (a) without the consent of the party:

- (b) despite the party's refusal to consent:
- (c) even if the tenancy has terminated.

69 Section 124B amended (Supplementary provision to section 124A)

- (1) In section 124B(1), delete “, or assume the conduct of,”.
- (2) In section 124B(2),—
 - (a) replace “acts under section 124A(1)” with “acts in the place of a party (A) under section 124A(1)”; and
 - (b) replace “the tenant” with “A” in each place.
- (3) Replace section 124B(2)(d) with:
 - (d) the Tribunal must, on the chief executive's application, order that any other claim by or against A be dealt with in separate proceedings brought by the claimant against A (and not against the chief executive):

70 New sections 126A to 126R and cross-headings inserted

After section 126, insert:

Infringement offences

126A Interpretation

In this Act,—

infringement fee, in relation to an infringement offence, means the infringement fee for the offence prescribed in accordance with clause 2 of Schedule 1B or in regulations made under this Act

infringement offence means an offence identified, in this Act or in regulations made under this Act, as being an infringement offence.

126B Proceedings for infringement offences

- (1) A person who is alleged to have committed an infringement offence may—
 - (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or
 - (b) be issued with an infringement notice under section 126C.
- (2) Proceedings commenced in the way described in subsection (1)(a) do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.
- (3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

126C When infringement notice may be issued

The chief executive may issue an infringement notice to a person if the chief executive believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

126D Infringement notice may be revoked

- (1) The chief executive may revoke an infringement notice before the infringement fee is paid, or an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.
- (2) An infringement notice is revoked by giving written notice to the person to whom it was issued that the notice is revoked.
- (3) The revocation of an infringement notice under this section is not a bar to any other enforcement action against the person to whom the notice was issued in respect of the same matter.

126E What infringement notice must contain

An infringement notice must be in the form prescribed in regulations and must contain the following particulars:

- (a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence;
- (b) the amount of the infringement fee;
- (c) the address of the department;
- (d) how the infringement fee may be paid;
- (e) the time within which the infringement fee must be paid;
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957;
- (g) a statement that the person served with the notice has a right to request a hearing;
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing;
- (i) any other matters prescribed in regulations.

126F How infringement notice may be served

- (1) An infringement notice may be served on the person who the chief executive believes is committing or has committed the infringement offence by—
 - (a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or
 - (b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or

- (c) leaving it for the person at the person's place of business or work with another person; or
 - (d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work; or
 - (e) sending it to an electronic address of the person in any case where the person does not have a known place of residence or business in New Zealand.
- (2) Unless the contrary is shown,—
- (a) an infringement notice (or a copy of it) sent by prepaid post to a person under subsection (1) is to be treated as having been served on that person on the fifth working day after the date on which it was posted;
 - (b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first enters an information system that is outside the control of the chief executive.

126G Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Improvement notices

126H Power to issue improvement notices

- (1) This section applies if the chief executive reasonably believes that a person—
- (a) is contravening a provision of this Act, of regulations made under this Act, or of a tenancy agreement; or
 - (b) is likely to contravene a provision of this Act, of regulations made under this Act, or of a tenancy agreement.
- (2) The chief executive may issue an improvement notice requiring the person to—
- (a) remedy the contravention; or
 - (b) prevent a likely contravention from occurring; or
 - (c) remedy the things or activities causing the contravention or likely to cause a contravention.

Compare: 2015 No 70 s 101

126I Content of improvement notices

- (1) An improvement notice must state—
- (a) that the chief executive believes the person—
 - (i) is contravening a provision of this Act, of regulations made under this Act, or of a tenancy agreement; or

- (ii) is likely to contravene a provision of this Act, of regulations made under this Act, or of a tenancy agreement; and
 - (b) the provision the chief executive believes is being, or is likely to be, contravened; and
 - (c) briefly, how the provision is being, or is likely to be, contravened; and
 - (d) a reasonable period within which the person is required to remedy—
 - (i) the contravention or likely contravention; or
 - (ii) the things or activities causing the contravention or likely to cause a contravention.
- (2) An improvement notice may include recommendations concerning—
- (a) the measures that could be taken to remedy the contravention, or prevent the likely contravention, to which the notice relates:
 - (b) the things or activities causing the contravention, or likely to cause a contravention, to which the notice relates.

Compare: 2015 No 70 s 102

126J Compliance with improvement notice

- (1) A failure to comply with an improvement notice is an unlawful act.
- (2) It is not an unlawful act to fail to comply with recommendations in an improvement notice.

Compare: 2015 No 70 s 103

126K Extension of time for compliance with improvement notices

- (1) This section applies if a person has been issued with an improvement notice.
- (2) The chief executive may, by written notice given to the person, extend the compliance period for the improvement notice.
- (3) However, the chief executive may extend the compliance period only if the period has not ended.
- (4) In this section, **compliance period**—
 - (a) means the period stated in the improvement notice under section 126I(1); and
 - (b) includes any extension of that period under this section.

Compare: 2015 No 70 s 104

126L Chief executive may withdraw improvement notice

- (1) The chief executive may withdraw an improvement notice.
- (2) The withdrawal of an improvement notice does not prevent another improvement notice from being served in relation to the same matter.

Compare: 2000 No 24 s 223G

126M Objection to improvement notice

- (1) A person who has been issued with an improvement notice may file an objection with the Tribunal.
- (2) An objection must be filed with the Tribunal within 28 days after the date on which the improvement notice was served on the person.
- (3) In determining the objection, the Tribunal must consider—
 - (a) whether the person has failed, or is likely to fail, to comply with a specified provision of this Act, of regulations made under this Act, or of a tenancy agreement; and
 - (b) the nature and extent of the failure or likely failure to comply with the provision; and
 - (c) the nature and extent of any loss suffered by any other party to the tenancy agreement as a result of the failure or likely failure to comply with the provision.
- (4) The Tribunal may confirm, vary, or rescind the improvement notice as the Tribunal thinks fit.

Compare: 2000 No 24 s 223E

*Enforceable undertakings***126N Chief executive may accept enforceable undertakings**

- (1) The chief executive and a party to a tenancy may agree in writing that the party will undertake by a specified date (an **enforceable undertaking**) to—
 - (a) rectify the breach of any provision of this Act, of regulations made under this Act, or of a tenancy agreement; or
 - (b) pay money owed to another party to the tenancy under this Act, of regulations made under this Act, or of a tenancy agreement; or
 - (c) take any other action that the chief executive determines is appropriate, having regard to the nature of the breach.
- (2) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates.

126O When enforceable undertaking is enforceable

An enforceable undertaking takes effect and becomes enforceable when the chief executive's decision to accept the undertaking is given to the person who made the undertaking, or at any later date specified by the chief executive.

Compare: 2015 No 70 s 125

126P Compliance with enforceable undertaking

- (1) A person must not contravene an enforceable undertaking given by that person that is in force.
- (2) A person who contravenes subsection (1) commits an unlawful act.
Compare: 2015 No 70 s 126

126Q Withdrawal or variation of enforceable undertaking

- (1) A person who has given an enforceable undertaking may at any time, with the written agreement of the chief executive,—
 - (a) withdraw the undertaking; or
 - (b) vary the undertaking.
- (2) However, the provisions of the undertaking cannot be varied to provide for a different alleged contravention of this Act, the regulations, or the tenancy agreement.
Compare: 2015 No 70 s 128

126R Proceedings for alleged contravention

- (1) Subject to this section, no proceedings (whether civil or criminal) for a contravention or an alleged contravention of this Act, the regulations, or a tenancy agreement may be brought against a person if an enforceable undertaking is in effect in relation to that contravention.
- (2) No proceedings may be brought for a contravention or an alleged contravention of this Act, the regulations, or a tenancy agreement against a person who—
 - (a) has made an enforceable undertaking in relation to that contravention; and
 - (b) has completely discharged the enforceable undertaking.
- (3) The chief executive may accept an enforceable undertaking in relation to a contravention or an alleged contravention before proceedings in relation to that contravention have been completed.
- (4) If the chief executive accepts an enforceable undertaking before the proceedings are completed, the chief executive must take all reasonable steps to have the proceedings discontinued as soon as practicable.

Compare: 2015 No 70 s 129

71 Section 133 amended (Tribunal or chief executive may require terms of tenancy agreement)

- (1) In the heading to section 133, replace “**agreement**” with “**agreements**”.
- (2) Replace section 133(1) with:
 - (1) The Tribunal or the chief executive may, by notice in writing, require a landlord to inform the Tribunal or the chief executive of the provisions of any spe-

cified tenancy agreement or agreements, or of all tenancy agreements to which the landlord is a party, that—

- (a) are current; or
 - (b) that terminated during the 12 months before the date on which the notice is given.
- (3) In section 133(1A), replace “the tenancy agreement” with “each tenancy agreement”.
- (4) In section 133(2), replace “\$2,000” with “\$3,600”.

72 Section 136 amended (Service of documents)

- (1) After section 136(7), insert:
- (7A) Section 56C overrides subsections (6) and (7) in relation to the giving of a notice of withdrawal under section 56B(1) and (3)(c) and accompanying qualifying evidence under section 56B(1)(a).
- (2) After section 136(10), insert:
- (11) Nothing in this section applies to the service of infringement notices (*see* section 126F).

73 New section 137A inserted (Only 1 penalty type for same conduct)

After section 137, insert:

137A Only 1 penalty type for same conduct

- (1) If a type of penalty described in subsection (2) is imposed on a person in relation to conduct relating to a tenancy, the other type of penalties described in that subsection cannot be imposed on the person in relation to the same conduct.
- (2) The types of penalty are—
- (a) a fine, an infringement fee, or a term of imprisonment under this Act or any other Act;
 - (b) an order to pay a pecuniary penalty under this Act;
 - (c) an order to pay an amount in the nature of exemplary damages under this Act.
- (3) The imposition of a penalty described in subsection (2) on a person does not affect or limit the person’s liability to pay damages or compensation (other than an amount in the nature of exemplary damages) in relation to the same conduct.

74 New sections 138E and 138F inserted

After section 138D, insert:

138E Regulations relating to termination of tenancy for physical assault by tenant

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing all or any of the following matters:
 - (a) information to be included in a notice under section 55AA(3)(a):
 - (b) persons, or classes of persons, whose declarations are qualifying evidence for the purposes of section 55AA(6):
 - (c) types of qualifying evidence for the purposes of section 55AA(6).
- (2) The Minister must consult the Minister of Justice before recommending the making of regulations under this section.

138F Regulations relating to withdrawal from tenancy following family violence

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing all or any of the following matters:
 - (a) information to be included in a notice under section 56B(1)(b):
 - (b) persons, or classes of persons, whose declarations are qualifying evidence for the purposes of section 56B(8):
 - (c) types of qualifying evidence under section 56B(8):
 - (d) PACHMA tenancies, or classes of PACHMA tenancies, in relation to which rent is not to be reduced under section 56B(3)(d) and (5):
 - (e) other tenancies, or other classes of tenancies, in relation to which rent is not to be reduced under section 56B(3)(d) and (5):
 - (f) landlords, or classes of landlords, in relation to whose tenancies rent is not to be reduced under section 56B(3)(d) and (5):
 - (g) types of permitted disclosure, or circumstances in which disclosure is permitted, under section 56E.
- (2) The Minister must consult the Minister of Justice before recommending the making of regulations under this section.
- (3) The Minister must not recommend the making of regulations under subsection (1)(e) unless satisfied that, following any withdrawal under section 56B from tenancies, or classes of tenancies, prescribed by those regulations,—
 - (a) the landlords of those tenancies will reduce the rent for which any remaining tenants under that section are liable; and
 - (b) the reduction will be the same or substantially the same as, or greater than, the reduction that would otherwise have applied under section 56B(3)(d) and (5).
- (4) The Minister must not recommend the making of regulations under subsection (1)(f) unless satisfied that, following any withdrawal under section 56B from

tenancies of the landlords, or classes of landlords, prescribed by those regulations,—

- (a) those landlords, or classes of landlords, will reduce the rent for which any remaining tenants under that section are liable; and
 - (b) the reduction will be the same or substantially the same as, or greater than, the reduction that would otherwise have applied under section 56B(3)(d) and (5).
- (5) Regulations under this section may make different provision for different classes of persons, premises, or tenancies.
- (6) In this section, **PACHMA tenancy** has the meaning given to it by section 56B(8).

75 New section 139A inserted (Regulations relating to infringement offences)

After section 139, insert:

139A Regulations relating to infringement offences

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—
- (a) specifying offences in this Act that are infringement offences, and prescribing infringement fees not exceeding \$500 for those offences;
 - (b) specifying offences in regulations made under this Act that are infringement offences, and prescribing infringement fees not exceeding \$500 for those offences.
- (2) Before making a recommendation for the purposes of subsection (1), the Minister must consult the Minister of Justice in relation to the proposed regulations.
- (3) Regulations under this section that prescribe infringement fees may prescribe different infringement fees to apply in respect of different classes of persons.

76 Section 140 amended (Regulations relating to other matters)

- (1) In section 140(1)(e), delete “and, where the offence is a continuing one, a further amount not exceeding \$100 for every day or part of day during which the offence has continued”.
- (2) After section 140(1)(e), insert:

(eaa) prescribing persons or classes of persons for the purposes of section 5(1)(y)(ii):

77 Schedule 1AA amended

In Schedule 1AA, after Part 4, insert the Part 5 set out in Schedule 1 of this Act.

78 Schedule 1 amended

In Schedule 1, replace “180 days” with “12 months” in each place.

79 Schedule 1A replaced

- (1) Replace Schedule 1A with the Schedule 1A set out in Schedule 2 of this Act.
- (2) In Schedule 1A (as replaced by subsection (1) of this section), after the item relating to section 54(3), insert:

56E(3)	Disclosing notice of withdrawal or accompanying qualifying evidence of family violence	3,000
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80 New Schedule 1B inserted

After Schedule 1A, insert the Schedule 1B set out in Schedule 3 of this Act.

81 Schedule 5 amended

- (1) In Schedule 5, replace clause 14 with:

14 Application of clause 15

- (1) Clause 15(1) and (2) applies for a period of 12 months starting on the commencement date (the **12-month period**).
- (2) Clause 15(3) to (6) applies for the part (if any) of the 12-month period during which section 56B (as inserted by section 39 of the Residential Tenancies Amendment Act 2020) is in force.
- (2) In Schedule 5, after clause 15(2), insert:
 - (3) In relation to any proceedings that relate to withdrawal from a tenancy under section 56B, subclauses (1) and (2) are subject to subclauses (4) to (6).
 - (4) If the Tribunal decides to hold a hearing, it must order that the whole of the hearing be held in private.
 - (5) The Tribunal must, on the application of any party to the proceedings, permit the party’s evidence to be given remotely if the necessary facilities are available.
 - (6) If evidence is to be given remotely under subclause (5), the Tenancy Adjudicator conducting the hearing or a Registrar of the Tribunal may determine which 1 or more of the following are to be used:
 - (a) telephone:
 - (b) audiovisual link:
 - (c) any other remote access facility that the Tenancy Adjudicator or Registrar considers appropriate.

Part 2

Consequential amendments to other enactments

82 Consequential amendments to other enactments

Amend the enactments specified in Schedule 4 as set out in that schedule.

Schedule 1
New Part 5 inserted into Schedule 1AA

s 77

Part 5
Provisions relating to Residential Tenancies Amendment Act 2020

23 Interpretation

In this Part,—

2020 Act means the Residential Tenancies Amendment Act 2020

amendment means an amendment to this Act made by a provision of the 2020 Act

commencement date, in relation to an amendment, means the date on which the provision of the 2020 Act that makes the amendment comes into force.

24 Existing tenancies, etc

- (1) An amendment applies to a tenancy whether the tenancy commences before, on, or after the commencement date.
- (2) This clause is subject to clauses 25 to 37.

25 New unlawful acts and pecuniary penalties

An amendment that creates a new unlawful act or confers a power to impose pecuniary penalties does not apply to acts or omissions before the commencement date.

26 Proceedings that have commenced

An amendment does not apply to proceedings commenced before the Tribunal before the commencement date.

27 Notices to terminate, renew, or extend tenancies

- (1) An amendment made by any of sections 4(3), 32 to 34, and 36 of the 2020 Act does not apply to the termination of a tenancy by notice if the notice is given before the commencement date.
- (2) The amendments made by section 42 of the 2020 Act do not apply to the exercise of a right to renew or extend a tenancy unless the date on which the tenancy would otherwise expire is 28 or more days after the commencement date.

28 Notice to increase rent

- (1) An amendment made by section 19 or 78 of the 2020 Act does not apply to an increase of rent by notice given under section 24 of this Act if the notice is

given before the commencement date for those amendments and relates to an increase with effect on or after 26 September 2020.

- (2) *See* clauses 2 and 11 to 13 of Schedule 5.

29 Assignment by tenant

Section 43A of this Act (as inserted by section 24 of the 2020 Act) does not apply to a tenancy granted before the commencement date.

30 Documents to be retained and produced by landlord

- (1) The amendment made by section 27 of the 2020 Act applies to any information retained by the landlord on or after the commencement date, whether the information came into the landlord's possession or control before, on, or after that date.
- (2) Any new requirement imposed on a landlord by an amendment made by section 65 of the 2020 Act applies to any documents (or copies of them) in the landlord's possession or control on or after the commencement date, whether the documents (or copies) were created before, on, or after that date.

31 Termination for physical assault by tenant

The amendment made by section 37 of the 2020 Act does not apply in relation to a physical assault that occurred before the commencement date.

32 Rent arrears and anti-social behaviour

- (1) The amendment made by section 36 of the 2020 Act does not apply to rent arrears incurred before the commencement date.
- (2) Section 55A of this Act (as inserted by section 38 of the 2020 Act) does not apply to anti-social behaviour engaged in before the commencement date.

33 Withdrawal following family violence

The amendment made by section 39 of the 2020 Act applies whether the family violence occurred before, on, or after the commencement date.

34 Continuation of existing fixed-term tenancies as periodic

The amendment made by section 41 of the 2020 Act does not apply to tenancies granted before the commencement date.

35 Abandonment of premises

The amendment made by section 43 of the 2020 Act does not apply to the abandonment of premises if the date determined by the Tribunal under section 61(2) of this Act in relation to the abandonment is before the commencement date.

36 Enforceable undertakings

Sections 126N to 126R of this Act (as inserted by section 70 of the 2020 Act) relate to any enforceable undertaking given on or after the commencement date, whether the contravention or alleged contravention to which the undertaking relates occurred or is alleged to have occurred on, before, or after that date.

37 Only 1 penalty type for same conduct

The amendment made by section 73 of the 2020 Act applies to conduct whether the conduct is engaged in before, on, or after the commencement date.

Schedule 2 Schedule 1A replaced

s 79

Schedule 1A		
Amounts for unlawful acts		
Column 1	Column 2	Column 3
Section	Description of unlawful act	Amount (\$)
		s 109(4)
12(1)	Unlawful discrimination	6,500
13(4)	Landlord failing to ensure tenancy agreement in writing, signed, and provided to tenant	750
13A(1AAA)	Landlord failing to ensure tenancy agreement includes certain information specified in section 13A(1)	750
13A(1F)(a)	Landlord failing to comply with section 13A(1A), (1CA), (1CB), (2), (3), or (4)	750
13A(1F)(b)	Landlord providing false or misleading statement or information under section 13A(1A), (1CA), (1CB), (2), (3), or (4)	900
15(2)	Successor landlord or tenant failing to give notice	750
16(2)	Failing to notify change of name or address	750
16A(6)	Landlord failing to appoint agent when outside New Zealand for longer than 21 consecutive days	1,500
17(3)	Requiring key money	1,500
17A(3)	Requiring letting fee	1,500
18(4)(a)	Landlord requiring bond greater than amount permitted	1,500
18A(2)(a)	Landlord requiring unauthorised form of security	1,500
19(2)	Breaching duties on receipt of bond	1,500
22F(3)(a)	Landlord failing to state amount of rent when offering tenancy	1,500
22G(3)	Landlord inviting or encouraging bids for rent	1,500
23(4)(a)	Landlord requiring rent more than 2 weeks in advance or before rent already paid expires	1,500
27(2)	Landlord requiring rent in excess of market rent order	350
29(5)	Failing to give receipt for rent	350
30(2)(a)	Landlord failing to keep records	350
33(2)	Landlord seizing or disposing of tenant's goods	3,000
38(3)	Interference with privacy of tenant	3,000
40(3A)(a)	Tenant failing, without reasonable excuse, to quit premises upon termination	1,500
40(3A)(b)	Tenant's interference, etc, with means of escape from fire	4,000

Column 1	Column 2	Column 3
Section	Description of unlawful act	Amount (\$)
40(3A)(c)	Tenant using or permitting premises to be used for unlawful purpose	1,800
40(3A)(d)	Tenant's harassment of other tenant or neighbour	3,000
40(3A)(e)	Tenant failing to ensure number of residents does not exceed maximum allowed	1,000
42A(7)	Landlord failing to respond to written request seeking consent for fixtures, etc	1,500
42B(3)	Landlord failing to consent to request for minor change	1,500
42B(6)	Tenant failing to reinstate premises at end of tenancy following minor change	1,500
43B(3)	Tenant assigning tenancy without the landlord's written consent or when prohibited to do so	750
43B(5)	Landlord failing to respond to written request for consent to assignment	1,500
44(2A)	Tenant subletting or parting with possession when prohibited to do so or without the landlord's written consent	1,500
44A(3)(a)	Landlord failing to itemise expenses incurred on assignment, subletting, parting with possession, or termination by consent	750
45(1A)	Landlord failing to meet obligations in respect of cleanliness, maintenance, smoke alarms, the healthy homes standards, or buildings, health, and safety requirements	7,200
45(1AB)	Landlord providing premises, or continuing to provide premises, despite landlord's knowledge of contamination of premises	4,000
45(1AD)(a)	Landlord failing to provide healthy homes information	750
45(2A)	Landlord interfering with supply of services to premises	1,800
45(2D)	Landlord failing to meet obligations to provide insurance policy or to correct information provided	900
45B(6)	Landlord failing to take all reasonable steps to facilitate installation of fibre connection or to respond to request	1,500
46(3)	Landlord failing to provide locks or landlord or tenant altering locks without consent of other party	1,500
47(3)	Landlord failing to give notice that premises are on the market	1,800
48(4)(a)	Unlawful entry by landlord	1,500
48(4)(b)	Tenant failing to allow landlord to enter upon premises in circumstances where landlord entitled to enter	1,500
48(4)(c)	Landlord failing to notify tenant of results of contamination test	1,000
49D	Unlawful acts of landlord related to tenant's liability under section 49B	1,800
54(3)	Landlord giving retaliatory notice of termination	6,500
60AA	Landlord acting to terminate tenancy without grounds	6,500
61(5)	Tenant abandoning premises without reasonable excuse	1,500
66G(4)	Harassment of tenant in boarding house	3,000

Column 1	Column 2	Column 3
Section	Description of unlawful act	Amount (\$)
66I(4)	Landlord of boarding house failing to meet obligations in respect of cleanliness, maintenance, smoke alarms, the healthy homes standards, or buildings, health, and safety requirements	7,200
66I(5)	Landlord of boarding house providing, or continuing to provide, boarding room despite landlord's knowledge of contamination of boarding room or facilities	4,000
66I(7)	Landlord failing to provide healthy homes information	750
66J(2B)	Landlord of boarding house interfering with services or failing to advise that premises on market	1,800
66J(4)	Landlord of boarding house failing to notify results of contamination test (relating to boarding house facilities)	1,000
66J(7)	Landlord of boarding house failing to meet obligations to provide insurance policy or to correct information provided	900
66K(4)(a)	Tenant of boarding house interfering, etc, with means of escape from fire	4,000
66K(4)(b)	Tenant using or permitting boarding room to be used for unlawful purposes	1,500
66K(4)(c)	Tenant of boarding house harassing neighbour	3,000
66P(4)	Landlord of boarding house failing to comply with order relating to house rules	3,000
66T(1)(a) to (c)	Contraventions relating to entry, or attempted entry, of tenant's boarding room	1,500
66T(1)(d)	Landlord of boarding house failing to notify results of contamination test (relating to boarding room)	1,000
66X(5)	Tenant of boarding house abandoning premises without reasonable excuse	1,500
108(2A)	Breach of work order (other than section 78A work order)	5,000
108(2A)	Landlord breaching section 78A work order	5,000
123A(5)(a)	Landlord failing to produce documents to chief executive	1,500
126J(1)	Failing to comply with improvement notice	3,000
126P(2)	Breaching an enforceable undertaking	1,000
137(2)	Contracting to contravene or evade the provisions of this Act	1,800

Schedule 3
New Schedule 1B inserted

s 80

Schedule 1B
Fines and fees for infringement offences

s 126A

1 Maximum fine for infringement offences

The maximum fine for an infringement offence specified in column 1 of the table in clause 4 is an amount not exceeding,—

- (a) if the landlord has 6 or more tenancies or is the landlord of a boarding house when they commit the offence, the corresponding amount in column 3 of the table; and
- (b) in any other case, the corresponding amount in column 4 of the table.

2 Infringement fee for infringement offences

The infringement fee for an infringement offence specified in column 1 of the table in clause 4 is,—

- (a) if the landlord has 6 or more tenancies or is the landlord of a boarding house when they commit the offence, the corresponding amount in column 5 of the table; and
- (b) in any other case, the corresponding amount in column 6 of the table.

3 Infringement notice not invalid if higher fee applies

An infringement notice served on a landlord that has 6 or more tenancies or that is the landlord of a boarding house is not invalid merely because the notice imposes the fee for the offence that is in column 6 of the table in clause 4.

4 Table of fines and fees for infringement offences

The following table sets out the fines and fees for infringement offences under this Act:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Description of offence	Fine (cl 1(a)) (\$)	Fine (cl 1(b)) (\$)	Fee (cl 2(a)) (\$)	Fee (cl 2(b)) (\$)
13(4)(b)	Failing to ensure tenancy agreement in writing, signed, and provided to tenant	2,000	1,000	1,000	500
13A(1G)	Failing to comply with section 13A(1A), (1CA), (1CB), or (2)	2,000	1,000	1,000	500

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Description of offence	Fine (cl 1(a)) (\$)	Fine (cl 1(b)) (\$)	Fee (cl 2(a)) (\$)	Fee (cl 2(b)) (\$)
15(3)	Failing to give notice as successor	2,000	1,000	1,000	500
16(2A)	Failing to notify change of name or address	2,000	1,000	1,000	500
16A(6)(b)	Failing to appoint agent when outside New Zealand for longer than 21 consecutive days	3,000	1,500	1,000	500
17(5)	Requiring key money	3,000	1,500	1,000	500
17A(4)	Requiring letting fee	3,000	1,500	1,000	500
18(4)(b)	Requiring bond greater than amount permitted	3,000	1,500	1,000	500
18A(2)(b)	Requiring unauthorised form of security	3,000	1,500	1,000	500
19(3)	Breaching duties on receipt of bond	3,000	1,500	1,000	500
22F(3)(b)	Failing to state amount of rent in advertisement or offer	2,000	1,000	1,000	500
23(4)(b)	Requiring rent more than 2 weeks in advance or before rent already paid expires	3,000	1,500	1,000	500
29(6)	Failing to give receipt for rent	2,000	1,000	1,000	500
30(2)(b)	Failing to keep records	2,000	1,000	1,000	500
44A(3)(b)	Failing to itemise expenses incurred on assignment, subletting, parting with possession, or termination by consent	2,000	1,000	1,000	500
45(1AD)(b)	Failing to provide healthy homes information	2,000	1,000	1,000	500
47(4)	Failing to inform prospective tenants that premises on the market	3,000	1,500	1,000	500
48(4A)	Failing to notify tenant of results of test for contaminants	2,000	1,000	1,000	500
66I(7)	Failing to provide healthy homes information	2,000	1,000	1,000	500

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Description of offence	Fine (cl 1(a)) (\$)	Fine (cl 1(b)) (\$)	Fee (cl 2(a)) (\$)	Fee (cl 2(b)) (\$)
66J(2B)(b)	Failing to inform prospective tenants that boarding house premises on the market	3,000	1,500	1,000	500
66J(4)(b)	Failing to notify tenant of results of test for contaminants (relating to boarding house facilities)	2,000	1,000	1,000	500
66T(1A)	Failing to notify tenant of results of test for contaminants (relating to boarding room)	2,000	1,000	1,000	500
123A(5)(b)	Failing to produce documents to chief executive	3,000	1,500	1,000	500

Schedule 4

Consequential amendments to other enactments

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Part 1

Amendments to Acts

Public and Community Housing Management Act 1992 (1992 No 76)

In section 74(5), delete “and (2)”.

In section 94(5), delete “and (2)”.

Summary Proceedings Act 1957 (1957 No 87)

In section 2(1), definition of **infringement notice**, after paragraph (je), insert:

(jf) section 126C of the Residential Tenancies Act 1986; or

Unit Titles Act 2010 (2010 No 22)

After section 176(1)(aa), insert:

(ab) section 95A(1), (2), (3), and (6) (which relates to orders of the Tribunal for suppression of a party’s name or identifying particulars):

After section 176(1)(b), insert:

(ba) section 108(2B) (which relates to certain failures to comply with work orders):

After section 176(1)(c), insert:

(d) sections 109B to 109E (which relate to pecuniary penalties).

Part 2

Amendments to legislative instrument

Residential Tenancies (Healthy Homes Standards) Regulations 2019 (LI 2019/88)

In regulation 40(1), replace “section 123A(1)(ca) of the Act” with “section 123A(1)(e) of the Act”.

In regulation 40(2)(b), replace “section 123A(1)(ca)” with “section 123A(1)(e)”.

Legislative history

17 February 2020	Introduction (Bill 218–1)
20 February 2020	First reading and referral to Social Services and Community Committee
7 July 2020	Reported from Social Services and Community Committee (Bill 218–2)
4 August 2020	Second reading, committee of the whole House, third reading
11 August 2020	Royal assent

This Act is administered by the Ministry of Housing and Urban Development.