

**Residential Tenancies (Prohibiting Letting Fees)
Amendment Bill**

Government Bill

As reported from the committee of the whole House

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Amendment Bill**

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

~~text deleted~~

Hon Phil Twyford

Residential Tenancies (Prohibiting Letting Fees) Amendment Bill

Government Bill

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New ~~Part 4~~ Part 3 inserted into Schedule 1AA

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Residential Tenancies (Prohibiting Letting Fees) Amendment Act **2018**.

2 Commencement

This Act comes into force on 12 December 2018.

3 Principal Act

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

Part 1

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Substantive provisions**4 Section 2 amended (Interpretation)**

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

letting fee—

- | | | |
|-----|--|----|
| (a) | means any fee or charge (however described) in respect of services rendered by the letting agent or any other person that relate to— | 10 |
| | (i) the grant, continuance, extension, variation, or renewal of any tenancy agreement; or | |
| | (ii) the assignment of a tenant's interest under any tenancy agreement; or | 15 |
| | (iii) the subletting of the whole or any part of the premises by a tenant; but | |
| (b) | does not include any expenses recoverable under section 44(5) | |

5 Section 13A amended (Contents of tenancy agreement)

Repeal section 13A(1)(m).

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6 Section 17 amended (Requiring key money prohibited)

Repeal section 17(4)(c).

7 New section 17A inserted (Requiring letting fee prohibited)

After section 17, insert:

17A Requiring letting fee prohibited

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- | | | |
|-----|--|----|
| (1) | No letting agent or other person may require a tenant to pay a letting fee. | |
| (2) | Nothing in subsection (1) limits or affects section 44(5) (which entitles a landlord to recover reasonable expenses on consenting to the tenant's assigning, subletting, or parting with possession of the premises). | |
| (3) | Any requirement to pay a letting fee in contravention of subsection (1) is an unlawful act. | 30 |

8 Section 77 amended (Jurisdiction of Tribunal)

After section 77(7), insert:

(7A) The Tribunal does not have jurisdiction to consent to a person charging a tenant a letting fee.

Part 2 Further provisions

9 Schedule 1AA amended 5

In Schedule 1AA, after ~~Part 3~~, insert the ~~Part 4~~ add the Part set out in the **Schedule** of this Act.

10 Schedule 1A amended

In Schedule 1A, after the item relating to section 17, insert:

Section 17A (Requiring letting fee) 1,000

Schedule
New ~~Part 4~~ Part 3 inserted into Schedule 1AA

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Part 4 Part 3
Provision relating to Residential Tenancies (Prohibiting Letting Fees) Amendment Act 2018

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20-14 Application of section 17A (Requiring letting fee prohibited)**Section 17A** does not apply to—

- (a) any fee or charge paid or payable before the date of commencement of that section; or
- (b) any tenancy agreement entered into before that date (whether the tenancy agreement took effect before or takes effect on or after that date); or
- (c) any assignment or subletting if the landlord consented to the assignment or subletting before that date (whether the assignment or subletting took effect before or takes effect on or after that date); or
- (d) any amount that is charged in relation to a subletting, if the Tribunal consented to the charge before that date.

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Legislative history

22 March 2018	Introduction (Bill 36-1)
5 April 2018	First reading and referral to Social Services and Community Committee
3 October 2018	Reported from Social Services and Community Committee (Bill 36-2)
25 October 2018	Second reading
30 October 2018	Committee of the whole House (Bill 36-3)