

Residential Tenancies (Registration of Boarding House Landlords) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Boarding houses support some of New Zealand's most vulnerable individuals by providing them with access to basic shelter and sanitation. Yet numerous organisations from central government agencies to territorial authorities and tenants' rights groups have expressed frustration at the lack of data about boarding houses and boarding house landlords and the difficulties this creates for monitoring their compliance with residential tenancy laws. Notably, Statistics New Zealand has publicly stated that their own estimates of the number of boarding houses in Aotearoa (just under 250 according to the 2018 Census) are likely to be an undercount.

The former Social Services Select Committee conducted an inquiry into boarding houses from 2011-14, in which they highlighted this issue of visibility, saying: "the extent of any problems in the sector is not clear because there is incomplete data about the number and locations of boarding houses, their compliance with minimum building health and safety standards, the number of landlords who are not compliant with their obligations, and whether tenants are aware of their rights. There is also a lack of information about the number and proportion of vulnerable people living in boarding house accommodation."

This Bill proposes to remedy the lack of oversight of boarding houses in Aotearoa New Zealand by amending the Residential Tenancies Act to require the responsible government agency (the Ministry of Housing and Urban Development) to create and maintain a register of boarding houses and boarding house landlords. This register will contain basic information about a boarding house, such as the name of the landlord, their contact details, their address for service, and the address and description of all boarding houses that they have currently granted a boarding house tenancy for. This information will be publicly available. Boarding house landlords will be required to renew their registration each year. Further, the Bill proposes to establish

criteria by which a boarding house landlord may be disqualified from operating a boarding house with reference to, amongst other things, their age, criminal history, and previous compliance with the boarding house registration process.

This Bill also proposes that boarding house landlords must maintain records detailing the nature of the premises on which they are operating their boarding house, such as a description of the facilities in the boarding house. It also requires that landlords maintain information about any boarding house tenancy agreements they are party to, including the names and contact details of tenants occupying the boarding houses and the rent for any such agreements. This information will not be publicly available. The chief executive of the responsible government agency (the Ministry of Housing and Urban Development) will be able to request this information by notice in writing if they reasonably require them for the purposes of their functions and powers under the Residential Tenancies Act.

In establishing a register of boarding houses, this Bill will support the monitoring of boarding house compliance with residential tenancy laws (such as the Healthy Homes Standards) and will ensure that central government agencies and territorial authorities are able to access information about these entities and protect vulnerable boarding house tenants in a timely manner.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force the day after it receives Royal assent.

Clause 3 states that the Bill amends the Residential Tenancies Act 1986.

Clause 4 amends section 66Y by inserting a definition of **Registrar**.

Clause 5 inserts *new sections 66A to 66ZP* to provide a regime for registration of boarding house landlords:

- *New section 66Z* provides that a person must not grant a boarding house tenancy unless the person is registered under this Part.
- *New section 66ZA* lists characteristics that make a person disqualified from being registered as a boarding house landlord.
- *New section 66ZB* provides how a person can apply for registration.
- *New section 66ZC* provides the information that must be included in an application for registration.
- *New section 66ZD* provides for when the Registrar must accept an application for registration.
- *New section 66ZE* provides what the Registrar must do if the Registrar refuses an application for registration.
- *New section 66ZF* provides that registration expires after 12 months.

- *New section 66ZG* provides that registered boarding house landlords must provide an annual confirmation of details to the Registrar, and that if they do not do that, the Registrar may assume they are no longer a boarding house landlord and amend the register accordingly.
- *New section 66ZH* gives the Registrar a power to cancel registrations under certain circumstances.
- *New section 66ZI* provides for when a registered boarding house landlord ceases to be registered.
- *New section 66ZJ* provides an obligation on registered boarding house landlords to notify the Registrar when certain information changes.
- *New section 66ZK* requires registered boarding house landlords to keep a record of certain information about their boarding houses and boarding house tenancy agreements.
- *New section 66ZL* gives the chief executive of the department a power to require production of the boarding house record.
- *New section 66ZM* provides for the appointment of the Registrar of Boarding House Landlords. It also sets out the Registrar's functions and a power to delegate them.
- *New section 66ZN* provides that a certificate of registration is sufficient evidence of that registration.
- *New section 66ZO* requires the Registrar to establish a register of registered boarding house landlords.
- *New section 66ZP* provides for offences under the new Part, including granting a boarding house tenancy while not being a registered boarding house landlord. A conviction makes a person liable to a fine not exceeding \$10,000 (if an individual) or \$30,000 (in any other case). It also provides for infringement offences for failing to notify the Registrar of changes of details and for failing to keep a boarding house record.

Clause 6 amends section 77 to provide that the Tribunal has jurisdiction to hear appeals from decisions of the Registrar of Boarding House Landlords to refuse to register an applicant for registration or to cancel a registration.

Clause 7 amends section 87 to provide that applications for the Tribunal to exercise that jurisdiction are referred directly to the Tribunal (rather than being referred to the Tenancy Mediator).

Clause 8 amends section 140 by extending the purposes for which regulations may be made to prescribing information required to be included with applications for registration as a boarding house landlord and to prescribing grounds for disqualification from that registration.

Hon Rachel Brooking

Residential Tenancies (Registration of Boarding House Landlords) Amendment Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

1	Title	
	This Act is the Residential Tenancies (Registration of Boarding House Landlords) Amendment Act 2025 .	
2	Commencement	5
	This Act comes into force on the day after the date on which it receives the Royal assent.	
3	Principal Act	
	This Act amends the Residential Tenancies Act 1986.	
4	Section 66B amended (Interpretation for this Part)	10
	In section 66B, insert in its appropriate alphabetical order:	
	Registrar means the Registrar of Boarding House Landlords appointed under section 66ZM	
5	New sections 66Z to 66ZP inserted	
	After section 66Y, insert:	15
<i>Registration requirements</i>		
66Z	Registration of boarding house landlords	
	A person must not grant a boarding house tenancy unless the person is registered under this Part as a registered boarding house landlord.	
66ZA	Disqualification from registration	20
(1)	A person who is an individual is disqualified from registration if the person—	
	(a) is under 18 years of age; or	

- (b) is an undischarged bankrupt; or
- (c) is prohibited from being a director of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any enactment or order made under any enactment; or
- (d) is a person whose registration under this Part has been cancelled within the preceding 7 years; or 5
- (e) is a person whose registration under this Part is suspended; or
- (f) has, within the preceding 7 years, been ordered to pay exemplary damages, infringement fines, or infringement fees totalling \$5,000 in respect of unlawful acts or infringement offences under this Act; or 10
- (g) has, within the preceding 7 years, been sentenced to a term of imprisonment in respect of any—
 - (i) offence under any of sections 216H to 216J of the Crimes Act 1961 (which relate to making, possessing, or distributing an intimate visual recording); or 15
 - (ii) offence against section 6 of the Misuse of Drugs Act 1975 (which relates to dealing in controlled drugs) in relation to a Class A controlled drug, a Class B controlled drug, or a Class C controlled drug, in relation to which the amount, level, or quality at and over which the drug is presumed to be for supply is specified in Schedule 5 of that Act; or 20
 - (iii) **offence of dishonesty**; or
 - (iv) **offence of violence**.
- (h) does not meet the requirements prescribed in regulations. 25
- (2) A company is disqualified from registration if— 25
 - (a) a person concerned in the management of the company is disqualified from registration under subsection (1); or
 - (b) the company’s registration under this Act has been cancelled within the preceding 7 years; or
 - (c) the company’s registration under this Act is suspended; or 30
 - (d) an officer of the company was, or is, an officer of another company (whether or not that other company is still in existence) that, within the preceding 7 years, had registration cancelled under this Act; or
 - (e) the company is in liquidation, receivership, or voluntary administration; or 35
 - (f) the name of the company has been removed from the register of companies kept under section 360(1)(a) of the Companies Act 1993; or
 - (g) the company has, within the preceding 7 years, been convicted of any—
 - (i) **offence of dishonesty**; or

<ul style="list-style-type: none"> (ii) offence against section 6 of the Misuse of Drugs Act 1975 (which relates to dealing in controlled drugs) in relation to a Class A controlled drug, a Class B controlled drug, or a Class C controlled drug, in relation to which the amount, level, or quality at and over which the drug is presumed to be for supply is specified in Schedule 5 of that Act; or (iii) offence under this Act of granting a boarding house tenancy while not being registered as a boarding house landlord; or (h) the company does not meet the requirements prescribed in regulations. 	5
<p>(3) In this section,—</p> <p>offence of dishonesty means—</p> <ul style="list-style-type: none"> (a) a crime described in any of sections 104, 105B, 108 to 117, and 217 to 266 of the Crimes Act 1961; and (b) any offence described in section 290 of the Social Security Act 2018 <p>offence of violence means—</p> <ul style="list-style-type: none"> (a) any of sections 128B to 145, 158 to 181, 188 to 204, 208, and 209 of the Crimes Act 1961; or (b) any of sections 9, 10, or 21 of the Summary Offences Act 1981 	10
<i>Application for registration</i>	
<p>66ZB Application for registration as boarding house landlord</p> <ul style="list-style-type: none"> (1) A person may apply to the Registrar, in accordance with this Part, for registration as a boarding house landlord. (2) Every application must— <ul style="list-style-type: none"> (a) be in the form (if any) prescribed by the Registrar; and (b) include the information and material specified in section 66ZC; and (c) include the prescribed fee (if any). 	20
<p>66ZC Information and material to be included in application</p> <ul style="list-style-type: none"> (1) Every application for registration by an individual must set out or be accompanied by the following: <ul style="list-style-type: none"> (a) the person’s full name, residential address, and date of birth; and (b) the applicant’s address for service; and (c) a statement that the application is not disqualified from registration; and (d) the address and description of all boarding houses in respect of which the person currently grants a boarding house tenancy or intends to grant a boarding house tenancy in the next 12 months; and (e) any other prescribed information or material. 	30
	35

- (2) Every application for registration by a company must set out or be accompanied by the following:
- (a) the name of the company; and
 - (b) the full name, residential address, and date of birth of each person concerned in the management of the company; and 5
 - (c) the applicant's address for service; and
 - (d) a statement, made by a person concerned in the management of the company, that the company and each person (who must be individually named) concerned in the management of the company is not disqualified from registration; and 10
 - (e) the address and description of all boarding houses in respect of which the person currently grants a boarding house tenancy or intends to grant a boarding house tenancy in the next 12 months; and
 - (f) any other prescribed information or material.
- (3) The address for service of an applicant must— 15
- (a) identify the place by reference to its street address; and
 - (b) include, if available, the applicant's email address; and
 - (c) not be that of a PO Box number, a document exchange, or a rural delivery.
- (4) An applicant for registration must notify the Registrar if the applicant becomes aware, before receiving notice of the decision on the application, that any information included in the application is not, or is no longer, true and correct. 20

66ZD Acceptance of application

- (1) The Registrar must accept an application for registration as a boarding house landlord if the Registrar is satisfied that the application is properly completed and,— 25
- (a) in the case of an application by an individual, that the person is not disqualified from registration; and
 - (b) in the case of an application by a company, that the company and each person concerned in the management of the company are not disqualified from registration. 30
- (2) If the Registrar accepts an application, the Registrar must, as soon as practicable, enter the applicant's name on the register as a registered boarding house landlord, and provide the applicant with a registration certificate containing a unique registration number and showing the date of registration. 35

66ZE Refusal of application

- (1) If the Registrar does not accept an application for registration, the Registrar must give the applicant written notice of the refusal and the reasons for it within 10 working days after the decision is made.
- (2) The applicant has the right, under Part 3 to appeal to the Tribunal against the Registrar's refusal. 5

*Duration of registration***66ZF Registration expires after 12 months**

- Registration as a registered boarding house landlord expires 12 months from the date of registration, unless the registration is sooner— 10
- (a) renewed by supplying an annual confirmation under **section 66ZG**; or
- (b) cancelled under **section 66ZH**; or
- (c) surrendered by the registered boarding house landlord.

66ZG Annual confirmation

- (1) Every registered boarding house landlord must supply to the Registrar an annual confirmation of details relating to the registered boarding house landlord. 15
- (2) The annual confirmation must—
- (a) be in the form (if any) required by the Registrar and be accompanied by the prescribed fee (if any); and 20
- (b) confirm that the boarding house landlord is not disqualified from registration.
- (3) If the registered boarding house landlord does not comply with **subsection (1)** before the anniversary of the boarding house landlord's date of registration, the Registrar may assume the person is no longer a boarding house landlord and may amend the register accordingly. 25

66ZH Cancelling registrations

- (1) The Registrar may cancel the registration of a boarding house landlord if satisfied,—
- (a) in the case of a registered boarding house landlord who is an individual, that the individual is disqualified from registration; or 30
- (b) in the case of a registered boarding house landlord that is a company, that the company, or any person concerned in the management of the company, is disqualified from registration; or
- (c) that the registered boarding house landlord was registered by reason of any false or fraudulent representation or declaration, whether made orally or in writing; or 35

- (d) that any application fee for registration or annual confirmation fee has subsequently been dishonoured; or
 - (e) that the registered boarding house landlord has ceased to be a boarding house landlord.
- (2) Before cancelling a registration under this section, the Registrar must notify the registered boarding house landlord, and the notice must—
- (a) set out the reasons for the proposed cancellation; and
 - (b) give the registered boarding house landlord the opportunity to make, within 20 working days after the date of the notice, written submissions as to why the registration should not be cancelled; and
 - (c) state the date (which must be a date after the last date on which submissions may be received) on which the cancellation is proposed to take effect.
- (3) The Registrar must consider any written submissions received.
- (4) If the Registrar decides to cancel a registration, the Registrar must give written notice of the cancellation, the date on which it takes effect, and the reason for the cancellation to—
- (a) the registered boarding house landlord; and
 - (b) the relevant territorial authority.
- 66ZI When registered boarding house landlord ceases to be registered**
- A registered boarding house landlord ceases to be registered on the date, determined by the Registrar and shown on the register, that follows the expiry, cancellation, or surrender of the auctioneer’s registration.
- 66ZJ Obligation to notify Registrar of changes**
- (1) A registered boarding house landlord must notify the Registrar if—
- (a) any of the following become disqualified from registration:
 - (i) the registered boarding house landlord (whether an individual or a company);
 - (ii) in the case of a registered boarding house landlord that is company, a person concerned in the management of the company.
- (2) Notification under **subsection (1)** must be made within 10 working days after the relevant matter is known to the registered boarding house landlord.
- (3) If, in the case of a registered boarding house landlord that is a company, a new person becomes concerned in the management of the company, the registered boarding house landlord must, within 20 working days,—
- (a) notify the Registrar, in writing, of the person’s full name, residential address, and date of birth; and

- (b) send to the Registrar a statement confirming that the person to whom the notice relates is not disqualified from registration.
- (4) A registered boarding house landlord must notify the Registrar if that person becomes aware, before the expiry of the registration, that any information included in the application was not, or is no longer, true and correct. 5

Record-keeping obligations

66ZK Boarding house record

- (1) Every registered boarding house landlord must keep an accurate and up-to-date boarding house record.
- (2) A boarding house record must show the following information with respect to each boarding house for which the registered boarding house landlord grants a boarding house tenancy: 10
- Boarding houses*
- (a) the address of the boarding house:
- (b) the number of boarding rooms in the boarding house: 15
- (c) the number of bathrooms in the boarding house:
- (d) the number of kitchens in the boarding house:
- (e) the number and description of other rooms or facilities in the boarding house for the shared use by tenants:
- (f) the number of rooms or facilities in the boarding house that are not for the shared use by the tenants. 20
- Boarding house tenancy agreements*
- (g) the number of current boarding house tenancy agreements:
- (h) a description of the boarding room or boarding rooms that relate to each boarding house tenancy agreement: 25
- (i) the name and contact details of the tenant for each boarding house tenancy agreement:
- (j) the name and description of all other people (including children) occupying a boarding room under a boarding house tenancy agreement:
- (k) the rent under each boarding house tenancy agreement: 30
- (3) The information required to be shown in boarding house landlord record must be added to the record as soon as practicable after the information is available.
- (4) A registered boarding house landlord must retain the information in a boarding house record in respect of any boarding house—
- (a) while the landlord grants a boarding house tenancy in respect of that boarding house; and 35

- (b) for 3 years following the termination of the last boarding house tenancy in respect of that boarding house.

66ZL Production of boarding house record

- (1) The chief executive may, by notice in writing, require a registered boarding house landlord to produce to the chief executive the whole or any part of a boarding house record. 5
- (2) A notice under **subsection (1)**—
 - (a) may be given only if the chief executive reasonably requires the documents for the purposes of the chief executive’s functions or powers under this Act; and 10
 - (b) must specify the way in which the document must be produced to the chief executive.
- (3) A registered boarding house landlord who receives a notice under **subsection (1)**, must within 10 working days of receiving the notice, produce the documents to the chief executive in the way specified in the notice. 15

Registrar and register

66ZM Registrar of boarding house landlords

- (1) The chief executive must appoint, under the Public Service Act 2020, a Registrar of Boarding House Landlords.
- (2) The functions of the Registrar are as follows: 20
 - (a) to establish and maintain a register of registered boarding house landlords;
 - (b) to determine applications for registration;
 - (c) to issue registration certificates;
 - (d) to cancel registrations under **section 66ZH**: 25
 - (e) to perform any other function conferred on the Registrar by this Act.
- (3) The Registrar may delegate any of the Registrar’s functions or duties to any other person, except the power of delegation.
- (4) A delegation must be in writing, may be made subject to any restrictions or conditions the Registrar thinks fit, is revocable in writing at any time, and does not prevent the performance or exercise of any function or duty by the Registrar. 30
- (5) A person to whom any functions or duties are delegated may perform them in the same manner, and with the same effect, as if they had been conferred directly by this section. 35
- (6) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

66ZN Registrar's certificate

A certificate signed by the Registrar is sufficient evidence, in the absence of proof to the contrary, that—

- (a) a particular person was or was not registered as a boarding house landlord at any particular time or during any period specified in the certificate; or 5
- (b) any entry in the register is as stated in the certificate.

66ZO Register of boarding house landlords

- (1) The Register must ensure—
 - (a) that a register of registered boarding house landlords is established and maintained; and 10
 - (b) that, as far as possible, the information in it is accurate and up to date.
- (2) The register must be in electronic form and may also be kept in any other form that the Registrar thinks fit.
- (3) The Registrar must ensure that the following parts of the register in respect of each registered boarding house landlord are available to the public for inspection via the Internet at all reasonable times: 15
 - (a) the name:
 - (b) contact details:
 - (c) address for service: 20
 - (d) the address and description of all boarding houses in respect of which the boarding house landlord currently grants a boarding house tenancy or intends to grant a boarding house tenancy in the next 12 months:
 - (e) any other prescribed information or material.

Offences 25**66ZP Offences**

- (1) A person who does the following commits an offence and is liable on conviction to a fine not exceeding \$10,000 (if an individual) or \$30,000 (in any other case):
 - (a) grants a boarding house tenancy, contrary to **section 66Z**, while not being a registered boarding house landlord: 30
 - (b) holds out as being a registered boarding house landlord while not being a registered boarding house landlord:
 - (c) gives or makes a statement that is false in a material particular to the Registrar in connection with an application for registration. 35

- (2) A person who fails to comply with the following sections commits an infringement offence and is liable to a fine or an infringement fee specified in Schedule 1B:
- (a) fails to comply with any of the obligations in **sections 66ZC(4) and 66ZJ** (which relate to notifying the Registrar): 5
 - (b) fails to comply with the requirements of **sections 66ZK and 66ZL** (which relate to record-keeping).

6 Section 77 amended (Jurisdiction of Tribunal)

- (1) After section 77(1), insert:
- (1A) The Tribunal has, subject to the Limitation Act 2010, jurisdiction to determine in accordance with this Act the following decisions of the Registrar of Boarding House Landlords: 10
- (a) a refusal to register the person as a boarding house landlord:
 - (b) a decision to cancel the person’s registration.
- (2) After section 77(2)(pa), insert: 15
- (paa) to confirm or reverse the decision of the Registrar of Boarding House Landlords to:
- (i) refuse to register a person as a boarding house landlord; or
 - (ii) to cancel a person’s registration:

7 Section 87 amended (Duties of chief executive on receipt of application) 20

In section 87(1A), replace “an application under section 61(1)” with “applications under section 61(1) or **77(1A)**”

8 Section 140 amended (Regulations relating to other matters)

After section 140(1)(ea), insert:

- (eb) prescribing information or material to be included in applications for registration as a boarding house landlord: 25
- (ec) prescribing information or material that must be available to the public for inspection:
- (ed) prescribing grounds for disqualification from registration as a boarding house landlord. 30

9 Schedule 1B amended

In Schedule 1B, clause 4, after the item relating to section 66T(1A), insert:

66ZC(4)	Failing to notify the Registrar of changes	\$2,000	\$1,000
66ZJ	Failing to notify Registrar of changes	\$2,000	\$1,000
66ZK	Failing to keep an accurate and up-to-date boarding house record	\$2,000	\$1,000

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66ZL	Failing to produce a boarding house record to chief executive	\$2,000	\$1,000
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