

Version
as at 20 March 2025



**Residential Tenancies (Termination for Physical Assault
by Tenant and Withdrawal Following Family Violence)
Regulations 2022**
(SL 2022/309)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 28th day of November 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 138E and 138F of the Residential Tenancies Act 1986—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Housing made after consultation with the Minister of Justice in accordance with sections 138E(2) and 138F(2) of that Act.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Housing and Urban Development.

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Schedule 1

Transitional, savings, and related provisions

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Regulations

1 Title

These regulations are the Residential Tenancies (Termination for Physical Assault by Tenant and Withdrawal Following Family Violence) Regulations 2022.

2 Commencement

These regulations come into force on 29 December 2022.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Residential Tenancies Act 1986.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 1

Termination of tenancy for physical assault by tenant

5 Information to be included in notice of termination of tenancy for physical assault by tenant

The information to be included in a notice under section 55AA(3)(a) of the Act is—

- (a) a description of the physical assault and the names of the person or persons assaulted and of the tenant who carried out the assault; and
- (b) the date, approximate time, and location of the assault; and
- (c) whether each person assaulted is the landlord, the owner, a member of the landlord's or owner's family, or the landlord's agent; and
- (d) advice to the tenant that, if the tenant makes an application to the Tribunal challenging the notice before the tenancy is terminated, the tenancy does not terminate under section 55AA of the Act except in accordance with an order of the Tribunal.

6 Types of qualifying evidence

Types of qualifying evidence for the purposes of paragraph (b) of the definition of that term in section 55AA(6) of the Act are either or both of the following:

- (a) the charging document under section 14 of the Criminal Procedure Act 2011 that has been filed by or on behalf of the Crown in respect of the physical assault carried out by the tenant:
- (b) a written statement from a Police employee (within the meaning of section 4 of the Policing Act 2008) confirming that a charge of the type referred to in section 55AA of the Act has been filed by or on behalf of the Crown.

Part 2

Withdrawal from tenancy following family violence

7 Information to be included in withdrawal notice following family violence

The information to be included in a notice under section 56B(1)(b) of the Act is—

- (a) the name of the withdrawing tenant; and
- (b) the address of the premises to which the notice relates; and
- (c) the date when the withdrawal will take effect.

8 Persons whose declarations are qualifying evidence

The persons whose declarations may be qualifying evidence for the purposes of paragraph (a) of the definition of that term in section 56B(8) of the Act are as follows:

- (a) the withdrawing tenant:
- (b) a medical practitioner registered with the Medical Council of New Zealand:
- (c) a nurse registered with the Nursing Council of New Zealand:
- (d) a midwife registered with the Midwifery Council:
- (e) an osteopath registered with the Osteopathic Council:
- (f) a psychologist registered with the Psychologists Board:
- (g) a psychotherapist registered with the Psychotherapists Board:
- (h) a social worker registered with the Social Workers Registration Board:
- (i) a counsellor who is a member of the New Zealand Association of Counsellors Incorporated or the New Zealand Christian Counsellors Association:
- (j) a person employed or engaged to carry out work for a non-government organisation that provides services relating to family violence or sexual violence:
- (k) a care and support worker who is employed or engaged to carry out work that includes going to the home or residence of another person to provide care and support services that are funded by the Crown:
- (l) a person employed or engaged to carry out work for an organisation that receives funding from a Whānau Ora commissioning agency to provide services and support to whānau:
- (m) a person employed or engaged to carry out work for a Māori community provider that receives Crown funding:
- (n) a Māori Warden appointed under the Maori Community Development Act 1962:
- (o) a Police employee within the meaning of section 4 of the Policing Act 2008:
- (p) a person appointed to be, or designated as, a probation officer under section 24 of the Corrections Act 2004, including a person exercising only some of the functions or powers of a probation officer under that Act:
- (q) a barrister or solicitor within the meanings of those terms in section 6 of the Lawyers and Conveyancers Act 2006:
- (r) a principal or other professional leader within the meaning of section 10 of the Education and Training Act 2020:

- (s) a leader of a religious community who has a status within a church or other religious community that requires or calls for that person to provide guidance or service for that community:
- (t) the withdrawing tenant's employer:
- (u) the withdrawing tenant's landlord or the withdrawing tenant's landlord's agent.

9 Types of qualifying evidence

- (1) The types of qualifying evidence for the purposes of paragraph (b) of the definition of that term in section 56B(8) of the Act are, if notice is given relying on section 56B(1)(a)(i) of the Act, all or any of the following:
 - (a) a written statement from a person referred to in any of paragraphs (b) to (u) of regulation 8 stating that they have reasonable grounds to believe that the tenant is or was a victim of family violence while a tenant of the premises:
 - (b) the first page of a protection order within the meaning of section 8 of the Family Violence Act 2018 if the withdrawing tenant is the protected person and either—
 - (i) the protection order was issued while they were a tenant of the premises and is still in force; or
 - (ii) the protection order was issued before they were a tenant of the premises but is accompanied by a written statement from the withdrawing tenant that they have been a victim of family violence while they were a tenant of the premises:
 - (c) a Police safety order issued under Part 3 of the Family Violence Act 2018 if the withdrawing tenant is the person at risk (within the meaning of section 27 of that Act) and the Police safety order was issued while they were a tenant of the premises:
 - (d) a charging document under section 14 of the Criminal Procedure Act 2011 relating to family violence against the withdrawing tenant while they were a tenant of the premises.
- (2) The types of qualifying evidence for the purposes of paragraph (b) of the definition of that term in section 56B(8) of the Act are, if notice is given relying on section 56B(1)(a)(ii) of the Act, all or any of the following:
 - (a) a written statement from a person referred to in any of paragraphs (b) to (u) of regulation 8 stating that they have reasonable grounds to believe that the tenant's dependant has been a victim of family violence while residing at the premises with the tenant:
 - (b) the first page of a protection order within the meaning of section 8 of the Family Violence Act 2018 if the tenant's dependant is the protected person and—

- (i) the protection order was issued while they were residing at the premises with the tenant and is still in force; or
 - (ii) the protection order was issued before they were residing at the premises with the tenant but is accompanied by a written statement from the tenant that their dependant has been a victim of family violence while residing at the premises with the tenant:
- (c) a Police safety order issued under Part 3 of the Family Violence Act 2018 if the tenant's dependant is the person at risk (within the meaning of section 27 of that Act) and the Police safety order was issued while they were residing at the premises with the tenant:
- (d) a charging document under section 14 of the Criminal Procedure Act 2011 relating to family violence against the tenant's dependant that occurred while the dependant was residing at the premises with the tenant.

Regulation 9(1): amended, on 20 March 2025, by section 47 of the Residential Tenancies Amendment Act 2024 (2024 No 52).

Regulation 9(2): inserted, on 20 March 2025, by section 47 of the Residential Tenancies Amendment Act 2024 (2024 No 52).

10 PACHMA tenancies in relation to which rent is not to be reduced under section 56B(3)(d) and (5) of Act

All PACHMA tenancies (within the meaning of section 56B(8) of the Act) where the rent payable under the tenancy by the tenants is not income-related rent are prescribed for the purpose of section 56B(6)(b) of the Act (with the effect that the amount of rent is not to be reduced under section 56B(3)(d) and (5)).

11 Types of permitted disclosure, or circumstances in which disclosure is permitted, under section 56E of Act

The withdrawing tenant's landlord or the landlord's agent may disclose to the owner, the landlord, or the landlord's agent a withdrawal notice under section 56B(1) of the Act, or any of the accompanying qualifying evidence, where necessary or desirable for reasons related to the tenancy.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Rachel Hayward,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 December 2022.

Notes

1 *General*

This is a consolidation of the Residential Tenancies (Termination for Physical Assault by Tenant and Withdrawal Following Family Violence) Regulations 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Residential Tenancies Amendment Act 2024 (2024 No 52): section 47