Residential Tenancies (Healthy Homes Standards) Amendment Regulations 2025

Cindy Kiro, Governor-General

Order in Council

At Wellington this 25th day of August 2025

Present:
The Right Hon Christopher Luxon presiding in Council

These regulations are made under section 138B of the Residential Tenancies Act 1986 and section 117 of the Health Act 1956 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Residential Tenancies (Healthy Homes Standards) Amendment Regulations 2025.

2 Commencement

These regulations come into force on 25 September 2025.

3 Principal regulations

These regulations amend the Residential Tenancies (Healthy Homes Standards) Regulations 2019.

Amendments to Residential Tenancies (Healthy Homes Standards) Regulations 2019

4 New regulation 7A inserted (Relationship to Housing Improvement Regulations 1947)

After regulation 7, insert:

7A Relationship to Housing Improvement Regulations 1947

Heating standard

(1) Regulation 6 of the Housing Improvement Regulations 1947 does not apply to premises that are subject to regulation 8.

Ventilation standards

(2) Regulation 11(3) of the Housing Improvement Regulations 1947 does not apply to either of the following:

(a) a habitable space that is subject to regulation 21:

(b) a habitable space that would be subject to regulation 21 were it not for the exemption provided for in regulation 22.

(3) Regulation 9(1) of the Housing Improvement Regulations 1947 does not apply to either of the following:

(a) a bathroom that is subject to regulation 23:

(b) a bathroom that would be subject to regulation 23 were it not for the exemption provided for in regulation 24.

Drainage standard

(4) Regulation 14(1) of the Housing Improvement Regulations 1947 does not apply to a tenancy building that is subject to regulation 27.

(5) Regulation 14(2) of the Housing Improvement Regulations 1947 does not apply to a tenancy building that is subject to regulation 27.

5 New regulation 19A inserted (Partial exemption for certain ceiling insulation)

After regulation 19, insert:

19A Partial exemption for certain ceiling insulation

(1) This regulation applies if—

(a) there is ceiling insulation installed at the premises; and

(b) when the insulation was installed, requirements relating to thermal insulation imposed by or under an enactment or a bylaw were applicable to the premises or tenancy building; and

(c) the landlord is in possession of a compliance document (**document A**) that includes a certification or other statement to the effect that the premises or tenancy building, with the insulation installed, complied with those requirements; and

(d) the premises or tenancy building first received building consent on or after the following date for its zone:

(i) 30 September 2008 for zone 1:

(ii) 30 June 2008 for zone 2:

(iii) 31 October 2007 for zone 3.

(2) In determining whether the insulation is qualifying ceiling insulation, regulation 14(1)(a) and (b) does not apply.

(3) This exemption ceases to apply if, during the term of the tenancy, either of the following occurs:

(a) the landlord receives a request for evidence and fails to provide reasonable evidence of document A to the person making the request within 10 working days after the day on which the landlord receives the request:

(b) the landlord receives a Tribunal request or requirement for evidence and fails to comply with it within the time allowed by the Tribunal.

(4) In this regulation,—

compliance document means a certificate or other document issued under an enactment or a bylaw by a governmental authority or any other person (for

example, a code compliance certificate issued under section 95 of the Building Act 2004 or section 43 of the Building Act 1991)

request for evidence means a reasonable request for evidence of document A given to the landlord by the tenant or the chief executive acting for the purposes of the chief executive's functions or powers under the Act

Tribunal request or requirement for evidence means a request or requirement from the Tribunal in the course of any proceedings relating to the tenancy for the landlord to provide reasonable evidence of document A.

6 Regulation 35 amended (Information about insulation standards)

After regulation 35(2), insert:

(2A) If a ceiling does not comply with regulation 13 and the landlord relies on the exemption in regulation 19A, the section 13A statement must include—

(a) a statement to the effect that the ceiling's insulation is exempt from the minimum R-value requirement and compliance with NZS 4246:2016; and

(b) a brief description of the circumstances giving rise to the exemption.

7 Schedule 1 amended

In Schedule 1,—

(a) insert the Part set out in the Schedule of these regulations as the last Part; and

(b) make all necessary consequential amendments.

Related amendments to Housing Improvement Regulations 1947

8 Principal regulations

Regulations 9 and 10 amend the Housing Improvement Regulations 1947.

9 Regulation 3 amended (Application of regulations)

After regulation 3(2), insert:

(3) In relation to premises that are the subject of a residential tenancy agreement, *see* regulation 7A of the Residential Tenancies (Healthy Homes Standards) Regulations 2019, which disapplies some of these regulations in respect of those premises.

10 Regulation 14 amended

Replace regulation 14(1) with:

(1) The site of every house shall, to such extent as the local authority deems necessary, be provided with efficient drainage for the removal of storm water, surface water, and ground water.

(1A) No house shall be occupied which is built on land which is not adequately drained or which is subject to periodic flooding in times of normal rain.

Schedule
New Part 3 inserted into Schedule 1

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Part 3
Provision relating to Residential Tenancies (Healthy Homes Standards) Amendment Regulations 2025

16 Effect of regulation 19A on transitional provisions

Regulation 19A does not limit clause 6 or 7 of this schedule (and clauses 6 and 7 of this schedule do not limit regulation 19A).

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations amend the Residential Tenancies (Healthy Homes Standards) Regulations 2019 (the **principal regulations**). They come into force on 25 September 2025.

The amendments primarily insert the following:

- *new regulation 7A,* which clarifies the relationship between the principal regulations and the Housing Improvement Regulations 1947 (the **1947 regulations**). There are instances where the principal regulations and the 1947 regulations cover the same, or similar, subject areas. *New regulation 7A* disapplies the 1947 regulations in those circumstances:
- *new regulation 19A,* which provides a partial exemption from the ceiling insulation standard in regulation 13 of the principal regulations. The exemption applies only if certain prerequisites are met—for example, some older properties (that received building consent before the dates specified in *new regulation 19A(1)(d)*) will not come within the scope of the exemption.

The principal regulations already provide for a similar exemption to that established by *new regulation 19A* (*see* clauses 6 and 7 of Schedule 1 of the principal regulations). However, the prerequisites for the existing exemption are slightly different, and that exemption applies only to ceiling insulation installed before certain dates in 2016. *New regulation 19A* will apply more broadly. Properties already covered by the existing exemption are not affected.

Two related amendments are also made to the Housing Improvement Regulations 1947.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 28 August 2025.
These regulations are administered by the Ministry of Housing and Urban Development.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2025