

## Exemptions to the healthy homes standards



In some situations a property may be exempt from complying with the healthy homes standards or parts of the standards.

All private rentals must comply within 90 days of any new or renewed tenancy after 1 July 2021, with all private rentals complying by 1 July 2024.

All boarding houses must comply by 1 July 2021. All houses rented by Kāinga Ora (formerly Housing New Zealand) and registered Community Housing Providers must comply by 1 July

2023.

The general exemptions that exempt a landlord from complying with the healthy homes standards in relation to a rental property are:

1. If the landlord intends to demolish or substantially rebuild the rental property and has applied for the relevant resource or building consent before the healthy homes compliance date. This exemption will last for up to 12 months from the healthy homes compliance date. It may end earlier in certain circumstances, for example if the consent lapses or is terminated, or the application for consent is refused. If requested, the landlord will need to provide evidence that they have applied for the relevant resource or building consent.

[More information about this exemption is available in regulation 31 of the Residential Tenancies \(Healthy Homes Standards\) Regulations 2019 \(http://www.legislation.govt.nz/regulation/public/2019/0088/latest/LMS148303.html\)](http://www.legislation.govt.nz/regulation/public/2019/0088/latest/LMS148303.html)



2. If the tenant is the immediate former owner of the rental property and the tenancy started immediately after the landlord acquired the property from the tenant. In this situation, an exemption will apply for 12 months from the date the tenancy commences.

3. If a rental property is part of a building and the landlord does not own the entire building (for example, if a landlord owns an apartment). The landlord will be **partially** exempt from complying with parts of the standards if their ability to comply with the healthy homes standards is not possible because:

- they need to install or provide something in a part of the building where the landlord is not the sole owner, or
- they need access to a part of the building that they are not the sole owner.

Landlords must still take all reasonable steps to ensure the rental property or building complies with the healthy homes standards to the greatest extent reasonably practicable.



If one of these exemptions ceases to apply during the term of the tenancy (eg, the building consent expires), the landlord must comply with the healthy homes standards as soon as is reasonably practicable.

Where the exemption is because of a pending application for a resource or building consent and this is refused then the landlord will have 90 days to comply with the healthy homes standards, unless the landlord challenges the refusal. The exemption will be reinstated while the challenge is

determined.

## Specific exemptions

Some standards also have specific exemptions that apply only to that standard. The specific exemptions may apply to the whole standard or parts of the standard. These are described on each standard's page:

- [Exemptions to the heating standard \(http://www.tenancy.govt.nz/healthy-homes/heating-standard/#exemption-heating\)](http://www.tenancy.govt.nz/healthy-homes/heating-standard/#exemption-heating)

- [Exemptions to the insulation standard \(http://www.tenancy.govt.nz/healthy-homes/insulation-standard/#exemption-insulation\)](http://www.tenancy.govt.nz/healthy-homes/insulation-standard/#exemption-insulation)
- [Exemptions to the ventilation standard \(http://www.tenancy.govt.nz/healthy-homes/ventilation-standard/#exemption-ventilation\)](http://www.tenancy.govt.nz/healthy-homes/ventilation-standard/#exemption-ventilation)
- [Exemptions to the moisture ingress and drainage standard \(http://www.tenancy.govt.nz/healthy-homes/moisture-and-drainage-standard/#exemption-moisture\)](http://www.tenancy.govt.nz/healthy-homes/moisture-and-drainage-standard/#exemption-moisture)

There are no specific exemptions to the draught stopping standard.