

In Confidence

Office of the Associate Minister of Housing
Chair, Cabinet Legislation Committee

Residential Tenancies Amendment Act 2024 Commencement Order 2025

Proposal

- 1 This paper seeks authorisation for submission of the Residential Tenancies Amendment Act 2024 Commencement Order 2025 (the Commencement Order) to the Executive Council.

Policy

- 2 The Residential Tenancies Amendment Act 2024 (the Amendment Act) received Royal assent on 17 December 2024.
- 3 The Amendment Act includes a range of changes designed to incentivise landlords to accept pets in rental properties. The changes include a requirement to seek the landlord's consent to keep a pet and to allow a landlord to require the payment of a pet bond if the landlord has agreed to the tenant keeping a pet or pets.
- 4 The provisions relating to pets in the Amendment Act are yet to commence due to time needed to enable the design, build and integration of the pet bond system with Tenancy Services.¹
- 5 The provisions of the Amendment Act can come into force via Order in Council. Any provisions not brought into force via an Order in Council will come into force no later than two years after the date of Royal assent.²
- 6 As the pet bond systems can go live for public access from 1 December 2025, I recommend commencing the pet-related provisions from this date.
- 7 The Commencement Order provides that the following pet-related provisions of the Amendment Act will commence on 1 December 2025:³
 - 7.1 pet-related definitions added to the Residential Tenancies Act 1986,
 - 7.2 the establishment of pet bonds,
 - 7.3 the consent process for tenants and landlords with respect to pets,

¹ Tenancy Services is a business unit of the Ministry of Business, Innovation and Employment.

² See s2(5) Residential Tenancies Amendment Act.

³ Listed at s 2(4) Residential Tenancies Amendment Act 2024 Sections 4(1) and (5), 6, 8 to 10, 11(2), 12, 13(2), 14, 15, 18 to 20, 24, 34, 35, 36(1), 45(1) to (3), and 46.

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- 7.4 reasonable grounds for prohibiting tenants from keeping a pet,
 - 7.5 provisions relating to tenant liability for pet damage
 - 7.6 reasonable conditions relating to a tenant keeping a pet, and
 - 7.7 associated infringements and penalties.
- 8 The policy for each of these provisions was confirmed by Cabinet in 2024 [CAB-24-MIN-0069.1 refers]. No new policy decisions are required to commence these provisions.

Timing and 28-day rule

- 9 We expect the Order will be gazetted on 30 October 2025.
- 10 Commencement is 31 days after the Order in Council is gazetted, complying with the 28-day rule. This provides time for publicity of the provisions coming into force, and for landlords and tenants to prepare to use the provisions from 1 December 2025.

Compliance

- 11 The Commencement Order complies with each of the following:
- 11.1 the principles of the Treaty of Waitangi,
 - 11.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993,
 - 11.3 the principles and guidelines set out in the Privacy Act 2020,
 - 11.4 relevant international standards and obligations, and
 - 11.5 the Legislation Guidelines (2021 edition).
- 12 Regarding Human Rights Act considerations from the policy approvals in 2024 (CAB-24-MIN-0069.1 refers), the provisions do not apply to disability assist dogs, as such animals are excluded from the definition of “pet” so their owners cannot be charged bonds or prohibited from a tenancy.
- 13 The pet consent provisions do not apply to boarding houses, so landlords will be able to prohibit pets in boarding houses with no reasons given, but they may charge a pet bond as a condition of permitting a pet.

Certification by Parliamentary Counsel

- 14 The Commencement Order is certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

- 15 A Regulatory Impact Assessment was prepared in accordance with the necessary requirements and was submitted at the time that Cabinet approval was sought of the policy relating to the Amendment Act [CAB-24-MIN-0069.1 refers].

Publicity

- 16 In coordination with other Ministers, I plan to announce the commencement of these provisions once the Commencement Order is gazetted on 30 October 2025.
- 17 MBIE have started providing information to tenants, landlords and property managers using its website and presenting at sector conferences on the consent process and considerations for allowing tenants to keep pets.
- 18 From October 2025, MBIE will start communicating about the pet bond lodgement and refund process, so that tenants, landlords and property managers can understand how processing of these bonds will work and the interaction between the pet and general bonds, from the date of commencement.

Proactive release

- 19 I propose proactively releasing this Cabinet paper within 30 business days of decisions being confirmed by Cabinet, with any appropriate redactions.

Consultation

- 20 The pet-related provisions were consulted on when the Amendment Act was referred to the Social Services and Community Committee in 2024. The pet bond provisions received 148 submissions, with just under 50 percent supportive.
- 21 This paper has been consulted with the Ministry for Business, Innovation and Employment, the Ministry of Social Development, the Ministry of Primary Industries, Te Puni Kōkiri, the Department of Internal Affairs, the Ministry of Justice, the Ministry of Health, the Office of Seniors, the Parliamentary Counsel Office, Kāinga Ora – Homes and Communities, the Ministry for Regulation and The Treasury.
- 22 The Department of Prime Minister and Cabinet has been informed.

Recommendations

I recommend that the Legislation Committee:

- 1 note that on 11 March 2024 Cabinet agreed to commence the pet-related provisions of the Residential Tenancies Amendment Act 2024 by Order in Council [CAB-24-MIN-0069.1 refers];

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- 2 note that the Residential Tenancies Amendment Act 2024 Commencement Order 2025 will give effect to the decision referred to in paragraph 1 above;
- 3 authorise the submission to the Executive Council of the Residential Tenancies Amendment Act 2024 Commencement Order 2025;
- 4 note that the Residential Tenancies Amendment Act 2024 Commencement Order 2025 will bring the remaining provisions of the Residential Tenancies Amendment Act 2024 into force on 1 December 2025.

Authorised for lodgement

Hon Tama Potaka

Associate Minister of Housing