



15 February 2024

HUD2024-003629

s 9(2)(a)

Tēnā koe s 9(2)(a)

Thank you for your email of Wednesday 24th of January 2024 requesting information under the Official Information Act 1982 (the Act):

"I would like to make the following OIA request regarding the Residential Tenancies (Healthy Homes Standards) Regulations 2019: Residential Tenancies (Healthy Homes Standards) Regulations 2019 Section 40(2)(a): Does this subsection require a landlord to obtain records at the commencement of every new or renewed tenancy to show compliance with the Regulation at/around the time the new compliance statement is signed and issued to the tenants".

As the administrator of this Act, Ministry of Housing and Urban Development is responding to the following parts of your request:

Residential Tenancies (Healthy Homes Standards) Regulations 2019 Section 40(2)(a): Does this subsection require a landlord to obtain records at the commencement of every new or renewed tenancy to show compliance with the Regulation at/around the time the new compliance statement is signed and issued to the tenants.

A response was sent on 20th of July 2023 to you regarding correspondence you sent to the Ministry on the 16th of June 2023, *"landlord and property managers failing to check aspects of a property to ensure it continues to meet requirements of the standards and signs a misleading or untrue statement"*.

In this correspondence we advised you *"landlords must fill out and attach a Statement of Compliance to any new, renewed, or varied tenancy agreement. Landlords that don't include this statement when required could face a financial penalty of up to \$500 for each tenancy, and it could result in an infringement offence. Tenants are entitled to request any information regarding the Healthy Homes Standards as these relate to the property they are living in. If the landlord does not supply the information within 21 days of receiving the request, they are liable to a fine of \$750. Landlords providing a false or misleading statement or information are liable to a fine of \$900 (increased from \$500)."*

Landlords should check their rental home remains compliant with the healthy homes standards before a new or renewed tenancy and throughout the tenancy. Landlords who are not sure whether their rental home complies with the healthy homes standard should consider seeking professional advice, speak with professional bodies or landlord groups for recommendations on trusted service providers. You can seek guidance via an online tool to work out if you need to include the healthy homes compliance statement for a new or renewed tenancy agreement with a new signature and date, please see the link provided: <https://www.tenancy.govt.nz/healthy-homes/compliance-statement/compliance-statement-tool/>.

You have the right to seek an investigation and review of my response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website at: www.ombudsman.parliament.nz.

As part of our ongoing commitment to openness and transparency, HUD proactively releases information and documents that may be of interest to the public.

As such, this response, with your personal details removed, may be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.D. Leadbetter'.

Claire Leadbetter

Manager, Tenancy and Tenures

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development