



Residential Tenancies Factsheet

Residential Tenancies Amendment Act 2019 No. 2

This legislation was passed 30 July 2019 and takes effect from 28 August 2019.

(This is not retrospective so only applicable from the above date)

Key points of the legislation:

1. Damage Caused by Tenants

- Up until now if a tenant accidentally caused damage to the property the landlord could not charge the tenant for repairs or ask them to cover the cost of insurance excess.
- This legislation allows that should the tenant cause damage to the property as the result of careless behaviour then they are liable to pay up to 4 weeks' rent or the landlord's insurance excess towards the repair costs, whichever is the lowest.
- Until there have been tribunal cases to set a precedent, it will be difficult to judge careless/negligent/accidental damage differences; however this is a significant improvement.
- From 28 August, landlords will need to specify on tenancy agreements if; the property is insured, what the excess is, and notify tenants of any changes in the policy cover that could impact them. If a tenant requests a copy of the insurance policy, this must be provided. Existing tenants can also request this information, and it needs to be provided to them within a reasonable time frame. We can ensure that any sensitive personal information on these documents is concealed.

2. Unlawful Residential Premises

- This act clarifies that the residential tenancies act covers any premises rented as a dwelling. This act is to deal with unlawful dwellings and unconsented rooms, garages, sleepouts and the like. The Tenancy Tribunal is likely to take a hard line on these cases, so it is vital to ensure that any premises rented are compliant. The tribunal has the power to order all rent paid for on an unlawful dwelling is refunded to the tenants.

3. Contamination of Premises

- New regulations are to be developed to prescribe the acceptable level for methamphetamine contamination, testing processes and decontamination. Currently, the Gluckman level is applied; however, if there is any known contamination prior to a tenancy commencing, the tenant must be informed.

For detailed information, visit the following websites:

New Zealand Legislation

<http://www.legislation.govt.nz>

Tenancy Services

<http://www.tenancy.govt.nz>