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residential
property
management

HEALTHY HOMES COMPLIANCE

Presented to HB Property Investors
Association - 21 June 2021

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Residential Tenancies (Healthy Homes Standards) Regulations 2019

This presentation will cover:

- **Why we need to comply?**
- **When we need to comply?**
- **What we need to do comply?**
- **How we are going to comply.**
- **Where some can go wrong!**

Why?

- 
- A grayscale illustration of a hand holding a house. The hand is positioned at the bottom, with fingers slightly curled, supporting a two-story house with a gabled roof, a balcony, and several windows. The background is a light, textured gray.
- **Warmer, drier, healthier homes for our tenants.**
 - **Preservation of our assets. Investing in maintenance now for the future longevity of the property.**
 - **Compliance with the Residential Tenancies (Healthy Homes Standards) Regulations 2019.**
 - **Avoidance of a fine or exemplary damages.**

Cost of Non-Compliance



Fines

Landlord does not comply with HHS:

- **\$500-\$1,000 or**
- **\$1,000-\$2,000 if you have more than 6 properties.**

Landlord does not provide HH information within 21 days when tenant requested:

- **\$500-\$1,000 or**
- **\$1,000-\$2,000 if you have more than 6 properties.**

Exemplary Damages

Landlord failing to meet obligations in respect of HHS:

- **Up to \$7,200.**

Landlord failing to provide HH information:

- **Up to \$750.**

Landlord providing false or misleading statement or information (incl HH information):

- **Up to \$900.**

When?



**From
1 December 2020**

Landlords must include statement of the current level of compliance any **new or **renewed** tenancy agreement.**



**From
1 July 2021**

Landlords must ensure their rental properties comply with Healthy Homes Standards within 90 days of any **new or **renewed** tenancy.**



**From
1 July 2024**

All rental homes **must comply with the healthy homes standards.**

Compliance Statement

Tenancy Services

Healthy Homes Standards – current level of compliance

This healthy homes compliance statement is for landlords who can attach it to their own tenancy agreement.

From 1 December 2020, this statement must be included in most new or renewed tenancy agreements. It isn't required if the tenancy is for a fixed term, when the fixed term tenancy ends before the relevant healthy homes compliance date. The information that landlords must include is outlined in regulations 3a–3j of the Residential Tenancies (Healthy Homes Standards) Regulations 2019.

Landlords must either complete this form or attach a signed statement that contains the same information.

Completing this form does not negate the requirement since 1 July 2019 to include a statement in new, renewed or varied tenancy agreements that confirms landlords will or already do comply with the healthy homes standards as required by either section 45(1)(bb) – residential tenancies, or section 66(1)(bb) – boarding house tenancies, of the Residential Tenancies Act 1986 (the Act). It is necessary to provide both, separately signed, statements.¹

■ Address of tenancy:

If properly completed this form meets the requirements for the landlord to provide a written signed statement containing certain information as required under sections 13A(1A), 13A(1C) and 13A(1CA) or 13A(1CB) of the Act. If you have the information, you must include it in this statement. If the information does not exist yet or otherwise cannot be provided by the landlord, and this statement is completed before the healthy homes compliance date for the tenancy, the landlord can state in the sections provided on this statement that compliance isn't required until the healthy homes compliance date.

Information on when you need to comply with healthy homes requirements can be found at:
tenancy.govt.nz/healthy-homes/healthy-homes-compliance-timeframes

▶ The healthy homes compliance date for this tenancy is:

Strike out one option

I/we, _____ (name of the landlord(s))
~~will~~ comply with the healthy homes standards as required by section 45(1)(bb) of the Residential Tenancies Act.

I/we, _____ (name of the landlord(s))
already comply with the healthy homes standards as required by section 45(1)(bb) of the Residential Tenancies Act.

1. <http://www.regulation.govt.nz/information/2019/10/16/healthy-homes-compliance-timeframes>
2. See www.regulation.govt.nz/information/2019/10/16/healthy-homes-compliance-timeframes for information on required statements for tenancy agreements.

- **Tenancy Services version is 13 pages**
- **NZPIF in development**
- **Megan's HHS Checklist**
- **Photos**
- **Evidence – checklist, if exemptions apply**

Healthy Homes Standards Comprise:

- **Heating Standards**
- **Insulation Standards**
- **Ventilation Standards**
- **Draughtstopping Standards**
- **Moisture Ingress & Drainage Standards**



General Exemptions to Compliance to HHS

- **Lodged application to consent to demolish or substantially rebuild.**
- **Immediate former owner of property is now the tenant.**

If any of these apply, tick box and explain – job done!

- **Landlord is not sole owner of building (partial exemption).**



Not Reasonably Practicable to Install HH Product

Applies to heating, insulation and vapour barrier.

Not Reasonably Practicable means:

A professional installer cannot access the area to install the product without:

- **Carrying out substantial building work, OR**
- **Causing substantial damage to the premises, OR**
- **Creating greater risks to H&S of any person than would be normally acceptable, OR**
- **It is just not practicable!!**

HEATING STANDARDS



General Heating Requirements (GHR) for all heating appliances:

Heating Appliance is:

1. In **largest living space** or supplies heat via duct/vent directly to this space.
2. **Fixture.**
3. **At least 1.5kW.**
4. If electric, has a **thermostat.**
5. **Not an unacceptable heater.**
6. **Greater heating capacity than minimum required as calculated.**



Acceptable or Not?

ACCEPTABLE APPLIANCE:

- Heat pump
- Wood burner
- Pellet burner
- Flued gas heater
- Central heating
- Electric, only if the minimum heating capacity required is less than 2.4kW.

UNACCEPTABLE APPLIANCE:

- Open fire
- Unflued gas
- Unflued other combustion heater
- Electric, only if the minimum heating capacity required is more than 2.4kW.

Tenancy Services – Heating Assessment Tool

www.tenancy.govt.nz/heating-tool/

Which is the largest living space in the property (incl open areas ie can't be closed off with a door?)

The heating assessment tool will help calculate the heating requirements for the living room in a rental home. [Read the guide before you start](#) as you'll need the measurements of your living room walls, floor, windows, ceiling and any other features to accurately calculate your heating requirements.

START »



$$d = \sum_j (A_j \div R_j) + \sum_k (A_k \div R_k) + \sum_m (A_m \div R_m) + \sum_n (A_n \div R_n) + \sum_p (A_p \div R_p)$$

Information you will need to complete Tool:

- Age of Property?
- Who pay rates to?
- Measurement of living room including open areas if no door, is it open to a staircase?
- R value of existing insulation and coverage?
- Wall measurements.
- Windows and door measurements.
- What is under the room ie second storey, piles concrete etc?
- Type of Ceiling eg flat, cathedral etc?
- What is above room eg apartment, another room, attic etc?
- Any skylights?



- Result is **MINIMUM heating capacity required in order to comply.**
- Now need to look at **existing heating**, if any, and establish whether:
 - It **meets** requirements, or
 - Can **top up** or
 - Need to **replace.**

Does Heating Appliance Meet General Heating Requirements (GHR)?

Heating appliance is:

1. In largest living space or supplies heat via duct/vent directly to this space.
2. Fixture.
3. At least 1.5kW.
4. If electric, has a thermostat.
5. Not an unacceptable heater.
6. Greater heating capacity than minimum requirement calculated.



Can Top Up if:



- Existing heating installed before 1 July 2019
- If existing heating meets GHR 1-5 AND
- Not an electric heater (other than HP), AND
- The minimum required heating capacity is more than 2.4kW, AND
- Top up required to meet the minimum is less than 1.5kW,

Note: top up can be electric heater.

Tolerance Allowance

If you have one or more existing large heaters that meet all these conditions:

- **Heater was installed before 1 July 2019,**
- **Each existing heater has a heating capacity greater than 2.4 kW,**
- **Meets the GHR 1-5 and**
- **Total heating capacity of existing heating is at least 90% of what minimum heating capacity requirement.**

Example:

Existing heat pump (installed prior to 1 July 2019) in main lounge is 5.5kW required capacity for the lounge is 5.7kW, no top up required, because existing meets above criteria and is 96% of minimum heating capacity requirement.

In summary

- **Calculate minimum heating capacity required on Tenancy Services Heating Assessment Tool.**
- **Meet GHRs**
- **If minimum heating capacity requirement over 2.4kW and top up needed under 1.5kW* - can top up existing heating.**
- **If existing over 2.4kW and that is 90% of minimum heating capacity requirement* - compliant.**
- **Acceptable Appliances – heat pump, woodburner, pellet fires, flued gas appliance, central heating.**
- **If minimum heating requirement is less than 2.4kW can be electrical heating appliance.**

***As well as other conditions outlined previously.**

Heating Exemptions

- **Home is certified a Passive Home.**
- **Not reasonably practicable to install required heating appliance.**



Residential Tenancies Act 1986

66I Landlord's ongoing obligations

- (1) The landlord of a boarding house must, at all times,—
 - (a) ensure that the facilities of the premises are in a reasonable state of repair;
 - (b) ensure that the premises are in a reasonable state of repair and the period during which the premises are likely to be in that state of repair; and
 - (ba) comply with all requirements in respect of smoke alarms under [section 138A](#); and
 - (bb) comply with the healthy homes standards; and

Ongoing Maintenance



Landlord:

- **Heating appliance must be maintained in good repair. Servicing done as required.**
- **Flues swept - annually.**
- **Checked at inspections still meeting the standards.**

Tenant

- **Heating appliance and filters are cleaned and garden/lawns and pests away from outside HP units.**

Any Questions on Heating Standards?



INSULATION STANDARD



Tenancy Services – Insulation Tool

<https://www.tenancy.govt.nz/maintenance-and-inspections/insulation/insulation-tool/>

- **Only an indication.**
- **Consult professional installer.**



Where Insulation Needs to be Installed



All habitable spaces

Including:

- **House/flat/unit/apartment**
- **Studio**
- **Sleepout**

Not including:

- **Sheds**
- **Garages**
- **Outbuildings**

General Ceiling Insulation Requirements:



1. **At least R2.9** (total installed insulation).
2. Installed in accordance with **Building Standard 4246:2016** (HB R2.9 Blanket and R3.6 Segments)
3. Insulation is in **reasonable condition** or better (see later).

General Underfloor Insulation Requirements:



1. **At least R1.3 (total of installed insulation).**
2. **Installed in accordance with Building Standard 4246:2016.**
3. **Insulation is in reasonable condition or better.**

What is Reasonable Condition of Insulation?



Tolerance

- **There is nothing that affects the performance of the product.**
- **No dampness, mould, water damage.**
- **No damage, rips, tears, vermin, birds nests, gaps which are not clearances.**
- **No degradation.**
- **No displacement.**
- **No issues with fixings eg staples.**
- **For ceiling it is at least 120mm thick.***

***If landlord can prove ceiling insulation meet the R2.9 minimum requirement when installed and it is still at least 70% of installed thickness (even if under 120mm thick).**

Insulation Installed AFTER 1 July 2016

- **Should be compliant.**
- **Especially if installed by a professional installer.**
- **Need to check that it is still in a reasonable condition.**



Types of Insulation

1980s Insulfluff



**From 1980-current
Fibreglass Batts**



**From 1980-current
Polystyrene**



1990-2000s Rockwool



**From 1980-current
Polyester Batts**



1980s Foil



How to Assess Ceiling Insulation

- **Use joist (90-100mm) as your guide.**
- **If batts pull insulation out to get true loft.**

Thickness of Existing Insulation	Need
Under 75mm	R2.9 blanket or R3.6 segments
75mm-120mm	R1.8 segments or blanket
120mm	Nothing

How to Assess Underfloor Insulation

- **Most subfloors will either comply or not.**
- **Degraded foil most likely won't be compliant.**
- **Partial exemption** for thermal underfloor insulation if landlord has a compliance document proving the insulation **complied to law at time of installation**, eg **Certificate of Compliance**. Then **R1.3 not applicable but 2 and 3 are!** Have to provide **evidence**.



Clearances as per Building Standard 4246:2016

Electrical - 100mm clearance around

- **Light fittings**
- **Fans**
- **Alarms**
- **Ventilation systems**
- **Anything electrical**

50mm clearance around

- **Flues**
- **Chimneys**

Transformers need to be placed on top of insulation.

No clearance required

- **CA – Cover and Abutt eg LED lights**
- **Closed recessed lights**
- **Ducting**
- **Rangehood**

Summary

Comply if Insulation:

- **Installed after 1 July 2016, but should check.**
- **Meets Insulation Requirements.**
- **In ceiling, 120mm thick and in reasonable condition.**
- **In ceiling, was at least R2.9 at time of installation and is still 70% of installed thickness. (Landlord have prove eg label stapled to manhole.)**
- **In underfloor, if the landlord can prove that it meet the requirements at the time of install and is still in reasonable condition. (Landlord have to prove – Certificate of Compliance/Acceptance).**

Wall Insulation



- **There is no actual compliance requirement for Wall Insulation in the Regulations, but it is on the Tenancy Services Compliance Document.**
- **As a rule of thumb:**
 - **Pre 1978 walls not usually insulated, unless this has been retrofitted.**
 - **Post 1978 should have wall insulation (probably R1.8)**
- **Can check on plans or pull out faceplate on powerpoint.**

Insulation Exemptions

- **Inaccessible – concrete, room above/below, too low to ground or low roof clearances.**
- **Uninhabitable outbuildings/garages.**
- **Not practicable to install*.**
- ***NOTE: If no designated access point one must be created.**



Ongoing Maintenance



- **Check still in reasonable condition (as outlined earlier).**
- **Check insulation coverage maintained**
 - **Tradies**
 - **Rodents**
 - **Pets**

Any Questions on Insulation Standards?



VENTILATION STANDARDS



To comply with Ventilation Standard:

Windows/Doors/Skylights

- **One or more** in each habitable space eg kitchen, dining, living and bedrooms, **AND**
- **Openable to outdoors, AND**
- **At least 5% of the floor area in room, AND**
- **Must be able to be fixed open, AND**
- **Free of unreasonable draughts when closed (see later).**



Window/Doors Exemptions

If when habitable space was built or converted it was lawful to not have qualifying windows/doors as there was alternative ventilation requirements which were met and still are meet at commencement of tenancy.



To comply with Ventilation Standards:

Kitchen Extractor Fans (and Ducting)

Installed before 1 July 2019:

- **Must be vented outdoors.**
- **Must be in good working order:**
 - **No holes, tears or unnecessary kinks in ducting.**
 - **Unclogged grills/filters.**



New:

- **Must be at least 150mm OR**
- **Must have an exhaust capacity of at least 50 litres per second***
- **Must be in good working order and vented outside, as above.**
- ***Note: Fans with extensive ducting will need higher fan rating!**

To comply with Ventilation Standard:

Bathroom Extractor Fans (and Ducting)

INSTALLED BEFORE 1 JULY 2019:

- **Must be vented outdoors.**
- **Must be in good working order:**
 - **No holes, tears or unnecessary kinks in ducting.**
 - **Unclogged grills/filters.**

NEW:

- **Must be at least 120mm OR**
- **Must have an exhaust capacity of at least 25 litres per second*.**
- **Must be in good working order and vented outdoors, as above.**

***Note: Fans with extensive ducting will need higher fan rating!**



Extractor Fans Exemptions

- Room has no extractor fan, AND
- It is not reasonably practicable to install bathroom or kitchen extractor fan, AND
- When the room was built or converted into Kitchen/Bathroom not having an extractor fan was lawful, AND
- It was lawful because the room meet alternative ventilation requirements and still meets those requirements.
- **NOTE:** If it becomes reasonably practicable to install fans this must be done.



Ongoing Maintenance

- **Check still working properly.**
- **Repair if not.**
- **Toilet tissue test.**
- **Vacuum grills regularly.**
- **Check ducting still connected and no kinks.**

Any Questions?

DRAUGHTSTOPPING STANDARDS



To comply with Draught Stopping Standards

Open Fireplaces

- **Must be blocked, unless Tenant requests to use and Landlord agrees.**
- **Must be maintained in good working order.**



Gaps & Holes

- **Construction holes - drains and vent openings - okay.**
- **Thickness \$2 coin gap which is about 3mm - not okay.**
- **Holes causing draughts and which effect heating efficiency - not okay.**
- **Regardless of the age and condition of the house.**

No Specific Draughtstopping Exemptions

Ongoing Maintenance

Inspections should include checking:

- **For gaps in junctions of walls, ceilings and floors.**
- **Holes in walls, ceilings and gaps in floorboards.**
- **Poorly fitting windows or broken windows (broken/loose hinges/latches preventing proper closure)**
- **Poorly fitted doors or broken doors (excessive clearances under doors, poorly fitted pet doors).**
- **Unnecessary gaps around electrical and plumbing passages in bathroom/kitchen/laundry.**
- **Decommissioned ventilation/heat transfer/open fires/chimneys.**
- **Gaps to roof space/loft spaces.**
- **Chimney annual sweeping and maintenance as required.**

DRAINAGE STANDARDS



To comply with Drainage Standards

Drainage system must efficiently drain to an appropriate outfall:

- **Storm water**
- **Surface water**
- **Ground water**

Removal roof water, must have appropriate:

- **Gutters**
- **Downpipes**
- **Drains**



No Specific Exemptions to Drainage

Ongoing Maintenance

Inspections should be checking:

- **Are gutters connected, big enough for flow, have the right fall, not broken, fixed securely, corroded or missing pieces.**
- **Is outfall directed towards appropriate outlet.**
- **Drains and gutters for blockages.**
- **Maintenance of trees that drop leaves into gutters and drains.**

Any Questions?

MOSITURE INGRESS STANDARDS



To Comply with Moisture Ingress Standard

Vapour Barrier

Required where property has suspended floor and the subfloor space is at least 50% enclosed.

Vapour Barrier must:

- **Meet Building Standard 4246:2016 OR**
- **Alternative product professionally installed with vapour flow resistance of 50 MN s/g.**

Enclosed Subfloor:

- **Masonry foundation wall**
- **Cement boards, timber skirting or other cladding.**
- **Other parts of building or adjoining structure.**
- **Other permanent or semi permanent structure that significantly obstructs airflow.**
- **Rock, soil or other similar material.**

Vapour Barrier Exemptions

- **Not reasonably practicable to install vapour barrier and not having a trap door is no excuse!**



Ongoing Maintenance

Inspections should be checking:

- **Damage of vapour barrier and check in reasonable condition.**
- **In subfloor no leaks from wet areas.**
- **For leaking water pipes, gully traps or waste pipes.**
- **Ensure tree roots or something else is not causing water to flow under house.**
- **Surface water not flowing under the building or accumulating.**
- **Rising water up through damaged brick, masonry/concrete foundations/floors.**

JOB DONE!



Any Questions?