



LET'S DISCUSS NEW ZEALAND'S RENTING RULES



Why are we reforming the Residential Tenancies Act?

New Zealand's rental market is expanding. Homeownership rates have declined and more than one third of households, including 43% of children, now live in rental homes.

The law that oversees the rental market is over 30 years' old. There have been lots of small changes to it over recent years, but it's been a while since questions were asked about whether it still meets people's needs.

Our priorities for reforming the law are:

- › improving security of tenure for tenants while protecting landlords' interests
- › ensuring the law appropriately balances the rights and responsibilities of tenants and landlords and helps renters feel more at home
- › modernising the law so it can respond to changes in the rental market
- › improving the quality of boarding houses and the accountability of boarding house landlords.

Help us make tenancy law better for everyone by having your say on:



What types of tenancy agreements should be available?



When should tenants and landlords be able to end a tenancy?



Are tenant and landlord responsibilities fair and understood?



Is the law fair when it comes to keeping pets?



What rights should tenants have to make modifications?



Should tenants know how rents are set and how often should they be increased?



Are the controls on boarding houses appropriate?



Is the way the law is enforced efficient and effective, and could it be better?

To read the full discussion document or make a submission, go to www.mbie.govt.nz/rta-reform or contact us directly at RTAreview@mbie.govt.nz
Submissions close on Sunday 21 October 2018



TERMINATION PROVISIONS



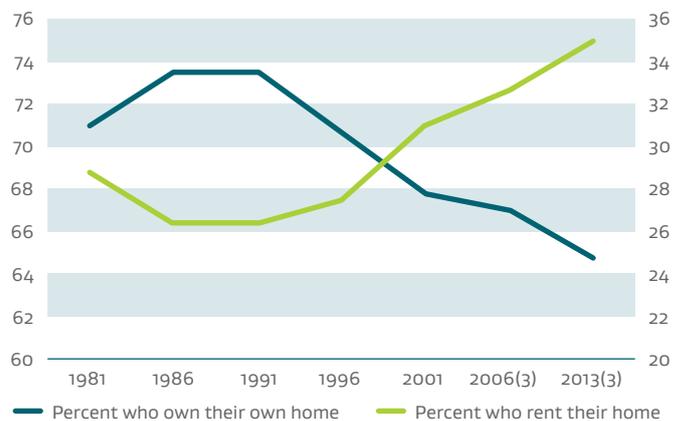
The Government wants to modernise tenancy law to give tenants who are meeting their obligations more choice and control over their tenancy.

In particular, the Government has committed to:

- › removing the ability for landlords to end periodic agreements for any reason and without needing to tell the tenant why, and
- › generally extending the notice periods landlords must give tenants under a periodic agreement from 42 to 90 days.

Landlords will still be able to end tenancies where tenants are not meeting their obligations and in other specific situations.

As the percentage of households who own their own home has decreased, the percentage of households renting has increased.



Tell us what you think:

- › Under what circumstances should tenants and landlords be able to end a tenancy?
- › Should landlords be required to provide tenants with evidence showing why they are ending a tenancy? If so, what sort of evidence is appropriate?
- › How much notice should tenants be required to give a landlord when they end a tenancy?
- › Should there be specific termination grounds available to public housing providers?



Read more about the termination provisions proposals and have your say at www.mbie.govt.nz/rta-reform



TENANCY AGREEMENTS



Do changes need to be made to the types of tenancy agreements on offer to ensure they remain fit for purpose in a modern renting environment?

The most common length of a tenancy in New Zealand is around 12 months.

Options:

- › Providing tenants with a right to extend their fixed-term tenancy agreement.
- › Specifying a minimum length for fixed-term agreements.
- › Making all tenancies open-ended and only able to be terminated by landlords when certain criteria apply.

Tell us what you think:



- › Should tenants who are meeting their obligations have the right to renew or extend a fixed-term tenancy?
- › What do you think would happen if there was a minimum length for fixed-term agreements?
- › Should all tenancies be open-ended and only able to be terminated by landlords when certain criteria apply?



Read more about the tenancy agreement proposals and have your say at www.mbie.govt.nz/rta-reform



TENANT AND LANDLORD RESPONSIBILITIES



Tell us what you think:



- › Are there times you have disagreed with your tenant or landlord about whether or not they are meeting their obligations?
- › Do you think a tenant's responsibilities to keep a property 'reasonably clean and tidy' make it clear what sort of behaviour a landlord can expect?
- › What changes might be needed to tenant and landlord responsibilities to modernise rental laws?
- › Are there sufficient repercussions for tenants and landlords who don't meet their obligations?

Read more about tenant and landlord responsibilities and have your say at
www.mbie.govt.nz/rta-reform



MODIFICATIONS

How can the law better help landlords and tenants agree to tenants making reasonable modifications or minor changes to their rental home?

Options:

- › Landlords have 21 days to consider a request, after which they are deemed to have agreed to minor modifications.
- › Tenants have the right to make specified modifications.

Tell us what you think:



- › Are the existing rights tenants have to make reasonable modifications to their rental property working?
- › If you are a landlord, in what instances have you withheld or granted permission for tenants to modify a property?
- › What types of modifications do you think are reasonable for a tenant to make?
- › How can we make it easier for tenants and landlords to agree to minor modifications being made?



Read more about the modifications proposals and have your say at www.mbie.govt.nz/rta-reform



PETS

Is the law fair when it comes to tenants and landlords agreeing whether pets can be kept?

Options:

- › Specifying the circumstances when a landlord could decline a request to keep a pet.
- › Granting power to the Tenancy Tribunal to consider the circumstances when a landlord could reasonably refuse a pet request.
- › Introducing pet bonds or carpet cleaning requirements.
- › Clarifying the obligation on tenants to remove any doubt that their pets must not cause nuisance to others.

Tell us what you think:



- › What might be reasonable grounds for a landlord to object to a tenant's request to keep a pet?
- › What types of changes could be made to the law to reduce the risk landlords face from allowing tenants to keep pets?



Read more about the pets proposals and have your say at www.mbie.govt.nz/rta-reform



SETTING AND INCREASING RENT

Should tenants know how rents are set and how often should rents be increased?

Options:

- › Introducing controls on the practice of 'rental bidding'.
- › Clarifying when tenants can challenge rent increases that are above market rent.
- › Limiting rent increase to once every 12 months.

Tell us what you think:



- › Should the practice of 'rental bidding' be controlled?
- › What should the process be to determine whether the rent a tenant is paying is fair?
- › What would happen if the law is changed to only allow rent to be increased once per year?
- › Should landlords be required to provide information to prospective tenants about how rent is calculated?



Read more about the rent proposals and have your say at www.mbie.govt.nz/rta-reform



BOARDING HOUSES



We want to know how boarding house tenancies should be treated and how the quality of boarding houses and accountability of boarding house landlords can be improved.

Options:

- › Requiring boarding houses or their operators to be registered.
- › Only allowing boarding house operators who show they are a fit-and-proper person and that their property meets minimum standards to run a boarding house.

Tell us what you think:

- › Are the responsibilities on boarding house tenants and landlords fit-for-purpose?
- › Are stronger controls needed to improve the quality of boarding houses?
- › What standards should boarding house landlords be required to meet to operate a boarding house?
- › Is the definition of boarding house fit-for-purpose?





ENFORCEMENT

Can the enforcement of tenancy laws be made more effective and efficient?

Options:

Providing those in charge of enforcing the law with the ability to:

- › enter into enforceable undertakings with a landlord
- › issue improvement notices
- › issue infringement notices
- › audit a landlord or property manager
- › take a single case in respect of multiple breaches of the Act
- › access to the common spaces and offices of boarding houses.

Tell us what you think:



- › Should those enforcing the law have greater powers, such as to make people give them information?
- › Should instant fines apply in situations where there is no doubt that a party has broken the law?
- › Are existing penalties sufficient?



Read more about the enforcement proposals and have your say at www.mbie.govt.nz/rta-reform