

A photograph of three people (two women and one man) sitting on a couch in a modern, brightly lit room, engaged in a conversation. The image is overlaid with a semi-transparent red filter.

RESIDENTIAL TENANCIES AMENDMENT ACT 2020 FACTSHEET

This legislation was passed 11 August 2020, phase 1 from 12 August 2020 limiting rent increases to 12 monthly and phase 2 from 11 February 2021. Phase 3 is due on or before 11 August 2021.

Key points to the legislation

1. Ending Tenancies by Giving Notice: (Periodic Tenancies)

- a. Tenants need to give 28 days notice.
- b. Landlords can give 63 days notice under the following circumstances:
 - The owner of the premises requires the premises, within 90 days after the termination date, as the principal place of residence for at least 90 days for the owner or a member of the owners family.
 - The landlord customarily uses the premises, for occupation by employees of the landlord or contractors under contract for service with the landlord and that fact is clearly stated in the tenancy agreement.
- c. Landlords can give 90 days notice under the following circumstances:
 - The premises are to be put on the market by the owner within 90 days after the termination date for the purpose of sale or disposition **or**
 - The owner is required, under an unconditional agreement for the sale of the premises, to give the purchaser vacant possession.
- d. Extensive alteration, refurbishments, repairs, or redevelopment of the premises are to be carried out by the landlord and it would not be reasonably practicable for the tenant to remain in occupation while the work is undertaken and the work is to begin, or material steps towards this are to be taken within 90 days of the termination date. (Material steps means applying for regulatory consent, seeking engineering or other professional advice or taking any other significant steps). (See section 51 for further information).

2. Ending Tenancies via the Tenancy Tribunal

- a. Termination for Rent Arrears
 - 14 day breach notice and 21 day arrears applications continue.
 - If the rent on 3 separate occasions within a 90 day period has been at least 5 working days in arrears (periodic tenancies only) (see section 55 (1) (a) for further information on notice requirements).
- b. Termination for Antisocial Behaviour. (Periodic tenancies only)
 - On 3 separate occasions within a 90 day period, the tenant or a person in the premises with the tenants permission, engaged in the antisocial behaviour in connection with the tenancy and an application to the Tribunal is made within 28 days of the third notice.(see section 55a for further information and notice requirements).

Other provisions of the Residential Tenancies act 1986 will remain in force.

3. Fixed Term Tenancies Convert to Periodic Tenancies unless

- A landlord gives notice as outlined above to end on or after the expiry date.
 - A tenant gives notice at least 28 days before the end of the tenancy ending on or before the expiry date
 - The parties agree to renew or end the term.
- (see details in section 60(a))

4. Minor Alterations

- Where the tenant requests minor alterations the landlord must give permission, minor alterations include: brackets to secure furniture & appliances against earthquake risk, child gates & baby cupboard locks, door bells, picture hooks etc. The Landlord can impose reasonable conditions around how these minor changes are carried out. The tenant must remove the minor changes and remediate the property when the tenancy ends. Landlords must respond to requests within 21 days.
- (see details in section 42)

5. Fibre Connection (Broadband)

- Landlords must permit and facilitate the installation of fibre connection at the premises in certain circumstances. (see details in section 45B)

6. Tenant wishing to assign the tenancy.

- Landlords must consider all assignment requests and Landlords must not decline unreasonably, Fixed Term Tenancies can not forbid assignment. Landlords are allowed to make informed decisions on any potential applicants as with new tenancies. (See details in section 43)

7. Assignment or “Break Fees”

- Landlords must provide tenants with a breakdown of fees charged for assignment, sub-letting, or ending a fixed term tenancy early. (See details in section 44(a))

Phase 3. 11 August 2021

1. Family Violence

- Tenants who experience family violence will be able to withdraw from a fixed or periodic tenancy without financial penalty by giving 2 days notice. (See section 55(b))

2. Termination for Assault

- A landlord can terminate a periodic or fixed term tenancy with 14 days notice where the tenant physically assaulted the landlord or their family and the police have laid a charge. (See section 55(aa))



For more information: Please visit:

www.tenancy.govt.nz/law-changes/legislation.govt.nz/act/public/2020/0059/latest/LMS294929.html