

NZ Landlord Obligations: Healthy Homes Standards and Chimney Maintenance

The Healthy Homes Standards, enacted in July 2019, represent a significant regulatory shift aimed at improving the quality of rental housing in New Zealand. As of July 1, 2025, all rental properties must fully comply with these standards, which establish minimum requirements for heating, insulation, ventilation, moisture ingress, drainage, and draught stopping. This document outlines the specific obligations for landlords, with particular focus on heating compliance, chimney maintenance, and the legal ramifications of non-compliance.

Executive Summary

The Healthy Homes Standards were designed to address the prevalence of cold, damp, and mouldy rental housing, which is linked to preventable health conditions such as asthma and rheumatic fever. Research indicates that over a third of New Zealand rental homes had issues with dampness or mould in the year ending June 2022.

To mitigate these issues, the regulations mandate that all private rentals meet rigorous physical benchmarks. The transition to full compliance has been staggered:

- **July 1, 2021:** All boarding houses required to comply.
- **August 28, 2022:** Private landlords required to comply within 120 days of any new or renewed tenancy.
- **July 1, 2025:** Absolute deadline for all rental homes to meet the standards.

Failure to comply constitutes a breach of the Residential Tenancies Act 1986, exposing landlords to exemplary damages of up to \$7,200 per breach.

Detailed Analysis of Key Themes

1. Heating Standard and Compliant Appliances

The primary objective of the heating standard is to ensure the main living room (the largest room used for everyday living) can be maintained at a minimum temperature of 18°C.

Core Requirements:

- **Fixed Appliance:** The heater must be fixed to the wall or floor. Portable heaters and plug-in electric heaters (unless in specific small-apartment scenarios) are generally non-compliant.

- **Minimum Capacity:** Heaters must have a minimum heating capacity of 1.5kW. The exact capacity required depends on the size and thermal performance of the room.
- **Thermostatic Control:** Electric heaters and heat pumps must be equipped with a thermostat.

Acceptable vs. Non-Compliant Heaters:

Acceptable Heaters	Non-Compliant Heaters
Heat pumps (with thermostats)	Open fires
Wood burners	Unflued gas heaters
Pellet burners	Portable LPG bottle heaters
Flued gas heaters	Portable electric heaters
Geothermal heating (specific regions like Rotorua)	

2. Open Fireplaces and Chimney Obligations

Under the Draught Stopping Standard, open fireplaces present a specific compliance challenge. Because they are a significant source of heat loss and draughts, they are generally prohibited as a primary heating source.

- **Decommissioning:** All unused open fireplaces must be closed off, or their chimneys must be blocked to prevent draughts from entering or leaving the property.
- **Tenant Requests:** A tenant may request in writing that a landlord make a fireplace available for use. The landlord has the discretion to agree or disagree.
- **Maintenance if in Use:** If the landlord agrees to allow the use of a fireplace, it must be in good working order and free of any gaps or holes that cause noticeable draughts. Furthermore, the landlord is legally responsible for ensuring the chimney is swept regularly.
- **Legal Precedence:** In cases such as *Tenancy Tribunal 4139773*, landlords have been found in breach when a fireplace was provided but the chimney was non-functional, rendering the heating inadequate.

3. Draught Stopping and the "3mm Rule"

Landlords must block any unreasonable gaps or holes in walls, ceilings, windows, skylights, floors, and doors that cause noticeable draughts.

- **Standard of Measurement:** As a rule of thumb, any gap wider than 3mm (the thickness of a \$2 coin) that creates a draught must be blocked.
- **No Age Exemptions:** Landlords cannot cite the age or condition of a heritage or older house as a reason for non-compliance with draught-stopping requirements.

4. Insulation and Moisture Management

- **Insulation:** Ceiling and underfloor insulation is compulsory. Requirements vary by climate zone (Zones 1-3). For example, in the South Island (Zone 3), ceiling insulation must be at least 180mm thick.

- **Moisture Ingress:** Properties must have efficient drainage systems (gutters, downpipes, and drains). Enclosed subfloor spaces require a ground moisture barrier, typically a polythene sheet, to prevent dampness from rising into the home.
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Important Quotes and Contextual Analysis

*"Landlords not meeting their obligations will be in breach of the Residential Tenancies Act 1986 and may be liable for exemplary damages of up to \$7,200 per breach." — **The Spinoff/LegalVision***

- **Context:** This highlights the financial risk. Penalties are not just compensatory; "exemplary damages" are intended to punish the landlord and deter others from similar negligence.

*"Preventing mould in a house is a dual obligation of the tenant and landlord: the tenant must live in a way that avoids mould developing... and a landlord must provide a house that is not prone to mould, fix any issue creating mould; and provide the means to heat and ventilate it." — **Tenancy Tribunal 4119318***

- **Context:** This establishes the legal expectation of shared responsibility. While tenants must ventilate, the landlord must provide the physical infrastructure (extractor fans, compliant heaters) that makes a mould-free environment possible.

*"Landlords can't use the age or condition of the house as a reason not to stop gaps or holes." — **The Spinoff***

- **Context:** This clarifies that the Healthy Homes Standards are absolute. Unlike some ventilation rules that allow exemptions if a room complied with building codes at the time of construction, draught-stopping has no such loophole for older buildings.
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Actionable Insights for Landlords

To ensure full compliance and avoid legal disputes, landlords should take the following practical steps:

Immediate Compliance Checklist

- **Assess Heating Capacity:** Use the online Tenancy Services heating assessment tool to determine if the current fixed heater meets the specific kW requirements for the living room size.
- **Inspect Fireplaces:** If a fireplace is not being used, verify that the chimney is professionally blocked or the opening is sealed. If it is in use, schedule a professional chimney sweep and inspection for gaps.
- **The "Coin Test":** Inspect all windows and doors. If a \$2 coin can fit in a gap and a draught is felt, install weather stripping or sealant.

- **Verify Ventilation:** Ensure extractor fans are installed in kitchens and bathrooms. New fans (post-2019) must meet diameter requirements: 150mm for kitchens and 120mm for bathrooms.

Record Keeping and Documentation

Landlords are legally required to keep records of compliance during the tenancy and for 12 months afterward. Essential documents include:

- Calculations of the main living room's heating capacity.
- Code compliance certificates or building reports.
- Receipts for materials or professional tradespeople used to meet standards.
- Photographic evidence of installed insulation and ground moisture barriers.
- A signed **Healthy Homes Standards Compliance Statement**, which must be included in all new or renewed tenancy agreements.

Handling Non-Compliance Notices

If a tenant issues a **14-day notice to remedy**, the landlord must address the specific standard breach within that timeframe. Failure to do so allows the tenant to apply to the Tenancy Tribunal, which may result in rent refunds, compensation, and the aforementioned exemplary damages.

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