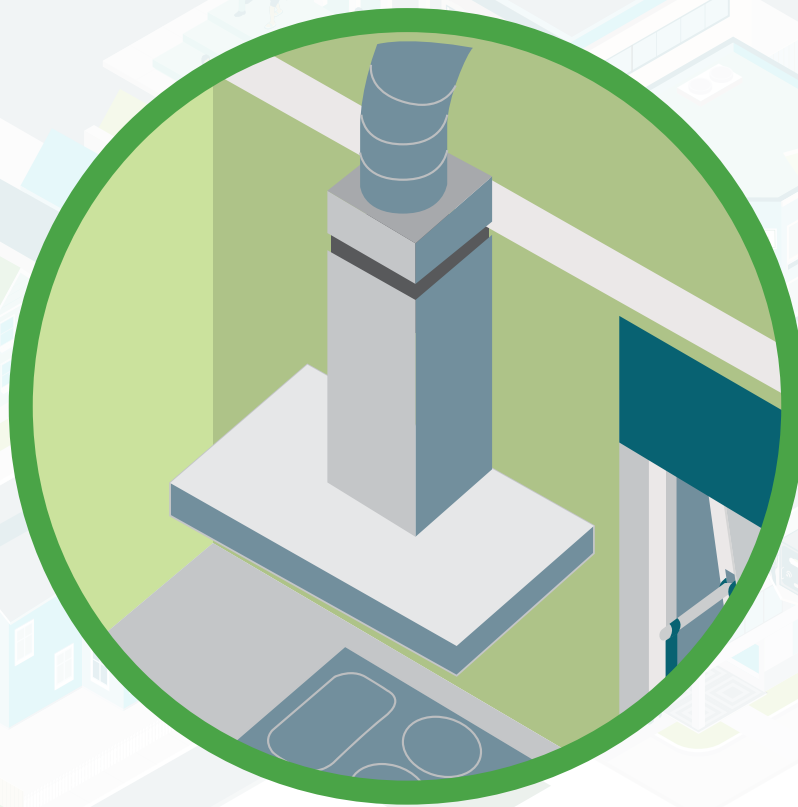


Tenancy Services



Healthy homes standards Ventilation

A rental property must have:

- › mechanical ventilation in rooms with a bath, shower or indoor cooktop, and
- › openable windows or external doors in the living room, dining room, kitchen and bedrooms.

tenancy.govt.nz



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

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About this guide

A landlord who rents a property under the *Residential Tenancies Act 1986* will need to ensure their property meets the healthy homes standards. This requirement comes into force on different dates, depending on the type of tenancy, from 1 July 2021.

All private rental properties must comply with the healthy homes standards by a certain time. For more information visit: www.tenancy.govt.nz/healthy-homes/healthy-homes-compliance-timeframes. All boarding houses must comply by 1 July 2021. All houses rented by Kāinga Ora (formerly Housing New Zealand) and registered Community Housing Providers must comply by 1 July 2023.

This guidance document provides advice for assessing whether a property is compliant with the ventilation standard of the *Residential Tenancies (Healthy Homes Standards) Regulations 2019*.¹

This legislation allows landlords to carry out work themselves where a Licensed Building Practitioner (LBP), Licensed Electrical Worker (LEW) or Licensed Gas Worker (LGW) is not required. However, landlords must employ an LBP for restricted building, plumbing or drainage work, a LEW for prescribed electrical work or a LGW for restricted gasfitting work. Landlords are advised to employ a reputable professional where they have any doubts about achieving the required quality of work themselves, or where they are uncertain about whether exemptions apply.

In most cases, electrical work needed to install an extractor fan must be performed by a licensed electrician. Replacing or installing new windows or doors may require a building consent.

■ Things to do

- › Safety First! Make sure you hire an appropriate professional to perform any restricted building or electrical work.
- › Don't go into spaces where there are known health and safety hazards – e.g. asbestos dust or poorly installed electrical wires. Get these sorted out first.
- › Don't tamper with electrical wiring – if you think you've damaged something, or a wire comes loose, call a licensed electrician.
- › If your property is part of a unit title, consult your body corporate operational rules before beginning any work.
- › If you are renting out a heritage home or a home where heritage protection rules apply, contact your local authority in the first instance about any rules or restrictions.
- › Don't install anything that might block the extracted air. Air must be extracted to the outside to meet the requirements of the ventilation standard.

¹ legislation.govt.nz/regulation/public/2019/0088/latest/whole.html



Ventilation standard

The ventilation standard requires all kitchens and bathrooms to have an extractor fan or certain continuous mechanical ventilation systems that ventilate extracted air to outdoors.

Recirculating extractor fans or fans that do not ventilate to the outdoors are not suitable for meeting the healthy homes ventilation standard. However, they can continue to be used in homes and may meet the standards if additional materials or fittings such as external ducting are installed to enable them to ventilate to the outside.

For the ventilation standard, a 'kitchen' means a room with an indoor cooktop, and a 'bathroom' means a room with a bath or shower installed.

There are specific size or performance requirements for new extractor fans to ensure they are effective. Existing extractor fans (installed before 1 July 2019) do not have to meet size or performance requirements, but to meet the ventilation standard these must be in good working order and ventilate extracted air to outdoors.

When existing extractor fans installed before 1 July 2019 stop working, they must be replaced with extractor fans that meet either the size or performance requirements of the ventilation standard. This must be done within a reasonable time once the fan is no longer in good working order.

In most cases, a rangehood is the most effective type of extractor fan for kitchens. However, other types of extractor fans can be used in kitchens.

In addition, the ventilation standard allows properties with certain continuous mechanical ventilation in kitchens and bathrooms that extract air to the outside to satisfy the standard. There is more information below about specific requirements set out in the regulations.

Requirements for kitchen extractor fans

Installed FROM 1 July 2019: The fan and all exhaust ducting must have a diameter of at least 150mm OR the fan and all exhaust ducting must have an exhaust capacity of at least 50 litres per second. The fan must vent extracted air to outdoors.

Installed BEFORE 1 July 2019: No minimum size or performance requirements but fans must be in good working order and ventilate to outdoors. This means that the range hood or extractor fan must not vent back into the kitchen, into a roof space or other space. Any ducting must be connected, intact (i.e. without tears or holes) and installed so that extracted air can flow freely through it (e.g. no unnecessary kinks or compressions). Any grills or filters must be unclogged.

Requirements for bathroom extractor fans

Installed AFTER 1 July 2019: The fan and all exhaust ducting must either have a diameter of at least 120mm OR the fan and all exhaust ducting must have an exhaust capacity of at least 25 litres per second. The fan must vent extracted air to outdoors. Continuously operating extractor fans that operate at a level of extraction below 25 litres per second, or do not have a fan and ducting diameter of at least 120mm, are not capable of providing the necessary level of moisture extraction during a shower.

Installed BEFORE 1 July 2019: No minimum size or performance requirements but fans must be in a good working order and ventilate to outdoors. This means that the extractor fan must not vent extracted air into a roof space or other space. Any ducting must be connected, intact (i.e. without tears or holes) and installed so that exhaust air can flow freely through it (e.g. no unnecessary kinks or compressions). Any grills or filters must be unclogged.

■ Minimum requirements through size or exhaust capacity

An extractor fan can meet the minimum requirements through either size or exhaust capacity.

If a fan is meeting the requirement by size, the extractor fan unit and the ducting must all have a diameter of at least 120mm (for bathrooms) or 150mm (for kitchens). The required diameter of the ducting must be maintained throughout, including through cornering or any changes in direction. If landlords are unable to install an extractor fan that meets the size requirement then they must instead meet the exhaust capacity requirement, unless a general or specific exemption applies. Care must be taken when installing ducting to ensure there are no tears in the ducting or restrictions on the flow of air.

Alternatively, a fan may meet the minimum requirements through its exhaust capacity. The exhaust capacity is usually known at the time of installation and should be part of the information provided by the retailer or manufacturer of the extractor fan or rangehood. However, the fan's performance is reduced where ducting is required, depending on factors such as the type of ducting used, its length and the number of bends in the ducting.

Extractor fans or rangehoods that are vented directly through an external wall or with minimal ducting will likely achieve their advertised flow rates. Fans with extensive ducting will need a higher flow rate to account for a reduction in performance due to ducting. A professional installer or fan retailer will be able to advise the appropriate fan based on the length of ducting and bends required.

■ Continuous mechanical ventilation systems

The ventilation standard now allows properties with certain continuous mechanical ventilation in kitchens and bathrooms to satisfy the standard.

If your home was built with a continuous mechanical ventilation system, to meet the standard it must:

- › be designed to vent extracted air continuously from residential premises to the outdoors, and for a kitchen or bathroom, extracts the air directly from the room, and
- › have been installed in the premises or a tenancy building that first received building consent on or after 1 November 2019 and was part of that original building consent, and continues to meet the requirements of the building consent.

Alternatively, if your home has been renovated and now includes a continuous mechanical ventilations system, to meet the standard, the system must:

- › be designed to provide ventilation for multiple rooms and to continuously extract air to the outdoors, and
- › extract air directly out of the kitchen and bathroom, with an exhaust capacity of at least 12 l/s in the kitchen and 10 l/s. in the bathroom. The actual flow rate may be varied (manually or automatically), in response to the demand for ventilation.

Recirculating systems (products like HRV and DVS systems), or fans that do not extract to the outdoors are not suitable to meet the ventilation standard.

■ Tips for selecting extractor fans

For kitchens, a rangehood above the cooktop usually captures steam and cooking odours more effectively than an extractor fan installed through an external wall, window or ceiling. However, an appropriately-sized and installed extractor fan will still work well and may be the only option in some situations. Also, ducted extractor fans (with the fan unit located in the roof space) are less noisy than most rangehoods.

For bathrooms, extractor fans can be installed through an external wall, window or ducted through the ceiling. Ducted extractor fans (with the fan unit located in the roof space) are usually less noisy than fans mounted directly on a wall, window or ceiling. Combined bathroom heat/fan/light units are available, but not all have fans and ducting that meet the required size (120mm diameter) or flow rate (25 litres per second).

■ Requirements for openable windows and external doors

To meet the healthy homes ventilation standard, the living room, dining room, kitchen and bedrooms must have one or more windows, doors or skylights that are 'openable' – i.e. that open to the outdoors, allow the flow of air into and out of the property, and can be fixed in an open position.

The extent that windows or doors can open is not applicable for meeting the ventilation standard.

For each living room, dining room, kitchen and bedroom, the total 'openable area' of windows, doors or skylights must be at least five per cent of the floor area of the room. You can check if a room in your property meets this criterion by measuring the windows, doors or skylights' openable areas from inside the room.

Please see the calculation example on the following page.

This requirement has been in place since 1947 as part of the **Housing Improvement Regulations²** and continues to be a solution for new builds under the Building Code. Regulation 4 of the Housing Improvement Regulations requires properties to apply minimum standards even if constructed prior to 1947. This includes the requirement to have openable windows with a total area of five per cent of the floor area of a habitable space, which aligns with the healthy homes standards.

Most homes will meet this standard without any further work. However, where renovations have occurred, it pays to check that there are still enough openable windows and doors for ventilation.

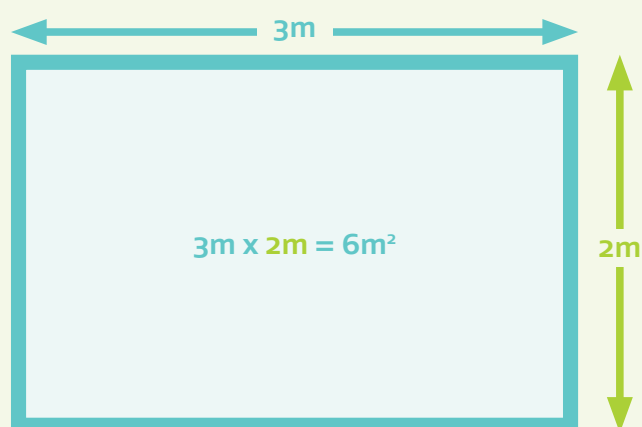
A room does not need to meet the requirements for openable windows and external doors, under the healthy homes ventilation standard, if it was lawful at the time it was built or converted into a habitable space. If having fewer windows or doors was only lawful because the room met alternative ventilation requirements, then those requirements must still be met to qualify for this exemption.

Openable windows must be free from unreasonable draughts when closed. For more information on this requirement, consult the draught stopping standard.

■ Measuring openable area percentage

STEP 1

As illustrated below, calculate the floor area of the room by measuring the length of the room at its longest point (three metres in example shown), and the width of the room at its widest point (two metres in example). Then multiply the length x the width to calculate the floor area (six metres in example). Record this figure (6) = X.

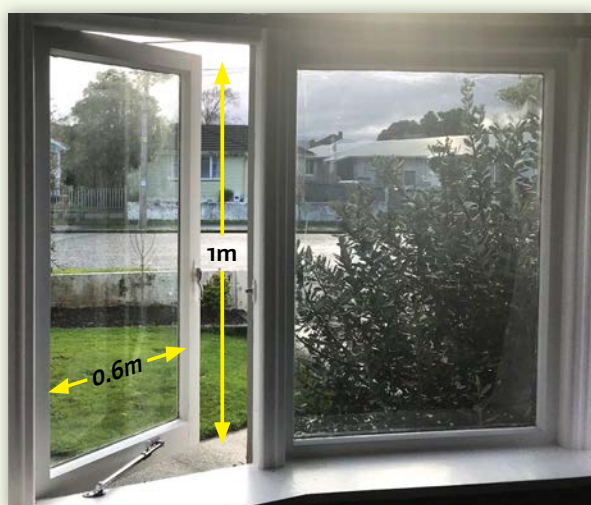


² legislation.govt.nz/regulation/public/1947/0200/latest/whole.html#DLM3505

STEP 2

Calculate the openable area of windows, doors and skylights

- › measure openable windows, doors and skylights. Only measure the section of the windows, doors and skylights that open, excluding fixed frames, as illustrated in image below. It doesn't matter if one window or door opens further than another – if they open, the measurement of the full area should be included.



- › multiply these measurements to reach a total openable area of windows, doors and skylights. Using the image above, the calculation would be $1 \times 0.6 = 0.6$. Record this figure ($0.6 = Y$).

STEP 3

Calculate the percentage of total openable area of windows, skylights or external doors of the floor area of the room

- a) calculate $Y \div X$
- b) in this example, the calculation is $0.6 \div 6$
- c) the result is 0.1
- d) multiply the result by 100 (to reach 10 in this example)
- e) the end figure is the percentage. If it is over five, then the room meets the ventilation standard for total openable area of windows, doors and skylights.

Remember: A room does not need to meet the requirements for openable windows and external doors if it was lawful at the time it was built or converted into a habitable space. If having fewer windows or doors was only lawful because the room met alternative ventilation requirements, then those requirements must still be met to qualify for this exemption.



Ongoing maintenance

If something is installed or provided to meet any of the healthy homes standards, it must be maintained in good working order. If it cannot be kept in good working order, it must be replaced in a reasonable timeframe. It is recommended that landlords ask their tenants to inform them of any maintenance issues.

As soon as the landlord is made aware of something that is not in good working order, the landlord must repair it or organise for it to be repaired within a reasonable timeframe. A reasonable timeframe for replacement or repair will differ from situation to situation, depending on the availability of appropriate industry professionals, or replacement parts and components. It is always best to keep the tenant updated on the progress of any repairs and keep records of the repair process, for example, the dates professionals were contacted.

Maintaining extractor fans in good working order can include:

- › periodically cleaning out dust, grease or debris from inside the extractor fan unit (cleaning grills and filters are the responsibility of tenants unless technical knowledge or any specific tools or skills are required or where the filters are not easily accessible)
- › maintenance on moving components (if the fan gets noisy this can indicate worn bearings)
- › ensuring any ducting remains connected
- › repairing any holes, tears or erosion in the ducting.



Exemptions

There are three general exemptions that apply to all the healthy homes standards and two specific exemptions for the ventilation standard. The following information provides an overview only of exemptions. For complete information about exemptions, see the **Tenancy Services website**.³

■ The general exemptions are:

1. If the landlord intends to demolish or substantially rebuild the rental property and has applied for the relevant resource or building consent before the healthy homes compliance date. This exemption will last for up to 12 months from the healthy homes compliance date. It may end earlier in certain circumstances, for example if the consent lapses or is terminated, or the application for consent is refused. If requested, the landlord will need to provide evidence that they have applied for the relevant resource or building consent.

More information about this exemption is available in regulation 31 of the **Residential Tenancies (Healthy Homes Standards) Regulations 2019**.⁴

2. If the tenant is the immediate former owner of the rental property and the tenancy started immediately after the landlord acquired the property from the tenant. In this situation, an exemption will apply for 12 months from the date the tenancy commences.
3. If a rental property is part of a building and the landlord does not own the entire building (for example, if a landlord owns an apartment). The landlord will be partially exempt from complying with parts of the standards if their ability to comply with the healthy homes standards is not possible because:
 - they need to install or provide something in a part of the building where the landlord is not the sole owner, or
 - they need access to a part of the building that they are not the sole owner.

³ tenancy.govt.nz/healthy-homes/exemptions-to-the-healthy-homes-st

⁴ legislation.govt.nz/regulation/public/2019/0088/latest/LMS148303.html

Landlords must still take all reasonable steps to ensure the rental property or building complies with the healthy homes standards to the greatest extent reasonably practicable.

If one of these exemptions ceases to apply during the term of the tenancy (eg, the building consent expires), the landlord must comply with the healthy homes standards as soon as is reasonably practicable.

Where the exemption is because of a pending application for a resource or building consent and this is refused then the landlord will have 90 days to comply with the healthy homes standards, unless the landlord challenges the refusal. The exemption will be reinstated while the challenge is determined.

■ Specific exemptions for the ventilation standard

There are two specific exemptions for the ventilation standard, which generally relate to a specific room in a rental home. If a room meets an exemption, that room is not required to meet the relevant part of the ventilation standard. However, other rooms in the rental property will still be required to meet the ventilation standard unless they meet the same or another exemption.

A room does not need to meet the requirements for openable windows and external doors if it was lawful at the time it was built or converted into a habitable space. If having fewer windows or doors was only lawful because the room met alternative ventilation requirements, then those requirements must still be met to qualify for this exemption.

The second exemption applies to kitchens or bathrooms where it is not reasonably practicable to install an extractor fan.

If a bathroom or kitchen does not have an extractor fan that meets the requirements of the ventilation standard at the commencement of the tenancy then the landlord will not be required to install an extractor fan if all of the following apply to that room:

- › it is not reasonably practicable to install an extractor fan. It will not be reasonably practicable to install an extractor fan where:
 - an experienced professional installer cannot access the location to install an extractor fan without substantial building work or without causing substantial damage to the premises, or
 - an experienced professional installer cannot install an extractor fan at the location without creating risks to the health or safety of any person that are greater than the risks that are normally acceptable when an experienced professional installer is installing an extractor fan, or
 - it is otherwise not reasonably practicable for an experienced professional installer to install the extractor fan in the kitchen or bathroom.
- › when the room was built or converted, not having an extractor fan was lawful; and
- › if not having an extractor fan was lawful only because the room met alternative ventilation requirements, at the commencement of the tenancy the room still meets those requirements.

To qualify for this exemption we recommend landlords obtain professional advice and keep a copy of that advice.

■ What is not exempt

A landlord is not exempt where building work is required that would normally be expected to be done when installing an extractor fan. For example, the requirement to penetrate through the ceiling and to fix ducting are types of building work that are normally required to install an extractor fan and therefore do not meet the exemption requirements.



Getting support

If you are unsure about any work that needs to be done, or how to do the work safely, it is strongly recommended you contact a licensed building practitioner. Any electrical work needs to be done by an appropriately licensed electrical worker. Alternatively, you may contact organisations for further guidance, clarification or advice.

The following organisations may be helpful to find building practitioners:

- › Use **this register**⁵ to find licensed building practitioners in your area.
- › Use the **electrical workers register**⁶ to find an electrician.
- › A number of professionals can help with installing windows for ventilation including members from the following groups:
 - **Master Glaziers**⁷
 - **Window and Glass Association of New Zealand**.⁸
- › **Home Performance Advisors (HPA)**⁹ can provide information or advice.

5 lbp.ewr.govt.nz/publicregister/search.aspx

6 ewrb.ewr.govt.nz/publicregister/search.aspx

7 masterglaziers.co.nz

8 wganz.nz

9 beaconpathway.co.nz/further-research/article/find_a_home_performance_advisor