

Residential Tenancies (Registration of Boarding House Landlords) Amendment Bill

Submission of the New Zealand Law Society Te Kāhui
Ture o Aotearoa

10 June 2026

1 Introduction

- 1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to comment on the Residential Tenancies (Registration of Boarding House Landlords) Amendment Bill (**Bill**).
- 1.2 This Member's Bill seeks to amend the Residential Tenancies Act 1986 (**Act**) and require the Ministry of Housing and Urban Development (**Ministry**) to create and maintain a register (**register**) of boarding houses and boarding house landlords to help monitor compliance with residential tenancy laws. This brief submission, prepared with input from the Law Society's Public Law Committee,¹ makes recommendations to improve the drafting and workability of the Bill.
- 1.3 The Law Society does not wish to be heard, but would be happy to provide written responses to any questions the Select Committee may have in relation to this submission.

2 Cancellation of registrations

- 2.1 New section 66ZH in clause 5 outlines the process for the cancellation of registrations. It requires the Registrar of Boarding House Landlords (**Registrar**) to provide reasons for proposing to cancel a registration, and to give boarding house landlords the opportunity to make submissions on why their registration should not be cancelled. These provisions help protect the right to natural justice, and the Law Society supports their inclusion in the Bill.

3 Expiration of registrations

- 3.1 New section 66ZG in clause 5 requires boarding house landlords to provide annual confirmation of certain details in order to continue their registration. Where a boarding house landlord fails to comply with this requirement, subsection (3) provides that the Registrar "may assume the person is no longer a boarding house landlord and may amend the register accordingly".
- 3.2 As currently drafted, it is unclear whether this subsection empowers the Registrar to notify boarding house landlords that their registrations have expired, and to give affected boarding house landlords the opportunity to remedy their failures by providing an annual confirmation.
- 3.3 In our view, it would be preferable to delete subsection (3) of new section 66ZG, and amend the Bill (and new section 66ZH(1) in particular) to provide that expiration is a ground for cancellation. Such amendments would:
 - (a) ensure boarding house landlords who fail to provide annual confirmation (for example, because of an administrative oversight, or because of some matter beyond their control) will be notified that their registration has expired, and be given the opportunity to remedy their failure by submitting the annual confirmation;

¹ Information about these committees is available on the Law Society's website: www.lawsociety.org.nz/professional-practice/law-reform-and-advocacy/law-reform-committees/public-law-committee/.

- (b) extend the protections in clause 6 of the Bill to any decisions made by the Registrar following the expiration of a registration; and
- (c) serve the public interest by ensuring the register remains accurate and up to date.

4 Boarding house records

- 4.1 New section 66ZK(2)(j) provides that a boarding house record must include the “name and description of all other people (including children) occupying a boarding room under a boarding house tenancy agreement”.
- 4.2 To ensure consistency across boarding house records, we recommend specifying the classes of information that would need to be recorded in order to comply with this requirement (and this could include information about the person’s relationship to the tenant – for example, noting whether they are a partner or child). These classes need not be identified in the Bill, and could be specified in regulations made under section 140 of the Act: however, this would require an amendment to clause 8 of the Bill (which amends section 140) to confirm the Governor-General can make regulations for this purpose.

5 Transitional provisions

- 5.1 Clause 2 of the Bill states this legislation will come into force on the day after the date on which it receives Royal assent. The Law Society invites the Select Committee to consider whether a transition period could be helpful (or, necessary) here, noting it could:
 - (a) give the Chief Executive of the Ministry the opportunity to appoint a Registrar;
 - (b) once appointed to the role, give the Registrar the opportunity to establish the register; and
 - (c) give the Ministry adequate time to inform and educate boarding house landlords about their obligations under this legislation, and corresponding offences.

6 Other drafting improvements

- 6.1 In addition to the above feedback, we recommend the following changes to clause 5 of the Bill to improve its drafting:
 - (a) New section 66ZI refers to surrender of the ‘auctioneer’s’ registration. We presume this is a drafting error, and this provision should instead refer to the ‘boarding house landlord’s’ registration.
 - (b) New section 66ZK(3) refers to the ‘boarding house landlord record’. For consistency, we recommend amending this phrase to ‘boarding house record’, which is the phrase used elsewhere in the Bill.
 - (c) The reference to the ‘Register’ in new section 66ZO(1) also appears to be a drafting error, and should presumably be to the ‘Registrar’.
 - (d) New section 66ZP(1)(a) refers to the offence of granting a boarding house tenancy “contrary to section 66Z, while not being a registered boarding house

landlord". The phrase 'while not being a registered boarding house landlord' could be deleted from this subclause, as new section 66Z already provides that a person must not grant a boarding house tenancy unless the person is registered as a registered boarding house landlord.



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