

# Hon Jenny Salesa

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## MP for Manukau East

Minister for Building and Construction

Minister of Customs

Minister for Ethnic Communities

Associate Minister of Education

Associate Minister of Health

Claude Lewenz  
PODA New Zealand  
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Dear Claude

Thank you for your email of 10 November 2019 regarding the regulation of tiny houses. I appreciate your concern that people in New Zealand have access to affordable housing.

The Government is committed to making sure innovation is fostered in our building and housing landscape. Tiny homes are becoming more common place and the Government wants to ensure that they are healthy, safe and durable so that the wellbeing of people is safeguarded, which is one of the purposes of the Building Act.

The popularity of tiny homes is a relatively recent phenomenon and there has been confusion over how the legislation applies, particularly in relation to whether the tiny homes with wheels are considered a building or a vehicle.

There is different legislation that may apply when a person constructs, manufactures, owns, or lives in a tiny home – including property law, building law and law as it relates to the use of land. Each piece of legislation has its own purpose, classifications and definitions within it, and these should not be conflated

Councils make the decision whether something is a building under the Building Act. These assessments are made on a case by case basis as designs, much like traditional houses, can vary widely. In those instances where the tiny home is a building, then like all building work, construction requires a building consent (unless it is exempt) and the building work must comply with the minimum performance standards set out in the Building Code. There may also be requirements under other legislation, such as the Resource Management Act.

At this time, there are no changes being considered to building legislation with respect to tiny homes. As I understand it, there are two appeals before the District Court relating to MBIE's interpretation of the relevant sections of the Building Act to which you refer in your correspondence.

This is the correct avenue for MBIE's interpretation to be tested and it would not be appropriate for me to comment further.

Thank you for taking the time to write to me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jenny Salesa', written over a white background.

Hon Jenny Salesa  
**Minister for Building and Construction**