

**BUILDING  
PERFORMANCE**

# Tiny House

**GUIDANCE**

**Tiny House Guidance for the Building Act 2004**



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

New Zealand Government

## **Ministry of Business, Innovation and Employment (MBIE)**

*Hīkina Whakatutuki – Lifting to make successful*

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

The Tiny House Guidance document is produced by the Building System Performance branch.

This document is issued as guidance under section 175 of the Building Act 2004.

While MBIE has taken care in preparing the document it should not be relied upon as establishing compliance with all relevant clauses of the Building Act or Building Code in all cases that may arise. This document may be updated from time to time and the latest version is available from MBIE's website at [www.building.govt.nz](http://www.building.govt.nz)

Information, examples and answers to your questions about the topics covered here can be found on our website [www.building.govt.nz](http://www.building.govt.nz) or by calling us free on **0800 24 22 43**.

First published November 2021

ISBN 978-1-99-100833-6 (online)

### **More information**

[www.building.govt.nz](http://www.building.govt.nz)

**0800 24 22 43**

©Crown Copyright

The material contained in this document is subject to Crown copyright protection unless otherwise indicated. The Crown copyright protected material may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material being reproduced accurately and not being used in a derogatory manner or in a misleading context. Where the material is being published or issued to others, the source and copyright status should be acknowledged. The permission to reproduce Crown copyright protected material does not extend to any material in this report that is identified as being the copyright of a third party. Authorisation to reproduce such material should be obtained from the copyright holders.

# Contents

---

1. Purpose	4
2. Who is this guidance for?	5
3. About MBIE	6
4. Building or living in a tiny house	7
5. Determining whether a tiny house is a building or a vehicle	8
5.1 Flow chart supporting information	9
6. Types of tiny houses	12
7. The Building Act	14
7.1 Building consent	14
7.2 Building work for which building consent is not required	16
7.3 Building Code	18
7.4 Waivers and modifications to the Building Code	18
7.5 Buildings with specified intended lives	19
8. Building Act: Tiny house specific guidance information	20
8.1 Moving a tiny house to a new allotment	20
8.2 Alterations to an existing tiny house	20
9. Resource Management Act 1991	21
9.1 District plans	21
9.2 Minor dwelling	21
10. Co-regulator roles in the building system	22
10.1 Councils	22
11. The Land Transport Act 1998: Tiny house specific guidance information	23
11.1 Transportation	23

# 1. Purpose

---

The intent of this guidance document is to help improve understanding of what rules apply to tiny houses and what requirements need to be considered before building a tiny house.

This guidance ensures that tiny houses as buildings are safe, healthy and durable for their intended use.

## **This guidance seeks to provide clarity on:**

- › the meaning of **building** and **vehicle**
- › when and how tiny houses interact with the Building Act 2004 and the Building Code, including whether these tiny houses are subject to the requirements of the Building Act and require a building consent
- › ways to comply with the Building Code
- › why it is important to apply the Building Code to buildings that people live in
- › the building consenting process for immovable tiny houses.

The term **tiny house** is not defined in either the Building Act or the Building Regulations. A tiny house may be a **building** in terms section 8 of the Building Act providing certain criteria are met. This guidance sets out how these criteria might be applied.

It is not possible to make a statement of broad application about the legal status of tiny houses as category of dwelling; whether an individual tiny house meets the legal definition of **building** needs to be determined on its own merits.

This guidance is to help you to determine if your tiny house is a building or a vehicle, or both a building under the Building Act and a vehicle, and the ways to comply with the relevant law/s that you may need to consider.

There are three key pieces of legislation that you need to consider if you are intending to live in or relocate a tiny house. This guidance focuses on the Building Act.

### **What the law says:**

The legislation that may apply to your situation will depend on the characteristics of the tiny house and how you intend to use the tiny house.

- › [The Building Act 2004 \(includes the Building Code\)](#)
- › [The Resource Management Act 1991](#)
- › [The Land Transport Act 1998](#)

While **tiny house** is not a defined term in the Building Act, for the purposes of this guidance document we use this term. Some people also refer to tiny houses as compact dwellings, detached standalone dwellings, tiny houses on wheels, or have their own interpretations of what tiny houses are. This guidance document addresses these differences in the types of tiny houses.

### **Acknowledgements**

This guidance has been partly informed by past determinations, recent legal precedent and input from a sector reference group. The reference group was made up of individuals from the sector, BCAs, peak-bodies and other regulators with an interest in tiny houses.

We would like to acknowledge and thank those who have contributed to the development of this guidance.

## 2. Who is this guidance for?

---

- › **Manufacturers, tiny house owners and potential owners** who are planning to move, build and/or live in a tiny house.
- › **Councils, building consent authorities and regional or territorial authorities** who may provide advice to tiny house owners about what does or does not need a building consent.



## 3. About MBIE

---

The Ministry of Business, Innovation and Employment (MBIE) provides overall leadership of the building sector and is the central regulator.

MBIE manages the system that regulates building work and monitors its effectiveness. This includes reviewing the Building Code and producing documents to show ways to comply.

If a dispute arises over compliance with the Building Code or other compliance-related matters under the Building Act, or a decision made by a council (for example, about whether a building consent should be granted or not), either party can apply to MBIE for a determination.

[Find out more at the link below about resolving problems and how MBIE may be able to help.](#)



## 4. Building or living in a tiny house

---

People look at tiny houses as a housing option for a number of reasons, such as the affordability of standard homes in the housing market. There are many factors to think about when considering building, buying or living in a tiny house.

Some tiny houses are on wheels. It is important to clearly define the intended use, location/s, and construction method which will then inform which pieces of legislation will apply to your tiny house.

Whether you are; looking to buy a first home, looking to downsize or making a lifestyle choice, here are some things to consider when it comes to tiny houses:

- › Do you have land available to put the tiny house on?
- › Will you be relocating your tiny house in the future? Refer to page 20
- › Will the tiny house be on wheels? Refer to page 9
- › If the tiny house is on wheels, is it road legal? Refer to page 23
- › Will the tiny house be added as a minor dwelling to an existing property? Refer to page 13
- › Will you be connecting to any utility services (e.g. water systems) or be completely off grid? Refer to page 14
- › Will you need a building consent? Refer to page 14
- › Will you need a resource consent? Refer to page 21
- › Have you considered your area's district plan? Refer to page 21

The Building Code sets minimum performance standards for all building work in Aotearoa New Zealand. The Building Act and the Building Code have the objective to ensure buildings are safe, healthy and durable for everyone who will live in them. All building work must comply with the Building Code, even if it does not require a building consent.

### **What is building work?**

Building work is any work that is done in connection with the construction, alteration, demolition or removal of a building.

*For more information on the Building Code refer to page 18.*

*The Building Code is contained in regulations under the Building Act.*

# 5. Determining whether a tiny house is a building or a vehicle

The Building Act defines a building as a temporary or permanent movable or immovable structure and can include a vehicle or motor vehicle that is immovable and is occupied by people on a permanent or long-term basis.

A tiny house could be considered as a **building** or a **vehicle**, or both a **building and a vehicle**. In some circumstances you may require a building consent even if the tiny house has wheels.

### What the law says:

The Building Act Section 8 (1)(b)(iii) defines a building as a **temporary or permanent movable or immovable structure** and includes:

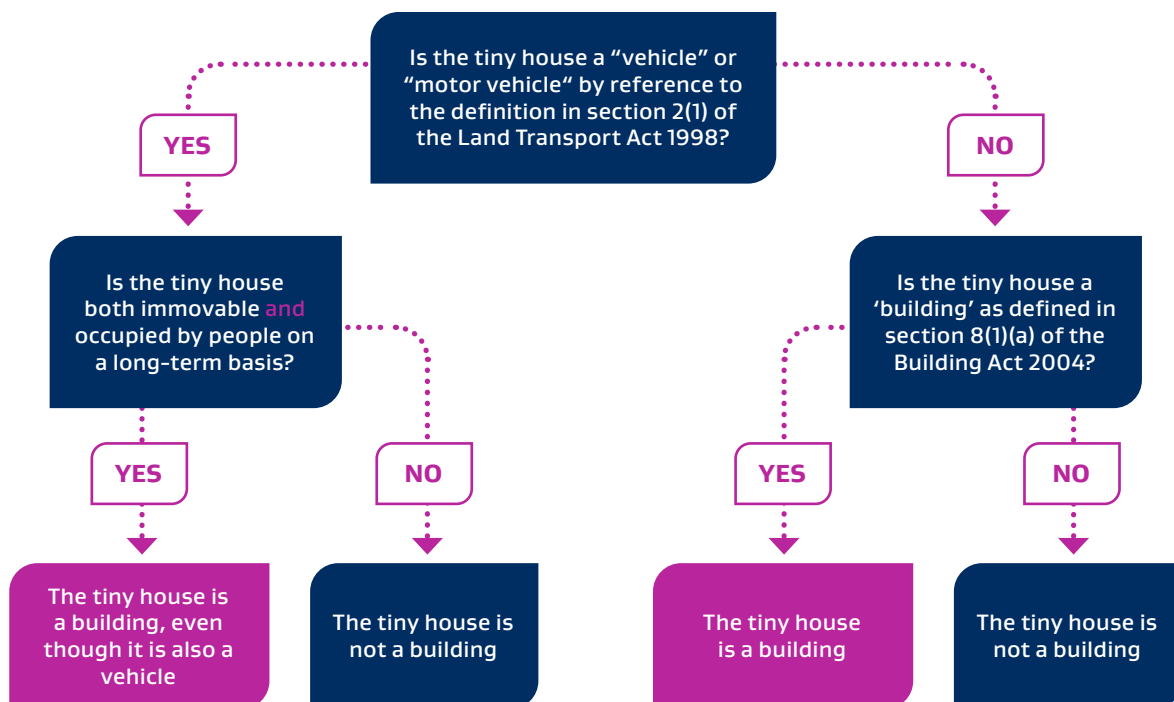
- › vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis

[Find out more about this legislation](#)

**The flow chart below is to help you consider if a tiny house or any structure (including those on wheels) is considered a building under the Building Act.**

It is recommended that you read all the supporting information that goes with the flow chart before making a decision.

*Further information to support this flow chart can be found in section 5.1*



### Disclaimer:

The above flow chart is a guide only and may be applied differently to different situations. The information listed in the flow chart is subject to any relevant exclusions in section 9 of the Building Act.



## 5.1 Flow chart supporting information

### Building

Consider the following when working out if a tiny house is a building for the purposes of the Building Act:

1. Does the tiny house fall within the general definition of **building** under [section 8](#) of the Building Act?
2. Does the tiny house fall within the general definition of **vehicle** or **motor vehicle** under section 2(1) of the [Land Transport Act 1998](#)
  - 2.1 If the tiny house does come under the vehicle or motor vehicle definition, is the unit immovable **and** occupied by people on a permanent or long-term basis?
    - a) If yes, then the unit is a building.
    - b) If the unit is a vehicle, but it is not immovable and not occupied by people on a permanent or long-term basis, then it is not a building.

### Vehicle / Motor Vehicle

A tiny house is not classed as a specialist vehicle, so to be used on the road it must be within the dimension limits for a standard vehicle, or if larger be transported as a load.

#### What the law says:

Section 8 of the Building Act defines a building as a temporary or permanent movable or immovable structure which includes a **vehicle** or **motor vehicle**.

The definition of a vehicle or motor vehicle is defined in Section 2(1) of the Land Transport Act. This is summarised as follows:

- › **A vehicle** means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.
- › **A motor vehicle** means a vehicle drawn or propelled by mechanical power and includes a trailer.

### Tiny houses

Tiny houses on wheels will often be vehicles e.g. motor homes, but may also meet the definition of a building if they are immovable **and** occupied by people on a permanent or long term basis. Each tiny house should be considered based on its own characteristics to determine whether it should be considered a building.

#### Immovable

Consider the following when trying to understand if a tiny house is **immovable**. All circumstances will need to be taken into account.

- › Does the design enable it to be moved or relocated with relative ease?
- › Are there features common to vehicles e.g. suspension, shocks, springs, brakes, brake lights, turn signals and number plates?
- › Does it have a warrant of fitness/certificate of fitness or could it pass a warrant of fitness/certificate of fitness test?
- › Does it rest on wheels alone or is it otherwise self-supported, or requiring some other form of stabilisation?
- › Is it connected to features that would need to be deconstructed if it was to be moved e.g. foundations, walkways or decking?
- › Has it been moved in the past, and is the intention to move it in the future?
- › Is it connected to on site services and how has this been done e.g. water, wastewater, electricity?

### ***Occupied by people on a permanent or long-term basis***

Consider the following when working out if a tiny house is occupied by people on a permanent or long-term basis. Take into account all of the circumstances, including:

- › Is your tiny house used or intended to be used for residential purposes and occupied by people? This includes tiny houses used or intended to be used as primary places of residence, but also those used as weekend or holiday homes. *Tiny houses used or intended to be used for residential purposes will be considered occupied by people.*
- › Is your tiny house used or intended to be used by people for business activities? *Tiny houses used or intended to be used by people for business activities will be considered occupied by people.*
- › Is there no anticipated end date to its occupation by people? Occupation on a long-term basis is something less than permanent occupation, but may be contrasted with merely temporary or short-term occupation. *A tiny house will be considered occupied on a permanent basis where there is no anticipated end date to its occupation by people.*





## 6. Types of tiny houses

### The information below provides:

- › options for adding a detached standalone dwelling (household unit) to an allotment
- › options for using a vehicle (Tiny House On Wheels) as accommodation on an allotment
- › a short overview of what can be achieved.

*This list is not exhaustive and should be used as a guide only.*

### What is an allotment?

An allotment is a continuous piece of land where the boundaries are shown on a survey plan.

Options for adding a detached standalone dwelling (household unit) to an allotment		
Consent pathway	Overview	Limitations
Standard building consent pathway for constructing a building, including a tiny house	As with other dwellings a tiny house may be built on an allotment utilising the standard building consent process. This process can be used on small allotments where the applicant is seeking to build a one or two bedroom dwelling.	<ul style="list-style-type: none"> <li>› Building consent is required.</li> <li>› Must observe any applicable district planning requirements.</li> <li>› Consent notices or covenants on the land title might set minimum site coverage and other related requirements.</li> </ul>
Building consent pathway for a minor dwelling	Minor dwellings are often utilised to house large or extended family units on the same site. They are also commonly used to house elderly relatives who are seeking to downsize and/or retire.	<ul style="list-style-type: none"> <li>› Some territorial authorities (councils) allow a <b>minor dwelling</b> to be built on an allotment providing there is already a primary dwelling in place on that allotment.</li> <li>› Such dwellings are often limited in size (e.g. 60m<sup>2</sup>) in accordance with council district planning requirements.</li> </ul> <p>Minor dwellings are often designated to be 'a permitted activity' providing all other applicable building and planning requirements are met.</p>
MultiProof option	<p>A national multiple-use approval (known as a <b>MultiProof</b>) is a statement by MBIE that a set of plans and specifications for a building complies with the Building Code.</p> <p>A MultiProof allows builders who replicate the same or substantially similar buildings several times to benefit from a streamlined building consent process.</p> <p>This avoids the need for the core design to be assessed by building consent authorities each time it is proposed to be built on a different site.</p>	<ul style="list-style-type: none"> <li>› Building consent is still required, though the plans and specifications for consent (the base design) have a form of pre-approval.</li> <li>› Must observe any applicable district planning requirements.</li> <li>› The MultiProof Register lists buildings that have a MultiProof certificate.</li> </ul>
Relocated dwelling consent pathway	An existing dwelling may be repurposed from one site to another providing the dwellings site of origin and the new site have the same or similar characteristics. <a href="#">Section 112</a> (alterations to existing buildings) of the Building Act is used to assess dwellings that are being moved from one site to another.	<ul style="list-style-type: none"> <li>› Building consent is required.</li> <li>› Where a building does not have similar characteristics to the site of origin further building work may be required to meet the higher performance requirements of the Building Code.</li> </ul> <p>Must observe any applicable district planning requirements</p>
Options for using a vehicle (Tiny House On Wheels) as accommodation on an allotment		
Consent pathway	Overview	Limitations
Use of a vehicle for temporary accommodation (no connection to site services)	Tiny house on wheels that meets the Land Transport Act definition of a vehicle or motor vehicle. That is not connected to any on site utility services.	<ul style="list-style-type: none"> <li>› If you do connect to on site utility services, such as water, foul water, a building consent is required.</li> <li>› Note, if the vehicle is used on permanent or long term basis; and is deemed to be immovable then the vehicle may be considered to be a building under the Building Act.</li> </ul>
Use of a vehicle for temporary accommodation (connection to on site network utility services)	Following a natural disaster the vehicle is used to house people on site while their dwelling is being repaired.	<ul style="list-style-type: none"> <li>› Building consent is normally required for connection to on site utility services such as foul water.</li> <li>› If the vehicle is used on permanent or long term basis; and is deemed to be immovable then the vehicle may be considered to be a building under the Building Act.</li> </ul>
Use of a vehicle that will be occupied on a permanent or long term basis and is immovable	A vehicle that is moved onto an allotment to be used as a permanent housing solution.	<ul style="list-style-type: none"> <li>› Any related building work will require a building consent.</li> </ul>

# 7. The Building Act

The Building Act sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in Aotearoa New Zealand. If your tiny house is a **building** the Building Act, will help ensure that:

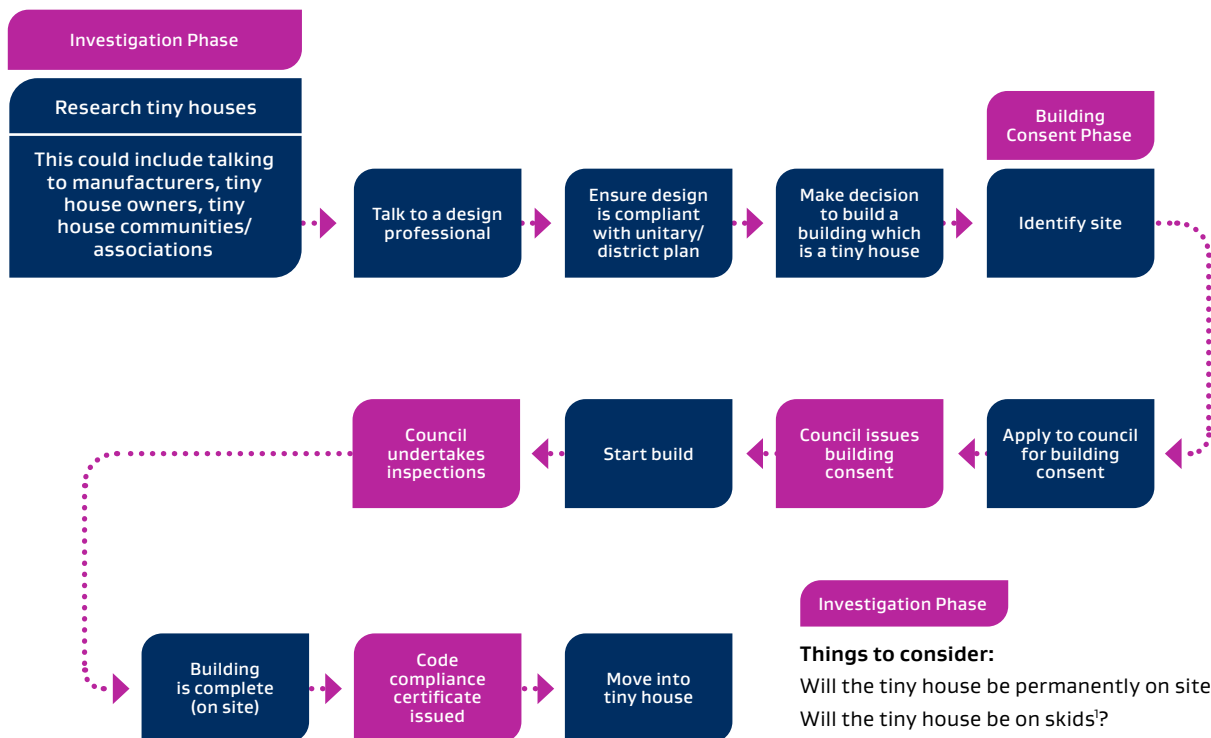
- › it can be used safely and without endangering people’s health;
- › it has attributes that contribute appropriately to the health, physical independence, and wellbeing of the people who use it;
- › people who use it can escape it if it is on fire; and
- › it is designed, constructed, and able to be used in ways that promote sustainable development.

## 7.1 Building consent

A building consent is an approval granted by your local council under the Building Act that allows a person to carry out building work. Building work is work for, or in connection with construction, alteration, demolition or removal of a building. Councils will issue building consents when satisfied that the proposed building work, if properly completed in accordance with the plans and specifications accompanying the consent application, meets the requirements of the Building Code.

The process flow below highlights the **building consent** process for a standard fixed tiny house.

### Standard building consent process for buildings



**Disclaimer:**

The above process flow is not intended to cover every situation, and does not include any requirements under the Resource Management Act or the related Regional or District Plans.

**Investigation Phase**

**Things to consider:**

- Will the tiny house be permanently on site?
- Will the tiny house be on skids<sup>1</sup>?
- Do you have land available?
- Will it be added as a minor dwelling on site?
- Will it be connected to services?
- Will you need resource consent?
- Will the tiny house be on wheels?

For more information see flowchart on page 8.

<sup>1</sup> "skids" - A timber runner (ground beam) or similar supporting the subfloor of a tiny house in lieu of standard foundations such as timber bearers and piles.



## 7.2 Building work for which a building consent is not required

Schedule 1 of the Building Act lists building work for which a building consent is not required. You cannot carry out any building work without a building consent, except for where the building work falls under Schedule 1 of the Building Act.

Schedule 1 provides for a number of exemptions that relate to **detached buildings**. Detached buildings can provide additional accommodation to the existing dwelling situated on site.

**Note:** Detached buildings built in accordance with Schedule 1 of the Building Act cannot contain sanitary facilities or facilities for the storage of potable water.

Exempt building work option	Overview	Limitations
<b>3*</b> . Single-storey detached buildings not exceeding 10 square metres in floor area.	Covers buildings up to 10 square metres in floor area.	<ul style="list-style-type: none"> <li>a) Is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level).</li> <li>b) Does not exceed 10 square metres in floor area.</li> <li>c) Does not contain sanitary facilities or facilities for the storage of potable water.</li> <li>d) Does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities.</li> <li>e) Does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.</li> </ul>
<b>3A*</b> . Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area and constructed of lightweight material.	Covers single-storey detached buildings exceeding 10, but not exceeding 30 square metres in floor area, constructed of lightweight materials.	<ul style="list-style-type: none"> <li>a) all the limitations apply from exemption 3 above and;</li> <li>b) exceeds 10 square metres in floor area but does not exceed 30 square metres</li> <li>c) is built using lightweight wall and roof materials, and in accordance with Acceptable Solution B1/AS1 for timber or steel buildings</li> <li>d) if it includes sleeping accommodation, has smoke alarms installed.</li> </ul>
<b>3B*</b> . Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area if work carried out or supervised by licensed building practitioner.	Covers single-storey detached buildings exceeding 10, but not exceeding 30 square metres in floor area, where any design or construction work is carried out or supervised by a licensed building practitioner.	<ul style="list-style-type: none"> <li>a) all the limitations apply from exemption 3 above and;</li> <li>b) exceeds 10 square metres in floor area but does not exceed 30 square metres</li> <li>c) if it includes sleeping accommodation, has smoke alarms installed</li> <li>d) any design or construction work is carried out or supervised by a licensed building practitioner.</li> </ul>
<b>43*</b> . Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area (where kitset or prefabricated).	Covers buildings exceeding 10 and up to 30 square metres in floor area using a kitset or prefabricated building where a manufacturer or supplier has had the design carried out or reviewed by a chartered professional engineer.	<ul style="list-style-type: none"> <li>a) all the limitations apply from exemption 3 above and;</li> <li>b) exceeds 10 square metres in floor area but does not exceed 30 square metres</li> <li>c) the product manufacturer or supplier (as defined in section 14G of the Building Act) must have had the design of the building carried out or reviewed by a chartered professional engineer</li> <li>d) the building is a kitset or prefabricated building</li> <li>e) the building work is carried out in accordance with the design</li> <li>f) if it includes sleeping accommodation, has smoke alarms installed.</li> </ul>

\*The number at the start represents the clause number in Schedule 1 - Building work for which building consent is not required

[Find out more about Schedule 1 Building work for which a building consent is not required](#)

You should refer to an experienced design professional for design advice in the first instance. You can also talk to your council about applying for a building consent.

## 7.3 Building Code

The Building Code is contained in regulations under the Building Act. All building work must comply with the Building Code, even if it does not require a building consent. This ensures buildings are safe, healthy and durable for everyone who may use them.

The Building Code sets the minimum standards buildings must meet. It covers aspects such as structural stability, fire safety, access, moisture control, durability, services and facilities, and energy efficiency. This includes tiny houses that come within the definition of **building** (including those on wheels).

If your tiny house on wheels is a building then you will need to ensure that building work on your tiny house complies with the Building Code. You will also need to get a building consent to construct the tiny house.

If you are going to use a vehicle as accommodation for an extended period you should consider whether the vehicle is built in a manner that is fit for purpose for specific area conditions if relocating to different geographical areas of the country. For example, conditions such as wind zones, corrosion zones and earthquake zones should be taken into consideration

[Find out more about building code compliance](#)

One way of complying with the Building Code is to use **Acceptable Solutions** and **Verification Methods**. Acceptable Solutions and Verification Methods are produced by MBIE and, if followed, must be accepted by a building consent authority (BCA) as evidence of compliance with the Building Code.

The [Building Code handbook](#) contains an index to show which Acceptable Solutions or Verification Methods apply to different building elements.

They can also be useful when demonstrating how proposed building work will comply as an alternative solution. You could use them in part or in comparison alongside other evidence.

[Find out more about Acceptable Solutions or Verification Methods](#)

## 7.4 Waivers and modifications to the Building Code

The Building Act allows territorial authorities to grant a building consent subject to waiver or modification of the Building Code.

Waivers and modifications allow territorial authorities to exercise judgement when dealing with unusual building compliance situations. Some examples of applying for a waiver and modification of the Building Code in a tiny house context might include:

- › Applying for a modification of Clause F4.3.1 or F4.3.4 when it may not be practical to have a barrier to the required height.
- › Applying for a modification of Clause G7.3.2 when it may not be practical for small sleeping spaces to have visual awareness of the outside environment.

If a building consent is granted subject to a waiver or modification, the territorial authority will notify MBIE of this.



## 7.5 Buildings with specified intended lives

Most buildings have a specified intended life of not less than 50 years. However, there are some buildings that will be on site for short term use, for example site offices or temporary accommodation. The intent is that these buildings will be altered, removed or demolished before the end of the specified intended life.

A building that is subject to a specified intended life may be repurposed following the expiry of the specified intended life. However, in order for this to take place it may require some level of alteration (upgrading) and a building consent may be required. It is feasible that the building could be used for the same or another less onerous use following the expiry of its specified intended life e.g. it may have to be re-clad, structurally upgraded or may be repurposed as an outbuilding instead of a building to be lived in.

Where you intend to live in a building for less than 50 years you may consider designing and constructing a building for a lesser period.

### What the law says:

Section [113 of the Building Act](#) - Buildings with specified intended lives

1. This section applies if a proposed building, or an existing building proposed to be altered, is intended to have a life of less than 50 years.
2. A territorial authority may grant a building consent only if the consent is subject to—
  - a) the condition that the building must be altered, removed, or demolished on or before the end of the specified intended life; and
  - b) any other conditions that the territorial authority considers necessary.



# 8. Building Act: Tiny house specific guidance information

---

## 8.1 Moving a tiny house to a new allotment

You should always check with a design professional and your council whether or not a building consent is required if you are relocating or moving your tiny house.

Relocating an existing building on an allotment is treated as an alteration to an existing building and as such **will** require a building consent for building work that is undertaken, as will procuring a purpose built prefabricated building.

Here is a list of things to consider:

- › Commission designer to plot building on site in relation to legal boundaries and show connection to services etc.
- › Provide evidence that, on its new site, the building will continue to comply with the relevant provisions of the Building Code to at least the same extent as it did, on its site of origin.
- › It must also comply with the Building Code, as near as is reasonably practicable with the provisions that relate to means of escape from fire. This is typically achieved by installing smoke detectors in the building in accordance with acceptable solution [F7/AS1](#) as it relates to domestic smoke alarms.
- › Apply for building consent.
- › Prepare site for utility services.
- › Construct foundations.

## 8.2 Alterations to an existing tiny house

As above in section 8.1, if you are altering an existing tiny house, your tiny house must continue to comply with the Building Code to at least the same extent as before you did the alteration. For more information see:

[Find out more about altering an existing building](#)

### **What the law says:**

Section 112 of the Building Act – alterations to existing buildings

1. A building consent authority must not grant a building consent for the alteration of an existing building, or part of an existing building, unless the building consent authority is satisfied that, after the alteration,—
  - a. the building will comply, as nearly as is reasonably practicable, with the provisions of the building code that relate to—
    - i. means of escape from fire; and
    - ii. access and facilities for persons with disabilities (if this is a requirement in terms of section 118); and
  - b. the building will,—
    - i. if it complied with the other provisions of the Building Code immediately before the building work began, continue to comply with those provisions; or
    - ii. if it did not comply with the other provisions of the building code immediately before the building work began, continue to comply at least to the same extent as it did then comply.

# 9. Resource Management Act 1991

---

The Resource Management Act 1991 allows territorial authorities to prepare, implement and administer district plans.

The Building Act and the Resource Management Act are very different pieces of legislation, and there are different definitions and requirements under each. Although your tiny house may not be defined as a building under the Building Act, it may still be a building as defined in a district plan adopted by your council under the Resource Management Act.

Determining whether a tiny house is a building will depend on the regulatory regime that is being applied. City councils and district councils are responsible both for issuing building consents under the Building Act, and granting resource consents under the Resource Management Act.

Whether a tiny house is a building for Resource Management Act purposes will depend on the particular provisions and definitions of the relevant council's district plan, which can differ from council to council across New Zealand.

Even though your tiny house may be classed as a vehicle, it may fit as a dwelling under the Resource Management Act. You will need to discuss this with your council.

## **What the law says:**

Section 2 of the Resource Management Act defines a 'dwellinghouse' as:

- › any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited.

[Resource Management Act 1991 No 69 \(as at 13 April 2021\), Public Act 2 Interpretation – New Zealand Legislation](#)

## 9.1 District plans

A district plan is the main document that sets out the framework for managing land use and development. Each council creates its own district plan specific to its area, so rules may vary depending on where your tiny house will be located.

You should check with your local council to make sure your tiny house complies with your local district plan. If it doesn't, you will need a resource consent.

Contact your local council to discuss district plan requirements in the area where your tiny house will be located.

[Find your local building consent authority on the building performance website](#)

## 9.2 Minor dwelling

Minor dwellings are self-contained units built on the same site as another residential building. Most minor dwellings fall under district plans as a **permitted activity**. Councils will have different requirements in different areas. You should check with your council whether you will need a resource consent, building consent or both if you are planning to add a minor dwelling to your site.

# 10. Co-regulator roles in the building system

---

## 10.1 Councils

Councils have powers to address breaches of the Building Act and to protect people and other buildings (for example, if a building is dangerous, earthquake-prone or insanitary). They can issue infringement notices or, in some circumstances, organise for remedial work to be done.

Councils charge a fee for these services. The fee depends on the council and the amount of work involved, but is generally set for the recovery of reasonable costs. It will be a small proportion of the cost of the whole building project and will provide assurance that the job has been done properly.

A building owner is ultimately responsible for ensuring the council has all the information it needs about the project. If you have asked your designer, main contractor or project manager to work with the council, check that everyone understands their roles and responsibilities.

*If you are planning to connect your tiny house to utility services, such as storm water or foul water, you will need to obtain a building consent.*



# 11. The Land Transport Act 1998: Tiny house specific guidance information

---

You can move your tiny house on the road as a load, or as a vehicle as long as it is road legal and meets the legal dimension requirements to be transported.

## 11.1 Transportation

To be used on the road as a vehicle a tiny house must be within the dimension limit for a standard size vehicle. The standard size is 2.55m wide, if it is wider it must be transported as a load. A load is temporarily transported on a trailer, it cannot be permanently fixed to, or part of the trailer.

If a tiny house is wider than 2.55m (a load) it needs to comply with over dimension load requirements. Things to consider in transporting a load are:

- › travel time restrictions (depending on the size of the load)
- › route survey – to ensure it won't get stuck
- › pilot vehicles
- › an over dimension load transport company may be required to relocate the tiny house.

Where your tiny house is deemed a vehicle, like all other vehicles - it needs to remain road legal when operated on a road. This means it needs to have a warrant of fitness (WoF), and, irrespective of having a valid WoF label or not, it needs to be road legal (meaning legally required tyres, suspension, brakes, lights etc. must be fitted and working properly).

For more information visit the Waka Kotahi NZ Transport Agency website.

[Tiny homes | Waka Kotahi NZ Transport Agency \(nzta.govt.nz\)](https://www.nzta.govt.nz/tinies)

### What the law says:

The definition of a vehicle or motor vehicle is defined in Section 2(1) of the Land Transport Act 1998. This is summarised as follows:

- › A **vehicle** means any contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.
- › A **motor vehicle** means a vehicle drawn or propelled by mechanical power and includes a trailer.

# BUILDING PERFORMANCE

