



Asbestos and rental properties

4 June 2018

The Health and Safety (Asbestos) Regulations 2016 came into effect on 4 April 2018. These regulations were mostly aimed at the Asbestos removal industry and commercial landlords, however they also apply to residential landlords as well.

It appears that the regulators forgot about this, as the residential rental industry was not consulted or even informed of the regulations.

As a residential rental owner, we are considered a Person Conducting a Business or Undertaking, commonly called a PCBU.

While our rental property is usually a residential dwelling, if we are having work done on the property then it becomes a work place. As such, we have a responsibility for the health and safety of the workers we employ to work on our rental.

The Health and Safety (Asbestos) Regulations 2016, state that we have a duty to identify asbestos in our rentals and prepare an asbestos management plan.

The duty only applies when you are planning and carrying out renovations, refurbishments or demolition work. It also only applies to the relevant work area. This means that you do not need to produce an Asbestos Management Plan immediately.

If you are planning and carrying out renovations, refurbishments or demolition work on your rental, there are three possible strategies that you can undertake to meet the requirements of the Act.

1. You can employ a surveying or inspection company to undertake an inspection of your property and identify any asbestos it contains. This report can then be the basis for your asbestos management plan.
2. You can take your own samples of material you suspect may contain asbestos and have it tested at an approved laboratory.
3. If you don't do either of these options, then you must assume that the rental contains asbestos and prepare your asbestos management plan based on this assumption.

Worksafe NZ have produced a policy statement for Residential landlords and asbestos. You can view a copy of this statement here. (Link to statement on NZPIF website)

The NZPIF will continue looking into the situation and provide more information on how members can develop an asbestos management plan when required.