

A photograph of two young boys having a pillow fight in a bedroom. The boy on the left is wearing a white t-shirt with black sleeves and is swinging a pillow. The boy on the right is wearing a dark t-shirt and is laughing while holding a pillow. The room has a bed with a patterned pillow, a nightstand with a lamp, and a window with blinds. The entire image is overlaid with a semi-transparent green filter.

# Health and Safety for Landlords

Your rights and responsibilities as a landlord under the  
Health and Safety at Work Act 2015

# Introduction

Since the [Health and Safety at Work Act 2015](#) came into effect, we get many requests from landlords asking for advice on what their obligations are. A landlord who rents out his or her property to tenants, including residential long term, short term, or commercial, has several obligations under the HSWA Act. This guide provides guidance on how to comply with the law and keep your properties “as safe as houses”.

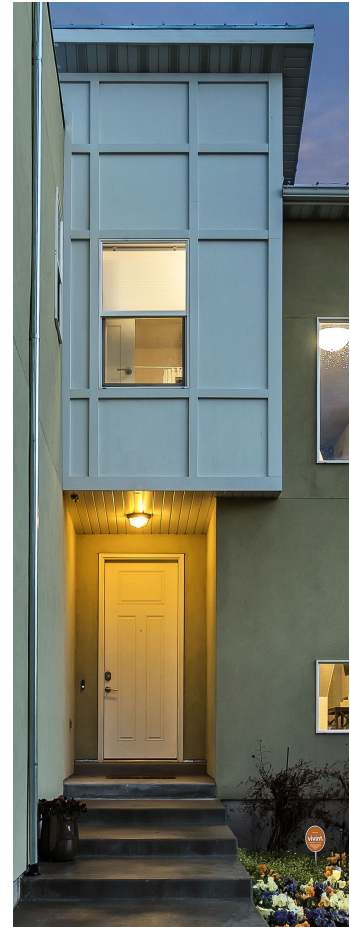
## Terms Used in this guide

**PCBU** – person conducting a business or undertaking. This is your company (if your properties are owned by company or trust). If you are operating as a sole trader then you personally may be the PCBU.

**SSSP** – SSite Specific Safety PK. A folder used by tradies. It contains all the Health & Safety documents for site.

**Hazard** – A hazard is something that could harm you or another person.

**Control** – A control is the steps you take to mitigate the risk of someone being hurt by the hazard.





## Disclaimer

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# Getting started with Safety: Making a Property Safe for Guests

## At a Glance

- Always conduct a Hazard Assessment of your property before letting it out.
- Every property has hazards. Just because you identify them does not mean you are in trouble or that it will negatively affect the yield.

- The appropriate level of control of these hazards depends on the level of service you are providing; a short term or fully furnished rental (AirBNB etc) may require stricter controls than an unfurnished long-term rental.

## Hazard and Risk Assessment

Every business has an obligation to identify and control hazards. For a landlord, this means taking a walkthrough of your property and noting down anything that could harm your tenants. You can use the free template in Appendix I work through the process or download a digital copy of this guide and template from our website.

		Consequence of event occurring				
		Superficial	Minor	Moderate	Major	Catastrophic
Likelihood of event occurring	Rare (<5%)	Low	Low	Low	Low	Moderate
	Unlikely (5-10%)	Low	Low	Low	Moderate	High
	Possible (10-50%)	Low	Low	Moderate	Moderate	High
	Very Likely (50-75%)	Low	Moderate	Moderate	High	High
	Almost Certain (>75%)	Moderate	Moderate	High	High	Extreme

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When you've identified a risk you should assess the likelihood of someone being injured and the consequence. This will clearly identify how urgent the control needs to be implemented and also give you an idea of how much money and time to spend fixing it.

## Controlling the Risks

When you've identified the hazard you then need to determine the most appropriate control. The simple flowchart below provides an overview of the process

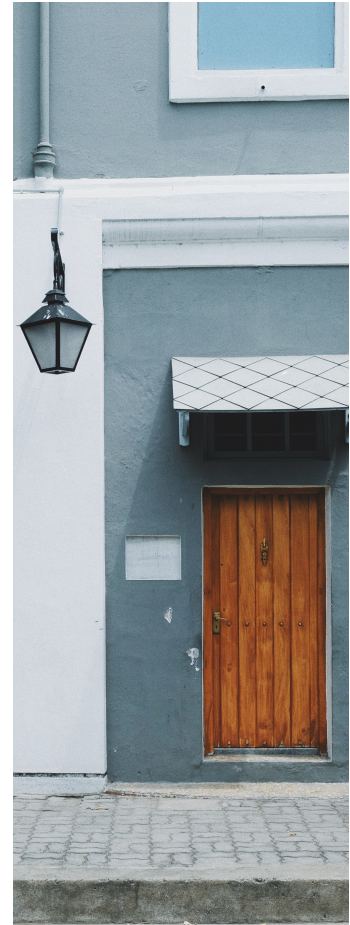


Every situation will be different and there are usually multiple acceptable ways to control a risk. Some risks may have a legally mandated control. For example, cold, damp housing must be controlled by bringing your property up to the Healthy Homes Standards. For risks that don't have a mandated control, we use the following risk assessment process to determine the best way of dealing with the hazard.

## 1. Eliminate where possible!

If you can remove a risk from your property then you'll never have to worry about it again. This is always your priority and should be done unless it's impractical to do so. Note that cost is only a defensible reason if the cost is grossly disproportionate to the risk.

- Jim purchased a run-down 1960's home in South Christchurch. The backyard was half full of rubbish which would be a problem for any tenants. Jim notes it on his hazard assessment and arranges for a contractor to clean up the mess (eliminate)





Lisa owns a rental property with a overgrown old wooden garden shed right at the back of the property. She considers saving it but the condition of the shed means that its easier to tear it down. To control the hazard.

## 2. When you can't eliminate

If it's impractical to eliminate the risk then you should minimise it, either by

- Substituting the risk – switching out harsh cleaning chemicals used to clean the short-term rental between guests with safer alternatives etc
- Isolating the risk – maintaining good fences, replacing the faulty garage door lock to keep people out etc.
- Engineered controls – replacing the worn-out handrail on the back step, installing a fire escape ladder for the second story bedroom etc.

If the risk remains, then you should warn tenants in whatever way is most appropriate ie signage, hazard registers etc. This will vary depending on the situation. For example, a short-term rental could include in the guest book a warning about farm animals next door.

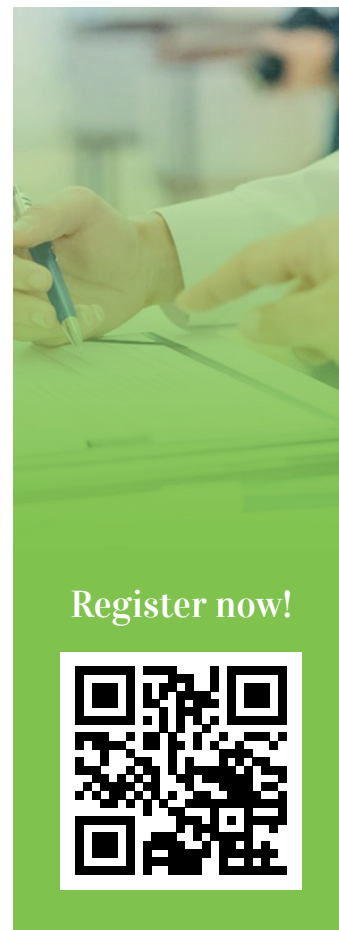
If a tenant / neighbour or guest tells you about a previously unidentified hazard then you can also use this process to address it.

## Asbestos

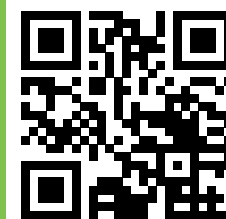
Asbestos has been in the news a lot and for a good reason – if inhaled it can cause you serious health issues. If you have confirmed asbestos (or part of a structure that you suspect is asbestos) on your property, then should tell your tenants to stay away and take steps to make it safe.

You should always conduct a hazard assessment on your property before you rent it. During this process, you may notice some potential Asbestos. This should be noted on your Asbestos Register (refer Appendix 2). Properties most at risk are those built before the year 2000. For these properties, we recommend that you engage a company for a professional Asbestos Survey.

- If you have / suspect you have Asbestos Containing Materials you should seek specialist advice.
- You should never attempt to remove or work on AMC yourself, for example, drilling holes in stippled ceilings.



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Asbestos is not a job for the weekend DIYer.

- Be aware of how weathered/damaged Asbestos could affect its surrounds. For example, an Asbestos roof with damaged gutters would likely contaminate the surrounding ground through rain runoff.

Worksafe has helpful information on where Asbestos products might be found on buildings. <https://worksafe.govt.nz/topic-and-industry/asbestos/working-with-asbestos/where-asbestos-can-be-found/> Although you can only confirm the presence of Asbestos through a lab test, you can get a rough idea of what may or may not be dangerous by educating yourself on what to look for.

If you plan to do work or engage a contractor to do work on potential Asbestos, then you must contact a Asbestos Testing Company to take a sample for a lab test. This will conclusively tell whether the material is Asbestos. You should then work with your contractor to determine the best approach before moving forward. The responsibility for planning the best approach falls on the landlord so we recommend engaging specialist advice.

# Short Term Rentals

If you run a short term rental then you must provide your guest with the right information for a safe as well as comfortable stay. This section provides a brief checklist of common things you must address to ensure the safety of your guests.

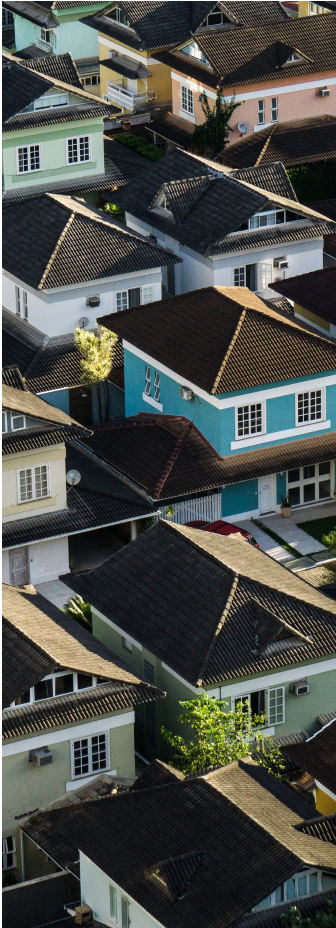
## Children

- Is your property suitable for children or infants?
- Have you isolated no-go areas, provided stairwell gates, socket covers, safety latches etc?
- Is there a secure place to store chemicals such as cleaning sprays?

## Right information

- Have you provided emergency evacuation instructions to your guests?
- Are they aware of where the fire extinguishers are?
- Have you informed them of the nearest medical centre, afterhours pharmacy etc?
- Have you given them a copy of the “house rules?”
- Have you provided them with a method of reporting any accidents or hazards to you? This is commonly done through a feedback form or suggestion box.





# Paying your tenants, a visit: Inspecting a property

Before you inspect your property, consider the following hazards.

- The presence of dogs at the property;
- Uncooperative or aggressive tenants and their visitors;
- Building contamination due to illicit substances;
- Poor property maintenance; and
- Attending an isolated property alone.

You can find information about what hazards are present at a property by reviewing the Hazard Register.

# Upgrades and Maintenance: Engaging Professional Contractors

If you need to engage a contractor to undertake maintenance or repair work on your property then you have certain obligations under the HSWA. Fortunately, it's straight forward and you probably already do most of it in a conversation with the contractor. What you should also do, is formalise it with written documentation

## Before Engaging a contractor

Choosing a contractor is more than getting a bunch of quotes and picking the cheapest. You have a responsibility to check that they are up to the job.

- Do they have a good reputation for quality? Have you seen their previous work, checked references etc?
- Are they qualified to do the job? Are they a member of their industry professional organisation? Do they hold the required licenses?
- Do they have a plan for how to approach the job safely? Will they consider your tenants etc?

Typically, the last two are done by the Contractor providing you with a **Site Specific Safety Plan (SSSP)**. You may need to ask for one, but all







contractors must provide one for the job. This plan will cover:

- Their plan for working around hazards onsite.
- How they plan to approach the task, especially if the job is a big one or involves heights, gas, electricity or excavation hazards.
- A register of their training and qualifications
- A sign page for you to accept the SSSP. As you're a PCBU you'll need to sign that you accept the SSSP and are happy for the work to continue.

The contractor must provide you with any hazard information for the consumer such as copies of compliance certificates, asbestos clearance tests etc

## **What do I need to tell the contractor?**

Every PCBU has a duty to consult and engage with other PCBU's involved with the job. The Contractor told you about what he/she will be doing in the above step, now it's your turn.

The easiest way to do this is to hand the Contractor a copy of your completed and up-to-date Hazard Register. This can be emailed to them at any time, or you could meet with them onsite when they start the work and discuss the task with them.

If you have a commercial property and have concerns about Asbestos be

sure to hand them a copy of your Asbestos Register also.

## Contractor Checklist

- ☐ Their references check out and they have a good reputation for their work.
- ☐ The contractor is qualified / registered for the job – License / ID
- ☐ Number\_\_\_\_\_
- ☐ The contractor has provided a copy of their SSSP to view
- ☐ You have provided them with a copy of my hazard & asbestos register.

