

# Tiny houses on wheels and other mobile or semi-mobile habitable buildings

## Information sheet

What you need to know about tiny homes on wheels, caravans, motorhomes that are used for permanent accommodation.

**Any interested watcher of home and renovation news knows the housing trend of the moment is tiny houses. With the high price of housing, they are becoming increasingly popular.**

Tiny houses are defined as houses around 18–20m<sup>2</sup>, although some measure 35m<sup>2</sup>. Built mostly on wheels, they are billed as the affordable answer to ballooning housing costs.

What some have found out with this new trend is, that having a tiny house on wheels (THOW) does not necessarily exempt it from requiring a building consent.

In some circumstances, a building consent may be required, even when the tiny house has wheels.

The Ministry of Business Innovation and Employment (MBIE) have had many determinations regarding THOW's and have a well-established view on when they are a building.

All building work requires building consent unless specifically exempted under the Building Act 2004.

The Building Act defines a building as "*a temporary or permanent movable or immovable structure...*". Further to this, a building includes a vehicle that may be occupied on a long-term or permanent basis. Therefore, in order to ascertain whether the THOW requires building consent a couple of questions need to be asked.

Firstly, is it a vehicle?

The Land Transport Act 1998 defines a vehicle as "*a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved...*" and a motor vehicle as a "*a vehicle drawn or propelled by mechanical power...*" and "*includes a trailer...*". It is important to note that having wheels and being transportable does not automatically make a THOW a vehicle. To be a vehicle, the THOW must also have the characteristics of a vehicle – e.g. brakes, suspension, lights – and be (and remain) warranted and registered for use on the road.

Secondly, if the THOW is a vehicle, is it immovable or occupied on a long-term or permanent basis?

The Building Act includes in its definition of a building, a vehicle or motor vehicle "*that is immovable and is occupied by people on a permanent or long-term basis...*". Therefore,

if the structure can be defined as a vehicle, it may still be considered a building under the building act if it is immovable or occupied on a long-term or permanent basis. As this must be taken on a case-by-case basis, anyone wishing to construct a tiny house should consult with the Council. If the tiny house is constructed as a vehicle then it must meet NZ Transport Agency requirements. If there is gas, plumbing, electrical work then these are all subject to their own regulations and must be carried out and certified by licensed tradespeople. If it is intended for permanent or semi-permanent accommodation (habitable structure) then a Building Consent is required. Again if there is gas, plumbing, electrical work then these are all subject to their own regulations and must be carried out and certified by licensed tradespeople. In both cases gasfitters will still need to issue a CoC and/or a GSC when carrying out work on a THOW.

Plumbers and gasfitters should ensure that the owner of a THOW has obtained the necessary building consent (if required) before beginning any work. If a building consent is not available or has not been obtained, the tradespeople involved are advised to check with the Council Building Office.

Further to this, when working on a THOW, you may find that the acceptable solutions under the Building Act 2004 don't cover the particular situation. In this case, you may have to look into an alternative solution in order to complete the work in a safe and compliant manner. Alternative solutions are at the discretion of the Building Consent Authority.