

Rumpus room

Rumpus room has no definition under New Zealand building legislation, however, the dictionary definition is “a room used for recreation and playing games, usually in a basement”.

As such a rumpus room meets the definition of *Habitable Space* because it is used for activities associated with domestic living and could be occupied frequently or for extended periods (*see definition below*). Playing Monopoly for instance takes significantly more time than you might spend in the rooms excluded from the definition below.

Habitable space definition

A space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

As a habitable space in a household unit, rumpus rooms are required to comply with the same building code clauses and to the same extent as a bedroom or lounge. It should also be noted that to convert a rumpus room to a bedroom is not a change of use under the Building Act 2004. There is nothing to stop people sleeping in a rumpus room that has been legally constructed under a building permit or building consent.

Can a house with two bedrooms and a rumpus room be advertised as a three-bedroom house?

If it has been legally constructed and is shown on Dunedin City Council (DCC) records as a rumpus room, then it is a rumpus room. DCC has no jurisdiction or authority over real-estate advertising or transactions. Whether it is legal for a person to advertise one designated room as another is a civil law matter and cannot be determined by the Territorial Authority (TA).

Some plans on DCC records show rooms in basements that have not been legally constructed under a building consent or building permit. With this in mind, there is some chance that the rumpus room in question is illegal and non-compliant.

If the owner of a building allowed the use of a room that is dangerous, affected, Earthquake-Prone, or Insanitary, DCC could issue a notice to fix under section 124 of the Building Act 2004. Penalties can arise from failing to comply with the notice.

How can the designation of the rumpus room be changed in the Dunedin City Council records?

If building work is to be carried out, a building consent can be applied for showing the proposed work and the re-designation of the space. Building consents are for building work and DCC cannot accept a building consent application if no building work is proposed. During consent processing DCC will confirm if the space has been legally established as rumpus room or other habitable space.

Should it be found that the space was not legally created; a safe and sanitary report, notice to fix, infringement notice, prosecution or certificate of acceptance process could apply.

Please contact Building Services on 03 4774 000 if you require further information.