

**This guidance is intended to provide information for people intending to build, purchase, or set up a tiny house on wheels (Tiny Home).**

### **When is a ‘Tiny Home’ considered a building and when is it considered a vehicle, and why does it matter?**

It matters because vehicles, such as trailers and caravans, must comply with road safety requirements – but seldom comply with the Building Code. A building is required to withstand wind and earthquake forces, which typically means they are securely fixed to foundations. It is common to see reports of caravans and campervans blowing over – whereas buildings are required to stand strong and keep occupants safe.

All building work is required to comply with the Building Code, and tiny homes that are buildings also require building consent, therefore it is important to understand the Building Act’s definition of a building. Generally, vehicles such as trailers (defined by the Land Transport Act 1998) are not buildings – with one exception. In situations in which a vehicle is immovable and occupied by people on a permanent or long-term basis, then the vehicle is also considered a building.

While this seems like a simple concept, this definition has become the subject of nationwide debate. Important questions to consider include:

#### **Is the tiny house a vehicle?**

- A vehicle is defined in the Land Transport Act 1998 as a *“contrivance equipped with wheels, tracks or revolving runners on which it moves.”* Therefore, a tiny house is a vehicle if it is equipped with wheels, tracks or revolving runners.
- The tiny house that is a vehicle will generally be incapable of being removed from the trailer and incapable of being fixed to the ground.
- A vehicle registration and WOF/COF are desirable – however not mandatory.
- A structure on skids is not a vehicle.

#### **Is the tiny house moveable?**

- To be moveable, the tiny house can be moved either by its own power or when attached and moved by another vehicle and can be relocated with relative ease. Essential features such as drawbars and wheels should be intact and functional.
- The unit will typically be self-contained but could be easily connected and disconnected to and from on-site services. Examples are caravan power supply leads, standard garden hose water connections and flexible waste hoses that can be lifted out of a gully trap.
- The unit will not be connected to features that would need to be deconstructed if it was to be moved such as foundations, walkways, decks, roofs, or separately mounted heat pump units.
- It must be able to be moved without the use of a crane or other lifting device.

#### **Is the tiny house occupied by people on a permanent or long-term basis?**

- Occupied by people means to be used by people for residential or business purposes.
- There is no specific definition of ‘long-term’, but it is considered shorter than permanent occupation but more than temporary or short-term.
- If the tiny house is used as a primary place of residence, or there is no anticipated end date to the occupation, then it would be considered to be occupied on a permanent or long-term basis.

### If the tiny home is a building

If a tiny home is a building, then it requires building consent and must comply with the Building Code to the same extent as any other home (referred to as dwellings in the Building Code). Neither the Building Act nor Building Code differentiate between dwellings of different sizes.

If you are setting up a tiny house on-site, then any applicable local district planning requirements must be observed. Consent notices or covenants on the land (record of title) might set minimum site coverage and other related requirements.

We strongly recommend obtaining independent advice and following the tiny house guide set by MBIE by following this link: [Tiny House Guidance for the Building Act 2004](#).

The guide contains a helpful flow chart to help you determine if a tiny house vehicle is a building and whether you will need building consent.

The following examples are provided for clarification:

#### Example 1



The unit has a chassis, draw bar, suspension, wheels, lights and other trailer features that are fit for purpose, allowing it to be legally towed away behind a vehicle on the road with relative ease.

In this case, the tiny home is a moveable vehicle and therefore not a building. **Building consent is not required.**

## Example 2



The unit has a chassis, and trailer features that are fit for purpose and allow it to be towed away behind a vehicle on the road with relative ease. The power supply lead is easily removable. No permanent services are connected.

In this case the tiny home is a moveable vehicle and therefore not a building. **Building consent is not required.**

## Example 3



In this example, no services are connected to the ground. The heat pump and water heater are mounted onboard. The unit has a chassis and trailer features that are fit for purpose, including a draw bar length that allows it to be towed away behind a vehicle on the road with relative ease. No permanent services are connected. In this case the tiny home is a moveable vehicle and therefore not a building. **Building consent is not required.**



#### Example 4



This tiny home is a vehicle with trailer features but is not moveable due to external heat pump unit. It may be considered to be a building if occupied by people on a permanent or long-term basis and **building consent is required**.

#### Example 5



This tiny home is a vehicle with trailer features but is not moveable due to the attached veranda roof. It may be considered to be a building if occupied by people on a permanent or long-term basis and **building consent is required**.



### Example 6



The deck and veranda structure are free standing and not attached to the tiny home. The tiny house is a moveable vehicle and therefore not a building. **Building consent is not required** (for the tiny home unit).

### Example 7



In this example, the tiny house is not a vehicle and is fixed in place. It is therefore considered a building and **building consent will likely be required** for its construction. For information on building work that can be carried out without consent, refer to the MBIE guidance document: [Building work that does not require a building consent](#).

### Example 8



This is an example of a water connection that can be easily isolated and disconnected.

For further information regarding tiny homes, you are welcome to call us on 03 477 4000 or visit the ground floor of the Civic Centre and talk to our staff.