

Tiny home owners crying out for change to 'perverse' building rules

Emma Dangerfield · 15:32, Oct 28 2019



PARLIAMENT TV

Green Party building spokesman Gareth Hughes calls for greater clarity for tiny home owners.

A Canterbury mother-of-two who opted to live in a house bus to make ends meet has appealed to the Government to introduce "common sense" legislation for tiny home owners.

Charlotte Murray chose the alternative lifestyle two-and-a-half years ago for her and children Evan, 12, and Tessa, 9, in Leeston, about 30 kilometres southwest of Christchurch, after struggling to maintain a mortgage.

She has since been visited twice by the Selwyn District Council and now fears being evicted.



PHOTO: GARY

"The first ... [visit was] because of a complaint about the fence on the property I am on. Then they asked me if I lived full-time here and in the bus. I said 'yes' and they said I'm [in] a building then."

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A few months later, following another complaint from a neighbour, another council staff member visited and asked the same questions.

She agreed she was living in the bus, but said it had a certificate of fitness and she took it off site every fortnight to dump the tanks or go on holiday, something that could not be done with a building.

"My son's school is only 50 metres away. My daughter's school is around 800m away. I'm part of a community and leaving here would cause me much stress and uproot my kids," she said.

"Why are councils pushing so hard? Shouldn't I get the choice to live a life that is within my means, if it's not affecting anyone, and safe and sanitary?"

"You can argue the legal side to death but what about common sense?"

Murray was one of several people from the tiny homes movement to meet with Green Party building spokesman Gareth Hughes this week at the show village of [Eco Cottages owner Colin Wightman](#) in North Canterbury.

These tiny houses are cheaper to rent-to-buy than renting a room in Auckland.

Hughes heard from tiny home owners and fabricators, and council representatives from Waimakariri and Selwyn, who expressed confusion over the legalities of tiny homes.

Wightman said a recent string of determinations by the Ministry of Business, Innovation and Employment (MBIE), upholding local councils' views that tiny homes are buildings, had compounded the issue and left innovative Kiwis fighting for their futures.

He maintained a vehicle did not come within the jurisdiction of the Building Act unless it was both immovable and permanently occupied.

"Until recent months, MBIE and the courts upheld people's rights to live in mobilised accommodation units as long as they were on wheels with the ability to be towed and or moved," he said.

"We now have three cases before the courts."



EMMA DANGERFIELD/STUFF

Green Party building spokesman Gareth Hughes, second from right, visits Colin Wightman's Eco Cottages yard to discuss tiny homes, along with Eric Wood from Cosy Homes and building consultant Alan Light.

Selwyn District Council building control officer John Hadden said he sympathised with Murray's position and was not against innovative ways of living, but the council deemed her home to be a building because she was living in it permanently.

"I am absolutely 100 per cent behind tiny homes, and there is a definite market, but it can be done within the remit of the Building Code."

The council was yet to issue Murray a notice to fix, but if it did she would be required to get consents for the bus under the Building Code, which would potentially cost thousands of dollars.

Wightman said tiny homes should be governed by their own legislation, as they were not "buildings".

"Static caravans sites are common in the UK. In America 17.7 million people live in tiny houses.

"Ideally, new legislation will treat tiny houses the same as caravans, RVs and house buses ... but offer a much better standard of living."



EMMA DANGERFIELD/STUFF

Colin Wightman hopes new legislation will be introduced to give tiny homes a fair go.

Cosy Homes' Eric Wood, also based in North Canterbury, said people wanted to follow the rules but the goalposts were constantly changing.

"These determinations mean we've broken the rules without knowing."

Wood said many people had built their homes to the law at the time, but were now getting into trouble because councils and MBIE were trying to fit them into building regulations.

Local authorities were interpreting the Building Code differently, meaning the rules were not being upheld consistently around the country, he said.

Hughes said it was "perverse" tiny home owners were struggling so much while New Zealand faced a housing shortage and there was land available for alternative options.



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"I've promised to work with the tiny homes group on a draft legislation bill. Local councils would like certainty too."

Jono Voss will be the first to have his case heard after the Hutt City Council halted construction of his tiny home. A hearing will be held [in the Environment Court](#) next week.

In the Hurunui district, Alan Dall is still awaiting a court date [to fight MBIE's determination](#) that his caravan is a building.



SUPPLIED

Colin Wightman continues to battle councils across New Zealand over his tiny homes, which authorities say should be subject to the same rules as traditional houses.

Marlborough man Fred Uhrle suffered a stroke while [waiting to see if his local council would uphold a notice to fix](#) issued in February.

Wightman, who has been supporting all three as they go through legal action, vowed to keep fighting for tiny home owners across the country.

"We will take it to the steps of Parliament if we need to."



EWMA DAVENPORT/STUFF

Tiny homes are the only affordable option for some wanting to get on the property ladder.

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