

February 2024

What residential landlords need to do to manage asbestos

This policy's purpose

This policy clarification sets out when residential landlords (landlords) have a duty to identify asbestos and prepare an asbestos management plan, as required by the Health and Safety at Work (Asbestos) Regulations 2016 (the asbestos regulations).

A landlord is the person conducting a business or undertaking (PCBU) for the rental property. They may also need to rely on other PCBUs – such as property managers and building contractors – to coordinate, collaborate, and cooperate when they share overlapping duties.

What the law says

Under the Health and Safety at Work Act 2015 (HSWA) landlords must ensure that when work is carried out at their property (either by themselves or by another PCBU), it's done safely and without endangering workers or others, including tenants.

The asbestos regulations require landlords to:

- identify asbestos in the workplace, and
- document how they'll manage its risks in an asbestos management plan, if there's a risk of exposure to respirable asbestos fibres.

The risk of exposure depends on the kind of work that's being planned. Types of work that create risk may include renovations, refurbishments, or demolition work.

These requirements only apply:

- when work is being carried out on the property, and

¹ Such as a structure built, altered or refurbished before 1 January 2000.

- to the parts of the property where there's a risk of exposure to respirable asbestos fibres (for example, dust created when drilling or cutting into asbestos-containing materials).

It's good practice for landlords to provide tenants with advice about staying safe from asbestos when work isn't being carried out, but they don't have a duty to do so.

What good practice looks like

The following scenarios outline the actions a landlord must take or ensure are taken to meet their duties under the asbestos regulations.

SCENARIO ONE

Demolition of a shed

A landlord is planning to demolish a shed at the back of a rental property. The shed is of an age and type that means it's likely to contain asbestos.¹ Until now, as a matter of good practice, the landlord has assumed asbestos is present and advised the tenants how to stay safe.

Before it's demolished, the landlord must ensure all the asbestos from the shed is identified and removed, so far as is reasonably practicable. To do this they need to prepare an asbestos management plan. A surveyor or assessor can help prepare the plan for the landlord. The landlord and the asbestos removalist will then need to work together to ensure the removal is carried out safely and in accordance with the asbestos regulations. Once the asbestos is identified and removed, the shed can be demolished.

In this scenario, only the parts of the house used for access need to be included in the asbestos management plan.

SCENARIO TWO

Renovating a kitchen and bathroom

A landlord is planning to refurbish the kitchen and bathroom of a rental property. The property is of an age and type that is likely to contain asbestos. Until now, rather than identifying all asbestos the landlord has assumed it's present and, as a matter of good practice has, advised the tenants how to stay safe.

Before the refurbishment begins the landlord must ensure all the asbestos from the kitchen and bathroom is identified and removed, so far as is reasonably practicable. To do this they need to prepare an asbestos management plan before work begins. The landlord and the asbestos removalist then need to work together to ensure the removal is carried out safely and in accordance with the asbestos regulations. Once the asbestos is identified and removed, the refurbishment work can begin.

In this scenario, there's no requirement to identify all asbestos and prepare an asbestos management plan for the areas of the house not being renovated or used as an access route because there's no risk of exposure there.