

2 October 2020



Aaron Packard

**By Email:** [fyi-request-13687-06017f92@requests.fyi.org.nz](mailto:fyi-request-13687-06017f92@requests.fyi.org.nz)

Dear Aaron

**INFORMATION REQUEST – Inspections of rental housing properties**

We write in response to your email dated 6 September 2020 in which you requested the following information:

**Renters United is a national organisation of renters campaigning to improve conditions for all renters in Aotearoa. We are concerned that many councils around the country are not adequately using their powers to ensure housing is healthy and sanitary, particularly private rental housing.**

**We write to request the following information under the Local Government Information and Meetings Act 1987:**

- 1. In the past five years, how many times has the Council used their rights under the Public Health Act to inspect rental housing properties?**
- 2. In the past five years, how many times has the Council exercised its powers to issue a repair or closure notice to landlords whose properties do not meet the Housing Improvement Regulations?**
- 3. How do you identify which rental housing properties to inspect under the Public Health Act?**
- 4. What is the process for tenants to request the Council inspect their rental housing property under the Public Health Act and provide a written report on its condition?**
- 5. What information is available on your website or in your publications on rental housing inspections provided by the Council?**
- 6. What is your process for engaging with the Tenancy Tribunal to provide reports on the rental housing inspections you conduct?**

We have considered your request in accordance with the Local Government Official Information and Meetings Act 1987 (“LGOIMA”) and respond as follows.

1. Environmental Health Officers are appointed by Council under the Health Act 1956 and warranted to inspect properties where notification of health nuisance may occur. Over the last five years we received 711 complaints about properties in relation to Health Act 1956 nuisances. However, our complaints process does not require us to record whether these are rental or non-rental properties.

It may be possible to determine the status (rental or non-rental) of some of the properties, if this was noted by at the time by the case officer. As our case officers were not required to seek or record this information, case-by-case research into all 711 complaints would be needed. We estimate that three weeks would be needed to conduct this research.

As researching this information would place an unreasonable burden on our agency, in terms of time and resources, this part of your request is refused in accordance with section 17(f) of LGOIMA, that “*the information requested cannot be made available without substantial collation or research*”.

2. We do not undertake housing inspections under the Housing Improvement Regulations (HIR), only nuisance inspections as per the Health Act 1956 (described above). Accordingly, no Repair or Closure Notices have been issued in relation to the HIR.
3. As mentioned above, we do not distinguish between rental and non-rental properties. All inspections are conducted in response to the complaints we receive. If a complaint to Council meets the legislative criteria, we investigate and conduct an inspection if required. We deal directly with the occupant(s) and/or property owner(s)
4. All complainants can write to Council to make a complaint. Complaints should be addressed to: [eho@tauranga.govt.nz](mailto:eho@tauranga.govt.nz). In order to determine whether a complaint meets the legislative criteria for investigation and/or inspection, we require that the complainant provide: Their name and contact information, the address of the property and details of the nuisance and any evidence (photos). The Environmental Health Officer will determine if the complaint is likely to meet the definition of a nuisance under the Health Act 1956 and respond accordingly.
5. We have not publicised any information online in relation to housing inspections for health nuisance issues. As mentioned above, we do not undertake HIR inspections.

There is information on our website in relation to housing inspections, however this is in relation to building consents. You can view this information via the following link: <https://www.tauranga.govt.nz/living/building-and-renovations/inspections-and-approvals/building-inspections>

6. We have never engaged directly with the Tenancy Tribunal in relation to health nuisance issues. We engage only with the occupant(s) and/or property owner(s) as part of the inspection process, as described above. We do not undertake HIR inspections as mentioned above.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

We may publish this response on our website as your request may be of interest to others. All personal information will be removed and only the question and answers will be seen.

If you wish to discuss this decision with us, please feel free to contact the writer.

Yours sincerely

*Coral Hair*

Coral Hair  
**Manager**  
**Democracy Services**