



17 September 2020

Aaron Packard
c/o Renters United

fyi-request-13757-0dbd6f70@requests.fyi.org.nz

Dear Aaron

Response to official information request for 'How is the Council using its rights under the Public Health Act to inspect rental housing properties?'

I refer to your request for official information received 10 September 2020 relating to 'How is the Council using its rights under the Public Health Act to inspect rental housing properties?'. We have processed your request under the Local Government Official Information and Meetings Act (LGOIMA) 1987.

The information you requested is enclosed. The questions you specified have been included as numbered headings in bold below, with our response following each heading.

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?

We have investigated 39 complaints of substandard housing during this time.

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?

A Repair Notice has been issued once during this time. Sometimes a property is better addressed under the Health Act nuisance provisions or cleansing order provisions.

3. How do you identify which rental housing properties to inspect under the Public Health Act?

We investigate any complaints received.

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?

They can contact us by email or phone. We investigate all complaints received.

5. What information is available on your website or in your publications on rental housing inspections provided by the Council?


As context to the information you've requested, I have attached the information available on our website, in appendix one.

6. What is your process for engaging with the Tenancy Tribunal to provide reports on the rental housing inspections you conduct?

We provide reports to tenants of our observations, which they can take to the Tribunal. We can attend any hearing to present our findings in the reports if required.

If you wish to discuss this decision with us, please feel free to contact James Single, Manager Monitoring and Compliance.

Ngā mihi

A handwritten signature in black ink that reads "Wendy Walker". The signature is written in a cursive, flowing style.

Wendy Walker
Chief Executive
Kaiwhakahaere Matua

Appendix One

Housing quality is important

We are taking an interest in the quality of housing because of the health impacts of poor housing on vulnerable groups such as children and the elderly.

Your house can seriously affect your health if it's not warm and dry and free from mould. This can be challenging as many New Zealand homes were built before there were rules about things like insulation and ventilation.

A lack of housing affordability, unhealthy homes and overcrowding are challenges facing many cities in New Zealand. Porirua is no exception. Over a fifth of children in Porirua live in a house which is overcrowded. Over a quarter of residents report their home having a problem with damp or mould. One-third of our residents struggle to pay to heat their homes properly through winter.

We have some regulatory powers to help address unsafe housing as well as an important advocacy and promotional role for healthy housing.

Our regulatory options for improving housing quality

In 2017 we reviewed the regulatory tools available to us that could be used to improve the quality of housing in Porirua. Different pieces of legislation have been developed over time. The overall approach is piecemeal and fragmented. Much of the legislation is dated and poorly understood. We concluded that the current legislation is not fit-for-purpose and needs an overhaul. We believe this needs to be led by Central Government as the issue of sub-standard housing are not unique to Porirua.

We are advocating to central government for improvements in housing standards whenever opportunities arise.

In January 2016 we made a submission on the Government's Residential Tenancies Amendment Bill that proposed mandatory long-life smoke alarms and insulation. We indicated our support for the bill but requested inclusion of a broader range of requirements for private rentals. This bill is now law and goes part way to where we want to be. Insulation Statements are now compulsory on all new tenancy agreements. From 1 July 2019, insulation became compulsory on all rentals. See the [Tenancy Services](#) website for more detail.

In 2017 we also made a submission in support of Andrew Little's [Healthy Housing Guarantee Bill \(No.2\)](#) that requires all rental properties to have heating and insulation. This bill became an Act in 2017. It meant all rental properties must meet insulation requirements in ceilings and underfloor by 1 July 2019. MBIE is also leading work to develop new standards for heating, ventilation, draught stopping, drainage and moisture control.

Residential Tenancies Act

Are you a tenant or landlord? Tenancy Services provides information about your basic rights and what you must do under New Zealand tenancy law and guidance on dealing with common tenancy issues. Please note that the Council has no monitoring or enforcement role under the Residential Tenancies Act. Landlords and tenants have a range of options for resolving disputes - which are handled by the Tenancies Tribunal. It is important that tenants keep paying their rent throughout any dispute process, otherwise it will likely jeopardise their ability to get redress through the Tribunal.

As mentioned above, the Government made changes to the Residential Tenancies Act (and associated regulations) last year to make homes warmer, drier and safer. Further changes are on the way to provide more protection and security of tenure for tenants.

Health Act & Housing Improvement Regulations

Council's Environmental Health team investigate and report on any housing quality concerns. Under the Health Act and Housing Improvement Regulations the landlord is responsible for ensuring the property is sound and that moisture does not enter the house from outside or from leaking pipes, i.e. if the source of dampness results from a building defect, such as poor building materials, construction, or leaking pipes. Tenants are responsible for cleaning and maintaining premises to keep them free from mould, eg adequate heating and ventilation of clothes driers. The Council can issue orders targeted at both tenant and landlord where the cause of dampness is the condition of a dwelling. Regulatory options include a cleansing order, which is requirement to cleanse the property, or nuisance notice, e.g. to remove build-up of rubbish.

Tips for healthy homes

Warm and healthy homes are good for landlords, because:

- A rental property that's well-insulated and has energy-efficient heating and appliances is easier to market and can attract a higher rent.
- The integrity of the building fabric will be preserved for longer if dry and mould free, reducing the need for costly maintenance.
- Tenants are likely to stay longer in a rental property that's warm and cheap to heat. This reduces the costs of high tenant turnover.
- Tenants in a damp or cold home are more likely to suffer avoidable illness, often resulting in unplanned medical bills and time off work. Unexpected financial burdens like this may increase the risk of missed rent payments.