

Our Reference: 201006133158

6 October 2020

Aaron Packard
Renters United

E-mail: fyi-request-13782-312fc6b7@requests.fyi.org.nz

Dear Aaron

I refer to your request of 13 September 2020 for official information on how the Council is using its rights under the Public Health Act, 1956 to inspect rental housing properties. We can advise as follows:

Question 1a: In the past five years, how many times has the Council used their rights under the Public Health Act to inspect rental housing properties?

Response: None. Most issues seem to be civil matters between tenants and landlords (property owners). The Central Government provides services via the Tenancy Tribunal and Services to assist with disputes between tenants and landlords. The Tribunal will hear both sides of the argument and can issue a legally binding order. More information is available on their website at www.tenancy.govt.nz.

Also, the Residential Tenancies Act 1986 (Healthy Homes Standards) Regulations 2019 outlines rights of tenants and landlords. The landlord is responsible for ensuring compliance with the healthy homes standard and related legislation.

Question 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?

Response: None.

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

Response: The Council does not actively earmark rental housing for inspection, as it does not have the resources to do this.

Question 4: What is the process for tenants to request the Council to inspect their rental housing property under the Public Health Act, and provide a written report on its condition?

Response: The Council currently does not have a process in place for the inspection of rental housing or to provide written reports. However, the Council will respond to complaints received from the public through its' Service Request System. If deemed necessary, the complaints will be investigated by either the Council's Building or Environmental Services Units.

The Council will fully investigate only if the complaint is considered to be potentially dangerous or insanitary under section 124 of the Building Act 2005. However, the Council's Environmental Health Officers respond to complaints under section 29 of the Health Act 1956 as part of their daily business.

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

Response: None, as the Council does not actively conduct rental housing inspections.

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

Response: The Council does not provide reports to the Tenancy Tribunal, as reports are normally submitted by the tenants or landlords in response to a complaint and investigation.

I trust this answers your current query.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Nichols', with a large, sweeping flourish underneath.

Sarah Nichols
Governance Manager