

9 July 2013

Mayor Bob Parker
Christchurch City Council
PO Box 73016
Christchurch

Dear Bob

NOTICES UNDER SECTION 124 OF THE BUILDING ACT ISSUED TO PORT HILLS RESIDENTS

I am writing to you to express my concern about the situation for Port Hills' residents whose homes are subject to a notice under section 124 of the Building Act.

My concern is that the current difference in approaches between the City Council on the one hand and the Canterbury Earthquake Recovery Minister and CERA on the other hand about the risk of living in certain homes in the Port Hills is leading to an infringement of the right to adequate housing and of the right to health of those who own the homes which are the subject of a notice under section 124 of the Building Act. The effluxion of time and the extraordinary difficulties in having the notices lifted mean that what are intended to be "notices to fix and repair" are de facto eviction notices.

The homeowners' right to health is also being infringed. The homeowners are experiencing considerable but avoidable stress due to:

- a. financial uncertainty
- b. insurance issues
- c. anxiety due to dislocation from their community
- d. a sense of being excluded from the processes that will determine whether they can return to their homes i.e. a lack of participation
- e. a sense of being disenfranchised through lack of easily understood information about how they might satisfy the council that it is appropriate to lift the notice.

All of the above matters are taking a heavy toll on the general health and wellbeing of the homeowners. The homeowners are not being provided with the necessary levels of certainty, hope and empowerment.

There is no need for me to rehash the differences between the two bodies and the sources of those differences; all that is very familiar territory to you.

The people whose homes that are subject to the notices have been in some instances waiting for more than 2 years while the risk and associated issues are debated by the two bodies.

It is not possible for the homeowners to be certain as to which option they should pursue. The available options mostly involve the expenditure of large sums of money and time and do not appear to provide homeowners with any certainty that the notices will be lifted. Even if the notices are lifted there is still the difficulty that the property may well be red zoned because of the view taken by CERA about individual mitigation measures.

The time has come for homeowners to be provided with clear, straightforward guidance on what are their options and for the two bodies to provide them with all the necessary support and assistance to allow the homeowners to make decisions. If that is not possible then perhaps it is time to say there is no practicable solution and the home owners who are green zoned should be made an offer in the same terms as that made to those home owners who are red zoned.

The plight of the homeowners goes much, much further than coping with life's vicissitudes. It is imperative that this unconscionable delay be swiftly resolved.

I would welcome an opportunity to meet with you to further discuss my concerns if you feel that would assist.

I look forward to your reply.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Rutherford', with a large, stylized initial 'D'.

David Rutherford
Chief Commissioner

cc Roger Sutton
Hon Gerry Brownlee