

From: Lauren McDonald
To: [REDACTED]
Subject: Response to official information request #789836 - How Council is using its right under the Public Health Act to inspect rental housing
Date: Thursday, 8 October 2020 12:05:00 p.m.

Dear [REDACTED]

I am writing in response to your official information request (set out below) received on 15 September 2020. Our responses to your questions as listed below are in red for clarity.

Dear Dunedin City Council,

Last month, the Wellington City Council tabled a report* looking into the powers that the council has to inspect and report on unsanitary or unhealthy housing. The report showed that the Council has significantly stronger powers to enforce healthy and sanitary housing that it had been aware of or was practising. These powers are applicable to all local, unitary and district councils. You can read the legislative basis for these powers in the appendix below.

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?

13 times

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?

One repair notice has been issued, no closure notices were issued.

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

A complaint from a tenant would usually trigger an investigation. The investigation would involve a range of activities and enquiries, which may result in an inspection.

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?

The process may be initiated by making a complaint, which would then be investigated. Each complaint is assessed on a case-by-case basis and a range of factors are considered before determining whether an inspection is required.

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

Information is available via this link <https://www.dunedin.govt.nz/home-and-property/housing-issues>

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

The Council only has contact with tenants, agents and owners, and does not engage directly

with the Tenancy Tribunal

We look forward to hearing from you as soon as reasonably practicable.
Thank you.

[REDACTED]
[REDACTED]
[REDACTED]

Appendix:

The legislative basis

The Housing Improvement Regulations 1947, originally made under the Housing Improvement Act 1945, are now in force under the Health Act 1956 (s120c). These regulations require that, for example, housing is free from dampness, fitted with an approved form of heating, provided with sufficient windows, provided with a toilet, and that rooms are of a minimum size. Many of these regulations are encompassed in more recent legislation, including under the Residential Tenancies Act 1986 and the Residential Tenancies Act (Healthy Homes Standards) Regulations 2019. Under the Health Act 1956, local bodies are directed and empowered to enforce the regulations in their district (s23d). If housing does not comply with the Housing Improvement Regulations, local bodies can issue a repair notice or a closure notice**. The council's public health team should inspect properties upon request and provide a written report for tenants or the Tenancy Tribunal on their observations of the state of the property.

*Wellington City Council, 'Safety of Housing in Wellington', in Ordinary Meeting of Strategy and Policy Committee, 2020, pp. 245–52 (p. 251) <<https://wellington.govt.nz/~media/your-council/meetings/committees/strategy-and-policy-committee/2020/20-aug/2020-08-20-agenda-spc.pdf>>.

**Barry Barton, 'A Warm and Dry Place to Live: Energy Efficiency and Rental Accommodation', Canterbury Law Review, 19 (2013), 1–25 (pp. 10–13).

I trust that this answers your request for information.

Yours sincerely

Lauren McDonald

Governance Support Officer

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