

**From:** Euan Kyle  
**To:** [REDACTED]  
**Subject:** RE: Official Information request - How is the Council using its rights under the Public Health Act to inspect rental housing properties? [#52C710]  
**Date:** Thursday, 8 October 2020 11:40:00 AM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)

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08/10/2020

[REDACTED]

Dear [REDACTED]

**Request for Information – Local Government Official Information and Meetings Act 1987**

We refer to your official information request dated 10 September 2020 for information regarding how the Council is using its rights under the Public Health Act to inspect rental housing properties.

Please see our response to your questions below.

- 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?
  - During this time, Environmental Health have received 49 complaints specific to substandard housing. Most of these would involve a site visit/inspection.
- 1 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?
  - Twice.
- 2 How do you identify which rental housing properties to inspect under the Public Health Act?
  - Response to complaints.
- 3 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 need to notify the council and our contact details can be found on our [website](#).
- 4 What information is available on your website or in your publications on rental housing inspections provided by the Council?
  - Please find information available [here](#)



- In addition, council has an Eco Design Advisor who can provide advice on preventing dampness and moisture.
- 5 What is your process for engaging with the Tenancy Tribunal to provide reports on the rental housing inspections you conduct?
    - We do not engage directly with the tribunal, but have provided reports for tenants wishing to appear before the tribunal.

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.

Yours sincerely,

**Euan Kyle**

Senior Advisor, Official Information and Privacy

Hutt City Council, 30 Laings Road, Private Bag 31912, Lower Hutt 5040, New Zealand  
T 04 570 6702 W [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

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**From:** Euan Kyle  
**Sent:** Monday, 14 September 2020 8:09 AM  
**To:** [REDACTED]  
**Subject:** RE: Official Information request - How is the Council using its rights under the Public Health Act to inspect rental housing properties? [#52C710]

14/09/2020

[REDACTED]

Dear [REDACTED]

**REQUEST FOR INFORMATION - LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987: ACKNOWLEDGEMENT OF REQUEST**

I am writing to acknowledge receipt of your official information request dated 10 September 2020 for information regarding how the Council is using its rights under the Public Health Act to inspect rental housing properties.

We received your request on 11 September 2020. We will endeavour to respond to your request as soon as possible and in any event no later than 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe.

If any additional factors come to light which are relevant to your request, please do not hesitate to contact us so that these can be taken into account.

Yours sincerely,

**Euan Kyle**

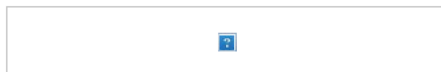
Senior Advisor, Official Information and Privacy

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**Euan Kyle**

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**From:** Contact  
**Sent:** Friday, 11 September 2020 8:15 AM  
**To:** Information Management Team  
**Subject:** FW: Official Information request - How is the Council using its rights under the Public Health Act to inspect rental housing properties? [#52C710]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, 10 September 2020 5:54 PM  
**To:** "OIA/LGOIMA requests at Hutt City Council" <Contact@huttcity.govt.nz>  
**Subject:** Official Information request - How is the Council using its rights under the Public Health Act to inspect rental housing properties?

Dear Hutt 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?
- 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 look forward to hearing from you as soon as reasonably practicable.

Thank you



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)

Please use this email address for all replies to this request:

[REDACTED]

Is [Contact@huttcity.govt.nz](mailto:Contact@huttcity.govt.nz) the wrong address for Official Information requests to Hutt City Council? If so, please contact us using this form:  
[https://fyi.org.nz/change\\_request/new?body=hutt\\_city\\_council](https://fyi.org.nz/change_request/new?body=hutt_city_council)

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:  
<https://fyi.org.nz/help/officers>

If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page

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