

Reference Number: 2022/905

17 November 2022

██████████
Email: ██████████

Dear ██████████

Response - Official Information Request

I refer to your request for information received on 25 October 2022. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I provide the following information.

Please provide any policy documents, manuals, processes or procedures that the Council holds in relation to boarding houses on the district, particularly with more than 5 tenancies where each room is rented to an individual boarding tenant

Council has no specific policy documents, manuals, processes or procedures that relate solely to boarding houses, whether with more or less than five (5) tenancies. Horowhenua District Council staff assess applications primarily using the Building Act and associated regulations (such as the Building Code), and the Health Act and associated regulations.

For buildings that have a Building Warrant of Fitness (BWof), Council has a Building Warrant of Fitness Audit Policy which sets out the procedures and guidelines for the auditing of Business Warrants of Fitness by Horowhenua District Council to ensure compliance with the Building Act 2004. The policy also sets out the methodology to determine the frequency and in what circumstances such audits will occur.

It is recognised as good practice by the Ministry for Business, Innovation and Employment, for territorial authorities to have a three-to five-year on-site audit cycle of and for the audit frequency to reflect the perceived risk for the use of that building. Buildings with a higher perceived risk will be audited on a more frequent basis than those with a lower perceived risk.

If you require rules specific to boarding houses, it may be best to contact Tenancy Services who manage the requirements relating to boarding house tenancies, including any healthy homes standards requirements. You can access the Tenancy Services website [here](#).

What are the fire requirements for these premises?

The fire requirements for buildings operating as a boarding house will differ depending on the building design, primary risk group within each fire cell, and occupant load. Not all buildings operating a boarding house can be treated the same, and therefore when assessing the fire safety requirements for a building as part of a building consent process or change of use process, Council will require the building owner or applicant to provide a fire report, which may or may not contain specific fire engineering design, as part of the application process. The fire report is then used to determine the specified systems required for the building.

What consents are necessary?

A building consent is required for restricted building work. This is likely if the building intended to operate a boarding house is a new build. If the building intended to be used as a boarding house is a current building, then a change of use may be required if the building was previously used for a different purpose. Otherwise, if no restricted building work is carried out and/or the building is not changing use, there may be no consents required.

What are the actions Council takes for non-compliance?

When non-compliance is identified, Council Officers will respond in a way this is consistent with, and proportionate to, the overall circumstances of the non-compliance. Council's enforcement response will follow a model of voluntary, assisted, directed and enforced compliance, known as the VADE model. This model is based on recognised behaviours that guide the delivery of the appropriate intervention.

The VADE model recognises that most people are willing to voluntarily comply with their regulatory obligations or can be encouraged to do so. Enforcement responses escalate depending on the seriousness of the conduct, extent of the harm and public interest factors.

You are entitled to seek an investigation and review by the Office of the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or free phone 0800 802 602.

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you, or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

If you have any queries regarding this information, please contact the LGOIMA Officer on LGOIMAOfficer@horowhenua.govt.nz

Yours sincerely



Steve McTaylor-Biggs
Executive Sponsor