

INSANITARY BUILDINGS POLICY

Effective from 27 November 2018

Purpose

This Policy is to meet the requirements of Sections 131 and 132 of the Building Act 2004 (the Act) for territorial authorities to adopt a policy on insanitary buildings.

Definitions

These and other provisions relating to insanitary buildings are contained in the following sections of the Act.

- Section 123 defines the meaning of insanitary building.
- Section 124 describes powers of territorial authorities in respect of insanitary building
- Sections 125-130 describe procedures to be applied in the exercise of those powers.
- Section 131 provides that a territorial authority must adopt a policy on insanitary building.
- Section 132 describes procedures in relation to the adoption and review of Council's policy on insanitary buildings.

"heritage building" is defined in the Act.

Policy Statement

Where it becomes apparent that a building may be insanitary, Council's role is to undertake an assessment of the building to establish whether it is insanitary within the terms of the Act.

The building owners responsibility is to undertake works to restore the building to a sanitary condition. This includes financial responsibility, for making the building safe and sanitary.

General Approach

1. The Invercargill City Council will be reactive in addressing problems of insanitary buildings.
2. A building will be deemed to be insanitary by the Council when the circumstances of Section 123 apply, and in particular when:
 - Building has no potable water.
 - Building is occupied and has water penetration through exterior claddings or roofing.
 - Building is occupied and has inadequate sanitary facilities for its intended use.
 - Building is in a state of disrepair due to, but not limited to, lack of maintenance, neglect, fire damage, flood damage, earthquake damage or other form of damage. Note: Building does not need to be occupied to fall into this category but consideration is to be taken of neighbouring properties.
3. In determining what is an insanitary building Council staff may consult with other agencies and other Council staff to determine if any or all of the above defects exist.
4. In addressing problems of insanitary buildings, the Council will follow the procedures set out in the Act.
5. Where, pursuant to the Act, the Council undertakes work to address problems relating to an insanitary building, pursuant to either a Court Order or Chief Executive Warrant, the Council reserves the right to appoint an independent contractor to carry out the work required.
6. The Council will hold the owner of any insanitary building liable for the cost of any work required to eliminate the risk posed by the building to its occupants or to the public because it is insanitary.
7. This policy will apply regardless of whether or not the building is a heritage building. However, Council will consult Heritage New Zealand Pouhere Taonga before taking action on any registered heritage building deemed to be insanitary.
9. If Council acts on a complaint the complainant may be requested to provide a signed written statement. The complainant will be advised that the Council may request an appearance in the District Court to give evidence concerning the complaint.

Taking Action on Insanitary Buildings

When taking action on a potentially dangerous building, the Council will follow its *“Procedure for Remedying Insanitary Buildings”*.

Revision History:	8 November 2005
Effective Date:	27 November 2018
Review Period:	This Policy will be reviewed every five (5) years unless earlier review is required due to legislative change, or is warranted by another reason requested by Council
New Review Date:	November 2023
Associated Documents / References:	Procedure for Remediating Insanitary Buildings Appendix 1
Supersedes:	NA
Reference Number:	A844059
Policy Owner:	Director of Environmental and Planning Services/Manager Building Regulation Services

APPENDIX 1

Procedure for Remedying Insanitary Buildings

