

Date: Thursday 13 June 2024
Time: 10.00am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Komiti mō te Whakarite Mahere, te Taiao, me ngā Papa Rēhia / Planning, Environment and Parks Committee

OPEN ATTACHMENTS

**ADDITIONAL ATTACHMENTS
UNDER SEPARATE COVER**

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Memorandum

30 May 2024

To: Planning, Environment and Parks Committee

Subject: Proactive Boarding House Inspection Programme 2024

From: Adrian Wilson- Manager Compliance, Licensing and Regulatory Compliance

Contact information: Adrian.Wilson@aucklandcouncil.govt.nz

Purpose

1. To provide an update on the Proactive Boarding House Inspection Programme as a matter of interest. Note that this programme update will be discussed at the 6 June meeting of the Regulatory and Safety Committee – [Item 10](#).

Summary

2. This report covers activity over the last 12 months in relation to the ongoing inspections of unauthorised or illegal boarding houses across the Auckland Region.
3. The Compliance Unit within the council's Licensing and Regulatory Compliance Department currently has responsibility for arranging and managing such visits. Prior to 2021 visits were carried out by the Targeted Initiatives Team within the former Regulatory Compliance Unit.
4. The programme aims to visit at least three boarding houses each month using a multi-agency approach. As well as compliance staff from the Compliance Unit the visits are coordinated to include Fire and Emergency New Zealand (FENZ) officers, Environmental Health Inspectors and inspectors from the Tenancy Compliance and Investigations Team of Ministry of Business, Innovation and Employment (MBIE).
5. Rather than random inspections of known boarding houses, officers have focused on those premises identified through the gathering of intelligence from all the agencies involved. A risk-based approach is then adopted to prioritise visits.
6. Over the last 12 months 44 inspections have been carried out.
7. Breaches observed primarily related to unauthorised use and alterations to buildings to accommodate more people. The use and alterations significantly affect safety as well as sanitation. The general standard of the accommodation was poor in most of the properties visited, although not all could be regarded as unfit from a health perspective.
8. Enforcement action was taken in almost all cases with owners being required to take remedial action. Appeals to MBIE for determinations to resolve differing interpretation(s) of the Building Act and Building Code performance requirements have become more prevalent. Four cases (involving two operators) are currently with MBIE for determination. Staff understand that a fifth application is imminent.
9. In most cases staff are working with the owners to improve the standard of accommodation and achieve compliance with the various regulations. The closure of boarding houses is avoided due to the lack of alternative accommodation for tenants.
10. This work compliments audits of approved 'transient accommodation' (including boarding houses, backpackers, and hostels) that the Building Consents Building Warrant of Fitness team conducts. There are approximately 160 buildings within this category.

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Context

11. The programme continues to deliver improved standards for residents as a result of the proactive intervention by the relevant agencies.
12. The legislation for boarding houses comes from the Building Act 2004, the Building Code 1992, the Health Act 1956, the Housing Improvement Regulations 1947, the Resource Management Act 1991 (RMA), the Auckland Unitary Plan and the Residential Tenancies Act 1986.

Methodology

13. A list of boarding houses to be visited has been determined based on intelligence held by Auckland Council and MBIE, with input from other agencies. A total of 72 properties were visited in the last 24 months.
14. There are currently 99 properties on the active follow-up list for ongoing monitoring. Once properties have become compliant, a slippage in standards has been observed when no ongoing monitoring is maintained.
15. Inspection notification letters are sent to all boarding houses visited to encourage the operators to take measures to ensure compliance with existing legislation.
16. The boarding houses to be inspected are sent letters 5 - 10 days prior to the inspection. Where intelligence suggest there is an imminent risk to residents an immediate inspection is arranged.
17. One senior project specialist runs the programme and is supported by the wider compliance team when visiting properties. Where serious breaches are found that can't be resolved, assistance is given in relation to escalated enforcement

Multi Agency Approach

18. Coordinating inspections with other agencies is challenging in terms of availability and resourcing. However, the approach is impactful with landlords having to account for all aspects of their business. Invariably, if a landlord is lacking in one area of compliance this is reflected in other areas as well.

Discussion

Results

19. It was found that 40 of the 44 properties inspected were shown to be operating unauthorised transient accommodation or boarding houses.
20. Several properties visited were illegally established boarding houses that house residents referred by Work and Income New Zealand (WINZ) or the Department of Corrections. Due to the shortage of bed space these agencies struggle to find appropriate accommodation at short notice. With no official register of boarding houses, agencies find it difficult to know whether a property is legal or compliant. We have established relationships with several stakeholders such as Police and the Department of Corrections around housing individuals that may pose a risk to a community. Most agencies try to use established premises that they know, but the shortage of such premises is a challenge.
21. Several properties were found to be large, converted houses or multi-unit complexes ranging from five to 27 rooms. Whilst the living conditions were satisfactory, the buildings themselves did not meet the required building standards for sleeping accommodation. Primarily this relates to fire safety and building performance requirements.
22. An increasing number of accommodation providers are involved with a portfolio of properties. These are typically run as a business or commercial enterprise.



23. One accommodation-provider operates from at least three separate residential addresses whilst marketing individual rooms as a hotel. They have been notified that an unauthorised change-of-use has occurred and to take corrective action.
24. Another trend has seen larger residential houses being used as live-in rehabilitation clinics or centres. This type of operation is difficult to detect and relies on complaints generally related to overcrowding and parking being reported by the community.
25. We have encountered increased resistance from these larger-scale operators. This has ranged from refusal to permit entry or challenging the basis of our assessments, findings, or legislative interpretation. More often these cases are resulting in applications (initiated by the operator) for determination from MBIE. Determinations are currently taking many months to decide.
26. We have 14 cases under investigation or that require further corrective action from the property owners/operators.

Risks and Mitigations

27. By adopting a risk-based, intelligence led approach the programme focuses on properties that are more likely to have poor standards and therefore non-compliant. In almost all cases living conditions and safety are improved.
28. A general inspection regime of all boarding houses would be extremely resource intensive and costly. Adopting a risk-based approach makes best use of staff time and that of other agencies involved in the programme.
29. The list of boarding houses to be inspected has expanded and are prioritised according to the information provided and the relevant concerns of the agencies.
30. The increasing number of boarding houses with gang affiliated occupants or associates remains a concern from a staff safety perspective. This poses a risk to staff which is mitigated by arranging for Police to accompany staff on inspections. This is similar to the approach adopted when visiting bail type hostels.

Next steps

31. All agencies are committed to ongoing collaboration on the programme and meet regularly to share information and plan operations.
32. An update on the Proactive Boarding House Inspection Programme 2024 will be discussed at the Regulatory and Safety Committee meeting on 6 June 2024 – [Item 10](#). Staff will be present to answer questions.



I hereby give notice that an ordinary meeting of the Open Space, Sport and Recreation Joint Political Working Group will be held on:

Date: 27 May 2024
Time: 10.00 am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Open Space, Sport and Recreation Joint Political Working Group

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Alf Filipaina, MNZM
Deputy Chairperson	Tony Kake, MNZM
Members	Member Sandra Coney, QSO Cr Christine Fletcher, QSO Member Margi Watson

(Quorum 3 members)

Phoebe Chiquet-Kaan
Governance Advisor

15 May 2024

Contact Telephone: +64 27406 9656
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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

Item 13

Attachment C

Open Space, Sport and Recreation Joint Political Working Group
27 May 2024



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Open Space, Sport and Recreation Joint Political Working Group
27 May 2024



1 **Ngā Tamōtanga | Apologies**

2 **Te Whakapuaki i te Whai Pānga | Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 **Te Whakaū i ngā Āmiki | Confirmation of Minutes**

That the Open Space, Sport and Recreation Joint Political Working Group:

- a) whakaū / confirm the ordinary minutes of its meeting, held on Wednesday, 27 March 2024, including the confidential section, as a true and correct record.

4 **Ngā Pakihi Autaia | Extraordinary Business**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

Item 13

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Open Space, Sport and Recreation Joint Political Working Group
27 May 2024



Early provision options and draft framework directions

File No.: CP2024/05177

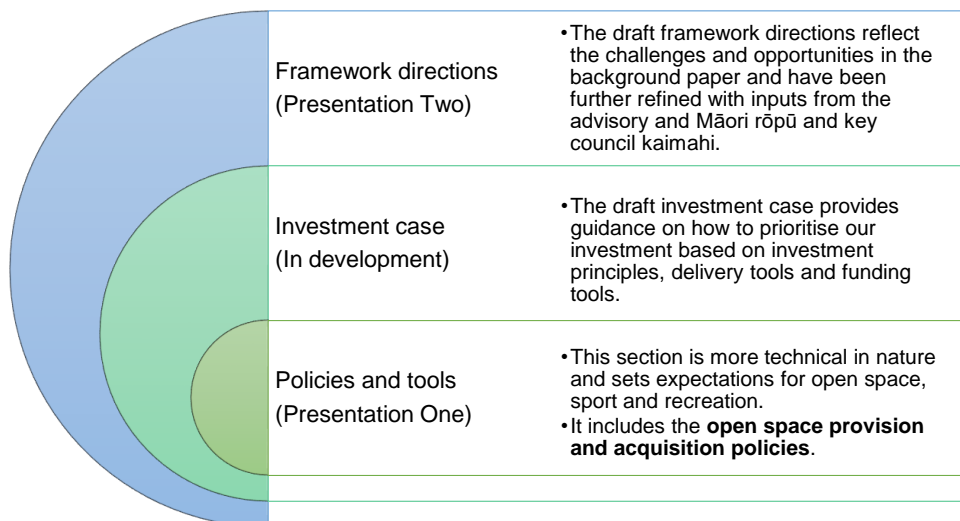
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Te take mō te pūrongo Purpose of the report

- To present information for discussion on the early open space provision options and the draft directions as part of the new open space, sport and recreation policy framework.

Whakarāpopototanga matua Executive summary

- The joint political working group met in June, July, October and December 2023.
- To date, the joint political working group has provided input on:
 - the development of the background paper, including eight challenges and opportunities
 - a fit for purpose assessment of the Open Space Provision Policy (2016)
 - early directions for the new open space, sport and recreation policy framework
- Staff reported the background paper to the Planning, Environment and Parks Committee in April 2024. The background paper is the main output from the discovery phase of work.
- Staff are now developing the new policy framework for consideration by the Planning, Environment and Parks Committee later in 2024. The new policy framework will contain three main parts:



- The meeting will focus on discussing key parts of the new policy framework, as outlined in the attached presentations:
 - Presentation One: early provision options
 - Presentation Two: draft framework directions.
- The investment case is currently in development. The joint political working group's input will be sought. Staff will work to secure an appropriate way to do this.

Attachment C

Open Space, Sport and Recreation Joint Political Working Group
27 May 2024

Ngā tūtohunga Recommendation/s

That the Open Space, Sport and Recreation Joint Political Working Group:

- a) whiwhi / receive Presentation One: early provision options
- b) whiwhi / receive Presentation Two: draft framework directions

Ngā tāpirihanga Attachments

No.	Title	Page
A	Presentation One: Early provision options	9
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Ngā kaihaina Signatories

Author	Aubrey Bloomfield - Senior Policy Advisor
Authorisers	Carole Canler - Senior Policy Manager Kataraina Maki - General Manager - Community and Social Policy



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Attachment A

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Attachment C

