



Environmental Health Information Sheet: Dangerous and Insanitary Buildings

Introduction

Housing can be expensive, especially if you are a homeowner or landlord and it is your responsibility to maintain your property. Regardless of cost, however, it is essential that your house does not become dangerous or insanitary. Not only does it threaten the health of the occupants, it looks bad, depreciates the value of your house, and it can also be illegal.

The legislation

There are a number of different pieces of legislation that must be looked at when assessing dangerous or insanitary buildings; *The Building Act 2004*, the *Health Act 1956* and the *Building Code of New Zealand*. These publications contain responsible rules for the construction and maintenance of buildings. For example, *The Health Act 1956* says that:

- It is **illegal** for any person to sell, let, sublet or permit any person to occupy a building as a home unless it complies with the Building Code and the *Building Act 2004*
- A house **MUST** have a supply of potable water, suitable effluent disposal and toilets
- The home owner or landlord is liable to a fine and ongoing penalties if found to be in contravention of the insanitary building provisions of the Act.

The legislation is written so that every person in New Zealand has the right to live in a house that isn't dangerous has clean water and adequate sanitation.

What is an insanitary building and what is a dangerous building?

The *Building Act 2004* definitions for dangerous and insanitary buildings are as follows;

Dangerous	<ul style="list-style-type: none"> • The building by collapse or otherwise; is likely to cause injury or death to any persons in it or on another property, or cause damage to other property • Or in the event of a fire; injury or death is likely to any persons in the building or to persons on another property because of fire hazard or due to the occupancy of the building
Insanitary	<ul style="list-style-type: none"> • The building is offensive or likely to be injurious to health because of how it is situated or constructed • Or is in a state of disrepair • Or has insufficient defence against moisture causing dampness • Or does not have a potable water supply • Or does not have sanitary facilities

What happens if my house is dangerous or insanitary?

If you are a tenant or a homeowner living in a house which you think is either dangerous or insanitary you should alert the Council as soon as possible, so that a Building Official and an Environmental Health Officer can visit the property and make an assessment. If the building is found to be dangerous or insanitary, a notice may be served requiring works to be carried out at the property. Failure to carry out the works is an offence, and **penalties may be applied** to the **owner** of the property.

If you would like further information about dangerous or insanitary buildings the following links may be useful, or please contact Environmental Services on 307 7700.

Health Act: <http://www.legislation.co.nz/act/public/1956/0065/latest/DLM305840.html>

Building Act: http://www.legislation.co.nz/act/public/2004/0072/latest/DLM306036.html?search=ts_act_building_rese&p=1&sr=1