

From: BDC Lgoima
To: [REDACTED]
Subject: Official Information Request for Properties & Rates Arrears Query Ref: OIA 113/24
Date: Friday, 6 September 2024 2:14:09 pm
Attachments: [image006.png](#)
[image008.png](#)

Dear [REDACTED]

We refer to your official information request dated 30 August 2024 for information relating to arrears on properties in the Buller district. Your query was as follows:

1. *A list of properties that their rates are in arrears, and*
2. *At what level does rates arrears have to be before legal action is taken?*

Part of the information you have requested is provided below pertaining to question 2.

However we are required to refuse your request to question 1 under the Local Government Official Information & Meetings Act based on:

- LGOIMA - section 7 (2) (a) – to protect the privacy of natural persons

As well as the Privacy Act 2020 – Principle 11 – Disclosure of Personal Information

- o an organisation may generally only disclose personal information, for the purpose for which it was originally collected or obtained and only to the individual who provided the information.

Question 2 is answered as follows:

There is no level of debt as such before action is taken, it is based on the period for which the debt sits, for example, if a mortgage exists on the property, Council can only demand arrears from the mortgagee for the previous year's arrears on a property no earlier than after providing 3 months' notice and not before 1 November of the following year, as per legislation. (a notification would be sent to the bank after 1st August and Council are then able to make a demand after 1 November).

If no mortgage exists Council will hand the account to an external debt collector after the end of the rating year.

Council communicates as much as possible and offers payment options often over several years to help the ratepayer get back up to date before any action is taken. Contacting the mortgagee or handing to the debt collector is when either there has been no contact, or the ratepayer makes no attempt to make payment sufficient to clear arrears.

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62 Recovery of rates if owner in default

(1) If an owner defaults in paying the rates, the local authority may—

(a) notify persons with an interest in the rating unit for which the rates are payable (including an interest as first mortgagee) of—

(i) the fact of the default; and

(ii) the provisions of this section; and

(b) accept payment of the rates from the persons referred to in paragraph (a); or

(c) recover, as a debt from the first mortgagee of a rating unit, the rates payable in respect of the rating unit that remain unpaid on a date that is—

(i) not less than 3 months after notice has been given to that person under paragraph (a); and

(ii) not earlier than 1 November in the financial year following the year in which the rates were first assessed.

(2) A person (other than a mortgagee) who pays the unpaid rates under subsection (1) may—

(a) recover that amount from the owner as a debt; or

(b) retain that amount from any money that that person pays to the owner in respect of a debt other than that relating to unpaid rates.

(3) If a mortgagee pays the unpaid rates under subsection (1), the amount paid must be treated as part of the money secured by the mortgage until it is repaid to the mortgagee, and the provisions of the mortgage apply to that amount.

(4) This section does not affect any agreement between persons about their liability as between themselves to pay the rates for a rating unit.

Compare: 1988 No 97 s 139(1), (3), (4), (6)

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 or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request may be published at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards

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