

From: [Official Information](#)
To: [REDACTED]
Cc: [Official Information](#)
Subject: Final response - LGOIMA 458225 - [REDACTED] - Legal action rates recovery
Date: Wednesday, 26 February 2025 1:44:18 pm
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Kia ora,

We refer to your information request below. Hamilton City Council provides the following response.

Your request:

We recently did this story about some houses in

Hamilton: <https://www.waikatotimes.co.nz/nz-news/360565983/unpaid-rates-put-more-hamilton-homeowners-court>

As a follow up, I am writing to request under LGOIMA the following information from Waikato councils:

1. As at 31 January 2025, how many cases of legal action in the courts to recover unpaid rates and penalties is your council involved with?
2. How does this compare to the number of cases as at 31 January 2024?
3. What are the addresses and owners of the properties involved at 31 January 2025 and what are the amounts sought to be recovered in each case?
4. Is taking such action a "last resort" for your council - if so, what other ways do you first use to try to recover unpaid rates?
5. Please feel free to add any other contextual information you think relevant.

Our response:

1. As at 31 January 2025, how many cases of legal action in the courts to recover unpaid rates and penalties is your council involved with?

-
16

2. How does this compare to the number of cases as at 31 January 2024?

-
9

3. What are the addresses and owners of the properties involved at 31 January 2025 and what are the amounts sought to be recovered in each case?

We will not be providing address and owner details for this request as per s7(2)(a) of LGOIMA – to protect the privacy of a natural persons.

The current balances (based on what was sought from the original proceedings) range

from \$2,499 to \$16,422 as of 31 January 2025.

Note that:

- these include where payments have subsequently been received, reducing the balance of original claim (i.e. lower balance will be due to this reason)
- these balances exclude unpaid rates and penalties which have accrued since the time of the original proceedings were lodged, that will also be past due.

4. Is taking such action a "last resort" for your council - if so, what other ways do you first use to try to recover unpaid rates?

Yes - Initiating a legal process is always a last resort.

We issue four quarterly rates invoices per year and each invoice includes instructions about how to set up a payment arrangement, and who to contact should a ratepayer wish to discuss further.

Following the due date of each quarterly invoice a reminder letter is sent or emailed to any rating unit with an overdue balance. This also includes information about making a payment arrangement and contact details.

In general, where rates are unpaid during the current rating year, unpaid instalments will incur a penalty of 10% after the due date of each instalment.

Where there are outstanding rates for prior rating years, a 10% penalty is applied on outstanding rates from prior rating years, twice per year.

We regularly include information with the invoices about rates rebates, which are available to those on a low income.

Hamilton City Council is one of only a few Councils to offer an additional rebate (over and above the nationwide Government Rates Rebate scheme) for those residential ratepayers experiencing financial hardship.

Council staff also visit several community locations each year to support those who may require assistance in completing their rates rebate applications.

Hamilton City Council has recently introduced a new rates payment platform which offers our ratepayers much more flexibility and control to self-manage their payments.

This provides ratepayers the ability to:

- Create personalised payment schedules via direct debit, debit card or credit card.
- Schedule payments for any day of the week or month.
- See payment balances live.
- Receive notifications via text messages of upcoming payments, changes, or where there is a payment issue.
- Skip scheduled payments if needed. The balance will then automatically recalculate for future payments to ensure rates are paid in full by the end of the rating year.

Where rates are outstanding from previous years and no payment arrangement is in place, we will notify the first mortgagee (and ratepayer) of our intention to demand

payment.

Three months after this notification, payment from the mortgagee may be demanded if no satisfactory arrangement for payment has been made.

Each bank has its own internal processes about how they deal with these requests.

For properties with no mortgage, we will attempt to contact the ratepayer and make an arrangement for payment.

If this is not successful, we will lodge the debt with a debt collection agency for recovery, who will also attempt to work with the ratepayer to enter into a payment arrangement.

If rates were to remain unpaid, the final step is for our debt collection agency to undertake any legal action on our behalf.

5. Please feel free to add any other contextual information you think relevant.

Over recent years Councils (and the wider legal system) have seen a rise in people making claims that New Zealand law doesn't apply to them, and therefore they don't have to pay rates (and other charges).

This is often referred to as the 'Sovereign Citizen' movement.

The courts have consistently held that it is an abuse of process for a litigant to attempt to employ sovereign citizen concepts in seeking to avoid obligations recognised by law.

Where Council has been advised by a ratepayer that they are refusing to pay for this reason, we will pass the debt to our collection agency immediately, who will seek payment or initiate legal proceedings on our behalf if required.

Of the 16 referenced in question 1, nine have previously informed us of their refusal to pay.

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.

Ngaa mihi

Keeley Faulkner

Official Information Advisor & Legal Support Officer

Legal services

Governance & Assurance Team | Partnerships, communication & Maaori

Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz



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I support flexibility at work. While it suits me to send this email now, I don't expect a response outside of your own working hours.

From: [REDACTED]
Sent: Tuesday, 4 February 2025 9:36 am
To: Media <Media@waikatoregion.govt.nz>; [REDACTED]
[REDACTED]@waikatoregion.govt.nz>; [REDACTED]@waidc.govt.nz>; [REDACTED]
[REDACTED]@hauraki-dc.govt.nz>; [REDACTED]@mpdc.govt.nz>; [REDACTED]
[REDACTED]waipadc.govt.nz>; info@otodc.govt.nz; info@waitomo.govt.nz; [REDACTED]
[REDACTED]taupo.govt.nz>; [REDACTED]@hcc.govt.nz>; [REDACTED]
[REDACTED]@tcdc.govt.nz>

Subject: Request under LGOIMA for rates recovery legal action by councils

Kia ora koutou,

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Ngā mihi,

[REDACTED]
senior reporter

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Hamilton

[REDACTED]



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