

# Policy

## ELDERLY PERSONS HOUSING

<b>TEAM:</b>	Property
<b>RESPONSIBILITY:</b>	Commercial Manager
<b>ADOPTED:</b>	29 June 2017
<b>REVIEW:</b>	Three years or as required.
<b>CONSULTATION:</b>	Special Consultative Procedure required.
<b>RELATED DOCUMENTS:</b>	Local Government Act 2002, Residential Tenancies Act 1986.

### Policy Objective

- To provide clear guidelines on tenant eligibility for persons wanting to live in Council owned elderly persons housing.
- To provide guidelines for the level of rental, with the intention of the facilities continuing to be self-funding.
- To ensure Council meets its statutory obligations with respect to tenancies.
- To outline how Council will provide elderly persons housing in Ashburton District.

### Definitions

**Assets** includes cash, investments, house and other property (but not including a car, furniture personal effects, and any Kiwisaver or government recognised superannuation funds).

**Council** means Ashburton District Council.

**Council Officer** means any officer of the Council or any other authorised person carrying out work on behalf of the Council.

**Disability Assist dog** has the same meaning as section 2 of the Dog Control Act 1996 and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability.

**Elderly** means those people aged 65 or over, but may include persons 60 years and older if they have a medical condition and they are on a permanent invalids benefit or similar.

**Elderly Persons Housing (EPH)** means housing owned and managed by the Council for the purposes of meeting elderly housing needs in Ashburton District. As per national standards, Elderly Persons Housing is not considered social housing.

## Policy Statement

### 1. Eligibility criteria

1.1 Those applying to reside in elderly persons housing shall meet the following criteria:

- 1.1.1 Be eligible for Government National Superannuation OR aged 65 (for a couple only one applicant).
- 1.1.2 Not receiving a gross income exceeding the total value of 15 hours per week multiplied by the rate of minimum wage at that time.
- 1.1.3 Be able to care for themselves independently. The use of home-based support services does not mean applicants are automatically excluded.
- 1.1.4 Show a housing need which cannot be met adequately elsewhere.
- 1.1.5 Total assets, including cash, investments, house and other property (but not including a car, furniture and personal effects) should not exceed \$20,000 (single) or \$30,000 (couples).
- 1.1.6 Be compatible with other EPH residents, in the opinion of the Council officer.

1.2 Where an application is received for a couple, both applicants must meet the criteria specified in policy 1.1. Where one applicant does not meet the criteria, the application will be considered at the discretion of the Council officer.

### 2. Change in circumstances

- 2.1 All residents shall notify Council on becoming aware of their eligibility criteria changing.
- 2.2 Council will require residents to sign a statutory declaration every 2 years that states they meet the eligibility criteria.
- 2.3 Where it is suspected that there are existing or impending eligibility issues for medical, physical or mental health reasons, the Council will in the first instance seek to facilitate the provision of the appropriate social service support.
- 2.4 Following consultation with the appropriate social service, if the tenant is clearly unable to meet the eligibility on an ongoing basis, the Council will consider giving the tenant the required notice to vacate.

### 3. Priority

3.1 Applications will be accepted, and considered in priority order, from the following:

- 3.1.1 Current residents of Ashburton District
- 3.1.2 Those with family in the Ashburton District
- 3.1.3 Past residents of Ashburton District
- 3.1.4 Other applicants.

### 4. Application process

- 4.1 Council Officers will assess applications for elderly persons housing against the criteria listed in 1.1 and, where applicable, 1.2.
- 4.2 Applicants will be advised of the outcome within 10 working days of the application being submitted to Council.
- 4.3 Applicants will be notified of the status of their application by letter as to whether or not a unit is available.
- 4.4 Where there are no available units, applicants will be added to a waiting list.

### 5. Dispute resolution

- 5.1 In the event that a breach of tenancy occurs, matters will be addressed in accordance with the Residential Tenancies Act 1986. In the first instance a 14 day notice will be issued to the tenant requesting that the breach of tenancy be resolved. If the breach of tenancy is not rectified within the 14 day period, an application will be lodged with the Tenancy Tribunal to resolve the issue through mediation. Failing a successful outcome through mediation, the matter will be referred to a adjudicator for resolution.
- 5.2 If the breach is not resolved, the tenant may be evicted from the unit or issued with a 90 day notice to vacate the property in accordance with the Residential Tenancies Act 1986.

### 6. Smoking

6.1 Smoking, including the use of e-cigarettes, is not permitted inside the elderly persons housing units. This applies to both residents and visitors.

#### 6.2 New tenancy agreements

All new tenancy agreements will contain a clause stating that smoking, including the use of e-cigarettes, is banned.

#### 6.3 Existing tenancy agreements

Existing tenancy agreements will not be changed to include a smokefree clause as a result of this policy. However, existing tenants will be required to sign a new tenancy agreement containing a smokefree clause before any upgrades/maintenance work is carried out. This ensures that over time, all tenancy agreements will contain a smokefree clause.

## 7. Animals

- 7.1 Council recognises that some tenants may wish to keep small pet animals in their units.
- 7.2 Council officers will determine if the type of animal is appropriate based on the potential level of nuisance caused by that animal.
- 7.3 Dogs will not be permitted under any circumstances, excluding disability assist dogs.
- 7.4 Tenants wishing to keep animals (including cats) in elderly persons housing must make a request in writing to Council.
- 7.5 Council officers will consider the request and advise the applicant within 10 working days.
- 7.6 Any animal kept in elderly persons housing must be well behaved and properly cared for so they do not pose a nuisance to other tenants, or neighbours.
- 7.7 New tenants wanting to keep a cat must provide Council with a copy of a desexing certificate and proof of vaccinations for their cat.

## 8. Rent charges

- 8.1 Council will review rental costs on an annual basis.
- 8.2 Rent is charged per unit i.e. there are set rates for a single and double unit. If a single person is occupying a double unit, the double unit rates will still apply.
- 8.3 Rent charges are set at an approximate percentage of the total superannuation cost. For a single person, this is 25% and for a couple this is 20% (note – these amounts have been approximated in policy 8.4.3 and 8.5.3).

### 8.4 Existing tenants (as of the date this policy is adopted):

- 8.4.1 Existing tenants will be subject to progressive rent increases over the next three years to meet the rent levies.
- 8.4.2 Once rent levies for existing tenants have progressed to the full amount as determined by policy 8.3, rent levies will increase on an annual basis as per the Consumer Price Index for the previous financial year.

#### 8.4.3 Rent levies for existing tenants are as follows:

	2018/19	2019/20	2020/21
Single	\$86.00	\$91.00	\$95.00
Double	\$101.00	\$110.00	\$120.00

### 8.5 New tenants (as of the date this policy is adopted):

- 8.5.1 New tenants will be charged at the full rental rate, as per policy 8.3.
- 8.5.2 Rent levies will increase on an annual basis as per the stated Consumer Price Index for Policy 8.

8.5.3 Rent levies for new tenants are as follows:

	<b>2018/19</b>
Single	\$95.00
Double	\$120.00

8.6 Any rent increases will take effect from the first Monday of the new financial year, beginning 1 July.

8.7 Elderly persons housing will continue to be self-funding without rates input.

## **9. Welfare**

9.1 Council acknowledges its role as landlord, and as such, will be accessible and diligent towards the general welfare of tenants.

9.2 It is not the responsibility of Council to provide social services to the tenants as these services are better provided by other professional service providers.

9.3 Where Council officers are concerned about the health or welfare of any tenants, the next of kin/emergency contact will be contacted in the first instance.