

Policy Type

Council

Policy Purpose

The purpose of this policy is to describe how the City will provide assistance to vulnerable owner occupiers found to be living in squalid conditions. Such poor living conditions may pose a significant risk to the health and wellbeing of the individual and other occupants of the home and is also likely to cause a nuisance to neighbours.

The policy proposes a compassionate approach to assisting owner-occupiers, including older adults, that have health-related, cognitive, physical or psychosocial challenges, that affect their ability to arrange clean-up or repair of their premises to an acceptable standard.

The cost of clean-up would be provided by the City (if required) and recouped through placing a charge on the property through the provisions of the *Health (Miscellaneous Provisions) Act 1911*. These costs would be recouped when the property is sold.

Policy Statement

This policy specifies the circumstances in which the City may determine that an owner of an uninhabitable house is vulnerable and requiring assistance to make their premises habitable again.

This Policy complements the City's procedure, which outlines the operational process Officers will take in engaging with these owner-occupiers for cleaning, removal of material(s) and/or repair of fixtures, to return a dwelling and related surrounds to a condition that is fit for human habitation.

- (1) Each individual case will be assessed by the Service Manager Health and Building Services and discussed with the Service Manager Community Development, to ensure equity in decision making that considers individual needs in accordance with the City's Disability Access and Inclusion Plan.
- (2) Where a Notice is issued under the *Health (Miscellaneous Provisions) Act 1911*, it will require that the cost of the clean-up be either:
 - 2.1 re-paid by the individual concerned over a suitable period; or
 - 2.2 placed on the land title for the property requiring funds for the clean-up cost to be returned to the City at the point of sale of the property.
- (3) The maximum cost per individual premises shall not exceed \$15,000 without the approval of the Chief Executive Officer.
- (4) Definitions:

4.1 "Equity"

Fair distribution of resources and opportunities according to need and access to decision-making processes.

4.2 “Disability Access and Inclusion Plan” (DAIP)

The Disability Services Act 1993 (amended 2004) requires that all public authorities develop and implement a DAIP. The City of Cockburn’s DAIP, available at <http://www.cockburn.wa.gov.au>, outlines how the City will work to enable persons with disabilities to have equal access to its facilities and services.

4.3 “Uninhabitable”

Uninhabitable is the term used under the *Health (Miscellaneous Provisions) Act 1911*, for properties where there is an accumulation of matter and/or filth of such a degree that it makes the premises unliveable. It describes housing which is unfit for human habitation due to lacking essential services, accumulation of materials and/or lack of cleanliness, that poses a potential health risk to the occupants and possibly neighbouring properties. This does not include issues to do with unsafe structures which are catered for through the Building Code of Australia and other legislation.

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