

Title	Uninhabitable Premises
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Policy Type

Council

Policy Purpose

The purpose of this policy is to guide the City in providing assistance to vulnerable people (who are owner occupiers) who live in squalid conditions. Poor living conditions may pose a risk to their health and wellbeing and likely be causing a nuisance to neighbours.

The policy proposes taking a compassionate approach to dealing with individuals who are frail aged, or having a functional disability or do not have the capacity to arrange clean-up 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 Public Health Act 2016. These costs would be recouped when the property is sold.

Policy Statement

This policy specifies how the City will determine that an owner is vulnerable and requiring assistance. It outlines the process the City will undertake in the cleaning and/or removal of material and repair of fixtures so that the dwelling and related surrounds are fit for human habitation.

- (1) Process to be followed:
 - 1. On referral of a complaint about a premises and where the Environmental Health Officer identifies that the occupant may have a disability or be frail aged, the City’s Disability Access and Inclusion Officer (DAIO) will undertake an initial assessment. If the result of this assessment is that the resident is unable to bring the premises up to a suitable standard without support, then the DAIO will refer to appropriate agencies including the City of Cockburn’s Family Support services, Financial Counselling services, and Home and Community Care services.
 - 2. The Environmental Health Officer will obtain an estimate of the costs, E.g. quote for cleaners to clean a house or property. Each case will be assessed by the Manager of Environmental Health and based upon a two tiered approach.
 - 3. Tier 1 – If the cost of the clean-up is predicted to be minor (less than \$2,500) then the funds be taken out of the Community Services emergency fund at the discretion of the Manager Community Services.
 - 4. Tier 2 – If the predicted costs are greater than \$2500 then Public Health Act Notices will be served and the costs will be placed as a charge on the property title.

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5. The Public Health Act notice will require that the cost of the clean-up be re-paid over a period of time or the cost placed on the property requiring funds for the clean-up cost to be returned to the City at the point of sale of the property. If necessary, and if viable, Financial Counselling Service will be arranged to develop a re-payment plan suited to the individual's needs.
6. If the resident requires ongoing support the Disability Access and Inclusion Officer will refer the resident for an assessment for Home and Community Care Support services
7. Each premise shall be inspected annually by an Environmental Health officer to ensure that the premises are maintained in an acceptable condition.
8. The maximum cost per individual premises shall not exceed \$15,000 without the approval of the Chief Executive Officer.

(2) Definitions:

1. **Equity**
Fair distribution of resources and opportunities according to need and access to decision-making processes.
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.
3. **Uninhabitable**
Uninhabitable is used for properties where there is an accumulation of matter and or filth to such a degree that it makes the premises unliveable and a potential health risk to the occupants and possibly occupants of 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.

Strategic Link:	Public Health Plan
Category	Public Health & Security
Lead Business Unit:	Environmental Health
Public Consultation: (Yes or No)	No
Adoption Date: (Governance Purpose Only)	11 March 2021
Next Review Due: (Governance Purpose Only)	March 2023
ECM Doc Set ID: (Governance Purpose Only)	4132106