

POS	UNINHABITABLE PREMISES	PSPD21
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POSITION STATEMENT CODE:	PSPD21
DIRECTORATE:	Planning and Development
BUSINESS UNIT:	Development Services
SERVICE UNIT:	Health Services
RESPONSIBLE OFFICER:	Manager, Environmental Health
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OCM:	11 October 2012 12 September 2013	12 March 2015

BACKGROUND:

At times, properties within the City have been identified as uninhabitable under the provisions of the Health Act due to the lack of adequate cleaning or due to the accumulation of matter. This matter may be offensive and or be of such a high volume to hinder free movement around a home or property and potentially harbour vermin. Some of the residents of these uninhabitable premises have been identified as being frail aged and/or having a functional disability. These people have not had the capacity to arrange clean up of their premises to the required standard.

The Health Act provides the City with the power to either prosecute the owner or occupier and/or to do the works and claim the money back at a later date. Where the occupants are vulnerable there is a need to take a more compassionate approach rather than the legal option. Nevertheless, the City wherever possible should ensure the cost of a cleanup be recouped especially when the costs can be placed as a charge against the property and reclaimed when the property is sold.

This process should only be triggered where the property is owned and occupied by the same person or family. Properties that are tenanted either privately or via the Department of Housing must be cleared/repared at the owner's expense.

Various forms of legislation relating to disability services have made it essential for public authorities to clarify how they are addressing these issues.

PURPOSE:

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To specify when the City will determine that an owner is vulnerable and therefore the City will undertake the cleaning and/or removal of material so that a dwelling and related surrounds are fit for human habitation.

POSITION:

- (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 Counseling 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 cleanup 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 Health Act Notices will be served and the costs will be placed as a charge on the property title.
- (5) The Public health notice will require that the cost of the cleanup be re-paid over a period of time or the cost placed on the property requiring funds for the cleanup 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.

Definitions:

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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.