

Submissions on Part Two: Consultation by the Department of Building and Housing

RETIREMENT VILLAGES CODE OF PRACTICE 2008 SUBMISSION FORM					
Name:					
Organisation:					
Address:					
Are you an:					
<input type="radio"/> operator <input type="radio"/> resident <input type="radio"/> insurer <input type="radio"/> statutory supervisor <input type="radio"/> other					
<input type="radio"/> Please tick if you are happy for us to contact you about your submission.					
<p>This submission form is to help you make a submission on the proposed variations to the Retirement Villages Code of Practice 2008. Please answer the questions and you can also send additional feedback if you choose.</p> <p>Please return this form by 5pm Monday 21 November 2011.</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>Post: Department of Building and Housing Level 6, 86 Customhouse Quay PO Box 10-729 Wellington 6143 Attn: Retirement Villages Code of Practice Review Team</p> </td> <td style="vertical-align: top;"> <p>Courier: Department of Building and Housing Level 6, 86 Customhouse Quay Wellington 6143 Attn: Retirement Villages Code of Practice Review Team</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p>Email retirementvillages@dbh.govt.nz (please put 'Retirement Villages Code of Practice Review' in the subject line).</p> </td> <td style="vertical-align: top;"> <p>Fax (04) 494 0290 (please put 'Retirement Villages Code of Practice Review' in the subject line).</p> </td> </tr> </table> <p>Official Information Act 1982 Please note that all written responses will be public information. Responses may be the subject of requests for information under the Official Information Act 1982 (the OIA). The OIA specifies information is available on request unless there are grounds for withholding specific information, such as the information is commercially sensitive or personal. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.</p>		<p>Post: Department of Building and Housing Level 6, 86 Customhouse Quay PO Box 10-729 Wellington 6143 Attn: Retirement Villages Code of Practice Review Team</p>	<p>Courier: Department of Building and Housing Level 6, 86 Customhouse Quay Wellington 6143 Attn: Retirement Villages Code of Practice Review Team</p>	<p>Email retirementvillages@dbh.govt.nz (please put 'Retirement Villages Code of Practice Review' in the subject line).</p>	<p>Fax (04) 494 0290 (please put 'Retirement Villages Code of Practice Review' in the subject line).</p>
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Thank you for your contribution. Note your responses will be shared with the Retirement Commissioner.

QUESTIONS

1: Insurance arrangements

- 1) Should the Code ensure operators have sufficient funds available to terminate occupation right agreements in no-fault exit situations? If yes, how could this be achieved?
- 2) Should statutory supervisors ensure that a village is insured 'satisfactorily'? If no, who should? How should 'satisfaction' be determined?
- 3) How often should valuations be updated? We have suggested every two years. What do you think?
- 4) Do you agree that the insurance policies should include all amenities and utilities within the retirement village boundary, units subject to occupation right agreements and any residential units that are owned by residents? If no, please state why not.
- 5) What other types of insurance beyond replacement or indemnity insurance policy do you consider operators should be required to take out, if any? We have suggested business interruption insurance for a minimum of 18 months and adequate liability insurances – do you agree?

QUESTIONS (CONTINUED)

1: Insurance arrangements (continued)

6) Who should be responsible for holding temporary accommodation insurance?

7) Do you think the proposed wording will achieve the outcomes we are seeking?

8) Do you have any wording suggestions?

2: Termination of occupation right agreements, including transferring to a new unit

9) Should clause 47 apply only to operator owned units, or should it also apply to units that are owned by residents? Why?

10) The proposals do not prescribe a payout amount for terminating an occupation right agreement in a no-fault exit situation. Do you agree with this approach? If not, why not?

11) Is there an issue with the timing of occupation right agreement termination payouts? How long should a resident reasonably wait to be paid out in a no-fault exit situation?

QUESTIONS (CONTINUED)

2: Termination of occupation right agreements, including transferring to a new unit (continued)

12) Do you agree with the proposal to limit operators from rebuilding a village or transferring a resident more than 50km from the original location?

13) Do you agree that residents have the right to terminate their occupation right agreement under the no-fault exit provisions if transferred?

14) Overall, do you think the proposed wording will achieve the outcomes we are seeking?

15) Do you have any wording suggestions?

Section 3: Payments and charges

16) What charges should continue to accrue to residents and in what circumstances?

17) When should the amortisation of the fixed deduction cease?

QUESTIONS (CONTINUED)

Section 3: Payments and charges (continued)

18) Do you think the proposed wording will achieve the outcome we are seeking?

19) Do you have any wording suggestions?

20) When should any new Code come into force?

21) Should there be a transitional period?

Final comments