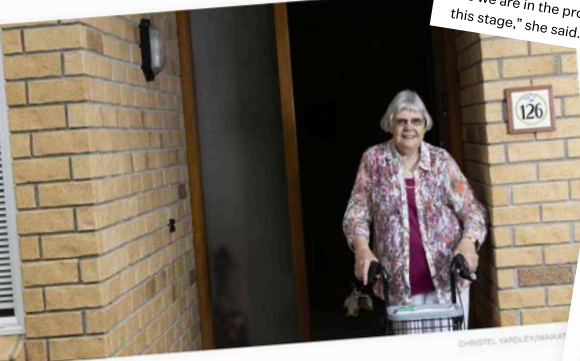


...d it: Our oldest population
...sing money, by buying into
...retirement villages.

Bendrikson · 05:00, Feb 05 2023



Patricia Price owns a villa at Omokoroa Country Estate.

In a nation obsessed with house prices and capital gains, why is a sector of Aotearoa's ageing population denied any capital gain on the sale of their home and left waiting up to a year for a house to get? The laws around retirement villages are set to change. What reports, any changes may be?

Retirement village residents rally to challenge 'unfair' rules

Andy Brew · 13:53, Mar 21 2023



...an Peat, national president of the Retirement Village Residents Association of New Zealand, is seen during a visit to Blenheim.

...ere wasn't an empty seat in sight at the Redwood Tavern on Thursday as concerned retirement village residents and family members attended a meeting.

Retirement village life may be happy, but it is not necessarily fair

Janet Wilson · 05:00, Apr 22 2023



...ting the financial costs of retirement village life can differ significantly, according to a new report.

...Wilson is a freelance journalist who has also worked in the past with the National Party.

...of the Fair Trading Act by retirement villages.

The probe comes after a series of complaints, including from Consumer NZ and the Retirement Village Residents Association, about what they claim are unfair contract clauses which leave retirees significantly out of pocket.

A commission spokesperson on Wednesday confirmed it had received a number of complaints relating to the industry and was beginning an investigation into whether there were any potential issues under the act.

"As we are in the process of investigating we are at this stage," she said.

Ten 'unfair' retirement village practices: Government review under way

By Anne Gibson
10 Mar, 2023 05:37 PM · 6 mins to read



Commerce Commission begins retirement village probe: Is law being broken?

By Anne Gibson
10 May, 2023 05:33 PM · 4 mins to read



The Commerce Commission today confirmed its involvement in the retirement village sector. Photo / Supplied

Commerce Commission investigating retirement villages

Esther Taunton · 15:50, May 10 2023



The Commerce Commission probe comes after a series of complaints, including from Consumer NZ and the Retirement Village Residents Association, about what they claim are unfair contract clauses which leave retirees significantly out of pocket.

A commission spokesperson on Wednesday confirmed it had received complaints relating to the industry and was beginning an investigation into whether there were any potential issues under the act.



Mid 2023

But the group representing owners and members by larger businesses and nor are they widely disclosed upfront so people know before buying.

Graham Wilkinson, president of the Retirement Villages Association of New Zealand, said if any of the 10 were practised, it was only by a few smaller operators.

Retirement village residents have less protection under new law reform

Christine Steeman · 05:00, Jun 09 2021

Retirement village residents have much less consumer protection under the new law reform, according to the Retirement Commissioner Jane Wrightson.

That's one of the findings of Wrightson's report released on Wednesday as part of an urgent Government review of the almost 20-year-old law and the growing retirement village industry.

Wrightson said the balance of power between operators and residents' rights needed to be made a lot clearer.

Wrightson said that contained unfair terms, residents entering villages should be introduced, and a simple and effective contract should be created.

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TO JOIN OR SUPPORT US

rvr.org.nz/membership/#howjoin

Or see your Village Rep.

From the President's desk

A whirlwind few months since our members magazine in December 2022! We have continued with the cause to ensure the Act is reviewed and any Unfair Clauses are amended or removed. We're simply asking for **fairness and consumer protection, nothing more - nothing less.** Having spoken to both Housing Ministers, Woods and Edmonds regarding the concerns raised, the voice from residents across the country has been clearly heard.



With Minister Barbara Edmonds now taking up the Retirement Villages portfolio, and the high priority placed on the review, it is pleasing to see the Government committed to seeing a Discussion Document released before the election. Our Chief Executive has pulled together two Research Teams to gather data, evidence and material to further support the changes needed for residents. The Retirement Commission, Consumer NZ, Grey Power and other stakeholders also strongly support the Review.

While the scope of the review is very broad, some of the big-ticket items on our list for residents are mentioned further on.

There are 50,000+ residents in Villages and I believe every resident should be a part of this review. If you're not yet on our mailing list as a supporter then please register – even if just for the next 12 months. Then you will have the opportunity to find out what is being discussed with MHUD (Ministry of Housing and Urban Development) and who will benefit.

Please see the FREEPOST Section and show your support in one of the ways offered.

Brian Peat,
RVR President

www.rvr.org.nz 0800 787 699



Inside you'll find:

- Meeting with the Minister (pg 3)
- Political Parties position on legislation reforms (pg 4,5)
- Aspects to consider with the Review (pg 6)
- Becoming a Supporter (pg 7,8)
- Collateral Damage (pg 12)
- Superheroes - Jeremy Nicholls, Arvida CEO (pg 13)
- Case studies (pg 14)
- Peacemakers, Protagonists & Plonkers (pg 15)

THIS IS IT!

If there is any year to make a difference - 2023/24 is it!

And that means you.

The legislators are looking to see what needs to be changed in the Retirement Village Act, based on numbers and feedback. If we hope to see **any** of the following changes implemented for either you or other village residents in New Zealand, then **your signature and support is needed now.**

- Seeing a better share of wealth transfer between operator and resident.
- Residents getting their money back within a set period of exiting (like 28 days).
- Operators paying for fair and reasonable repairs, maintenance and replacement of chattels that they own.
- Not continuing to accrue the deferred management fee after residents have exited their unit.
- Having ALL Retirement Village weekly / monthly fees cease after you exit.
- ALL weekly fees are fixed or linked to CPI increases.
- A complaints process that is simple, timely, and supportive of residents while binding on operators.
- Not being charged two DMF's.
- Contracts that don't need a law degree to try to understand them.
- Clearer terms around transferring to care and availability of beds.

Next year will be too late. They want to know THIS YEAR if there really is the need to make some changes to better protect residents interests.

So, if you haven't got around to it - this is the ONE year we need your help.

There are hundreds of village resident volunteers around the country working to effect change that will benefit all residents... but we still need the ongoing financial support of our members over these next 12 - 18 months.

Sign up as a Supporter or Member on Page 8 - TODAY!

Nigel Matthews,
Chief Executive

Meeting with the Minister



Left to right: Peter Carr, Brian Peat, Hon. Barbara Edmonds, Margaret Hobbs, Nigel Matthews

One of the roles of our President, Brian Peat and Government Liaison, Peter Carr is ensuring continuity of communication with the appropriate government minister and related agencies.

Hon. Barbara Edmonds, MP for Mana, is the third minister accountable for the RV Act in recent times. It was vital that we meet with her as soon as possible after her new appointment to ensure a mutual understanding of the review of the legislation.

This was achieved early in May 2023 when we revisited the Beehive and, in conjunction with her senior officials, held a beneficial exchange with Minister Edmonds. The Minister reiterated her intent that the next stage in the review process must be finalised by September 2023. Mrs Edmonds has a firm grip on RVResident's intent and expressed pleasure at the strong relationship we have built with her key officials.

The Discussion Document, into which we will have input, is the next stage in the process prior to Cabinet considering a decision as to a formal review through the House. There are strict Treasury rules

regarding the format and content of discussion documents and we are aware of the need for prompt and accurate delivery of the facts pertaining to our drive for an equitable solution. We will continue to keep you updated.

**Regards,
Peter Carr.**

Next Steps

- MHUD present the Discussion Document to Minister with Regulatory Impact Analysis.
- Cabinet signs off on document.
- MHUD release document for public discussion (usually 6 - 8+ weeks).
- Responses will then be considered as part of recommendations to cabinet.
- Cabinet agrees to legislative drafting.
- Three stage parliamentary Bill process.

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The 2023 Political Party Positions related to Retirement Village Residents

We wrote to each of the political parties back in April. These were their responses as at 5pm Wednesday 17 May 2023. (We will keep this updated at rvr.org.nz)



In general, do you support:

	act/	Green	Labour	māori PARTY	National	NEW ZEALAND FIRST
A A fullsome review of the Retirement Villages Act, associated Code and regulations.	—	✓	—	—	✓	✓
B A review of perceived unfair ORA clauses by the Commerce Commission.	—	✓	—	—	✓	✓
C Addressing consumer protection for all retirement village residents.	—	✓	—	—	✓	✓

More specifically, do you support:

1a The right for retirees to be presented with paperwork that is easy to understand?	—	✓	—	—	✓	✓
1b The standardisation of Operational Rights Agreements (ORAs).	—	✓	—	—	✓	—
2 A review of demonstrably unfair provisions on exit from a retirement village including:	—	✓	—	—	✓	✓
2a Putting a stop to the practice of charging ongoing weekly fees after exit.	—	✓	—	—	—	—
2b Addressing the long delays for the return of residents capital (often in excess of six months).	—	✓	—	—	✓	✓
2c Removing the practice of Deferred Management Fees (DMF) continuing to accrue after a resident has left a retirement village unit.	—	✓	—	—	✓	✓
2d Putting a stop to residents being charged for two places at once - for example , a need to go into care meaning a resident is forced to pay two sets of weekly fees as well as having to find the Capital to pay for an expensive Care Suite before the loan for the villa has been returned.	—	✓	—	—	✓	✓
3 Improving the complaints process with dedicated advocacy support and protection for residents.	—	✓	—	—	✓	✓
4 An end to the practice whereby an Operator can charge a resident for Capital Loss, but the resident does not share in any Capital Gains	—	✓	—	—	—	✓
5 Broad alignment with the rights afforded to tenants under the Residential Tenancies Act (e.g. repair and replacement of fixtures).	—	✓	—	—	✓	✓

NOTE: Despite multiple approaches by RVResidents no response was supplied by The New Zealand Labour Party or Te Pati Māori.

KEY

✓ Support
 — Uncommitted
 X Not Supported

Supporting correspondence to Party Positions



Thank you for contacting ACT to seek our views on issues salient to the Retirement Village Residents Association of New Zealand. We have yet to finalise our election platform and so we can't, at this point, provide the detailed response you seek. We have met and corresponded with those involved in the retirement village industry and we understand the importance of the care provided by retirement villages and their contribution to the wider New Zealand healthcare sector.



Fully support all RVResidents enclosed position statements.



No response received.



No response received.



B: While we agree with reviewing Retirement Villages legislative framework, we believe that a single review should be adequate, and that the Commerce Commission could be asked to submit on that respective comprehensive review.

1b: This could include measures to ensure that lawyers advising on these matters are adequately informed. We ultimately believe that the contracts should be understandable to a family's regular lawyer, rather than employing the services of additional legal counsel at added cost to seniors.

2a: In principle, National agrees. National invites a review of the practice and would consider a staggered approach to weekly fees after exit. (Example: CFFC White Paper option that proposed weekly fees reduced by 50% after three months and stopped entirely after six months)

2c: National agrees in theory. However, we are also concerned about how these changes could impact on the economic viability for some villages, particularly smaller, community owned operations.

2d: We would note that consideration needs to be given for circumstances where a couple may live separately. For example, one partner may have transitioned into care while the other remains in a village/unit. National advocates for transitional arrangements to be in place.

4: National agrees with this measure in theory. However, there is insufficient evidence to suggest that this is a widespread issue that should therefore be legislated

5: National would note that residents would have to be cognizant of their rights and responsibilities applicable to them with this change.



1a: All legal language associated with borrowing, debt, and future costs should be in easily understood consumer language.

1b: Until standardisation is expressly explained, wise decision making should be deferred.

2: It is hard to conceive how demonstrably unfair provisions should prevail, but an explanation of such should first be required.

2a: There may be a fair reasons for this practice, but an explanation for such should be requested now.

2b: Caution should be followed here, because sometimes a temporary slump in the market may mean a delay in the sale, if agreed by the resident, maybe of help.

2c: With the proviso, that there may be legitimate reasons for this, but that should stand the test of a thorough examination as to the standard of reasonableness.

2d: With the proviso, that the question of reasonableness should be addressed, and agreed to by the resident.

3: What is suggested here is free legal aid, and if that is the case then it should be part of the question.

4: NZFirst opposed the CGT because there was no pathway in those proposals for support should there be a capital loss - in the fairness for all parties involved.

Retirement Villages legislative framework: Aspects for consideration

Background:

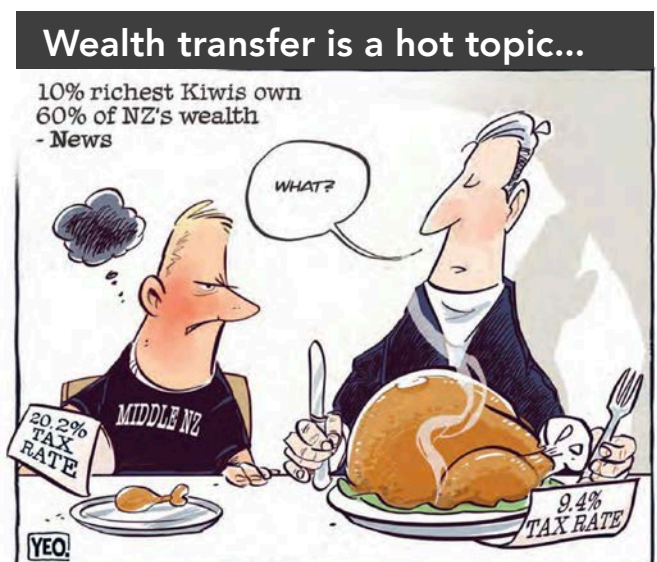
The Retirement Villages Act 2003 contains several articles that require certain financial terms to be addressed by the Code of Practice. For example, matters relating to payment due when an ORA is terminated. See clause 9 of Schedule 5 of the Retirement Villages Act.

As a result, the Code contains various clauses resulting in unintended and unjust outcomes. The outcomes of those clauses that are defeating the purpose and intent of the Act, we believe, should be corrected retroactively.

For us, the most prominent aspects to be considered in a new legislative framework are;

1. **Resale & repayment times:** Repaying a residents loan along with market related interest or capital gains. In addition a guaranteed repayment timeframe is sought. It's time to balance up the wealth transfer.
2. **The DMF or fixed deduction:** This must be capped at a fair rate. e.g. In the UK 15% is common.
3. **Weekly Fees after termination:** restricting the charging of weekly fees after a resident vacates a unit.
4. **Failure to comply with Act and Code:** A clear path of legislative recourse be made available for an affected resident by setting-up a single overseeing body, with enforcing powers. No such single authority currently exists leaving residents effectively powerless to enforce ORA provisions and/or legislative breaches without involving a very cumbersome and costly process.
5. **Maintenance of operator owned chattels, fixtures, and fittings:** Operators should be responsible for all the costs relating to maintaining and replacing their chattels, fixtures, and fittings - especially where the resident doesn't share in capital gain.
6. **General long-term maintenance or upgrading and/or betterment of village property:** The cost of any long-term maintenance or upgrading of village property should be for the sole account of the Operator and should not be recouped from residents by including such costs in the weekly fees payable by residents.
7. **Weekly fee adjustments:** Weekly fees should be either set for life or capped by annual CPI increases.
8. **The continued accrual of the DMF or fixed deduction** must cease upon termination where the stated period for accrual has not been reached prior to termination.
9. **Transferring to higher levels of care:** A complete and full disclosure of information and potential costs must be made before the signing of an ORA.
10. **ORA breach by an operator:** A fixed deduction would not be payable where a resident terminates an agreement because of a breach by an operator.
11. **Property revaluations:** Since the underlying land and buildings are rarely sold, annual revaluations of retirement villages are allowed as provided for under the financial reporting standards of NZ. As any capital gains do not emanate from cashflow activities, it means that operators tap into the advances from residents which in effect are interest-free loans by residents. Operators basically have carte blanche access to these funds and may over-leverage themselves in this regard.
12. **Financial Market Authority:** Retirement Village Operators should be regulated by the FMA to set-up financial reserves to safeguard residents in case of severe downturn of economic activities and the property market.
13. **The role of the Statutory Supervisor:** Supervisors could be armed with power to interpret ORA provisions, with aid of legal counsel, if need be, and to enforce their outcome conclusions.

Continued on page 11



Used with permission - Otago Daily Times

Would you like to benefit from any improvements / changes that will be made to the Retirement Villages legislation?

YES or No

When the review is completed and changes implemented, the legislators can look to either limit those changes to only future residents OR they can consider making them include existing residents (ie. retrospective changes).

If your answer is YES, (and you are not a member or do not want to become a member) then we need your name as a 'silent supporter'.

What is a silent supporter? We appreciate that being in a village has been compared to 'living in a fish bowl'. People can see what you're doing and who/what you're involved with. That can be difficult if you just want to keep a low profile. So, putting your hand up to say you're a member of an Association can make keeping a low profile difficult. For the next 12 months we're giving people the opportunity to become 'Silent Supporters'. You're simply saying that you agree with a review of the Retirement Villages legislation and **if changes are made that will benefit existing residents then you want to be included.**

Why do we need silent supporters? The Ministry of Housing and Urban Development wants to understand who really wants these changes. They have asked us for statistics. How many people want this review to benefit them?

How to become a silent supporter? Simply send us your first & last name, and a phone number (we're unlikely to call you. It's just so that we know we have a verifiable person as a supporter). If you want to be included in some email updates then include your email address, but that's totally up to you. We will then endeavour to keep you updated by email over the next 6-12 months. You won't be a member, you won't be included in our members database, and none of our village contacts will know who the silent supporters for the review are in their villages.



Either scan the QR Code to register as a silent supporter or complete the details over the page or visit: www.rvrnz.org.nz/supporters/

(if you have a smart phone, select your camera app and then position the QR code in the middle of the screen and touch the QR code on the screen).

Silent Supporter

Complete below or visit rvr.org.nz/supporters

Yes, I want to benefit from any legislative change

Name _____ Phone _____
 Email (optional) _____ Village (optional) _____

OR

Donor Supporter

To keep our subscription affordable for everyone, we rely on donations from members that are in a financial position to assist further. These donations go specifically to costs associated with independent legal advice and financial / evidence assistance as part of our legislative initiatives.

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 Given to your village RVR contact person _____
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OR

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NEW RENEWAL (please tick one)
 If renewing, simply enter your name and CH number, if you have it.

Retirement Village Name _____
 Your Name _____ * Year born 19 ____
 Partners Name (if applicable) _____ * Year born 19 ____
 Address _____

 Phone () _____ Mobile () _____
 Email Address _____

* Year born is optional but helps us inform government policy makers on the average age of residents in retirement villages.

Subscription Account:
 Westpac 03 0389 000 4586 05

_____ Exp ____ / ____
Your 16 digit credit card number goes here

Yes, sign me up

Joining fee \$10 per person + Membership Type (new memberships only)

Membership Type:
ANNUAL

Single \$30 Couple \$40


or MULTIPLE YEARS

Single 5yr \$150 10yr \$295
 Couple 5yr \$195 10yr \$395

Total to pay \$

Method of Payment:

Bank Deposit Date: _____
 Given to your village RVR contact person _____
 Credit Card (Visa/Mastercard)

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NEW. Become one of our Super Reviewers.

This year we are introducing reviewer points to help recognise those of you who take the time to share your experience. Each quick review (like the one below) earns 10 points while a full review will earn 30 points. You can place a full review by scanning the QR Code (if you have a smart phone, select your camera app and then position the QR code in the middle of the screen and touch the QR code on the screen).



You can place reviews on businesses in several industries that you have had experience with. The more reviewer points earned, the more prize draw opportunities.

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1. Enter your review online at www.agedadvisor.nz/review and we will donate the saved postage cost to Parkinsons / Multiple Sclerosis
2. Every completed review received either online or via post before our Annual Awards close-off date will **GO INTO THE DRAW TO WIN One of Five \$100 Gift Vouchers**. *See website for details.



1. What type of Business/Service are you reviewing? *(please tick one)*

- Retirement Village Aged Care Legal Financial Funeral Health

2. Name of Business / Service

Town / City

 |

3. Please describe your overall experience

4. Please rate your overall experience *(1 is poor, 5 is excellent)*

1
 2
 3
 4
 5
 Please circle one only

5. Would you recommend this business to a friend?

- Yes No Not Sure

6. Verification *Please tick if completed on behalf of someone by:* Family Friend Staff Other

We need the following details to validate the review. These details will not be displayed or shared. We only display a username consisting of your first name and a unique ID (or you can request 'without displaying my first name').

First Name

(Of the person giving the review) (required)

Please withhold displaying my first name

Last Name *(required) (confidential)*

Email or Phone *(confidential)*

(We will let you know when the review is posted, if supplying an email)

Your Age Range *(confidential)*

(so we can help others in a similar age bracket)

- Under 60 60-69 70-79 80-89 90+

Nationality

- NZ European Asian
 Maori Middle Eastern/ Latin American/ African
 UK / European Other Ethnicity
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Where did you get this form from? *(Just to help us)*

Thank you! Please tick to be kept informed by email

Note: A name and valid email / phone no. are required for a completed review

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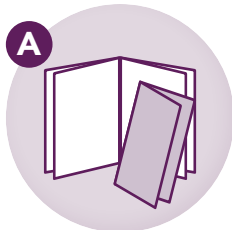
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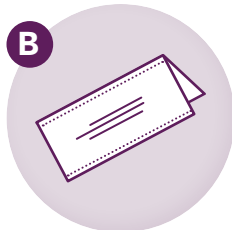


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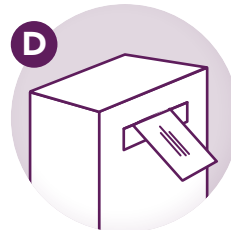


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Forms **MUST** be returned by 14th July 2023 to go into the draw.

Continued from page 6

- 14. Consultation on proposed changes to occupation and a village:** Residents and intending residents have a right to promptly receive information on matters likely to have a material impact on the terms of their occupancy, charges levied or services and facilities they receive.
- 15. Retrospective/retroactive application of certain changes:** As indicated before, the Code contains some clauses resulting in unintended unjust outcomes and therefore defeating the purpose and intent of the Act.

As a result of the unintended, unfair provisions in the Code, we recommend that any corrections to commercial terms of these outcomes, be phased in.

Make sure to have your say

When the discussion document is released by MHUD later this year, be ready to respond to their requests for feedback. We will be keeping members and supporters updated.

Best Practice Comparison

In our Dec. 2022 magazine (pg 10 - 11) we compared 19 key financial terms among 21 providers. In April 2023 we contacted all providers to complete a form confirming their terms. Interestingly, less than 20% responded prior to going to print mid May. You can view the updated results on our website;

www.rvr.org.nz

The responses are scored on a 0 - 5 scoring (5 being the best for residents and 0 being the worst minimum legislative standards).

Help your family stay informed

We all know that we were required to provide our Powers of Attorneys when we signed our ORAs. Hence the reason why every member should be signing up their family members to be RVResidents Associate Members. Our sons / daughters / grandchildren should be aware of the key points regarding the sector. We already have over 100 new Associate Members. With a base of nearly 10,000 members, it should be possible to achieve a minimum of 2,000 Associate Members. Invite them to join OR You can join up family members online.

TAKING THE 'OPERATUNITY' TO MAKE A DIFFERENCE

Operatunity gives happiness to the more mature community through music. This simple but profound mantra saw the birth of a proudly New Zealand owned and operated company, Operatunity, 23 years ago. Motivated by a desire to make a difference to people's lives, a love of seniors and a love of music, co-founders Susan Boland and John Cameron have seen the company grow exponentially from its humble beginnings.

Now presenting nearly 200 variety concerts throughout New Zealand from Invercargill to Whangarei, visiting 22 cities/towns with 8 different concerts each year, our famous professional daytime concerts range from rock and roll, musicals, country, classical, Irish, proms, pretty much every style to suit every musical taste. The most common cry is 'these concerts are the highlight of my life', such is their popularity.

Escorted luxury group tours are also based around music. These range from musical festival style trips closer to home where artists present concerts every night, to European tours such as to experience Andre Rieu in Maastricht, Italy opera tours and Greece ancient amphitheatre concerts. Sue and John pride themselves on presenting specially planned, friendly, inclusive, safe trips, often to those who are now travelling solo. As our long-time travellers say, "Once you travel with Operatunity, you will never go with anyone else!"



operatunity



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“Collateral Damage”

There has been much discussion in the media regarding the retirement village industry lately. Questions have been raised for years around the ability of the existing Retirement Villages legislation to protect the interests of residents right across New Zealand. Many of us have read the recent news articles about the Commerce Commission’s probe into potential misrepresentations and unfair terms used within the sector. The Operator’s Association don’t believe that’s warranted.

Here’s the problem: There are village operators who go above and beyond the legislated requirements to ensure residents receive the ‘peace of mind’ that they are promised. Their terms are easy to read, they don’t hide capital loss clauses, or accrue DMF after exiting, or charge weekly fees after exit. They have clear transfer terms, don’t require additional upfront capital if shifting from independent living to care, and they pay to repair their own chattels rather than expecting the resident to.

These are the villages that have now become part of the “collateral damage”.

Operators, like any product or service, can fall into camps. The good, the bad and the downright shameful. They usually never start out bad but somewhere they lose sight of the moral or ethical way of doing business and if the legislation doesn’t have the consumer protections in place - well, who’s going to stop them?

Simple fix. Name and shame the bad ones, right? But if we do that, then no one’s going to move into those villages - and who gets left out of pocket? It’s the residents waiting for their money.

Well, that’s actually why we have Operator’s and Resident’s Associations. To ‘protect’ the sector, and to protect the rights of the individuals who have loaned most of their life savings to a village provider for a right to occupy.

Unfortunately, the behaviour of some village operators and an out of date legislation ends up impacting the residents AND the

villages doing a great job... and that’s not fair.

The Operators Association could have addressed this. They were approached by the Residents Association to look at Code changes over 5 years ago but did nothing. They have a QC (now KC) on retainer to sort out problem operators, but they’ve never utilised him. They’ve known about ‘unfair terms’ in ORAs for years and had our ‘Framework for Fairness’ document since 2021, but didn’t canvas their members for changes until 2023; AFTER our complaint to the Commerce Commission had been lodged.

Well-behaved villages have ended up becoming ‘collateral damage’ because bad performers have continually been allowed to perform badly - plain and simple. And now we’re being told by the operators’ body that they might not be able to mandate their members to change ORA clauses citing it as possible ‘anti-competitive behaviour’.

It’s one thing having lobby access to parliament all these years (<https://bit.ly/wert157-rvr>), but it’s another thing to not address core issues in your membership until it’s too late.

If we’re wanting to create a retirement village sector that is fair, transparent, and equitable for all parties it’s going to require some hard calls to protect vulnerable residents and support well-managed villages. By really working together, operators and residents could have found solutions that benefitted all parties while ensuring the long-term sustainability of the retirement village industry. Unfortunately, that moment has passed. It’s now up to the legislators and the Commerce Commission.

Our thanks goes out to operators like **Karaka Pines, Vivid Living and Ryman** for setting a good benchmark for others to follow.

If you want to view villages that either meet or exceed the minimum requirements of the legislation, then visit our Best Practice page at; www.rvr.org.nz



Superheroes

How do you rate the CEO of your village company?



Jeremy Nicholl with Nancy Nielsen

Residents in Parklane Village on Auckland's North Shore, will tell you about the man who waded through water up to shoulder height to evacuate residents from their flooded villas, carrying some of them on his back.

Torrential rain, on Friday 27th January, combined with a blocked storm-water system causing water to rush through the lower floor of the administration and apartment building and finally through 27 villas, brought together a team of volunteers.

Four staff members at the change of shift, assisted by two residents, helped residents up the stairs, to the safety of the apartments on the upper floors.

The Village Manager was half way home and turned back through torrential rain to check the list of residents until all were counted as safe.

A son and daughter from one family helped with locating and evacuating residents where necessary. Two villas became the Emergency Centre, the owners provided a cuppa, towels, and dry clothes in one case, as families were contacted where possible and arrived to take mum or dad home.

Arvida CEO, Jeremy Nicholl arrived after organising six extra ground staff and two nurses to assist the residents caught in their flooded villas.

By 10.30pm all displaced residents were in a dry bed with family or with residents in villas on higher ground.

The following morning I found a tall guy in T-shirt and shorts wandering round, checking the devastation. Thinking he was a family member I asked who he was and the reply was a simple "I'm Jeremy". An easy error on my part as he was in a suit at our AGM the only time we had met.

This is the CEO we all came to know.

Jeremy was back in the village for several days in his casual gear, assessing and guiding the first steps of the clean-up.

He held group meetings with residents and their families, outside in light rain as there was no longer any usable space in the Admin building, and he calmly spoke about priorities.

The concern for the residents came first – all those affected by the flooding had the January fees refunded and further financial support promised until the resident returned to a refurbished home, possibly six months down the track.

Contractors started lifting carpets a day later and the City Council retrieved two 24-foot containers from the storm-water drain the major source of the Parklane flooding.

Add in the generous giving of hugs and this is 'Jeremy'.

By Nancy Nielsen, VP - RVR

Does your village have a flood plan?

If not, we hope to have an article coming out in our next e-update.

GRATEFUL THANKS TO



And the advertisers in this newsletter for their ongoing support. Please support them.

Case Studies

2020 Case still ongoing...

In our May 2021 newsletter we reported on a village in the South Island that had stated in their Disclosure Statement that the village, when completed, would fully comply with NZS 4121. It didn't. After months of trying to negotiate with the operator, a formal complaint was finally filed. 3 years on and while some attempts have been made by the operator to fix some of the issues, the village has chosen instead to remove the statement from the disclosure document. Remembering that with a formal complaint, it must be an individual resident that files a complaint, three years is a long time, especially if you're also dealing with cancer. Short of going to court, there is currently no single agency that has the power to enforce an operator to fulfil mediated outcomes.

A \$5.48 washer turns into a \$100 invoice.

When the Open Letter by the RVA was circulated around villages to elicit signatures it referred to residents being offered "free maintenance". This was dropped prior to going to print - but it was signed as a correct statement by 60 residents. Clearly they hadn't spoken to one of our members who received a \$100 maintenance bill for replacing a \$5.48 + gst toilet cistern washer. When the toilet cistern started to continually run, they (aged 86 and 91) notified reception. The village's policy is that a maintenance person is available to assist with most minor repairs (not exceeding 20 minutes) for free. Although the toilet is the operator's fixture, the operator justified the charge by saying that it would take longer than 20mins for the maintenance person to go out and source the washer (clearly they hadn't heard of online ordering). When asked why they don't have some in stock - they responded saying they have many different types of toilets and couldn't be expected to carry stock for every type. We'd say the decision to not standardise toilets is NOT the residents fault. Why some village residents have to pay for repairs of an operator's chattels and fixtures when a rental tenant doesn't, is unfair and makes no sense. Let's make sure this gets sorted in the legislative review!

Operator accuses residents of bullying to avoid complaint action. Statutory Supervisor takes the operator's side without evidence.

When an operator emails an entire village in an effort to chastise a few (without any prior conversation) and then calls a full resident's meeting to discuss formal complaints that have been raised about them, then you know the complaints system is broken. An operator/manager has received

several formal complaints regarding their behaviour but instead of trying to resolve this directly with the resident(s) concerned, the lawyers have been called in, and threats levelled at a residents meeting (by the operator) specifically about those complaints. The result is the whole concept of 'natural justice' being flushed down the drain, and a total lack of the very courtesy and respect called for in the Code of Resident's Rights. *See our opinion piece below.*

Opinion Piece - CE

Peacemakers, protagonists and plonkers

"Retirement village residents and managers are like a box of chocolates, you never know what you're going to get." I'm sure that's what Forrest Gump would have said if he lived in one. A range of personalities - from the peacemaker who aims to get along with everyone, to the protagonist that adds to the life and vitality of a village, to the antagonist (or 'plonker', if you want something that begins with 'p') - who thinks it's their village and everyone should get into line.

The following is not going to be very popular with some. If you're about to move off the page or scroll onto the next story - please don't. You're probably just the person that needs to read it.

For 95% of the managers, staff and residents in villages: You should all be given gold medals. You listen, help, console, laugh, cry, care for, and care with others in your village. You are the glue that helps to create your village community.

And then there's the 5% antagonists. Sometimes it's simple misunderstandings, which turn to unrest, unrest to conflict and conflict to chaos. Other times it's down to their struggle for power.

The Code of Resident's Rights (found within the Code of Practice) contains a Golden Rule: Treat others the way you want to be treated. Here's the exact wording:

- *You have the right to be treated with courtesy and have your rights respected...*

Your rights exist alongside the rights of other residents and the rights of the operator, the people who work at the village, and the people who provide services at the village. In the same way that these people are expected to respect your rights, it is expected that you in return will respect their rights and treat them with courtesy.

It's there as a clear benchmark and it's normally achieved through a genuine desire to be part of the community. So, how do you know which category you're in?

Ask yourself - When you have a problem with a person (a resident, staff member or manager), have you FIRST taken that grudge, gripe, or complaint directly to that person (in confidence)? Have you asked them if they have a few minutes to discuss an issue? Have you simply explained what has happened (without blaming the person), how it's impacted you / or made you feel and then asked them for their view on it? If it doesn't get resolved (or you don't feel safe talking to the person on your own), have you taken a support person or asked the residents' committee for help? Have you made space to listen, really listen to the other person, and then been able to explain back to them (in your own words) what they've said? If so, then you're most likely in the peacemaker category. Stop here.

Or, do you avoid the person and go and talk about it to others instead? Managers, if you get a formal complaint - for any reason - do you try to quickly resolve it directly, in person, with the resident OR run to your lawyer? Are you quick to apologise first for any misunderstanding OR do you let them know who's boss!

If you aligned with the latter options, then the plonker alarm bell has just been set off. If you're a manager, then consider a career change, because if you want to argue, be right every time (even when you're not), always have the final word and you don't like to be told what to do by the people who have given you the bulk of their life savings to have the right to live at the village - then you probably shouldn't be running it. Time for a change.

And, if you're a resident that thinks this way - and you're not prepared to change - then finding your own little island where no-one can annoy you should be on your to-do list.

For the rest of you - enjoy your village and your life. You've earned it!

If you need advice on an issue or wish to make a formal complaint then you can contact us on **0800 787 699** or visit www.rvr.org.nz

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