

2021-31 Rates Remission and Postponement Policies						
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## Rates Remission and Postponement Policies

### Rates Remission Policy

This policy was prepared pursuant to sections 102 and 109 of the Local Government Act 2002 for consultation using the special consultative procedure detailed in the same Act for the 2021-2031 Long Term Plan.

While the majority of the policy remains largely unchanged since the last consultation in 2015, there are two new sections. These are rates remissions for:

Separately used or inhabited parts (SUIPs) of a commercial rating unit where the SUIP area is less than 20m<sup>2</sup>

Rural or residential land connected to the combined water scheme and/or combined sewer scheme where the water and/or sewerage capital works rates would be calculated on a land value that is disproportionate to the land value of an urban section and the benefit received.

### Community, Sporting and Other Organisations

#### *Objective of the Policy*

To facilitate the ongoing provision of community services or recreational opportunities for the residents of Marlborough where there is no statutory provision in Schedule 1 Part 2 of the Local Government (Rating) Act 2002.

The purpose of granting rates remission to an organisation is to:

- Assist the organisation's survival; and
- Make membership of the organisation more accessible to the general public, particularly children, youth, young families, aged people, and economically disadvantaged people.

#### **Conditions and Criteria**

The land must be owned by the Council or owned, occupied or leased by an organisation (with liability for rates), which is used exclusively or principally for sporting, recreation, or community purposes.

The organisation must not operate for private pecuniary profit.

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

Organisations making application should include the following documents in support of their application:

- Statement of Objectives;
- Most recent financial accounts (preferably audited);
- Details of any leases (where applicable);
- Information on activities and programmes;

- Details of membership or clients.

### ***Application***

Generally, the Policy will not apply to groups or organisations whose primary purpose is to address the needs of adult members (over 18 years) for entertainment or social interaction, or who engage in recreational, sporting, or community services as a secondary purpose only. The policy does not apply to areas of the rating unit covered by a club licence under the Sale and Supply of Alcohol Act 2012.

The Policy shall apply to such organisations as approved by the Council (or Council Officers with delegated authority) as meeting the relevant criteria.

Remissions to any qualifying organisation shall be on the basis of a 50% reduction in rates and charges except that no remission will be granted on targeted rates/charges for water supply, sewerage disposal or refuse collection.

## **Land Protected for Natural, Historic or Cultural Conservation Purposes**

### ***Objective of the Policy***

To preserve and promote natural resources and heritage: to encourage the protection of land for natural, historic or cultural purposes.

### ***Conditions and Criteria***

Ratepayers with rating units which have some feature of cultural, natural or historic heritage on the land which is voluntarily protected, may qualify for remission of rates under this part of the Policy.

Land that is non-rateable under section 8 of the Local Government (Rating) Act 2002 and is liable only for targeted rates covering water supply, sewage disposal or refuse collection will not qualify for remission under this part of the Policy.

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

Applications should be supported by documentary evidence of the protected status of the land on the rating unit eg; a copy of the Covenant or other legal mechanism.

In considering any application for remission of rates under this part of the policy the Council will consider the following criteria:

- The extent to which the preservation of natural, cultural or historic heritage will be promoted by granting remission of rates on the rating unit.
- The degree to which features of natural, cultural or historic heritage are present on the land.
- The degree to which features of natural, cultural or historic heritage inhibit the economic utilisation of the land.

### ***Application***

The extent of any remission shall be determined by the Council or its delegated officer[s] on a case by case basis.

In granting remissions under this part of the Policy, the Council may specify certain conditions before remission will be granted. Applicants will be required to agree in writing to these conditions and to pay any remitted rates if the conditions are violated.

## **Residential Land in Commercial or Industrial Areas**

### ***Objective***

To ensure that owners of residential rating units situated in commercial or industrial areas are not unduly penalised by the zoning decisions of this Council and the former authorities.

### ***Conditions and Criteria***

To qualify for remission under this part of the Policy, the rating unit must:

- Be situated within an area of land that has been zoned for commercial or industrial use. (Ratepayers can determine how their property has been zoned by inspecting the Marlborough Environment Plan (MEP), copies of which are available from either the Council offices, , or on Council's website [www.marlborough.govt.nz](http://www.marlborough.govt.nz)).
- Be listed as a "residential" property for differential rating purposes. Ratepayers wishing to ascertain whether their property is treated as a residential property may inspect the Council's rating information database at the Council offices, or obtain that information from the rate records on Council's website [www.marlborough.govt.nz](http://www.marlborough.govt.nz).

### ***Application***

Following triennial revaluation Council will direct its valuation service provider to prepare a valuation that will treat the rating unit as if it were a comparable rating unit elsewhere in the District. Ratepayers should note that the valuation service provider's

decision is final as there are no statutory rights of objection or appeal, for valuations of this nature.

The extent of any remission shall be determined by the Council or its delegated officer(s) and will be based on valuations supplied by its valuation service provider.

## **Land Affected by Natural Disaster**

### ***Residential Land Affected by Natural Disaster***

#### ***Objective of the Policy***

To enable rate relief to be provided where the use that may be made of any land used for a private residence has been detrimentally affected by natural disaster.

#### ***Conditions and Criteria***

Council may remit wholly or in part, any rate or charge made and levied in respect of the land, where it considers it to be fair and reasonable to do so.

All applications must be on the prescribed form.

#### ***Application***

The extent of any remission shall be determined by the Council or its delegated officer[s].

## **General -Type Uniform Annual Charges and Targeted Charges on Non-Contiguous Pastoral Rating Units**

### ***Objective of the Policy***

To provide relief from General-type Uniform Charges and Targeted Charges on rural pastoral land which is non-contiguous, provided it is farmed as a single entity with the ratepayer(s) in common..

#### ***Conditions and Criteria***

Non-contiguous pastoral units may qualify for a remission of uniform annual general charges and targeted rates calculated as a fixed amount per rating unit where Council agrees that the economics of each farm property are inter-dependent on the other.

The ratepayer will remain liable for at least one uniform annual general charge and one set of each type of targeted rate calculated as a fixed amount per rating unit.

Only one residential unit can exist on the qualifying rating units except where the farm contains accommodation on a rent free basis for the owner or staff associated with the farm.

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

### ***Application***

Council or its delegated officer[s] shall determine whether the criteria are met.

## **General -Type Uniform Annual Charges and Targeted Charges on Contiguous Rating Units in Separate Ownership, Used Jointly as a Single Entity**

### ***Objective of the Policy***

To limit the incidence of multiple charges where a farming or other business entity consists of a number of contiguous rating units with different owners.

#### ***Conditions and Criteria***

Each rating unit must be leased to the operator for a term not less than five years.

The operator must provide Council with a declaration confirming that each unit will be operated as part of the entity.

The ratepayer will remain liable for at least one uniform annual general charge-type and one set of each type of targeted rate calculated as a fixed amount per rating unit.

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

#### ***Application***

The extent of any remission shall be determined by the Council or its delegated officer[s].

## Limitation of General-Type Uniform Annual Charges and Targeted Charges in Certain Circumstances

### ***Objective of the Policy***

To limit the incidence of General-Type Uniform Annual Charges and targeted rates calculated as a fixed amount per rating unit in certain circumstances.

### ***Conditions and Criteria***

Council will assess the General-Type Uniform Annual Charges and targeted rates [calculated as a fixed amount per rating unit] on the basis of every separately used or inhabited part of a rating unit (SUIP) but, the following situations will be deemed not to create a separately used or inhabited part of a rating unit:

#### **In the case of a farm, orchard, other horticultural type property, or business:**

- Where the farm, orchard, horticultural operation, or business contains additional accommodation on a rent free basis for the owner, or staff associated with the farm, orchard, horticultural operation or business.

#### **In the case of a rating unit that contains one additional separately inhabited unit or dwelling, occupied by family members:**

- Where members of the owner's family inhabit the separate part of the property on a rent free basis.

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

### ***Application***

Council will remit any rates in excess of those payable under this policy. Ratepayers in receipt of this remission will be periodically required to declare that the SUIP has not been rented out on either a short term or long term basis.

Where the second SUIP is inhabited by the owner's family on a rent free basis the rating unit will retain its second water allowance where water metering is applicable..

## Urban Residential 2 Land in Rural Areas

### ***Objective of the Policy***

To ensure that owners of residential rating units situated in rural areas are not unduly penalised by the zoning decisions of Council.

## Conditions and Criteria

To qualify for remission under this part of the Policy, the rating unit must:

- Be situated within an area of land that has been zoned 'Urban Residential 2 Greenfield Zone' in the Marlborough Environment Plan (Ratepayers can determine how their property has been zoned by inspecting the MEP, copies of which are available from either the Council offices or on Council's website [www.marlborough.govt.nz](http://www.marlborough.govt.nz)).
- Remain unsubdivided ie; subdivision title has not been granted.
- Continue, for any remaining unsubdivided area, to have a land use that's consistent with the rural character that existed on approval of the zone

### **Application**

All rating units located within the 'Urban Residential 2 Greenfield Zone' will be rated on the basis of the underlying land being zoned Rural 3.

Following triennial revaluation Council will direct its valuation service provider to prepare a valuation that will treat the rating unit as if it were a comparable rating unit in zoned Rural 3. Ratepayers should note that the valuation service provider's decision is final as there are no statutory rights of objection or appeal, for valuations of this nature.

The extent of any remission shall be determined by the Council or its delegated officer(s) and will be based on valuations supplied by its valuation service provider.

## Subdivisions That Create Four or More but Less than Ten Rating Units

### ***Objective of the Policy***

To provide a positive development incentive to commercial developers by remitting general-type uniform charges on unsold subdivided land without an occupied dwelling or commercial building, for a maximum period of three years.

### **Conditions and Criteria**

To qualify for remission under this part of the Policy, the rating unit must remain in the developer's name.

Remission will not apply to water, sewerage or other targeted rates calculated as a fixed amount per rating unit.

Remission will cease on those rating units which are sold. Remission will also cease on rating units which remain unsold after three years of the lots being created.

The ratepayer will remain liable for at least one uniform annual general-type charge and one set of each type of targeted rate calculated as a fixed amount per rating unit.

### ***Application***

Council or its delegated officer[s] shall determine whether the criteria are met.

## **Subdivisions That Create Ten or More Rating Units**

### ***Objective of the Policy***

To provide a positive development incentive to commercial developers by remitting general-type rates and uniform charges on all unsold subdivided land without an occupied dwelling or commercial building (*other than any balance of land*) for a maximum period of five years. This policy only applies to subdivisions that are deposited after 1 July 2009.

### ***Conditions and Criteria***

To qualify for remission under this part of the Policy, the rating unit must remain in the developer's name.

Remission will not apply to water, sewerage or other targeted rates calculated as a fixed amount per rating unit.

Remission will cease on those rating units which are sold. Remission will also cease on rating units which remain unsold after five years of the lots being created.

The ratepayer will remain liable for all rates and charges on the un-subdivided lot (balance of land).

### ***Application***

Council or its delegated officer[s] shall determine whether the criteria are met.

## **Rate Penalties**

### ***Objective of the Policy***

To enable Council to remit penalties where:

- payment has not been received by the penalty date, due to circumstances outside the ratepayer's control; or
- it is deemed equitable to remit the penalty for other reasons.

## ***Conditions and Criteria***

Each application will be considered on its merits and remission may be granted where it is considered just and equitable to do so.

The Council will consider remission of rate penalties where an application is made and meets any of the following criteria:

- payment has been late due to significant family disruption. [Significant family disruption would include death, illness, or accident of a family member]; or
- the ratepayer is able to provide evidence that their payment has gone astray in the post, or the late payment has otherwise resulted from matters outside their control; or
- penalties have arisen through processing errors in Council's records or an outstanding balance has arisen as a result of a shortfall caused by the operation of an agreed payment plan; or
- the ratepayer provides a reasonable explanation of the circumstances which caused the late payment, and this is the first occasion on which late payment has occurred.

### ***Application***

The extent of any remission will be determined by the Council or its delegated officer[s].

## **Water Losses**

### ***Objective of the Policy***

To provide ratepayers with a measure of relief, by way of partial rates remission where, as a result of the existence of a water leak on the property which they occupy, the payment of full water rates is inequitable.

### ***Conditions and Criteria***

This Remission Policy does not apply to Council's irrigation water supplies (Southern Valleys' Irrigation Scheme and Riverlands Irrigation Scheme). There will be no refunds for water losses for irrigation supplies.

The existence of a significant leak on the occupied property has been established and there is evidence that steps have been taken to repair the leak as soon as possible after its detection.

## ***Application***

Council will calculate the volume of water lost based on average water consumptions during similar periods of previous years.

When an application for water rates remission is approved pursuant to this policy, the amount of the remission will depend on when the leak is repaired.

If the leak is repaired before the following scheduled reading interval, the remission will be equivalent to the assessed volume of water that has been lost through the leak, since the scheduled reading interval prior to the leak being discovered; or

If the leak is not repaired before the following scheduled reading interval, the remission calculation will be assessed on the next scheduled reading interval; or

Where there are extenuating circumstances, Council or its delegated officer[s] may extend the period for a re-assessment of the water rate.

A property displaying ongoing leakage showing likely system failure of the pipe network within the property will be provided with no more than three remissions for water loss.

The maximum remission for any one water loss will be \$3,000 unless there are extenuating circumstances verified by the Operations and Maintenance Engineer.

Council or its delegated officer[s] shall determine whether the criteria are met.

## **Extreme Financial Hardship**

### ***Objective of the Policy***

To enable Council to grant remission, for cases of extreme financial hardship, on a case by case basis, of all or part of the rates.

### ***Conditions and Criteria***

Council may remit rates in accordance with the policy where the application meets all of the following criteria:

- The ratepayer(s) must be the current occupier(s) of the rating unit which must be solely used for their personal residential purposes.
- The Council must be satisfied that extreme financial hardship exists or would be caused by requiring payment of the whole or part of the rates.
- The ratepayer[s] must provide any evidence that Council deems appropriate to support the claim of extreme financial hardship.

- The ratepayer[s] must make acceptable arrangements for payment of future rates, for example by setting up a system for regular payments.

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

## ***Application***

Applications for remissions shall be considered by the Council or its delegated officer[s].

## **Sundry Remissions**

### ***Objective of the Policy***

To remit rates and charges that are the result of fundamental errors; or where the balance owing is considered uneconomic to recover; or where the amount levied is unable to be recovered pursuant to sections 67-76 of the Local Government (Rating) Act 2002, or where Council or its delegated officer(s) consider the levy impractical to recover; or where Council considers it equitable in the particular circumstances to remit rates.

### ***Conditions and Criteria***

The extent of any remission shall be determined by the Council or its delegated officer[s].

## **General -Type Uniform Annual Charges and Targeted Charges on Commercial SUIPs less than 20m<sup>2</sup>**

### ***Objective of the Policy***

To provide relief from General-type Uniform Charges and Targeted Charges on separately used or inhabited parts (SUIPs) of a commercial rating unit where the SUIPs have less than 20m<sup>2</sup> floor area and where the extra charges assessed would economically disadvantage the ratepayers and where Council deems it equitable to do so.

### ***Conditions and Criteria***

Council may remit rates in accordance with the policy where the application meets all of the following criteria:

- The separately used or inhabited part (SUIP) of the commercial rating unit must have a floor area of less than 20m<sup>2</sup>
- The Council must be satisfied that financial hardship exists or would be caused by requiring payment of the uniform or targeted charges.
- The ratepayer must inform Council if a commercial business expands and occupies a total area greater than 20m<sup>2</sup>

Applications received during a rating year will be applicable from the commencement of the following rating year. All applications must be on the prescribed form and will not be backdated.

### ***Application***

Applications for remissions shall be considered by the Council or its delegated officer[s].

## **Residential Rural Rating Units with an Out of District Connection to the Combined Water or Sewerage Scheme**

### ***Objective of the Policy***

To provide relief to Residential Rural rating units with an out of district connection to the combined water scheme and/or combined sewer scheme where the water and/or sewerage capital works rates would be calculated on a land value that is disproportionate to the land value of an urban section and the benefit received.

### **Conditions and Criteria**

To qualify for remission under this part of the Policy, the rating unit must be identified by Council staff as paying higher combined water scheme capital works rates and/or combined sewerage capital works rates because of its disproportionately higher land value.

Remission will only apply to the combined water scheme capital works rate and combined sewerage scheme capital works rate on the affected properties.

Remission will cease on those rating units which are sub-divided and where the land value subsequently ceases to be disproportionately higher than the value of an urban section.

### ***Application***

Council or its delegated officer[s] shall determine whether the criteria are met.

## **Rates Postponement Policies**

### **Extreme Financial Hardship**

#### ***Objective of the Policy***

To assist ratepayers experiencing extreme financial hardship.

#### ***Conditions and Criteria***

All applications must be on the prescribed form.

When considering whether extreme financial circumstances exist, all of the ratepayer[s] personal circumstances will be relevant.

The Council must postpone rates in accordance with the Policy where the application meets all of the following criteria:

The ratepayer[s] must be the current occupier[s] of the rating unit which must be solely used for their personal residential purposes.

The Council must be satisfied that the ratepayer[s] is/are unlikely to have sufficient funds left over after the payment of rates, for normal health care, appropriate provision for maintenance of his/her home and chattels at an adequate standard, as well as making provision for normal day to day living expenses.

The ratepayer[s] must not own any other rating units or investment properties or other realisable assets.

The ratepayer[s] must make acceptable arrangements for payment of future rates, for example by setting up a system for regular payments.

Even if rates are postponed, as a general rule the ratepayer[s] will be required to pay the first \$645 of the annual rate levy.

The Council may add a postponement fee to the postponed rates for the period between the due date and the date they are paid. This fee will not exceed an amount which covers the Council's administration and financial costs.

The policy will apply from the beginning of the rating year in which the application is made although the Council may consider backdating past the rating year in which the application is made depending on the circumstances.

Any postponed rates will be postponed until:

- The death of the ratepayer[s]; or
- The ratepayer[s] ceases to be the owner or occupier of the rating unit; or
- The ratepayer[s] ceases to use the property as his/her residence; or
- A date determined by the Council in any particular case.

At any time, the applicant may elect to postpone the payment of a lesser sum than that which they would be entitled to have postponed pursuant to this Policy by paying the postponed rates or any part thereof.

### ***Application***

Postponed rates will be registered as a Statutory Land Charge on the rating unit's title.



Applications for rate postponements shall be considered by the Council or its delegated officer[s].

## **Residential Ratepayers aged 65 and over**

### ***Objective of the Policy***

To offer ratepayers aged 65 years and over a facility to unlock the equity in their residential property by postponing all or part of their rates to a future date, at no cost or risk to Council.

### ***Conditions and Criteria***

All applications must be on the prescribed form.

Rates postponement is available on properties that are occupied by the ratepayer applicant(s) as their principal place of residence. Holiday homes are not eligible.

Property that is Maori freehold land is not eligible for postponement as councils do not have adequate rights to recover postponed or overdue rates on Maori freehold land.

Postponement is available to applicant(s) who are the legal owners of their property or who live in a property owned by a family trust. Units in retirement villages held under licences to occupy and any other arrangement where the applicant is not the registered owner are only eligible for postponement if the amount of the rates for the unit/dwelling that is lived in is clearly identified for rating purposes (i.e. separately rated), and that the full benefit of the postponement is passed on to the resident.

Postponement is available only for ratepayers age 65 or over. In the case of the couple, at least one applicant must be of that age.

Applicants must have at least one “decision facilitation” interview with a decision facilitator engaged by Council, to ensure that independent advice has been provided on the implications of the postponement offer.

The application will require any mortgagee’s consents and a decision facilitator completion certificate before a formal postponement offer is made by Council.

Rates may be postponed until:

- The death of the ratepayer(s) (the Council will allow up to 12 months for any resolution of estate or trust affairs required to enable repayment); or
- The ratepayer(s) ceases to be the owner of the rating unit; or

- The rating unit ceases to be the principal place of residence of the ratepayer(s) – this means that if the ratepayer(s) moves out of the home into residential care, technically the postponed rates become due and payable. In practice, if the council is satisfied that the principal reason for moving out is to go into care, the postponement will remain in place.

The Council will offer full postponement unless testing the expected outcome through the council’s actuarial model suggests that equity on expected repayment (the death of the applicant or the survivor of joint applicants) would be less than 20%. If that is the case, then postponement entitlement will be based on the maximum proportion projected to leave a minimum of 20% equity available at the end of the postponement period.

The property must be kept insured to its full value and evidence of this produced annually.

Postponed rates and any part thereof may be paid at any time. Applicants may elect to postpone a lesser amount than the maximum they would be entitled to under the council’s policy.

If accrued rates and charges reach 80% of the value of the property, the Council will not postpone any further rates but instead require that all further rates are paid as they fall due. Accrued rates and charges will remain payable only on an event of repayment (eg; death, sale) and will continue to accrue interest and other annual charges.

One-off costs to the ratepayer will relate to the initial postponement application fee, a contribution to the facilitation process, and any other incidental fees and charges relevant to the particular application.

Other costs to the ratepayer (or their estate) will be the amount of the postponed rates and charges, interest on the accumulated postponement amount, an annual administration fee to cover management and the scheme’s operating costs, and a reserve fund levy to meet unsecured postponements.

All of the above fees and charges will be added to the postponed rates.

Legal Fees – if an applicant wishes to consult a lawyer, the applicant will need to meet the costs of doing so.

### ***Application***

Postponed rates will be registered as a Statutory Land Charge on the rating unit’s title.

Applications will be considered by delegated officers in accordance with the scheme's criteria.

## **Maori Freehold Land**

### **Remission and Postponement of Rates on Maori Freehold Land**

#### ***Objectives of the Policy***

Section 102(2)(e) of the Local Government Act 2002 requires Council to adopt a policy on the remission and postponement of rates on Maori freehold land; section 108 and Schedule 11 set out the matters to be considered.

#### ***Conditions and Criteria***

Council has reviewed the matters set out in section 108 and Schedule 11 and has decided that the appropriate policy is to consider applications for remission or postponement of rates on Maori freehold land in terms of the policies adopted by Council regarding remissions and postponements of rates on other land.

This policy will remain in force until such time as the Local Government (Rating of Whenua Maori) Amendment Bill is enacted and Council subsequently consults on amendments to this policy to comply with the new Act.