Recovery response - Storm affected properties



Governing Body Confidential Workshop

20 September 2023





Agenda

- 1. Funding agreement Update
- 2. Interim consultation feedback
- 3. Category 3 buyout Policy discussion
- 4. Other work progressing



1. Funding agreement - Update



Cost-share with Government agreed in-principle

Cat 3 buyouts

\$774m to purchase estimated 700 Category 3 homes (50/50 share with council)

Transport network recovery

\$390 million Government contribution towards transport recovery costs

Cat 2 solutions

\$820 million towards protection works

\$2bn
package
towards
recovery &
resilience



Funding agreement

- · Draft agreement received
- Discussed and detailed feedback being provided

Council must attach finalised:

- Categorisation methodology
- Cat 3 buy out methodology
- · Information available on:
 - Cat 3 buy-out expectations
 - Cat 2 risk mitigation projects
 - Regional transport projects

Indicated scope:

- Form of Category 3 Voluntary Buyout offers
- Purchase price approach
- Insurance cover, lack of cover, claims and proceeds
- Relocation Grants (if applicable)
- Processes and controls for the buyout programme
- Communication and engagement plan
- Complaint/ review processes
- Information sharing and privacy issues

Timeline

20 Sept: GB workshop

• 24 Sept: Public consultation closes

2 Oct: Political Advisory Group meets

4 Oct: GB workshop – Consultation feedback

• 6 Oct: Extraordinary GB meeting - decisions required



2. Interim consultation feedback



Interim consultation results - confidential

1,776 submissions as of midnight Monday 18 September

Inc. 11 from organisations



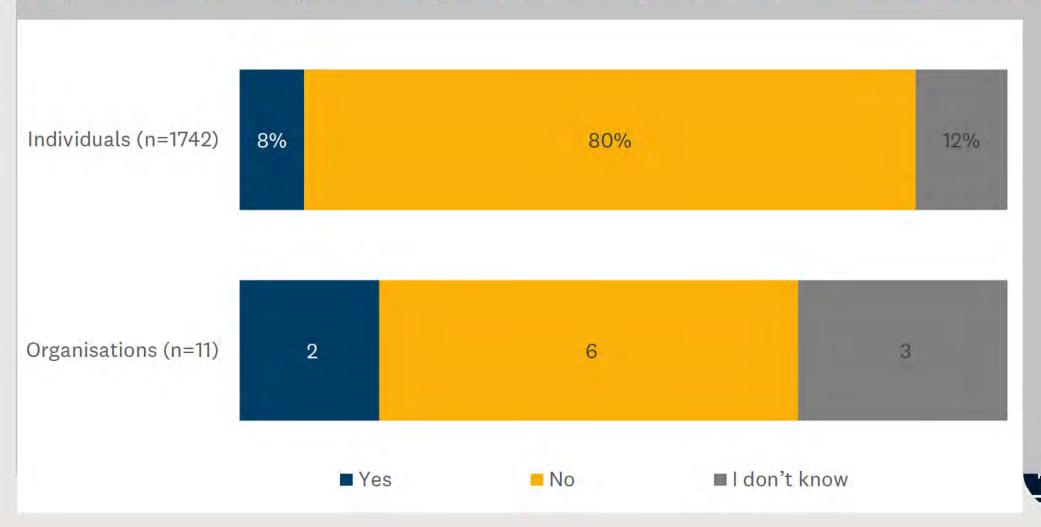
Muriwai Lodge Limited
Otahuhu Maori Wardens Trust
Apex One Ltd
Andrzej B Tomecki Transportation Analysts
Bright electrical
Fungataua Trust
CCRG - Auckland City Centre Residents' Group
Royal Forest and Bird Protection Society of New
Zealand Inc.

Karekare Ratepayers and Residents Trust R j & P.H Manuel Belz Trust



Most submitters think they would not be eligible for a category 3 buyout under this proposal

Do you think you might be eligible for a category 3 buy-out under this proposal?



Around four in five submitters support accepting the package







Qualitative themes on proposal - Indicative

Substantial feedback on the buyout element of package:

- feedback highlights insurance issues, particularly the distinction between insured and uninsured or underinsured properties and potential valuation methods
- concerns about the buy-out from those who oppose funding proposal and those who support it.
- role of insurance, government support, individual responsibility and Council responsibility
- range of views on valuation approach but generally support principal of fairness or equity

Some feedback on Category 2 properties:

desire for more information and/or support for these properties.

General:

- Prudent planning to avoid houses in flood / slip-prone areas
- Effective management of waterways, stormwater network and other flood mitigation actions.
- Proper execution of repairs and focus on getting people's lives back to normal
- Complexity of situation and stakeholder involvement





Qualitative themes on buy-out methodology - Indicative

Insured / uninsured:

- Often, but not always, that uninsured bear some consequences, e.g exclusion or limited payouts.
- Many refer to equal treatment, some indicating this means compensation <u>excluding</u> insurance payouts should be equal, some that all category 3 properties should have equal outcomes

Eligibility:

- Support and opposition to inclusion of properties that are not primary dwellings, ie. rentals and holiday homes.
- Some feedback around exclusion of properties known to be higher risk
- Some opposition to inclusion of high-value properties or suggest limiting payout or buy-out be means-tested.
- Some support buyout where a property was red stickered, insured but ineligible to claim insurance
- Some suggested Category 2 home owners should be able to choose to move to Category 3

Valuation approach:

- Support for both CV-based and market-based valuations with a wide range of suggested approaches
- General support for the topping up of insurance payments rather than replacement of insurance (often not well
 understood).

General:

- need to move quickly vs complex and need to get it right
- principal of fariness, good communication, transparency and relieving hardship.

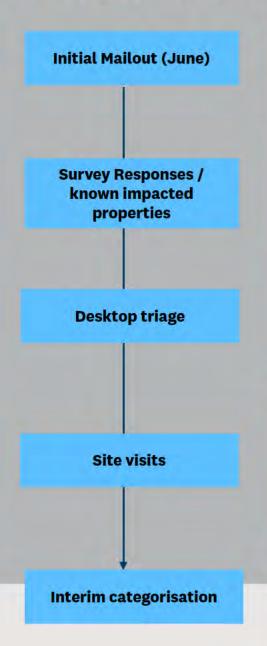


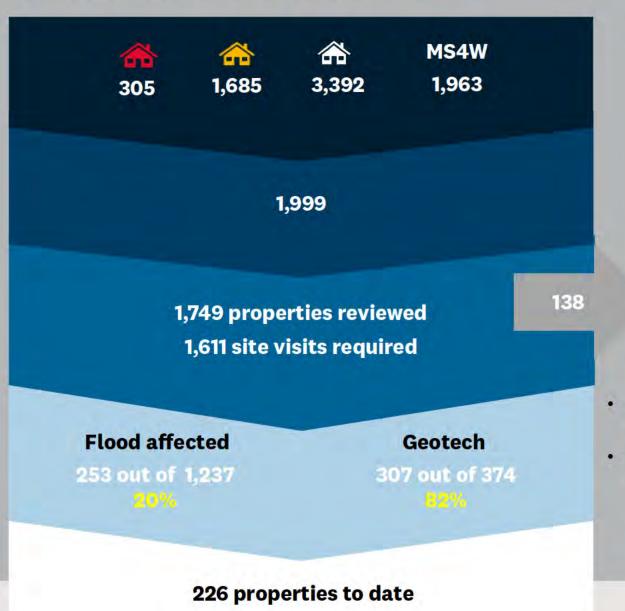


3. Category 3 buyout - Policy settings



Context: Identifying category 3 properties



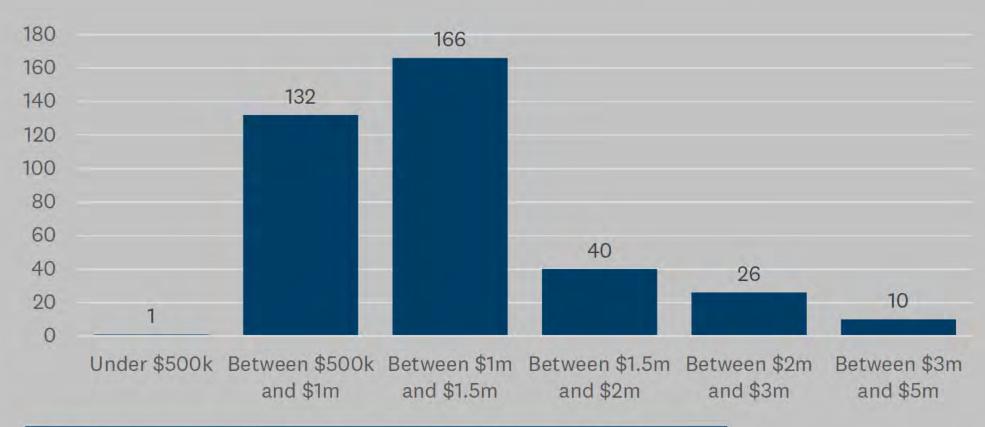


Risk assessed as tolerable - removed from further assessment

- All site visits completed for Muriwai / Karekare and Piha
- Expect all <u>known</u> site visits required will be completed by end Jan



Context: Estimated valuation spread



- Based on properties self-assessed as Category 3 (375)
- Residential and lifestyle only
- Valuation uses current rating capital value



Support/buy-out programme

Programme Description

This is a voluntary programme in partnership with government, administered by Auckland Council and part funded by Auckland ratepayers.

The proposed programme responds to a council/government funding agreement being publicly consulted that includes funding for voluntary residential property support/buy-out. There is no obligation or duty on the council to undertake private property purchase.

The programme supports residential households to voluntarily move from properties categorised with intolerable risk to life.

A payment is made to buy the property. Auckland Council uses their subsequent ownership to essentially retire the property from uses that pose an intolerable risk to life.

All future use of the purchased property is limited to those that maintain removal of intolerable risk to life.

Policy intent and key options



Policy Intent

Permanant removal of an intolerable risk to life to posed by ownership of some residential properties in Auckland as a result of the Auckland Anniversary and Cyclone Gabrielle extreme weather events.

WHY - Problem

An intolerable level of risk now exists for some residential households as a result of two extreme weather events in January and February 2023.

Those households are likely to stay in homes that are not safe to live in, without support to move. These households are also highly likely to become entrenched in a disaster-rebuild-disaster cycle, where loss of life is likely.

WHAT - Achieve

Permanant removal of intolerable risk to life where voluntary buy-out is offered and accepted.

WHO-Impact

Residential property owners who are subject to an intolerable risk to life and accept a voluntary support/ buyout offer.

Ratepayers as funders of the support/buyout scheme and as the beneficiaries of potential public open space, ecological, environmental benefit.

What is the policy outcome

New State: Permanent removal of intolerable risk to life.

What is the policy objective

To **support** Aucklanders, to voluntarily exit from residential housing situations that pose an intolerable risk to their lives.

What is the problem

The Auckland Anniversary and Cyclone Gabriel extreme weather events resulted in some Auckland residential properties being assessed as Category 3 and pose an intolerable risk to the life of occupiers.

Category 3: properties have been assessed as too risky to occupy:

- not safe for current or future owners too occupy
- the level of risk to life cannot reliably or affordably be mitigated by property level or community level physical works

Without support to move there is ongoing risk to life

- properties may be repaired to a habitable condition and lived in with no mitigation in the intolerable risk to life
- some people may have no option but to live with the risk whether the property is habitable or not, safe or not as they cannot afford to relocate

What is in scope of the policy intent?

Residential properties categorised with intolerable risk to life, whose owners choose to sell their properties to Auckland Council.

Two extreme weather events

27 January- 1 February 2023: Auckland Anniversary Flood.

13-14 February 2023: Cyclone Gabriel

One- off support package due to the nature and scale of the effects caused by the extreme nature on the two events. **Category 3**

Category 3 residential properties in Category 3 are not safe to live in because the risk from future flooding or landslips is intolerably high. Options to reduce this risk at a property or community level are not available or affordable. Homes in these areas should not be rebuilt or remain on their current sites

Residential

Residential owners (with legally established dwelling on property)

Voluntary

Purchase determined by an owner of a Category 3 property 'willing to sell'

Implementation of the voluntary support/buy-out programme will consider service design and eligibility criteria that implements the policy outcome. Service design should not undermine the intended policy outcome.

What is not in scope of the policy intent?

Commercial properties. Residential properties not Category 3, damage and risk not related to the two January – February 2023 extreme weather events.

Other extreme weather events

Category 2 & 1

Commercial

Compulsory

Damage or intolerable risk preceding or post the two extreme weather events is excluded. This is a one- off residential support package

Category 2 – homes in Category 2 are not safe to live in because the risk from future flooding or landslips is intolerably high. For Category 2 properties, interventions to reduce the risk to a tolerable level are possible and affordable, either at community (2C) or property (2P) level.

Category 1 – the risk associated with Category 1 properties is considered tolerable, and repair is all that is required to manage risk of future severe weather events.

Commercial property or commercial development rights or revenue

Compulsory property purchase is not currently part of the proposed programme.

Implementation of the support programme will not include consideration of out -of- scope components unless it supports better achievement of the policy outcome (i.e. like compulsory acquisition at some point might)

Policy Intent: What are the assumptions and constraints?

Assumptions

Eligible: category three only

Programme is not compensation for natural hazard damage

Not the new BAU: One- off support package. National Framework to be developed for future programmes.

Residential property and residential use not commercial property or revenue loss

No support for residential tenants, leases

Starting point for buyouts is fair value, and contribution that may not be 100%

Top up of insurance, EQC payments not replacement of these payments

Auckland Council implements the support/buy out systems and process

Constraints

Support/buy out determined by an owner of a Category 3 property 'willing to sell'

\$774m with funding certainty

Lack of data to estimate affordability of programme (number of impacted households, property values, ownership status)

Central government's co-funding conditions for Category 3 properties are that they must be:

Residential (i.e., have a dwelling on them),

Impacted by the severe weather events of January and February 2023,

Subject to ongoing intolerable risk to life, and

Without an economic way to mitigate the risk.

Key programme design considerations: options

Valuation method

Maximum Value

Percentage contribution

Secondary properties

Insurance Status (uninsured)

Special Circumstances

Who can currently access the support/buy-out programme

Residential property owners whose property contains a legally established dwelling and are:

 assessed Category 3 due to the Auckland Anniversary Flood 27 January - 1 February 2023 and Cyclone Gabrielle: 13-14 February 2023 events



Policy Intent: Assessment criteria

Assessment criteria for options

- Effective: expedites voluntary uptake to achieve the policy objective and outcome
- Affordable: limits risk of exceeding overall funding available
- Fair and transparent process: transparent process, consistent with the intent of the programme, inform and allow input from affected parties, provide justification for decisions and includes provision for review of decisions
- Equitable: balances the needs and interests of all Aucklanders with a particular focus on individuals and communities of greatest need



Major trade-offs in programme design: Cost vs timeframe and uptake

The major trade-off across the options is which of the following is prioritised:

- Cost the support programme could be designed to limit costs and maximise the likelihood that
 the support programme can be delivered within the existing budget. This would be achieved
 through a range of limits and checks that would add complexity, extend the timeframe for
 decisions and Legal Professional Privilege s 7(2)(g) LGOIMA
- Uptake the programme needs to be designed to expediate voluntary uptake. This would be
 achieved by providing more generous support/buy-out, and minimising limits and checks. This
 would also be most likely to enable support/buy-outs to be made quickly and Legal Professional Privilege s 7(2)(g) LGOIMA

However, this approach would also increase the likelihood that the scheme cannot be delivered within the existing budget. This would require further negotiation with government, with no guarantee of additional funding. Legal Professional Privilege s 7(2)(g) LGOIMA Legal Professional Privilege s 7(2)(g) LGOIMA



Summary

Note: this is based purely on the initial scoring and is presented only for discussion and to enable consideration of what package of options overall are the most effective in achieving the policy outcome.

- Fair value based on market valuation pre events (date to be determined)
- \$1.5 million maximum buy-out payment (see note below)
- No homeowner contribution
- Ignore insurance status (for non insured-/underinsured)
- Exclude secondary properties from the programme
- Include a process for consideration of special circumstances

Although a \$1.5million maximum buy-out was analysed to best meet option the assessment criteria, there was a very narrow margin between this and having no maximum cap. There are clear trade-off between affordability and uptake between these two options. If you prioritise affordability and equity, then the \$1.5 million value would be the preferred option. If you prioritise effectiveness (expedite uptake) then no maximum value would be the preferred option.



Buy- Out Formula

Property valuation (reference value)

Minus

Insurance and EQC payout (if any)

Equals

[initial buy-out payment amount]

Initial buy-out payment amount or maximum payment cap (if any) [whichever is lowest]

Minus

Homeowner contribution (if any)

Equals

Buy-out payment offer



Programme Risks

IF the design of the voluntary support/buyout programme is not sufficiently generous, THEN the homeowner may not choose to take up a voluntary support/buyout offer SO THAT property owners' household may reside at their property and remain exposed to an intolerable risk to life (where no regulatory mechanisms currently exists to restrict residence at the property).

IF secondary properties are not eligible for the voluntary support/buyout offer, **THEN** that residential property may be used as a secondary home, or the primary dwelling of a renter, lessee, **SO THAT** those who use the property remain exposed to an intolerable risk to life (where no regulatory mechanisms currently exists to restrict residence at the property).

IF the design of the voluntary support/buyout programme is too generous, **THEN** the funding package agreed with central government may be insufficient to provide agreed support/buy-out to all eligible property owners, **SO THAT** some eligible property owners do not receive support/buy-out or the offer process stalls while council and government negotiate increased funding



Legal Professional Privilege s 7(2)(g) LGOIMA



Option one:	Option two:	Option three:
Current CV	Market valuation pre events	Market valuation post events
Value of property is determined based on the current capital value	Value of property is determined based on the value at a point prior	Value of property is determined based on the value at a point after the
(issued in 2021)	to the events (exact date to be determined)	events (exact date to be determined)
	Implementation	
 Uses current valuation which property owners have had a chance to review when issued in 2021 Gisborne proposing to use modified (August 2023) CV, 	 Requires independent valuation, at least 2, 3 if there is no common agreement Hawkes Bay is proposing this method, and 3 valuations is a 	 Requires independent valuation, at least 2, 3 if there is no common agreement. Variation can include valuation post event not taking damage
Christchurch earthquakes used CV method, Alberta used municipal tax value	common method used in the USA (buyers, sellers, independent, scheme makes an offer no negotiation- accept or decline)	 into account. Queensland does market valuation pre and post event and makes an offer based on the highest valuation, Grand Forks in Canada uses post-flood fair market value plus costs
	OPTIONS EVALUATION	
	Pros and Cons	
Simple, quick, transparent, low resource to implement, does not take into account loss of value due to events	Perceived as fairer, more appropriate process, likely to increase voluntary uptake	Reflects current market value, assists affordability
Perceived as unfair value method by those impacted, perceived	Requires time and resource for valuation process	Perceived as least fair, least likely to assist voluntary uptake, and
losing equity and capital gain, may impact voluntary uptake		requires time and resource for valuation process
	Effective	
✓ ✓	√√√	✓
	Affordable	
√√	✓	√√√
	Fair & Transparent	
√√	√√√	√√
	Equitable	
√ √	√√	√ √
	RECOMMENDATION	

Based on the analysis against the criteria above, Option two: **market value pre events** is assessed to best meet the criteria. Taking this approach would be most effective for getting voluntary uptake. It will be the preferred method with impacted home-owners. All three options are likely to be contested by some owners, with option three likely to be the most contested. Approaches in other areas consider variation within the option categories illustrating the flexibility that can be considered to fit Auckland. **If affordability is become critical then, one of the two other close scoring options may be preferred.**

Option one:	Option two:	Option three:	Option four:	
\$1.5million maximum payment cap	\$2.5million maximum payment cap	\$5million maximum payment cap	No maximum payment cap	
The maximum buy-out payment from the programme	The maximum buy-out payment from the programme	The maximum buy-out payment from the programme a	There would be no maximum buy-out payment amount	
a homeowner could receive would be capped at	a homeowner could receive would be capped at	homeowner could receive through the programme would	from the programme a homeowner could receive	
\$1.5million	\$2.5million	be capped at \$5million		
	Imple	ementation		
Condition placed within the offer section of the	Condition placed within the offer section of the	Condition placed within the offer section of the	No maximum value included in the support/buy-out	
support/buy-out policy	support/buy-out policy	support/buy-out policy	policy	
Quebec runs a capped scheme (@ 700K)			Hawkes Bay and Gisborne propose no cap.	
		EVALUATION		
	Pros	and Cons		
Least risk of exceeding available funding, while	Significantly reduces number of affected property	Very few property owners affected, Legal Professional Privilege s 7(2)	Maximises uptake and Legal Professional Privilege s 7(2)(g) LGOIMA	
leaving most property owners unaffected. Works	owners (compared to a \$1.5m cap), Legal Professional Privilege's	Works well with CV-based valuation	Least contentious option.	
well with CV-based valuation. Limits financial	. Works well with CV-based			
exposure to high value properties	valuation. Limits financial exposure to high value			
enal Professional Privilene	properties			
Reduces voluntary uptake and Regal Processional Privilege	Increases risk of exceeding available	Increases risk of exceeding	Greatest risk of exceeding available funding; larger	
. Impacts higher value properties. Does not	funding (compared to a \$1.5m cap) Impacts	available funding (compared to a \$1.5m cap); larger	portion of funding will be directed towards those with	
take into account debt level which may not be	higher value properties	portion of funding will be directed towards those with	the most valuable properties	
covered .	_	the most valuable properties		
Effective Effective				
√√	√√	$\checkmark\checkmark\checkmark$	√√√	
Affordable				
√√√	√ √	✓	✓	
	Fair & Transparent			
✓	√ √	√√	√√√	
Equitable				
√√√	✓✓	✓	✓	
RECOMMENDATIONS				

Based on the analysis against the criteria above, Option one: \$1.5million maximum council payment is assessed to best meet the criteria. Taking this approach would give the most confidence of being able to deliver the programme within available funding, while leaving most property owners unaffected, but would reduce uptake among owners with more valuable properties and Legal Professional Privilege s 7(2)(g) LGOIMA There is a very narrow margin between this and having no maximum cap. If expediting uptake is critical then no maximum payment would be the preferred option.

Option one:	Option two:	Option three:
No homeowner contribution	5% homeowner contribution	20% homeowner contribution
Homeowners would receive 100% of the programme buy-out	Homeowners would receive 95% of the programme buy-out	Homeowners would receive 80% of the ptroramme buy-out payment
payment amount (after considering any insurance and cap)	payment amount (after considering any insurance and cap)	amount (after considering any insurance and cap)
	Implementation	
Nothing required to implement this option	This would be implemented through a formulaic adjustment to	This would be implemented through a formulaic adjustment to the
	the buy-out offer. Government had proposed this limit.	buy-out offer.
	OPTIONS EVALUATION	
	Pros and Cons	
Will get greatest uptake from property owners	Marginally more affordable than a 100% buy-out	Most affordable option
Minimises impact on property owners with lower and mid-value	(Note: this option was used to estimate costs for negotiations	
properties, even if used in conjunction with a cap	with government)	
Most costly option	Likely to marginally reduce uptake from property owners	Likely to reduce uptake from property owners
		 Likely to have a large negative effect on property owners with lower and mid-value properties, particularly in conjunction with a cap
		and mid-value properties, particularly in conjunction with a cap
	Effective	
√√ √	√√	✓
	Affordable	
✓	√√	√√√
	Fair & Transparent	
✓ ✓	√√	✓✓
	Equitable	
√√√	√√	✓
	RECOMMENDATION	

Based on the analysis against the criteria above, option one 100% Buy-Out is assessed to best meet the criteria.

Taking this approach would represent a generous offer and would maximise and expedite voluntary uptake. It is the most costly option, but affordability could be managed through the use of maximum payment (cap).

Option one:	Option two:		
Take insurance status (uninsured/underinsured) into account	Ignores insurance (uninsured/underinsured) status		
Property owners' insurance status (i.e., uninsured or underinsured) would affect the buy-out payment they receive from the programme	Property owners' insurance status would not affect the buy-out payment they receive from the programme.		
Impleme	ntation		
 Further work to provide advice on the best approach to implementing this option Specific provisions and conditions would be required in the support/buy-out purchase policy Nothing required to implement this option, but it is subject to any other policy provision. This approach is being used in Hawkes Bay 			
OPTIONS EV	ALUATION		
Pros an			
More affordable to programme	Would increase uptake, Legal Professional Privilege s 7(2)(g) LGOIMA		
(Note: because this is a one-off programme moral hazard has not been considered)) and would be more equitable		
Would require more administration resource, reduce uptake and be less equitable	Less affordable, perceived to be unfair to those who paid for insurance		
Effe	Effective		
✓	$\checkmark\checkmark\checkmark$		
Affor	dable		
$\checkmark\checkmark\checkmark$	✓✓		
Fair & Tra	nsparent		
✓	✓ ✓		
Equi	table		
✓	✓ ✓		
RECOMME	ENDATION		
Based on the analysis against the criteria above, Option two: ignore insurance status is as	sessed to best meet the criteria.		
Taking this approach would be simpler, increase uptake, Legal Professional Privilege s 7(2)(g) L	and be more equitable.		

Option one:	Option two:	Option three:	
Secondary properties excluded	Secondary properties included	Secondary included with limitations	
Properties which are not the primary home of the owner are excluded	Properties which are not the primary home of the owner are included	Properties which are not the primary home of the owner are included but with limitations such as lower maximum or percentage buy out to primary home.	
	Implementation		
 Excluded in definition in the support/buy-out policy Alberta- Canada excludes 	 Included in eligibility criteria in the support/buy-out policy Proposed Hawkes Bay & Gisborne 	Included in eligibility criteria with conditions placed within the offer section of the support/buy-out policy	
	OPTIONS EVALUATION		
	Pros and Cons		
Aligns with risk categorisation, and objective of support, no impact on uptake, assists programme affordability, generally accepted by ratepayers	Not controversial for impacted owners, would provide certainty towards policy objective	Mid option, more affordable than inclusion without limitations, less controversial for ratepayers than inclusion and less controversial that total exclusion with home-owners	
 Perceived as unfair, controversial, as impacted owners likely to perceive programme as hardship, liability or compensation based. Potentially some risk to life still present 	Adds to cost of programme, may enable continued occupation of property by renters, lessees or use by property owner, may not be accepted by rate payers	Complicated to administer, more resource to deliver programme	
Effective			
√ √	V V V	✓	
	Affordable		
√√√	✓	✓ ✓	
	Fair & Transparent		
///	✓	√ √	
Equitable Equita			
√√√	✓	* * *	
RECOMMENDATION			

Based on the analysis against the criteria above, **Option one: secondary properties excluded** is assessed to best meet the criteria.

Taking the policy objective into account properties with a secondary dwelling (and no dwelling) do not represent a risk to life as the owner has a primary dwelling to live in.

Option one:	Option two:
Include a process for special circumstances	No process for special circumstances
Provides for specific stated circumstances and general circumstances to be considered which fall outside of the policy positions	Maintain set policy positions with no ability to consider specific or special circumstances, or to include process for specific exclusions to be considered
Implem	nentation
 Specific sections(s) in the support/buy-out policy could be used for mixed use, no dwelling house etc 	Specific statement that no deviation from the policy parameters will be considered
OPTIONS E	VALUATION
Pros a	and Cons
Would increase uptake, be significantly more equitable and Provides mechanism to deal with specific matters without requiring more administration for entire programme participants Would increase the number/size of buy-outs, and add administrative costs, but only for a small	Would require less administration and reduce risk of exceeding available funding (both potentially offset by administrative costs of judicial reviews) Would reduce uptake, be significantly less equitable and Legal Professional Privilege s 7(2)(g) LGOIMA
number of cases	vvouid reduce uptake, be significantly less equitable and
Eff	ective
$\checkmark\checkmark\checkmark$	✓✓
Affo	ordable
√ √	√√√
Fair & T	ransparent
√√√	✓
Equ	uitable
$\checkmark\checkmark\checkmark$	✓
RECOMI	MENDATION
Based on the analysis against the criteria above, Option one: include a process to consider	special circumstances is assessed to best meet the criteria.
Taking this approach would be significantly fairer and Legal Professional Privilege	s 7(2)(g) LGOIMA

Discussion







4. Other work progressing



Other work progressing

- Categorisation methodology work progressing
- Buyout methodology / acquisition process work progressing
- Dispute resolution processes
- Further consideration by Political Advisory Group

