

16 June 2026

[REDACTED]

[REDACTED]

Dear [REDACTED]

Official Information request and response

Thank you for your request under the Official Information Act ("OIA") dated 8th June 2026.

You have requested:

Please provide any records held by Te Ara Ahunga Ora Retirement Commission from 1 January 2018 to present that define, interpret, or explain the official meaning of either term in the retirement-village context:

1. *"independent resident"*
2. *"independent living resident"*

This includes any guidance, policy advice, legal advice, internal memorandum, sector guidance, or correspondence that addresses what either term means.

If Te Ara Ahunga Ora Retirement Commission holds no record defining or interpreting either term, please state that clearly.

Please also state whether Te Ara Ahunga Ora Retirement Commission regards either term as a statutory term under the Retirement Villages Act 2003 or the Retirement Villages Code of Practice 2008.

Our response:

Te Ara Ahunga Ora Retirement Commission has searched its records from 1 January 2018 to present and has not identified any record that defines, interprets, or explains an official meaning of the terms "independent resident" or "independent living resident".

The Commission does hold general consumer information and internal material that uses descriptive language such as "independent living options" or refers to residents living independently, but it does not define either term.

Section 5 of the Retirement Villages Act 2003 defines "resident" as follows:

resident means any of the following:

- (a) *a person who enters into an occupation right agreement with the operator of a retirement village:*

- (b) a person who, under an occupation right agreement, is, for the time being, entitled to occupy a residential unit within a retirement village, whether or not the agreement is made with that person or some other person:*
- (c) if the occupation right agreement so provides or with the consent of the operator of the retirement village, the spouse, civil union partner, or de facto partner of the person referred to in paragraph (b) who is occupying the residential unit with that person, or after that person's death or departure from the retirement village*

The full Act is available here:

<https://www.legislation.govt.nz/act/public/2003/0112/latest/DLM220365.html>

Clause 24 and 25 of the Retirement Villages Code of Practice uses the term “independent selfcare residential units” when it outlines the requirements for residents transferring from independent self-care residential units to residential care.

24 Transfer requirements in the occupation right agreement

- 1. If an occupation right agreement allows a resident to transfer from an independent self-care residential unit to a unit in the retirement village where a higher level of care will be provided, it must set out the terms of transfer. The terms of transfer must include, but need not be limited to, the following:*
 - a. the circumstances under which the transfer may be initiated and by whom*
 - b. whether residents have priority over outside applicants*
 - c. whether the transfer depends on:*
 - i. a suitable residential unit being available*
 - ii. suitable care being available*
 - iii. the resident being assessed as suitable for the available care*
 - d. that residents affected have the right to:*
 - i. be given information on all available options*
 - ii. have an independent assessment (including a needs assessment)*
 - iii. be consulted, along with their family or representative.*
- 2. Residents who are considering a transfer should be made aware that a needs assessment may be required in order to access subsidies administered by other government agencies such as the Ministry of Health and Work and Income.*

25 Financial and other arrangements in a transfer

- 1. The occupation right agreement must set out the financial and other arrangements that apply if a resident transfers from an independent self-care residential unit to a unit in the retirement village where a higher level of care will be provided. These include:*
 - a. any changes in charges to the resident as a result of the transfer*
 - b. other arrangements for the transfer, such as the physical transfer of the residents and their personal belongings*
 - c. any other costs incurred by the transfer, and who is responsible for those costs.*

The full Code is available here: [Retirement-Village-Code-of-Practice-Retirement-Villages-Nov-18-v4.5.pdf](#)

Te Ara Ahunga Ora has commissioned and published two reports on transitions from independent living to other living arrangements, which you may find useful.



1. The experience of residents and their whānau when a resident moves on from (or within) a retirement village: [Retirement-Village-Annual-Investigation-2023.pdf](#)
2. Provision of Residential Care and Occupation Right Agreements by Retirement Village Operators: [Interface Retirement Villages Aged Care Findings Report Final 22 June..pdf](#)

You have the right to refer this response to the Ombudsman if you are dissatisfied with it. More information on how to do this is [here](#). Te Ara Ahunga Ora proactively releases information in accordance with the Government's commitment to the Open Government Partnership National Action Plan. This includes publishing responses to requests for information under the OIA. Please note that this response (with your name removed) will be published on the Te Ara Ahunga Ora website shortly and will remain on our website for 12 months.

Thank you for your interest in our work.

Yours sincerely



David Boyle

RETIREMENT COMMISSIONER / MANA AHUNGARUA

