

# Housing Assistance Policy



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# Introduction

This policy is made in accordance with The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

Any assistance given by the Council is for the purpose of improving the housing stock and enabling vulnerable households to live in good standard and safe homes. Copies of this policy are available to download from the Council website: [www.wychavon.gov.uk](http://www.wychavon.gov.uk)

The key aim is to assist vulnerable people to live in homes which are decent, suitable and affordable and in particular to;

- Increase the number of people who are able to live independently at home.
- Reduce the number of people living in homes that have Category 1 and serious Category 2 hazards (as set out within the Housing Act 2004).
- Reduce the number of vulnerable people living in non-decent homes.
- Increase the number of empty properties that are brought into use particularly where that accommodation can then be used to reduce homelessness or the use of temporary accommodation.

The Council will consider in all cases a person's ability to repay or contribute towards the assistance given.

The Council will provide in writing the conditions and obligations to which any assistance is subject.

The Council will consider all applications for assistance on their merits but all cases will be assessed against the following criteria:

- All available options have been explored in detail?
- Assistance through other means is not reasonably available or practicable?
- Does the proposal fit the strategic aims of the Council?
- Is the proposal economically viable considering the Council's resources?

The Council will review this policy on a regular basis to take into account changing policies at national and a more local level, as well as information and evidence on the condition of housing in the District.

# Types of Assistance Available

**Disabled Facilities Grants** – these are mandatory grants to support the provision of adaptations to promote independent living within the home.

## **Discretionary Housing Assistance**

- Housing Repairs Assistance – for essential home repairs
- Empty Homes Assistance - to encourage owners to bring empty homes into use
- Home Move Assistance - to assist people to move to more suitable accommodation
- Hospital Discharge Assistance – for minor adaptations to prevent admissions and enable discharge from hospital
- Houses in Multiple Occupation Assistance – for specialist fire safety measures

The provision of assistance other than mandatory disabled facilities grants is subject to the availability of funding.

All applications will be considered based on the identified needs and circumstances of the household. Housing options advice will be provided in all cases to ensure the right option for the household is being pursued to address need.

Housing options advice may include information about housing rights, entitlement to benefits, adaptations, home repair / improvements, energy efficiency, re-housing, and signposting to other services.

The Council will work with a range of partners including other statutory services, voluntary sector services and landlords to enable appropriate help to be provided.

The Council works closely with Worcestershire Care & Repair (Home Improvement Agency), who provide an optional, added value service for a fee, to support applicants through the process of seeking assistance. This can include help with making applications, detailing the works required, getting necessary quotes, appointing contractors and monitoring work through to completion.

Housing Assistance will be provided not only for eligible works but also necessary associated costs including Care & Repair Agency fees.

The provision of mandatory and discretionary assistance will be subject to internal and external auditing to ensure adequate procedures are in place and followed and that there is an appropriate use of public funds.

The Head of Housing and Planning Services, in conjunction with the Executive Board Member for Housing, Planning and Health may use their discretion to provide assistance for any other works at any time as deemed necessary and appropriate, based on the merits of the household circumstances.

# Restrictions

The following will not be eligible for assistance:

1. Where ownership is disputed
2. Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
3. The Council will not consider an application for assistance in respect of premises built or converted less than 10 years prior to the date of the application, except where:
  - (i) the application relates to means of escape from fire and other fire precautions for Houses in Multiple Occupation
  - (ii) the application is for a Disabled Facilities Grant
4. No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities except in the case of a disabled facilities grant
5. Where the dwelling is not regarded as a permanent residence.
6. The Council will assess whether the scope of works are reasonable and eligible, in particular having regard to the age and condition of the property.
7. Grant assistance will not normally be provided for works covered by insurance. Where, before a grant or assistance is approved, it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of housing assistance will be reduced by an amount equivalent to the insurance company's liability. Where housing assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for: -
  - (i) claims for personal injuries where works are required under the mandatory Disabled Facilities Grant.
  - (ii) claims on the applicant's property insurance or on a third party where the application is in respect of works for which financial assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.
8. No assistance will normally be given for work started before formal approval of an application, except that:
  - (i) The Council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
  - (ii) The Council may, with consent of the applicant, treat the application as varied to exclude any works that have been started before approval.
9. Assistance will not be given in respect of works for which a grant under other sections of this policy has been approved or is pending approval
10. In the case of common parts or group repair we will only consider assistance for the reasonable sum or proportion relating to the applicant's liability. The applicant will prove a repairing responsibility.
11. Assistance will not be given to repair any shed, outbuilding or appurtenances
12. The council may refuse any application for assistance lacking the required information

13. Should the Council be dissatisfied with the status of a housing assistance application or a disabled facilities grant application, it will use its discretion to cease or refuse assistance.
14. The Council will assess whether prices given by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year. The Officer may also choose to do a further check on the price by asking a regularly used contractor to price for the work. The Officer should also give consideration to the procedure for identifying new contractors.
15. In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower), then they will advise the client that the total eligible assistance will be the lower amount. The client is under no obligation to use the cheaper priced contractor but must be aware that the Council will only make a grant or assistance payment up to the value of the lower price.
16. If the applicant is the owner of a dwelling in respect of which Housing Assistance has been approved and ceases to be the owner before the works are completed he/she will repay to the Council on demand the total amount of Housing Assistance that has been paid.
17. Where a grant condition imposes a liability to repay the Housing Assistance, the condition will be registered by the Council, as a local land charge.
18. The Council may seek to recover immediately any payments made together with interest accruing from the date of payment.
19. The Council may, where financial and operational demands dictate, defer payment of a disabled facility grant for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.
20. The Council will recover assistance monies in full if the relevant conditions are not met, where appropriate a local land charge will be entered against the property for the purpose of debt recovery.

# Eligibility for Housing Assistance

All available options will be explored with applicants. Only if assistance through other means is not reasonably available or practical will the Council consider offering housing assistance.

Any person who makes an application for Housing Assistance must:-

- (i) be over 18 years of age at the date of the application, and
- (ii) live in the dwelling as his/her only main residence (except where the applicant is a landlord who intends to let the dwelling or where the housing assistance is in relation to an empty property), and
- (iii) have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration), or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a tenancy or license permitting occupation of the dwelling for a minimum period of 12 months after approval of the housing assistance, and
- (iv) have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- (v) satisfy such test(s) of resources as the Council may from time to time have in place
- (vi) not be ineligible, by virtue of the Housing, Grants, Construction and Regeneration Act 1996, regulations made under the Act or any other enactment.
- (vii) homeowners have the primary responsibility for ensuring their homes are properly maintained but we will assist eligible, vulnerable homeowners to make sure they have the opportunity for achieving decent homes.

The provision of assistance is allowed for caravans and houseboats used as a main residence, subject to meeting other eligibility requirements.

# Applying for Assistance and Making an Application

All applications must be on a form provided by the Council and must include the following original documentation:-

- (i) Where the estimated cost of the works exceeds £10,000, three quotations are required to be set out on the schedule of grant works/housing assistance provided by the Council. If the estimated works is below £10,000 then there can two quotes will be required.
- (ii) Particulars of the work to be carried out including where appropriate plans, specifications and specialist reports.
- (iii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
- (iv) Detailed costing of works.
- (v) Proof of ownership of all land and buildings pertaining to the application from a solicitor or mortgagee, or copies of the title deeds/land certificate, or copy of the tenancy agreement or licence to occupy.
- (vi) Proof of occupation and/or tenancy.
- (vii) Financial documentation from all relevant persons
- (viii) Proof of receipt of benefits.
- (ix) Full details of income from tenants and boarders
- (x) Permission of co-owners and landlords.
- (xi) VAT exemption form
- (xii) Where the application is the owner or landlord, a signed undertaking to repay the Housing Assistance if the conditions imposed by this policy with regard to future occupation, letting or ownership are not met or complied with.
- (xiii) If required, permission under any act of parliament or statutory instrument in particular
  - Planning Permission
  - Building Regulation Approval
  - Party Wall etc Act 1966

Applications relating to the disabled or infirm will require consultation with the medical profession.

The application will only be considered complete or valid when the Council has all the information it needs to be able to make a decision on the application.

Persons wishing to pursue a housing assistance or a disabled facilities grant where a test of resources applies will be asked to complete a means test assessment to confirm whether they are eligible and or need to make a contribution. After the assessment, the Council or the Agency will give an initial indication of the assistance likely to be available before the applicant decides if they wish to proceed further with an application.

Where a person decides to continue with an application, then an inspection of the property will be carried out and where appropriate to proceed a schedule of works drawn up. The schedule will specify the works to be carried out as a requirement for financial assistance and will be used by the applicant to obtain quotations from builders and/or specialist suppliers.

The Council will include in any housing assistance provided an Agency fee for the Worcestershire Care and Repair Agency who assist eligible persons with their applications etc.

The applicant may then submit a formal application along with a priced schedule and any other documentation required (such as plans, building and planning consents, specialist reports, etc).

Once approval has been given, the agent/applicant has until 12 months from the date of approval to complete the works unless otherwise stated.

## Conditions

The Council reserves the right to impose additional conditions when making a grant/assistance approval.

These may include but are not restricted to:

- (i) A contribution to the cost of the assisted works by the applicant
- (ii) The right to nominate tenants to housing accommodation available for rent
- (iii) Housing accommodation being maintained in repair after completion of the assisted works.
- (iv) The right of the Council to recover specialised equipment when no longer needed. The Council will recover grant monies in full if the relevant conditions are not met, where appropriate a local land charge will be entered against the property for the purpose of debt recovery.

## Breach of Undertakings

- Where an owner occupier has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works for a period of time, and if they cease to do so during that time, they will repay on demand to the Council the total amount of assistance paid out.
- Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for letting during the specified period then the landlord will repay on demand to the Council the total amount of Housing Assistance paid out.
- Where the Council has the right to demand repayment but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of Housing Assistance.

## Death of Applicant

- If the applicant should die before the Housing Assistance is approved, the application will be treated as withdrawn.
- If the applicant should die after approval of the Housing Assistance or whilst the approved works are in progress, the Council may at its discretion agree to completion or making good of the works and pay the Housing Assistance in full or, an appropriate proportion of the Housing Assistance.
- Where an applicant dies after completion of the works but before the expiry of the local land charge, the Council will seek repayment of the Housing Assistance from the applicant's estate if a disposal by sale or a change in ownership / tenure takes place.

## Supervision of Works

In the absence of any agency agreement with the Council or Worcestershire Care and Repair Agency, the responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the Council.

All work will be undertaken

- a) In accordance with manufacturers recommendations and best practice
- b) In accordance with and to the satisfaction of the Council and be wholly completed within 12 months from the date of formal approval
- c) In accordance with current Health and Safety regulations

Payment of grant/assistance will be made, in whole or by part payment, on receipt of contractors invoice following satisfactory completion of the eligible works.

# Decision, Notification and Redeterminations

- The Council will notify applicants in writing when their application has been approved or refused. The decision will be notified as soon as reasonably practicable and in any event no later than six months after receipt of a valid application which includes all required supporting documentation.
- If the application is approved, the notification will specify the works that are eligible for assistance, the value of the assistance, the form the assistance will take and the builder/contractor who will carry out the works
- The Council may, where financial and operational demands dictate, defer payment of disabled facility grant for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.
- If the application is refused, the Council will give the reasons for the refusal and also confirm the procedure for appealing against the decision.

Where the Council is satisfied that because of circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may at its discretion re-determine the assistance given in accordance with the grant/assistance framework set out in this document and notify the applicant accordingly.

Additional works carried out without prior approval of the Council will not result in increased financial assistance being provided and would be the responsibility of the applicant to fund.

## Appeals Against Decisions

Any person having made a valid application to the Council for assistance may appeal against the decision, not to consider or to refuse the application. You must inform the Council of your intention to request a review with 21 days of the date of the decision letter. The appeal should be made in writing and addressed to Head of Housing & Planning Services, Wychavon District Council. Appeals will only be considered if they clearly detail the reasons for making the appeal.

The appeal will be considered by a senior officer who will notify the appellant of the outcome in writing.

The following decisions may be given:

- Uphold the appeal
- Vary the assistance
- Refuse the appeal

If, after having appealed to the council, you are still not happy with the outcome, you may register your complaint with the Local Government Ombudsman.

# Payment of Assistance

The Housing Assistance will only be paid if

- (i) the assisted works are completed within twelve months from the date of approval unless the delay was caused by Wychavon District Council,
- (ii) the assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the Council,
- (iii) the assisted works are carried out to the satisfaction of the Council and the applicant,
- (iv) the Council are provided with an invoice, demand or receipt for payment in an acceptable format. Invoices must be addressed to the applicant c/o Wychavon District Council and must have enough detail for the Council to identify in full, the works carried out and the price charged and must not be provided by the applicant or a member of his/her family.

The Housing Assistance may be paid in one lump sum on satisfactory completion of the works or in instalments ("stage payments") as the work proceeds. Stage payments will only be made where the Council is satisfied the value of the work completed exceeds the value claimed. Payment of grant/assistance will be made, in whole or by part payment, on receipt of contractor's invoice following satisfactory completion of the eligible works.

The Council will not enter into any Form of Contract with a builder or contractor and, in the absence of any agency agreement with the applicant; it is a matter for the applicant to agree any contract with the builder or contractor.

# Disabled Facilities Grant (mandatory assistance)

These grants are mandatory under the Housing Grants, Construction and Regeneration Act 1996 and are subject to statutory means test.

These grants are awarded to enable applicants to have access to and around their homes, or to use essential facilities in the home to enable them to live independently.

Ongoing maintenance and repair of adaptations and equipment provided under the grant will become the responsibility of the applicant or landlord as relevant.

Whilst it is recognised that a Disabled Facility Grant is a mandatory grant, it is the Council's intention where possible to investigate all housing options, in the most cost effective and suitable way. This could include moving to more suitable and or adapted accommodation that may be available to the applicant before awarding a grant.

The maximum amount of the mandatory grant is £30,000. Discretionary Disabled Facilities Grants for costs above £30,000 will not be made available except upon the agreement of the Head of Housing & Planning Services, in consultation with the Deputy Managing Director and the Executive Board Member for Housing, Planning & Health and where justified to be the most satisfactory course of action in the circumstances or to have resulted from reasonable and unforeseen additional works. Where works requested are in excess of £30,000 or considered to be unreasonable given the age and condition of the property, alternatives including the following will normally be considered:-

- a) Referral to Social Services for their consideration of providing additional resources.
- b) Alternative schemes of work, including modular buildings.
- c) Provision of funding to enable a move to alternative accommodation with funding for adaptations to the new accommodation.

# Disabled Facilities Grant (DFG)

## Eligible applicants

- Any applicant registered or capable of being registered under the Chronically Sick and Disabled Persons Act 1970 and requires adaptations to be provided.
- Any disabled person, as described by Housing Grants, Construction and Regeneration Act 1996, s100. Applicants can be property owners or tenants, some landlords may apply on behalf of tenants.

## Qualifying criteria

- A referral from the Occupational Therapist (OT) via Social Services confirming that the works are 'necessary and appropriate' is required. This referral will recommend works.
- Entitlement to a Disabled Facility Grant is mandatory but before approval the Council has to be satisfied that the relevant works are both necessary and appropriate for the disabled person, and also that it is reasonable and practicable to carry out the works.
- A permanent and legal residence including dwellings, mobile homes, caravans and houseboats.

## Conditions

- Works must qualify as described in s23 of the Housing Grants, Construction and Regeneration Act 1996 (as amended).
- Works must be recommended by an Occupational Therapist and be necessary and appropriate to meet the needs of the disabled occupant.
- The works must be reasonable and practicable to carry out having regard to the age and condition of the dwelling or building.
- Subject to a financial assessment of resources.
- The Council will consult, in all cases, for the purpose of determining grant eligibility, with Worcestershire County Council or other agency appointed for that purpose.
- The Council will use its powers to place a limited charge against the property where the DFG grant exceeds £5,000 up to a ceiling of £10,000. Repayment of the grant up to a maximum of £10,000 will be required if the property is sold within 10 years of the grant being awarded.
- A means test will not be applied to parents where adaptations are required for a disabled child.
- Proof of title is required.
- Landlord consent would be required where applicable.
- Conditions relating to the recovery of equipment in specified circumstances are applied.
- Common parts or group repair – The reasonable sum or proportion relating to the applicants liability. Written permission must be obtained from all parties affected by the adaptation.

## Maximum grant

- £30,000

# Discretionary Assistance

Discretionary assistance will only be considered when all other financial assistance has been exhausted first.

Except in the case of Disabled Facilities Grant and Home Move, no assistance will be given if the applicant or relevant person(s) are tenant(s) or licensee(s) of a Local Authority, or if the applicant or relevant person(s) are tenant(s) or licensee(s) of a Registered Social Landlord.

## Home Repair Assistance

The aim of providing this discretionary assistance is to ensure that vulnerable people remain safe and healthy in their homes. It is available for households that do not have the financial resources to pay for necessary works to their home. Assistance will be given for works considered to be a serious hazard.

This is a discretionary assistance and subject to available resources. A life time charge is placed on a property receiving Home Repair Assistance. If demand for assistance exceeds the budget available, the Council does not undertake to maintain a waiting list.

### Eligible applicants

Owner-occupiers or private tenants with a repairing responsibility having savings of less than £16,000 and in receipt of one or more of the following means tested benefits:-

- Income Support.
- Working Tax Credit (with an income, after tax, of less than £15,460).
- Housing/Council Tax Benefit (doesn't include single person or disabled person discount).
- Pension Guarantee Credit (not pension saving credit).
- Jobseekers allowance (JSA) (income based only).
- Employment Support Allowance (ESA) (income related).

### Qualifying criteria

- A permanent and legal residence including dwellings, mobile homes and houseboats.
- Property in need of essential repairs as determined by the Housing Act 2004 as a 'Category 1 Hazard' or significant 'Category 2' hazard, in order to make the property healthy, safe, wind and weatherproof. Assistance may be prioritised based upon the hazard score or circumstances of the applicant.
- The Council will not consider an application for assistance in respect of premises built or converted less than 10 years from the date of application.

### Conditions

- Only one application for assistance will be considered up to a maximum of £5,000 within any 5-year period. (this condition is at the discretion of the Housing Services Manager and only in exceptional circumstances).
- Assistance repayable in full to the Council should the property be disposed of or sold. A local land charge will be placed on the property.
- Must have lived at the relevant property for at least 12 months.
- Once approval has been given, the applicant has until 12 months from the date of approval to complete the works.
- Common parts or Group repair – The reasonable sum or proportion relating to applicant's liability.

### Maximum assistance

£5,000

## Empty Homes Assistance

Empty Homes Assistance will be provided to assist the Council in encouraging the re-occupation of empty properties. This will enable us to make the best use of the existing housing stock by returning empty homes back into much needed homes and therefore reduce the burden on the statutory housing waiting list.

### Eligible applicants

- Owners and Landlords who can demonstrate that alternative funding options are not financially viable.

### Qualifying criteria

- The property is a permanent and legal residence.
- The applicant must prove that the property has been empty for over 6 months.
- Assistance will only be available for essential works as deemed appropriate by the council, to enable the property to become habitable.
- The Council will not consider an application for assistance in respect of premises built or converted less than 10 years from the date of application.

### Conditions

- If the owner does not intend to occupy the property, then he/she will agree to tenancy nomination rights and fair rents for an agreed period, not less than 12 months, from the date of completion.
- Assistance repayable in full if the property is disposed of.
- Assistance amount secured as a local land charge against the property.
- Common Parts – The reasonable sum or proportion relating the applicant's liability.

### Maximum assistance

£7,500

## Home Move Assistance

To enable people to move to more suitable accommodation where this is considered more beneficial than providing a Disabled Facilities Grant for adaptations to their existing home.

### Eligible applicants

- Any disabled person, as described by Housing Grants, Construction and Regeneration Act 1996, (as amended).
- Applicants can be owner occupiers or tenants.

### Qualifying criteria

- The property is a permanent and legal residence including dwellings, mobile homes and houseboat.
- Eligible costs – legal and ancillary fees, estate agent fees, removal costs, carpets and curtains.

### Conditions

- Assistance repayable in full if the property is disposed of, assistance amount secured as a local land charge against the property.
- The assistance will only be approved on a strict case by case assessment.

### Maximum assistance

£3,000 (once only)

# Hospital Discharge Assistance

To prevent admission to and aid discharge from hospital.

## Eligible applicants

Recognised disabled persons, as described by Housing Grants, Construction and Regeneration Act 1996, (as amended) and in receipt of one or more of the following means tested benefits.

- Income Support.
- Working Tax Credit (with an income, after tax, of less than £15,460).
- Housing/Council Tax Benefit (doesn't include single person or disabled person discount).
- Pension Guarantee Credit (not pension saving credit).
- Jobseekers Allowance (JSA) (income based only).
- Employment Support Allowance (ESA) (income related).

## Qualifying criteria

- The property is a permanent and legal residence including dwellings, mobile homes and houseboats.
- Urgent minor adaptations that qualify under the Housing Grants, Construction and Regeneration Act 1996, (as amended).

## Conditions

- All works must relate to the applicant's medical needs.
- Assistance only available where a delay in provision of the necessary adaptations will cause an unreasonable delay to the release of a patient from primary care, or where an unreasonable delay in provision of the necessary works will cause a relevant person to be admitted to primary care.

## Maximum assistance

£3,000

# Houses of Multiple Occupation Assistance

To assist in the provision of essential fire safety works to Houses in Multiple Occupation (HMO).

## Eligible applicants

- Landlords and persons in charge of HMO's.

## Qualifying criteria

- Houses in multiple occupation as defined by the Housing Act 2004.
- Fire safety works required for compliance with statutory standards.
- Means of escape from fire.
- Fire precautions, detection and alarms.
- Fire resisting construction.
- Fire fighting apparatus.

## Conditions

- Assistance only available if it is unreasonable for the person responsible to bear the full cost of the necessary works and where a delay in proceeding with the necessary works would cause an immediate risk to the occupants and/or cause them to become homeless.
- Assistance repayable in full if the property is disposed of.
- Assistance amount secured as a local land charge against the property.
- Common Parts – The reasonable sum or proportion relating the applicant's liability.

## Maximum assistance

£1,000