



# **Private Sector Housing Renewal Assistance**

# **Policy Document**

*(March 2017)*

# Background

The purpose of this policy is to explain the Mandatory and Discretionary housing assistance currently available to Swindon residents to assist them with the cost of adaptations, essential repairs and energy efficiency improvements to their homes.

Swindon Borough Council is committed to improving the standards of accommodation within its area and this policy supports its Corporate Vision by improving the health, wellbeing and independence of its most vulnerable residents.

In July 2003 Swindon Borough Councils Cabinet approved a strategy for the provision of Private Sector Housing Renewal Assistance (PSHRA) to its residents. The strategy recognised the need for such assistance to be provided in Swindon and established the principles of where and how this assistance should be given. This strategy still remains valid today, although the Council's ability to provide Private Sector Housing Renewal Assistance is constrained by the funds that it has available. The current Housing Strategy 2015-2026 (Cabinet September 2014) also identifies the need to ensure affordable housing which supports people to live independently in their own homes. This policy complements the Housing Strategy 2015-2026 which can be accessed at:

<http://sbcvpwmmgv02:9070/mqChooseDocPack.aspx?ID=6413>

This policy describes in detail the range of assistance now being made available; who is eligible to receive this assistance; how they should make an application; the levels of assistance being offered, and the legal conditions that apply.

In general; assistance will continue to be aimed at those households who by virtue of their age, disability or financial disadvantage are least able to help themselves. However, with the exception of Mandatory Disabled Facilities grants, availability of assistance will always be determined by the availability of funding.

The range of assistance being offered takes advantage of the flexibility introduced under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 and recognises the broader powers the Council has available to achieve improvements to housing conditions in its area.

The Council supports the Government's view that home owners should be encouraged wherever possible to take responsibility for maintaining their own homes. It is recognised that many Swindon Residents have considerable equity in their homes, which can be used to fund repairs, improvements and adaptations and, where appropriate, the Council encourages owners to utilise this equity. However it is acknowledged that the market for low cost home loans and equity release products is complex and still developing. The Council is unable to give advice on loans and other financial options and always recommends seeking expert financial and legal advice.

Public assistance in the forms of grants and other support currently remains available only to those who either have either a mandatory entitlement or for those with greatest need, living in hazardous housing conditions.

Delivery of this policy and the various forms of assistance detailed within, will be subject to the availability of funding at any time. Prioritization using the stated eligibility criteria will be used to distribute available financial support in the most effective way.

This policy will be kept under review to ensure that it continues to meet the aims and intentions of the strategy.

A SUMMARY OF THE TYPES OF ASSISTANCE CURRENTLY BEING MADE AVAILABLE UNDER  
THIS POLICY IS PROVIDED IN APPENDICIES (A) to (D)

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## **1.0 Introduction**

### **1.1 Housing Renewal Needs**

- 1.1.1 Poor quality or unsuitable housing can have an adverse impact on the health & wellbeing of occupants and, whilst the condition of Swindon's private sector housing stock is considered to be above the national average, there are still a significant number of occupiers living in housing which is hazardous or otherwise considered to be unsuitable.
- 1.1.2 There are no significant geographical areas or types of property in Swindon which present the worst housing conditions. The Council has therefore decided to adopt a Housing Assistance Policy that is client based, rather than theme based, and which focuses on vulnerable people or others having particular needs.
- 1.1.3 A significant number of Swindon residents have a disability that means they cannot safely access all parts of their home or the amenities within it. This is a major challenge to their independence and in many cases can mean that they can no longer remain living in their home. Appropriate home adaptations can enable many disabled people to remain living independently at home, and for longer.

### **1.2 Policy Context**

- 1.2.1 Swindon Borough Council has general powers given under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2012 to provide assistance that improves housing conditions in its area. This reformed the general provisions contained within the Housing, Grants, Construction & Regeneration Act 1996 enabling Local Authorities to provide financial assistance for housing improvements, and which continue to apply a mandatory obligation on Council's to provide Disabled Facilities grants where appropriate.
- 1.2.2 The Council's priorities for improving the lives of local residents are set out in its Corporate Vision and in its Health and Wellbeing Strategy. Priority Four of the Council's vision seeks to keep local residents living healthy and independent lives so far as is possible. This PSHRA policy aims to achieve this by providing assistance to those who most need it in order that they can remain living in a Decent Home that meets their particular needs.
- 1.2.3 The Joint Strategic Needs assessment identifies falls and associated injuries as particular problems for older people and for others who have a disability. There is also recognition that those who live in energy inefficient homes face particular problems. This disproportionately affects older persons and others who are vulnerable through disability or financial disadvantage. The implementation of this policy will contribute to reducing the incidents of hospital admissions because of falls and excess cold and to reducing the numbers of excess winter deaths amongst older people by providing a range of assistance to remedy hazards in the home, relating to cold, damp, and risk of falling.

### **1.3 Funding**

- 1.3.1 The Council will meet its obligation to fund all Mandatory forms of assistance. Where the funding provided for that purpose by central Government in any year is insufficient, it will aim to meet the additional funding required through its own capital borrowing. It is

acknowledged that limited availability of funding may delay approval of mandatory grants at certain times.

- 1.3.2 All discretionary forms of assistance will be subject to availability of funding. Where budgets have been exhausted, applicants will be refused grant assistance on the grounds of no budget being available. This situation can change and applicants who have been refused on these grounds will be able to apply for assistance in the future should funding subsequently become available.
- 1.3.3 Where assistance has been refused on any grounds the Council will aim to offer appropriate advice and support.

## **1.4 Conditions**

- 1.4.1 Some forms of financial assistance are subject to grant conditions which require repayment of grant on sale of the property or in other circumstances which breach the conditions on which the assistance was granted.
- 1.4.2 To enable monitoring of these conditions a local land charge may be made in the case of owner occupied applications where the award exceeds £5000. In certain other cases of 'discretionary' financial assistance the amount will be secured as a formal charge registered against the property with the Land Registry.
- 1.4.3 Full details of these conditions are provided in section 13 of this policy and also, where applicable; within the relevant section detailing each type of grant assistance.

## **1.5 Equalities**

- 1.5.1 The Council recognises that assistance cannot be made available to all those residents who might benefit. In developing this policy consideration has necessarily been given to those in greatest need by assessing their financial circumstances and by only offering assistance where the applied criteria have been met.
- 1.5.2 The policy will be implemented by Swindon Borough Council along with other appropriate delivery partners. The various forms of assistance being offered will be available to all Swindon residents eligible under the policy including those with protected characteristics in accordance with the equalities Act 2010.
- 1.5.3 Where appropriate assistance under this policy will be targeted at groups having particular identified needs and these may be given priority over other applicants.

## **1.6 Availability of Assistance**

- 1.6.1 Under the policy, assistance will be given where funding is available for the:
  - (a) Adaption of housing to meet the needs of disabled occupiers.
  - (b) Urgent repair of certain types of privately owned\* housing
  - (c) Contributing towards the cost of moving to more suitable alternative housing.
  - (d) Provision of Energy Efficiency improvement measures.
  - (e) Support of owner occupiers needing to repair or improve their home.

*(\*Note: Tenants will continue to receive support and assistance to ensure that their homes remain free from hazards – including the use of enforcement powers where their landlord is uncooperative.)*

More details of these forms of assistance are listed below:

- 1.6.2 A grant for the provision of adapted facilities for a disabled person is referred to as a "**Disabled facilities grant**". Such assistance can be mandatory or discretionary. Further details on both forms of assistance are contained later in this policy.
- 1.6.3 A grant for the urgent repair of a dwelling where the works are relatively small is referred to as an "**Urgent Repair Grant.**" This form of assistance is intended to assist the most vulnerable owner occupiers to remediate severely hazardous housing conditions likely to affect their health.
- 1.6.4 A grant for assisting with the costs of moving to more suitable accommodation is referred to as a "**Re-housing Grant.**" This form of assistance is intended to offer a more suitable and cost effective option to occupiers needing substantial adaptations repairs or improvements to their homes. As such they can be an alternative to a Disabled Facilities or Urgent Repair grant.

**Note:** *In some circumstances a Rehousing grant and Disabled Facilities grant can be offered together to ensure that the new home meets the needs of its occupants.*

- 1.6.5 A grant for assisting with the costs of improving the energy efficiency of a home is referred to as an "**Energy Efficiency Grant.**" These may cover all or part of the cost of insulating a home subject to funding being available expressly for this purpose. It is intended that these grants will incentivize energy efficiency improvements particularly where they can supplement other schemes funded centrally or via fuel utility company levies.

***In the following provisions of this policy the expression "grant", without addition, means any of these types of grant.***

- 1.6.6 In addition to the various forms of grant listed above, other assistance will be provided in the form of:
- **Advice** to home owners.
  - **Enforcement** to alleviate seriously hazardous housing conditions where this is considered necessary and appropriate.

Additional information as to how this approach will be used to assist occupiers remedy unsafe or otherwise unsuitable housing conditions is detailed in Section 15.

## **1.7 Appeals and Complaints**

- 1.7.1 Full details regarding an applicant's rights of appeal against any decision made under this policy, and also how to make a complaint about the way an application has been handled, are given in Paragraph 14.5 and 14.6.

## **2.0 Preliminary Enquiry Process**

### **2.1 Initial grant enquiry**

- 2.1.1 A preliminary questionnaire is provided for all enquiries for assistance in respect of all grants and other forms of assistance. All enquiries received by the council will be formally registered.
- 2.1.2 The questionnaire enables the council to assess what type of assistance may be appropriate in each case, and to best manage the high levels of demand. It also ensures that emergencies can be identified and, where appropriate, accommodated within the resources available.
- 2.1.3 The demand for grant assistance is high and there is a waiting list for initial grant surveys. This currently ranges between 8-12 weeks, and may be longer at times.
- 2.1.4 In the most urgent cases; grants and other forms of assistance can be dealt with much sooner and those cases having the greatest need will be identified through a system of triage and will be prioritised where possible and appropriate.

## **3.0 Applications for grants**

### **3.1 Applications**

- 3.1.1 No grant will be paid unless an application for it is made to Swindon Borough Council in accordance with these provisions, and is subsequently approved by them.
- 3.1.2 An application for a grant must be in writing on the Council's approved application form and must specify the premises to which it relates and contain:
  - (a) Particulars of the works in respect of which the grant is sought (in this policy referred to as the "relevant works"); and
  - (b) Unless the council otherwise direct in any particular case, at least two estimates from different contractors of the cost of carrying out the relevant works; and
  - (c) Particulars of any preliminary or ancillary services and charges in respect of the cost for which the grant is also sought; and
  - (d) Such other particulars as may be required for good audit practice.

- 3.1.3 For this policy "preliminary or ancillary services and charges" in 3.1.2 above, in relation to an application for a grant, means only those services and charges which relate to the application and the preparation for and the carrying out of works,

## 3.2 Services and Charges

- 3.2.1 Fees and charges associated with preparing for and carrying out the grant funded works can be included within the grant award, but the Local Authority will only grant fund those that are reasonable, appropriate, and necessarily incurred. Payment of such fees will in every case be at the discretion of the council and this will only be appropriate in certain cases.
- 3.2.2 The service charges specified for this policy are those for which the applicants are liable in respect of:-
- Confirmation, if sought by the local authority, that the applicant has an owner's interest.
  - Technical and structural surveys.
  - Design and preparation of plans and drawings.
  - Preparation of schedules of relevant works. (If applicable.)
  - Advice on financing the costs of the relevant works which are not met by grant. (If Home Equity Release or similar types of finance are being used then independent advice will be required.),
  - Applications for Building Regulations approval (including application fee and preparation documents.)
  - Applications for Planning Permission (including application fee and preparation of related documents.)
  - Applications for Listed Building Consent (including application fee and preparation of related documents),
  - Application for Conservation Area Consent (including application fee and preparation of related documents.)
  - Supervision of the relevant works.
  - Disconnection of electricity, gas, water or drainage utilities where this is the necessitated by the relevant works.
- 3.2.3 Architectural Fees **may** be considered for the following scheduled works under the above provisions:-
- a) Extensions.
  - b) Conversions.
  - c) Any work which is structural in nature.
  - d) Major refurbishment where various trades are coordinated / in operation on site.
- 3.2.4 Applicants or their Agents **must** discuss any proposed involvement with the Council's grants officer before undertaking any work. Where a professional firm is engaged to provide building or surveying services in connection with the grant application, payment of these costs remain entirely the applicant's responsibility irrespective of whether such costs are to be met from grant, in whole or in part.
- 3.2.5 The council will determine whether it is necessary or appropriate to include the costs of professional fees and their extent as early as possible in the grant application process. In all cases this decision will be made before approval of the grant.

- 3.2.6 There is no prescribed fee scale but all fees charged to the grant must be appropriate and reasonable in each case. Where fees are considered to be unreasonable the council may themselves determine the appropriate level of fee; giving their reasons for doing so.
- 3.2.7 Where fees are being charged by a Home Improvement Agency for acting on all grant matters on behalf of the applicant, the fee scale will be 5 -15% of the Eligible Expense excluding VAT. The exact level of fee will be determined ahead of their involvement and this will include disbursements and expenses, but not VAT.
- 3.2.8 Any fees by percentage will be based on the lowest acceptable submitted tender for the work. Subsequent unforeseen works may justify an increase in fees only if further supervision or architectural work is required.
- 3.2.9 Payments will be made according to the level of service being provided but other than in exceptional cases this will be in the form of a single payment. All subject to the applicant's application and invoice being received and accepted.
- 3.2.10 Agents will need to provide documentation of their Professional Indemnity cover to the Council ahead of their fees being accepted.
- 3.2.11 All one off costs such as Solicitors, Building Regulations, Planning or Structural Engineer's Report can be accepted on presentation of a satisfactory invoice or receipt. These must however be agreed prior to the grant works being approved.
- 3.2.12 The work involved for service and charges, must relate to the grant aided work being undertaken. Where additional non-grant aided works are also being commissioned by the applicant, then fees will be apportioned accordingly.
- 3.2.13 Fees will not be paid in respect of securing tenure of a property. Surveyor's fees for purchasing a property will not be acceptable. (With the exception of Rehousing grants.)
- 3.2.14 Should fees be incurred prior to an approval for assistance and:-
- a) the works cease to be necessary and appropriate to meet the needs of the disabled occupant, OR
  - b) the disabled occupant ceases to occupy the dwelling or flat concerned or it ceases to be the intention that she/he occupies it, or
  - c) the occupant dies
- (where the application relates to more than one disabled occupant, this applies if any of paragraphs (a) to (c) applies in relation to any of them.)*
- the Council may take such action as appears to them appropriate and may decide
- a) that no preliminary and ancillary fee should be paid, OR
  - b) that an appropriate part of the fees be paid, OR
  - c) that the relevant work, or some of it should be completed and a grant or an appropriate proportion of it paid.
- 3.2.15 In making their decision, the Local Authority will have regard to all the circumstances of the case. But, their decision will be final.

## **4.0 Preliminary Conditions**

### **4.1 Ineligible applicants**

- 4.1.1 No grant is payable under this policy unless the applicant is aged 18 or over on the date of the application.

*(In the case of a joint application, any applicant under the age of 18 years on the date of the application shall be left out of account.)*

- 4.1.2 No grant is payable if the person who would otherwise qualify as the applicant for the grant is-

- (a) a local authority;
- (b) a new town corporation;
- (c) an urban development corporation;
- (d) a housing action trust;
- (e) a health authority, special health authority or NHS trust;
- (f) a police authority established under section 3 of the Police Act 1964;
- (g) a joint authority established by Part IV of the Local Government Act 1985;
- (h) a residuary body established by Part VII of that Act; or
- (i) an authority established under section 10(1) of that Act (waste disposal).

### **4.2 The age of the property**

- 4.2.1 The Council will not entertain an application for a grant in respect of premises provided (by construction or conversion) less than ten years before the date of the application, unless, the application relates to the needs of a disabled occupier.

### **4.3 Prior qualifying period**

- 4.3.1 For all grants, with the exception of Disabled Facilities grants (including associated "Re-housing grants"), it is a requirement that an applicant must have lived at the property as their only or main residence for a minimum period of 3 years, ending with the date of the application. In the case of a joint application it is sufficient if this is met by any of the applicants.
- 4.3.2 The Council can however exercise discretion to disapply this condition in exceptional circumstances. An example of this may be:
- Carrying out repairs or improvements necessary for and alongside a DFG application.
- 4.3.3 This qualifying period is treated as being met if the applicant took his owner's interest or became a qualifying tenant under the will or on the intestacy of a member of his family, the ownership or tenancy condition shall be treated as having been met.
- 4.3.4 The council may treat a person as continuing to meet the residence requirement in Paragraph 4.3.3 for up to a year after he has, by reason of age or infirmity-
- (a) gone to live with and be cared for by a member of his family, or

- (b) gone to live in a hospital, hospice, sheltered housing, residential care home or similar institution.

4.3.5 Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by a member of his family, and the authority are satisfied-

- (a) that the person making the disposal was elderly or infirm, and
- (b) that he made the disposal with the intention of-
  - (i) going to live with and be cared for by a member of his family, or
  - (ii) going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence,

the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the person making the disposal held a qualifying owner's interest in or was a qualifying tenant of the dwelling.

#### **4.4 Consultation with appropriate services**

4.4.1 The Council may consult with appropriate services and agencies in respect of an application for grant assistance regarding the works and the existing property.

4.4.2 Where subsequently found necessary the Council may delay or refuse the approval of a grant until such time as they are satisfied that related requirements have been met.

*(Examples of appropriate services are the Building Control Authority, Planning Authority, Fire Brigade, Service utilities etc.)*

### **4.0 Mandatory Disabled Facilities Grants**

#### **5.1 Overview and Purpose:**

5.1.1 The provision of this form of housing assistance is intended to improve the housing conditions of eligible disabled people by providing Disabled Facilities Grants (DFG's) to fund adaptations that assist independent living.

5.1.2 DFG's can fund a range of adaptations to the homes of disabled people. By improving access into and around the home; this can enable disabled occupiers to live more independently and remain living in their own home for longer.

#### **5.2 DFG Availability:**

5.2.1 The grant is only available to people who have been assessed by an occupational therapist as in need of home adaptations to meet their assessed needs. These recommendations will form the basis of the works specification that will be funded by the grant.

5.2.2 DFG's are available to any resident (both adults and children) who are disabled, provided they have been referred for assistance by the Council's Occupational

Therapy Team. They are available to owner-occupiers and private tenants, including tenants of Residential Social Landlords (with the landlord's consent).

*(Note: Qualifying adaptations for disabled tenants living in Council owned property will not qualify for DFG, but these works will be funded separately through the Housing Revenue Account.)*

- 5.2.3 These grants are mandatory which means that the Council has a legal duty to provide them. The Housing, Grants, Construction & Regeneration Act 1996 provides the legal framework under which DFG's are awarded, and the Council adheres fully to the terms and provisions set out within the Act and subsidiary Regulations governing their award.
- 5.2.4 Whilst legislation provides eligible occupiers the right to a Mandatory DFG, landlords have the right to refuse their tenants permission to alter or adapt their property.
- 5.2.5 The grant is only available to people on low incomes and is subject to a "test of resources" which assesses an applicant's ability to fund the works themselves through their income and savings. This 'Means Test' is prescribed by Government through Regulations and the council has no discretion in how this is applied. Applications for children will not be subject to a "test of resources" under current legislation.
- 5.2.6 DFG's will only be made available for the main or principle home of the disabled person.

### **5.3 Qualifying Works:**

- 5.3.1 The eligible works only include those that are deemed mandatory in accordance with the Housing Grants, Construction and Regeneration Act 1996. This includes essential adaptations to give residents better freedom of movement into and around their home and to access facilities within it.
- 5.3.2 All applicants will have to be assessed by an Occupational Therapist before being referred to the Housing Renewal Team for grant assistance. Funding will only be considered up to the value of the works recommended by the Occupational Therapist.
- 5.3.3 Additional works or enhanced schemes of adaptations can be carried out by the applicant provided that:
  - a) The enhanced scheme of works fully meets their assessed needs.
  - b) Any additional costs beyond the assessed value of the grant are met by them.
- 5.3.4 All works must be considered both 'necessary' and 'appropriate' to meet the needs of the disabled occupant.
- 5.3.4 Additionally, the carrying out of the agreed scheme of works must be deemed to be 'reasonable' and 'practical' by the council. Grants may be refused where it is considered that they are not.

## 5.4 Funding amount:

5.4.1 The amount of grant will be the accepted cost of carrying out qualifying works (Eligible Expense) which is based on a minimum of two competitive contractors estimates, LESS the applicants assessed contribution (based on a 'Means Test')

5.4.2 The grant can include payment for certain qualifying professional fees and also for any unforeseen works that become necessary during the course of carrying out the works.

*(See preceding section: 3.2 for further details.)*

5.4.3 The current maximum amount of grant available is £30,000 although this amount may be increased by Government in the future.

5.4.4 Discretionary Disabled Facilities Grants (DDFG) can in appropriate cases be used to "top up" a mandatory Disabled Facilities Grant\* (DFG) where the cost of work exceeds the maximum of £30,000. DDFG grants can only be made available to owner occupiers as the value of the additional grant is put as a charge against the property so that the amount can be reclaimed by the council when the property is sold or inherited.

*(See Section 6.0, Discretionary DFG's section to this policy document for further information about applying.)*

## 5.5 Making an Application:

5.5.1. Preliminary enquiries can be made online via the council's website or by requesting a preliminary enquiry form by telephone to (01793 445500) this will be arranged by an Occupational Therapist if an assessment of needs has already been made. Applicants will be assisted in making a formal application where appropriate following the grant initial assessment.

## 5.6 Owner's applications and tenant's applications:

5.6.1 The Council will not entertain an application for a mandatory disabled facilities grant unless they are satisfied-

- a. that the applicant has, or proposes to acquire, an owner's interest in every parcel of land or only part of the land concerned on which the relevant works are to be carried out, (ie: an **owner's application**) OR
- b. that the applicant is a tenant (alone or jointly with others) :-
  - (i) In the case of an application in respect of works to a dwelling, of the dwelling, or
  - (ii) In the case of a common parts application, of a flat in the building, and,
  - (iii) In either case, does not have or propose to acquire such an owner's interest as is mentioned in paragraph (a). (ie: **tenants application.**)

5.6.2 In relation to an application for a disabled facilities grant- "qualifying owner's interest" means an owner's interest meeting the condition in Paragraph (a) above; and "qualifying tenant" means a tenant who meets the conditions in Paragraph (b).

"Tenant", in relation to a disabled facilities grant, includes:-

- (a) A secure tenant, introductory tenant or statutory tenant,
- (b) A protected occupier under the Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988,
- (c) An employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties, and
- (d) A person having a license to occupy the dwelling or flat concerned;

## **5.7 DFG's: the disabled occupant**

- 5.7.1 The "disabled occupant", in relation to an application for disabled facilities grant, means the disabled person for whose benefit it is proposed to carry out the relevant works.

## **5.8 DFG's: certificate required in case of owner's application**

- 5.8.1 The Council will not entertain an occupier's application for a grant unless it is accompanied by an occupier's certificate.
- 5.8.2 An "occupier's certificate", for the purpose of an application for a grant, certifies
- (a) that the application is an occupier's application, and
  - (b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the qualifying houseboat or qualifying park home (as the case may be) as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.
- 5.8.3 Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain an occupier's application for a grant unless it is also accompanied by a consent certificate from each person (other than the applicant) who at the time of the application holds a legal interest in the property.
- 5.8.4 The following are exempt from this provision:
- (a) Where the applicant is entitled to possession of the premises at which the qualifying houseboat is moored or, as the case may be, the pitch on which the qualifying park home is stationed; or
  - (b) Where the applicant is entitled to dispose of the qualifying houseboat or, as the case may be, the qualifying park home.

## **5.9 DFG's: certificates required in case of tenant's application**

- 5.9.1 The Council will not entertain a tenant's application for a disabled facilities grant unless it is accompanied by a tenant's certificate.
- 5.9.2 A "tenant's certificate", for the purposes of an application for a disabled facilities grant, certifies:-
- (a) That the application is a tenant's application, and

- (b) That the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

- 5.9.3 Except where the council consider it unreasonable in the circumstances to require such a certificate, they will not entertain a tenant's application for a disabled facilities grant unless it is also accompanied by an owner's certificate from the person who at the time of the application is the landlord under the tenancy.
- 5.9.4 Those cases detailed in 5.8.3 are exempt from this provision.
- 5.9.5 In respect of all tenant's applications for DFG, approval will not be granted unless their landlord has granted consent in writing for the grant works to be carried out.

## **5.10 DFG: Successive Applications.**

- 5.10.1 For those disabled people whose conditions are degenerative, further adaptations to their home to cater for their deteriorating condition may become necessary at a later date. Chapter I, Part I of the 1996 Act places no express restriction on such 'Successive applications' for DFG on the same property.
- 5.10.2 In such cases and depending on the time lapse between the successive applications, provision is made in the Housing Renewal Grants Regulations to reduce the financial burden on applicants. Their determined contribution is accordingly reduced by any previously assessed contribution (provided the applicant went ahead with the previous adaptations.)

## **5.11 DFG Grant Conditions - Recovery of Grant**

- 5.11.1 Approval and payment of DFG's is subject to a number of grant conditions aimed to ensure that the council's available financial resources are used fairly and effectively. Those in receipt of DFG will not be affected by these conditions unless the property is sold or otherwise disposed of within the grant condition period
- 5.11.2 Under these conditions the amount of a Disabled Facilities Grant exceeding £5,000 may be reclaimed by the Council where a property is sold or transferred within 10 years of the certified grant completion date. No more than £10,000 will be reclaimed in each case. The decision to recover Grant will be made on an individual basis by the Healthy Neighbourhood Services Manager. However the presumption will be that this portion of grant should be repaid and recycled by the council unless there are exceptional circumstances.
- 5.11.3 To facilitate this, grants in excess of £5,000 may be registered as a local Land Charge. A local Land Charge will however, only be registered if the Grant is likely to have added value to the property. For example a land charge may be registered where the property has been extended to provide additional facilities and / or accommodation, but not usually for the installation of stair lifts or other items that would not substantially enhance the property value.

5.11.4 A further condition of DFG grant assistance entitles the council or its agents to recover and reuse specialist equipment such as stair lifts and vertical lifts paid for and installed through the grant. This condition enables other disabled residents to have use of this equipment at a lower cost to the council.

5.11.5 Such equipment will only be recovered in the event of:

- (a) The property being sold or otherwise transferred ownership.
- (b) The disabled occupant no longer requiring use of that equipment.
- (c) The relevant equipment being no more than 3 years old.

If so, then the applicant, other household member or in the event of their death, their executors must inform the council and allow an opportunity for the equipment to be inspected.

5.11.6 If the equipment is found suitable for re-use, then the council will arrange for it to be removed at their own cost. If it has been found unsuitable for reuse then the equipment will remain the property of the applicant or their estate.

#### **Additional Notes Regarding DFG's:**

- I. All applicants are subject to a test of financial resources except where the works are for children or other applicable young persons
- II. A valid application and specified conditions are detailed in the Housing Grants, Construction and Regeneration Act 1996.
- III. Assistance with completing forms is available.
- IV. If unforeseen works take the total cost of the works above the grant maximum of £30,000 the client will be responsible for the additional costs.
- V. Discretionary Disabled Facilities grants may be available for amounts above £30,000. (See section to this policy document for further information about applying.
- VI. The property must be occupied by the applicant following the completion of the work.

|                                                                                                                                    |
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| <p>The availability and conditions relating to <b>Mandatory Disabled Facilities</b> Grants are summarized at <b>Appendix A</b></p> |
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## **6.0 Discretionary Disabled Facilities Grants**

### **6.1 Purpose and Scope**

- 6.1.1 Discretionary Disabled Facilities Grants (DDF Grants) are intended to assist those households in most serious financial hardship, carry out costly adaptations to their

home for the benefit of disabled occupiers. In all such cases applicants would be unable to take advantage of available mandatory DFG funding (Maximum £30,000) without this additional assistance.

- 6.1.2 All applications for Disabled Facilities grants will be treated in the first instance as mandatory applications under the provisions of the Housing Grants, Construction & Regeneration Act 1996. Applications will subsequently be considered for DDF only if:
- a) The eligible expense of the recommended scheme of adaptations exceeds the current mandatory limit (£30,000)
  - b) The applicant is entitled to receive this full amount following means testing.
  - c) The applicant has submitted compelling additional evidence as to their need for additional financial assistance. (See paragraph: 6.5.4.)
- 6.1.3 Where applications relate to adaptations to meet the needs of disabled children or young person's then DDF applications will be means tested even though this was not required for the Mandatory DFG component.
- 6.1.4 Applications for DDF grant will not be considered unless a maximum (currently £30,000) mandatory DFG has already been approved and where this does not fully cover the necessarily higher cost of the scheme.
- 6.1.5 DDF grants are discretionary and the council is not bound to approve applications even when they appear to meet the qualifying criteria set out within this policy. The Council will always aim to assist disabled occupiers so far as it is possible, but financial assistance beyond the scope of Mandatory DFG's, can only be considered when funding is available. Applicants will be advised at the earliest opportunity regarding the availability of funding.

## **6.2 DDF grants: Means Testing.**

- 6.2.1 All DDF grants are means tested by virtue of the government prescribed financial test of resources being applied to the Mandatory DFG component. Applicants must make any determined contribution to the cost of the works themselves and the Mandatory grant award will accordingly be reduced by this amount.
- 6.2.2 The award of DDF grant, where appropriate, will be based on the nett cost of works once the level of Mandatory award AND the determined applicants contribution have both been deducted.
- 6.2.3 The exception to this is applications for children and young person's where the mandatory component is not means tested. In these cases the appropriate prescribed means test will be applied to the Discretionary DFG only.
- 6.2.4 The 'Means Test' in respect of children and young person's applications will be based on the financial circumstances of their parents or other responsible guardians.
- 6.2.5 Further details concerning means testing of grants is provided in section 10.2

### **6.3 DDF grants: Persons able to apply**

6.3.1 The Council cannot entertain an application for a discretionary disabled facilities grant unless they are satisfied:-

- a. That the applicant has, or proposes to acquire, an owner's interest in every parcel of land or only part of the land concerned on which the relevant works are to be carried out, (ie: **owner's application**) OR

This is necessary because if approved, the value of the discretionary grant is secured as a charge against the property, so that the amount can be reclaimed by the council in the event of the property being sold or its ownership otherwise being transferred.

6.3.2 Tenants are unable to apply for DDF grants because they do not hold an owners interest and so it is not possible to secure the grant as a land charge. However tenants will be given assistance and advice regarding other options available to them such as moving to a more suitable property.

### **6.4 DDF grants: The disabled occupant**

6.4.1 The "disabled occupant", in relation to an application for disabled facilities grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

### **6.5 DDF grants: Applications, Certificates and Documentation**

6.5.1 DDF Grants are only awarded in conjunction with a Mandatory DFG and so no additional proof of ownership and aligned certification will be required.

6.5.2 However if the legal title to the applicants property is 'un-registered' then it will be necessary to register the title with HM Land Registry before the grant can be approved. This is required so that the amount of the DDF grant can be secured as a legal charge against the registered title. The cost of registration, including any reasonable legal fees incurred can be included within the grant award in most cases.

6.5.3 A formal application for DDF will be required even though a previous application for Mandatory DFG will have been made ahead of its approval.

6.5.4 Applicants will also be asked to submit a written request for the additional discretionary assistance being sought. This should set out the reasons why the additional grant award is being sought, including the applicants financial and household circumstances. This information will be taken into account before a decision on the application is made. It will also be used to prioritise applications for DDF grant where funding is limited.

### **6.6 DDF grants: Purpose for which a grant may be given**

6.6.1 An application for a DDF grant can be approved in exceptional circumstances, for the purpose of:

- (a) Meeting the eligible cost of mandatory works that exceed the £30,000 specified maximum of a mandatory grant under the Housing Grant Construction & Regeneration Act 1996, and any determined applicants contribution.
- (b) Inclusion of energy saving requirements eg cavity wall and loft insulation as part of the above works.

In respect of (a) work must be of a reasonable cost and meet the needs of the disabled person. The council reserves the right to determine themselves what is a reasonable cost of carrying the eligible works as the basis for approving such grants.

- 6.6.2 If in the opinion of the Council\* the relevant works are more extensive than is necessary to achieve any of the purposes set out above, they may treat the application as varied so that the relevant works are limited to such works as seem to the authority to be necessary for that purpose.

*(\*Note: This will be determined by the Occupational Therapist.)*

## **6.7 DDF grants: Approval of application**

- 6.7.1 Where the council entertain an owner's application for a discretionary disabled facilities grant made by a person who proposes to acquire a qualifying owner's interest, they will not approve the application until they are satisfied that he has done so.
- 6.7.2 The Council will not approve an application for a discretionary disabled facilities grant unless they are satisfied:-
- (a) That the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and
  - (b) That it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.

*(Note: Where it is considered unreasonable or impractical to carry out necessary adaptation works to an applicants home alternative assistance may be offered in the form of a Re-housing grant - See Part 8.)*

- 6.7.3 In considering the matters mentioned in (a) & (b) above the views and opinions of Social Services will be taken into account by way of an ' Exceptions' panel consisting of Senior Practitioners and Managers.
- 6.7.4 The recommendation on whether to approve an application for DDF grant will be made by the relevant budget manager (currently the Healthy Neighborhoods Service Manager) However, any such decision will have to be endorsed by the Director of Public Health and the relevant Head of Finance. Their decision will be binding - notwithstanding the applicant rights of appeal detailed previously in this policy.
- 6.7.5 The Council may include in any grant approval, energy saving requirements such as cavity wall and loft insulation that appear to be appropriate and beneficial to the applicants.

## **6.8 Disabled Facilities grants: Discretionary and Mandatory approvals**

- 6.8.1 Where an application involves a combination of works qualifying for both mandatory and discretionary assistance, separate approvals will be issued for each with the total amount being approved being split appropriately between the two grants awards.
- 6.8.2 An applicant's contribution towards cost of works, if any, will be attributable to the mandatory works if both grants given. Thus; should successive applications be made, any future contributions will be reduced by the amount being contributed by the applicant towards the initial grant scheme.

*(Note: This disregard will only apply for previous assessed contributions where the applicant went ahead with the grant scheme within five or ten years from the date of the new application - depending on whether the applicant is a tenant or an owner.)*

## **6.9 DDF grants: Availability**

- 6.9.1 This form of assistance will only be available where the Council has available sufficient funding allocated for this purpose.

The availability and conditions relating to **Discretionary Disabled Facilities Grants** are also summarized at Appendix A

## **7.0 Urgent Repairs Grants**

### **7.1 Urgent Repair Grant (URG): Purpose and Scope**

- 7.1.1 The purpose of URG's is to assist vulnerable homeowners carry out urgent minor repairs and replacements necessary to remove serious hazards identified in their homes.
- 7.1.2 The intention is for this to be a fast and responsive service able to facilitate remedial works quickly and so minimize an occupant's exposure to the identified hazards. The scheme uses a 'fast track' simple application process and so only one estimate of the works is required, provided this appears to provide value for money. Applicants also need only make a signed declaration that they own their home. No further proof of ownership is required as with other forms of grant assistance.
- 7.1.3 To qualify applicants will need to be in current receipt of a qualifying means tested benefit OR be in receipt of tax credit and having an income below a published threshold. These are currently:
- Income Support\*
  - Jobseekers Allowance\* (Income based)
  - Employment Support Allowance\* (Income based)
  - Pension Credit (Guaranteed)
  - Working Tax Credit (with an income less than current Government threshold.)
  - Child Tax Credit (with an income less than current Government threshold.)

(\*Note: Or Universal Credit equivalent)

- 7.1.4 The extent of URG funded works will be restricted to those necessary to remove one or more Category 1 hazards identified by a council officer as assessed in accordance with the National Housing Health & Safety Rating System (HHSRS\*). Assistance will be prioritized to address those hazards considered most serious and likely having the greatest impact on the health, safety and welfare of occupants.

(\*Note: See Part 1, Housing Act 2004.)

- 7.1.5 Entitlement priority will be given to those occupants who are considered to be most vulnerable by virtue of their age, health, disability, mental capacity or financial circumstances.

- 7.1.6 Examples of eligible work are:

- Repairs to a boiler or heating system to ensure that there is provision in the home for supplying adequate hot water and heating.
- Repairs to or replacements of dangerous electrical installations.
- Repairs, replacements or other actions to remove an imminent risk of structural failure in a home or to arrest its progression.
- Repairs or minor alterations to remove the risks of falls in a home, either between levels or on the same level.
- Repairs or replacements to drainage or sanitary fittings to ensure that these are available for use and are properly connected.
- Remedial works to make secure currently insecure dwellings.
- Repair or replacement of failed critical components of a home which are no longer functioning and where their condition presents a hazard to occupants (e.g. Floors, windows and doors.)

## **7.2 UR Grants – Limitations to Assistance.**

- 7.2.1 The maximum level of assistance available in any one application will be £3000 including the cost of any necessary survey or examination.
- 7.2.2 There are no restrictions on this being used in conjunction with other sources of assistance such as an applicant's savings, family or charitable contributions. This will apply even if these additional funds enable an enhanced scheme of works to be undertaken, provided the intended level of hazard reduction is achieved.
- 7.2.3 A client can only receive one UR Grant in any single financial year, but can receive up to three in any five year period. Consecutive assistance will not be granted in respect of the same hazard.
- 7.2.4 Where the cost of reducing an identified hazard to an acceptable level exceeds the amount of UR Grant and any additional funding available, then the expectation is that other forms of assistance will be considered. In particular the possibility of funding necessary remedial works using any equity in the property, or considering moving to more suitable accommodation.
- 7.2.5 Where a URG is being given involving works which the council consider to be the subject of an insurance claim, then written evidence of that claim and its outcome is required prior to approval of grant. (URG will only cover the difference between the

cost of works LESS the insurance payment.) Failure to have adequate Building Insurance may cause forfeit of grant entitlement.

- 7.2.6 URG will only be available for making safe outbuildings, walls and paths within the curtilage of the dwelling in exceptional cases where their condition directly threatens the safety of occupants using the main access to and from the property.
- 7.2.7 URG may be awarded to applicants living in permanently sited caravans or mobile homes provided that all other eligibility criteria are met.
- 7.2.8 In each case the council must be satisfied that the award of a URG and the carrying out of limited repair work only, is the most appropriate course of action, taking into account the full circumstances of the applicant and other occupants living in the home. This will include consideration of other housing assistance options that may be available, including re-housing.

### **7.3 Entitlement to Urgent Repair Assistance**

- 7.3.1 The Council will not entertain an application for home repair assistance unless they are satisfied:-
  - (a) That the applicant is aged 18 or over on the date of the application,
  - (b) That he /she lives in the dwelling as his only or main residence,
  - (c) That he / she has an owner's interest in the dwelling, or is a tenant of the dwelling with full repairing obligations forming part of the tenancy\*.
  - (d) That in respect of an application relating to a mobile home, the applicant occupies it under an agreement to which Mobile Homes Act 1983 applies or under a gratuitous license.,
  - (d) That the applicant has a duty or power to carry out the works in question.
  - (e) That the applicants or their partner is in receipt of qualifying income related benefit.

*\*For the purposes of the condition in subsection (1)(c) "tenant" includes:-*

- (a) A secure tenant or statutory tenant,*
- (b) A protected occupier under the Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988, and*
- (c) An employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties;*

- 7.3.2 An application may be made by a person who does not satisfy the condition in Paragraph 7.3.1 but who occupies the dwelling under a right of exclusive occupation granted for his life or for a period of more than five years.
- 7.3.3 A 3 year prior residence requirement applies except in the case of works relating to thermal insulation (Thermal Insulation Grants) The Council will not therefore entertain an application for HRA made by virtue of this paragraph unless they are satisfied that the applicant has occupied the dwelling as his only or main residence for a period of at least three years immediately preceding the date of the application.

## **7.4 UR Grants – Making an Application.**

- 7.4.1 Applications will only be considered when accompanied by a suitable application to be determined by the council; and a declaration of ownership or tenancy of the property.
- 7.4.2 Applicants will need to demonstrate that they meet all eligibility criteria including any current qualifying benefit entitlement. The council may need to take and retain copies of documents or other evidence provided regarding entitlement or make any checks or enquiries they consider necessary.
- 7.4.3 As part of the application, one acceptable estimate for the relevant works is required from a suitable contractor. It is recommended that this should be a contractor approved under the 'Buy with Confidence' approved trader scheme operated by the council. The council will reserve the right to reject any estimate submitted on grounds of suitability or excessive cost, and to require an alternative before the application can be considered.
- 7.4.4 Applicants will always receive written confirmation of the approval of their grant including the amount approved and any relevant terms and conditions that apply. Other than in exceptional circumstances, grant works should not be commence prior to the approval of grant. Applicants will be advised in writing if this requirement has been waived in view of the high level of hazard posed to occupants that would make further delay inappropriate.
- 7.4.5 It is a requirement of the grant that the grant works are carried out by the contractor whose estimate was approved prior the grant approval. Failure to do so may result in forfeiture of the grant and applicants being responsible for paying their chosen contractor themselves in full.

## **7.5 UR Grants – Other Terms and Conditions.**

- 7.5.1 On satisfactory completion of the relevant works, payment of grant will be made directly to the contractor on behalf of the applicant. Applicants will need to agree to this when they sign the application form.
- 7.5.2 Further details concerning selection of contractors, responsibility for standard of work and conditions of grant payments is given in section: 12.4.
- 7.5.3 Where the level of the grant is less than the current maximum (£3000) it will be possible to increase the level of grant up to and including this maximum in respect of unforeseen additional works identified during the course of carrying out the grant funded works and deemed necessary for the intended works to be completed safely and in a satisfactory manner.
- 7.5.4 Where the cost of urgent unforeseen works exceeds the residual level of grant available then at the councils discretion it will be possible for an applicant to apply for additional assistance, though for no more that they would otherwise have been entitled to in any three year period. This will only be agreed in **exceptional circumstances** when the grant works cannot be completed without this additional assistance funding the additional works found necessary.

## **7.6 UR Grants – General Availability.**

- 7.6.1 This form of assistance will only be available where the council has available sufficient funds allocated for this purpose. Grant awards will be prioritized accordingly.

The availability and conditions relating to **Urgent Repair Grants** are summarized at Appendix B.

## 8.0 Re-housing Grants ('Move On Assistance.')

### 8.1 Introduction

- 8.1.1 Under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 the Council adopted policy as part of its Housing Renewal Strategy to make provision for "Rehousing Assistance". This is under Article 3 "Power of Local Housing Authorities to provide assistance to acquire living accommodation.
- 8.1.2 This form of assistance is intended to offer an **alternative** to carrying out extensive grant funded schemes of work which may not fully meet the needs of occupiers or where moving home is more cost effective.

### 8.2 "Move on" purpose

- 8.2.1 To assist disabled residents who require major works to their existing home that are not practicable or cost effective to execute. A move to a house on the level or to a bungalow or to one having a more suitable layout may overcome the need for extensive adaptations. ***Applicants must meet the usual eligibility criteria for Mandatory Disabled Facilities Grants.***
- 8.2.2 To assist elderly occupiers living in properties which are in a hazardous condition or otherwise where their condition is causing or contributing to their ill-health. In such cases a move to a more manageable property in good condition may be a preferable option to undertaking extensive works which they may not be able to afford.

### 8.3 Eligibility criteria

- 8.3.1 Requests for this type of assistance must be supported by Social Services. Where the move is on grounds of disability this should be by way of an assessment made by an Occupational Therapist. In all other instances this must be in the form of a Community Care assessment made by a Social Worker.
- 8.3.2 Assistance under this scheme will be subject to an inspection of both the applicants existing property and the property to which they intend moving to / purchasing. Re-housing Grant or other types of "Move-on" assistance will only be considered where all interested parties consider that the move is the most appropriate and cost effective course of action to address the applicant housing needs.
- 8.3.3 Applicants must own their existing property by having the appropriate qualifying owners interest.

- 8.3.4 Except in the case of an application made in lieu of a **Disabled Facilities Grant**, applicants must have lived in the property for a minimum of 3 years prior to the date of the application.

#### **8.4 Value limit**

- 8.4.1 The value of the property to be purchased should be in line with market values for the area required, not in excess. The Council reserves the right to refuse an application where they believe this not to be the case.
- 8.4.2 The Council also reserves the right to value the property to be sold and request an increase in selling price demanded.
- 8.4.3 Where there is a dispute between the applicant and the Council over the valuation of the properties to be bought or sold, the Council reserves the right to adjust the level of grant award accordingly to reflect what they believe to be appropriate valuations, provided they provide proper explanation as to their reasons.
- 8.4.4 In making their valuations the council will take no account of fixtures, fittings and other negotiable costs in connection with the sale or purchase of property.

#### **8.5 Re-housing costs eligible for assistance**

- 8.5.1 The following costs incurred in moving house under this scheme are eligible for assistance in the form of Re-housing grant: These will be referred to as the “Eligible Costs.”
- Necessary and justified additional cost of acquiring housing suitable for the applicants or disabled occupiers needs. This amount will be the difference between the purchase price of the new home and the sale price of the applicants existing home. Subject to the valuation requirements imposed by paragraph 8.4.2
  - Legal fees properly incurred by the applicant in connection with the sale of their existing home and purchase of their replacement home.
  - Stamp Duty incurred in connection with the sale of the applicants existing home.
  - Estate Agent fees properly incurred in connection with the sale of an applicants existing home.
  - Necessary and appropriate survey fees incurred in connection with the sale of an applicants existing home.
  - The fees of any agent or other professional advisor acting on behalf of the applicant provided that this are accepted and agreed in advance by the Council.
  - Applicants removal costs properly incurred in connection with moving from their existing home to their replacement home.
  - The cost of carrying out necessary adaptations to make the new home suitable for the needs of the disabled applicant or occupier. (Subject to the usual requirements and restrictions applicable for Mandatory Disabled Facilities grants.)
  - Other relevant costs incurred in connection with the move to more suitable housing which are accepted by the council for the purpose of providing assistance.

#### **8.6 Re-housing costs NOT eligible for assistance**

- Those house purchase costs or proportion thereof that are considered to constitute “betterment” beyond meeting the reasonable housing needs of the applicant and /or their dependants.
- Redecoration costs.
- Provision or cleaning of carpets and other soft furnishings.
- Other costs associated with fixtures or installation / removal of appliances.
- Any other costs deemed inappropriate to the council at the time.

## **8.7 Local authority requirements**

The following requirements will be imposed by the council on all applicants seeking re-housing assistance:

- 1 Local Authority must be satisfied as to ownership of their existing property, and subsequently the replacement home. Production of title deeds or proof of Land Registration will be required in respect of both.
- 2 Applicant to have completed all documentation pertaining to the assistance.
- 3 Works required after purchase will not breach any covenants attached to the property.
- 4 Minimum age of applicant – 18 years of age.
- 5 Any works required to the replacement home must to comply with all legislative requirements such as Planning, Building Regulations, Listed Building Conservation and Party Wall Act provision following the purchase.
- 6 All assistance must be registered both as Local and Land Registry charge.
- 7 Such other conditions as the Council may from time to time require in accordance with current legislation and Government guidance.

## **8.8 Commitment by applicant**

8.8.1 In addition, before Rehousing” assistance is provided, the authority must be satisfied that:

- a) The applicant is fully aware of the financial commitment they are taking on and to which they will become subject in consequence of the provision of this assistance.
- b) The applicant has been provided with a statement in writing of the conditions to which the assistance is to be subject.
- c) The move meets the clients housing needs in all respects.
- d) The property acquired does not itself require major works of adaptation

8.8.2 Before deciding whether or not assistance should be made a careful assessment of the financial position of the applicant must be made. It is anticipated that this will be carried out by a qualified independent advisor acting on behalf of the applicant. Any appropriate fees incurred can be considered for grant assistance.

8.8.3 As with other forms of Housing Renewal Assistance the Council will retain its discretion as to whether assistance will be granted. This will at all times be influenced by availability of funding allocated for this purpose.

## **8.9 Relevant property**

- 8.9.1 For the purposes of making the grant application, the issue of grant approval, payment of grant and the application of any consequent grant conditions, the Re-housing grant will be deemed to be in respect of the replacement home.
- 8.9.2 This however will not prevent the council taking full account of the applicants existing property at the time the application is made and requiring from the applicant's sufficient information regarding its value, condition, layout and suitability when determining the grant application.
- 8.9.3 Applications for Re-housing grant cannot be made retrospectively. (ie: once the relocation has occurred.)

## **8.10 Level of assistance**

The amount of Re-housing grant in each case will be equivalent to the sum of the "**Eligible Costs**" accepted as being appropriate by the Council in connection with the re-housing (*See paragraph 8.5.1 above*)

### **LESS**

The applicant's affordable contribution ("**Applicable Amount**") calculated in accordance with the test of resources prescribed by the Government at the time for the purposes of Mandatory Disabled Facilities Grants. (*See paragraph 10.2 below.*)

### **PROVIDED THAT**

The "Eligible Costs" do not exceed 70% of the estimated eligible expense of carrying out the works necessary to enable the applicant (or disabled occupier) to remain living in their existing home.

## **8.11 Restrictions on subsequent assistance**

- 8.11.1 Applicants who have received assistance in the form of Re-housing Grant will be precluded from making subsequent applications for any form of Housing Renewal Assistance in respect of their home UNLESS the council are satisfied that this has become necessary due to an unforeseen change in their circumstances. This will continue to remain at the discretion of the council.
- 8.11.2 This will include eligibility for Mandatory Disabled Facilities Grant as any adaptation costs relating to the 'new home' will be included within the Rehousing Grant. (*See paragraph: 8.5.1*)
- 8.11.3 This alternative form of assistance will fulfill the Council's mandatory obligation to provide assistance to disabled occupiers to ensure their homes meet their needs.

## **8.12 Grant conditions**

- 8.12.1 It shall be a condition of the grant that the applicant should remain living in the property throughout the grant condition period.
- 8.12.2 It shall be a further condition of the grant that the applicant should not dispose of the property (other than by way of an exempt disposal) throughout the grant condition period.

- 8.12.3 The grant condition period is for a minimum of 20 years after the “Certified date.” (The “Certified date” specifically for these purposes is the date on which the council certifies that the replacement property is suitable for occupation and is thus able to complete payment of the grant.)
- 8.12.4 In the event of a breach of these grant conditions the applicant will be required to repay to the council the whole of the grant amount **LESS** one twentieth of that sum for each whole year that has elapsed since the certified date of the grant AND prior to the breach of grant conditions occurring.
- 8.12.5 These grant conditions together with any amount due to be repaid to the council will continue to be a charge on the property registered with HM Land Registry. Applicants should note that this will be disclosed to any potential purchaser or other person carrying out a search on the property. (See *Part 1.4.2*)

The availability and conditions relating to **Re-housing Grants** are summarized at Appendix C

## 9.0 Energy Efficiency Grants.

### 9.1 Energy Efficiency Grants (EEG) - Purpose and Scope

- 9.1.1 Swindon Borough Council recognises that many of its residents live in homes which are hard to heat sufficiently because they are poorly insulated. Cold and associated damp homes can have a serious impact on an occupier’s health and this disproportionately affects some vulnerable groups. Elderly occupiers, particularly those having an underlying health condition, can be prone to respiratory or other illnesses that are worsened by living in cold and damp homes. This makes a significant contribution to the excess winter deaths and raised hospital admissions seen during winter months.
- 9.1.2 Poorly insulated homes are more expensive to heat and many of our most vulnerable households find themselves unable to afford adequate heating when required. Levels of so called ‘Fuel Poverty’ are significant amongst some groups of residents, most notably for some elderly households and others who have limited income. Improving the thermal insulation and therefore the energy efficiency of these homes can greatly improve the ‘affordability’ of adequate heating.
- 9.1.3 Swindon Borough Council has adopted a comprehensive ‘Affordable Warmth Strategy’ which identifies ways that, along with its partners, it can best tackle Fuel Poverty affecting its residents.

- 9.1.4 The council is committed to assisting those households in its area who are identified as being in Fuel poverty and who potentially are most at risk from cold and damp related ill health. However, direct assistance such as the award of grants for energy efficiency improvements, will always subject to the availability of funding.
- 9.1.5 Where limited funding is available, this will be used to incentivise and otherwise underpin nationally available grant schemes such as those offered by Fuel Utility Companies as part of their Energy Company Obligation (ECO.) This is a Government led scheme that requires energy supply companies to invest in energy efficiency improvements to their customer's homes.
- 9.1.6 Because such ECO schemes are not always available or can change at short notice, the council's policy for offering Energy Efficiency Grants (EEG's) has to remain flexible. The purpose of this policy is set out as a framework, along with certain key principles governing:
- How EEG's might be awarded in the future.
  - Who will be eligible and how this will be prioritized.
  - How this will link to other forms of nationally distributed funding for domestic energy efficiency that might become available through schemes such as ECO3.
- 9.1.7 Details of Energy Efficiency improvements schemes including EEG schemes available to Swindon Residents at any particular time will always be set out supplementary guidance to this policy.

## **9.2 EEG – General Principles**

- 9.2.1 The award of EE grants will be targeted to incentivize and so maximize the local uptake of nationally available grants or other funding at any particular time. EE grants will most likely be conditional upon a successful application for alternative assistance and will 'top up' the level of assistance available. By doing so, the cost to the householder will be reduced, or even nil.
- 9.2.2 Any such schemes will be promoted widely by the council and assistance will be provided to target households to ensure that all financial assistance available to them is successfully obtained. Target households are those who are deemed at the time to be most vulnerable based on age, disability, financial circumstances or other relevant factors. Where appropriate this may be arranged on a locality basis.
- 9.2.3 The council will work with Energy Supply Companies and other interested stakeholders to maximize take up of available assistance in Swindon. This may include supplying data and other information held by the council, concerning the known energy efficiency of its housing stock. It will permit this information to be used by others for marketing purposes provided this meets the following objectives of the council:
- Tackling fuel poverty.
  - Making heating costs more affordable for all Swindon households.

- Reducing the domestic use of carbon based fuels and so CO2 emissions in its area.

- 9.2.4 To address fuel poverty and the health consequences of cold and damp homes EE grants will be targeted primarily at those households deemed to be most vulnerable in terms of fuel poverty and risk from cold and damp related ill health. In doing so regard will be had to the National Institute of Clinical Excellence (NICE) *Guidance on Excess Winter Deaths and Illnesses Associated with Cold Homes*.
- 9.2.5 EE grants are discretionary awards and their availability will at all times be subject to suitable funding being available to the council. Even where such funding is available it is unlikely to be appropriate to offer such grants unless this can be done in conjunction with a nationally available Energy Efficiency improvement scheme, such as those likely to be offered under ECO3.
- 9.2.6 Availability of EE grants at any time will be widely promoted to qualifying households along with eligibility criteria and other details of the policy applicable at the time.

### **9.3 EEG – Eligible Works.**

- 9.3.1 EE grant can be paid in respect of any insulation measures forming part of the scheme approved at the time. Most commonly this will be for:
- Loft Insulation.
  - Cavity Wall Insulation.
  - External Wall Cladding Insulation.
  - Internal Wall Cladding Insulation.
  - Flat roof Insulation.
- 9.3.2 Eligible works will include all aspects of installation costs, including providing access, preparation, moving or re-siting services and equipment and making good finishes. This list is not exhaustive and any cost associated with the installation must be detailed in the contractor's quotation and be agreed before the grant is approved and works commence.

### **9.4 EEG – Amount of Assistance.**

- 9.4.1 The amount of assistance available in the form of a EE grants will be that required to 'top-up' any appropriate national scheme of energy efficiency assistance to the full cost of qualifying works, though up to a maximum of £1000 in each case. Where this amount remains insufficient to fund the net cost of measures under the scheme, then the applicant will be liable for the difference in cost,
- 9.4.2 Only one EE grant will be available in respect of each property irrespective of the number of insulation or other energy efficiency measures being installed.
- 9.4.3 EE grants will not usually be approved for partial completion of any particular insulation measure. The exception will be where other parts of the dwelling have existing higher levels of thermal efficiency due to their design or age of construction. This may particularly apply in respect of external wall insulation, though not exclusively. Each application will be judged on its particular circumstances.

### **9.5 EEG – Limitations on Assistance.**

- 9.5.1 Assistance is not available for improvements to heating systems or other heating controls which could improve the energy efficiency of a home. If there is no effective working heating system in a home then an **Urgent Repairs** grant may be available to reduce any serious hazards affecting vulnerable occupiers.
- 9.5.2 EE grants are only available to applicants who are owner occupiers or to tenants who have full repairing obligations under the terms of their tenancy. Local authority and other tenants should request improvements to their home insulation from their landlord. Where landlords unreasonably refuse to make improvements then the council may consider enforcing minimum acceptable standards of heating and insulation on the tenants' behalf.

## **9.6 EEG – Applications, Payments and Conditions.**

- 9.6.1 Further general conditions and details concerning the provision and operation of grants is provided in Sections 10, 11 and 12

The availability and conditions relating to **Energy Efficiency Grants** are summarized at Appendix D

## **10.0 General Provisions Concerning the Award of Grant Aid.**

### **10.1 Restriction on grants for works already begun**

- 10.1.1 Subject to the following paragraphs, the Council will not approve an application for a grant if the relevant works have been begun before the application is approved.
- 10.1.2 Where the relevant works have been begun but have not been completed, the Council may in exceptional cases approve the application for a grant if they are satisfied that there were good reasons for beginning the works before the application was approved. This will be at the Councils discretion.
- 10.1.3 Examples of such good reasons would be where:
- The works are being required by a statutory notice issued under the Housing Act 2004, and commencement is required in order to meet the requirements of the notice.
  - The council has accepted that commencement of work is necessary on Health & Safety grounds and given their prior approval in writing.
- 10.1.4 Where the Council decide to approve an application in accordance with paragraph 10.1.2, they may treat the application as varied so that the relevant works do not include any that are completed.

- 10.1.5 But in determining, for the purposes of the application, the physical condition of the dwelling, they will consider the condition of the premises at the date of the application.
- 10.1.6 The Council will not under any circumstances approve an application for a grant if the relevant works have been completed.

## **10.2 Means testing in case of application by owner-occupier or tenant**

- 10.2.1 In the case of an application made by an owner-occupier or tenant.
- The Council will follow the regulations made under the now repealed section 30 of the Housing Grants, Construction and Regeneration Act 1996 and in determining the calculated contribution towards grant assistance. These will be updated in line with the current updates provided for Mandatory Disabled Facilities Grants by the Government.
  - In relation to “passporting” benefits for grant assistance the Council will retain discretion to require completion of the Test of Resources forms and the provision of information from clients in receipt of these benefits. The Council retains the discretion to use the outcome of the Test of Resources Calculations instead of “passporting” the client with 100% grant assistance because of benefit receipt.
  - In the case of Test of Resources carried out in respect of a Self Employed person’s the Council reserves the right for this to be considered by its Finance Department or other relevant body having appropriate expertise and experience of making such assessments.
- 10.2.2 The requirement to carry out a means test in accordance with this section applies -
- (a) to any application for a **Disabled Facilities grant**. (Mandatory & Discretionary.)
  - (b) to any application **for Re-Housing grant**.
- 10.2.3 If in the case of an application for a grant to which this section applies the financial resources of the applicant exceed the applicable amount determined by the means test, the amount of any grant which may be paid shall, in accordance with the regulations used for mandatory Disabled Facilities Grants be reduced from what it would otherwise have been.
- 10.2.4 The Council will follow the provision as may be made by these and future regulations-
- (a) for the determination of the amount which is to be taken to be the financial resources of any person,
  - (b) for the determination of the applicable amount, and
  - (c) as to circumstances in which the financial resources of a person are to be assumed (by reason of his receiving a prescribed benefit or otherwise) not to exceed the applicable amount.
- 10.2.5 Regulations may, in particular-

- (a) make provision for account to be taken of the income, assets, needs and outgoings not only of the person himself but also of his spouse, any person living with him or intending to live with him and any person on whom he is dependent or who is dependent on him;
- (b) make provision for amounts specified in or determined under the regulations to be taken into account for particular purposes.

10.2.6 Regulations may apply for the purposes of this section, subject to such modifications as may be prescribed, any other statutory means-testing regime as it has effect from time to time.

10.2.7 Regulations may make provision requiring any information or evidence needed for the determination of any matter under this section to be furnished by such person as may be prescribed.

10.2.8 In this section "regulations" means regulations made by the Secretary of State with the consent of the Treasury.

### 10.3 Maximum amount of grant

10.3.1 In summary the maximum amount of grant which the Council may pay in respect of an application for a grant within this policy is as follows:-

- In respect of **Mandatory Disabled Facilities grants** this is set at the statutory maximum set by Government (currently £30,000)
- In respect of **Discretionary Disabled grants**, no upper limit is specified although each case will need to be justified and approved through the delegated Authority procedure.
- In respect of **Urgent Repair grants** this is set at £3,000 on any one single application with a ceiling of £9,000 in respect of the same dwelling in any period of five years.
- In the case of **Energy Efficiency grants** this is set at £1000.
- In respect of **Re-housing grants** there is no maximum limit although the level of grant will be limited by the requirements contained in paragraph 8.5

**Note:** So as not to fetter the councils discretion, a policy of exceptional circumstances will apply in all cases.

### 10.4 Concurrent applications

10.4.1 In exceptional circumstances more than one Grant application may be appropriate at the same time providing that these are for different works. This will enable an integrated package of assistance to be given. The award criteria for each type of assistance will however be applied consistently.

10.4.2 Circumstances when concurrent grants will not be given:-

- (a) For works which a grant type under this policy has been approved or in respect of which an application for a grant is pending, or

- (b) For properties included in any clearance programme or where otherwise the future life of the property is uncertain.

## **10.5 Provision of information and evidence by applicants**

### **10.5.1 The Council may require a person**

- (a) to whom assistance has been provided; or
- (b) who has applied for assistance

to give to them, within such period as they may reasonably specify, such information or evidence (including information or evidence relating to his financial circumstances) as the Council may reasonably require for the purposes of, or purposes connected with the exercise of their powers under Article 3 of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002.

## **11.0 Decision and Notification**

### **11.1 Decisions on applications**

11.1.1 The Council will notify grant applicants in writing as soon as reasonably practicable the outcome of their grant application. The Council aim to approve or refuse an application not later than one month after the receipt of the full application. A full application will include all details necessary to process the application including estimates and proof of title to the property.

11.1.2 Where an authority decides to approve an application for a grant, they will determine:

- (a) Which of the relevant works are eligible for grant (in this Policy referred to as the “**eligible works**”),
- (b) The amount of the expenses which in their opinion are properly to be incurred in the execution of the eligible works, (the “**eligible expense**”.)
- (c) The amount of the costs which in their opinion have been properly incurred, or are properly to be incurred, with respect to preliminary or ancillary services and charges, and
- (d) The amount of grant they have decided to pay, taking into account all the relevant provisions of this policy.

11.1.3 If the Council notifies the applicant under Paragraph 10.1.1 that the application is approved, they will specify in the approval notice:-

- (a) The eligible works,
- (b) The amounts referred to in Paragraph 11.1.2 (b) and (c), and how those amounts have been calculated, and
- (c) The amount of the approve grant.

11.1.4 If the Council notify the applicant under Paragraph 11.1 that the application is refused, they will at the same time notify them of the reasons for the refusal.

### **11.2 Decisions on unforeseen changes affecting the grant**

- 10.2.1 If after an application for a grant has been approved the Council is satisfied that owing to circumstances beyond the control of the applicant:-
- (a) The eligible works cannot be, or could not have been, carried out on the basis of the amount of expenses referred to in Paragraph 11.1.2 (b),
  - (b) The amount of the costs which have been or are to be incurred as mentioned in Paragraph 11.1.2 (c) has increased, or
  - (c) The eligible works cannot be, or could not have been, carried out without carrying out additional works which could not have been reasonably foreseen at the time the application was made,
  - (d) Any other appropriate circumstances as agreed by the council.
- The council may re-determine the estimated expense and the amount of the grant.
- 11.2.2 Any re-determination of the amount of grant will however be capped by the maximum amount applicable to that grant type, as detailed in paragraph 10.3 of this policy.
- 11.2.3 Where an application for a grant is re-approved or varied, the council will not impose any additional conditions in relation to the approval or payment of the grant, except as already provided by the provisions of this Policy.

## **12.0 Payment of Grants**

### **12.1 Payment of grants: General**

- 12.1.1 Where the Council has approved an application for a grant, they will pay the grant, subject to the following provisions.
- The grant may be paid:
- (a) In whole after the satisfactory completion of the eligible works, or
  - (b) In part by instalments as the works progress and the balance after completion of the works.
- 12.1.2 Where a grant is paid by instalments, the aggregate of the instalments paid before the completion of the eligible works shall not at any time exceed 90% of the amount of the grant.
- 12.1.3 Other than in exceptional circumstances, no more than three payments will be made in respect of any single grant.

### **12.2 Delayed payment of a grant**

- 12.2.1 Where the Council approve an application for a grant, they may do so on terms that payment of the grant, or part of it, will not be made before a date specified in the notification of their decision on the application. This provision will only be invoked in circumstances where the applicant has been made aware prior to works commencing.

## **12.3 Payment of grants: Conditions as to carrying out of the works**

12.3.1 It is a condition of payment of grant (except below) that the eligible works are carried out within 12 months from:

- (a) The date of approval of the application concerned, or
- (b) Where 12.2 applies (delayed payment of a grant), the date specified in the notification of the Council's decision,

In respect of UR grant the eligible works are to be carried out within 6 months from:

- (a) The date of approval of the application concerned, or
- (b) Where 12.2 applies (delayed payment of a grant), the date specified in the notification of the Council's decision,

OR, in either case, such further period as the Council may allow by agreement where this has been confirmed in writing.

12.3.2 The Council may, in particular, allow further time where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen at the time the application was made.

12.3.3 The payment of a grant, or part of a grant, is conditional upon:-

- (a) The eligible works or the corresponding part of the works being carried out in accordance with the specification and executed to the satisfaction of the Council, and
- (b) The authority being provided with an acceptable invoice, demand or receipt for payment for the works, including for any preliminary or ancillary services or charges in respect of which the grant or part of the grant is to be paid.

For this purpose an invoice, demand or receipt is acceptable if it fully satisfies the authority.

## **12.4 Payment of grants: Conditions as to contractors employed**

12.4.1 It is a condition of payment of every grant, unless the Council directs otherwise in any particular case that the eligible works are carried out by the contractor, whose estimate accompanied the application or, where two or more estimates were submitted, by one of those contractors.

12.4.2 As a principle an applicant or relative of an applicant is not permitted to charge for their labor when undertaking grant works themselves. Payment of grant in these circumstances will be restricted to the approved cost of the materials only.

12.4.3 However an applicant or their relatives are permitted to charge for their labor in the following circumstances:

- The applicant or their relative is a bona fide building contractor.
- Such companies are those whose main or only purpose is the carrying out of building works.
- Such companies must be registered with Customs & Excise for VAT purposes.

- This exemption will not apply to 'Sole Traders.'

12.4.4 The Council does not otherwise stipulate which contractor must be used. It does however maintain a list of builders who have been endorsed under the national '**Buy with Confidence**' (BWC) scheme\* operated by the council. This scheme recognises their compliance with fair trading principles and practices but does not guarantee the quality of their work.

**\*This list is provided by the council for information and guidance only.**

**Notes:**

- Inclusion of a contractor on the BWC list does not constitute a recommendation or endorsement of their work.
- Applicants are reminded that the legal and contractual relationship where grant funded works is undertaken, remains between themselves and their selected contractor (including agents) and not with the Local Authority.
- In all cases applicants are responsible for ensuring that their chosen contractors are competent to carry out grant funded works and that the standard of completed work is satisfactory.
- Grant will not be paid where grant work is unsatisfactory and this will be a matter for the applicant and their contractor to resolve between themselves.

## **12.5 Payment of grant to contractor**

- 12.5.1 The Council normally will pay a grant or part of a grant by payment direct to the contractor.
- 12.5.2 Where an amount of grant is payable, but the works in question have not been executed to the satisfaction of the applicant, the Council may make payment, by delivering to the applicant an instrument of payment (e.g. cheque) in a form made payable to the contractor.
- 12.5.3 The Council has discretion to make the payment to the applicant only where the applicant has made prior payment and a receipted invoice from the contractor is provided as proof.

## **12.6 Applicant ceasing to be entitled before payment of grant**

- 12.6.1 This section applies where an application for a grant is approved but,
- before the certified date the applicant ceases to be a person entitled to a grant of that description.
  - It appears to the Council that the applicant (or, in the case of a joint application any of the applicants) was not at the time the application was approved, entitled to a grant of that description.
- 12.6.2 In the case of a joint application this section does not apply unless all the applicants cease to be so entitled.

- 12.6.3 Where this section applies no grant will be paid or, as the case may be, no further instalments will be paid, and the Council may demand repayment by the applicant in whole or part of any installment of the grant paid.
- 12.6.4 For the purposes of this section an applicant ceases to be a person entitled to a grant-
- (a) in the case of an owner's application -
    - (i) if he ceases to have a qualifying owner's interest, or
    - (ii) if he ceases to have the intention specified in the owner-occupation certificate/certificate of intended letting or certificate of future occupation which accompanied the application;
  - (b) in the case of a tenant's application-
    - (i) if he ceases to be a qualifying tenant of the dwelling, or
    - (ii) if the application was accompanied by a certificate of intended letting and the landlord ceases to have the intention specified in the certificate; or
  - (c) if the application was approved in respect of works to premises deemed to be hazardous and the Council cease to be satisfied of the matters mentioned in that provision.

But if the case falls within paragraph 12.7 below (change of circumstances affecting disabled occupant), the authority may act under that section.

## **12.7 Change of circumstances affecting disabled occupant**

- 12.7.1 This section applies where an application for a discretionary disabled facilities grant has been approved and before the certified date:
- (a) the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
  - (b) the disabled occupant ceases to occupy the dwelling or flat concerned or it ceases to be the intention that he should occupy it, or
  - (c) the disabled occupant dies.
- 12.7.2 Where the application relates to more than one disabled occupant, this section applies if any of the circumstances (a) to (c) above apply in relation to any of them.
- 12.7.3 This section applies whether or not the disabled occupant (or any of them) is the applicant (or one of them).
- 12.7.4 Where this section applies the Council may take such action as appears to them appropriate and may decide-
- (a) that no grant shall be paid or, as the case may be, no further instalments shall be paid,
  - (b) that the relevant works or some of them should be completed and the grant or an appropriate proportion of it paid, or
  - (c) that the application should be redetermined in the light of the new circumstances.

12.7.5 Where the disabled person dies and the remaining partner or other family member:

- (a) Have need of the work – the grant shall run to conclusion
- (b) Have need of some of the work – the grant to be varied according to work required. Reduction of grant through delegated authority.
- (c) Have no need of the adaptations - Building works to be concluded at a reasonable point i.e. new extension for special shower or bathing facilities, no inclusion of special facilities undertaken.
- (d) Sell the property - the grant should be reclaimed.

In making their decision the Council will have regard to all the circumstances of the case. The above guidance shall not fetter the discretion of the Council.

12.7.6 If the Council decides that no grant shall be paid, or that no further instalments shall be paid, they may demand repayment by the applicant in whole or part of any installment of the grant paid.

## **12.8 Cases in which grants may be re-calculated, withheld or repaid**

12.8.1 This section applies where an application for a grant has been approved by the Council and-

- (a) the Council ascertain that the amount was determined by the Test of Resources on the basis of inaccurate or incomplete information and exceeds that to which the applicant was entitled;
- (b) the Council ascertain that without their knowledge the eligible works were started before the application was approved and without prior written consent.
- (c) the eligible works are not completed to the satisfaction of the authority within the period specified, or such extended period as they may have allowed;
- (d) the Council ascertain that the aggregate of the cost of completing the eligible works and the costs incurred with respect to preliminary or ancillary services and charges, is or is likely to be lower than the estimated expense; or
- (e) the Council ascertain that without their knowledge the eligible works were carried out otherwise than as required.

Where this section applies, the Council may-

- (a) refuse to pay the grant or any further instalment of grant which remains to be paid, or
- (b) make a reduction in the grant which, in a case falling within Paragraph 12.8.1, is to be a reduction proportionate to the reduction in the estimated expense;

12.8.2 If the Council decide that no grant shall be paid or that no further installments shall be paid, they may demand repayment by the applicant in whole or part of any installment of the grant paid, together with compound interest from the date such a demand is made until such time as the amount demanded is paid in full.

## **13.0 Grant Conditions and Repayment**

## 13.1 Grant Conditions: Introductory

**Note:** Section 3 (4) to (7) of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 allows the Council to apply various conditions to the assistance it provides including conditions as to the repayment of the assistance or of its value. This conditional assistance may be secured by placing a charge on the property.

- 13.1.1 Currently only **Discretionary Disabled Facilities** (DDF) Grants and **Re-Housing** (RH) Grants have conditions attached which require repayments in the event of their being breached. This will only be necessary in the event of the property being sold, otherwise disposed or it being ceased to be occupied by the applicants.
- 13.1.2 **Mandatory Disabled Facilities** (MDF) grants have conditions requiring limited repayment in these circumstances or for the recovery of certain equipment installed under the grant.
- 13.1.3 **Urgent Repairs** (UR) and **Energy Efficiency** (EE) grants have no grant conditions once paid, unless the application is subsequently found to be fraudulent or otherwise based on inaccurate information supplied.
- 13.1.4 The following general paragraphs have effect with respect to those conditions to be observed where an application for a grant has been approved by the Council.
- 13.1.5 In this Policy a "grant condition" means a condition having effect in accordance with any of these paragraphs.

Except as otherwise provided-

- (a) the grant conditions as to repayment on disposal have effect from the date on which the application is approved until the end of the grant condition period;
  - (b) the grant conditions as to occupation have effect from the certified date until the end of the grant condition period; and
  - (c) other grant conditions have effect until the end of the grant condition period.
- 13.1.6 In this Policy-
    - (a) the "grant condition period" means the period of 20 years, for owner occupier applications. (Previously 10 years for landlord applications), beginning with the certified date; and
    - (b) the "certified date" means the date certified by the Council as the date on which the execution of the eligible works is completed to their satisfaction.
  - 13.1.7 The Council will require a grant to be repaid in accordance with the following paragraphs.

## 13.2 Condition for repayment on disposal

- 13.2.1 it will be a condition of DDF and RH grants that if an owner of the premises to which the application relates makes a relevant disposal (other than an exempt disposal)-
  - (a) of the whole or part of the premises to which the application relates,
  - (b) after any instalment of grant has been paid, and
  - (c) before the certified date, or expiry of the relevant grant condition period

they shall repay to the Council on demand the full amount of grant that has been paid together with compound interest from the date such a demand is made until such time as the amount demanded is paid in full.

- 13.2.2 A condition under this section will be a registered charge on the property and
- (a) is binding on any person who is for the time being an owner of the premises concerned.
  - (b) On any person who is for the time being a successor in title to the interest in the building by virtue of which the applicant made his application.

- 13.2.3 The Council will demand repayment of an amount as mentioned in paragraphs above, but they will retain the discretion:-

- (a) Where the case falls within Paragraph 13.2.4, or
- (b) In any other case, having regard to exceptional circumstances,

To demand a lesser amount equivalent to the full amount of the grant LESS one twentieth for each full year expired since the certified date ie: the date on which the Council certified that all works were complete.

**Note:**

Notwithstanding the above, the presumption under the policy is to reclaim the amount due in all cases where a breach of grant conditions has been discovered.

- 13.2.4 The cases referred to in Paragraph 13.2.3 (a) are where the authority is satisfied that the owner/occupier of the dwelling:-

- (a) Is elderly or infirm and is making the disposal with the intention-
  - (i) of going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence, or
  - (i) of moving to somewhere where care will be provided by any person; or
- (b) Is making the disposal with the intention of going to live with and care for an elderly or infirm member of his family or his partner's family.
- (c) Is making a disposal to enable a relevant person to seek, or take up, employment or to change the place of his employment.
- (d) Is making a disposal for reasons connected with the physical or mental health, or well-being of a relevant person.
- (e) Is making a disposal to enable a relevant person to live with, or near, a person:
  - (i) who is disabled or infirm and in need of care which the relevant person is intending to provide; or
  - (ii) who is intending to provide care of which the relevant person is in need by reason of disability or infirmity.

- (f) Is making a compulsory disposal to a local authority or other public body, or to a registered social landlord.
- (g) Is making a disposal by its vesting in a person taking under a will or on intestacy.

13.2.5 Any condition under this section shall cease to be in force with respect to the dwelling if there is a relevant disposal of the dwelling resulting in the repayment of all or a part of the grant (as appropriate), or where this is an exempt disposal) - other than:-

- (a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person;

A person is a qualifying person for the purposes of paragraph 13.2.5 if:

- (1) In the case of an individual, he is-
  - (i) the person, or one of the persons, by whom the disposal is made;
  - (ii) the spouse, or former spouse, of that person or one of those persons; or
  - (iii) a member of the family of that person or one of those persons; or
- (2) In the case of a company\*, it is an associated company of the company by whom the disposal is made.

*(\*Section 416 of the Income and Corporation Taxes Act 1988 (meaning of associated company) applies in determining whether a company is an associated company of another for the purposes of paragraph 2 above.)*

- (b) A vesting in a person taking under a will or on an intestacy;

### 13.3 Condition as to occupation: (Discretionary DFG, and Re-housing grants)

13.3.1 Where an application for any of the above grants was accompanied by an owner-occupation certificate or by a certificate of intended letting in respect of any dwelling it is a condition of the grant that throughout the grant condition period the dwelling is occupied in accordance with the intention stated in the certificate.

**Periodically checks will be undertaken and these 'Compliance checks' may be undertaken by letter, notice or visit by officers of the Council in accordance with procedures agreed by Audit.**

13.3.2 It is also a condition of the grant that if, at any time that condition is in force, the authority serve notice on the owner of the dwelling requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the Council a statement showing how that condition is being fulfilled.

13.3.3 A condition under this section is a local land charge and a registered charge on the property title, and is binding on any person who is for the time being an owner of the dwelling.

13.3.4 In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand repay to the Council the full amount of the

grant, together with compound interest due on that amount from the date that demand is made.

- 13.3.5 The Council may determine not to make such a demand or to demand a lesser amount only in exceptional circumstances at the discretion of the Healthy Neighborhoods Service Manager.
- 13.3.6 Any condition under this section shall cease to be in force with respect to the dwelling if there is a relevant disposal of the dwelling resulting in the repayment of all or part of the grant (as appropriate) or where this is an exempt disposal - other than-
- (a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person. (See paragraph 13.2.5.)
- 13.3.7 The terms of any tenancy of the dwelling (or any part of it, or any property including the dwelling or part of it) shall be deemed to include a duty on the part of the tenant, if required to do so by the owner of the dwelling, to furnish him with such information as he may reasonably require to enable him to comply with a notice under subsection (2).

#### **13.4 Conditions as to repayment in case of other compensation**

- 13.4.1 Where the Council has chosen to impose a condition requiring the applicant to take reasonable steps to pursue any relevant claim to which this section applies and to repay the grant, so far as is appropriate, out of the proceeds of such a claim.

The claims to which this section applies are-

- (a) an insurance claim, or a legal claim against another person, in respect of damage to the premises to which the grant relates, or
- (b) a legal claim for damages in which the cost of the works to the premises to which the grant relates is part of the claim;
- 13.4.2 A relevant claim is a claim to the extent that works to make good the damage mentioned in paragraph (a), or the cost of that which is claimed as mentioned in paragraph (b), are works to which the grant relates.
- 13.4.3 In the event of a breach of a condition under this section, the applicant shall on demand pay to the Council the amount of the grant so far as this relates to any such works.
- 13.4.4 The Council may determine not to make such a demand or to demand a lesser amount only in exceptional circumstances at the discretion of the councils Service Manager Healthy Neighbourhoods.

#### **13.5 Conditions relating to Mandatory Disabled Facilities (MDF) grants.**

- 13.5.1 The Council shall be entitled to impose the following conditions:-
- 13.5.2 **Insurance of grant aided property**

It is a general condition of all grants where there are enduring conditions as to occupation (MDF, DDF & RH grants) that the applicant shall for the condition period, arrange and maintain in effect adequate insurance for the property, subject to and with the benefit of the completed works.

In the event of a breach of any of the conditions set out in this paragraph, the authority may demand repayment from the applicant of a sum equal to the full amount of the grant paid.

### **13.5.3 Repair of grant aided property**

It is a general condition of all grants where there are enduring conditions as to occupation (MDF, DDF & RH grants) that where the applicant has a duty or power to carry out works of repair to the grant aided property, he shall ensure that, to the extent that his duty or power allows, the property must remain in good condition and free from serious HHSRS hazards throughout the grant condition period.

In the event of a breach of any of the conditions set out in this paragraph, the authority may demand repayment from the applicant of a sum equal to the full amount of the grant paid.

## **13.6 *Meaning of relevant disposal***

13.6.1 A disposal is a relevant disposal for the purposes of the provisions of this Policy relating to grant conditions if it is-

- (a) a conveyance of the freehold or an assignment of the lease, or
- (b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent.

13.6.2 For the purposes of Paragraph 13.7.1(b) it shall be assumed-

- (a) that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and
- (b) that any option to terminate a lease or sub-lease is not exercised.

The grant of an option enabling a person to call for a relevant disposal shall be treated as such a disposal made to him.

## **13.7 *Meaning of exempt disposal***

13.7.1 A disposal is an exempt disposal for the purposes of the provisions of this Policy relating to grant conditions if it is a disposal of the whole or part of the premises to which the application relates of any of the following descriptions-

- (a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person (as defined in Paragraph 13.8.2);
- (b) a vesting in a person taking under a will or on an intestacy;
- (c) a disposal in pursuance of any such order as is mentioned in Paragraph 13.8.3;
- (d) a compulsory disposal (see Paragraph 13.8.4);
- (e) a disposal of property consisting of land included in the dwelling by virtue of section 184 of the Housing Act 1985 (land let with or used for the purposes of the dwelling-house);

- (f) a disposal under which the interest of a person entitled to assistance by way of repurchase under Part XVI of that Act (assistance for owners of defective housing) is acquired in accordance with Schedule 20 to that Act;
- (g) a disposal by way of enfranchisement or lease extension under Part I of the Leasehold Reform Act 1967;
- (h) a disposal in pursuance of an obligation arising under Chapter I or II of Part I of the Leasehold Reform, Housing and Urban Development Act 1993;
- (i) a disposal on the exercise of a right of first refusal under Part I of the Landlord and Tenant Act 1987 or in accordance with an acquisition order under Part III of that Act;
- (j) a disposal on the exercise of-
  - (i) the right to buy under Part V of the Housing Act 1985, or
  - (ii) the right conferred by section 16 of the Housing Act 1996 (right of tenant of registered social landlord to acquire dwelling);
- (k) a conveyance of the freehold or an assignment of the lease where-
  - (i) the person making the disposal is aged at least 70,
  - (ii) the disposal is to provide an annuity income, and
  - (iii) the person concerned is entitled to continue to occupy the premises as his only or main residence;
- (l) a disposal of any other description specified by order of the Secretary of State for the purposes of this section.

13.7.2 A person is a qualifying person for the purposes of Paragraph 13.1.1(a) if-

- (a) in the case of an individual, he is-
  - (i) the person, or one of the persons, by whom the disposal is made;
  - (ii) the spouse, or former spouse, of that person or one of those persons; or
  - (iii) a member of the family of that person or one of those persons; or
- (b) in the case of a company, it is an associated company of the company by whom the disposal is made.

13.7.3 Section 416 of the Income and Corporation Taxes Act 1988 (meaning of associated company) applies in determining whether a company is an associated company of another for the purposes of paragraph (b).

13.7.4 The orders referred to in Paragraph 13.8.1(c) are orders under-

- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings);
- (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate);
- (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, etc.); or
- (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).

13.7.5 For the purposes of Paragraph 13.8.1 a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made; a Compulsory Purchase Order authorising its compulsory purchase for the purposes for which it is acquired.

13.7.6 The grant of an option enabling a person to call for an exempt disposal shall be treated as such a disposal made to him.

### **13.8 Cessation of conditions on repayment of grant**

13.8.1 If at any time while a grant condition remains in force with respect to a dwelling, mobile home, house or building-

- (a) the owner of the dwelling, mobile home, house or building to which the condition relates pays the amount of the grant to the Council,
- (b) a mortgagee of the interest of the owner in that dwelling, house or building being a mortgagee entitled to exercise a power of sale, makes such a payment,
- (c) the Council determine not to demand repayment on the breach of a grant condition, or
- (d) the Council demand repayment in whole or in part on the breach of a grant condition and that demand is satisfied,

that grant condition and any other grant conditions shall cease to be in force with respect to that dwelling, house or building.

13.8.2 An amount paid by a mortgagee under Paragraph 15.9.1(b) above shall be treated as part of the sums secured by the mortgage and may be discharged accordingly.

The purposes authorised for the application of capital money by-

- (a) section 73 of the Settled Land Act 1925,
- (b) that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and
- (c) section 26 of the Universities and College Estates Act 1925,

include the making of payments under this section.

### **13.9 Interest charged on overdue demands for grant repayment**

13.9.1 Where demands for repayment of the full or reduced amount of grant are not paid within 3 months of the demand being issued by the council, then compound interest will be charged on that amount. This will be calculated at the Bank of England Base Rate **plus** 1% with yearly rests.

## **14.0 Supplementary provisions**

### **14.1 Provisions relating to death of applicant**

14.1.1 References in this Policy to the applicant, in relation to a grant or an application for a grant, shall be construed in relation to any time after his death as a reference to his personal representatives.

14.1.2 Where the applicant dies after liability has been incurred for any preliminary or ancillary services or charges, the Council may, if they think fit, pay grant in respect of some or all of those matters.

14.1.3 Where the applicant dies after the relevant works have been begun and before the certified date, the Council may, if they think fit, pay grant in respect of some or all of the works already carried out and other relevant works covered by the application.

- 14.1.4 Nothing in this section shall be construed as preventing the provisions as to grant conditions applying in relation to any payment of grant under Paragraph 16.1.2 or 16.1.3.

## **14.2 *Power of the Council to carry out works which would attract grant***

- 14.2.1 The Council may by agreement with a person having the requisite interest execute at his expense-
- (a) any works towards the cost of which a grant under this Policy is payable or might be paid on an application duly made and approved, and
  - (b) any further works which it is in their opinion necessary or desirable to execute together with the works mentioned in paragraph (a).
- 14.2.2 The "requisite interest" means an owner's interest for the purposes of an UR grant or DDF grant.

## **14.3 *Delegated Authority***

- 14.3.1 The following arrangements have been approved by Cabinet:-
- That the appropriate Director responsible matters including Private Sector Housing Renewal (Note: Currently Director of Public Health) be given delegated authority for grant matters that are within existing policies.
  - That where variations on policy arise, but they have similarity to previous cases, OR where minor changes to the policy are required, the appropriate Director is authorized to approve such changes after consultation with the relevant Lead Member and the Head of Finance.

**Any substantive alterations to policy effecting the aims and objectives of the Councils' Private Sector Housing Renewal Strategy will be referred back to Cabinet for a decision.**

## **14.4 *Appeals***

- 14.4.1 If an applicant is refused a grant or other form of assistance and wants to appeal against the adverse decision they may contact the Healthy Neighborhoods Manager who will consider the appeal. An appeal must set out the reasons why the applicants want the decision changed and provide supporting evidence. An appeal should be made in writing within 28 days of the decision.

## **14.5 *Arrangements for Complaints***

- 14.5.1 If any person has cause for complaint regarding this policy, procedures for administering grants and other forms of assistance, or the way in which their application has been handled, they may request a copy of the Council's complaint procedures.
- 14.5.2 If having submitted a complaint under the councils complaints scheme, they subsequently believe that their complaint has not been resolved to their

satisfaction, then a complaint can be made to the Local Government Ombudsman whose details appear below:

Local Government Ombudsman  
PO Box 477  
Coventry  
CV4 0EH

Advice Line: 0300 061 0614  
[www.lgo.org.uk](http://www.lgo.org.uk)

## **15.0 Advice and other forms of Assistance.**

### **15.1 Availability of Advice and Home Visits.**

- 15.1.1 This form of assistance is available under this policy to home owners only and will be targeted particularly at those who are vulnerable, on low income or both. For the purposes of this part of the policy:
- 'Vulnerable occupiers' will be those who due to their age, disability or capacity, are least able to assist themselves.
  - Those on 'low income' are households who are in receipt of one or more 'means- tested' benefits.
- 15.1.2 Resource's for this service will be are limited and so these will necessarily be focussed on those households that most require this type of assistance. Priority will be based on their perceived vulnerability and financial hardship having considered the full information available. In many cases it is expected that such cases will be referred by other partner agencies and these will be encourage to provide detail regarding the households circumstances as part of the referral.
- 15.1.3 Tenant's should initially discuss any concerns they may have about their housing conditions with their landlord. Where after a reasonable period they remain unsatisfied with the response, or where their landlord is refusing to take action, the Council Housing Enforcement Team will provide assistance. This can include taking enforcement action on the tenant's behalf where this is necessary.

### **15.2 Advice and Action.**

- 15.2.1 Qualifying households will receive a home visit by a suitably competent officer, who will carry out an inspection of the property and assess any hazards found using the 'Housing Health & Safety Rating System' (HHSRS)\*. This will be used to determine what remedial action if any, is required and to priorities required actions.

Note: \* The HHSRS is a nationally prescribed housing assessment tool which identifies the level of risk posed to occupiers from one of 29 possible hazards. This assessment forms the basis of any remedial action subsequently deemed necessary. (For more information see Part 1, Housing Act 2014 together with subsequent published guidance.)

- 15.2.2 Following the assessment, householders will be advised either verbally or in writing as to whether any remedial works are required and if so how these should best be prioritized. Advice will be given on how this could be achieved including any options for any further assistance available from the council or from others.

- 15.2.3 The council is unable to offer advice on options for financing necessary works beyond any grant assistance that may be available, however the potential for raising funds by borrowing against equity held in the value of the property will be discussed. Owners who wish to pursue this further will be advised to seek independent financial and legal advice.
- 15.2.4 Where the required works are extensive or where there are no funds available for funding necessary works, then alternative options such as re-housing will be explored where this may deliver a better outcome for the householder.
- 15.2.5 Where the council is unable to provide the assistance required then applicants will be signposted onwards, or directly referred to others who may be better able to assist.

### **15.3 Enforcement of Housing Standards**

- 15.3.1 The Council will look to take appropriate action in regard to unsatisfactory housing which has been assessed and found to be seriously hazardous to occupiers. The approach taken may vary depending on the current tenure of the property.
- 15.3.2 If the property is tenanted the council will assist the tenant in getting their landlord to carry out those remedial works which are required to remove significant hazards. Where necessary it will utilise the full range of Housing Act 2014 enforcement powers available to achieve this.
- 15.3.3 The use of enforcement powers will not usually be appropriate or necessary in the case of owner occupiers. Most will have a degree of choice over the conditions they live in and in how they prioritise repairs and maintenance. Many will also have substantial financial equity invested in the property even when they might not be able to afford repairs through income or savings. This can be utilised, and there are a number of financial schemes available that will allow them to access this capital for the purpose of carrying out home repair and improvements.
- 15.3.4 However, in the most serious cases where the council consider the severity of the hazards pose an unacceptable risk to vulnerable occupants, other forms of action may be appropriate to reduce or remove this risk. In addition to informal advice the council may issue :
- **Hazard Awareness Notice** – Formally advising an owner what works are necessary to reduce the risks posed by identified hazards.
  - **Improvement Notice** – Formally requiring remedial works to be carried out within a stated timescale. Where owners intentionally fail to comply with the notice or are for whatever reason, unable to do so, the council can carry out the works themselves in 'default' and secure this cost as a legal charge on the property if unable to recover the debt from the owner at the time.
  - **Emergency Remedial Action** – As above but with emergency provisions allowing the immediate carrying out of works in default.

- **Prohibition Order, or Emergency Prohibition Order** – Prohibiting use of the whole or part of the dwelling until such times as the identified serious risks have been removed or reduced.

- 15.3.5 Owners have a right of appeal against the service of an Improvement or Prohibition notice and full advice will be given to them should they wish to appeal. It is likely that any owner/occupier needing to be served with such formal notices will be vulnerable in some way and so advice, assistance and support will be provided in every case. This will include giving advice on re-housing options where this is appropriate.
- 15.3.6 Housing Act enforcement will always remain an option of last resort for owner/occupiers and will be used only where the level of risk to occupiers, or others, is such that the council is obliged to take formal action in the interest of their health & safety.
- 15.3.7 There may be circumstances where enforcement action, including 'work in default' is carried out by agreement with the owner as a way of securing urgent repairs and improvements which the owner has no way of paying for themselves.
- 15.3.8 Where such works are major and will involve major disruption to the occupiers, the council will seek to offer temporary alternative housing (where available) for the duration of the works.

## Appendix A

# AWARD POLICY FOR DISABLED FACILITIES GRANTS

(As from 1<sup>st</sup> January 2017)

*The Council has a duty to approve all valid Mandatory Disabled Facilities grant applications. In certain circumstances there is discretion to award additional grant above the current Mandatory Limit of £30,000 or to fund additional discretionary works. It is the intention of the Council that these discretionary grants are awarded both fairly and consistently. The following policy gives guidance on their current availability.*

### **Mandatory Disabled Facilities Grants**

All such grants will be approved as soon as all formalities are completed satisfactorily. The extent of the grant aided works will be limited to those works necessary to meet the needs of the disabled occupier as determined in conjunction with an Occupational Therapist employed by Social Services.

Such grants are means tested to determine the amount that must be contributed by the applicant. The level of the grant is the difference between the Councils agreed cost of works (usually the lowest estimate) and the applicants determined contribution. The maximum amount of Mandatory Disabled Facilities Grant that can be awarded is currently £30,000.

### **Discretionary Disabled Facilities Grants**

These can only be awarded in the following circumstances:-

#### **1. For Mandatory works above the current Mandatory limit of £30,000.**

Approval of such grant, is at the discretion of the Healthy Neighborhoods Service Manager and their decision must be endorsed by the Director of Public Health together with relevant Head of Finance. Applicants will be required to request consideration for award of such grants in writing giving their reason why additional funding is necessary in order for the scheme of works to proceed. Matters that will be taken into account when determining such grants include:

- An applicant's ability to afford the excess cost of Mandatory works.
- Likelihood of scheme not proceeding.
- Consequences for the disabled occupant
- Justification of any proposed self-funded enhancements or additions to the proposed grant aided scheme that would add value or living space to the property.

Such grants are means tested, although account is taken of any previously determined contributions in respect of the associated Mandatory grant.

#### **2. For Discretionary works**

Such applications will not normally be considered, but cases may be considered in exceptional situations where the works are supported by an Occupational Therapist in Adult Social Care or in the Children's Disability team, as being necessary.

## Grant Conditions

- It is a condition of a **Mandatory Disabled Facilities** grants (MDFG) that the property remains owned by the applicants and occupied as their main residence throughout the grant condition period (10 years.)
- In the event of the property being sold or transferred within 10 years, the amount of DFG in excess of £5,000 may be reclaimed by the council, though not more than £10,000 will be reclaimed in each case. The decision to recover grant will be made on an individual basis by the Healthy Neighborhood's Service Manager.
- It is a condition of **Discretionary Disabled Facilities** grants (DDFG) that the property remains occupied by and owned by the applicant throughout the grant conditions period. (20 years)
- The Council will reclaim the full amount of the grant in the event of a breach of the Conditions relating to occupation and ownership.
- The relevant grant Condition period is 20 years following satisfactory completion of the grant works
- The grant condition will remain as a legal charge on the property throughout the grant condition period.

## Appendix B

# AWARD POLICY FOR URGENT REPAIRS GRANT

(As from: 1<sup>st</sup> January 2017)

*All Urgent Repair Grants are awarded at the discretion of Swindon Borough Council. It is the intention of the council that such grants are awarded both fairly and consistently. The following policy gives guidance on their current availability.*

### Grants for Repairs to an Applicant's Home

Urgent Repair Grant is available for a wide range of repairs necessary to ensure that an applicant's home remains safe and suitable for their continued occupation. In determining what work is eligible the council will have regard to:

- The risk to occupants posed by the home's hazardous condition.
- The availability of usable amenities and facilities within the home.
- The safety & welfare of the occupant.

Grant awards are up to a maximum of £3000 although in the most exceptional circumstances more than one grant may be awarded, to ensure that severe hazards can be removed.

### To qualify all applicants must:

- (i) Have lived in their home for a minimum of 3 years preceding the date of the application. AND
- (ii) Be in receipt of an income related benefit. (See list at section 7.0)
- (iii) Be in receipt of working tax credit OR child tax credit with a household income below the relevant threshold at the time of the application.

*\*In determining whether the condition of a property warrants the approval of grant funds, regard may be given to the potential / likelihood of the condition worsening – including the anticipated timescale.*

*\*Where the defects for which grant assistance is being sought could be covered by the applicants Buildings Insurance then Urgent Home Repair grant will only be available if evidence is provided that an insurance claim has been made and was unsuccessful.*

**\*All awards of Urgent Repair Grant are discretionary and at any time will be subject to the availability of funding.**

### Notes:

(1) Where urgent repair works are required which cost above £3,000 applicants will normally be expected to raise the additional required funding through other means.

(2) Such grants are means tested to ensure that this type of assistance is directed at those households in most need.

(3) Where because of the serious and urgent nature of the works, the council consider the household to be at imminent risk and EITHER: They do not qualify for URG, OR: an unacceptable delay would be incurred by providing assistance in any other way; the council may consider taking enforcement action (including carrying out works in default themselves) by agreement with the owner. The cost to the council of carrying out such works will be recovered from the owner and until such time as it is paid, the amount will be secured as a charge against the property. The amount can be net of any grant amount that would have been due.

(4) Where during the course of carrying out approved works additional unforeseen works become necessary which are closely associated with the specified works, grants may be varied to take into account the additional cost. Where this results in the cost exceeding £3,000, it may be possible to waive the restriction on awarding more than one URG in a single year. (See below)

(5) Subject to the criteria listed above all applications for Urgent Repair Assistance will be approved without delay as soon as all formalities are completed satisfactorily:

(6) Except in the case of:

- A genuine emergency presenting significant health & safety hazards to the occupants.

AND

- Where equity release finance is proven to be unavailable to the applicant.

**1. Only one Urgent Repair grant will be awarded per year per home.**

**2. There will be a ceiling of £9000 in respect of the same dwelling in any 3 year period.**

***Note:*** Such exceptions will be rare and must always be agreed in advance by the capital budget holder for Housing Renewal Assistance.

## Appendix C

# AWARD POLICY FOR RE-HOUSING GRANTS

(As from 1<sup>st</sup> January 2017)

*All Re-Housing Grants are awarded at the discretion of Swindon Borough Council. It is the intention of the Council that such grants are awarded both fairly and consistently. The following policy gives guidance on their current availability.*

### **Purpose of Assistance:**

This form of assistance is intended to offer an alternative to carrying out extensive grant funded schemes of work which may not fully meet the needs of occupiers in the following two scenarios.

1. Disabled occupiers requiring major works to their existing home that are impractical or not cost effective to execute. (Alternative to Mandatory DFG).
2. Elderly occupiers living in unimproved or poorly maintained housing that is causing ill health. (Alternative to Renovation Grant).

Such occupiers can be assisted in purchasing and moving to alternative accommodation that better meets their needs.

### **Extent of Available Assistance**

Assistance can cover the following costs:-

- ✓ Necessary additional cost of acquiring housing suitable for the applicant or disabled occupiers needs. (Difference between the purchase price of the new home and the sale price of the applicants existing home.
- ✓ Legal fees incurred by applicant in connection with the sale and purchase of their home.
- ✓ Stamp duty on cost of replacement home,
- ✓ Necessary and appropriate Estate Agents and survey fees.
- ✓ Fees of appropriate agent or other professional advisor (normally a Home Improvement Agency.)
- ✓ Removal costs.
- ✓ Cost of carrying out necessary and consequent adaptation to make the new home suitable for the needs of the disabled occupier.

### **Costs NOT eligible for Assistance**

- ❑ Proportion of purchase price deemed to constitute “betterment” beyond meeting the reasonable needs of the applicant and/or their dependents.

- ❑ Redecoration costs.
- ❑ Provision or cleaning of carpets, soft furnishings etc.
- ❑ Other costs associated with fixtures or appliances.

### **Limits to the Amount of Grant**

The sum of the “Eligible Costs” will be limited to 70% of the estimated eligible expense of carrying out the works which would otherwise have been necessary to enable the applicant (or the disabled occupier) to remain living in their home.

Re-Housing Grants are means tested to determine the applicant’s affordable contribution towards the “Eligible Costs”. The amount of grant will be the difference between their determined contribution and the accepted “Eligible Costs.”

### **Prerequisites to Assistance being given**

- Applicants must meet the criteria for alternative type of grant assistance.
- Applicants must own their existing home.
- Re-housing must be deemed to be the most suitable and cost-effective option.
- Each case must be supported by Social Services.
- The move must fully meet the needs of the applicant or their dependents’ needs.
- Applicants must be fully aware of the commitment they are taking on.
- Appropriate valuations of both existing and replacement homes will be required.

### **Summary of Grant Conditions**

- The property must remain occupied by the applicant or his immediate family throughout the grant condition period.
- The property must remain in the ownership of the applicant or his immediate family throughout the grant condition period.
- The grant condition period is 20 years following occupation of the replacement home.
- The Council will reclaim the full amount of the grant reduced by one twentieth for each whole year that has elapsed since the certified date of the grant and prior to the breach of grant conditions occurring.
- The grant conditions will remain as a legal charge on the property throughout the Grant Condition Period.

## Appendix D

# AWARD POLICY FOR ENERGY EFFICIENCY GRANTS

(As from: 1<sup>st</sup> January 2017)

*All Energy Efficiency Grants are awarded at the discretion of Swindon Borough Council. It is the intention of the council that such grants are awarded both fairly and consistently. The following policy gives guidance on their current availability.*

### Grants for Thermal Insulation of an Applicants Home

- Energy Efficiency Grants are available for the provision of roof and cavity wall insulation, including agreed schemes of external or internal wall insulation up to a current **maximum value of £1,000**.
- To qualify applicants must **own** or **rent** their home.

*Energy Efficiency Grants will be made available from time to time as part of local initiatives to maximise take up of free or heavily subsidised insulation measures under the Governments CERT scheme or similar successive carbon saving incentive schemes.*

Availability and levels of assistance will vary depending on the Thermal Insulation scheme in place at the time an application is made. As such availability and level of assistance may vary depending on when the application is made or whether the applicant resides within a particular qualifying locality or type of property.

Details of such schemes will be promoted on the Council's web site or can be obtained from the Home Energy Conservation Officer.

Such grant awards are discretionary and at any time will be subject to the availability of council funding and an appropriate national energy efficiency / insulation funding scheme .

### Notes:

(1) Where during the course of carrying out approved works additional unforeseen works become necessary which are closely associated with the specified works, grants may be varied to take into account the additional cost. This shall apply even if the subsequent grant exceeds £1,000.

(2) Subject to the criteria listed above all applications for Energy Efficiency grants will be approved without delay as soon as all formalities are completed satisfactorily:

(3) It is expected that Energy Efficiency grants will address all identified deficiencies in insulation and thus achieve adequate levels of home energy efficiency. In normal circumstances therefore only one Energy Efficiency grant will be awarded per dwelling.

(4) The approval of an Energy Efficiency grant will not preclude eligibility for other forms of Housing Renewal Assistance where this is appropriate.