

## Housing Assistance Policy Background and Conditions

### **1 Introduction**

- 1.1 This scheme details how Tonbridge and Malling Borough Council (“the Council”) intends to use its power under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to improve the quality of privately owned homes for those most in need.
- 1.2 The Regulatory Reform Order gives local authorities the power to adopt housing assistance policies to improve living conditions in their area.
- 1.3 This document sets out the assistance that will be available once this revised housing assistance policy has been adopted and published. In revising this policy, the following key documents have been taken into account.
  - a) Sustainable Community Strategy 2009-12 (incorporates the Housing Strategy 2009-12)
  - b) Tonbridge and Malling Climate Change Strategy 2008 - 2011
- 1.4 Mandatory Disabled Facilities Grants will remain payable under the Housing Grants, Construction and Regeneration Act 1996. This policy details all other housing assistance that will be made available to help eligible applicants improve their homes.

### **2 Links to Government and Regional Policy**

#### 2.1 National Context

The Coalition Government has outlined how it is untying the hands of communities to find innovative ways to regenerate their area and removing top down regeneration.

#### 2.2 Regional Context

The vision of the South East Regional Housing Strategy (March 2008) is:

“A region with a sufficient supply of quality homes in attractive, well-managed and sustainable neighbourhoods. This will include homes in a range of sizes, types and tenures to accommodate the diverse needs of the people of the South East and which foster mixed and inclusive communities”.

Within the Regional Housing Strategy there are several of the key objectives that impact on existing private sector housing, namely:

- a) Increasing the overall housing supply to meet supply targets, including the supply of affordable housing
- b) Tackling areas requiring regeneration and renewal

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- c) Tackling homelessness and the need for supported housing
- d) Improving the quality and sustainability of the housing stock, both new and old.

Although the Coalition Government are disbanding the South East Region the objectives in the strategy remain relevant and this housing assistance policy will seek to contribute to these objectives.

### **3 Link to the Council's Strategic Aims, Objectives and Priorities**

#### **3.1 Local Context**

The Council's vision is:-

"An organisation that provides excellent public services, good value for money and effective community leadership".

The Council has chosen a set of six key improvement priorities to deliver its vision for the Borough. The priorities outline key tasks for the year and are based on those areas where people have said they wish to see improvements made.

The Council publishes "Spotlight" its Corporate Performance Plan. This shows how individual plans and strategies fit together to achieve Council visions, aims, priorities and targets. The overall aim within "Spotlight" for housing is to "improve the availability and quality of housing for those most in need".

### **4 Link to the Council's Housing Strategy Action Plan**

4.1 The Housing Strategy Action Plan sets out priorities and actions to tackle identified housing needs in the borough.

4.2 The overall aim of the Housing Strategy Action Plan is to:

"To improve the availability and quality of housing for those most in need".

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4.3 To meet the Housing aim, the Housing Service has five priority objectives. Three of those priorities will be delivered in part by this Housing Assistance Policy. These are:

- |            |        |  |
|------------|--------|--|
| Priority 3 | —————▶ | Private Sector Renewal and Energy Efficiency |
| Priority 4 | —————▶ | Assisting Vulnerable Households              |
| Priority 5 | —————▶ | Addressing Crime Reduction                   |

### 5.0 **Key Priorities of the Policy**

5.1 The overall objectives of the housing assistance detailed in this policy will be to:

- a) Target assistance to ensure homes meet the Decent Homes Standard and are energy efficient
- b) Ensure properties are adequately heated and insulated for vulnerable households
- c) Bring empty properties back into use
- d) Increase the supply of decent rented accommodation
- e) Enable disabled home owners to move to accommodation, which better suits their needs.

### 6 **Funding and Resources to Implement the Policy**

6.1 The net capital budget for funding works under the policy is set out in the Council's Capital Plan. It is anticipated that grant monies recovered under repayment conditions or any breach of grant conditions will be repaid into the capital budget thus allowing money to be "recycled". The promotion of this policy and assistance available will be proportionate to the available capital budget.

### 7 **Types of Assistance Available**

7.1 Housing assistance may be offered by the Council towards the cost of:

- a) The improvement, repair or adaptation of living accommodation including mobile homes and houseboats
- b) The relocation costs to alternative living accommodation where the existing home is unsuitable for improvement, repair or adaptation.

7.2 The assistance may be in any form including, but not restricted to, advice, grant assistance, repayable assistance and loan assistance via an intermediary, for example the Home Improvement Trust.

7.3 Housing assistance will be determined in some cases by reference to whether the applicant is in receipt of an income or disability related benefit. The Council will determine the eligible works.

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**The detailed assistance available under this policy is given in the “HOUSING ASSISTANCE SCHEME”, a summary is shown in Annex 1.**

- 7.4 Grant assistance is not available for the following:
- a) Those dwellings that fall outside the definition of residential premises in accordance with the Housing Act 2004 Chapter 1 paragraph 1 (4) or those that fall outside of the Housing Grants, Construction and Regeneration Act 1996.
  - b) Cosmetic repairs such as redecoration or cleaning
  - c) Replacement of windows and doors which are in reasonable repair as determined under criteria 2 of the Decent Homes Standard
  - d) Finishing DIY jobs started by the owner or others, unless there are extenuating circumstances
  - e) Refurbishment of existing bathrooms and kitchens which meet the decent home criteria of reasonably modern facilities (unless to meet a disabled person's needs)
  - f) Works which would normally be covered by a household insurance policy regardless of whether you have a policy or not
  - g) Works which have already been completed.
- 7.5 The Council retains the right to apply a maximum amount payable in respect of individual approvals for grant assistance. The Council retains the right at any time to introduce a mechanism for further prioritisation of grant assistance under this policy to reflect budgetary requirements at the time.
- 7.6 Should the Decent Homes/Energy Efficiency Loan scheme or the No Use Empty Loan scheme cease and loans are no longer paid or are called in then any grant assistance towards those schemes will cease.

## **8 Process for Applying for Housing Assistance under this Policy**

- 8.1 The Council will provide all the relevant forms to be completed to apply for assistance under this policy. These forms should be submitted, as a complete application, to the Council when all the information required as detailed in the eligibility criteria is available. If all the information required is not provided the application will not be treated as complete and will not be considered for approval.
- 8.2 The Council will notify an applicant for assistance whether their application is approved or refused. The notification will be in writing as soon as reasonably practicable and in any event, no later than three months after a complete application is received. Financial assistance will be approved by officers authorised by the Director of Health and Housing.
- 8.3 If the application is approved, the notification will also specify the works, which are eligible for assistance, the value of the assistance and the form that the assistance will take.

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8.4 If the application is refused, the Council will explain the reasons for the refusal and the procedure for appealing against the decision.

### **9 Conditions Attached to Assistance under the Policy**

#### **Eligibility conditions**

9.1 The following conditions apply for ALL assistance under this policy:

- a) The applicant must be least 18 years of age at the date of application for assistance.
- b) The dwelling that is the subject of the assistance must have been built at least ten years ago at the date of application for assistance, unless the Council agrees otherwise. This does not apply to any assistance being given to adapt a property to meet disabled persons' needs.
- c) The applicant must live in the dwelling as his or her main residence (except where the applicant is applying for a loan with a Council approved loan provider or is applying for the No Use Empty loan interest payment scheme) or it is an empty home AND have an owner's interest in the dwelling OR be a tenant of the dwelling, alone or jointly with others AND have a responsibility to carry out the works in question or have the owner's consent to do so.

9.2 An application for assistance shall be in a form prescribed by the Council and shall include ALL of the following:

- a) A completed application form including details of the applicant, the property, financial information (where necessary) and a signed declaration by the applicant. Where the applicant has an owner's interest all other persons with an owner's interest are required to sign the declaration also.
- b) Full particulars including, where relevant, plans and specifications, of the works for which assistance is sought ("the eligible works")
- c) At least two estimates from different contractors showing a breakdown of the cost of carrying out the eligible works, unless the Council otherwise agrees to only one estimate, in any particular case. Please note that estimates from contractors with a known connection to the applicant are not acceptable.
- d) Full particulars of any professional fees and other charges/expenses which relate to the preparation for and carrying out of the eligible works;
- e) Consent in writing from all the owners of the dwelling and any tenant, to the carrying out of the eligible works
- f) A declaration to be signed confirming to repay the grant if the grant conditions are breached
- g) A declaration to be signed confirming the property is to be used as a dwelling
- h) If the applicant is a landlord, a written agreement to make available for letting the dwelling as a residence throughout the period referred to in the detailed housing assistance scheme following the date of completion of works or such other period of time as may be agreed between the applicant and the Council.

9.3 Where the dwelling to which an application relates is a shared ownership property, the applicant should, unless extenuating circumstances apply, have lived in the

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property for at least five years before the date of application for grant assistance. This does not apply to any assistance being given to adapt a property to meet a disabled person's needs.

- 9.4 Where the dwelling to which an application relates is a mobile home or houseboat, the following eligibility criteria will apply:
- the applicant should, unless extenuating circumstances apply, for example if the applicant is deemed as vulnerable because of health risks and/or age, have lived in the mobile home or houseboat for at least five years before the date of application for financial assistance. This does not apply to any assistance provided to adapt a property to meet the needs of a disabled person; and
  - the mobile home or houseboat should be on an authorised site or mooring which is for permanent residential use; and
  - financial assistance will not be provided where the works required are to meet the requirements of a caravan site licence under the Caravan Sites and Control of Development Act 1960.
- 9.5 Application for Housing Assistance will not be approved where applicants are in arrears with Council Tax payments.

### Payment conditions

- 9.6 Loan payments will be paid in accordance with the conditions detailed in any agreement with the Council and any loan provider.
- 9.7 The following conditions apply to ALL applications for grant assistance and repayable grant assistance under this policy.

The grant assistance will only be paid if:

- a) Other sources of funding have been fully investigated, such as the Warm Front government grant for energy efficiency measures.
- b) The housing assistance works are completed within twelve months from the date of approval or such further period extended as agreed by the Council following notification in writing
- c) The works are carried out in accordance with such specifications as the Council determines
- d) The contractor, on whose estimate the assistance was based, unless the Council agrees otherwise in writing, carries out the associated works
- e) The works are executed to the satisfaction of the Council
- f) The Council is provided with an acceptable invoice, demand or receipt for payment of works and any other professional fees and other charges. An invoice, demand or receipt from the applicant or a member of his/her family is not acceptable.

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- 9.8 The following conditions do not apply to the Decent Homes/Energy Efficiency Loan scheme or the No Use Empty Interest Payment scheme:
- a) The Council will pay grants direct to the contractor on behalf of the applicant either in instalments as works proceed or in one lump sum following completion of the works.
  - b) Where grant is payable but the works have not been executed to the satisfaction of the Council, the Council may withhold payment from the contractor.

### Repayment conditions

- 9.9 Where indicated in Annex 1, those grants that require repayment will be registered as a local land charge on completion of works. No interest on the original grant assistance will be charged. This will ensure that grant assistance is recycled to fund future grants.
- 9.10 The following conditions apply to applications for grant assistance under this policy:
- a) If the Council becomes aware that the applicant(s) was not actually entitled to the grant at the time when the grant was agreed then no further payments of grant shall be paid. The Council may demand re-payment of the grant already paid together with interest, at a reasonable rate determined by the Council.
  - b) If an owner of the dwelling to which an application relates ceases to be the owner before the works are completed he or she shall repay to the Council on demand the amount of assistance that has been paid. Not applicable where the grant assistance is to fund an interest payment on the No Use Empty Loan scheme.
  - c) If an owner of the dwelling to which an application relates ceases to be the owner within the specified grant condition period the Council may demand repayment of the relevant amount of assistance that has been paid to the applicant. Not applicable where the grant assistance is to fund an interest payment on the No Use Empty Loan scheme.
  - d) If the owner of the dwelling to which the application relates ceases to be the owner within the required grant condition period due to their death the grant condition period will continue to be in force, if the property is occupied by one of the beneficiaries. Not applicable where the grant assistance is to fund an interest payment on the No Use Empty Loan scheme.
  - e) For landlord assistance if the owner of the dwelling to which the application relates ceases to let the dwelling in accordance with the agreed period the Council may demand repayment of the amount of assistance that has been paid.

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- f) Where the grant assistance is to fund an interest payment on a loan scheme agreed by the Council, should the applicant default on a loan payment the Director of Health and Housing in consultation with the Director of Finance and the loan provider will determine whether to demand the repayment of the interest; as specified in the agreement between the Council and the loan provider.

9.11 Where the Council has the right to demand repayment but there are extenuating circumstances, for example where the financial circumstances of the applicant are such that chasing the debt would cause severe hardship, they may determine not to demand repayment or to demand a lesser amount. The Council may charge interest on the amount recovered. This decision will be made by the Director of Health and Housing, in consultation with the Director of Finance.

### Other Conditions

- 9.12 The following conditions apply to applications for grant assistance under this policy
- a) If the Council is satisfied that owing to circumstances beyond the control of the applicant, the cost of the assisted works has increased or decreased the amount of assistance may be re-determined and the applicant notified accordingly.
  - b) If the Council is satisfied that unforeseen works are necessary to complete the works to a satisfactory standard after work has commenced, the amount of grant assistance may be re-determined and the applicant notified accordingly.
  - c) The responsibility for instructing the contractor and supervision of the works rests with the applicant or their agent, if appointed.

Where the Council approve an application for assistance, it may impose additional conditions. These may include:

- a) The applicant to make a contribution towards the cost of the assisted works
- b) The right of the Council to nominate tenants to the accommodation
- c) The right of the Council to recover specialised equipment when it is no longer needed
- d) The appointment of managing agents to let the living accommodation
- e) The living accommodation is to be maintained in good order after the assisted works have been completed.
- f) The energy efficiency of the property is to be improved to the latest recommendations, which may go beyond that required under the Decent Homes Standard.

9.14 Breach of any of these additional conditions, where imposed, shall give the Council the right to demand repayment of grants in full.

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- 9.15 Any grant assistance provided under this policy which is repayable on breach of conditions will be a local land charge.

### **10 Advice available under the Policy**

- 10.1 Advice on all aspects of this policy and assistance scheme will be available from Officers of the Council. Advice will be available verbally, in writing and via home visits, as appropriate.
- 10.2 In addition, the Council operates a Home Improvement Agency service which can provide advice and assistance on improving/adapting homes to people aged over 55 and/or who are disabled. For more information applicants can contact the Home Improvement Agency.

### **11 Appeals and Complaints**

- 11.1 Where housing assistance is refused the applicant can appeal against the decision, in writing, to the Private Sector Housing Manager. Appeals should be received within 28 days of a decision being issued. Appeals will be determined within a further 28 working days.
- 11.2 Any complaints regarding any aspects of this policy should be directed in the first instance to the Private Sector Housing Manager within the Housing Service.
- 11.3 If a satisfactory response is not obtained or the issue involves the Private Sector Housing Manager, the complaint should be referred to the Chief Housing Officer.
- 11.4 In addition, if a satisfactory response is still not obtained following 11.1 to 11.3, a complaint can be made using the Council's formal complaints procedure.

### **12 Applications outside of the Policy**

- 12.1 Applications that fall outside of this policy, and where extenuating circumstances are exhibited, for example the applicant was determined by the Private Sector Housing Manager to be incorrectly advised, will be reported to the Director of Health and Housing for his consideration and determination.

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### 13 Key Service Standards Related to the Policy

13.1 The following table outlines the key service standards that relate to this policy

Service Area	Target
Initial enquiry regarding housing assistance	To respond to applicants within 5 working days
Calculation of initial Test of Resources	To advise applicants of any contribution they may have to make towards the cost of work (where appropriate) within 5 working days of receiving a completed enquiry form.
Provision of specifications with details of eligible works	To advise applicants of any eligible works with specifications within 10 working days of the first visit. Where plans are required the response will be within 20 working days.
Comments on proposals for work provided by agents	When an agent sends plans and specifications for comment a response will be provided within 5 working days either supporting the scheme or giving reasons for refusing it.
Approvals of housing assistance	When all the necessary information has been provided, to approve the application within 28 working days of receipt.
Payments	When the work has been satisfactorily completed and an appropriate invoice received payments will be processed within 5 working days.

### 14 Performance Indicators related to this Policy

14.1 Local Performance indicators for the targets mentioned above are monitored on a quarterly basis.

### 15 Policy and Implementation Plan

15.1 This policy will commence on the 1<sup>st</sup> August 2012 and the policy will be reviewed on an annual basis. The performance against the standards and indicators set out in the policy will be published on an annual basis in the Council's newspaper "Here and Now" and "Spotlight", the Council's Performance Plan.

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### Annex 1 Housing Assistance Policy Descriptions

#### No Use Empty Loan interest payment scheme

This grant assistance is available to owners of properties that have been empty for more than six months, as confirmed by the Council, that qualify for the Kent County Council No Use Empty Loan to fund the interest payments on the loan up to a maximum of £5,000. The loan is to bring the property up to a decent standard.

The grant assistance is not repayable when the property is sold.

#### Warm Homes Assistance

This assistance is available to owner-occupiers or tenants with a repairing obligation. If the applicant is in receipt of a means tested benefit and works are required to ensure the property is adequately heated and all other forms of funding have been fully investigated, grant assistance of up to £5,000 will be available. Warm Homes Assistance is available for gas or oil central heating, or electric storage heaters where appropriate. Assistance is also available for replacement of old inefficient heating systems where there is evidence the heating system is inefficient or could not be repaired if it broke down.

Grant assistance to be repaid when property sold.

#### Landlord Warm Homes Assistance

This assistance is available to landlords that are accredited under a recognised landlord accreditation scheme and take prospective tenants under the Council's rent deposit scheme. Landlord Warm Homes Assistance is available up to a maximum of £5,000 for replacement of old inefficient heating systems where there is evidence the heating system is old and inefficient.

Grant assistance to be repaid when property sold.

#### Falls Prevention Assistance

This assistance is available to owner-occupiers or tenants with a repairing obligation. If the applicant is in receipt of a means tested benefit and works are required to remove category 1 hazards for falls related hazards using the HHSRS assessment under the Housing Act 2004 and all other forms of funding have been fully investigated, grant assistance of up to £5,000 will be available.

Grant assistance to be repaid when property sold.

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### **Relocation Assistance**

Relocation Assistance is available where:

The property is occupied by a disabled person and does not meet their needs, and it is not considered reasonable and/or practical to adapt it.

Relocation assistance will be available up to £5,000 towards moving costs, where a more suitable property has been identified.

The grant assistance is not repayable when the property is sold.

### **General**

Cases that fall outside of this policy but which exhibit special extenuating circumstances will be reported to the Director of Health and Housing for a decision.